

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
PERMANENT WORKING GROUP ON TUNA TRACKING

6TH MEETING

San Jose, Costa Rica
April 23-24, 2001

Chair: Pat Donley (United States)

CHAIR'S REPORT

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Update on status of national Tuna Tracking Plans
4. Modifications to Tuna Tracking System proposed during 25th IRP meeting
5. Unloadings of "dolphin safe" tuna:
 - a. Problems
 - b. Possible actions:
 - (i) Public relations/education
 - (ii) Additional documentation
 - (iii) Other
6. Discussion of document prepared by Colombia
7. Date and place of next meeting
8. Adjournment

APPENDICES

1. List of attendees
2. Modified Tuna Tracking System proposed by Colombia, April 2001
3. Recommendations to the Meeting of the Parties, April 2001

The 6th Meeting of the Permanent Working Group on Tuna Tracking was held in San Jose, Costa Rica, on April 23-24, 2001. Ms. Pat Donley (United States) chaired the meeting, and the participants included representatives from Colombia, Costa Rica, Ecuador, El Salvador, the European Union (EU), Mexico, United States of America, Vanuatu, Venezuela, the Center for Marine Conservation (CMC), Whale and Dolphin Conservation Society, Humane Society of the United States, and the tuna industries of several countries. The attendees are listed in Appendix 1.

2. Adoption of the Agenda

At Colombia's request, the order of items 5 and 6 of the provisional agenda was reversed.

3. Update on the status of national Tuna Tracking Plans

Tuna tracking plans had previously been submitted to the Secretariat by Costa Rica, Ecuador, Mexico, Panama, the United States and Venezuela. Colombia and Vanuatu submitted their tuna tracking plans at the meeting. Those Parties that had not yet submitted tuna tracking plans were urged to do so. The Working Group agreed that the plans already submitted should be distributed to the Parties for information without waiting for the outstanding ones. As soon as the plans are available in both English and Spanish, they will be distributed to each of the Parties, and they will be reviewed at the next meeting of the Working Group.

The EU reported that its plan is still being prepared and is near completion. The EU will consult with the Secretariat on a technical question concerning the requirement for a database for transferring data.

4. Modifications to Tuna Tracking System proposed during the 25th IRP meeting

The Secretariat reported that the modification to the Tuna Tracking System regarding the recording of information on TTFs when a vessel fishes outside the Agreement Area has been completed. The modification regarding partial unloadings is still being drafted. The need for several small technical changes to the system was discussed, and the Chair undertook to prepare a list of recommended changes, in collaboration with the Secretariat, and present the list at the next meeting of the Working Group.

5. Unloadings of dolphin safe tuna and other issues

After discussion and consultations on the definition of a trip for the purposes of the Tuna Tracking System, it was agreed that the IATTC definition would be used: that is, a trip finishes when the vessel unloads two-thirds or more of its catch. It was agreed that this definition should be added to the recommended changes to the Tuna Tracking System.

The Working Group agreed that in the case of partial unloadings, the well numbers and disposition of unloaded tuna should be clearly noted on the appropriate TTFs, and new TTF pages should be added to record additional sets that are made when the vessel resumes fishing operations.

Also discussed was the issue of distributing copies of TTFs to representatives of national authorities in cases of multiple unloadings in different ports. Since almost all vessels have the capability to copy the forms, it was agreed that multi-copy forms would not be necessary.

Following a discussion of the TTFs, during which the Secretariat reported that most countries are now submitting the forms to IATTC offices, CMC suggested that the IRP should be requested to review the TTFs at its meetings, and this was agreed. The Chair and CMC volunteered to prepare an outline for the Secretariat of what items might be included in the IRP review of TTFs.

6. Discussion of document prepared by Colombia

Colombia presented for discussion a document which addressed issues associated with the identification,

documentation, and marketing of dolphin-safe tuna. After considerable discussion and consultation, Colombia distributed a revised document, which in essence was a set of recommendations for modifying the Tuna Tracking System, and a copy of the System which incorporated these recommendations (Appendix 2). The principal issues addressed in the recommendations were alternative methods of certifying and labeling tuna as dolphin-safe, the need to publicize the achievements of the AIDCP and the IATTC, and the development of public relations and outreach activities to assist in marketing tuna caught in the Agreement Area.

A group was formed to draft a recommendation to the IRP and the Meeting of the Parties and a request to the Secretariat for an assessment of the costs and the administrative, economic and legal implications of certain aspects of the Colombian proposals, including issues of market acceptance, dolphin-safe certification, public relations and outreach activities. After further discussion and amendments, the Working Group approved this recommendation (Appendix 3). A reservation was expressed as to whether the IRP had, at its January 2001 meeting, formally recognized a "real commercial problem".

Costa Rica suggested that a group be formed to meet with processors in Europe as soon as possible to explain the dolphin conservation program and the good results it has achieved. The EU recommended that any such trip be coordinated with the European Union.

Although the Working Group recognized that it does not have the authority to set up new committees, given the necessity to make progress on the marketing issues, Costa Rica volunteered to begin by inviting all interested members to contact Mr. Herbert Nanne by e-mail indicating their interest and including suggestions as to how an informal group might proceed.

7. Date and place of next meeting

The Working Group agreed that its 7th meeting would be held in El Salvador on June 11-12, 2001.

8. Adjournment

The meeting was adjourned.

Appendix 1.

**PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
GRUPO DE TRABAJO PERMANENTE SOBRE EL SEGUIMIENTO DEL ATUN
PERMANENT WORKING GROUP ON TUNA TRACKING**

6ª REUNION - 6TH MEETING

**23-24 de abril de 2001 – April 23-24, 2001
San José, Costa Rica**

ASISTENTES - ATTENDEES

COLOMBIA

CLARA GAVIRIA
MARIA EUGENIA LLOREDA
Ministerio de Comercio Exterior
IVAN DARIO ESCOBAR
Instituto Nacional de Pesca y Acuicultura

ARMANDO HERNANDEZ
DIEGO CANELOS

COSTA RICA

HERBERT NANNE ECHANDI
GEORGE HEIGOLD
RICARDO GUTIERREZ
INCOPECA
ASDRÚBAL VASQUEZ

ECUADOR

RAFAEL TRUJILLO BEJARANO
LUIS TORRES NAVARRETE
Ministerio de Comercio Exterior, Industrialización y Pesca

EL SALVADOR

MILTON COLINDRES
Embajada de El Salvador en Costa Rica

EUROPEAN UNION – UNION EUROPEA

ALAN GRAY
European Commission

MIGUEL A. DE ANDRES
Embajada de España en Costa Rica

MEXICO

RICARDO BELMONTES
MARIO AGUILAR
HUMBERTO ROBLES
Secretaría de Agricultura, Ganadería, Desarrollo Rural,
Pesca y Alimentación
LUIS FUEYO
Procuraduría Federal de Protección al Medio Ambiente

FRANCISCO QUIROGA
Secretaría de Economía
MARK ROBERTSON
JOSE J. VELAZQUEZ
LEOVIGILDO CARRANZA
ERNESTO ESCOBAR
VICTOR LEDON
IGNACIO GAVALDON

PANAMA

HUGO ALSINA

LUIS DORATI

UNITED STATES OF AMERICA - ESTADOS UNIDOS DE AMERICA

DAVID HOGAN
U.S. Department of State

PATRICIA DONLEY
SVEIN FOGNER
National Marine Fisheries Service

VANUATU

EDWARD WEISSMAN

VENEZUELA

**CAROLINA BELTRAN
ZAYMAR VARGAS
XIOMARA GUTIERREZ**

Ministerio de Producción y Comercio

**FRANCISCO ORTISI
FREDDY DE CORDOVA
JON CELAYA**

ORGANIZACIONES NO GUBERNAMENTALES--NON-GOVERNMENTAL ORGANIZATIONS

NINA YOUNG
Center for Marine Conservation

KATHLEEN O'CONNELL

Whale & Dolphin Conservation Society

CRISTOBEL BLOCK
Humane Society of the U.S.

SECRETARIADO - SECRETARIAT

**DAVID BRATTEN
MONICA GALVAN
BRIAN HALLMAN**

**BERTA JUAREZ
NICHOLAS WEBB**

Appendix 2.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM SYSTEM FOR TRACKING, ~~AND VERIFYING~~ AND CERTIFYING TUNA

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.

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 state in which the unloading or transfer takes place. The national authority of the state in which the tuna is processed becomes responsible for coordinating with the Secretariat the tracking and verification of the dolphin-safe status of all such tuna when it enters a processing plant located in that state, 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. By February 15, 2000, each Party, and all states which apply the program provisionally, shall provide to the Secretariat a report detailing the tracking and verification program established by that Party under its national laws and regulations. The progress of this program will be reviewed at the meeting of the International Review Panel preceding the Meeting of the Parties in 2000.

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; ~~and~~ 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 there are returned to the Secretariat by the national authority. Each national authority shall distribute TTFs to the fishing vessels under its jurisdiction.

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 national authority shall issue the TTFs to the observer assigned to the fishing vessel, and the cruise number shall be recorded on the TTF at the beginning of each trip. 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 state under whose jurisdiction the fishing vessel operates, the original TTF(s) shall be submitted to the national authority of that state;
 - (b) If the tuna is to be processed within the territory of a state other than that 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 state in whose territory the tuna is to be processed. In such a case, the original TTF(s) is (are) submitted to the national authority 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 ~~a copy of the document—the TTF~~ to the Secretariat, along with documentation of the certification issued by the national authority under section 6(d) of this system.

6. TTFs shall be treated by the competent national authority as confidential official documents of the IDCP, consistent with Article XVIII of the AIDCP.

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, a 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 state 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 state 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, and 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 labeled as such.

4. If the tuna is unloaded directly to a processing facility, the national authority 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 ~~take possession of~~ 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 state under whose jurisdiction the fishing vessel operates if different from the state where the tuna is processed.
5. 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.
6. 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 after the national authority has ~~taken~~ transferred to the Secretariat possession of the TTF(s), the transferring party shall be responsible for reporting any such ~~transfer to the competent national authority,~~ tuna transfers to the Secretariat, specifying the TTF number(s), the species and quantity (scale weight) of tuna being transferred, and the recipient.
7. 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 and 4, 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 appropriate certification of ~~such~~ its "dolphin safe" status issued by the competent national authority or the Secretariat, 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.
- (e) The "Dolphin Safe" certification issued in accordance with subsection (d), shall be valid for all the Parties and for those States which are applying the AIDCP provisionally.

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 along with the data management and certification program described within Sections 2, 3, 5 and 6 above, to track and verify tuna harvested by vessels in the Agreement Area, 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 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 confidentiality measures.

8. ACCESS TO MARKETS

There shall be effective access for tuna caught in compliance with La Jolla Agreement, formalized and modified by the Declaration of Panama and the AIDCP, to all markets of Parties and of States which are applying the AIDCP provisionally.

9. PUBLIC EDUCATION

- a) The IATTC shall create an "AIDCP Dolphin Safe" label to support and represent the international certification.
- b) The IATTC shall support and promote internationally the new "Dolphin Safe" label and certification through communications with importers, fishermen's organizations, Governments and Non-Governmental Organizations, in order to increase the broad understanding of the AIDCP and its environmental goals, standards and achievements.
- c) Parties and States applying the Agreement provisionally, agree to make use of their own capabilities within their national markets, to support an accurate public perception of the AIDCP, in order to deter misinformation which tends to undermine the effectiveness of the AIDCP.
- d) The IATTC, together with the Parties, shall design and implement an international public education campaign to accomplish the objectives set forth within this section.

Appendix 3.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM RECOMMENDATIONS OF THE PERMANENT WORKING GROUP ON TUNA TRACKING AND VERIFICATION

San Jose, Costa Rica, 24 April 2001

In recognition of a real commercial problem, the 26th Meeting of the International Review Panel charged Colombia with preparing a proposal relating to the adoption of a *dolphin safe* certification with the aim of addressing the problems related to effective market access for tuna caught in the Agreement Area. The Working Group carried out an examination of the resulting proposal, and recognized that it contained elements that, upon conclusion of examination and development, could allow the objectives of the AIDCP to be fully achieved.

The Permanent Working Group on Tuna Tracking and Verification therefore recommends that the Parties request the Secretariat to:

1. Identify the requirements for implementing this certification, including an assessment of the costs and the administrative, economic and legal implications of:
 - a. Issuing a *dolphin safe* certification for tuna consistent with the provisions of the AIDCP (AIDCP *Dolphin safe*).
 - b. Establishing a *dolphin safe* label that would be used in the certification.
 - c. Taking responsibility for maintaining physical control of all completed TTFs, through the establishment of rules to which the national programs would subscribe for the handling of such forms by observers, in accordance with the established rules of confidentiality, and their handling once they are returned to the Secretariat by the national authority or observers, as appropriate.
 - d. Carrying out an intensive public education campaign to make the public aware of the achievements of the AIDCP regarding the sustainability of the fishery and the protection of dolphins, and of its operational transparency through, among others, the observer coverage of 100% of fishing trips.
 - e. Supporting the Parties in their efforts to disseminate information regarding the achievements of the Program, and regarding the authenticity of this label.
 - f. Coordinating with other multilateral bodies (FAO, ICCAT, UNEP, UNDP, OECD, OLDEPESCA) and scientific institutions, to publicize the achievements of the Program.
 - g. Developing a strategy for achieving recognition of the label that will be issued through the IATTC among the tuna industry and trade groups, organizations and associations in the pertinent markets of the world.
2. Present a report on the above to the Working Group before its next meeting, to facilitate presentation of a proposal to the IRP and the Meeting of the Parties for consideration and decision on developing the system for tracking and verifying tuna, to fully realize the objectives of the AIDCP.
3. Provide initial guidance on how incentives might be used in relation to certifications, consistent with the objectives of the AIDCP.