

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

15TH MEETING OF THE PARTIES

BUSAN (KOREA)
21 JUNE 2006

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REVIEW OF THE IMPLEMENTATION OF ANNEX IV.I.9 REGARDING FRIVOLOUS REQUEST FOR DMLs

The 10th Meeting of the Parties in October 2003 adopted a provision, Annex IV.I.9 of the AIDCP, defining a frivolous request for a DML and establishing procedures aimed at deterring such requests. This is the second year that this provision applies, since the first DML requests subject to the procedures were those for 2006. Also, the procedures, which shall be reviewed annually and modified if deemed advisable, apply only to vessels with DMLs in 2004 and thereafter.

Annex IV.I.9 reads as follows:

“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 *force majeure*, 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.”

In 2005, 95 vessels had full-year DMLs, 3 vessels had second-semester DMLs, and 4 vessels had DMLs from the Reserve DML Allocation (RDA), including one that was also assigned a second-semester DML. Of these 101 vessels, four do not meet the requirements of Annex IV.I.9 for receiving a DML in 2007: two vessels made more than 5% of their sets on dolphins, but the average catch of yellowfin in each vessel's sets was less than 3 metric tons; one vessel's average catch of yellowfin was over 3 metric tons per set on dolphins, but it made less than 5% of its sets on dolphins; one vessel made only one set, which was not on dolphins. In addition, two vessels did not fish at all during the year, and apparently are not covered by the criteria of Annex IV.I.9.

The Parties should consider the process to be followed in the event that any of these vessels claims that it was prevented from meeting the requirements of Annex IV.I.9 by reasons of *force majeure*. While Annex IV.II.1 provides the general principle, the dates April 1 and 20 are not appropriate for the purposes of Annex IV.I.9.