

# Marine Stewardship Council - Variation Request

Date submitted to MSC	21/01/2019
Name of CAB	Bureau Veritas Certification Holding SAS
Fishery Name	Chilean mussel fishery and suspended culture Toralla S.A and Cultivos Toralla S.A – re-assessment started in 2018-
Programme Manager	Macarena García
Scheme requirement for which variation requested	Fisheries Certification Requirement 7.13.2.3: <i>“A period of up to 30 days shall be made available after receipt of the draft report for the client to consider the report and respond to it”.</i>  General Certification Requirement 7.5.6: <i>“The CAB shall issue fisheries certificates with a maximum validity period of 5 years from the issue date”.</i>
Is this variation sought in order to fulfil IPI requirements (FCR 7.4.14)?	No

## 1. Proposed variation

Currently the expiry date for this fishery is the 10<sup>th</sup> of February 2019. The CAB is requesting a variation on GCR7.5.6 to extend the validity of the certificate up to the 20<sup>th</sup> of July 2019 (5 months and 10 days counting from the anniversary date).

## 2. Rationale/Justification

The rationale provided accounts for what the CAB considers a compelling reason to modify the re-assessment timeline and therefore to request for an extension in the first certificate period.

- The initial assessment of the fishery was carried out by another CAB (IMO). The fishery was certified on the 10<sup>th</sup> of February 2014. IMO stopped the MSC Fishery accreditation with ASI and the fishery client Toralla had to find another certifier for the fishery certificate transfer to continue with certification and prepare for the first surveillance assessment.

It is worth saying that from the first moment the client did not wanted to establish the certification date, and therefore the subsequent surveillances timing of the fishery, in February because is Christmas season and starts the holiday season in Chile.

Indeed the first action carried by Bureau Veritas after the client signed the contract, was to prepare a Variation Request to postpone the first surveillance audit 6 months. The Variation Request was approved by MSC on the 12<sup>th</sup> of January 2015. Since then, all surveillance audits were systematically performed between August and September (between 6 and 7 months later than the anniversary date). The CAB tried to catch up with the anniversary date by the forth surveillance audit. With the effort of both the CAB and the client, the fourth and last surveillance audit was held in April 2018.

- At the time of performing the 4<sup>th</sup> surveillance audit three out of the six initial conditions issued to the fishery remained open. These three conditions referred to the Fishery Specific Management System components of the P3 (PIs 3.2.1, 3.2.2 and 3.2.4). The CAB decided to be precautious before facing the re-assessment process and split the remote 4<sup>th</sup> surveillance and the site visit for the re-assessment, in particular taking into account that re-assessment would be performed against a different version (CR 2.0). This procedure succeeded in ensuring that the client had indeed made the effort to close all the conditions.
- The Re-assessment was announced on the 17<sup>th</sup> of July 2018 and the site visit was scheduled on August 2018. It is worth noting that the fishery has been assessed against the MSC Fisheries Certification Requirements v2.0 including Annex SB and Annex PF which is significant change



compared to the MSC Certification Requirement Version 1.2 used at the time of the initial certification.

- The Preliminary Draft Report was sent to the client 2 month later than expected due to the complexity inherent of the application of the FCR and Annex SB for this enhanced fishery which includes translocation.
- As set out in the MSC FCR 7.13.2 the CAB provided the client the opportunity to question the team and re-examined the Preliminary Draft Report. The client strongly disagrees with the results of the report and considers that insufficient information was assessed by the team. Although the team replies that the information used to justify their scores was the only one available during all the re-assessment process, the client has emphasised that a new contact with the main governance Agencies (SERNAPESCA and SUBPESCA) is highly necessary.
- The client has informed the CAB that the requested information is un-published key information that may have a significant impact on the preliminary results of the re-assessment. They have confirmed several meeting with SUBPESCA and SERNAPESCA in the month of January 2019 and the reception of scientific reports from IFOP. The CAB has informed to the client on the FCR 4.4. *Access of Information*.
- The fishery had no condition against P1 and none of the stakeholders interviewed during the site visits raised the flag about significant changes in natural populations had occurred since the initial evaluation. Therefore, it was not considered necessary to re-score P1 during any surveillance audits (which was initially assessed using RBF). Despite BV was not in charge of the initial assessment it was assumed that the most updated and relevant information was assessed at the time of the initial assessment. The efforts of the assessors during the surveillance audits were focused mainly on the progress on the conditions and also on assessing significant modifications in the stakeholders involved (modifications in the bodies in charge of the environmental monitoring scheme -INFAs-, the role performed by CORFO and the Strategic Programme for the mussle industry), the monitoring and research initiatives in place (the different larval monitoring schemes in place, the bio-energetic model developed by the UACH, IFOP carrying capacity models) and the regulatory framework (mytilids bill of law, modifications to the INFAs, clean production agreement for the mussel industry). Although some of the publications which have shown critical for the decision making during the re-assessment were already published before the re-assessment started, they were not available for the assessors during previous surveillance audits. It was only when re-assessing the fishery that these papers relevant to P1 were found and assessed. This search was triggered by the concerns on the status on the wild stock raised by several stakeholders during the RBF workshop held during the site visit of the reassessment (nevertheless, the stakeholders did not show this concern in the RBF done during the initial assessment). This is the reason why re-assessments are made, to make sure that in-depth assessments are performed every 5 years. Regarding whether the fishery is still certifiable in light of the new information evaluated, that is precisely what it is trying to elucidate with the re-assessment process.
- The client is requesting 90 days to present the information explained above counting from the 18<sup>th</sup> of December 2018. February is Christmas season and starts the holiday season in Chile and therefore the Administration is not available. Therefore, the team will not be able to assess the information until the 19<sup>th</sup> of March 2019 when the certificate will be already expired. Furthermore, the CAB will have to provide the updated Preliminary Draft Report to the client. This second version will not be subjected to the FCR 7.13.2.
- Depending on the final result of the re-assessment the client will decide whether to send the report to the Peer Reviewers and continue with the process or to withdraw the fishery.

See below the modified timeline proposed by the CAB as a result from this variation request.

MSC PROCESS	2018						2019					
	J	J	J	J	J	D	J	F	M	A	M	J
Re-assessment announcement												
Site visit and information collection												
Peer Review Nominations												
Preliminary Draft Report (PDR)												
New version of the PDR following the request of the client.												
Peer Review of Draft Report (PRDR)												
Public Comment Draft Report (PCDR)– review by stakeholders												
Final Report (FR)												
Compilation of objections and objection procedure (as necessary)												
Certification awarded (as appropriate) and Public Certification Report (PCR) published on MSC website.												

Considering the time needed to complete the full re-assessment process (PRDR, PCDR, FR and PCR), **the CAB is requesting to extend the validity of the certificate up to the 20<sup>th</sup> of June 2019.**

Further, as a result of the proposed variation the future anniversary date would be more aligned with the needs expressed by the client in relation to the timing of the anniversary date facilitating future surveillance assessments.

### 3. Implications for assessment (required for fisheries assessment variations only)

An extension of the certificate until the 10 of June 2019 would affect the scheduled timeline for the re-assessment process in place (see above). If approved, a modified timeline aligned with the new date of expiry will be prepared by the CAB and notified to all stakeholders.

#### 4. Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)

If approved the certificate with the new expiry date will be updated in Ecert. Also, as part of the re-assessment process in place, the CAB will notify the modified timeline to all identified stakeholders

### 5. Further Comments

### 6. Confidential Information

