

greater than 1 ton, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹⁹ of the location where the by-catch exceeded 1 ton for a period of at least five days²⁰. The location where the by-catch exceeded 1 ton is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

CONSERVATION MEASURE 33-03 (2003)²¹

Limitation of By-catch in New and Exploratory Fisheries in the 2003/04 Season

1. This conservation measure applies to new and exploratory fisheries in all areas containing small-scale research units (SSRUs) in the 2003/04 season except where specific by-catch conservation measures apply.

2. The catch limits for all by-catch species are set out in Annex 33-03/A. Within these catch limits, the total catch of by-catch species in any SSRU shall not exceed the following limits:

- skates and rays 5% of the catch limit of *Dissostichus* spp. or 50 tons whichever is greater;
 - *Macrourus* spp 16% of the catch limit for *Dissostichus* spp. or 20 tons, whichever is greater;
 - all other species combined 20 tons.
3. For the purposes of this measure 'Macrourus spp.' and 'skates and rays' should each be counted as a single species.

4. If the by-catch of any one species is equal to or greater than 1 ton in any one haul or set, then the fishing vessel shall move to another location at least 5 n miles²² distant. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 1 ton for a period of at least five days²³. The location where the by-catch exceeded 1 ton is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to

the point at which the fishing gear was retrieved by the fishing vessel.

CONSERVATION MEASURE 41-01 (2003)^{24,25}

*General Measures for Exploratory Fisheries for *Dissostichus* spp. in the Convention Area in the 2003/04 Season*

The Commission hereby adopts the following conservation measure:

1. This conservation measure applies to exploratory fisheries using the trawl or longline methods except for such fisheries where the Commission has given specific exemptions to the extent of those exemptions. In trawl fisheries, a haul comprises a single deployment of the trawl net. In longline fisheries, a haul comprises the setting of one or more lines in a single location.

2. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any small-scale research unit (SSRU) shall cease when the reported catch reaches the specified catch limit²⁶ and that SSRU shall be closed to fishing for the remainder of the season.

3. In order to give effect to paragraph 2 above:

(i) the precise geographic position of a haul in trawl fisheries will be determined by the mid-point of the path between the start-point and end-point of the haul for the purposes of catch and effort reporting;

(ii) the precise geographic position of a haul/set in longline fisheries will be determined by the center-point of the line or lines deployed for the purposes of catch and effort reporting;

(iii) the vessel will be deemed to be fishing in any SSRU from the beginning of the setting process until the completion of the hauling of all lines;

(iv) catch and effort information for each species by SSRU shall be reported to the Executive Secretary every five days using the Five-Day Catch and Effort Reporting System set out in Conservation Measure 23-01;

(v) the Secretariat shall notify Contracting Parties participating in these fisheries when the total catch for *Dissostichus* eiginoides and *Dissostichus* mawsoni combined in any SSRU is likely to reach the specified

catch limit, and of the closure of that SSRU when that limit is reached. Upon such notification from the Secretariat, all fishing gear shall be hauled immediately. No part of a trawl path may lie within a closed SSRU and no part of a longline may be set within a closed SSRU.

4. The by-catch in each exploratory fishery shall be regulated as in Conservation Measure 33-03.

5. The total number and weight of *Dissostichus* eiginoides and *Dissostichus* mawsoni discarded, including those with the 'jellymeat' condition, shall be reported.

6. Each vessel participating in the exploratory fisheries for *Dissostichus* spp. during the 2003/04 season shall have one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing season.

7. The Data Collection Plan (Annex 41-01/A), Research Plan (Annex 41-01/B) and Tagging Program (Annex 41-01/C) shall be implemented. Data collected pursuant to the Data Collection and Research Plans for the period up to 31 August 2004 shall be reported to CCAMLR by 30 September 2004 so that the data will be available to the meeting of the Working Group on Fish Stock Assessment (WG-FSA) in 2004. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery, but, where possible, submitted in time for the reconsideration of WG-FSA.

8. Members who choose not to participate in the fishery prior to the commencement of the fishery shall inform the Secretariat of changes in their plans no later than one month before the start of the fishery. If, for whatever reason, Members are unable to participate in the fishery, they shall inform the Secretariat no later than one week after finding that they cannot participate. The Secretariat will inform all Contracting Parties immediately after such notification is received.

ANNEX 41-01/A

DATA COLLECTION PLAN FOR EXPLORATORY FISHERIES

1. All vessels will comply with the Five-day Catch and Effort Reporting System (Conservation Measure 23-01) and Monthly Fine-scale Catch, Effort and Biological Data Reporting Systems (Conservation Measures 23-04 and 23-05).

2. All data required by the CCAMLR *Scientific Observers Manual* for finfish

¹⁹ Except for waters adjacent to the Kerguelen and Crozet Islands

²⁰ The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23-01, pending the adoption of a more appropriate period by the Commission

²¹ Except for waters adjacent to the Kerguelen and Crozet Islands

²² This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

²³ The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23-01, pending the adoption of a more appropriate period by the Commission.

²⁴ Except for waters adjacent to the Kerguelen and Crozet Islands

²⁵ Except for waters adjacent to the Prince Edward Islands

²⁶ Unless otherwise specified, the catch limit for *Dissostichus* spp. shall be 100 tons in any SSRU except in respect of Subarea 88.2.