

[South Africa Hake Trawl Fishery]

MSC Notice of Objection

1 Introduction

The MSC Objection Procedure provides an orderly, structured, transparent and independent process by which stakeholder or client objections to the Final Draft Report and determination of a certifier (or Conformity Assessment Body) can be resolved.

The Objection Procedure is not intended to review the fishery against the MSC Fisheries Standard, but to determine whether the certifier (CAB) made an error of procedure, scoring, or condition setting that is material to the determination or the fairness of the assessment.

Learn more about MSC objections >

Please complete all unshaded fields. All grey boxes containing instructions may be deleted, e.g. the 'Introduction' section. All notes and guidance indicated in *italics*, please delete and replace with your specific information.

The MSC Notice of Objection Template should be completed and sent to objections@msc.org. Please ensure you will complete Sections 2.1 and 2.2 from this template. Depending on the selected objection category in Section 2.3, complete Section(s) 2.4-2.7 accordingly.

Information on objection costs and the MSC Objection Fee Cost Waiver Form can be found in the appendices.

2 Marine Stewardship Council Notice of Objection

2.1 Your details

Table 2.1.1 – Contact details

1	Contact name	
	Roelof	Kloppers
	Roelof	Kloppers
2	Title	
	CEO – Chief Executive Officer	

Table 2.1.2 – Organisation details

1	Organisation*
	Wildlands Conservation Trust (NPO 004-949)
2	Department
	NA
3	Job title*
	Chief Executive Officer
4	Description
	The mission of the WILDTRUST is to inspire our teams to work to regenerate the inter-connectedness of all things, to create opportunities to empower and restore socio-ecological resilience and the balance between humankind and nature, for a just and healthy planet.
5	Phone
	+ 27 60 500 0836
6	Email*
	roeliek@wildtrust.co.za

Table 2.1.3 – Assessment details

1	Fishery name*
	South Africa Hake Trawl Fishery
2	CAB*
	CAB: Lloyd's Register (Kate Morris) Client: South African Deep-Sea Trawling Industry Association
3	The following objection is being lodged on behalf of the above-named organisation(s) and I am authorised to make this submission on their behalf*
	WILDLANDS CONSERVATION TRUST (WILDTRUST)

2.2 Objecting party’s involvement

Table 2.2.1 – Prior involvement

Please indicate your prior involvement with this assessment	
Fishery client – FCP v2.1 Annex PD2.3.1.a	No
Written stakeholder submissions - FCP v2.1 Annex PD2.3.1.b	No
Meetings attended - FCP v2.1 Annex PD2.3.1.b	No
Participation prevented or impaired - FCP v2.1 Annex PD2.3.1.c	Yes

Table 2.2.2 – Evidence

1	Supporting evidence of prior involvement in the assessment
	- Provide evidence and/or outline details to support this classification.
	<p>Fisheries Certification Process</p> <p>The stated purposes of the FCP are:</p> <ul style="list-style-type: none"> - To establish a defined process that enables all CABs to operate in a consistent and controlled manner. - To provide transparency to maintain credibility with stakeholders. <p>(see FCP "Introduction to this document")</p> <p>Annex PD2.3.1</p> <p>PD2.3.1 states that the following parties may file a 'Notice of Objection' to the Final Draft Report and Determination:</p> <p><i>"c. Any other party that can establish that the failure of the CAB to follow procedures prevented or substantially impaired the party's participation in the assessment process."</i></p> <p>WILDTRUST were not notified by the CAB, Lloyd’s Register (“LR”), that the fishery was undergoing re-assessment and were unaware that it was taking place. Accordingly, being unaware that the assessment process was taking place, WILDTRUST was prevented from participating. This was due to the CAB failing to follow procedures, as we will explain.</p> <p>Stakeholder Engagement</p> <p>The MSC states that stakeholder engagement is a “critical” component of the MSC fisheries assessment process (FCP2.1, G4.2). G4.2 also records that stakeholder input contributes significantly to the credibility and outcome of the assessment process:</p> <p><i>"Stakeholder engagement is a critical component of the MSC fisheries assessment process:</i></p> <ul style="list-style-type: none"> • <i>A robust stakeholder consultation process is fundamental to conducting a high-quality assessment.</i> • <i>Stakeholder input provides important information to assessment team members and CABs."</i> <p>G4.2 makes it clear that relevant stakeholders must be identified at an early opportunity not least to improve the quality and consistency of stakeholder input in the assessment process. WILDTRUST are a relevant stakeholder and the FCP required them to be identified as such (and then notified). The MSC Guide for Stakeholders reinforces G.4.2 but adds that CAB’s are “required to actively seek to identify all potential stakeholders in a fishery” [our emphasis]. It is clear that the process is not limited to established stakeholders. All those who are even potentially interested must be identified. FCP G.7.12.3.1 reinforces</p>

that the process must begin from the very outset: “Stakeholders should be contacted prior to the full assessment being announced to co-ordinate a date that ensures the highest level of attendance.”

"Stakeholder" is given an extremely broad definition by the MSC namely “Any person or group (including governmental and non-governmental institutions, traditional communities, universities, research institutions, development agencies and banks, donors, etc.) with an interest or claim (whether stated or implied) which has the potential of being impacted by or having an impact on a given project and its objectives. Stakeholder groups that have a direct or indirect "stake" can be at the household, community, local, regional, national, or international level.” https://www.msc.org/docs/default-source/default-document-library/for-business/program-documents/chain-of-custody-supporting-documents/msc-msci_vocabulary_v1-2.pdf?sfvrsn=cef284dd_14

Therefore, the CAB must, from the outset, *actively identify* all actual *and potential* stakeholders from a wide and diverse category ranging from banks to traditional communities to wildlife NGO's, such as WILDTRUST. The obligation to identify stakeholders is ongoing.

It is not sufficient for a CAB to contact only those stakeholders that contact it, its obligation is to actively identify all potential shareholders throughout the process.

A failure to comply with these requirements undermines the credibility of the process and prevents stakeholder participation.

Final Draft Report

In the final draft report (“the Report”), LR stated at page 213:

“8.2.2 Stakeholder participation

A total of 43 stakeholder organisations and individuals having relevant interest in the assessment were identified and notified, via e-mail, of the surveillance process. This highlighted the potential process for engagement in the surveillance, if desired. In addition, the interest of others not appearing on this list was solicited through the postings on the MSC website and Control Union UK notified the Namibian Hake stakeholders of the site visit details.”

WILDTRUST do not know who all 43 stakeholder organisations and individuals were, nor:

- i. how they were identified,
- ii. how LR defined “relevant interest”, and
- iii. whether LR considered actual *and* potential stakeholders (as they were required to do).

LR record that a site visit took place in Cape Town, South Africa in the week commencing 28 October 2019 and that meetings were conducted with 12 different individuals & organisations. However, of those 12:

1. 1 of them is the fishery client/ client group i.e. South African Deep Sea Trawl Industry Association (SADSTIA) & South East Coast Inshore Fishing Association (SECIFA).
2. Another is WWF-SA who have been previously funded by SADSTIA.

The South African Hake fishery is considered one of the biggest threats in South Africa to many species of sharks and rays (Sauer et al 2003), that are caught as bycatch and suffer high mortality (1500 tonnes a year). This includes the critically endangered soup fin shark as well as little known data-deficient species of skates that are caught in significant numbers.

Shark/ Sharks are mentioned 258 times in the Report. Ray/ Rays are mentioned 37 times.

WWF-SA (who are arguably conflicted due to their prior funding by SADSTIA) notified the CAB (as recorded at page 267) that:

“14. National Plan of Action for Sharks: A review of this has been initiated. In the NPOA context, the specific mitigation measures to reduce shark catch in the hake fishery **have not received significant attention** [our emphasis] and it is our opinion that the some stakeholders, including those in DEFF were not the correct staff members within the Department who are well versed in the fishery.

“15. There is a perception that shark catch is low in the hake fishery, but without detailed monitoring of both inshore and offshore components (including of discarding at sea) this cannot be considered as well understood.” [our emphasis]

In the Responses From Stakeholders To RBF Questionnaire (Table 32, Report page 398 onwards), WWF-SA (and others) stated:

1. That numerous species of sharks, and rays, may be caught by the Fishery (a view shared by CAPLIFE)
2. There was a Medium and at times high overlap with fishing gear in this fishery with regards to the vertical (depth) overlap within the water column with sharks and rays.

The impact of the fishery on sharks and rays was a key consideration for LR in the fishery assessment.

WILDTRUST – EXPERTISE, SHARKS AND RAYS

WILDTRUST is a leading environmental non-profit organisation (www.wildtrust.co.za). WILDTRUST's official website www.sharkattackcampaign.co.za is a definitive go-to platform for all matters relating to South African sharks and rays.

WILDTRUST was established in 2005, with two main programmes namely WILDLANDS and WILDOCEANS. In the last financial year, WILDTRUST raised R170 million for conservation efforts in and around 20 communities across South Africa. The WILDTRUST WILDOCEANS programme also does work in Mozambique, Tanzania and Comoros.

WILDTRUST is leading a project dedicated to the increased protection of South Africa's Sharks and Rays - <https://sharkattackcampaign.co.za/partners/>. The project is being undertaken in collaboration with other South African non-governmental organisations and in support of relevant government agencies, that is, the Department of Environment, Forestry and Fisheries – DEFF.

The project started in August 2019. Over the last 18 months WILDTRUST has coordinated a National Shark Forum (in October 2019), presented at the annual Shark Symposium in Cape Town, has commenced preparation of a conservation plan for sharks and rays, and is supporting government and other organisations in delivering on increased protection for sharks and rays in South Africa's oceans.

Further, an awareness campaign was launched at an event in Cape Town held in March 2020. The news of the launch of a South African campaign aiming to increase protection for sharks (and rays) resulted in widespread coverage including innumerable online and print articles, numerous reports on national television as well as TV and radio interviews. This media coverage combined reached an estimated 4.5 million people in 4 weeks. An additional 500,000 people were reached on our social media platforms (in 4 weeks).

The interest and engagement that was created by WILDTRUST around sharks, together with other NGOs highlighting concerns to the Minister, sparked the convening of an expert panel by DEFF, who reviewed the National Plan of Action for Sharks Report (previously dated 2013).

WILDTRUST has engaged with the MSC in South Africa over the last circa 2 years in relation to various matters relating to sharks. We attach an exchange of emails with Michael Marriott of MSC South Africa from May 2019, in which Mr Marriott notes, with reference to our concerns around shark welfare, that *“It would also be good to get an overview of your work in this area and ensure that WILDTRUST is engaged in MSC consultation processes going forward.”*

As detailed in Mr Marriott's emails, MSC South Africa were aware of our specialism and interest in this area and would have, or ought to have, identified us as a stakeholder had they been asked by LR (not least so that the MSC could ensure that a critical component of the fisheries assessment process was not undermined). In that regard, whilst LR recognise the importance of utilising the MSC's resources and knowledge to find stakeholders (as above LR noted that *“the interest of others not appearing on this list was solicited through the postings on the MSC website”*), it is unclear why they did not contact the MSC in South Africa/ Mr Marriott to ask who a potential stakeholder in the field of sharks and rays in South Africa might be.

WILDTRUST are a leading Non-Governmental Organisation (NGO) in South Africa. However, WILDTRUST only heard about the assessment process and opportunity to comment on 18 November 2020. The call for attendance of meetings, comments on the initial draft and the objection process and timelines were not

communicated to a number of relevant stakeholders, including 3 other leading South African NGOs who also were unaware of the fishery assessment, but who have substantive interest in the matter.

WILDTRUST has specialist knowledge and expertise in relation to South African sharks and rays and the impact of the fishery upon them, a key component of the assessment. Whilst certain information about sharks and rays has been provided by WWF-SA (who as already noted are arguably conflicted due to their funding by SADSTIA), even if that were not the case, (i) the fact that LR has engaged with WWF-SA does not discharge their duties to contact us as a stakeholder and (b) in our view, our considerable expertise could add much to what WWF-SA has stated.

In summary, LR could and should have identified WILDTRUST as a stakeholder given its expertise in this area, so that it could provide *important information to assessment team members and CABs* and in so doing uphold the credibility of the process.

2 Background

- State here your interest in the fishery and it's certification.

Please see box 1 above. In addition, we would comment:

Sharks and rays are inarguably one of the most threatened marine taxa, and many of the species occurring in South Africa are listed by IUCN as redlist threatened species. The biggest threat to these species is fisheries (direct catch and bycatch) as well as destruction of essential habitats. This fishery has an impact on chondrichthyans, but also impacting habitat as well as unintended catches of chondrichthyans.

As already noted, this fishery is considered one of the biggest threats in South Africa to many species of sharks and rays (Sauer et al 2003), that are caught as bycatch and suffer high mortality (1500 tonnes a year). This includes the critically endangered soupfin shark as well as little known data-deficient species of skates that are caught in significant numbers.

Our main concerns and interest in the fishery and its certification are pursuant to the following issues, that need to be addressed before it is deemed appropriate to award the fishery certification. These issues have not been adequately dealt with or considered in the assessment.

2.3 Your objection

Table 2.3.1 – Objection category

Are you objecting on the basis that, in your opinion... (please select any that apply)	
There was a serious procedural or other irregularity in the fishery assessment process that was material to the fairness of the assessment (FCP v2.1 Annex PD2.8.2.a). Complete Section 2.4.	Yes
The setting of conditions by the certifier (CAB) in relation to one or more Performance Indicators cannot be justified because the conditions fundamentally cannot be fulfilled, or the condition-setting decision was arbitrary or unreasonable in the sense that no reasonable certifier (CAB) could have reached such a decision on the evidence available to it (FCP v2.1 Annex PD2.8.2.b). Complete Section 2.5.	Yes
The score given by the certifier (CAB) in relation to one or more of the Performance Indicators cannot be justified, and the effect of the score in relation to one or more of the particular Performance Indicators in question was material to the determination (FCP v2.1 Annex PD2.8.2.c). Complete Section 2.6.	Yes
Additional information not forming part of the record (FCP v2.1 Annex PD2.7.5.a) that is relevant to the circumstances at the date of determination has not been considered (FCP v2.1 Annex PD2.8.3). Complete Section 2.7.	Yes

2.4 Process

Objection in line with FCP v2.1 Annex PD 2.8.2.a.

Please ensure you have filled in your contact details (Section 2.1) and objections category (Section 2.3) before filling in this section.

Table 2.4.1 – Content

1	Procedural issues
	<ul style="list-style-type: none"> - State here the procedure(s) that you or your organisation believes were omitted or incorrectly followed by the certifier in the conduct of this assessment, in relation to the version of the FCP used.
	Failure to identify WILDTRUST as a potential or actual stakeholder, contrary to G4.2 and G7.12.3.1 of FCP v 2.1.
2	Other
	<ul style="list-style-type: none"> - State here any other irregularity in the fishery assessment process that you or your organisation believes was material to the fairness of the assessment.
	The substantial bycatch and mortality of chondrichthyans caused by this fishery has been overlooked in the assessment process. Two pertinent documents, the NPOA (2013) and the Shark Biodiversity Management Plan (BMP,2015), have been overlooked and/or ignored in terms of highlighted concerns with this fishery. Furthermore, the recommendations by Winkler et al (2019) have also been ignored.
3	Effect on the determination
	<ul style="list-style-type: none"> - Please state why you or your organisation believes that the failure of the CAB to follow procedures has significantly affected the result of the determination such that the determination should be altered.
	<p>Proper consideration of the bycatch of chondrichthyans and their mortality, would have resulted in conditions that mitigate these effects, as well as a requirement for the fishery operators (client) to fund research on the bycatch, and for conditions to be set to reduce bycatch.</p> <p>Furthermore, the recommendations from the NPOA (2013) and BMP (2015), requiring that species-specific reporting (not generic), intact sharks with heads on landings and strengthened independent Observers have not been properly considered.</p> <p>Without this information and consideration, the result of the determination is compromised, and conditions imposed to ensure an appropriate standard for MSC certification have not been specified.</p>

2.5 Conditions

Objection in line with FCP v2.1 Annex PD2.8.2.b.

Please ensure you have filled in your contact details (Section 2.1) and objections category (Section 2.3) before filling in this section.

Listing the conditions placed on the relevant Performance Indicator(s) and, using the template below, please clearly identify –

- a. The reason(s) why you or your organisation believes that the condition assigned to the Performance Indicator(s) and CAB review of the Client Action Plan within the Final Draft Report cannot be justified because it cannot fundamentally be fulfilled within the allocated time frame; or,
- b. The reason(s) why you or your organisation believes the condition setting decision was arbitrary or unreasonable in the sense that no reasonable certifier (CAB) could have reached such a decision on the evidence available.

Please repeat the table below as needed for each Performance Indicator and condition to be included in the objection.

Table 2.5.1 – Conditions	
1	Performance Indicator
	- Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding
	<p>PI 2.3.1 ETP Species outcome (8.5.2. Condition 2 (UoA1) & 3 (UoA2): ETP species outcome)</p> <p>PI 2.3.2 ETP Species Management Strategy (8.5.3. Condition 4 (UoA1) & 5 (UoA2): ETP species management)</p> <p>PI 2.3.3 ETP Species Information (8.5.4. Condition 6 (UoA1) & 7 (UoA2): ETP species Information)</p>
2	Condition
	- Enter the condition, as stated in the Final Draft Report.
	<p>8.5.2. Condition 2 (UoA1) & 3 (UoA2): ETP species outcome By the fourth surveillance audit, information shall be gathered such that the direct effects of the UoA are shown to be highly unlikely to hinder recovery of ETP species, by quantitatively estimating the nature and extent of interactions and/or captures, or by reducing the susceptibility of the ETP species currently assessed as “Medium” risk in the Risk Based Framework such that “Low” risk is attained.</p> <p>Note that for the following species, addressing susceptibility will not reduce the assessed risk to Low in the Risk Based Framework:</p> <ul style="list-style-type: none"> • Loggerhead turtle • Sixgill sawshark <p>8.5.3. Condition 4 (UoA1) & 5 (UoA2): ETP species management By the fourth surveillance audit, management strategies shall be developed and implemented to ensure the UoA does not hinder the recovery of these species.</p> <p>8.5.4. Condition 6 (UoA1) & 7 (UoA2): ETP species Information By the fourth surveillance audit:</p> <ul style="list-style-type: none"> • adequate information on ETP species shall be available such that trends can be measured and strategies supported, to manage impacts of the fishery on ETP species.

- Enter reason in line with (a) and (b) above.

Although it is acknowledged that the conditions, in most instances are appropriate, it cannot be ignored that the NPOA (2013) and the BMP (2015) have not been taken into account. In fact, the BMP (2015) has not even been mentioned in the Assessment which is a gross oversight to the impacts and implications on conservation and biodiversity to sharks and rays. It is deemed appropriate that the deliverables of the NPOA (2013) are overarching and applicable to all Conditions (2&3; 4&5; and 6&7) listed above.

The NPOA (2013) has **Six Issue Clusters**, namely 1) Data and reporting, 2) classification and assessment, 3) Sustainable management, 4) Optimum use, 5) Capacity and infrastructure, and 6) Enforcement of compliance and Regulatory tools. Within these, there are 22 Issues and 60 Actions. The relevant Issues and Actions for each are listed below:

NPOA 2013 Issue Cluster 1: Data and reporting

Issue: Data and reporting (Observer coverage):

Action #4:

Re-establish, re -assess and expand observer coverage

Action #5:

Define and set sampling requirements per fishery sector

Issue: Data and reporting (Discharge monitoring):

Action #7:

Discharge of fish is only monitored in selected fisheries. Catch reporting is not verified:
Review discharge monitoring coverage and quality of information.

Issue: Data and reporting (Reporting of directed catch and "joint product"):

Action #9:

Develop and implement a land-based monitoring program expanding coverage

Action #10:

Instigate monitoring of landings

Action #12:

Set target for observer coverage

Issue: Data and reporting (Estimation of discards):

Unable to quantify total shark mortality associated with by-catch

Action #16:

Identify short falls

Action #17:

Develop monitoring procedures and implement through observer program

NPOA 2013 Issue Cluster 2: classification and assessment

Issue: classification and assessment (Gaps in taxonomy)

Action #18:

Reclassification of all rays, skates and deepwater shark species using genetics and morphometrics

Issue: classification and assessment (Gaps in knowledge of life history)

Action #20:

Gap analysis

Action #21:

Prioritize species

Action #23:

Collect and work up biological material from national research surveys and observer program

Issue: classification and assessment (Lack of formal assessments):

Action #29: Prioritize species for assessment

NPOA 2013 Issue Cluster 3: Sustainable management

Issue: Sustainable management (Lack of coordination of shark fisheries management)

Action #38:

All fisheries that involve sharks take the NPOA into account during the development and implementation of species-specific management plans.

Issue: Sustainable management (Lack of Funding)

Action #39: Explore funding opportunities from International agencies.

NPOA 2013 Issue Cluster 4: Optimum use

Issue: Optimum use (Lack of knowledge or mechanisms to reduce fishery mortality)

Action #43:

Review existing mitigation measures

Action #44:

Develop best practice release protocols per fishery

Action #45:

Incorporate best practice release protocols into Permit conditions

Issue: Optimum use (Retained sharks are not fully utilized)

Action #47:

Engage technicians and Universities to develop possible shark products, meat as well as leather and Review Possible Pharmaceutical products.

Action #48:

Engage with relevant sections within DAFF regarding developing alternate livelihoods through full utilization of shark products ie. Leather, markets for unwanted low value species such as St. Joseph sharks.

NPOA 2013 Issue Cluster 5: Capacity and infrastructure

Issue: Capacity and infrastructure (Lack of Awareness):

Action #53:

Ensure compliance with permit conditions

Issue: Capacity and infrastructure (Compliance):

Lack of Enforcement; Finning:

Action #59:

Development of a monitoring and enforcement strategy

NPOA 2013 Issue Cluster 6: Enforcement of compliance and Regulatory tools

Issue: Enforcement of compliance and Regulatory tools (Inadequate regulatory reference to sharks):

Fisheries specific permit conditions pertaining to sharks are not informed by overarching regulatory frameworks:

Action #60:

Review and develop regulatory tools.

There are broadly four main concerns in the NPOA (2013), none of which are adequately regarded or incorporated into the Conditions.

1. Generic reporting of bycatch species – the problem is that unless the fishery do species-specific reporting it is very hard to really understand the impact on the threatened species. This is particularly problematic for the lesser known species such as skates, rays and dogfish that are lumped together,

	<p>with the endangered twin-spot skate being a case in point, as well as other endemic species. The MLRA Regulations require species-specific reporting of catches, including bycatch.</p> <ol style="list-style-type: none"> 2. There are concerns about inadequate observer monitoring. Industry should be piloting and improving this, i.e. installing cameras. 3. Landings are not adequately reported and monitored. The MLRA regulations require that animals are landed with heads and tails intact, so they can be measured. However, this is not happening, and only trunks are being landed. 4. Soupfin catches have been cited as being exploited by the fishery. To remedy this, in August 2019, it was strongly recommended that a Precautionary Upper Catch Limit of 20 tonnes, combined with a move-on rule be implemented immediately for recovery to sustainable limits (Winker et al 2019). <p>The section above highlights the NPOA (2013) deliverables which Industry should be striving for. MSC is encouraged to ensure that the NPOA and all of the Issues and Actions are adequately incorporated into any certification involving Chondrichthyans going forward.</p> <p>Therefore, the condition setting decisions were arbitrary or unreasonable because the condition fails without any justification being provided to encompass any of the identified Actions within the NPOA (2013), as listed above. Therefore, no reasonable CAB could have reached such a decision on the evidence available.</p>
4	Supporting justification
	- Please enter supporting justification for the reason(s) above.
	<p>Please see above. In addition, we would refer to:</p> <p>NPOA, 2013. South African National Plan of Action for the Conservation and Management of Sharks (NPOA, Sharks), Department of Agriculture, Forestry and Fisheries (DAFF): 67pp.</p> <p>BMP, 2015. National Environmental Management: Biodiversity Act (10/2004): Shark Biodiversity Management Plan, notice 597, Government gazette 38607, Department of Environmental Affairs, 56pp.</p> <p>Attwood, C.G, Petersen, S.L. and Kerwath, S.E. 2011. Bycatch in South Africa's inshore trawl fishery as determined from observer records. ICES Journal of Marine Science, 68(10): 2163-2174.</p> <p>da Silva, C., AJ Booth, SFJ Dudley, SE Kerwath, SJ Lamberth, RW Leslie, ME McCord, WHH Sauer & T Zweig. 2015. The current status and management of South Africa's chondrichthyan fisheries, African Journal of Marine Science, 37:2, 233-248, DOI: 10.2989/1814232X.2015.1044471</p> <p>McCord ME. 2005. Aspects of the ecology and management of the soupfin shark (<i>Galeorhinus galeus</i>) in South Africa. MSc thesis, Rhodes University, South Africa.</p> <p>Sauer WHH, Hecht T, Britz PJ, Mather D. 2003. An economic and sectoral study of the South African fishing industry. Vol.2. Fishery profiles. Report prepared for Marine and Coastal Management, Department of Environmental Affairs and Tourism [now Branch: Fisheries Management, Department of Agriculture, Forestry and Fisheries]. Rhodes University, Grahamstown.</p> <p>Winkler, H., Parker, D., da Silva, C. and Kerwath, S. 2019. First comprehensive assessment of soupfin shark <i>Galeorhinus galeus</i> in South Africa. FISHERIES/LSWG/#05/2019. 30pp.</p>

2.6 Scoring

Objection in line with FCP v2.1 Annex PD2.8.2.c.

Please ensure you have filled in your contact details (Section 2.1) and objections category (Section 2.3) before filling in this section.

Listing the conditions placed on the relevant Performance Indicator(s) and, using the template below, please clearly identify –

- a. The reason(s) you or your organisation believes that the score(s) presented within the Final Draft Report cannot be justified; and,
- b. Your rationale and/or evidence in support of a different conclusion, making reference to the particular Performance Indicator in question.

Please repeat the table below as needed for each Performance Indicator and condition to be included in the objection.

Table 2.6.1 – Scoring	
1	Performance Indicator
	- Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding
	<p>PI 2.1.1 Main Primary Stock B: Minor primary stock status</p> <p>PI 2.1.2 Primary species management strategy A: Management strategy in place B: Management strategy evaluation C: Management strategy implementation D: Shark Finning E: Review of alternative measures</p> <p>PI 2.1.3 Primary species information B: Information adequacy for assessment of impact on minor primary species</p> <p>PI 2.2.2 Secondary species Management strategy D: Shark Finning E: Review of alternative measures to minimise mortality of unwanted catches</p> <p>PI 2.2.3 Secondary species Information B: Information inadequacy for assessment of impacts on minor secondary species C: Information adequacy for management strategy</p> <p>PI 2.3.1 ETP Species outcome A: Effects of the UoA on population/stock within national or international limits, where applicable B: Direct Effects</p> <p>PI 2.3.2 ETP Species Management Strategy B: Management Strategy in place (alternative) C: Management Strategy evaluation D: Management strategy implementation E: Review of alternative measures to minimize mortality of ETP species</p> <p>PI 2.3.3 ETP Species Information A: Information adequacy for assessment of impacts B: Information adequacy of Management Strategy</p>

2	Reason
	<p>- Enter reason in line with (a) and (b) above.</p>
	<p>The Overall Performance Indicator Scores of the following are deemed too high based on the merits recorded in the rationale for each of the categories listed below:</p> <p>PI 2.1.1 Main Primary Stock OVERALL PI SCORE : 95</p> <p><i>B: Minor primary stock status</i> In 2005, McCord stated that the Soupfin shark was fully exploited, later Da Silva et al (2015) recorded that 101-400 tonnes per annum of Soupfin sharks were being caught in the inshore and offshore trawl fisheries, while Attwood et al (2011) reported a catch of 37.8 tonnes for the inshore trawl fishery. In 2019, it was strongly recommended that a Precautionary Upper Catch Limit of 20 tonnes, combined with a move-on rule be implemented immediately for recovery to sustainable limits (Winker et al 2019). This Assessment mentions this but has not fully considered this species given it is classified as a 'Primary Minor species' thus should be held in higher stance or regard in the scoring system.</p> <p>PI 2.1.2 Primary species management strategy OVERALL PI SCORE : 95</p> <p><i>A: Management strategy in place</i> The SG100 cannot be met if 'most' of the Primary Minor species appear to have management measures, surely, it's all or nothing? As stated in the Assessment the strategy is not in place for soupfin sharks (listed as an exploited species). In addition, recommended management measures (as per Winkler et al 2019) are not in place. This MSC Certification should not be considered until such time as adequate measures are in place by DEFF.</p> <p><i>B: Management strategy evaluation</i> As above.</p> <p><i>C: Management strategy implementation</i> The Assessment states that the observer coverage for this fishery is 6%. This is very low and requires improvement. Furthermore, the move-on rules are not monitored allowing for non-compliance. In addition, in the rationale, it is stated that management measures are new and insufficient time has been granted to assess if implementation has been successful. Why allow for Certification if there is no evidence of success / improvement?</p> <p><i>D: Shark Finning</i> Da Silva et al (2015) stated that between 2000 and 2010, 498 tonnes of fins were exported to 10 countries. There is evidence that large consignments of shark fin are being illegally traded and this should be of great concern to the fishery. The scoring does not reflect the risks and it does not acknowledge the illegal trade.</p> <p><i>E: Review of alternative measures:</i> It is stated in the Assessment that Measures have been considered and are in place to reduce unwanted catch. However, Da Silva et al (2015) states that the incentives for trawl fisheries to retain their chondrichthyan bycatch has increased due to increased export market value for some shark species. Although, a fair amount of bycatch is discarded at sea, the data is not being captured adequately giving little confidence in species identification and quantities of discarded catch.</p> <p>PI 2.1.3 Primary species information OVERALL PI SCORE : 85</p> <p><i>B: Information adequacy for assessment of impact on minor primary species</i> Table 16 in the Assessment clearly indicates that many chondrichthyans are being lumped together. This can have dire consequences to population estimates, red listing assessments and fisheries assessments. In addition, it also shows a disinterest by the fisheries in the scientific value of accurate data which feeds into fisheries assessments which dictate their quotas. It is essential that species are not lumped together so effective and accurate fishery assessments can be undertaken. Da Silva et al (2015) also suggests evidence</p>

of deliberate misidentification of some species which may not be caught commercially, such as the spotted gully sharks being misidentified as smoothhound sharks.

According to the Assessment, the observer coverage for this fishery is 6%. This is very low and requires improvement.

PI 2.2.2 Secondary species Management strategy

OVERALL PI SCORE : 85

D: Shark Finning

As stated above: Da Silva et al (2015) stated that between 2000 and 2010, 498 tonnes of fins were exported to 10 countries. There is evidence that large consignments of shark fin are being illegally traded and is of great concern. The scoring does not reflect the risks or the fisheries acknowledgement of the illegal trade.

E: Review of alternative measures to minimise mortality of unwanted catches

Da Silva et al (2015) highlights the concern that existing chondrichthyan assessments are complicated because they are multi-species, regarded as bycatch and are hindered by poor species identification. This is exacerbated by the fluctuations of CPUE not being a direct indication of abundance and may be linked to market-value fluctuations. These factors hinder the development of reliable and true stock assessments.

PI 2.2.3 Secondary species Information

OVERALL PI SCORE : 85

B: Information inadequacy for assessment of impacts on minor secondary species and C: Information adequacy for management strategy

Inadequate is understated in this case. There is very little information and when information is available on minor secondary species, many are lumped together giving false results. Table 16 in the Assessment clearly indicates that many chondrichthyans are being lumped together, thus potentially resulting in poor stock assessment results.

It is clearly stated that this is a problem in both B and C. However, it is unclear how a score of 85 can be warranted for this PI.

PI 2.3.1 ETP Species outcome

OVERALL PI SCORE : 75 (70 for chondrichthyans)

A: Effects of the UoA on population/stock within national or international limits, where applicable

The legal status and protection of chondrichthyans of South Africa is currently under review. It is evident that chondrichthyans are in dire need for further protection, but various assessments are required before recommendations can be released. To this end, it seems premature that a score on protection can be used in this Assessment when there are so few species of chondrichthyan who have had regional IUCN assessments undertaken. There are no less than 20 species of chondrichthyan caught in this fishery that have been assessed by the IUCN on a global scale but only a handful in the region. Additionally, the numbers of species with IUCN assessments are probably over-estimated given many species listed in table 16 in the Assessment are lumped together.

B: Direct Effects

Sauer et al (2003) argues that the demersal trawl fisheries are potentially the greatest threat to several species of deep-water demersal chondrichthyans in South Africa. This alone should be a 'red flag' under this PI.

PI 2.3.2 ETP Species Management Strategy

OVERALL PI SCORE : 75

B: Management Strategy in place (alternative)

As stated above, the legal status and protection of chondrichthyans in South Africa are currently under review (an NPOA deliverable). It is stated in the assessment that only two chondrichthyans are protected. This, however, does not take into account the 2020 subequatorial African regional assessment where three species have been listed as Endangered (*Haploblepharus edwardsii* & *Isurus oxyrinchus*) and Vulnerable (*Leucoraja wallacei*). Furthermore, the Endangered *Haploblepharus edwardsii* is endemic to South Africa,

while *Poroderma pantherinum*, also an endemic, is listed as Data Deficient, again illustrating that lumping of species on board the vessels is a major concern.

Furthermore, the spatial protection referred to in the Assessment is not necessarily for the benefit of chondrichthyans. Presumably, this 'spatial protection' is referring to the exclusion of the fishery inside newly proclaimed Marine Protected Areas?

Another NPOA deliverable is to undertake a Shark Conservation Plan to fully assess the entire EEZ with all available information and data, assessing for areas of importance specifically for chondrichthyans.

There is also mention in the rationale that operational practices maintain captures at a low level. How is this being undertaken when various conditions mentioned are not yet in place or are not being monitored, such as move-on rules, PUCL, slot limits etc.?

C: Management Strategy evaluation

As Above.

D: Management strategy implementation

Da Silva et al (2015) mentions that discharge monitoring at landing sites and observer coverage is limited with catch records being riddled with misidentified species. Furthermore, the lumping of species in catch records results in poor assessments.

E: Review of alternative measures to minimize mortality of ETP species.

Reviews cannot be regarded as comprehensive given that the data being used to undertake the review is poor, i.e., misidentified species, limited observers, illegal trade being unaccounted for, etc.

PI 2.3.3 ETP Species Information

OVERALL PI SCORE : 65

A: Information adequacy for assessment of impacts

As argued above: there is inadequate information to justify good assessments of impacts, i.e., observer coverage is limited, species are poorly identified, much of the bycatch is discarded at sea, etc.

B: Information adequacy of Management Strategy

The rationale states that the information to support management of impacts is lacking. In addition, it also states that there is only 1% observer coverage in the inshore trawl sector and 6% in the deep-sea sector. This is far too insufficient for a fishery which has played part in the over exploitation of a species, namely, their secondary minor species, the soupfin shark. It is also interesting to note that the figure of 6% was used throughout in the scoring and it is only in PI 2.3.3 that this extremely low figure of 1% is being brought to light. Surely MSC cannot justify this fishery having such a low observer presence?

In review of the evidence (NPOA 2013), BMP (2015), Winkler et al (2015), Attwood et al (2011) and Da Silva et al (2015), the scoring is unreasonable and arbitrary. This cannot be justified because, there are substantive issues which have not been adequately considered or justified in meeting acceptable standards, i.e.:

- 1. The Critically Endangered soup fin shark are caught in significant numbers (over 101-400 tonnes) – this should be reduced to a scientifically recommended upper catch limit of 20 tonnes for trawl fisheries (DEFF TAE recommendation 2019 – Winkler et al 2019) to prevent extinction within 20 years. This fishery needs to implement a suite of measures to reduce this bycatch, including associated move-on rules and slot limits.***
- 2. The way this fishery is managed currently is not in line with the recommendations of the NPOA (2013). Therefore, it would be inappropriate to award it MSC certification at this stage.***
- 3. There is very low reporting by species (they are lumped together). There are only a handful of species reported at species level despite there being approximately 70-90 shark and ray species being caught as bycatch. In addition, in some cases (e.g., skates) they are just been reported in taxa groups not as individual species.***
- 4. There are very limited bycatch restrictions for chondrichthyans for this fishery, as well as poor compliance. Permit conditions need to be applied to limit bycatch of Threatened and Protected species and dedicated enforcement effort, including inspections of landings is essential.***

	<p>5. The discard mortality is expected to be high due to the nature of this fishery and the species involved. The fishery needs to facilitate more research to assess catch mortality for threatened and protected species. Furthermore, they should devise improved catch processing and handling methods to reduce mortality.</p> <p>6. There is currently limited independent scientific observer coverage for bycatch. Firstly, all vessels should be required to have cameras to monitor this, with the processing of the imagery being funded by industry undertaken in collaboration with DEFF. Secondly, there needs to be an increase in scientific observation on all vessels in all areas of overage.</p>
3	Supporting rationale and or evidence
	<p>- Please enter here the supporting rationale for the reason(s) above.</p>
	<p>The following papers are referenced above. Papers 1-3 below have been cited and presumably considered, albeit inadequately in the Assessment, whereas paper 4-6 have not been cited or considered in the Assessment which is of great concern as they are the most up-to-date publications regarding this fishery.</p> <ol style="list-style-type: none"> 1. Attwood, C.G, Petersen, S.L. and Kerwath, S.E. 2011. Bycatch in South Africa's inshore trawl fishery as determined from observer records. ICES Journal of Marine Science, 68(10): 2163-2174. 2. da Silva, C., AJ Booth, SFJ Dudley, SE Kerwath, SJ Lamberth, RW Leslie, ME McCord, WHH Sauer & T Zweig. 2015. The current status and management of South Africa's chondrichthyan fisheries, African Journal of Marine Science, 37:2, 233-248, DOI: 10.2989/1814232X.2015.1044471. 3. NPOA, 2013. National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks), Department of Environment, Forestry and Fisheries (DEFF): 36. 4. McCord ME. 2005. Aspects of the ecology and management of the soupfin shark (<i>Galeorhinus galeus</i>) in South Africa. MSc thesis, Rhodes University, South Africa. 5. Sauer WHH, Hecht T, Britz PJ, Mather D. 2003. An economic and sectoral study of the South African fishing industry. Vol.2. Fishery profiles. Report prepared for Marine and Coastal Management, Department of Environmental Affairs and Tourism [now Branch: Fisheries Management, Department of Agriculture, Forestry and Fisheries]. Rhodes University, Grahamstown. 6. Winker, H., Parker, D., da Silva, C. and Kerwath, S. 2019. First comprehensive assessment of soupfin shark <i>Galeorhinus galeus</i> in South Africa. FISHERIES/LSWG/#05/2019. 30pp. <p>The documents not considered or cited in the Assessment are attached to this submission.</p>

2.7 Additional information

Objection in line with FCP v2.1 Annex PD2.8.3.

Please ensure you have filled in your contact details (Section 2.1) and objections category (Section 2.3) before filling in this section.

Using the template below, please list all additional information not forming part of the record (FCP v2.1 Annex PD2.7.5.a) that is relevant to the circumstances at the date of the determination that you feel has not been considered. Be sure to provide the reasons why you or your organisation believes that the information in question:

- a. Was known or should reasonably have been known to any party to the assessment process;
- b. Should reasonably have been made available to the CAB; or,
- c. If considered, could have been material to the determination or the fairness of the assessment.

Table 2.7.1 – Additional information

1	Information
	<p>- Please state here the additional information.</p>
	<p>In the Assessment, there is no acknowledgement of endemic species which are being caught as bycatch and often discarded at sea. This is a major flaw and concern within the Assessment given that there are three endemic chondrichthyans listed as bycatch.</p> <p>The Endangered Puffadder shyshark (<i>Haploblepharus edwardsii</i>), the Leopard catshark (<i>Poroderma pantherinum</i>) (mentioned once), and the Twineye skate (<i>Raja ocellifera</i>) are all endemic species to South Africa. These species were not discussed or considered throughout the entire Assessment. Many endemic species exhibit one or more attributes which make them especially prone to extinction such as i) narrow (and single) geographical range, ii) only one or a few populations, iii) small population size and little genetic variability, iv) over-exploitation by fishing, v) declining population sizes, vi) low reproductive potential, vii) the need for specialised ecological niches, and viii) growth that requires stable and nearly constant environments.</p> <p>When habitats of endemic species are damaged and/or fragmented by various human activities, the distribution ranges and population sizes of the species will be reduced, leaving them vulnerable to extinction at a much higher rate than other comparable species. The impacts of the trawl fishery are having a double impact on these species, i.e., habitat and being extracted from the system. It is good management to acknowledge and put into action, that species with the above attributes, must be given priority; and monitored and managed carefully.</p> <p>The Marine Living Resources Act regulations require that:</p> <ul style="list-style-type: none"> • Records for individual species caught are kept in logbooks that are made available to fisheries inspectors. This is not being done by the fishery. As argued above, species are being lumped, misidentified both on purpose and by lack of training / interest. • Animals must be landed in a form that their size (length) can be determined. This is not being done by the fishery. According to the DEFF officials, sharks are being landed as trunks (with heads off). This begs the question if finning is indeed taking place on these vessels. <p>The following publications, although mentioned as considered, have been misinterpreted or the results appear not fully understood in terms of the implications for threatened sharks and rays:</p> <ul style="list-style-type: none"> • Attwood, C.G, Petersen, S.L. and Kerwath, S.E. 2011. Bycatch in South Africa's inshore trawl fishery as determined from observer records. ICES Journal of Marine Science, 68(10): 2163-2174.

- da Silva, C., AJ Booth, SFJ Dudley, SE Kerwath, SJ Lamberth, RW Leslie, ME McCord, WHH Sauer & T Zweig. 2015. The current status and management of South Africa's chondrichthyan fisheries, African Journal of Marine Science, 37:2, 233-248, DOI: 10.2989/1814232X.2015.1044471.
- NPOA, 2013. South African National Plan of Action for the Conservation and Management of Sharks (NPOA, Sharks), Department of Agriculture, Forestry and Fisheries (DAFF): 67pp

The following are key important up to date documents that have not been considered at all:

- Sauer WHH, Hecht T, Britz PJ, Mather D. 2003. An economic and sectoral study of the South African fishing industry. Vol.2. Fishery profiles. Report prepared for Marine and Coastal Management, Department of Environmental Affairs and Tourism [now Branch: Fisheries Management, Department of Agriculture, Forestry and Fisheries]. Rhodes University, Grahamstown.
- McCord ME. 2005. Aspects of the ecology and management of the soupfin shark (*Galeorhinus galeus*) in South Africa. MSc thesis, Rhodes University, South Africa.
- NPOA, 2013. South African National Plan of Action for the Conservation and Management of Sharks (NPOA, Sharks), Department of Agriculture, Forestry and Fisheries (DAFF): 67pp
- Winker, H., Parker, D., da Silva, C. and Kerwath, S. 2019. First comprehensive assessment of soupfin shark *Galeorhinus galeus* in South Africa. FISHERIES/LSWG/#05/2019. 30pp.
- BMP, 2015. National Environmental Management: Biodiversity Act (10/2004): Shark Biodiversity Management Plan, notice 597, Government gazette 38607, Department of Environmental Affairs, 56pp.

Although the last day of the site visits was completed at the end of October 2019, it cannot be ignored that the NPOA (2013) has been revised by an expert panel (NPOA, 2020). It is our opinion this new information should be taken into account before certification can be granted.

The 2020 expert panel made many recommendations pertaining to this fishery, some after concerns were raised by industry and other stakeholders. This document (NPOA, 2020) should have been taken into account for the Assessment, based on, if any detail, then the statement of concern that species-specific reporting of sharks and rays is a major problem. Furthermore, members on the panel were also part of the MSC assessment process, therefore there should have been dove-tailing with this “new” information.

The panel made specific recommendations for immediate implementation:

“The Panel recommended a stronger focus on illegal, unregulated and unreported fishing and improved monitoring, surveillance and enforcement of compliance. The increased use of illegal gillnets along the coast are an emerging threat. Further, it was suggested that cancellation or suspension of fishing rights should be made public. Monitoring, reducing and optimising shark and ray bycatch in commercial fisheries, especially trawl fisheries, is a high priority. Increased effort is needed to better monitor and manage recreational fisheries, which are currently not monitored and inadequately regulated.”

The panel also responded to concerns by stakeholders, three of these being pertinent to the Assessment:

- **The decline of demersal sharks and management concerns regarding of the demersal shark longline fishery**

“The Panel was concerned about the decline of soupfin and smooth hound sharks, but noted progress made towards halting this decline with scientific recommendations implemented to reduce catches and progress on assessment methodology. Permit conditions have already been changed in the demersal shark longline fishery to accommodate the reduction in catches. However, changes to permit conditions have yet to be implemented in the commercial line fishery and trawl fisheries.”

- **Unsustainable shark fishing**

“In line with meeting catch limits for soupfin and smoothhound sharks as determined by the stock assessments, the introduction of the slot limit was recommended by the Scientific Working Group for the commercial line fishery. In addition, a precautionary Upper Catch Limit (PUCL) was recommended for soupfin sharks in the trawl fishery. All of these recommendations must be implemented for catch to

decrease to desired levels. It must be noted that the demersal shark is one of three fisheries responsible for catching the majority of soupfin and smoothhound sharks in South Africa. This sector accounts for 13% of the total catch of soupfin shark and 70% of the total catch of smoothhound sharks in South Africa. The decline in soupfin shark stock precedes the development of the demersal shark long fishery by seven decades.” Therefore, the recommendations have been made but are yet to be implemented in the trawl fishery.

- **Quality of catch data and failure of species-specific reporting.**

“The NPOA specifically mentions accurate species-specific reporting as a necessity and prerequisite to effective assessment and management. While there has been progress in a number of fisheries, the Panel noted the lack of species-specific reporting in the trawl fishery as a concern. The quality of catch data needs significant improvement. Soupfin shark is reported as a separate species, apart from a category where shark species are lumped together. As shark species were not consistently reported individually, DEFF used the average proportion of soupfin shark in the catch of the demersal survey over the period 2005 to 2016 to estimate of the proportion of soupfin shark in the unspecified shark catch. While this estimate might be inaccurate it is unbiased and unlikely to produce a consistent over- or underestimate. The Panel is unable to evaluate the veracity of the crude analysis of S.E.C.I.F.A, as no method or data were presented, but applying the proportion (0.63) estimate to the figures that were supplied in the letter (0.5%-2% of 12000 t) would indicate a soupfin catch between 38 t and 151 t, which closely matches the range used in the stock assessment.”

CITATION for REVISED NPOA - NPOA, 2020. National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks), Department of Environment, Forestry and Fisheries (DEFF): 36.

2 Reason why information was known or should reasonably have been known.

- Enter here the reasons why information was known or should reasonably have been known and should have been made available.

The information and these publications are readily available:

1. **Attwood, C.G, Petersen, S.L. and Kerwath, S.E. 2011.** Bycatch in South Africa’s inshore trawl fishery as determined from observer records. ICES Journal of Marine Science, 68(10): 2163-2174.
2. **da Silva, C., AJ Booth, SFJ Dudley, SE Kerwath, SJ Lamberth, RW Leslie, ME McCord, WHH Sauer & T Zweig. 2015.** The current status and management of South Africa's chondrichthyan fisheries, African Journal of Marine Science, 37:2, 233-248, DOI: 10.2989/1814232X.2015.1044471
3. **McCord ME. 2005.** Aspects of the ecology and management of the soupfin shark (*Galeorhinus galeus*) in South Africa. MSc thesis, Rhodes University, South Africa.
4. **Sauer WHH, Hecht T, Britz PJ, Mather D. 2003.** An economic and sectoral study of the South African fishing industry. Vol.2. Fishery profiles. Report prepared for Marine and Coastal Management, Department of Environmental Affairs and Tourism [now Branch: Fisheries Management, Department of Agriculture, Forestry and Fisheries]. Rhodes University, Grahamstown.
5. **Winker, H., Parker, D., da Silva, C. and Kerwath, S. 2019.** First comprehensive assessment of soupfin shark *Galeorhinus galeus* in South Africa. FISHERIES/LSWG/#05/2019. 30pp.
6. **BMP, 2015.** National Environmental Management: Biodiversity Act (10/2004): Shark Biodiversity Management Plan, notice 597, Government gazette 38607, Department of Environmental Affairs, 56pp.
7. **NPOA, 2013.** South African National Plan of Action for the Conservation and Management of Sharks (NPOA, Sharks), Department of Agriculture, Forestry and Fisheries (DAFF): 67pp.

3	Reason why information could have been material to the determination or the fairness of the assessment.
	<ul style="list-style-type: none"> - State here the reasons why information could have been material to the determination or the fairness of assessment.
	<ul style="list-style-type: none"> • This fishery presents a substantial threat to several species (including endangered and threatened species) of deep-water demersal chondrichthyans in South Africa, particularly through bycatch. • There needs to be proper consideration of the bycatch risk, and positing conditions to mitigate it or to conduct the research to quantify the risk on a species-by-species basis would be appropriate. • Observers need to be in place – as discarded bycatch cannot be assessed, and there is potential for finning. • Landings require monitoring and needs to be strengthened, especially with regards to the ‘fins attached’ policies where heads and tails are attached. • Thus, due diligence and consideration of this information would have affected the determination of the assessment.

3 Appendix 1 – Costs of the adjudication process (the Fee)

Objectors should note MSC Fisheries Certification Process v2.1 Annex PD2.10 in relation to the costs of the adjudication process.

Fee amount and payment details

The cost of the adjudication process is £5,000 or such lesser amount fixed by the independent adjudicator under FCP v2.1 Annex PD2.10.4 and PD2.10.5.

The cost of the adjudication process shall be calculated and paid in Great British Pounds.

The MSC will email remittance details for the costs of the adjudication process within five days of the date on which the independent adjudicator notifies the parties that the adjudication phase will commence.

Please ensure the bank charges imposed by your own bank are not deducted from the Fee.

All sums, prices, costs, expenses and revenues referred to under the cost of the adjudication process are inclusive of VAT and any other taxes.

As per FCP v2.1 Annex PD2.10.3, an objection will not proceed to adjudication unless, within 15 days of the date on which the independent adjudicator notifies the parties that the adjudication phase will commence, the objector(s) has either:

- Paid the costs of the adjudication process to the MSC, or
- Obtained a waiver from the independent adjudicator in accordance with FCP v2.1 Annex PD2.10.4 and PD2.10.5.

4 Appendix 2 - MSC Objection Fee Cost Waiver Form

4.1 Introduction

This form should be completed in accordance with the MSC Objections Procedure (FCP v2.1 Annex PD).

This form may be completed and emailed to the MSC at objections@msc.org, where it will be forwarded to the Independent Adjudicator.

All information included here in will be kept strictly confidential between the MSC and the appointed Independent Adjudicator.

Objectors should note the following excerpts from the MSC Fisheries Certification Process (FCP) v2.1 on submission of a cost waiver request:

- PD2.10.4 Objectors may apply to the independent adjudicator for the Fee to be waived (in whole or in part) using the application form in the 'MSC Notice of Objection Template'.
- PD2.10.4.1 The objector shall submit the Fee waiver application to the independent adjudicator within 15 days after the date of publication.
- PD2.10.4.2 Such an application shall provide the justification as to why a waiver is sought and shall be accompanied by appropriate evidence to demonstrate exceptional circumstances, including, where available, the objector's most recent audited financial report.
- PD2.10.5 The independent adjudicator shall decide within 5 days of receiving any waiver application whether to refuse the application or to waive the whole or part of the costs that would otherwise be attributed to the objector.
- PD2.10.5.1 A waiver shall only be granted if the independent adjudicator is satisfied that there are exceptional circumstances justifying such a waiver. The onus is on the objector to demonstrate that there are such exceptional circumstances. In determining whether there are exceptional circumstances, the independent adjudicator shall consider:
- Any evidence relating to the financial ability of the objector to meet the costs of the adjudication process.
 - The impact on the objector's other activities of paying the costs of the adjudication process.
 - The ability of the objector to raise funds from external sources, including support from other participants in the assessment process, for the purposes of meeting the costs of the adjudication process.
- PD2.10.5.2 If the independent adjudicator fails to decide on the waiver application within the time frame specified in PD2.10.5, and such failure is attributable solely to the independent adjudicator, the independent adjudicator shall extend the time frame and inform relevant parties of the extension.

Please note that in case of discrepancies between the text above and the Fisheries Certification Process v2.1 on the MSC website, individuals should refer to the Fisheries Certification Process v2.1 on the website.

Please complete all unshaded fields. All notes and guidance indicated in *italics*, please delete and replace with your specific information. All grey boxes containing instructions may be deleted, e.g. the 'Introduction' section.

4.2 MSC Objection Fee Cost Waiver Form

4.2.1 Identification detail

Table 4.2.1.1 – Identification details

1	Fishery assessment to which this objection applies
	South Africa Hake Trawl Fishery
Contact details for objecting party	
2	Organisation(s)

	Wildlands Conservation Trust
3	Contact person
	Dr Jean Harris
4	Address
	1 Hilton Avenue Quarry Office Park
5	Phone number
	+ 27 61 421 9638
6	Email address
	jeanh@wildtrust.co.za

The following cost waiver is requested on behalf of the above-named organisation(s).

I am authorised to make this submission on the above-named organisations' behalf.

Name: Roelof Kloppers

Position: CEO

Signed:



Dated: 19/11/2020 (Amended on 11 December 2020)

4.2.2 Evidence of exceptional circumstances

Table 4.2.2.1 – Evidence of exceptional circumstances

1	Any evidence relating to the financial ability of the objector to meet the costs of the adjudication process (FCP v2.1 Annex PD2.10.5.1.a). (FCR v2.0 Annex PD2.9.6.1)
	WILDTRUST is a public benefit NPO
2	The impact on the objector's other activities of paying the costs of the adjudication process (FCP v2.1 Annex PD2.10.5.1.b). (FCR v2.0 Annex PD2.6.9.2)
	WILDTRUST is a public benefit NPO
3	The ability of the objector to raise funds from external sources, including support from other participants in the assessment process, for the purposes of meeting the costs of the adjudication process (FCP v2.1 Annex PD2.10.5.1.c). (FCR v2.0 Annex PD2.9.6.3)
	WILDTRUST is a public benefit NPO

4.2.3 Appendices

Please include your organisations most recent audited financial report, and any other relevant supporting documentation.

5 Template information and copyright

This document was drafted using the 'MSC Notice of Objection Template v3.0'.

The Marine Stewardship Council's 'MSC Notice of Objection Template v3.0' and its content is copyright of "Marine Stewardship Council" - © "Marine Stewardship Council" 2018. All rights reserved.

Template version control		
Version	Date of publication	Description of amendment
1.0	March 2009	Issued with TAB Directive-023 Revised Fisheries Certification Methodology Objections Procedure
1.1	February 2010	Updated in line with release of TAB Directive-023 Objections Procedure v2
1.2	26 October 2012	Updated in line with release Certification Requirements v1.2
2.0	08 October 2014	Updated in line with release of Fisheries Certification Requirements v2.0
3.0	17 December 2018	Release alongside Fisheries Certification Process v2.1

A controlled document list of MSC program documents is available on the MSC website (msc.org)

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