

Marine Stewardship Council - Variation Request

Date submitted to MSC	7 th December 2018
Name of CAB	Lloyd's Register (LR) & DNV-GL Business Assurance Norway AS (DNV GL)
Fishery Name/CoC Certificate Number	1. ISF Norwegian & Icelandic herring trawl and seine/ F-ACO-0098 2. Norway spring spawning herring / MSC-F-61388
Lead Auditor/Programme Manager	Polly Burns (LR) & Sandhya Chaudhury (DNV-GL)
Variation prepared by:	Polly Burns (LR) & Sandhya Chaudhury (DNV-GL)
Scheme requirement(s) for which variation requested	<i>FCRv2.0 7.24.2 (and subclauses): When conducting a re-assessment of a certified fishery, the CAB shall (...) evaluate progress against certification conditions. Unless exceptional circumstances apply (7.11.1.3) or paragraph (b) applies, the fishery shall have met all conditions and milestones. (...) In the event that there are unmet conditions, the CAB shall apply 7.23.13.1 and 7.23.13.2 (except 7.23.13.2.b.) in determining the adequacy of progress against those conditions and milestones. If the CAB concludes that the client has made inadequate progress, it shall not grant a new fishery certificate.</i>
Is this variation sought in order to fulfil IPI requirements (FCR 7.4.14)?	No

1. Proposed variation

The harmonised conditions for PI 3.1.1, PI 1.2.1 and PI 1.2.2 applied to ISF Norwegian & Icelandic herring trawl and seine & Norway spring spawning herring, will have a close out fixed deadline of 2020 in harmonisation with the other 2 fisheries in the table below. This means the ISF Norwegian & Icelandic herring trawl and seine and Norway Spring Spawning herring conditions for PI 3.1.1; PI 1.2.1 and PI 1.2.2 will be carried over into the next certification period (until 2020).

2. Rationale/Justification

There are currently four MSC-certified fisheries for Norwegian Spring Spawning / Atlanto-Scandian herring in Northeast Atlantic (FAO Area 27) (see table below). Two of the herring fisheries, ISF Norwegian & Icelandic herring trawl and seine and Norway Spring Spawning herring, are currently undergoing their year 4 surveillance and reassessment processes (highlighted in blue in the table below).

Fishery	MSC status	Year 4/ Expires
ISF Norwegian & Icelandic herring trawl and seine	Certified with component(s) in assessment	2018/28-May-19
SPSG, DPPO, PFA, SPFPO & KFO Atlanto-Scandian purse seine and pelagic trawl herring	Certified	2020/ 02-Jan-21
Faroeese Pelagic Organisation Atlanto-Scandian herring	Certified	2020/14-Jun-21
Norway spring spawning herring	Certified	2018/29-Jul-19

Across all Coastal States fisheries, there is a condition on PI 3.1.1 which was harmonised in 2015 ('The management system exists within an appropriate legal and/or customary framework which ensures that it: Is capable of delivering sustainable fisheries in accordance with MSC Principles 1 and 2; and Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and

Incorporates an appropriate dispute resolution framework.'). Although the condition itself is harmonised, the milestones to achieving this condition are not; the outcome timelines (Y4) span from May 2018 to Dec 2020. As a consequence, the condition is due to expire this year for ISF Norwegian & Icelandic herring trawl and seine and Norway Spring Spawning herring, whilst the other fisheries still have two years to close the condition.

The conditions set for these fisheries on PIs 1.2.1 and 1.2.2 are intrinsically linked with the condition for PI 3.1.1. The condition for PI 1.2.2 has a close out timeline of 2020, and the condition for PI 1.2.1 2021 – these timelines are harmonised.

The Coastal States [released an agreement](#) on 6th November 2018 which is part of the strategy from the client groups to meet the condition. There are further steps in the process underway which will only occur after the deadline for the current surveillance and when outcomes on the condition will be reported. The outcomes of the Coastal States' agreements and progress all directly relate to this condition. Should the fisheries entering reassessment be forced to leave the programme as a result of the condition not closing (under 7.24.2.2a) this will result in a scenario where identical fisheries with the same condition remain in the programme and be against the intent of the MSC to have harmonised outcomes.

Lloyd's Register and DNV-GL would therefore like to request an extension to the condition on 3.1.1 for ISF Norwegian Icelandic herring trawl and seine and Norway Spring spawning herring to:

- a) Allow the full picture relating to progress to be known before reporting on the condition status
- b) Ensure a harmonised approach to the condition across all fisheries
- c) Have time to harmonise the milestone wordings for all three conditions across all four fisheries

LR and DNV-GL would also like to harmonise the timelines for the conditions on 3.1.1, 1.2.1 and 1.2.2 so that they are all due to be closed out in the same year. The extra time granted by this variation will give the CABs the time to organise the harmonised wording of the condition texts and corresponding milestones – we're aware they are not currently harmonised and want to do so to ensure the intent of the MSC standard is not discredited. All fisheries listed in the table above will require to have the three conditions closed by 2020; this will be a hard deadline. The CABs will organise a harmonised surveillance audit during 2020 to assess the progress of the condition and ensure the harmonised outcome occurs at the same time.

PI 3.1.1 is scored identically under V1.3 and V2.0 of the MSC standard, so allowing the ISF Norwegian & Icelandic herring trawl and seine and Norway Spring Spawning herring fisheries to progress to reassessment with the condition open and the consequential move to V2.0 will not affect the condition's intent or involve a change between the fisheries that still have open conditions on V1.3.

We also note that under the new Fisheries Certification Process V2.1 there will be a requirement to harmonise condition milestones and we make this request in line with that new requirement.

3. Implications for assessment (required for fisheries assessment variations only)

No other implications for this assessment. A separate variation request has been accepted related to the fourth surveillance report timelines for the two Spring spawning herring fisheries.

4. Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)

No – stakeholders will be notified on publication of this request and response.

5. Further Comments

None thank you.