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Sent by email

Date: 02/11/2021

Subject: Request for variation to the MSC Certification Requirement v1.0 Derogation 6.2.1.1 for Scapeche, Euronor and Compagnie de Peche de St Malo saithe

Dear Henry Ernst,

I write with reference to your submission on 19/10/2021 of a request for variation to the MSC Certification Requirement (CR) to allow:

To vary against derogation 6 clause 2.1.1 in order to allow condition 1 (2.3.1 – ETP species outcome) to benefit from the 12 month extension given to the relevant management and information PIs (in this case 2.3.2 and 2.3.3).

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:

- The condition was raised against all three client groups (Scapeche, Euronor and Compagnie de Peche de St Malo), but for different elements. The condition has been closed out for Euronor and Compagnie de Peche de St Malo, but not for Scapeche. The VR therefore only applies to Scapeche (UoA 5) and the common skate complex.
- The CAB states that the resolution of the condition related to PI 2.3.1 depends on information collected (PI 2.3.2) feeding the management measures (PI 2.3.3) in place to limit the impact on the component.
- The condition relates to the fact there was no quantitative assessment of common skate populations in Subarea VI, and so the information was not sufficient to determine whether the fishery may be a threat to the protection and recovery of the species.
- Because the information base on the common skate complex is not extensive, management initiatives rely heavily on UoA-specific data (through observers). Management initiatives could not be put in place due to Covid-19 related delays. The pandemic has severely limited the ability of the client to resource internal capacity and work with management and science partners to deliver the work. An example of this would be the POPOC project, centred on the common skate complex – scheduled to launch in the first trimester of 2020 but it could not be undertaken as a result of the COVID-19 pandemic.
- Furthermore, ICES work on the common skate complex suffered similar disruptions as a result of the pandemic, thus the same delays in work on this species can be seen throughout the wider science and



management frameworks in the region.

- Due to the health and safety risks of sending people out to sea during the pandemic, the ability to continue data collection has been greatly hindered.
- Apart from the COVID-19 related delays in progressing this condition, the CAB highlights that derogation 6 has already been applied to the related PIs 2.3.2 and 2.3.3. Because the milestones are identical among these PIs, failing to provide a 1-year extension to condition 1 related to PI 2.3.1 would require the fishery to adopt different timelines for identical milestones.
- Based on the timelines in the PCR and previous surveillance reports this is the first time in this assessment period that this condition is behind target.
- The client has not previously requested variation against this scheme requirement.

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

- The derogation is applied at the 4th surveillance audit and so the CAB shall extend the condition deadline to coincide with the 1st surveillance audit of the next certification period.
- All relevant stakeholders should be informed.
- The extension should not exceed the stipulated 12-month period.

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