



Beverley O'Kane  
Control Union UK  
56 High Street  
Lymington  
United Kingdom  
SO41 9AH

**Sent by email**

Date: 19/05/2022

**Subject: Request for variation to the MSC Certification Requirement v2.2 FCP-7.19.8 for Hawaii longline swordfish, bigeye and yellowfin tuna fishery**

Dear Beverley O'Kane,

I write with reference to your submission on 20/04/2022 of a request for variation to the MSC Certification Requirement (CR) to allow:

The proposed variation is the to vary against FCP 2.2. clause 7.19.8b, in lieu of the MEGVAR: there is a requirement to harmonise with other certified fisheries on this stock. This variation proposes to accept the Client Action Plans related to the MEGVAR for the yellowfin and bigeye UoAs at this stage of the assessment. The current MEGVAR relies on the implementation of harvest control rules (HCRs) by 2023. However, this is unlikely to be achievable given that the WCPFC will not be adopting the management measures for yellowfin and bigeye tunas until 2024.

As you are aware, the CR procedures relating to v2.2 FCP-7.19.8 state:

The CAB shall not accept a Client Action Plan if the client is relying upon the involvement, funding and/or resources of other entities (fisheries management or research agencies, authorities or regulating bodies that might have authority, power or control over management arrangements, research budgets and/or priorities) without:

- a. Verifying with those same entities, whether the closure of conditions is likely to require any or all of the following:
  - i. Investment of time or money by these entities.
  - ii. Changes to management arrangements or regulations.
  - iii. Re-arrangement of research priorities by these entities.
- b. Being satisfied that the closure of the conditions is both achievable by the client and realistic in the period specified

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:**

- All certified WCPO yellowfin and bigeye stocks are harmonised
- Under MEGVAR, the existing deadlines for conditions against PI 1.2.1 and PI 1.2.2 are June 2023
- However, for this in-assessment fishery there is a direct conflict between the required harmonised approach of the MSC standard under Annex PB and the requirement of FCP 2.2. 7.19.8b.
- The WCPFC has a workplan to implement HCRs, which will be the only way to close these conditions, in 2024.
- The deadline set out in the MEGVAR is therefore unlikely to be achieved.
- At present, CU UK cannot accept the client action plan as the WCPFC timeline goes beyond the harmonised condition under MEGVAR. CU UK are therefore requesting a variation against FCP 2.2. 7.19.8b to allow



harmonisation with the certified fisheries of these stocks.

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

- Stakeholders are informed
- Harmonisation with other WCPO yellowfin and bigeye stocks remains in place

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