

## **Control Union (UK) Limited**

**DFC/HEC (NESI) WCPO BET/YFT/ALB Tuna**

**MSC Variation Request**

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# 1 Marine Stewardship Council variation request

**Table 1 – Variation request**

<b>1</b>	<b>Date submitted to MSC</b>
	9 <sup>th</sup> August 2021
<b>2</b>	<b>CAB</b>
	Control Union (UK) Limited
<b>3</b>	<b>Fishery name and certificate number</b>
	DFC/HEC (NESI) WCPO BET/YFT/ALB Tuna
<b>4</b>	<b>Lead auditor or program manager</b>
	Chrissie Sieben (Team Leader); Beverley O’Kane (Project Manager)
<b>5</b>	<b>Request prepared by</b>
	Emily Vella
<b>6</b>	<b>Scheme requirement(s) for which variation requested</b>
	FCP v2.2 - G7.16 Site Visit: Team Attendance and MSC Covid-19 Pandemic Derogation 3– Requirements and Guidance– Submit a variation Request (as per GCR 4.12) to the MSC to conduct initial assessments remotely
<b>7</b>	<b>How many times has a variation for this requirement been accepted for the same assessment of the same fishery?</b>
	None

**Table 2 – Variation justification**

<b>1</b>	<b>Proposed variation</b>	
	CU (UK) proposes that the site visit for this fishery to be conducted remotely, instead of conducting an on-site visit in the Republic of Korea.	
<b>2</b>	<b>Additional time requested</b>	
	<b>Original deadline date</b>	NA
	<b>Modified deadline date requested</b>	NA
	<b>Length of additional time requested</b>	NA
<b>3</b>	<b>Justification</b>	
	<p>In response to COVID-19, the MSC instated Derogation 3 (effective 28 March 2021 to 28 March 2022) allows on-site audits to be conducted remotely when travel restrictions are in place, or when the health and welfare of those involved in the audit are at risk.</p> <p>The initial derogation published 2 September 2020 stated that “initial assessments and audits that are to be completed without an on-site visit will require CABs to submit a variation request and risk assessment for approval” and that “If national or local Covid-19 restrictions prevent Conformity Assessment Bodies (CABs), assessors or certificate holders from carrying out on-site audits and assessments of already certified businesses, these may be undertaken remotely.”</p> <p>Derogation 3 published 26 February 2021 provided an extension of application to the initial derogation, and stated that it is the responsibility of the CAB to determine whether the following Covid-19 related factors prevent an on-site audit:</p> <ul style="list-style-type: none"> <li>• “International, national, or local travel restrictions that impact the assessment team or auditor or certificate holder.</li> <li>• Health risks of conducting an in-person audit/assessment to anyone involved in the audit process.”</li> </ul> <p>CU (UK) therefore submit a variation request (as per GCR 4.12) to the MSC to conduct an initial assessment for this fishery, with all members of the assessment team participating remotely (Derogation 3: 1.3b).</p> <p>The following justifications are in place for conducting a remote site visit as part of the full assessment:</p> <p><u>Travel restrictions:</u> The team consists of four members: two based in Australia; one based in the Philippines; 1 based in the UK.</p> <ul style="list-style-type: none"> <li>• In terms of UK travel to Korea, Korea is considered to be an ‘Amber’ list country, therefore, travel is permitted to the country, however, at the time of writing, a 14-day quarantine is mandatory for all short-term travellers in government-designated facilities (unless eligible for a quarantine exemption) (<a href="https://www.gov.uk/foreign-travel-advice/south-korea/entry-requirements">https://www.gov.uk/foreign-travel-advice/south-korea/entry-requirements</a>). Special approval from Korean authorities would be required for this site visit: “If you are travelling for business or academic purposes, you need to obtain special approval from the relevant Korean ministries” (<a href="https://www.gov.uk/foreign-travel-advice/south-korea/entry-requirements">https://www.gov.uk/foreign-travel-advice/south-korea/entry-requirements</a>);</li> <li>• The two members of the team travelling from Australia are considered unlikely to be able to attend the audit: there is currently a ban on overseas travel from Australia (<a href="https://www.smarttraveller.gov.au/destinations/asia/south-korea-republic-korea">https://www.smarttraveller.gov.au/destinations/asia/south-korea-republic-korea</a>), this includes travel to South Korea. Exemptions apply including “strong compassionate or compelling reason to</li> </ul>	

	<p>leave Australia” or “travel is essential for business purposes” (<a href="https://covid19.homeaffairs.gov.au/leaving-australia#toc-7">https://covid19.homeaffairs.gov.au/leaving-australia#toc-7</a>), but none of the exemptions apply to this fishery;</p> <ul style="list-style-type: none"> <li>Philippines: due to the recent rise of the Delta variant in the Philippines, it is especially difficult for our assessor Peter Watt (who resides in the Philippines) to leave the country at this time as he would be required to undertake multiple quarantines when moving between Provinces. There is a lockdown in-place in the National Capital region, which limits international travel opportunities (<a href="https://www.gov.uk/foreign-travel-advice/philippines/coronavirus">https://www.gov.uk/foreign-travel-advice/philippines/coronavirus</a>).</li> </ul> <p>The members have been chosen based on their qualifications and experience, and CU (UK) believes this team to be the best suited to conduct this full assessment. However, difficulties arise surrounding the Covid-19 uncertainties, entry requirements for foreign nationals (which are currently strict) and travel from each assessor’s travel origin. These restrictions have made <u>travelling to and from the site visit impractical</u>.</p> <p><u>Safety</u>: The safety of the assessment team is of utmost importance to CU (UK) and we are dedicated to mitigating any health risks that may emerge. Thus, another reason for this variation request is due to the health concerns of sending the assessors to Korea.</p> <p>CU (UK) does not believe that a remote assessment would adversely affect the assessment. CU (UK) would like to highlight that full assessments audit were conducted remotely during the first COVID-19 derogation period without issue, and we believe successful full assessment audits can continue to be carried out this way whilst travel restrictions and safety risks persist.</p>
<b>4</b>	<b>Implications for assessment</b>
	<p>Conducting a remote audit with the assessment team off-site is not likely to have any implications on the assessment (e.g. timeline, stakeholder input) as the site visit was planned to take place at the company’s headquarters. All stakeholders will be able to attend the site visit, with multiple options for communicating with the assessment team, including video conferencing, telephone or email. Translation opportunities are written into the contract (as certain site visit attendees may prefer to conduct meetings in Korean). A potential issue that could arise is the language barrier between stakeholders and the team, and in order to mitigate against this possibility a, a translator will be organised. CU (UK) believes this solution will allow for a high level of stakeholder input without jeopardising the team’s ability to collect data</p> <p>See Table 1 for further information.</p>
<b>5</b>	<b>Mitigation of the implication for assessment</b>
	<p>A member of Control Union Korea will be selected by CU (UK) as a translator, to participate in and assist with remote audit meetings.</p> <p>The majority of data currently expected to be required for this full assessment has been obtained. The Team Leader will create a site visit agenda to ensure that during the meeting, any data gaps are addressed, all important matters are discussed, and that that the meeting runs smoothly.</p> <p>A range of well-informed, relevant stakeholders will attend and ensure that data gaps and potential fishery issues have been fully addressed.</p>
<b>6</b>	<b>How many conditions does the fishery have and will their progress be affected (positive or negative)?</b>
	<p>The fishery is undergoing its initial full assessment – no conditions have been raised at this stage.</p>

<b>7</b>	<b>What is the status of the current assessment?</b>
	Initial assessment; ACDR submission on the MSC website is expected in November.
<b>8</b>	<b>Further comments</b>
	The MSC require a risk assessment to be attached to this VR (which has been provided in Appendix 1: Table 1)
<b>9</b>	<b>If applicable, additional information added after MSC's request</b>
	NA

## 2 Appendix 1 – Risk assessment

Table 1 Key risks and mitigation explained. Key risks are identified by using the MSC’s September 2020 Covid-19 Pandemic Derogation – Requirements and guidance (Table 1).

Key Risks	Risks and mitigation explained
Ability to verify information remotely	<p>As per Table G1:</p> <ul style="list-style-type: none"> <li>- Client and stakeholder input: the ability to verify information remotely is low risk as there will be multiple opportunities to engage with the client and stakeholders and videoconferencing, phone conferencing, email and phone. This has been successfully conducted for several CU UK assessments in the past.</li> <li>- Fishery reports, government documents, stock assessment reports and/or other relevant reports: much of the data required has been publicly available e.g. via websites or has already been received from the client. Remote access is available to documents. Therefore, this is low risk.</li> <li>- All information related to determine P1 and P2 (including VMS data, observer data, logbooks, fisher interviews, dockside monitoring) can be transferred electronically and easily interpreted. Therefore, this is low risk.</li> <li>- While assessing the physical aspects of the fishery would be worthwhile, unfortunately the vessels operate in the High Seas of the WCPFC and therefore, it would be difficult for the assessment team to conduct vessel observations under the current circumstances. The team will rely on the client to provide gear descriptions and a description of the processes that take place on the vessels during fishing operations. Medium risk.</li> </ul>
Ability to engage with stakeholders, deliver a robust stakeholder consultation process and conduct interviews with stakeholders. Please refer to FCP 4.2, GFCP 4.2, and 7.16.	<p>A comprehensive stakeholder list has been drafted based on team expertise as well as client feedback and the CAB’s experience with other, similar fisheries. As per FCP requirements, the assessment will provide multiple opportunities in the assessment process for stakeholder to be consulted and to speak with (or write to) the assessment team independently and confidentially, as desired.</p> <p>Dedicated CU UK audit planning procedures were established following the Covid-19 derogation. The planning calls for an increased level of communication and coordination with the client and stakeholders to ensure remote meetings can run as smoothly and efficiently as possible. Additional time will be set aside so that meetings can be broken down into more manageable three-hour slots. The CAB’s procedures have already been tested by this assessment team in various site visits such as the Micronesia Skipjack, Yellowfin and Bigeye Tuna Purse Seine Fishery, with the initial site visit which also took place remotely. As for any site visit, the CAB and team will ensure that MSC and ISO 19011 and ISO 17065 auditing procedures are followed at all times and IAF MD 4:2018 is implemented as appropriate (as discussed below).</p>
Ability to gather information and carry out stakeholder consultations if the Risk Based Framework (annex PF) is being used to assess data-deficient Pis.	<p>N/A – it is unclear if RBF is required at this point in the process: the ACDR draft has not yet been completed. The assessment team wanted to prepare as early as possible for the instance of not being able to travel to South Korea: in the instance of no travel being permitted.</p>
Availability of information - FCP 7.10.2.h requires CABs to indicate the availability of information used to score each PI and to highlight potential information gaps. If the CAB identifies a large number of information gaps in the ACDR the CAB	<p>At the time of nearing the first draft of the ACDR, the majority of the information has been provided to the assessment team via the client group, or the team have been able to access relevant information online. Some data gaps remain, which the client is currently aware of and are trying to provide the data to the assessment team. The team is confident that all of these matters can be resolved remotely, with additional data and documents submitted electronically.</p>

<p>should consider if a remote site visit will be sufficient to obtain the necessary information.</p>	
<p>Ability to understand the context, scale, and intensity of the fishery operations</p>	<p>The assessment team have previously conducted MSC full assessments for various tuna fisheries in this region, including other fishery assessments within the same country from the same client, and. The assessment team have visited the region and have visited port facilities within the region. As per standard procedure, where information cannot be obtained by the team in situ, documentary evidence will be requested.</p>
<p>Availability of information and communication technology (ICT). Competency of assessment teams, auditees, and stakeholders in using ICT. Please refer to IAF MD 4:2018</p>	<p>The CAB ensures that its assessors have access to and are trained in Office 365 facilities, this includes Microsoft Teams as the teleconference software. The assessment team have already used Microsoft Teams to contact stakeholders and the client. Stakeholders will not need any licences/ software to access Microsoft Teams for any phone calls. A link will be provided to them in good time to be able to access any calls. Should any stakeholders be unable to use the software, Skype and other teleconference call facilities are also available and CU (UK) use multiple software in cases where Teams is not suitable e.g., when callers need to call in via landline. The assessment team are used to using Office 365 facilities and/or Dropbox with remote stakeholders.</p> <p>As per IAF MD 4:2018, the assessment teams can record calls, will record attendance based on permission provided by those on the call. Confidentiality will be discussed at every call as per the opening meeting requirements. Notes will also be recorded by assessment team members. Documents can be sent real-time via Microsoft Teams. This has been tested and is reliable. Assessment team members will arrive early for calls should any users want to test sound/ video quality and solve any technical issues.</p>
<p>Ability to clearly exchange information between the assessment team, prospective fishery client and stakeholders and to be understood by all parties when parties speak different languages.</p>	<p>CU UK is in the fortunate position to have colleagues working in Korea (CU Korea), who will participate in the assessment by providing translation services. Through these measures, CU UK believes to have appropriately covered the language barrier that may arise between some of the team members, and the client and stakeholders.</p> <p>Most participating stakeholders are English speaking. Stakeholders will all be given the opportunity in the site visit to contact the assessment team for a separate meeting should they wish.</p> <p>The assessment team have worked on fisheries projects together for many years and are in frequent contact. They are used to working together remotely and have shared documents with the clients and between each other for these years.</p> <p>The client may require detailed explanations on the MSC process, as well as the role, purpose, and constraints of the audit team, confidentiality and CoI considerations. A significant portion of time will be allocated to ensuring these requirements are covered during the opening meeting, and at the beginning of each stakeholder call. These topics will be discussed before the week of the remote audit (should this VR be accepted) to ensure that the right message is delivered to the client and stakeholders.</p> <p>As per FCP, the assessment team will ensure that stakeholders are involved throughout the process, and all of the team have tried to ensure that the stakeholder list is up-to-date as possible.</p>
<p>Ability to schedule remote site visit activities at reasonable mutually convenient times when parties are located across different time zones.</p>	<p>Whilst the assessment team and stakeholders cover multiple time zones, the assessment team are familiar with conducting assessments across these time zones and have proven that they are able to ensure that meetings are conducted at suitable times for these parties. In addition, Peter Watt (our P3 assessor) is based in the Philippines, and Kevin McLoughlin (P1 assessor) and Tim Emery (our P2 assessor) are based in Australia. The Philippines, South Korea and Australia are all within a couple of hours of each other in terms of time zones.</p>