

## **Objection to the certification of Northeastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna fishery -**

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### **Further Directions**

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1. I have been asked by the fishery for clarity as to the materials which are to be submitted for the purposes of the hearing and the relevant deadlines. A request has been made also that any documents provided for the hearing are sent to me via the MSC and that these are sent on to all parties after deadlines are reached. Finally, I have been asked to change the running order and add in a further right of reply for the fishery and the CAB.
2. I set out here the remaining provisions of the directions already served, updated and clarified and these supersede previous directions.

### **Agreed Bundle**

3. The first draft of the index to the bundle has been prepared by the CAB and served on the objectors and client fishery.
4. By **5pm GMT 10 May 2017** the objectors and fishery are to notify the certification body whether there are any documents, in accordance with CD 2.6.5, in their possession and within the scope of this objection, that they wish, respectively, added to the bundle and to supply a copy of any such documents to the CAB if so requested.
5. A consolidated version of the index and bundle is to be prepared by the CAB and forwarded to the objectors and the fishery by **5pm GMT 12 May 2017**. A final version of the bundle is to be lodged with the Independent Adjudicator by the same date. The bundle should be sent electronically, with each document in the order that it is provided in the index and with an electronic name and number that corresponds to the name and number in the index.
6. All evidence for the hearing is to be provided by this date.

### **Final submissions**

7. In accordance with CD 2.6.4, parties may submit additional or supplementary written representations on the matters raised in the Notice of Objection or in the written representations submitted by other parties. Any such representations are to be lodged via the MSC with me, by **5pm GMT 17 May 2017**. Any PowerPoints or presentation documents for the hearing are to be lodged at the same time. The MSC will then send on copies to all the parties as soon as possible after this deadline.
8. Please note that the documents which may be provided under paragraph 7 are representations only (with references to evidence included in the finalised index in accordance with paragraphs 5 & 6).

9. There will be a brief right of reply to any new points raised in any representations provided under paragraph 4, to be received by the MSC by **5pm GMT 19 May 2017**. Again copies of these will be sent on by the MSC as soon as possible to all parties after this deadline.
10. No new evidence may be submitted after the deadline in paragraph 6 and no new presentation documents are to be presented on the day of the hearing, without my permission and after my seeking views from the other parties as to whether they agree to this late admittance.

### **Location, timing and running order**

11. The hearing will start at **9.30am GMT 22 May 2017**. The hearing will take place at my offices, Bates Wells Braithwaite LLP. A map is attached to this document.
12. I will aim to conclude the hearing by 5.00pm GMT. If there are procedural matters/applications that take up time in the morning, the hearing will continue into 23 May 2017 but with time allocations and running order as set out below.
13. I intend to adopt the following indicative order and timing for the proceedings:
  - 9.30-10.00: IA opening, introductions and preliminary matters
  - 10.00-11.30: objector
  - 11.30-11.45: break
  - 11.45-1.15: client fishery
  - 1.15-2.15: lunch
  - 2.15-3.45: conformity assessment body
  - 3.45- 4.00: break
  - 4.00-4.45: objector in reply (limited to responding to points not covered in earlier presentation and arising from CAB/fishery presentations)
  - 4.45-5.00: IA closing
13. I have been asked to provide a right of reply to the client fishery and the CAB, further to any points made by the objector in reply. As these bodies will have had a chance to hear the objectors' submissions in the morning, it is to be expected that relevant points will have been picked up in their subsequent presentations. If it is necessary in order for there to be a fair hearing, to grant a limited right of reply to points made by the objector in reply, this can be accommodated on the day. In the interests of concluding the hearing within a reasonable time, any such reply will only be if strictly necessary and for no more than 15 minutes for each of the fishery and the CAB.

### **Hearing management**

14. I will run the hearing in a formal fashion to assist in fairness to all parties and to ensure we get through the hearing in a timely way. I may however put questions during or at the conclusion of each presentation. As this is a formal hearing, I would request that no party interjects in another's presentation, unless they are given the floor by me and I will act as Chair of the proceedings throughout.

### **Hearing facilities**

15. I understand that all parties are appearing in person and there is no one attending by skype.

### **Post hearing**

16. It is likely that I will reserve announcing my decision to a date after the hearing. I will provide a written decision to all parties as soon as possible, which in the normal course of events will then appear within 1-2 working days after that on the MSC website.

**Melanie Carter**

**Independent Adjudicator**

**9 May 2017**