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**Sent by email**

Date: 20/08/2021

**Subject: Request for variation to the MSC Certification Requirement v1.0 Derogation 6.2.1.1 for Tropical Pacific yellowfin and skipjack free-school purse seine fishery**

Dear Hugh Jones,

I write with reference to your submission on 21/07/2021 of a request for variation to the MSC Certification Requirement (CR) to allow:

To vary against derogation 6 clause 2.1.1 so that it applies to condition 5 (PI 2.3.1b) of the above fishery.

As you are aware, the CR procedures relating to v1.0 Derogation 6.2.1.1 state:

The CAB shall only apply the derogation to conditions that are set against a Performance Indicator listed in Table 1

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:**

- There are linked conditions for closing out the condition related to PI 2.3.1 (Condition 5)
- The milestones of all the ETP conditions were linked at the PCR and follow a logical progression for addressing each of the conditions. The Information PI conditions seek an improvement in fishery information which in turn determines appropriate management.
- As such the milestones and action plan for the conditions were scheduled to occur in this logical sequence.
- Derogation 6 applies to the information and management PI's however there is now a mismatch of the condition timelines.
- This VR seeks to realign the condition milestones which are explicitly linked and apply derogation 6 to condition 5.

**In this case the rationale is insufficient for the MSC to grant a variation to the CR. This request is therefore declined.**

- As stated in the Derogation cited in the variation request, under the answer for Question 9, "If a fishery is facing difficulties due to Covid-19 in making progress against another condition, including where progress is directly linked to a condition covered under the derogation, the CAB may use a variation request as per GCR 4.12 to seek extension to the deadline for that condition. In this instance, the CAB will need to provide a justification for the request." COVID related delays for the conditions listed in this VR are not clear.

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

