



Beverley O'Kane
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Sent by email

Date: 23/09/2022

Subject: Request for variation to the MSC Certification Requirement v1.0 Derogation 6.2.2.1 for SZLC CSFC & FZLC FSM EEZ Longline Yellowfin and Bigeye Tuna

Dear Beverley O'Kane,

I write with reference to your submission on 09/09/2022 of a request for variation to the MSC Certification Requirement (CR) to allow:

To vary against Derogation 6 Clause 2.1.1 in order to permit Condition 5 (2.3.1 – ETP outcome) of the assessment to have a 12 month extension and further to the denial of the initial Variation Request on 15th August 2022, we would also like to apply for a Variation Request against Clause “2.2.1 For certified fisheries, the CAB shall apply the derogation at publication of the next surveillance audit report after 28 March 2021” for Conditions on 2.3.1 and 2.3.3.

As you are aware, the CR procedures relating to v1.0 Derogation 6.2.2.1 state:

2.2.1 For certified fisheries, the CAB shall apply the derogation at publication of the next surveillance audit report after 28 March 2021

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:

- The conditions relate to the fact that, while there are low levels of ETP interactions recorded in the fishery, the evidence for this needs to be improved to determine whether the fishery may be a threat to the protection and recovery of ETP species, particularly turtles.
- Progress on these conditions is dependent on observer deployment and the implementation of an electronic monitoring system, however, there is a lag in the observer information used in the audit.
- Derogation 6 was applied to other PIs (including PI 2.3.2) during the second surveillance audit (the first after 28 March 2021), but the CAB chose not to apply the derogation to PI 2.3.3 because the impacts of Covid-19 had not yet impacted the information that needed to be collected.
- At the third surveillance audit, currently being undertaken, the impacts of Covid-19 have become apparent on the ability to collect information. Due to Covid-19 related restrictions, observers at-sea and dockside are not allowed to board tuna fishing vessels in the FSM, and relevant engineers cannot be transported into the FSM to install and fix the electronic monitoring hardware.
- The resolution of the condition related to PI 2.3.1 (condition 5) depends on the resolution of the condition related to PI 2.3.3 (condition 7), to limit the impact of the UoAs on ETP species, and thus, extending the timeline for the condition on information, also requires an extension to the condition on outcome to ensure that milestones are aligned.

Given the rationale provided, the MSC is willing to grant a variation to the CR in this case subject to the following conditions:



- The CAB shall follow the requirements set out in Derogation 6, 2.3.2 – 2.3.3.2.

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