

# **MARINE STEWARDSHIP COUNCIL**

## **IN THE MATTER OF OBJECTIONS TO THE FINAL REPORT ON THE PROPOSED CERTIFICATION OF THE USUFUKU HONTEN NORTHEAST ATLANTIC LONGLINE BLUEFIN TUNA FISHERY UNDER THE MSC PRINCIPLES AND CRITERIA FOR SUSTAINABLE FISHING**

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### **FURTHER INQUIRY REGARDING HEARING LOGISTICS AND NOTICE OF TELECONFERENCE OF THE PARTIES**

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1. In its response to my notice of February 27, the CAB has indicated that a key assessor would not be available on previously suggested hearing dates during the weeks of March 23 and March 30. It has proposed instead a hearing in London during the week of April 6. Likewise, the fishery client expressed a preference for a hearing in London during the week of April 6. For its part, objector, WWF, has stated that it has no objection to such a venue and timeframe, while objector, Pew, was not able as of February 28 to make a specific commitment regarding availability. However, Pew expressed its “strong” belief in the consultation process and urged that “a formal mediated process to maximize the process of constructive exchange which could lead to agreement should . . . be pursued.” In the circumstances, I think there are two paths to be followed at this time.
2. First, in anticipation that a hearing may prove necessary in this matter, I believe an effort should be made to tie down a tentative hearing date and venue. Based upon the responses outlined above, a hearing in London during the week of April 6 would seem to make the most sense, if Pew is available. Taking into account the Good Friday holiday, my commitments and the availability of meeting rooms, a hearing in London could be held on any day, Monday-Thursday, April 6-9. Alternatively, if Pew is not available that week, the parties should consider whether the following week (of April 13) would be feasible. I request that the parties be ready to discuss the precise days on which they are available for hearing and, more particularly, any days on which they are *not* available, during the teleconference discussed below. In addition, the parties should be prepared to briefly discuss the possibility of alternatives to an in-person hearing, should the current global health crisis substantially worsen.
3. Second, especially given Pew’s request, I believe that a teleconference of the parties would be desirable in furtherance of the consultation process under PD 2.5.3. In

accordance with PD 2.5.3.1, the consultation process normally would end by Friday, March 6, though in this case an extension into the next week seems likely to be necessary to allow meaningful consultations to take place. If a settlement is not possible, then the matter would proceed to formal adjudication and, pursuant to PD 2.6.4, “the fishery client(s), the objector(s), and the CAB” may submit further written representations in advance of the hearing.

5. Based upon the canvassing of the parties by my assistant, an initial teleconference of the parties will be held on Thursday, March 5, 2020, at 10:00 am Eastern Standard Time (3:00 pm in the U.K., 4:00 pm Italy and 12:00 am in Japan). I understand that, because of the time, the fishery client may not be able to participate, but it has indicated that it was amenable for the teleconference to proceed in its absence. The purpose of the teleconference is primarily to discuss logistics of the consultation process and not the substance of the parties’ positions on settlement. I anticipate that the teleconference will last no more than approximately one-half hour.



Eldon V.C. Greenberg  
MSC Independent Adjudicator

Dated: March 3, 2020