

Geraldine Criquet
SAI Global (SAI)

Sent by email

Date: 13/02/2019

Dear Geraldine Criquet,

I write with reference to your submission on 11/12/2018 of a request for variation to the MSC Certification Requirement (CR) to allow:

For fisheries scored against v1.3

- All tuna fisheries currently on v1.3 will be upgraded to v2.0 at the next surveillance audit
- CABs shall follow the process requirements in Appendix B that have been prepared specifically for P1 upgrades
- If the stock has already been fully assessed against FCR v2.0 at the time of rescoring, a reduced upgrade process applies that does not require peer review and additional reporting requirements; fisheries for which this is applicable are identified in Appendix A
- No suspension action will be undertaken for fisheries that are behind target on P1 conditions raised against v1.3
- Any new conditions raised as a result of the Principle 1 rescoring will be harmonised with other tuna fisheries and aligned with the stock-specific condition deadlines set out in Appendix A

For fisheries already scored against v2.0

- Principle 1 conditions and timelines will be harmonised for all tuna fisheries on the same stock
- A shared deadline for achievement of conditions, based on the most recent RFMO workplan, will be set as per the calendar years specified in Appendix A

For all fisheries

- To facilitate harmonisation efforts between CABs, surveillance schedules of the relevant tuna fisheries will be aligned (to the extent that is practical) so that annual progress can be assessed collectively by CABs

This may vary against one or more of the following requirements, depending on the fishery circumstances:

1. Fisheries scored against v1.3:

Implementation timeframes: Existing fisheries (in assessment or certified) shall apply the new standard requirements (...) at their first reassessment commencing after 1st October 2017. (FCR V2.0 p. 9)

FCR V.2.0 7.23.13.1.b.i. If the progress against the measurable outcomes, expected results or (interim) milestones specified when setting the condition is judged to be behind target, the CAB shall specify the remedial action, and any revised milestones, that are required to bring process back on track within 12 months to achieve the original condition by the original deadline.

FCRv2.0 7.23.13.2: In the event that the CAB determines that progress against a condition is not back 'on target' within 12 months of falling 'behind target', the CAB shall:

- a. Consider progress as inadequate.
- b. Apply the requirements of GCR 7.4 (suspension or withdrawal).

For fisheries with conditions under Principle 1 subject to harmonization:

FCRv2.0 7.11.1.3 (and subclauses): The CAB shall draft conditions to result in improved performance to at

least the 80 level within a period set by the CAB but no longer than the term of the certification unless: a. There are exceptional circumstances, and the CAB determines that achieving a performance level of 80 may take longer than the period of certification. The CAB shall interpret exceptional circumstances in 7.11.1.3.a to refer to situations in which, even with perfect implementation, achieving the 80 level of performance may take longer than the certification period.

FCRv2.0 7.24.2 (and subclauses): When conducting a re-assessment of a certified fishery, the CAB shall (...) evaluate progress against certification conditions. Unless exceptional circumstances apply (7.11.1.3) or paragraph (b) applies, the fishery shall have met all conditions and milestones. (...) In the event that there are unmet conditions, the CAB shall apply 7.23.13.1 and 7.23.13.2 (except 7.23.13.2.b.) in determining the adequacy of progress against those conditions and milestones. If the CAB concludes that the client has made inadequate progress, it shall not grant a new fishery certificate.

These are integral to ensuring all MSC accredited Conformity Assessment Bodies operate in a consistent and transparent manner. The MSC intends that these requirements be met across all fisheries and CoC certificate holders, except in exceptional, well-justified circumstances, as part of the MSC programme.

MSC notes the factors presented supporting your request, including:

- This variation will contribute to an alignment of P1 condition timelines between certified HMS fisheries.
- This will in theory incentivise all parties fishing on a particular HMS stock to work towards a common deadline for meeting shared P1 conditions.
- Fisheries currently scored against v1.3 will be rescored against v2.0 for Principle 1 at the next available opportunity
- Conditions on PI 1.2.2 (HCRs) and PI 1.2.1 (harvest strategy), and their associated timelines, will be harmonized between all UoAs that share the same P1 stock
- Timelines for achieving the conditions will be set in line with RFMO workplans for developing HCRs and harvest strategies (ranging between 2021 and 2023)
- This variation request covers only certified and harmonised fisheries; for new or in assessment fisheries, CABs instead propose to use existing mechanisms to achieve harmonization

Given the rationale provided, the MSC is willing to grant a variation to the CR in this case subject to the following conditions:

- Where applicable, rescoring against v2.0 is to be undertaken at the next surveillance audit and shall follow the process requirements set out in Appendix B
- Relevant P1 conditions shall be closed by the proposed dates given in Appendix A as per FCP v2.1 7.28.16.1.b.i and 7.28.16.2 and GCR v2.2 7.4.2.b
- All new or in assessment fisheries for which harmonisation is required must be aligned with the applicable timelines given in Appendix A, as per the guidance in the FCP v2.1
- CABs shall make efforts to ensure the language of the conditions and milestones is consistent between harmonised fisheries
- CABs should make good faith efforts to coordinate surveillance with overlapping fisheries
- Reassessments shall be undertaken on usual timelines

If you have any questions regarding this response, please do not hesitate to contact the relevant Fisheries Assessment Manager for this fishery.

Marine Stewardship Council

cc: Accreditation Services International