

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

12TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA (USA)
20 OCTOBER 2004

GUIDELINES FOR TRANSIT WAIVERS

1. DEFINITIONS

For the purposes of these guidelines:

- a. "fishing" means:
 - i. the actual or attempted searching for, catching, or harvesting of the fish stocks covered by this Convention;
 - ii. engaging in any activity which can reasonably be expected to result in the locating, catching, harvesting of these stocks;
 - iii. placing, searching for or recovering any fish-aggregating device or associated equipment, including radio beacons;
 - iv. any operation at sea in support of, or in preparation for, any activity described in items (i), (ii) and (iii) above, except for any operation in emergencies involving the health and safety of crew members or the safety of a vessel;
 - v. the use of any other vehicle, air- or sea-borne, in relation to any activity described in this definition except for emergencies involving the health or safety of crew members or the safety of a vessel;
- b. a "transit" is a single journey by a vessel between two ports, made entirely or partially in the Agreement Area, during which no fishing takes place;
- c. a "waiver" is a document, issued by a vessel's flag government, exempting a vessel otherwise required to carry an observer from the AIDCP On-Board Observer Program from complying with this requirement during a specific transit.

2. CONDITIONS

A vessel must meet **at least one** of the following three conditions before it can be issued a waiver, and these conditions must be verified by an inspection by a official of the flag state, upon departure and upon arrival, or by the competent maritime or fisheries authority, as appropriate, of the port state of departure and of arrival, to ensure that no fishing occurred during the transit.

- a. The vessel must not have a purse-seine net aboard during the transit;
- b. The number of crew aboard must be reduced during the transit, to a level which satisfies the government that fishing will not be feasible, in accordance with relevant national requirements;
- c. The vessel's fish wells must be kept sealed during the transit;

3. PROCEDURES:

1. The waiver should:
 - a. specify the vessel's name;
 - b. refer to a single transit, specifying the ports of departure and arrival and dates of departure and arrival that provide sufficient time for a direct transit only;
 - c. state the reason for the transit (to unload catch, for repairs, for fuel, *etc.*);

- d. specify the reason why the vessel is exempt from carrying an observer during the specified transit.
2. The vessel granted the waiver shall notify its flag government of both its departure and its arrival within 24 hours.
3. The government issuing the waiver shall provide a copy to the Secretariat prior to the vessel's departure, and shall notify all port states involved of the conditions of the waiver.
4. Each government shall provide to the Secretariat information about which official institution shall be responsible for implementing the requirements specified in Section 2 of these guidelines.