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Sent by email

Date: 27/03/2020

Subject: Request for variation to the MSC Certification Requirement v2.0 FCR-7.13.1.1 for Namibia hake trawl and longline fishery

Dear Hugh Jones,

I write with reference to your submission on 19/03/2020 of a request for variation to the MSC Certification Requirement (CR) to allow:

The CAB is requesting a change of MSC process from FCR2.0 to FCP2.1 from the point of FCR7.13 onwards, excluding FCR 7.13.1.2.

As you are aware, the CR procedures relating to v2.0 FCR-7.13.1.1 state:

Once conditions (7.11) and the point at which fish may enter further chains of custody (7.12) have been determined, the CAB shall: Issue a preliminary draft report to the client

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:

- Currently both fisheries have the same status: both SA and Namibia have finalised their CDR/PR drafts as of 24/03. However the difference in process requirements (FCP vs FCR) means that SA has an additional 30 days to finalise their client action plans. This process divergence with respect to action planning development risks further consequences: coordination of planning meetings, timing for agreement and pressure to complete the actions plans between the fisheries is not synchronised. Additionally there is a risk that this divergence may lead to unintentional or deliberate attempts to derail / impose additional requirements by either party on the opposing fishery. Moving Namibian Hake assessment to FCP2.1 removes any timeline risk associated with action planning development and provides a defined point (60 days) to which both parties must work to in order to have their CAPs accepted.
- This proposal would also allow further coordination between the CABs with respect to whether 7.11.3 – other entities are suitably involved and have been verified (FCP 7.19.8).
- The divergent processes with respect to peer review specifically may lead to further complications. For example, for Namibia Hake (FCR) the CAP will be subject to Peer Review whilst the SA Hake CAP wont be (FCP). This may lead to situations where Namibian assessment could have changes to conditions requiring amendments to CAPs leading to further misalignment with SA Hake CAPs. Moving NAM to FCP2.1 mitigates these risks: alignment of peer reviews on both fisheries under FCP mean feedback and any further harmonisation requirements / new conditions can be dealt with at the same time.
- The divergent processes could lead to PCDRs being published at significantly different times. This may perpetuate further alignment issues – for example if stakeholder comments on the second fishery to reach PCDR requires rescoring / consideration of CAPs etc there is risk to timelines and application of harmonisation requirements. This may lead to further timeline extensions requests from CABs if future harmonisation of CAPs and scores are required from PRDR forward. Moving NAM to FCP2.1 mitigates these



risks.

- Moving Namibian Hake to FCP would also improve stakeholder consultation - reporting timelines on PCDR and DFR if aligned would mean more effective dialogue between stakeholders and CABs given that consultation would happen in unison. on the fisheries can be conducted in unison , rather than at potentially distant time frames. This is important given the significant overlap between stakeholders in the fisheries (WWF, birdlife, SADSTIA, MARAM, NHA, MFMR).
- Not adopting the FCP PCDR template would represent cost savings and process efficiencies and CUP have considered that there would not be any material impact to the content or evaluation. If directed, CUP would include “written stakeholder comments” which seems to be the only substantial content addition.

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

- Stakeholders are made aware of the change in process and any relevant timelines for engagement are announced.

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