

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

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## **Notice of Acceptance**

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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. I previously issued the Notice of Acceptance for this objection on 28 November 2016, with a date of publication of 30 November 2016.

### Request for delay

All parties have, by agreement, sought an extension to the deadlines for the responses of stakeholders, the fishery and the certification body.

In the exceptional circumstances that have arisen (personal circumstances of a key person in a party involved in this objection, statutory holidays and chances of settlement of this objection), I have decided to agree to an extension. The objection will proceed as if the date of publication were the 30 January 2017.

### Representations/Response

Under CD 2.4.7, the subject fishery and any other stakeholder that participated in the fishery assessment process, may, by 5pm GMT 20 February 2017, submit written representations on the matters raised in the Notice of Objection (including the letter of clarification). 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 27 February 2017, provide a written response to the Notice of Objection.

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 3 March 2017 whether they consider that the CAB's response provides any reasonable basis for exploring further 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 6 or 9 March 2017. If there is no resolution of the issues, the objection will proceed to adjudication.

**Melanie Carter**

**Independent Adjudicator**

**9 December 2016**