

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES

PERMANENT WORKING GROUP ON TUNA TRACKING

11TH MEETING

LA JOLLA, CALIFORNIA (USA)
OCTOBER 7, 2002

DOCUMENT TT-11-07

**GUIDELINES AND PROCEDURES FOR USING THE *DOLPHIN SAFE*
CERTIFICATION**

At the 10th Meeting of the Permanent Working Group on Tuna Tracking, held in Manzanillo, Mexico, on June 17, 2002, the Secretariat was asked to draft guidelines to be used in preparing *Dolphin Safe Tuna* Certificates. In undertaking this exercise, the Secretariat, in consultation with the Chair, considered that it might also be advisable to consider modifying the procedures for *dolphin safe* certification. Following, for the consideration of the Parties, are proposed modified procedures. The proposed instructions for preparing the *Dolphin Safe Tuna* Certificates and a modified format for the certificate are presented in Document TT-11-05.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

**PROCEDURES FOR *DOLPHIN SAFE TUNA* CERTIFICATION
(amended¹)**

1. DEFINITIONS

The terms used in this document are as defined in the AIDCP System for Tracking and Verification of Tuna, and as follows:

1. *Agreement* or *AIDCP*: the 1998 Agreement on the International Dolphin Conservation Program.
2. *Dolphin Safe Tuna Certificate*: Document issued by the competent national authority, evidence of the dolphin-safe status of tuna and tuna products, in accordance with the definition of the AIDCP System for Tracking and Verification of Tuna.
3. *Competent national authority*: The department of government or other entity designated by each Party which is responsible for implementing and operating the procedures for the Certification of *Dolphin Safe Tuna* and is authorized as a Party to the AIDCP to issue *Dolphin Safe Tuna* Certificates in accordance with these procedures, thereby licensing the bearer to utilize the Certification Mark for the associated tuna.
4. *Dolphin Safe Certification Mark*: The combination of words and symbols, incorporated herein as an integral part of these Procedures, that is owned by the AIDCP, and which certifies that tuna caught within the Agreement Area can be tracked and verified as caught in accordance with the *dolphin safe* standards delineated herein.
5. *Party*: a State or regional economic integration organization which has consented to be bound by the AIDCP and for which the AIDCP is in force.

¹ June 2002: Paragraph added to Section 3a

2. CERTIFICATION OF *DOLPHIN SAFE* TUNA AND TUNA PRODUCTS

1. Application of the procedures for the use of the *Dolphin Safe Tuna* Certificate shall be voluntary for each Party, especially in the event that they may be inconsistent with the national laws of a Party.
2. Notwithstanding paragraph 1 above, any Party that chooses to issue the *Dolphin Safe Tuna* Certificate shall do so only in accordance with the following procedures:
 - a. The Party within whose jurisdiction the tuna is unloaded or, as appropriate, the flag state of the vessel, shall be responsible for issuing the *Dolphin Safe Tuna* Certificate in accordance with the System for Tracking and Verification of Tuna.
 - b. A *Dolphin Safe Tuna* Certificate may not reference more than one fishing trip.
 - c. The *Dolphin Safe Tuna* Certificate forms shall be produced in a fixed format created by the Secretariat, on security paper and numbered consecutively.
 - d. The *Dolphin Safe Tuna* Certificate forms shall be provided by the Secretariat to the Parties that are using the *Dolphin Safe Tuna* Certificate and are implementing the System for Tracking and Verification of Tuna.
 - e. The *Dolphin Safe Tuna* Certificate shall include the number and date of the corresponding Tuna Tracking Form (TTF); the weight of the tuna, by species; if processed, type of processing and processor lot number; and the signature of the competent national authority, deposited with the Secretariat. The Certificate shall also include a statement that the competent national authority authorizes the bearer of the Certificate to utilize the *Dolphin Safe* Certification Mark on the packaging of any product containing tuna specifically associated with the Certificate.
 - f. The competent national authority shall be responsible for submitting to the Secretariat, within the first five (5) days of the month, all copies of the *Dolphin Safe Tuna* Certificate issued within the previous month.
 - g. For vessels with Dolphin Mortality Limits (DMLs), only tuna caught by vessels with captains on the AIDCP List of Qualified Captains shall be eligible for the *Dolphin Safe Tuna* Certificate. This provision shall not apply to those vessels authorized to fish in the Agreement Area that do not have a DML and that do not fish for tunas associated with dolphins.
 - h. At the end of one year, the Meeting of the Parties shall review the effectiveness of these procedures. Based, *inter alia*, on this review, the Meeting of the Parties may consider such conditions, modifications or additions to the procedures as may be necessary.
3. The Parties shall apply these procedures in a manner consistent with the AIDCP, and taking into account other resolutions adopted by the Parties for the purpose of promoting the objectives of the Agreement.

3. VERIFICATION

Subject to the AIDCP Rules of Confidentiality:

1. Parties shall submit their Tuna Tracking and Verification Programs to the International Review Panel, through the Secretariat, in order to analyze their consistency with the AIDCP Tuna Tracking and Verification System and the provisions of Annex IX of the AIDCP. Parties that do not submit their Tuna Tracking and Verification Plans to the Panel shall not be eligible to use the *Dolphin Safe* Certification.
2. Each competent national authority shall be responsible for issuing the *Dolphin Safe Tuna* Certificates and, while reserving its national sovereign rights, shall cooperate with the Secretariat to design and carry out a program of general reviews and spot checks of the implementation of its national tracking and verification program, in accordance with guidelines developed by the Parties. The competent

national authority will offer all necessary administrative support in the design and implementation of such a program.

3. The Parties shall ensure that companies operating in their respective territories and utilizing the *Dolphin Safe* Certification Mark have in place procedures to verify that all of their tuna products bearing the *Dolphin Safe* Certification Mark are linked to a *Dolphin Safe Tuna* Certificate.
4. The Parties, through the International Review Panel, will conduct a review of the *Dolphin Safe* Certification procedures, at least annually, based on, *inter alia*, a comparison by the Secretariat of the data contained in the TTFs with that contained in the *Dolphin Safe Tuna* Certificates submitted to the Secretariat. The Panel shall submit any comment or recommendation to the Meeting of the Parties for its consideration.
5. The Parties, through the International Review Panel, shall analyze possible situations that could undermine the implementation of the procedures for certification, and may recommend to the Meeting of the Parties relevant measures for their consideration consistent with the AIDCP and relevant provisions of international law.

4. ADOPTION OF THE *DOLPHIN SAFE TUNA* CERTIFICATE AND *DOLPHIN SAFE* CERTIFICATION MARK

The Meeting of the Parties approves the general format of the *Dolphin Safe Tuna* Certificate and the *Dolphin Safe* Certification Mark, appended hereto. Any authorized printed use of the *Dolphin Safe* Certification Mark shall be consistent with the following graphical elements and Pantone qualities:

Text: 711 CVU
Dolphin: Reflex Blue
Top Bar: 2905 CVU
Middle Bar: 2985 CVU
Bottom Bar: Reflex Blue

5. PUBLIC EDUCATION

1. Each Party, as appropriate, and the Secretariat shall give due publicity to the new *Dolphin Safe Tuna* Certificate and *Dolphin Safe* Certification Mark through relevant communications to interested governmental and non-governmental entities .
2. The Parties agree to disseminate objective information to, *inter alia*, importers, fishermen's organizations, and non-governmental organizations, using their own capabilities within their national and international markets, to support an accurate public perception of the AIDCP, in order to increase the broad understanding of the AIDCP and its objectives.
3. The Parties, through the Secretariat, may support the design and implementation of an international public education campaign to accomplish the objectives set forth within this section.

6. TRANSITORY PROVISION

Within thirty days following the adoption of these procedures, the Secretariat shall provide the *Dolphin Safe Tuna* Certificate forms described in paragraph 2(2)(c) to the Parties, who can begin issuing the respective certificates.

7. REGISTRATION OF *DOLPHIN SAFE* CERTIFICATION MARK

The Parties agree, consistent with their national laws and regulations, to facilitate the AIDCP registration of the *Dolphin Safe* Certification Mark within their respective jurisdictions, and to take such measures as may be appropriate and necessary to ensure such Certification Mark is not misused within their respective jurisdictions. In the event suspected misuse is identified, each Party agrees to notify the Secretariat of the details of such suspected misuse in a timely manner. The Secretariat shall advise the other Parties of any such notification received.