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**INDEPENDENT ADJUDICATION IN RESPECT OF EASTERN PACIFIC  
ECUADOR PURSE SEINE TROPICAL TUNA FISHERY (FSC AND FAD SET  
FISHERY)**

**Notice of Acceptance**

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1. On 23 September 2022, the Marine Stewardship Council received a Notice of Objection from the World Wildlife Fund (“the Objector”) objecting to the Final Draft Report and Determination of the Conformity Assessment body, LRQA Fisheries (the “CAB”) in respect of the Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery). The Fishery Client is the Ecuador Purse Seine Group.

2. The Fishery was assessed against FCP v 2.2 and this objection is being considered further to the Disputes Process v1.

3. The Notice of Objection was received by the MSC before the 23 September 2022 deadline. The Objector participated in the Fishery assessment by way of providing written submissions. The Objector is therefore within the categories of parties which may file a Notice of Objection pursuant to paragraph 5.4.1 of the Disputes Process.

4. Clarification was sought from the Objector and a revised Notice of Objection was received on 3 October 2022.

5. Paragraph 5.4.6 sets out requirements for the Notice of Objection as follows:

*The ‘Notice of Objection’ shall:*

- a. Identify the alleged errors in the Final Draft Report and Determination.*
- b. Explain in sufficient detail why it is claimed that the alleged errors were material to the determination or the fairness of the assessment.*
- c. Include a summary of the evidence to be relied on in support of the objection.*
- d. Include only information that was publicly available in final (not draft) form on or before the last day of the site visit or agreed in writing between the CAB and any participant to the site visit to be published after the site visit as set out in FCP 7.20.3b.*
- i. Information that came into existence after that date shall not be used as a basis for objection.*

6. The test on receipt of a Notice of Objection is set out in paragraph 5.5 of the Disputes Process and is for me first to determine whether it is in the form required by these procedures and has a reasonable prospect of success. Paragraph 5.5.2 defines “reasonable prospect of success” as being neither spurious or vexatious and including some evidence presented in respect of which the Independent Adjudicator could reasonably expect to determine that 1 or more grounds set out in paragraph 5.9.2 are satisfied.

7. I have determined that all of the grounds, albeit with some overlap, meet the relatively low level test for acceptance.

8. At this stage therefore, the CAB and Fishery Client are to be notified and provided with a copy of the revised Notice of Objection. The Notice is to be posted on the MSC website and the MSC shall create a dedicated email address, which the parties should use. The date of publication is the date this decision is posted.

9. There now follows a period for the parties to consult with each other in order to see whether a resolution to any parts of the objection can be found. The Objection Procedure provides for 15 working days for this consultation. The parties should contact me by **4pm UTC 26<sup>th</sup> October 2022** to indicate whether there is a real and imminent prospect of resolution, in which case I may, if asked by all parties, consider extending the consultation deadline. Otherwise, the Objection will enter the written representation stage.

**Melanie Carter**  
**Independent Adjudicator**  
**5 October 2022**