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Sent by email

Date: 28/11/2022

Subject: Request for variation to the MSC Certification Requirement v2.2 FCP-7.28.16.4 for Joint demersal fisheries in the North Sea and adjacent waters

Dear Virginia Polonio,

I write with reference to your submission on 21/11/2022 of a request for variation to the MSC Certification Requirement (CR) to allow:

The proposed variation is against MSC FCP, v2.2, clause 7.28.16.4 a– if a condition is not closed by its deadline, the CAB shall consider progress as inadequate. There is a requirement to suspend a fishery if a condition is not closed by its deadline. This variation request proposes to extend the deadline for this condition and extend the deadline to the next certification cycle due to exceptional circumstances as has been done in other fisheries when is related to Harvest Control Rules PI.

As you are aware, the CR procedures relating to v2.2 FCP-7.28.16.4 state:

If a condition is not closed by its deadline, the CAB shall:

- a. Consider progress as inadequate.
- b. Apply the requirements of GCR Section 7.4 (suspension or withdrawal).
- c. Inform the fishery client that they cannot enter the same Unit(s) of Certification, or any entity in the Unit of Certification(s), into full assessment under either the same or an alternative name unless the cause for suspension has been addressed

These are integral to ensuring all MSC accredited Conformity Assessment Bodies operate in a consistent and transparent manner. The MSC intends that these requirements be met across all fisheries and CoC certificate holders, except in exceptional, well-justified circumstances, as part of the MSC programme.

MSC notes the factors presented supporting your request, including:

- A condition on Neprophs (Norway lobster) was established during the previous certificate cycle for the one of the fisheries that is now under the Joint demersal fisheries in the North Sea and adjacent waters. The condition relates to PI 1.2.2 regarding having well-define harvest control rules in place and was carried over the current certificate cycle with deadline on year 2 (2022).
- Control Union (UK) inform that the fishery has been making progress towards this condition although additional years are needed to have a long enough time series of stock abundance. This has hampered the expected progress and prevent closing the condition this year. Reasons related to the scientific work being delayed due to Covid as well as changes in the area survey are provided to explain the lack of necessary information.
- Control Union (UK) also provide background on the precautionary approach in setting total allowable catch (TAC) and that the average harvest rate over the last 10 years has been well below the Fmsy proxy, so any delay in formally implementing biomass reference points to work alongside exploitation rates is not going to have any impact on the sustainable management of the stock and its current overall healthy shape.
- The request is to prevent the suspension of the relevant Units of Certification and allow additional time to close the condition.



Given the rationale provided, the MSC is willing to grant a variation to the CR in this case subject to the following conditions:

- The condition on PI 1.2.2 for Nephrops (Norway lobster) in Division 3a, Functional Units 3 and 4 will be closed before the current certificate expire date.
- Stakeholders are informed of the deadline extension for the condition.

If you have any questions regarding this response, please do not hesitate to contact the relevant Fisheries Assessment Manager for this fishery.

Marine Stewardship Council

cc: Assurance Services International