

# **SAI Global**

## **ISF Iceland lumpfish**

### **MSC Variation Request**

#### **1 Introduction**

This form details the information SAI Global is required to submit to the MSC to enable the MSC to consider an application to vary from a clause or requirement in any of the MSC program documents.

Once a Variation Request has been submitted the MSC will consider that request and will usually respond within 14 days.

This particular document represents a revised version of that submitted on 12 February 2020.

## 2 Marine Stewardship Council variation request

**Table 1. Variation request.**

1	Date submitted to MSC
	19 February 2020
2	CAB
	SAI Global
3	Fishery name and certificate number or CoC certificate number
	ISF Iceland lumpfish  There is no fishery certificate number as this is not a certified fishery.
4	Lead auditor or program manager
	Sam Dignan (Lead Auditor)
5	Request prepared by
	Sam Dignan (Lead Auditor)
6	Scheme requirement(s) for which variation requested
<b>This is a two-part Variation Request as follows:</b>	
<b>A.</b>	<b>MSC FCP v2.1 §7.16 Site visits, stakeholder input and information collection</b> 7.16.1 The team shall carry out the site visit as planned.  <b>MSC Guidance to the FCP v2.1 §G7.16 Site visit: team attendance</b> The full assessment team should attend all the meetings at the site visit. Where this could cause unreasonable cost or inconvenience, and where the assessment would not be adversely affected by some team members participating remotely, the CAB may submit a variation request.
<b>B.</b>	<b>MSC FCP v2.1 §7.8 Determination of eligibility dates</b> 7.8.1 The CAB shall nominate a date from which product from a certified fishery is eligible to be sold as MSC certified or bear the MSC ecolabel (the eligibility date). 7.8.1.1 The date shall be any nominated date on or between the publication date of the first Public Comment Draft Report and the certification date.
7	How many times has a variation for this requirement been accepted for the same assessment of the same fishery?
	None. A variation for these requirements has not previously been accepted for this assessment of this fishery.

**Table 2. Variation justification.**

1	Proposed variation	
As this is a two-part Variation Request, the proposed variations are as follows (Note. the letters correspond to the scheme requirement(s) for which the variations are requested (see Table 1 above)):		
A.	To allow the P1 assessor in this instance (Dr. Giuseppe Scarcella) to attend the assessment site visit remotely, while other team members (including the Team leader) will attend in-person.	
B.	To allow the nominated eligibility date to be a date prior to the publication date of the first Public Comment Draft Report (PCDR) on either; <ul style="list-style-type: none"> <li>a. the date of implementation of new Icelandic legislation on the management of marine mammal and seabird bycatches in this fishery, or;</li> <li>b. if this new legislation is implemented prior to the start of the 2020 fishery, on the first day of the 2020 fishery (the 2020 fishery is likely to open on 01 March 2020).</li> </ul>	
2	Additional time requested	
	Original deadline date	Not applicable.
	Modified deadline date requested	Not applicable.
	Length of additional time requested	Not applicable.
3	Justification	
Again here, justifications are labelled as in previous rows of this table and in row 6 of Table 1 above:		
A.	<p>It must first be said that there have been no changes in Principle 1 since the fishery was last MSC-certified; therefore, notwithstanding that the fishery is now being assessed under v2.0, the P1 scores are entirely consistent with those awarded when the fishery was originally certified.</p> <p>As it will be term time at the university where he is employed, the proposed Principle 1 assessor, Dr. Giuseppe Scarcella will have lecturing duties and thus struggle to travel during the period proposed for the site visit. Giuseppe does however have prior knowledge of the Icelandic fishery management system from prior involvement as a P1 assessor in multiple MSC assessments in the country including for instance the initial assessment of ISF Greenland halibut where he was present on-site.</p> <p>With there being no P1 changes to what was a certified fishery, Giuseppe can quite easily accomplish his portion of the assessment remotely without being present on-site; this is particularly true as this is an Icelandic assessment where all P1 related issues are the subject of research and fisheries management advice by the Marine and Freshwater Research Institute and management by the Fisheries Directorate who both publish relevant information online in readily available open access formats with important documents also being translated into English. Therefore, the information required to assess the P1 impacts of the UoAs is readily available online and any additional information can be effectively obtained by Dr. Scarcella's participation via conference calls. Ultimately, requiring Dr. Scarcella's attendance in-person would only serve to introduce redundancy and have significant cost implications for the client for no gain.</p> <p>Giuseppe will be available for the site visit remotely and including for any remote stakeholder meetings. Should this variation request be approved, stakeholders will be informed of this variation during the announcement of the fishery so that any remote meetings can be scheduled as required.</p>	
B.	The fishery under assessment is extremely seasonal and, while the fishing season for each lumpfish management area (there are 7) is specified separately, usually runs from March to July; in 2019, 97% of lumpfish landings were reported in that period (March = 6.30%; April = 48.11%; May = 18.80%; June = 12.32%; July = 11.47%). For obvious reasons, the client wishes to be able to sell product from this fishery caught in the 2020 season as certified if and when the fishery is ultimately certified.	

**Table 2. Variation justification.**

	<p>Unfortunately, according to MSC requirements (MSC FCP v2.1 §7.8.1.1), the earliest that product from this fishery could become eligible is the date of publication of the first Public Comment Draft Report (PCDR) which, given the number of steps and the time required to complete them, is not likely to be until August 2020 at the earliest.</p> <p>While ostensibly a new assessment, the applicant fishery was in fact previously MSC-certified under the name ‘Icelandic Gillnet lumpfish’ but withdrew from the MSC process in April 2019; documents related to that previous incarnation of this fishery are available on the MSC website at: <a href="https://fisheries.msc.org/en/fisheries/icelandic-gillnet-lumpfish/@@view">https://fisheries.msc.org/en/fisheries/icelandic-gillnet-lumpfish/@@view</a>.</p> <p>The fishery’s withdrawal last time around was primarily due to P2 impacts on marine mammals (harbour seals). As part of drafting the ACDR for this assessment, SAI Global have become aware that significant new legislation will shortly (date not yet available) be enacted to deal specifically with the issues that resulted in the fishery’s previous withdrawal from the MSC programme.</p> <p>In this instance, as the MSC programme has been a direct driver of significant change in this fishery. SAI Global is of the opinion that this willingness to change should be recognised by allowing the eligibility date to be set as the date that this new and significant legislation is enacted—even if this is prior to the publication date of the first PCDR. In this way product caught under the old non-conforming regime would not be rewarded by being MSC-certified while product caught under the new regime would; this is of course predicated on the fishery’s ultimately being certified which would imply that the new regime is in conformity with the MSC Standard. If the fishery is not ultimately certified, then no product can be sold as MSC-certified so there are no particular risks/implications.</p> <p>The client group for this fishery is extremely is committed to the extent that they hold or part-hold 12 other MSC fishery certificates and all client group members also being required to hold MSC Chain of Custody certification as a pre-requisite for joining the client group. SAI Global therefore has no reservations about the client group’s ability to comply with the relevant requirements for under assessment product as outlined in the MSC Chain of Custody Standard.</p> <p>The ACDR has been already been provided to the client and they have confirmed their wish to proceed with the assessment and announce the fishery assessment.</p>
4	<b>If a fishery assessment, implications for assessment</b>
	Again here, implications are labelled as in previous rows of this table and in row 6 of Table 1 above:
A.	<p>No negative implications. Giuseppe is an experienced member of the proposed assessment team and his previous (and recent) involvement in ‘common’ assessments (i.e. other Icelandic assessments) means that his remote participation will not affect the integrity of the assessment. This is principally due to the fact that the assessment of P1 does not rely on information gathered during the site visit with all supporting information being readily available online.</p> <p>Granting this variation would have positive implications it that it would allow Giuseppe to remain on the assessment team thereby bringing his considerable past experience and knowledge of Icelandic fisheries to the assessment.</p>
B.	<p>No negative implications. There is no reason to believe that varying the eligibility date will have negative implications on the assessment. Additionally, client group members are very experience in the MSC process including handling ‘under assessment’ product.</p>
5	<b>If a fishery assessment, mitigation of the implication for assessment</b>

**Table 2. Variation justification.**

Again here, migration measures are labelled as in previous rows of this table and in row 6 of Table 1 above:	
A.	Giuseppe will attend site visit meeting remotely while all other team members will attend in person; beyond this significant migration is not required.
B.	None. The main mitigation measure would have been to require client group members to become chain of custody to ensure that they handle 'under assessment' product appropriately but this is already a pre-requisite for membership of the ISF client group.
6	If a fishery assessment, how many conditions does the fishery have and will their progress be affected (positive or negative)?
	None. The fishery is not currently certified.
7	What is the status of the current assessment?
	The fishery is entering assessment.
8	Further comments
	None.
9	If applicable, additional information added after MSC's request
	<p>On 18 February 2020, the MSC made two requests for additional information as follows:</p> <ol style="list-style-type: none"> <li>1. Clarification on whether (if this VR were to be granted) the eligibility date would be when the new legislation is implemented.</li> <li>2. If the eligibility date were to be mid fishing season how would eligibility risks be handled.</li> </ol> <p><u>Clarification on whether the eligibility date would be when the new legislation is implemented</u></p> <p>The eligibility date will be either:</p> <ol style="list-style-type: none"> <li>a. The date the new legislation is implemented <b>OR</b></li> <li>b. If the legislation is implemented prior to March 2020, the eligibility date will be 01 March 2020.</li> </ol> <p>As of 18 February 2020, the latest available information from the client is that the legislations should be implemented this week (i.e. by 21 February 2020).</p> <p><u>Systems to handle traceability risks if the eligibility date were to be mid-season</u></p> <p>Firstly, the supply chain in Iceland is very 'mature' and, with the client group having 12 MSC-certified fisheries, client group members have extensive experience in handling certified product. Additionally, it is a pre-requisite of client group membership that all members be MSC Chain of Custody (COC) certified.</p> <p>With specific respect to segregation by date, Icelandic fishing vessels are required to fill out logbooks to record details of fishing practices, including location, <b>dates</b>, gear, species and catch quantities. These logbooks are then submitted to the Directorate of Fisheries. Relevant regulations are supported by a system of sanctions with penalties for non-compliance. Ultimately, fish caught directly by or purchased from eligible vessels, auctions or processors by client group members is traceable to specific <b>catch dates</b>, areas and vessels; therefore, if the eligibility date were to be mid-season, all of the systems are in place to segregate eligible (i.e. product caught after the eligibility date) and non-eligible product (i.e. product caught before the eligibility date).</p>

### 3 Template information and copyright

This document was drafted using the 'MSC Variation Request Form v3.1'. While amendments have been made to formatting in order to comply with SAI Global's corporate identity, SAI Global has ensured that content and structure follow that of the original template.

The Marine Stewardship Council's 'MSC Variation Request Form v3.1' and its content is copyright of "Marine Stewardship Council" - © "Marine Stewardship Council" 2019. All rights reserved.

**Table 3. Template version control.**

Version	Date of publication	Description of amendment
1.0	1 January 2011	Date of application
1.1	24 October 2011	Updated to include a confidential information section
1.2	10 January 2012	Updated to include more detailed instructions on confidential information section
1.3	14 January 2013	Updated in line with requirements in MSC Certification Requirements v1.3, including P2 to P1 'expedited audit'
2.0	08 October 2014	Updates in line with release of Fisheries Certification Requirements v2.0
2.1	04 October 2016	Updated contact information
3.0	17 December 2018	Release alongside Fisheries Certification Process v2.1
3.1	28 March 2019	Non-substantive changes to improve clarity and usability

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

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