

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PROCEDURES FOR AIDCP 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:

Agreement or *AIDCP*: the 1998 Agreement on the International Dolphin Conservation Program.

AIDCP 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.

AIDCP Dolphin Safe Tuna Label: Graphic representation which distinguishes *dolphin safe* tuna and tuna products, as defined in the System for Tracking and Verifying Tuna, which can be used on the packaging of tuna certified under this resolution.

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 *AIDCP Dolphin Safe* tuna.

2. CERTIFICATION OF AIDCP DOLPHIN SAFE TUNA AND TUNA PRODUCTS

1. Application of the procedures for the use of the *AIDCP 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 *AIDCP 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 *AIDCP Dolphin Safe* Tuna Certificate in accordance with the System for Tracking and Verification of Tuna.
 - b. The *AIDCP Dolphin Safe* Tuna Certificate forms shall be produced in a fixed format created by the Secretariat, on security paper and numbered consecutively.
 - c. The *AIDCP Dolphin Safe* Tuna Certificate forms shall be provided by the Secretariat to the Parties that are using the *AIDCP Dolphin Safe* Tuna Certificate and are implementing the System for Tracking and Verification of Tuna.
 - d. The *AIDCP Dolphin Safe* Tuna Certificate shall include the date; the corresponding Tuna Tracking Form (TTF) number; 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.
 - e. The competent national authority shall be responsible for submitting to the Secretariat, within the first fifteen (15) days of the month, all copies of the *AIDCP Dolphin Safe* Tuna Certificate, issued within the previous month.
 - f. Only tuna caught by vessels with captains on the List of Qualified Captains maintained by the

¹ June 2002: Paragraph added to Section 3a; 15 April 2003: phrase deleted in Section 2.2.f; 11 October 2003: subparagraph (g) added to Section 2.2; 09 June 2004: Section 3 added, subsequent sections renumbered accordingly; 20 October 2005: Section 2.2.e modified.

Secretariat shall be eligible to receive the *AIDCP Dolphin Safe 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.

- g. Tuna positively identified by the IATTC as having been caught in contravention of IATTC tuna conservation and management measures is not eligible for an AIDCP Dolphin-Safe Certificate.
3. 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.
4. 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. PROCEDURES FOR INVALID DOLPHIN SAFE CERTIFICATES

1. If a Party:
 - a. is notified by the Secretariat that a certificate it has issued is invalid, it will notify the entity to which the certificate was issued and ensure, pursuant to applicable national legislation, that the original certificate is returned to the Party's issuing authority.
 - b. invalidates a certificate it has issued, it will notify the entity to which the certificate was issued and ensure, pursuant to applicable national legislation, that the original certificate is returned to the Party's issuing authority, and also notify the Secretariat of the invalidated certificate.

In all cases, the Secretariat will notify all other Parties of the invalidation of the certificate as soon as possible.

2. The Party will then send the original certificate to the Secretariat.
3. The Secretariat will maintain a record of the invalid certificates, including the dates on which the relevant Party was notified of the invalidation of the certificate and the date on which the original certificate was returned to the Secretariat.
4. The Secretariat will provide this information to the Parties on a regular basis in order for the Parties to analyze how the overall Dolphin Safe Certification Program is working.

4. VERIFICATION

Subject to the AIDCP Rules of Confidentiality:

- a. Parties shall submit their Tuna Tracking and Verification Programs to the IRP, 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 IRP shall not be eligible to use the *AIDCP Dolphin Safe Tuna Certification*.

- b. Each competent national authority shall be responsible for issuing the AIDCP Dolphin Safe Certification 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.
- c. The Parties, through the IRP, will conduct a review of the AIDCP Dolphin Safe Tuna 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 Certification forms submitted to the Secretariat. The IRP shall submit any comment or recommendation to the Meeting of the Parties for its consideration.

- d. The Parties, through the IRP, 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.

5. ADOPTION OF THE *AIDCP DOLPHIN SAFE* CERTIFICATE AND LABEL

The Meeting of the Parties approves the general format of *AIDCP Dolphin Safe* Tuna Certificate and the *AIDCP Dolphin Safe* Tuna Label, appended hereto.

6. PUBLIC EDUCATION

- a. Each Party, as appropriate, and the Secretariat shall give due publicity to the new *AIDCP Dolphin Safe* Certificate and *AIDCP Dolphin Safe* Label through relevant communications to interested governmental and non-governmental entities .
- b. 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.
- c. 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.

7. TRANSITORY PROVISION

Within thirty days following the adoption of this resolution, the Secretariat shall provide the *AIDCP Dolphin Safe* Certificate forms described in paragraph 2(2)(b) to the Parties, who can begin issuing the respective certificates.