



Hugh Jones
Control Union UK
56 High Street
Lymington
United Kingdom
SO41 9AH

Sent by email

Date: 20/08/2021

Subject: Request for variation to the MSC Certification Requirement v1.0 Derogation 6.2.1.1 for Northeastern Tropical Pacific Purse Seine yellowfin and skipjack tuna 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 outcome conditions 2-1, 2-6, 2-7, 2-12, 2-13 and 2-13b.

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 each of the scoring elements in the Information PIs and in some cases also conditions set for management PIs as well
- The milestones of the 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 on the scoring element by the UoA in order to effectively score impact and remove the condition on the outcome PI. The outcome PIs cannot be closed without the milestones in the information conditions being completed.
- 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 and introduces a problem with the linked conditions by not applying to the outcome PIs. There is now a mismatch of the condition timelines whereby the outcome PI's have milestones which need to be met before the information milestones which underpin them are due.
- This VR seeks to realign the condition milestones of the outcome PIs so that the functional sequence of the milestones and the resultant client action plan is restored.

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.
- A previous VR was granted for this fishery to extend conditions 2-6 and 2-7, related to the outcome status of



dolphin populations. However, that extension is not mentioned in this VR nor is it clear why this current VR is needed to further extend these conditions.

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