

Objection to the certification of Northeastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna fishery -

Notice of Acceptance

The Marine Stewardship Council (MSC) has received a Notice of Objection (NOO) dated 24 October 2016 from World Wildlife Foundation Smart Fishing Initiative (WWF) seeking to object to the certification of the Northeastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna fishery.

Letter of Clarification and timing of this Notice

I wrote to the objectors to clarify one aspect of the objection on 30 October 2016, to which I received a reply on 4 November 2016.

In the meantime, the certification body requested a delay in any acceptance of the objection to 29 November 2016, when their lead auditor returned from leave (29 November 2016). All parties agreed to this delay.

Notice of Acceptance

I now have to consider under CD 2.4 of the MSC Objections Procedure whether the Notice of Objection, including now the objector's letter of 4 November 2016, is in a form required by these procedures and whether it has a "*reasonable prospect of success*". For the purposes of this section, an objection has a "*reasonable prospect of success*" if the objection is not spurious or vexatious and some evidence has been presented on the basis of which I could be reasonably expected to determine that one or more of the conditions in CD 2.7.2 are satisfied.

I have decided that the Notice of Objection is in a form required by procedures and does have a realistic prospect of success. I have decided to accept the Notice of Objection.

Date of Publication of Objection

The date of publication for this objection will therefore be the 30 November 2016.

Representations/Response

Under CD 2.4.7, the subject fishery and any other stakeholder that participated in the fishery assessment process, may, within 15 working days of the date of publication, that is, by 5pm GMT 21 December 2016, submit written representations on the matters raised in the Notice of Objection.

The CAB is to reconsider its Final Report and Determination in light of the matters raised in the Notice of Objection and by 5pm GMT 2 January 2017, provide a written response to the Notice of Objection. I have extended this period to take account of statutory holidays.

CD2.5 provides that:

“2.5.1.1 The response shall provide appropriate information indicating the extent to which the matters set forth in the notice of objection were considered in the fishery assessment and the impact thereof on the Determination.

2.5.1.2 In formulating its response, the CAB shall also take into account any written representations received in accordance with CD 2.4.7.

2.5.1.3 The CAB shall also indicate and give reasons for any proposed changes to its Final Report and determination in the light of the reconsideration.”

Consultation Phase

After receipt of the CAB’s response the Independent Adjudicator shall consult with the objectors, the subject fishery and the CAB in order to determine whether there is a possibility of a settlement; i.e. whether the differences between the parties may be resolved through a mutually acceptable adjustment to the Final Report and Determination (which may include any additional corrective measures recommended by the certification body, or amendments). If such a settlement is not possible, then the matter will proceed to formal Adjudication.

Clearly, if the parties remain very far apart, the only reasonable way forward would be to proceed to adjudication under CD 2.6 of the Objections Procedure. On the other hand, if there is a possibility that in-depth consultations may be helpful, the possibility should be explored in order to avoid further delays and costs.

The objectors should therefore notify the MSC as soon as possible after receiving and considering the further responses and submissions and in any event by 5pm GMT 6 January 2017 whether they consider that the CAB’s response provides any reasonable basis for exploring an acceptable solution to the whole or any part of the objection.

If so, arrangements will be put in place for a further exchange of views, including if useful, by telephone conference. Please can all parties ensure that relevant individuals are available for any consultations on 9,12 and 13 January 2017. If there is no resolution of the issues, the objection will proceed to adjudication.

Melanie Carter

Independent Adjudicator

28 November 2016