

Agreement on the International Dolphin Conservation Program

AMENDMENTS

		Meeting	Original	Amendment
Annex IV(III)2	30 Oct 2000	4	On the first working day of April of each year,	No later than April 15 of each year,
Annex IV(III)3	30 Oct 2000	4	... no later than May 1, no later than May 5, ...
Annex VIII(2)b	30 Oct 2000	4	Have at least three operable speedboats. All operable speedboats shall be equipped with towing bridles or posts, and tow lines;	Have at least three operable speedboats equipped with operable towing bridles or posts, and tow lines;
Annex IV(III)2	29 Oct 2001	6	No later than April 15 of each year,	No later than May 1 of each year,
Annex IV(III)3	29 Oct 2001	6	... no later than May 5, no later than May 20, ...
Annex IV (III) 4	24 Jun 2002	7	<p>NEW – added at end of paragraph 4: A notification by a Party that the possible infraction is being investigated shall be considered to be an objection for the purposes of this paragraph, provided that the notification is received by the Secretariat prior to the expiration of the relevant 6 or 12 month period.</p> <p>In such cases, a Party will be deemed to have provided its concurrence to the infraction if that Party does not conclude its investigation and report the final results to the IRP within a period of two years from the date on which the possible infraction was originally referred to the Party, except as provided below.</p> <p>If it is not possible for the Party in question to complete the investigation within this two-year period, the Party shall provide an update to the IRP of the status of the investigation and its estimated date of completion. The Party shall provide such a report at each subsequent meeting of the IRP until the case is resolved. If a report is not made, that Party will be deemed to have concurred with the possible infraction. The Secretariat shall inform the relevant Party about the cases for which the deadline is about to lapse and for which the information needs to be updated.</p>	
Annex IV (III) 4	24 Jun 2002	7	... during that year or the previous year:	... during that year or the previous two years:
Annex IV (I) 8	24 Jun 2002	7	... during the previous year, it has committed during the previous two years, it has committed
Annex IV (II) 1	24 Jun 2002	7	Discrepancy between English and Spanish texts corrected: Spanish text amended, English unchanged	
Annex IV (II) 1	24 Jun 2002	7	<p>NEW - Two sentences added to paragraph 1: ... and may not set on dolphins for the remainder of that year. Notwithstanding the provision in Annex VII, paragraph 9, regarding decision making by the IRP, a request by a Party, on behalf of any of its vessels, for an exemption due to <i>force majeure</i> or extraordinary circumstances, shall be considered to be agreed by the IRP unless a majority of the government members of the IRP supports any objection, made formally and with cause by any other Party, to any such request. All requests for exemption must be sent to the Secretariat by April 1, and any formal objections must be sent to the Secretariat by April 20. Any vessel that loses its DML ...</p>	

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Annex II (12)	10 Oct 2002	8	<p>NEW:</p> <p>12. Observer Data</p> <p>a. Observer data shall be the basis to determine if:</p> <p style="padding-left: 20px;">i. a vessel has met or exceeded its DML;</p> <p style="padding-left: 20px;">ii. a Party has met or exceeded its national DML; or</p> <p style="padding-left: 20px;">iii. the fleet has met or exceeded a per-stock, per year dolphin mortality cap.</p> <p>b. Any Party wishing to object to the observer data must provide to the IRP the reasons for and the evidence to support such objection;</p> <p>c. The IRP will review the evidence provided by the Party and provide a recommendation to the Meeting of the Parties for their consideration;</p> <p>d. The Parties will review the evidence and the recommendation of the IRP and make a decision as to the merits of the objection and whether the observer data should be modified.</p>	
Annex IV (II) 1	10 Oct 2002	8	<p>... or which is assigned a second-semester DML and does not set on dolphins by December 31 of that year, ...</p>	<p>... or which is assigned a second-semester DML and does not set on dolphins by October 1 of that year, ...</p>

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Annex IV (I)	23 Jun 2003	9	<p>1. Each Party shall provide to the Meeting of the Parties, through the Director, prior to October 1 of each year, a list of vessels under its jurisdiction of carrying capacity greater than 363 metric tons (400 short tons) that have requested a full-year DML for the following year, indicating those other vessels that are likely to be operating in the Agreement Area in the following year, and vessels that have requested a second-semester DML for the following year.</p> <p>2. The IRP shall, by November 1 of each year, or later if agreed by the IRP, provide to the Meeting of the Parties a list of qualified applicant vessels eligible to receive a DML. For purposes of this Agreement, a vessel shall be considered qualified if:</p>	<p>1. a. Each Party shall provide to the other Parties, through the Director, prior to October 1 of each year, a list of vessels under its jurisdiction of carrying capacity greater than 363 metric tons (400 short tons) that have requested a full-year DML for the following year, indicating those other vessels that are likely to be operating in the Agreement Area in the following year.</p> <p>b. Each Party shall provide to the other Parties, through the Director, prior to April 1 of each year, a list of vessels under its jurisdiction of carrying capacity greater than 363 metric tons (400 short tons) that have requested a second-semester DML for that same year.</p> <p>8. The IRP shall, by November 1 of each year, or later if agreed by the IRP, provide to the Parties a list of qualified applicant vessels eligible to receive a full-year DML for the following year. For second-semester DMLs, the IRP shall, by May 1 of each year, or later if agreed by the IRP, provide to the Parties a list of qualified applicant vessels eligible to receive a second-semester DML for that same year.</p> <p>9. For purposes of this Agreement, a vessel shall be considered qualified if:</p>
Annex II	11 Oct 2003	10	<p>NEW:</p> <p>10. No observer shall be assigned to a vessel with a DML unless the vessel's fishing captain is on the list of qualified captains maintained in accordance with Annex VII, paragraph 1(e).</p>	

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		Meeting	Original	Amendment
Annex IV (I)	11 Oct 2003	10	NEW: 8. No DML shall be assigned to a vessel unless, in the last year that it had a DML prior to the year in which it is applying for a DML, at least 5 percent of the total number of the sets made by the vessel were on dolphins, and the average catch of yellowfin in its sets on dolphins was at least three metric tons per set. Otherwise, the vessel cannot receive a DML in the following year, unless there are reasons of <i>force majeure</i> , as agreed pursuant to Annex IV of this Agreement, that prevented it from complying with these requirements. A vessel applying for a DML for the first time shall not be subject to this provision.	
Annex VIII (I)	20 Oct 2004	12	e. Have an operable long-range floodlight with a minimum output of 140,000 lumens.	e. Have an operable long-range, high-intensity floodlight with a sodium lamp of at least 1000 watts or a multivapour lamp of at least 1500 watts.
Annex IV (I)	20 Oct 2005	14	NEW: 5. A vessel shall not be considered qualified under paragraph 3 if, on the date of the request made pursuant to paragraph 1 of this Annex, it is operating under the jurisdiction of a Party that does not have a national plan for tracking and verifying tuna which has been determined by the International Review Panel to be consistent with the System for Tracking and Verifying Tuna adopted pursuant to Annex IX.	
Annex IV (I)	20 Oct 2005	14	NEW - added at end of paragraph 8 (formerly 7): No vessel which has been assigned a DML for any given year from the RDA may also receive a full-year or second-semester DML for that same year, and no vessel which has received a full-year or second-semester DML for any given year may also receive a DML from the RDA for that same year.	
Annex IV (II)	20 Oct 2005	14	1. Any vessel which is assigned a full-year DML and does not set on dolphins prior to April 1 of that year, or which is assigned a second-semester DML and does not set on dolphins by October 1 of that year, or which is assigned a per-trip DML from the RDA and does not set on dolphins during that trip, unless as a result of <i>force majeure</i> or extraordinary circumstances, as agreed by the IRP, shall lose its DML and may not set on dolphins for the remainder of that year.	1. Any vessel which is assigned: (a) a full-year DML and does not set on dolphins prior to April 1 of that year; or (b) a second-semester DML and does not set on dolphins by October 1 of that year; or (c) a per-trip DML from the RDA and does not set on dolphins during that trip; or (d) a DML from the RDA, which is not a per-trip DML, and does not set on dolphins by October 1 of that year or within 30 days of the DML assignment, whichever is later, shall lose its DML and may not set on dolphins for the remainder of that year, unless there are reasons of <i>force majeure</i> or extraordinary circumstances, as agreed by the IRP.

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Annex IV (II)	20 Oct 2005	14	NEW: 2. A Party may, by so advising the Director in writing, renounce by April 1 of any year a full-year DML assigned to any of its vessels, or renounce by October 1 of any year a second-semester DML assigned to any of its vessels. Any vessel which is the subject of such a renunciation may not set on dolphins for the remainder of that year, but shall not be considered to have lost a DML for the purposes of paragraph 1 of this section.	
Annex VII	20 Oct 2005	14	5. The IRP shall hold at least three meetings a year, ...	5. The IRP shall hold at least two meetings a year, ...
Annex IV (I)	21 Jun 2006	15	8. ... Any Party may request that the Director assign DMLs from such RDA to vessels fishing under its jurisdiction which do not normally fish for tuna in the Agreement Area but which may, from time to time, desire to participate in the fishery in the Agreement Area on a limited basis, provided that such vessels and their captains and crews meet the operational and training requirements set forth in Annex VIII of this Agreement and that the requirements set forth in paragraphs 3 and 4, of this Section are met. ...	8. ... Any Party may request that the Director assign DMLs from such RDA to vessels fishing under its jurisdiction which do not normally fish for tuna in the Agreement Area but which may, from time to time, desire to participate in the fishery in the Agreement Area on a limited basis, or to vessels which are not eligible to receive a DML at the time of the deadline for requests for full-year DMLs, but become eligible subsequently and desire to participate in the fishery during the year for which the DML from the RDA is requested. DMLs from the RDA may be assigned only if the operational and training requirements set forth in Annex VIII of this Agreement and the requirements set forth in paragraphs 3 and 4 of this Section are met. ...
Annex IV (I)	26 Oct 2007	18	Paragraph 9 deleted	
Annex IV (II) 1	5 Jun 2009	21	NEW: Sentence added at end of paragraph: Any vessel which is the subject of a pending request for exemption may fish until such time as the Parties decide the request, provided that such request was submitted in a timely manner.	

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Annex II (12)	30 Oct 09	22	<p>b. At the time a Party submits to the Director the list of vessels under Annex IV to this Agreement, it shall also submit payment, in U.S. dollars, for the fees established under paragraph 12 (a) of this Annex, specifying which vessels the payment covers.</p> <p>c. No observer shall be assigned to a vessel for which the fees, as required under paragraph 12(b) of this Annex, have not been paid.</p>	<p>b. Each Party shall submit to the Director, by December 1 of the year in which it submits the list of vessels pursuant to Annex IV, payment, in U.S. dollars, for the fees established under paragraph 12 (a) of this Annex, specifying which vessels the payment covers.</p> <p>c. No observer shall be assigned to a vessel for which the required fees have not been paid.</p> <p>d. No DML shall be assigned to a vessel otherwise qualified to receive a DML if the required fees have not been paid by the date specified in paragraph 12(b).</p>