

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
RESOLUTION
TO ADOPT THE MODIFIED SYSTEM FOR TRACKING AND VERIFICATION OF
TUNA
20 JUNE 2001

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), at the 5th Meeting of the Parties, held June 15, 2001, in San Salvador, El Salvador,

Hereby agree to adopt the modified System for Tracking and Verification of Tuna developed by the Permanent Working Group on Tuna Tracking and recommended by the International Review Panel. The modified System shall take effect thirty days after the date of adoption of this resolution.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
REVISED SYSTEM FOR TRACKING AND VERIFYING TUNA
JUNE 2001

1. DEFINITIONS

The terms used in this document are defined as follows:

- a. *Dolphin safe* tuna is tuna captured in sets in which there is no mortality or serious injury of dolphins;
- b. *Non-dolphin safe* tuna is tuna captured in sets in which mortality or serious injury of dolphins occurs;
- c. *Agreement Area* is the area covered by the AIDCP;
- d. *AIDCP* is the Agreement on the International Dolphin Conservation Program;
- e. *Party* or *Parties* are the Parties to the AIDCP ;
- f. *State* is a sovereign state or a regional economic integration organization to which its member States have transferred competence over matters covered by the AIDCP;
- g. *National authority* is the department of government or other entity designated by each Party as responsible for implementing and operating the tuna tracking and verification program described in this document;
- h. *IATTC* is the Inter-American Tropical Tuna Commission;
- i. *Secretariat* is the staff of the IATTC;
- j. *Captain* is the person aboard the vessel who has legal responsibility for the vessel while at sea and in port;
- k. *Engineer* is the person aboard the vessel responsible for preparation of wells and the loading of the catch into the prepared wells;
- l. *Observer* is the person assigned to the vessel by the IATTC or the Party's national observer program to record the vessel's fishing activities;
- m. *Vessel* includes any vessel which catches, stores, or transports tuna covered by this tracking and verification program;
- n. *Well* is any compartment on a purse-seine vessel in which tuna is stored in a freezing brine solution;
- o. *Set* is the act of deploying and retrieving the purse seine in order to catch tuna;
- p. *Bin* is any container used to store tuna after unloading, during cold storage, or for transport to processing.
- q. A fishing trip *terminates* when a vessel unloads two-thirds or more of its catch, during a single

unloading or during a series of partial unloadings.

2. GENERAL

This document describes a system for tracking tuna caught in the Agreement Area by vessels fishing under the AIDCP. The sole purpose of this system is to enable dolphin safe tuna to be distinguished from non-dolphin safe tuna from the time it is caught to the time it is ready for retail sale. This system is based on the premise that dolphin safe tuna shall, from the time of capture, during unloading, storage, transfer, and processing, be kept separate from non-dolphin safe tuna. To this end the system shall be based on a Tuna Tracking Form (TTF) and additional verification procedures described in this document or developed by individual Parties for use within their respective territories.

The national authority of the Party under whose jurisdiction a fishing vessel operates shall be responsible for tracking the tuna caught, transported, or unloaded by that vessel, but may, by mutual consent, delegate the observation of unloadings and transfers to the national authority of the Party in which the unloading or transfer takes place. The national authority of the Party in which the tuna is processed becomes responsible for the tracking and verification of the dolphin-safe status of all such tuna when it enters a processing plant located in the jurisdiction of that Party, regardless of the flag of the catcher vessel, and for communicating the information to the Secretariat.

It shall be the responsibility of each national authority to establish and maintain the systems, databases, and regulations necessary to implement the system in areas under its jurisdiction. Each Party shall provide to the Secretariat a report detailing the tracking and verification program established by that Party under its national laws and regulations.

Each Party shall provide to the Secretariat, and update as necessary, the name, mailing address, telephone and fax numbers, and e-mail address of a designated contact person at its national authority who shall be responsible for all matters pertaining to the program described in this document, and the Secretariat shall circulate a list of all such contact persons to all national authorities.

3. TUNA TRACKING FORM (TTF)

The Secretariat shall be responsible for producing the TTFs, which shall be in both English and Spanish, in sufficient quantity to be used throughout the Agreement Area by all the Parties; for distributing the forms to the national authorities; for training a representative of each national authority in the proper use and handling of the form; and for maintaining physical control of all completed TTFs, once they are returned to the Secretariat by the national authority in accordance with its national laws and regulations.

1. TTFs utilized during a trip shall be identified by a unique number, which shall be the IATTC cruise number to which it corresponds, and shall have provision for recording and endorsing information concerning each set made during a fishing trip which would enable the contents of any of the vessel's wells to be identified as dolphin safe or non-dolphin safe.
2. Dolphin safe and non-dolphin safe tuna caught in the course of a trip shall be recorded on separate TTFs.
3. The Secretariat shall issue the TTFs to observers, except that in cases where the Party with jurisdiction over the vessel has a national observer program in operation, the pertinent national authority shall issue the TTFs to observers of its national observer program. The cruise number shall be recorded on the TTF at the beginning of each trip, and all tuna caught during that trip shall be recorded on the relevant TTF.
4. After a trip, the original TTF(s), with total confirmed quantities of tuna unloaded or transferred from that trip, shall be retained by the competent national authority, as follows:
 - a. If the tuna is to be processed within the territory of the Party under whose jurisdiction the fishing vessel operates, the original TTF(s) shall be submitted to the national authority of that Party;

- b. If the tuna is to be processed within the jurisdiction of a Party other than the Party under whose jurisdiction the fishing vessel operates, at the completion of unloading the tuna the responsibility for tracking passes to the national authority of the Party in whose territory the tuna is to be processed. In such a case, the original TTF(s) is (are) submitted to the national authority of the Party under whose jurisdiction the tuna is to be processed, and a copy of the TTF(s) is (are) provided to the national authority of the Party under whose jurisdiction the vessel operates.
5. Within ten days of receipt of a TTF, the competent national authority shall transmit the TTF to the Secretariat.
6. TTFs shall be treated by the competent national authority as confidential official documents of the IDCP, consistent with Article XVIII of the AIDCP, and the AIDCP Rules of Confidentiality.

4. FISHING OPERATIONS

1. At sack-up during each set, and prior to brailing or loading of tuna aboard the vessel and into wells, the observer determines whether or not dolphin mortality or serious injury has occurred in the set and notifies the captain immediately of his determination.
2. On the basis of the observer's determination, the tuna is designated either dolphin safe or non-dolphin safe. The tuna is brailed and loaded into a prepared well or wells which already contain either dolphin safe tuna or non-dolphin safe tuna, as applicable, or into a prepared but empty well or wells which shall then be designated dolphin safe or non-dolphin safe, as applicable.
3. At the completion of brailing, when there is no further question as to whether the tuna is dolphin safe or not, the observer, in consultation with the engineer, shall record on the appropriate TTF the species and estimated quantity of tuna loaded into each well used in that set. Both the observer and the engineer shall initial the entry for each set.
4. Within a reasonable period after the completion of loading of non-dolphin safe tuna, the observer may confirm the number(s) of the well(s) receiving the tuna by noting the subsequent change in temperature in the well(s).
5. Transfers of tuna from the net of one fishing vessel to another fishing vessel at sea in the course of a trip shall be documented on the TTF(s), specifying the quantity, species, and dolphin safe status of the tuna being transferred. The transfer shall be documented on the TTF(s) of both the transferring and receiving vessels.
6. At the end of each fishing trip, when no more sets are to be made, the observer and the captain shall review the TTF(s), make any additional notes, and both will sign the form.

5. UNLOADING

1. The captain, managing owner, or agent of a vessel returning to port to unload part or all of its catch shall provide sufficient notice of the vessel's intended place and schedule of unloading to the competent national authority to allow for preparations to be made for monitoring the unloading of that tuna.
2. If a trip terminates when a vessel enters port to unload part of its catch, new TTF(s) shall be assigned to the new trip, and the information concerning any tuna retained on the vessel shall be recorded as the first entry on the TTF(s) for the new trip. If the trip is not terminated following a partial unloading, the vessel shall retain the original TTF(s) and shall submit a copy of that TTF(s), with original signatures, to the national authority of the Party where the tuna was unloaded. In either case, the species, dolphin safe status, and amount of tuna unloaded shall be noted on the respective original TTF(s).
3. If tuna is unloaded from a fishing vessel in port and subsequently loaded aboard a carrier vessel for

transport to a processing location, the Party under whose jurisdiction the fishing vessel operates shall be responsible for obtaining the TTF(s), retaining documentation of the unloading, including recording of the total confirmed scale weight if the tuna is weighed at that time, verifying that the dolphin safe tuna is kept separated from the non-dolphin safe tuna during the carrier loading and transporting process, and transmitting all relevant documentation to the Secretariat. Dolphin safe tuna and non-dolphin safe tuna may be stored in the same hold on a carrier vessel provided that the two are kept physically separate, using netting or similar material, and the non-dolphin safe tuna is clearly identified as such.

4. If the tuna is unloaded directly to a processing facility, the national authority of the Party in whose area of jurisdiction the tuna is to be processed shall be responsible for retaining documentation of the unloading of the tuna and recording of the separate confirmed scale weight for dolphin safe and non-dolphin safe tuna. The competent national authority shall be responsible for returning the original TTF to the Secretariat for entry of the information into a database and for continued tracking of that tuna, and a copy of the TTF(s) shall be forwarded to the national authority of the Party under whose jurisdiction the fishing vessel operates if different from the State where the tuna is processed.
5. If the tuna is unloaded within the jurisdiction of a State not party to the Agreement, the national authority of the Party under whose jurisdiction the vessel operates shall make arrangements with the State in whose jurisdiction unloading occurs to certify the dolphin safe status of the tuna being unloaded and to ensure that the TTF(s) are transferred to the Secretariat.
6. Dolphin safe and non-dolphin safe tuna shall be unloaded from fishing or carrier vessels into separate bins. Each bin shall be identified with the corresponding TTF number, the dolphin safe status of the tuna, and confirmed scale weight for the tuna in that bin.
7. Each sale of a portion of the catch shall reference the corresponding TTF number, which will accompany the tuna through every step of processing. In the event of transfers of ownership after the national authority has transferred to the Secretariat possession of the TTF(s), the national authority of the transferring Party shall be responsible for reporting any such transfers of ownership to the Secretariat, specifying the TTF number(s), the species and quantity (scale weight) of tuna being transferred, and the recipient.
8. The Parties shall determine means by which to document, within this system, tuna unloaded by purse-seine vessels operating in the Agreement Area but not covered by the AIDCP. Tracking shall include confirmation of unloaded weight and, at the discretion of each Party, review of the vessel logbook.

6. STORAGE, PROCESSING, AND MARKETING

The Parties may establish tracking and verification procedures for storage, processing, and marketing of tuna and tuna products that best fit the business practices within their own territories, as long as those procedures include the following requirements:

- a. Any change in ownership of any unprocessed tuna covered by a TTF number shall be handled in accordance with Section 5, paragraphs 3, 4 and 7, and shall be reported to the Secretariat by the competent national authority.
- b. During processing, dolphin safe and non-dolphin safe tuna shall not be processed on the same lines at the same time.
- c. Processors shall maintain records complete enough to allow the lot numbers of processed tuna to be traced back to the corresponding TTF number.
- d. Processed dolphin safe tuna destined for export shall be accompanied by a certification of its "dolphin safe" status issued by the competent national authority, including reference to the corresponding TTF number, provided that such documentation shall not reference details of fishing operations, except as relates to identification of types of fishing gear.

Any Party may utilize a certification concerning the “dolphin safe” status of tuna in accordance with the AIDCP, the System for Tracking and Verification of Tuna, and the procedures for Certification and Labeling of Dolphin Safe Tuna.

7. PERIODIC AUDITS AND SPOT CHECKS

Consistent with the principles and objectives of the AIDCP concerning multilateral cooperation in the management and implementation of this program, the national programs established by the Parties, to track and verify tuna harvested by vessels in the Agreement Area, along with the data management and certification program described within Sections 2, 3, 5 and 6 above, shall include periodic audits and spot checks for caught, landed and processed tuna products, mechanisms for communication and cooperation between and among national authorities, and timely access by the Secretariat to relevant data.

The Parties commit, while reserving their national sovereignty prerogatives, to work cooperatively towards the development of an international program to facilitate general reviews and spot checks of national tracking and verification programs. Consistent with this commitment, the Parties shall make available, or request the Secretariat to make available, to the International Review Panel (IRP) such reports and documentation on the tracking and verification program, including TTFs, as might be requested by that Panel, provided that the presentation of such documentation shall be subject to normal IRP procedures under the AIDCP Rules of Confidentiality.

The Parties, at any time, may request that the Secretariat verify the dolphin safe status of tuna by reference to the *AIDCP Dolphin Safe* Certificate number or TTF number. The Secretariat shall respond to such a request with confirmation of the status of that tuna on the basis of tracking information contained within the data and documentation transmitted to the Secretariat, provided that such report by the Secretariat shall be consistent with the Agreement Rules of Confidentiality adopted in October 2000 and as they may be amended.

The Secretariat shall respond, consistent with the AIDCP Rules of Confidentiality, to inquiries from States not party to the Agreement requesting confirmation of the dolphin safe status of tuna entering or seeking entry to their territory. The Secretariat shall periodically provide a report of such requests to the Parties.