



Bureau Veritas Certification Holding SAS
LFPO Pelagic Trawl Sprat (*Sprattus sprattus*)
FISHERY
MSC Variation Request

1 Introduction

2 Marine Stewardship Council variation request

Table 1 – Variation request

1	Date submitted to the MSC
	13 th April, 2022
2	CAB
	Bureau Veritas Certification Holding SAS
3	Fishery name and certificate number
	LFPO Pelagic Trawl Sprat (<i>Sprattus sprattus</i>) Fishery MSC-F-31308
4	Lead auditor or program manager
	Lead auditor - Gemma Quílez
5	Request prepared by
	Gemma Quílez
6	Scheme requirement(s) for which variation requested
	MSC Fisheries Certification Process v2.2 at 7.28.16.4: If a condition is not closed by its deadline, the CAB shall: <ul style="list-style-type: none"> a. Consider progress as inadequate. b. Apply the requirements of GCR Section 7.4 (suspension or withdrawal). c. Inform the fishery client that they cannot enter the same Unit(s) of Certification, or any entity in the Unit of Certification(s), into full assessment under either the same or an alternative name unless the cause for suspension has been addressed.
7	How many times has a variation for this requirement been accepted for the same assessment of the same fishery?
	None

Table 2 – Variation justification

1	Proposed variation
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	<p>BV seeks a variation from requirement FCP 7.28.16.4 (for which the condition is not closed by its deadline), which would allow condition against PI 1.1.1A to be closed in the next certification cycle.</p> <p>In addition, all of the CABs for MSC-certified Baltic sprat fisheries (Bureau Veritas, Global Trust and LRQA) intend to harmonise timescale to the latest rather than the earliest deadline, in order to ensure that all client fisheries have at least 12 months to address these issues. This is considered to provide the most equitable outcome for all of the overlapping fisheries.</p>	
2	Additional time requested	
	Original deadline date	October 2022
	Modified deadline date requested	August 2023
	Length of additional time requested	10 months
3	Justification	
	<p>The CABs for the overlapping Baltic sprat fisheries (Bureau Veritas, Global Trust and LRQA) note that the timing of surveillance audits for these fisheries is not synchronised (see table in item 5 below). The result is that the 12-month deadline applying to this new condition of certification will occur in October 2022 for three of the five overlapping fisheries, and in April 2023 for the other two fisheries.</p> <p>There are no normative requirements in FCP v2.2 to harmonise condition timescales, but there is Critical Guidance (unnumbered paragraph on “Harmonisation of condition timelines” on page 51 of MSC Guidance to FCP v2.2) which seeks that they are harmonised, and that the <u>earliest</u> closing date in 1 or more of the fisheries should apply to all overlapping fisheries.</p> <p>The CABs consider that in order to avoid a chaotic situation it is important that timelines for resolution of these issues are synchronised. Because the condition in this instance has a mandatory 12-month duration (rather than several years in the case of most conditions), the effect of shortening the timescale for completion is far greater than would normally be the case. The CABs therefore consider that the circumstances in this case would support deviation from the course of action outlined in the Critical Guidance.</p> <p>The most equitable solution to achieve this is considered to be harmonising the deadline so the <u>latest</u>, rather than the <u>earliest</u> date applies to all of the fisheries. The reason for this is that to do otherwise would result in 3 fisheries having 12 months to address the relevant issues, but the other 2 fisheries having just 6 months to address the same issues.</p> <p>Moreover, due to the fact that, in order to close this condition, all five fisheries will need the outcome from an ICES benchmark of Baltic sprat and Central Baltic Herring, which is unlikely to be available before June/July 2023, an extra 3-months will be required, i.e., until July 2023, instead of April 2023. In addition, seeing how the war in Ukraine is already affecting ICES normal procedure, having to change meetings already scheduled, and in order to be realistic on the time when ICES outcomes will be available, the CAB believes that an extra month, i.e., until August 2023, will be necessary.</p> <p>Even though these new deadlines will be justifiably amended in four of the harmonized fisheries (i.e., all but the LFPO sprat fishery in Table in item 5 below) in their next surveillance audits without the need of a VR, in the case of the current LFPO Baltic sprat fishery, as it is being reassessed for re-certification, exceptional circumstances and allowing it to be a carrying over condition is required to extend the deadline of this condition to the next certification cycle.</p>	
4	Implications for assessment	
	<p>In case this VR is not granted, the current LFPO Baltic sprat fishery will suspend.</p> <p>It is proposed that condition timelines should be harmonised across CABs, see #5 below.</p>	

	For the LFPO, NZRO and Polish fisheries, the harmonisation of the timescale will result in the respective clients having 22 rather than 12 months to meet the requirements of the condition (although a VR is only required for the LFPO sprat fishery, as explained in #3 above). While for the Finland Baltic Herring and Sprat, and the Denmark, Estonia, Germany, Sweden Baltic herring and sprat fisheries it will mean applying 16 rather than a 12-month timeline.																													
5	Mitigation of the implications for assessment																													
	<p>Timelines for all fisheries affected have been evaluated and condition timelines have been harmonised. Please see below table.</p> <table border="1"> <thead> <tr> <th rowspan="2">Item</th> <th colspan="5">Fishery</th> </tr> <tr> <th>DDES Herring Sprat (LR)</th> <th>Finland Baltic Herring Sprat (LR)</th> <th>Polish Herring Sprat (Global Trust)</th> <th>LFPO pelagic trawl Sprat (BV)</th> <th>NZRO Gulf of Riga Herring Sprat (BV)</th> </tr> </thead> <tbody> <tr> <td>Condition raised</td> <td>SA 1 (concluding March 2022)</td> <td>SA 3 (concluding March 2022)</td> <td>PCR (published October 2021)</td> <td>SA 4 (October 2021)</td> <td>SA 1 (October 2021)</td> </tr> <tr> <td>12-month deadline</td> <td>SA2 (April 2023)</td> <td>SA4 (April 2023)</td> <td>SA 1 (October 2022)</td> <td>RA (October 2022)</td> <td>SA 2 (October 2022)</td> </tr> <tr> <td>Proposed harmonised deadlines</td> <td colspan="5">August 2023*</td> </tr> </tbody> </table> <p>* August 2023 is proposed here to ensure that all of the certified fisheries are given at least 12 months to meet the condition requirements and that there is enough time to get ICES benchmark outcome (see justification in item 3 above).</p>	Item	Fishery					DDES Herring Sprat (LR)	Finland Baltic Herring Sprat (LR)	Polish Herring Sprat (Global Trust)	LFPO pelagic trawl Sprat (BV)	NZRO Gulf of Riga Herring Sprat (BV)	Condition raised	SA 1 (concluding March 2022)	SA 3 (concluding March 2022)	PCR (published October 2021)	SA 4 (October 2021)	SA 1 (October 2021)	12-month deadline	SA2 (April 2023)	SA4 (April 2023)	SA 1 (October 2022)	RA (October 2022)	SA 2 (October 2022)	Proposed harmonised deadlines	August 2023*				
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6	How many conditions does the fishery have and will their progress be affected (positive or negative)?																													
	This fishery has a total of 3 conditions. Two of them have their deadlines for the next certificate cycle and will not be affected. Only condition against PI 1.1.1A will be affected positively as its deadline would be extended by 10 months and into the new certification cycle.																													
7	What is the status of the current assessment or audit?																													
	The site visit for the re-assessment of this fishery was carried out from the 7 th to the 10 th of March 2022. In case this VR is not granted before the CPRDR is produced, the fishery will suspend and will not be re-certified.																													
8	Further comments																													
	- Please include any further relevant information.																													
9	If applicable, additional information added after the MSC's request																													