

3. In order to distribute effort throughout the division, to ensure that sufficient data are collected from toothfish populations in various areas, and also to afford some protection to the benthic communities, either the eastern or western half (5° of longitude) of each SSRU in which fishing takes place will be defined as 'open' at the discretion of a 'designating vessel's' master according to the actions specified below. The other half of the SSRU shall remain closed to fishing.

4. On entry to an SSRU a vessel must:

- (i) notify the Secretariat that it has entered that SSRU with an intention to fish before exiting;

- (ii) seek notification from the Secretariat of which half of the SSRU is open or that the SSRU remains to be designated according to the steps below;

- (iii) determine from the Secretariat whether it is the first vessel to enter that SSRU and therefore establishes a 'designating vessel right' to determine which half of the SSRU will be open;

- (iv) should the vessel be the 'designating vessel' in that SSRU then (a) it should choose which half is to be open;

- (b) immediately notify the Secretariat of its choice prior to its first line being set;

- (v) if a 'designating vessel' for an SSRU exits that SSRU without fishing then it should notify immediately the Secretariat and forfeit the right as a 'designating vessel' for that SSRU;

- (vi) if the vessel is not the 'designating vessel' then it must not fish until the 'designating vessel' has selected the half of the SSRU to be opened. Season 5. For the purpose of the exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.2, the 2003/04 season is defined as the period from 1 December 2003 to 30 November 2004.

Fishing operations

6. The exploratory longline fishery for *Dissostichus* spp. in Division 58.4.2 shall be carried out in accordance with the provisions of Conservation Measure 41-01, except paragraph 6.

7. Fishing will be prohibited in depths less than 550 m in order to protect benthic communities. By-catch 8. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33-03.

Mitigation 9. The exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.2 shall be carried out in accordance with the provisions of Conservation Measure 25-02, except paragraph 3 (night setting) shall not apply. Prior to entry into force of the license and prior to entering the Convention Area, each vessel shall

demonstrate its capacity to comply with experimental line-weighting trials as approved by the Scientific Committee and described in Conservation Measure 24-02 and such data shall be reported to the Secretariat immediately.

10. In Statistical Division 58.4.2, longlines may be set during daylight hours only if the vessel demonstrates a consistent minimum line sink rate of 0.3 m/s in accordance with Conservation Measure 24-02. Should a total of three (3) seabirds be caught, the vessel shall immediately revert to night setting in accordance with Conservation Measure 25-02.

11. There shall be no offal discharge in this fishery. Observers 12. Each vessel participating in the fishery shall have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period. Research 13. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41-01, Annex B and Annex C respectively.

Data:
catch/effort

14. For the purpose of implementing this conservation measure in the 2003/04 season, the following shall apply:

- (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 23-01;

- (ii) the Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23-04. Fine-scale data shall be submitted on a haul-by-haul basis.

15. For the purpose of Conservation Measures 23-01 and 23-04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data:
biological

16. Fine-scale biological data, as required under Conservation Measure 23-05, shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.

CONSERVATION MEASURE 41-06 (2003)

Limits on the Exploratory Fishery for Dissostichus spp. on Elan Bank (Statistical Division 58.4.3a) outside Areas of National Jurisdiction in the 2003/04 Season

The Commission hereby adopts the following conservation measure in

accordance with Conservation Measure 21-02:

Access 1. Fishing for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction shall be limited to the exploratory fishery by Argentina, Australia, Ukraine, Russia and the USA. The fishery shall be conducted by Argentine, Australian, Ukrainian, Russian and US flagged vessels using longlines only and one Australian flagged vessel using trawl only. No more than one vessel per country shall fish at any one time. Catch limit 2. The total catch of *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2003/04 season shall not exceed a precautionary catch limit of 250 tons.

Season 3. For the purpose of the exploratory longline fishery for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction, the 2003/04 season is defined as the period from 1 May to 31 August 2004, or until the catch limit is reached, whichever is sooner.

4. For the purpose of the trawl fishery for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction, the 2003/04 season is defined as the period from 1 December 2003 to 30 November 2004, or until the catch limit is reached, whichever is sooner. By-catch 5. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33-03.

Mitigation 6. The operation of this fishery shall be carried out in accordance with Conservation Measure 25-02 so as to minimize the incidental mortality of seabirds in the course of fishing.

7. The fishery on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction, may take place outside the prescribed season (paragraph 3) provided that, prior to entry into force of the license and prior to entering the Convention Area, each vessel shall demonstrate its capacity to comply with experimental line-weighting trials as approved by the Scientific Committee and described in Conservation Measure 24-02 and such data shall be reported to the Secretariat immediately.

8. Should a total of three (3) seabirds be caught by a vessel outside the normal season (defined in paragraph 3), the vessel shall cease fishing immediately and shall not be permitted to fish outside the normal fishing season for the remainder of the 2003/04 fishing season. Observers 9. Each vessel participating in this fishery shall have at