



Macarena García Silva
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Sent by email

Date: 8/21/2020

Subject: Request for variation to the MSC Certification Requirement v2.1 FCP - 7.18.1.5 for Chile squat lobsters and nylon shrimp modified Trawl

Dear Macarena García Silva,

I write with reference to your submission on 17/08/2020 of a request for variation to the MSC Certification Requirement (CR) to allow:

To apply exceptional circumstances for the condition against PI 1.2.3 , which was opened at the initial assessment because more time will be required than that remaining in the current period of certification to achieve the performance level of 80.

As you are aware, the CR procedures relating to v2.1 FCP - 7.18.1.5 state:

If, at the time of drafting a condition, the CAB determines that 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 may draft conditions to result in improved performance to at least the 80 level within a longer, specified period set by the CAB.

- a. The CAB shall interpret exceptional circumstances in 7.18.1.5 to refer to situations in which, even with perfect implementation, achieving the 80 level of performance may take longer than the certification period.
- b. In exceptional circumstances, the CAB shall specify conditions that spell out:
 - i. The significant and measurable improvements (in terms of milestones or outcomes) that must be achieved and the score that must be reached at interim milestones and at reassessment.
 - ii. What constitutes a successful overall outcome to achieve the 80 performance level over a longer, specified period.
- c. The CAB shall include rationale for exceptional circumstances in the summary of conditions in the Client and Peer Review Draft Report and all subsequent reports

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:

- The condition milestones for PI 1.2.3 are being rewritten and the condition deadline is being extended to ensure the requirements of PI 1.2.3 at the SG80 will be achieved.
- The condition on PI 1.2.3 is closely linked to the condition on PI 1.2.4 which was set during the 2nd surveillance audit and has a deadline of the 1st surveillance audit of the next certificate which is approx. March 2023.
- The milestones for the conditions on PI 1.2.3 and PI 1.2.4 will now be coordinated and aligned.
- The revised milestones will allow for planning and conducting a review as well as conducting the required research to achieve the objective.
- Please note that the MSC's acceptance of this variation request is specific to the action of revising the milestones, extending the condition deadline and carrying the condition over at reassessment. It is not an approval of the content of the revised milestones.



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

- The CAB clearly documents the changes to the milestones and the condition deadline in the surveillance report and provides a clear justification as per FCP v2.1 7.28.16.3.

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: Assurance Services International