

CMM 17(2024)

Conservation and Management Measure for New and Exploratory Fisheries in the Agreement Area (New and Exploratory Fisheries)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECALLING Article 4(a) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) which calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

FURTHER RECOGNISING Articles 4(c), (d), (e) and (f) of the Agreement which call on the Contracting Parties to apply the precautionary approach and the principles that measures shall be taken to ensure that the level of fishing activity is commensurate with the sustainable use of the fishery resources, that fishing practices and management measures shall take due account of the need to minimise the harmful impact that fishing activities may have on the marine environment, and that biodiversity in the marine environment shall be protected;

FURTHER RECOGNISING Articles 6(1)(d) and (e) of the Agreement which provide that the Meeting of the Parties shall adopt conservation and management measures (CMMs) necessary for ensuring the long-term sustainability of fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence available and adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

MINDFUL of Article 16 of the Agreement that calls on Contracting Parties, acting jointly under the Agreement, to cooperate closely with other international fisheries and related organisations in matters of mutual interest;

COMMITTED to ensuring that bottom fishing undertaken in the SIOFA Area of Application (the Agreement Area) is consistent with the long-term sustainability of deep-sea fish stocks and the protection of the marine environment;

NOTING the requirements in CMM 01(2024) on the Management of Bottom Fishing in the Agreement Area which place a number of obligations on Contracting Parties, cooperating non-Contracting Parties and participating fishing entities who intend to authorise their flagged vessels to engage in any bottom fishing in the Agreement Area;

AGREEING that new and exploratory fisheries should not be permitted to expand faster than the acquisition of information necessary to ensure that the fishery can and will be developed in accordance with the principles set out in Article 4 of the Agreement;

***ADOPTS* the following CMM in accordance with Articles 4 and 6 of the Agreement:**

Objective

1. The objective of this CMM is to govern the undertaking and management of new and exploratory fisheries in the Agreement Area based on the precautionary approach. In particular, this CMM is intended to ensure that sufficient information is available to evaluate the long term potential of new and exploratory fisheries, to assist the formulation of management advice, to evaluate and minimize the possible impacts on target stocks, non-target, and associated and dependent species, to ensure new and exploratory fishery resources are developed on a precautionary and gradual basis, and to promote the sustainable management of new and exploratory fisheries.

General provisions and definitions

2. This CMM applies to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party, participating fishing entity or cooperating non-participating fishing entity (collectively CCPs) to the Agreement engaging or intending to engage in any fishing activity that falls within the scope of new and exploratory fisheries, as defined in this CMM, in the Agreement Area¹.
3. For the purpose of this CMM, a fishery is a 'new and exploratory fisheries' if
 - a. it is a bottom fishing activity, as defined in paragraph 3.b. of CMM 01(2024), conducted outside the SIOFA bottom fishing footprint, as defined in paragraph [3.c.] of CMM 01(2024); or
 - b. it is a bottom fishing activity, as defined in paragraph 3.c. of CMM 01(2024), conducted within the SIOFA bottom fishing footprint, as defined in paragraph 3.c. of CMM 01(2024), with a particular gear type or technique not used before in that fishery in that area as set out in Annex 1; or
 - c. it uses a gear type to target fishery resources in the Area that is not listed in [Annex 1]; or
 - d. fishing in that fishery has not been undertaken in the Area in the previous ten years pursuant to this CMM; or
 - e. fishing in that fishery has been undertaken in the Area in the previous nine years pursuant to this CMM and the Meeting of the Parties has not decided to either close or manage the fishery as an established fishery.
4. New and exploratory fisheries shall not be approved for a target species in areas and with gear used in an existing new and exploratory fishery, unless coordinated with the CCP undertaking an existing new and exploratory fishery.

Requirements for new and exploratory fisheries

5. Any CCP seeking to authorize any vessel flying its flag to fish in new and exploratory fisheries shall prepare and submit, at least 35 days prior to the commencement of the ordinary meeting of the Scientific Committee, a Fishery Operations Plan (FOP) for the fishing season(s) concerned for review and endorsement by the Scientific Committee. The FOP shall be developed using the template in Annex 2 and shall include the following information, to the extent it is available:
 - a. a description of the proposed new and exploratory fishery, including the vessel to be used, area, target species, proposed methods of fishing, proposed maximum catch/effort limits and any distribution of that catch limit among areas or species;

¹ This CMM shall not apply to research cruises.

- b. explicit target and limit and/or threshold reference points and a mechanism to adjust any proposed catch limit;
 - c. specification and full description of the types of fishing gear to be used, including any modifications to gear intended to mitigate the effects of the proposed fishing on non-target and associated or dependent species or the marine ecosystem in which the fishery occurs;
 - d. the intended time period covered by the FOP, up to a maximum period of three years;
 - e. any biological information on the target species from accepted research such as distribution, abundance, demographic data including genetics, longevity and maturity, and information on stock identity;
 - f. details of non-target and associated or dependent species and the marine ecosystem in which the fishery occurs, the extent to which these would be likely to be affected by the proposed fishing activity and any measures that will be taken to mitigate these effects;
 - g. the anticipated cumulative impacts of all fishing activity in the area of the proposed new and exploratory fishery if applicable;
 - h. information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of the proposed fishery's potential yield, to the extent that the CCP is able to provide this information;
 - i. if the proposed fishing activity is bottom fishing, as defined in paragraph [3.b.] of CMM 01(2024), the assessment of the impact of the proposed fishing activity, prepared pursuant to the SIOFA Bottom Fishing Impact Assessment Standard (BFIAS), as defined in paragraph [3.e.] of CMM 01(2024); and
 - j. where the target species is also managed by an adjacent Regional Fisheries Management Organisation or similar organisation, a description of that neighbouring fishery sufficient to allow the Scientific Committee to formulate its advice and recommendations in accordance with paragraph 8.
6. The FOP submitted pursuant to paragraph 5 shall be accompanied by a Data Collection and Analysis Plan (DCAP) for the proposed fishery identifying the data needed and any operational research actions needed to obtain data from the proposed fishery to enable an assessment of the stock, the feasibility of establishing a fishery and the impact of the proposed fishing activities on non-target, associated or dependent species and the marine ecosystem in which the fishery occurs. The DCAP shall require, as appropriate:
- a. a description of the catch, effort and related biological, ecological and environmental data required to undertake the evaluations described in paragraph 20;
 - b. the date(s) by which the data must be provided to the Secretariat;
 - c. a plan for directing fishing effort to allow for the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested, non-target, and associated and dependent populations and the likelihood of adverse impacts;
 - d. a plan for the acquisition of any other research data obtained by fishing vessels, including activities that may require the cooperative activities of scientific observers and the vessel, as may be required by the Scientific Committee to evaluate the fishery potential and the ecological relationships among harvested, non-target, and associated and dependent populations and the likelihood of adverse impacts;
 - e. an evaluation of the time scales involved in determining the responses of harvested, dependent and related populations to fishing activities; and

- f. details on the analyses that will be used to evaluate population trends, key biological parameters, and to assess sustainability and the fishery impacts.

Assessment of proposed new and exploratory fisheries by the Scientific Committee

7. At its ordinary meeting, the Scientific Committee shall consider any FOPs and their associated DCAPs submitted pursuant to paragraphs 5 and 6 respectively and any other relevant information.
8. The Scientific Committee shall review the FOP and its associated DCAP, and the data and reports from relevant ongoing or completed new and exploratory fisheries, and provide advice and recommendations to the Meeting of the Parties on the following, as appropriate:
 - a. Management strategies or plans for fishery resources;
 - b. Reference points, including precautionary reference points as described in Annex II of the 1995 Agreement;
 - c. An appropriate precautionary catch limit and appropriate time period for operation;
 - d. the cumulative impacts of all fishing activities in the area of the proposed fishery;
 - e. the impact of the proposed fishing on the marine ecosystem;
 - f. the sufficiency of information available to inform the level of precaution required and the degree of certainty with which the Scientific Committee's advice is provided;
 - g. the degree to which the approach outlined in the FOP is likely to ensure the proposed fishery is developed consistently with its nature as a new and exploratory fishery, and consistently with the objectives of Article 2 and the general principles of Article 4 of the Agreement; and
 - h. in respect of a FOP that proposes any bottom fishing activity, advice and recommendations in accordance with the requirements of the SIOFA BFIAS.
9. The Scientific Committee shall review annually as appropriate the FOPs and their associated DCAPs for each new and exploratory fishery approved by the Meeting of the Parties.

Assessment of proposed new and exploratory fisheries by the Compliance Committee

10. At its ordinary meeting, the Compliance Committee shall consider any FOPs submitted pursuant to paragraph 5 and any advice of the Scientific Committee thereon as well as an associated draft CMM prepared by the proposing CCP in respect of the new and exploratory fishery and provide advice and recommendations to the Meeting of the Parties on appropriate management arrangements, including in the light of CMM 01(2024) and CMM 15(2024), if applicable.

Assessment of proposed new and exploratory fisheries by the Meeting of the Parties

11. At its ordinary meeting, the Meeting of the Parties shall consider any FOPs submitted pursuant to paragraph 5, any advice or recommendations provided by the Scientific Committee and Compliance Committee pursuant to paragraphs 7-9 and paragraph 10 respectively, any applicable obligations under CMM 01(2024) and CMM 15(2024) in respect of the proposed fishing activity, and any specific draft CMM proposed in respect of the fishery.
12. The Meeting of the Parties shall take a decision as to whether to approve the proposed new and exploratory fishery in accordance with the FOP and DCAP, and shall designate a time period for operation, up to a maximum period of three years. If the Meeting of the Parties approves the proposed new and exploratory fishery, it shall adopt a CMM in respect of the fishery which shall

include objectives, reference points, a precautionary catch limit and any other management measures the Meeting of the Parties deems appropriate.

13. The Meeting of the Parties may amend a FOP, as necessary, prior to approving the new and exploratory fishery.
14. Once a FOP and its associated CMM expires, a CCP may prepare and submit a new FOP in accordance with paragraph 5.

Conduct of new and exploratory fisheries

15. CCPs shall not permit fishing vessels flying their flag to participate in new and exploratory fisheries without prior approval from the Meeting of the Parties.
16. CCPs shall ensure that any fishing vessel flying their flag only participates in a new and exploratory fishery in accordance with the FOP reviewed by the Scientific Committee and approved by the Meeting of the Parties.
17. CCPs shall ensure that vessels flying their flag that engage in new and exploratory fisheries that have been authorised by the Meeting of the Parties carry on board one or more scientific observers for the duration of the activity to collect data in accordance with the DCAP, and to assist in collecting biological and other relevant data, as appropriate.
18. CCPs shall ensure that where their flagged vessels participate in a new and exploratory fishery, the data required by the DCAP is provided to the Scientific Committee. CCPs whose vessels participate in a new and exploratory fishery shall be prohibited from participating in that fishery if the data specified in the DCAP has not been submitted to the Scientific Committee for the most recent season in which the fishing occurred, until the relevant data has been submitted to the Scientific Committee and it has had the opportunity to review that data.
19. Notwithstanding paragraph 5.a., CCPs shall be entitled to authorize participation in a new and exploratory fishery by a vessel flying their flag not identified in the FOP if the vessel specified in the FOP is prevented from fishing on account of legitimate operational or *force majeure* reasons and a replacement vessel of similar capability and capacity is proposed pursuant to this paragraph. In such circumstances, the CCP concerned shall immediately inform the Secretariat thereof and provide:
 - a. full details of the intended replacement vessel(s);
 - b. a comprehensive account of the reasons for the replacement and any relevant supporting evidence; and
 - c. specifications and a full description of the types of fishing gear to be used by the replacement vessel.

The Secretariat shall immediately circulate this information to all CCPs.

Reclassification of new and exploratory fisheries

20. The Meeting of the Parties may take a decision to manage the fishery as an established fishery if it is satisfied that sufficient information is available concerning a new and exploratory fishery:
 - a. to evaluate the distribution, abundance and demography of the target and primary species to inform an estimate of the fishery's potential yield; and
 - b. to review the fishery's potential impacts on non-target and associated or dependent species, including endangered, threatened and protected (ETP) species and bycatch, and on the marine ecosystem in which the fishery occurs, including vulnerable marine ecosystems (VMEs); and

- c. to allow the Scientific Committee to formulate and provide advice to the Meeting of the Parties on appropriate management arrangements including harvest catch levels, effort levels, and fishing gear, where appropriate.

Review

- 21. This CMM shall be reviewed no later than at the ordinary Meeting of the Parties in 2028. The review shall take into account, *inter alia*, international best practices and the most recent advice of the Scientific Committee on new and exploratory fisheries.

Annex 1 – Established fisheries in the SIOFA Area²

Targeted ³ species/fisheries	Fishing gear	Participants	Area
Patagonian toothfish	Set longlines, traps	Australia, EU (Spain), France (Overseas Territories), Japan, Korea	Designated fishing footprints of Australia, EU (Spain), Japan, and France (Overseas Territories). SIOFA sub-areas 3b and 7
Orange roughy	Bottom trawl	Australia, Cook Islands, Japan, China, Mauritius	Designated fishing footprints of Australia, Cook Islands, Japan. Underwater topographic features in SIOFA sub-areas 1, 2, 3a, 3b, 4, 5 and 6.
Alfonsino	Midwater trawl	Australia, Cook Islands, Japan, Korea,	Designated fishing footprints of Australia, Cook Islands and Japan. Underwater topographic features in SIOFA sub-areas 1, 2, 3a, 3b, 4, 5 and 6.
Brushtooth lizardfish and scads	Trawl (nei), single boat otter board trawl	Thailand	Designated fishing footprint of Thailand.
Shallow-water (<200m), Carangoides spp., snappers, emperors and groupers	Set longline, hook and line (handlines), bottom trawl, traps	EU (France), Mauritius, Thailand, Comoros	Designated fishing footprint of Thailand. SIOFA sub-area 8 (mainly Saya de Malha Bank)
Deep water (>200m) snappers, lutjanids, hapuka	Set longline, dropline	Australia, China, EU (Spain)	Designated fishing footprints of the EU (Spain) and Australia. SIOFA Subareas 2, 3a, 3b and 4.
Oilfish	Pelagic longline, dropline	Chinese Taipei, Seychelles	Southwest Indian Ocean
Squid	Light Seining, Squid Jigging	China	To be confirmed as per footnote 4

² Annex 1 may be updated by the Meeting of the Parties upon the advice of the Scientific Committee concerning historical catch data and/or other information submitted by CCPs regarding their targeted fisheries.

³ As per the endorsed definition adopted by MoP10 (MoP10 Report Para 130).

Annex 2 – SIOFA Fishery Operations Plan Template

Paragraph 5 of CMM 17(2024) (New and Exploratory Fisheries) requires any CCP seeking to permit a vessel flying its flag to engage in new and exploratory fisheries to prepare and submit, using this template, at least 35 days prior to the commencement of the ordinary meeting of the Scientific Committee, a Fishery Operations Plan (FOP) for the fishing season(s) concerned for review by the Scientific Committee.

Complete the following table:

CCP	
Area	
Target Species	
Proposed Methods of Fishing	
Proposed Maximum Catch / Effort Limit	
Expected Period of Operation (max. 3 years)	
Submission date	

1. Introduction

Provide an overarching description of the purpose of the new and exploratory fishery, including area, target species, proposed methods of fishing, proposed maximum catch limits and any apportionment of that catch limit among areas or species.

2. Operator details, proposed activities in the management areas and target species

2.1 Authorized vessel(s)

Specify which vessel(s) will carry out the new and exploratory fishery.

2.2 Scientific personnel

Describe the personnel that will be involved in data analysis and provide a brief summary of their experience and abilities. Provide information on the independent observers and observer providers.

2.3 Official flag CCP contact

Provide official contacts for the management, science, observer and data aspects of the new and exploratory fishery.

2.4 Vessel authorisation and licensing

Provide details on the flag CCP's legal requirements for authorising new and exploratory fisheries, information about the fishing authorisation or licence issued to the vessel(s) that will conduct the fishery.

2.5 Areas of interest

Describe the area of operation, including the area boundaries, map(s) and depth of gear.

2.6 Target species

Specify the primary target species' scientific name and common name and provide information on what is known about the biology and distribution of the species.

2.7 Non-target, associated and dependent species

Specify anticipated bycatch species and details of the intended fate of this bycatch (e.g., retained, discarded). Provide details of any flag CCP rules for retention or handling practices and how these are enforced (e.g., code of practice or legal requirements).

3. Methods

3.1 The marine environment

Describe the environment that the fishery will occur in such as coral reefs, seagrass beds, shallow flats, seamounts, pelagic waters etc. Provide bathymetry and information on broad scale oceanography if known for that area.

3.2 Operational details

Specify where, when and how will the operation occur. Specify the areas of interest and how many trips per year are intended.

3.3 New and exploratory fishing gear used

Provide details of the gear. This should be as detailed as possible and include images of the gear and gear setup in the water.

4. Landing

Specify how, where and how often the fishery product(s) will be unloaded from the vessel. Specify where any processing of the fishery product will occur and what are the intended markets.

5. Management reference points and biomass calculations and catch/effort limits

Provide details on the target species, catch/effort limits and/or threshold reference points, why these were chosen and how the stock will be assessed against them. Describe and provide details on the total allowable catch and/or effort, specifying how this was chosen and how it will be split between areas.

6. Planned trips in the management area(s)

Specify how many trips are planned in each year and in each management area. Provide details of the number of fishing events per trip. If this FOP is a revision of a previous FOP, explain how and why it has changed from the previous one.

7. Monitoring of vessel and fishing activities

7.1 Vessel monitoring and control

Describe how the vessel will be monitored, which authorities it will report to and how often, including the frequency of VMS position reports. Specify any entry / exit notification requirements for the SIOFA Area and/or bordering EEZs/RFMOs that the vessel will need to comply with.

7.2 Observer coverage

Describe the required level of observer coverage? Explain what the observers will be expected to monitor and sample and how they will monitor catch, bycatch, SSI interactions and VME encounters.

8. Data collection and analysis plan (DCAP)

Provide details of the data sheets/e-logs proposed, submission of data to SIOFA, and descriptions of the sampling methodology proposed. Include vessel activity, set and haul logs, biological data collection and storage, SSI (catch and sightings) and VME data collections. Include details on any tagging or planned genetic analyses.

Describe the proposed analyses and intended outcomes and detail the ordinary meetings of the Scientific Committee at which annual updates (meta data of what was observed and quantity of data collected) and detailed reporting will be presented.

9. Vulnerable Marine Ecosystem indicators (if applicable)

Provide details of the flag CCP's requirements concerning the collection and handling of VME material. Describe the protocols for handling VMEs encounters and any other information of how VMEs interactions will be monitored.

10. Risk assessment⁴

10.1 Teleost/cephalopod/crustacean bycatch

Specify which species are likely to be caught on the gear, and which species are likely to be retained and discarded. Describe the likely nature of any interactions, and the potential condition of these species on landing.

CCP-X Exploratory Fishery for ZZ Risk Summary Table – Teleost/cephalopod/crustacean bycatch

Species	Spatial overlap	Catchability	Risk of mortality
Pelagic teleosts e.g., sp1, sp2	High	High	Low if not retained
Benthic teleosts e.g., sp3	High	Medium	Species dependant low to high

⁴ The tables in this section should be completed using coloured cells with the following coding: High (red), Medium (Yellow), Low (Green), unknown (purple). Add and remove rows as applicable.

Squid	Medium	High	Low
Mitigation			
Describe any mitigation or codes of practice or binding rules			
Risk if released after mitigation			
Pelagic teleosts - low			
Suprabenthic teleosts - low			
Squid - low			

10.2 Elasmobranch bycatch

Specify what species are likely to be caught on the gear, and which species are likely to be retained and discarded. Describe the likely nature of any interactions.

CCP-X Exploratory Fishery for ZZ Risk Summary Table – Elasmobranch bycatch

Species	Spatial overlap	Catchability	Risk of mortality
Pelagic sharks e.g., sp1, sp2	High	High	Low if not retained
Benthic sharks e.g., sp3	High	Medium	Species dependant low to high
Species z	Medium	High	Low
Mitigation			
Describe any mitigation or codes of practice or binding rules			
Risk if released after mitigation			
Pelagic sharks - low			
Benthic sharks - low			
Species Z - low			

10.3 Seabirds

Specify what species are likely to be caught on the gear and which species are likely to be seen around the vessel(s). Describe the likely nature of any interactions.

CCP-X Exploratory Fishery for ZZ Risk Summary Table – Seabird bycatch

Species	Spatial overlap	Catchability	Risk of mortality
Albatross sp x	Medium	Low	Low
Cormorant sp y	Low	Low	Low
Penguins sp z	Low	Low	Low
Petrels, prions and shearwaters	Medium-high	Low	Medium-Low
Mitigation			
Describe any mitigation or codes of practice or binding rules			
Risk after mitigation			
Albatross sp x - low			
Cormorants sp y - low			
Penguins sp z - low			
Petrels, prions and shearwaters - low			

10.4 Marine mammals and turtles

Specify what species are likely to be caught on the gear and which species are likely to be seen around the vessel(s). Describe the likely nature of any interactions.

CCP-X Exploratory Fishery for ZZ Risk Summary Table – Marine mammals and turtle bycatch

Species	Spatial overlap	Catchability	Risk of mortality
Whales	High	Low	Low
Dolphins	High	Low	Low
Seals, sealions and elephant seals	Medium	Low	Low
Turtles	Medium	Low	Low
Mitigation			
Describe any mitigation or codes of practice or binding rules			
Risk after mitigation			
Whales - Low			
Dolphins - Low			

Seals, sealions and elephant seals - Low
Turtles - Low

10.5 VME impacts

Specify what species are likely to be caught damaged by the gear. Describe the likely nature of any impacts.

CCP-X Exploratory Fishery for ZZ Risk Summary Table – VME interactions

Species	Spatial overlap	Catchability	Risk of mortality
VME indicator taxa spx	Unknown	Low but damage under bottom contact high	Medium
Mitigation			
Describe any mitigation or codes of practice or binding rules			
Risk after mitigation			
VME indicator species - Low			

11. References

Appendix A - Vessel details

Appendix B - Observer tasks and sampling instructions