

MSC Variation Request

# NORWAY NORTH EAST ARCTIC SAITHE FISHERY

Marine Stewardship Council fisheries assessments

Date

18.05.2021

# 1 Introduction

This form details the information required from Conformity Assessment Bodies (CABs) to enable the MSC to consider a CAB application to vary from a clause or requirement in any of the MSC program documents (GCR 4.12).

Please complete all unshaded fields. Where instructions are included in italics, please delete and replace with your specific information. All grey boxes containing instructions may be deleted, e.g. the 'Introduction' section.

Once this variation form is completed, delete guidance, save it as a PDF file and upload to the MSC database. On receipt, the MSC will consider your request and will usually respond within 14 days.

Please note that all variation request forms and MSC responses to the request will be published on the MSC website along with other assessment documents associated with the specific fishery.

## 2 Marine Stewardship Council variation request

**Table 1 – Variation request**

1	Date submitted to the MSC
	<del>18.05.2021</del> 25.05.2021
2	CAB
	DNV Business Assurance
3	Fishery name and certificate number
	Norway North East Arctic saithe fishery / MSC-F-31375
4	Lead auditor or program manager
	Sandhya Chaudhury
5	Request prepared by
	Sandhya Chaudhury
6	Scheme requirement(s) for which variation requested
	<p>1. MSC Derogation 6: Covid-19 Fishery Conditions Extension § 2.1 Eligibility 2.1.1 The CAB shall only apply the derogation to conditions that are set against a Performance Indicator listed in Table 1.</p> <p>2. FCP v2.2 § 7.28.16.1: The team shall audit conformity with, and progress and performance against, certification conditions. b. The CAB shall document whether progress is 'on target', 'ahead of target' or 'behind target', as well as its justification for such a judgement. i. If progress against the measurable outcomes, expected results or (interim) milestones specified when setting the condition is judged to be behind target the CAB may specify remedial action, and any revised milestones, that are required to bring progress back on target within 12 months to achieve the original condition by the original deadline.</p> <p>3. FCP v2.2 § 7.28.16.2: If the CAB determines that progress against a condition is not back 'on target' within 12 months of falling 'behind target', the CAB shall: 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 of Certification(s), or any entity in the Unit(s) of Certification, into full assessment under either the same or an alternative name unless the cause for suspension has been addressed.</p> <p>4. FCP v2.2 § 7.28.16.4: If a condition is not closed by its deadline, the CAB shall: 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.</p>

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	
	<p>DNV assessment team proposes to apply the MSC Derogation 6 to condition on PI 2.1.1 which is not listed as eligible in Table 1 of the said Derogation, thereby extending the condition and relevant milestone deadlines by 12 months.</p> <p>It is to be noted that the Norway North East Arctic saithe fishery had conditions on PI 2.1.1 and 2.1.2 for the coastal cod at the recertification in 2018 and a condition on PI 2.3.1 for Golden redfish. In the second surveillance audit in 2021 Golden redfish has been reclassified from ETP to retained species and added on to the existing conditions in PI 2.1.1 and 2.1.2 which are now termed as new conditions but with the original timelines from the recertification of 2018.</p>	
2	Additional time requested	
	Original deadline date	4 <sup>th</sup> Surveillance in December 2022 (unchanged from recertification of 2018)
	Modified deadline date requested	5 <sup>th</sup> surveillance year- December 2023
	Length of additional time requested	12 months.
3	Justification	
	<p>The condition on PI 2.1.1 is a result of the failure to meet SG 80 for scoring issues a and c – does not pose a risk of serious or irreversible harm to coastal cod and Golden redfish (either because the stock is recovered or because management measures are proven to be effective).</p> <p>The condition on PI 2.1.2 is a result of the failure to meet SG 80 for scoring issue b – there is some objective basis for confidence that the Norwegian coastal cod rebuilding plan will effectively contribute to the rebuilding of the coastal cod stock.</p> <p>The outcome PI (2.1.1) is inescapably interlinked with information on management strategy (PI 2.1.2) and is dependent on the implementation of management measures. The condition on PI 2.1.2 is eligible for the Derogation 6 extension and therefore causes a mismatch in the information required for closure of the conditions.</p> <p>For Outcome PIs, the likelihood that the UoA impacts that species (likely, highly likely, high degree of certainty) determines which scoring guidepost (60, 80, 100) is met. The likelihood levels are defined in a probabilistic context, which is wholly dependent on the available information. This is clearly outlined in the guidance of the fisheries standard under GSA3.2.3:</p> <p>The specific language on what level of information needs to be available to meet the associated probability at each scoring issue will be addressed in the information PIs for each component. The team should also look to the guidance on the information adequacy for each PI for a further overview on the levels of information required in order to determine the probabilities listed in Table SA9 in SA3.2.3.</p> <p>In Principle 2, the way Outcome PIs are written is inexorably tied to available information or management measures. Quite often, outcome conditions are issued on account of limited information required to achieve higher levels of likelihoods.</p> <p>Even when adequate level of information is available, conditions on outcome may be tied to implementation of management measures. For example, a main primary species for which estimates of catch and UoA-related mortality are available with a high degree of certainty and the status of that species is also certain indicating the species is below PRI. In this case, where information is available the species fails to meet even the SG60 for the first clause of PI 2.1.1. SI a. Thus requiring assessors to proceed to the second</p>	

	<p>element of the scoring guidepost which requires that if below PRI the UoA has management measures in place which is linked to PI 2.1.2.</p> <p>If the condition on PI 2.1.1 is not aligned with the condition on PI 2.1.2 the fishery may face suspension by outcome, in spite of being “on target” for management strategy. To avoid any mismatch, it is necessary to extend the outcome condition which relies on the management strategy.</p> <p>As stated in the answer to Q9 of Derogation 6: The MSC recognise that in some cases, the Covid-19 pandemic may have impacted on progress against conditions on performance indicators not listed in Table 1.</p> <p>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.</p> <p>To aid consistency, variation requests that seek extension to condition deadlines should include the following scheme requirements:</p> <ul style="list-style-type: none"> <li>• FCP 7.28.16.1.b</li> <li>• FCP 7.28.16.2</li> <li>• FCP 7.28.16.4</li> </ul> <p>This has also been raised in a joint CAB letter in February 2021.</p>
4	Implications for assessment
	<p>If this Variation Request is accepted future audits/assessments will have aligned deadlines for the related conditions on outcome and management strategy.</p> <p>On the other hand if the requested is not granted the fishery may fall behind target on the outcome PI and risk suspension even while it remains compliant on management strategy.</p> <p>There will be no implications for the fishery certificate if the request is accepted.</p>
5	Mitigation of the implications for assessment
	Implications of this VR will be addressed in the normal course of the surveillance audits. No mitigation measures are required.
6	How many conditions does the fishery have and will their progress be affected (positive or negative)?
	The fishery has 2 conditions, both of which are mentioned here and their progress covered in 3 & 4 above.
7	What is the status of the current assessment or audit?
	The fishery has undergone its 2 <sup>nd</sup> surveillance audit and the report is due to be published by 19.06.2021.
8	Further comments
	<b>NA</b>
9	If applicable, additional information added after the MSC's request
	<p>Condition on PI 2.1.1 is linked to the condition on PI 2.1.2 with both milestones and CAP as follows (excerpts from the surveillance report):</p> <p><u>Condition on PI 2.1.1:</u> By the 4th surveillance audit client shall demonstrate that the NEA saithe fishery does not pose a risk of serious or irreversible harm to the coastal cod and golden redfish stocks, and that it does not hinder their recovery.</p>

Condition on PI 2.1.2: By the 4th surveillance audit the client shall demonstrate that there is some objective basis for confidence that the Norwegian coastal cod rebuilding plan will effectively contribute to the rebuilding of the coastal cod stock.

Milestones for PI 2.1.1: Annual surveillance 4: Client shall demonstrate that the NEA saithe fishery does not pose a risk of serious harm to the coastal cod and the golden redfish stocks (either because the stock is recovered or because management measures are proven to be effective). Rescoring to 80.

Milestones for PI 2.1.2: Annual surveillance: Client shall demonstrate that there is objective basis for confidence that the Norwegian coastal cod rebuilding plan will effectively contribute to the coastal cod stocks (either because the stock is recovered or because management measures are proven to be effective). Rescoring to 80

CAP for PI 2.1.1: Coastal cod and golden redfish recovery has been a long- standing priority for Norwegian management authorities. It is also a priority for the NFA, both on its own merits and through other MSC certificates that the organization holds. As pointed out in this report, rebuilding measures until now have succeeded in halting the decline in the stocks but are yet to show definitive signs of leading to consistent recovery.

Norwegian coastal cod is in process of a major revision in science and management, with a recently completed ICES WKBarFar benchmark report. This report indicated a new split into further stock components, an upwards revision of the biomass estimate for the northernmost component, and potentially new reference points that will be decided in further work towards a new recovery plan (if warranted by ICES advice)

In terms of redfish, NFA is now taking the initiative to establish a new working group to further iterate data collection, science and regulations to rebuild the stock.

Action 4.3 (2021)

NFA will, in cooperation with the Directorate of Fisheries, IMR and the Ministry of Trade, Industry and Fisheries work to establish a) new recovery plan for coastal cod and b) continued revisions and improvements to redfish regulations and science.

Action 4.4 (2022):

NFA shall, by SA4, demonstrate that a recovery plan or equivalent implemented for coastal cod and that the bycatch levels of coastal cod in the saithe fishery does not hinder recovery and rebuilding of the coastal cod stock.

NFA shall demonstrate that the revised management strategy is implemented for redfish and that the bycatch levels of redfish in the NEA saithe fishery does not hinder recovery and rebuilding of the redfish stocks.

Best available science from the IMR and ICES will be the basis for monitoring and evaluating this.

CAP for PI 2.1.2: Coastal cod recovery has been a long- standing priority for Norwegian management authorities. It is also a priority for the NFA, both on its own merits and through other MSC certificates that the organization holds. As pointed out in this report, rebuilding measures until now have succeeded in halting the decline in the stocks but are yet to show definitive signs of leading to consistent recovery.

Norwegian coastal cod is in process of a major revision in science and management, with a recently completed ICES WKBarFar benchmark report. This report indicated a new split into further stock components, an upwards revision of the biomass estimate for the northernmost component, and potentially new reference points that will be decided in further work towards a new recovery plan (if warranted by ICES advice)

Action 5.3 (2022): NFA will, in cooperation with the Directorate of Fisheries, IMR and the Ministry of Trade, Industry and Fisheries work to establish a new recovery plan for coastal cod.

Action 5.4 (2023): NFA shall, by SA4, demonstrate that a recovery plan or equivalent implemented for coastal cod and that the bycatch levels of coastal cod in the saithe fishery does not hinder recovery and rebuilding of the coastal cod stock.

Best available science from the IMR and ICES will be the basis for monitoring and evaluating this.

**Measures will be in place and/or bycatch levels for the stock at a level that allows to score the fishery at an 80 level or above on PI 2.1.1.**

**CONCLUSION:** The client action plans clearly show that the rescoring of PI 2.1.1 to 80 is dependant on the rescoring of PI 2.1.2 and therefore aligned timelines for the conditions on these 2 PI's is requested.

Moreover, the CAP also specifies that the next upcoming milestone in both cases is dependent on cooperation with the Directorate of Fisheries, IMR and the Ministry of Trade, Industry and Fisheries and this process has been impeded by Covid related impacts.

### 3 Template information and copyright

This document was drafted using the 'MSC Variation Request Form – Fisheries v1.0'.

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#### Template version control

Version	Date of publication	Description of amendment
1.0	25 March 2020	Release alongside Fisheries Certification Process v2.2

A controlled document list of MSC program documents is available on the MSC website ([msc.org](https://www.msc.org)).

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