

Marine Stewardship Council
Variation Request Form

This form details the information required from CABs to enable the MSC to consider a request to vary from their scheme requirements.

Certification Body	 
Fishery Name/CoC Certificate Number	Osprey group - North Sea (ICES IVb) twin rigged otter trawl plaice fishery
Lead Auditor/Programme Manager	R Cappell
Scheme requirement(s) to vary from	CR V 1.2 27.4.3 The CAB shall note that once defined, the unit of certification cannot be changed during the assessment without approval from the MSC, using the variation process

Proposed variation

Request change in the Unit of Certification in respect to

- a. Extension of fishing season
- b. Operation in Area IVa Northern North Sea including Norwegian sector
- c. Use of cod end chaffers

Rationale/Justification
a. Extension of fishing season
Background
At present the certificate states that the ‘season is from 01 April until 15 November with no weekend fishing’.
The above proposal was intended to focus fishing efforts well outside spawning periods to ensure high quality fish.
Osprey group would like to extend the season to maintain supplies to key customers for longer, while still avoiding spawning periods. The proposal is to extend the fishery to a year round fishery although Osprey expect most of the fishing to take place from 12 th March until 12th December.
Assessment team comment
Other certified fisheries (i.e. DFPO and the recent variation to the Ekofish certificate) are permitted to fish throughout the year, including during the plaice spawning season (peaking January-February). The adoption of a year round fishery compared to a seasonal fishery could have impacts upon P1 and P2 bycatch and discard species as well as impact on benthic ecosystems. The assessment team for DFPO were asked by stakeholders to justify the a year round fishery to which the following response was given:
<i>‘Seasonal Closure: Both the Ekofish and the Osprey fisheries chose not to target plaice from mid-November to 1st April. By contrast the DFPO assessment is not restricted seasonally. A seasonal closure would typically be part of an overall management strategy for managing a resource – in this case the target species of plaice. In order for this to be meaningful and indeed be of benefit to the resource, this would have to applied across the entire resource and across all fleets and be reflected in the scoring of principle 1. In short unless it applies to all, it is of little meaningful benefit. No scoring credit is given to the seasonal closure in the Osprey Trawlers certification report. The lack of a seasonal closure for the DFPO fishery, is therefore of no detriment to the scoring of the fishery.’</i>
Much the same rational is given by the Osprey assessment team below:
P1. The total catch is constrained by TAC and quota. The value of a seasonally restricted fishery in terms of benefits to plaice are negligible unless applied to the whole of the north sea fishing fleet. The timing of the capture is of little consequence to stocks. Discards are low. Plaice that are near spawning have a limited market so incentives are low and there is a general policy for the Dutch flatfish fleet to limit the catch of Plaice to 25% of the quota in the first 3 months of the year (Jan-Mar). The North sea plaice SSB is at highest recorded level and is exploited within FMSY limits).
P2 Discards are low. The benefits of a seasonal fishery is negligible unless applied to the whole of the north sea fishing fleet and many of the bycatch species are constrained by (precautionary) TAC and quota. The habitats and ecosystems on the fished areas are unlikely to have benefited from the closed season without fishing activity as other fisheries operate in the same areas potentially for 365 days a year.
Fishing effort is further constrained by ‘days at sea’ allocated per vessel and therefore the extension of the season would not result in additional fishing activity by the UoC vessels.
Osprey have now established protocols for self sampling catches, reviewing resultant data and implementing appropriate management responses. Sampling from the year round fishery can be integrated into ongoing monitoring by Osprey. The assessment team will review findings at the next surveillance audit.

Assessment team conclusion

The benefits of a seasonal closure are difficult to quantify especially as the fishing areas are impacted by fisheries that operate throughout the year. Revising this voluntary closed season is unlikely to have any significant impact upon the sustainability of the fishery.

The impact of an extension of the fishery is likely to have no significant effect and such an easing of restrictions would not impact scoring of the fishery as this did not influence the scores given.

The surveillance process has sufficient scope to rescore the fishery if necessary and raise conditions. If other certified NS plaice fisheries encounter issues that also impact the certified Osprey operation then a process of harmonisation, either immediately or at the next surveillance audit, will take place to ensure parity unless Osprey can prove that their situation is different.

This revised operation of the fishery is in keeping with other certified fisheries and includes the intention to avoid spawning season (January-February). With this change the scores given in the Osprey trawlers PCR (public certification report) remain appropriate. Rescoring was not necessary. Osprey should be permitted to extend the fishing season.

b. Operation in Sub-area IVa Northern North Sea including Norwegian sector

Background

Osprey trawlers certificate is currently limited to sub-area IVb Central North Sea.

For the current fishing season, these operators of twin-rigged trawlers would like the opportunity to fish further north to avoid disturbance from beam trawlers.

Osprey believe that the reaction of plaice (and therefore catchability for twin-riggers) is adversely affected by the close proximity of beam trawlers. Such disturbance is anticipated to increase on the Dogger Bank areas with the increase in plaice quota for 2013. Osprey would therefore like the option to fish in more northerly areas, including the Norwegian zone under the certificate.

Assessment team comment

Certified plaice fisheries (such as DFPO) are already permitted to fish throughout the North Sea, including in the Norwegian Zone. This change is therefore consistent with existing certified fisheries.

The plaice TAC is for Area IV (North Sea) providing joint stock quotas for EU Member States and Norway as part of the Northern Agreements. These recognise the connectivity of the fisheries throughout the North Sea and the EU-Norway agreements give EU vessels the opportunity to fish in the Norwegian zone as long as they adhere to Norwegian management regulations. This includes a discards ban and a 120mm minimum requirement, which is yet to be replicated under the CFP. The management plan under which plaice and sole is managed applies to EU and Norwegian waters. EU vessels regularly operate in the Norwegian zone and manage to comply with both sets of regulations.

Under Norwegian legislation, it is prohibited to fish “illegal” fish. The prohibition constitutes an obligation to fishermen to change fishing grounds wherever the fishing contravenes regulations. They are obliged to avoid placing themselves in an illegal position. For instance, if bycatch limits or the permitted intermixture of undersized fish are exceeded, the fishing cannot be continued on the same fishing ground (www.regjeringen.no/upload/FKD/.../fact_sheet_discard.pdf).

The consequences for retained and by-catch species should be positive with a required increase in mesh size to 120mm from the 113mm current average, thus reducing likely capture of undersized fish and potential discarding. However, fishing further north may alter catch composition, which must still comply with regulations and will be reported on at the next surveillance audit.

The self-sampling regime now in place with Osprey vessels could continue unaltered if fishing within the Norwegian zone. This would identify whether retained and discarded species had altered significantly compared to previous years. However the impact on non-target and ETP species (to be fully retained in Norwegian waters unless returned alive as is possible with ray and shark species) is expected to be no different to current fishing operations as management including for ETP species would not differ.

Assessment team conclusion

This change is consistent with other certified plaice fisheries that operate in the Norwegian zone and should be permitted. With this change the scores given in the Osprey trawlers PCR (public certification report) remain appropriate. Rescoring was not necessary. The extension into the Norwegian zone would be positive with expected reductions in by-catch species. The sampling regime should continue to operate when in the Norwegian zone to allow comparison of catch compositions to operations elsewhere in IVa & b.

c. Use of cod end chafers

Background

Currently the Osprey group certificate stipulates no chafers. However Osprey wish to amend this to 3 cod-end chafers with 13-14 cm mesh size in order to protect the cod-end from damage, which risks loss of catch.

Assessment team comment

Of the other certified plaice trawl fisheries, Ekofish specify no chafers, while DFPO does not make specific reference to chafers (although stating that ‘on very rough substrates special rock hopper gears may be used’ which implies the possible use of chafers. It is therefore unclear whether other certified fisheries operate with chafers or not.

Chafers are designed to reduce wear and tear on the net. Scottish research into the effect of net attachments states that ‘debris and boulders in the codend will drag it to the sea bed and the use of chafers is justified on hard ground’ (Stewart & Robertson, 1985).

However there is concern from some quarters that chafers prevent fish from escaping and therefore more discards may result. The assessment team has considered this latter aspect and determined the following:

As the requested change is to the cod-end, the impact on selectivity is deemed to be minimal. Chafers will only be used on the underside of the cod end and therefore are not located on the selective area of net. Escape for the most part occurs prior to entering the cod end via larger meshes in the roof and the side-panels of the net and a square mesh panel in the roof of the net. It is also most likely that any escape from the cod end is via the top side and therefore “blocking off the underside should not retain many small fish (Stewart & Robertson, 1985).

The additional chafers are specified as being limited to 3. The size of the chafers should be specified as not exceeding the cod end length and should be positioned on the belly of the cod-end as it is this portion of the net most likely to come into contact with the seabed.

EC regulations permit bottom side chafers to extend further up the net than proposed (EC Reg 146/2007) and therefore the proposal is a gear adaptation that remains more selective than that stipulated in the regulations. It is expected that the change would not result in reduced selectivity of the net. However, in the spirit of continuous improvement, such a change should not result in a backward step for by-catch levels. The recent surveillance audit (2012) found discard levels to have reduced from 2011 down to 3.5% for plaice.

The use of chafers implies an intention to target hard ground, which may alter catch composition. This must still comply with regulations and will be reported on at the next surveillance audit.

Osprey now has established protocols for self-sampling catches, reviewing resultant data and implementing appropriate management responses. Results from the fishery using cod-end chafers will be compared to previous years operations fishing without chafers. The assessment team will therefore review findings at the next surveillance audit.

Assessment team conclusion

The use of cod-end chafers may already be occurring in certified fisheries (DFPO), but this is not explicitly stated.

The introduction of chafers to the cod-end by Osprey is a practical step to avoid gear damage rather than an attempt to retain more fish. By-catch and discard levels in the fishery are low due to good gear selectivity. Selectivity improvements in the Osprey fleet have been found to improve the quality of catch and reduce handling time. A reduction in selectivity is therefore not desirable in economic or environmental terms. It is expected that the use of chafers on the cod-end as specified would not

significantly reduce selectivity. With this change the scores given in the Osprey trawlers PCR (public certification report) remain appropriate. Rescoring was not necessary. As such, the assessment team recommends that the Osprey vessels should be permitted to fish with chafers.

The effects of this gear change on by-catch should be closely monitored as part of ongoing self-sampling and reviewed at the next surveillance audit. Should an increase in discard levels be identified and attributable to the use of chafers (i.e. increased levels of undersized plaice) rather than other operational changes, Osprey should desist from the use of chafers in future fishing seasons.

References:

- EC 2007** Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets. Amended and consolidated in EC Reg. 146/2007
Stewart and Robertson, 1985 Attachments to Codends P A M Stewart and J H B Robertson Marine Laboratory, Aberdeen at: <http://www.scotland.gov.uk/Uploads/Documents/No%2033.pdf>

Implications for assessment (required for fisheries assessment variations only)	
n/a.	
Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)	
Further Comments	
If MSC grant all or part of this variation then IMM propose to place on the Osprey page of the MSC website:	
<p>a. A revised fishery certificate showing the changes to the fishery</p> <p>b. A copy of this variation request so that all interested parties can read the rational for the changes and the revised UoC statement below. If all changes are permitted then the UoC statement would be [struck through text indicates deleted text and bold new text]</p>	
Species:	Plaice (<i>Pleuronectes platessa</i>). North Sea stock
Geographical Area:	ICES IVb & a: Central & Northern North Sea territorial waters between UK, the Netherlands and Denmark, excluding including the Norwegian sector
Method of Capture:	<p>To comply with effort management measures under the cod recovery plan vessels in the UoC operate different cod-end mesh sizes depending on the location fished; 95-100 mm in the designated flatfish area (south of 55°/56°N), and 110 – 130 mm to the north of this.</p> <p>The UoC is therefore a demersal otter trawl operating cod-end mesh sizes of 95-130 mm that are rigged as follows:</p> <ul style="list-style-type: none"> • Twin rigged • 220m wire sweeps with 70mm rubbers and every 50m a 200mm rubber • The fishing line (foot rope) has large diameter rubbers increasing to a maximum diameter of 150mm • A maximum of 4 tickler chains with up to 13mm diameter links • 120mm square meshed panel SMP (knotless mesh) positioned in the top panel of the extension 3m in front of the choker of the cod end. Panel is at least 3m long. • Double-twined cod ends • Low headline height 1.5 – 2m • No 3 cod end chafers with 13-14 cm mesh size
Management System:	<p>EU, National management measures Dutch, Danish and UK, Lowestoft PO, Osprey Trawler internal management of the UoC.</p> <p>Season is from 01 April until 15 November 12th March until 12th December with no weekend fishing</p>
Client Group:	<p>Osprey Group, Urk</p> <p>Osprey Trawlers Services Ltd are the certificate holders; only vessels recognised within the group, and abiding by any controls applied to this Unit of Certification, are eligible to land MSC certified fish under this certificate. Any changes in the size of the group will be evaluated during ongoing surveillance audits.</p> <p>During the fishery assessment the Osprey Trawlers Services Ltd group included:</p> <ol style="list-style-type: none"> 1. E104 Ansgar 36.6m Flag vessel from England 2. H357 Good Hope 32.9m Flag vessel from England

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| <p>3. PW447 Louwe Senior 36.6m Flag vessel from England
4. H426 Neeltje 28.8m Flag vessel from England</p> |
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