

# Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery)

## MSC Notice of Objection

### 1 Introduction

The MSC Objection Procedure is included in the [MSC Disputes Process v1.0](#).

The MSC Objection Procedure provides an orderly, structured, transparent and independent process by which stakeholder or client objections to the Final Draft Report and determination of a certifier (or Conformity Assessment Body) can be resolved.

The Objection Procedure is not intended to review the fishery against the MSC Fisheries Standard, but to determine whether the certifier (CAB) made an error of procedure, scoring, or condition setting that is material to the determination or the fairness of the assessment.

[Learn more about MSC objections >](#)

Please complete all unshaded fields. All grey boxes containing instructions may be deleted, e.g. the 'Introduction' section. All notes and guidance indicated in *italics*, please delete and replace with your specific information.

The MSC Notice of Objection Template should be completed and sent to [objections@msc.org](mailto:objections@msc.org). Please ensure you will complete Sections 2.1 and 2.2 from this template. Depending on the selected objection category in Section 2.3, complete Section(s) 2.4-2.7 accordingly.

Information on objection costs and the MSC Objection Fee Cost Waiver Form can be found in the appendices.

## 2 Marine Stewardship Council Notice of Objection

### 2.1 Your details


**Table 2.1.1 – Contact details**

|   |              |          |
|---|--------------|----------|
| 1 | Contact name |          |
|   | First        | Last     |
|   | Arturo       | González |
| 2 | Title        |          |
|   | Mr.          |          |

**Table 2.1.2 – Organisation details**

|   |   |
|---|---|
| 1 | Organisation*   |
|   | - Please enter the legal or registered name of your organisation or company.  |
|   | World Wildlife Fund, Inc.   |
| 2 | Department  |
|   | Marine Conservation/Oceans seascape   |
| 3 | Job title*  |
|   | Senior Program Officer  |
| 4 | Description   |
|   | - Please provide a short description of your organisation.  |
|   | A conservation NGO with presence in more than 100 countries, with 5000 employees in its offices and more than 5 million collaborators over the world. |
| 5 | Phone   |
|   | +593-984584773  |
| 6 | Email*  |
|   | <a href="mailto:arturo.gonzalez@wwf.org.ec">arturo.gonzalez@wwf.org.ec</a>  |

**Table 2.1.3 – Assessment details**

|   |   |
|---|---|
| 1 | Fishery name*   |
|   | Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery)   |
| 2 | CAB*  |
|   | LRQA Fisheries  |
| 3 | The following objection is being lodged on behalf of the above-named organisation(s) and I am authorised to make this submission on their behalf* |
|   | <ul style="list-style-type: none"><li>- Date</li><li>- Signature*</li></ul>   |
|   | September 22, 2022<br>   |

## 2.2 Objecting party's involvement

**Table 2.2.1 – Prior involvement**

| Please indicate your prior involvement with this assessment              |          |
|--|----------|
| Fishery client – MSC Disputes Process v1.0, 5.4.1.a                      | Yes / No |
| Written stakeholder submissions - MSC Disputes Process v1.0, 5.4.1.b     | Yes / No |
| Meetings attended - MSC Disputes Process v1.0, 5.4.1.b                   | Yes / No |
| Participation prevented or impaired - MSC Disputes Process v1.0, 5.4.1.c | Yes / No |

**Table 2.2.2 – Evidence**

|   |  |
|---|--|
| 1 | Supporting evidence of prior involvement in the assessment   |
|   | - Provide evidence and/or outline details to support this classification.  |
|   | Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery- Final Draft Report-WWF stakeholder comments (stakeholder meeting, ACDR-comments, PCDR comments)   |
| 2 | Background   |
|   | - State here your interest in the fishery and its certification.   |
|   | <p>Purse seine tuna fishery in the Eastern Pacific Ocean / EPO is one of the most important worldwide regarding captures and the number of fishing vessels that operate in the area. Since 1967 is managed under the umbrella of RFMO IATTC, accountable for scientific-approach follow-up and the proposal of new and specific management measures that guarantee, in the best possible way the resource sustainability.</p> <p>In Ecuador, with full consciousness of the relevance this fishery has on its economy (0.97% of the country GDP) many public and private actions have been launched with the focus to improve the sustainability of this tuna fishery in the EPO.</p> <p>In that sense, since 2016, a group of tuna fishing firms, mainly Ecuadorian launched a process targeting the achievement of MSC certification for this fishery. This group of firms conducted a Pre-Assessment and taking into account its outcomes and choose to start up a Fishery Improvement Project / FIP to correct and improve the processes related to Performance Indicators PI's that had poorly scored in the Pre-Assessment.</p> <p>This FIP named TUNACONS, was developed during years 2016-2019. Each one of the issues that were found in the Pre-Assessment were significantly improved through specific actions over several years of work. In a general way, all these problems and actions had three differentiated focuses. Firstly, to improve the knowledge of objective fish stocks status and to implement conservation measures and specific management. For this purpose, a direct collaboration with IATTC was established, and in an especial way with its scientific staff, its Scientific Advisory Committee, and also supporting the approval of new fishery regulations aiming to set up more sustainable management mechanisms.</p> <p>The second focus is linked with the support to strengthening the fishing Ecuadorian administration and the development of standards and specific management measures or related to the fishery. In this way, a Shark National Action Plan, Sea Turtles National Action Plan and National Action Plan for Tuna management and conservation (among others), are tools that settle down a sustainable management system aligned with resolutions and recommendations from IATTC and with a broader international legal framework. Besides, core elements for an appropriate management of fishing resources were reinforced such as Participation processes for taking decisions or ecosystemic focus. On the other hand, many elements for controlling illegal fishing were improved. A new Fishing Law, in force since 2020, takes many elements that came out from the process of the before mentioned Fishery Improvement Project.</p> |

The third focus of Fishery improvement Project was orientated towards the improvement of fishing operations in TUNACONS fleet. Principle 2 in MSC is focused on the impact of the fishery on marine environment and the elements or tools that are deployed to reduce these impacts and minimize their effects. TUNACONS, aware of the problems associated to purse seine tuna fishing operations, implemented specific actions to tackle and reduce them. On one end, the use of fish aggregating devices / FAD's, may cause direct and indirect harms to other species and habitats. In that sense, there are species sorted inside any national, international, or regional protection criterium may get entangled in the nets hanging out from these floating devices. Additionally, lost FADs may end reaching out coral reefs provoking harmful effects on them. Even though no entangling material should be used in this fishery, IATTC recommends the progressive use of FAD's, that especially if lost, can be 100 % degraded in their structures and fish attractance capability. For that reason, TUNACONS is a pioneer in the use of natural fibers for FAD's manufacturing building a commitment from all the firm's part of the consortium to gradually introduce them throughout the whole fleet.

Certain species of sea turtles and sharks can be accidentally captured during the process of purse seine retrieving operation, and if they are not localized and released before being uploaded onboard, they will be posteriorly released on the deck. Practice to avoid capture or for releasing alive have been designed and implement in TUNACONS fleet. Without disregarding that, to promote effectiveness of these processes, a huge specific training on skippers and crew must have been carried out based on own and external experiences as in the case of ISSF.

Additionally, the organisations of Large Tuna Freezers (OPAGAC/AGAC) performed a FIP in all the oceans where its vessels catch tuna, including the Eastern Pacific Ocean / EPO. OPAGAC is an association of Spanish origin tuna firms that operate in the same way and with similar protocols as of TUNACONS vessels do, i.e., purse seine over free swimming schools or on FAD's.

For 5 years, the FIP carried out by OPAGAC was focused in improving fishery sustainability in the EPO in general and of the fishing practices of all its vessels. The impact of actions derived from OPAGAC's FIP has been very similar to that one from TUNACONS, changing and improving management the fishery processes at regional level in the same way as nationwide (Spain, European Union). The sum of deployed efforts in both FIP's has had a great impact on improving sustainability of purse seine tuna fishery in the EPO.

Both fisheries, TUNACONS and OPAGAC, have been recently certified for YFT under MSC. From WWF, at regional and national level, many FIPS have been sponsored as a core element to improve sustainability in fisheries, beyond the fact that fisheries may have been posteriorly certified or not, FIPS make it feasible to work in a multidirectional and coordinated way over the different problems linked to fisheries in general terms. WWF Spain and WWF Ecuador have been fundamental pieces on design and follow-up actions derived from aforementioned FIPS.

In both cases, WWF acknowledges the important effort that both industrial groups have performed for achieving the objectives determined by the FIPs and whose most remarkable outcome for both fisheries is the final MSC certification achievement for YFT in the EPO.

Ecuador is the main tuna producer in the EPO based on the volume of captures and the number of flagged vessels, this fact leads the country and its operations to be a masterpiece in a sustainable resources management as a long-term objective for the fishery. The effort deployed by institutions, companies, and civil Society on improving current situation is remarkable and it counts on several proofs and facts that can validate this statement. We understand that, shadowed by the effort carried out, other actors may desire to take advantage of the situation and may achieve MSC certifications. Nevertheless, in the same way as the management organizations and the components of civil society perform on their different roles for common welfare, private firms must be accountable for supporting and implementing requested recommendations and commitments and show objective evidence of what has been done and its outcomes. This evidence is from WWF point of view, essential whatsoever to determine if core management elements are being fulfilled or not.

At this stage, we consider it is not fair or appropriate to use of shortcuts taking advantage of the previous work without showing compliance with MSC standard.

The Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery) in certifications process is being assessed by CAB Lloyd's Register Quality Assurance Fishery, with Unit of Assessment similar to that one from TUNACONS and OPAGAC/AGAC for the EPO, purse seine with floating objects and free-swimming schools and with yellowfin tuna and skipjack tuna as target species.

During the consultation process of PCDR, WWF Ecuador raised several observations to some PI's in which it was detected that the text of rationales of most Scoring Elements had been "copied and pasted" from FCR for OPAGAC/AGAC report. Even though this a current practice on fisheries that share the same Unit of Assessment (UoA), it seems not too much reliable when no specific practices of said fleet are included or referenced in the process.

Although there are general references in relation to information and management for Primary, Secondary, ETP species, habitat or ecosystems (PI 2.1, PI 2.2, PI 2.3; PI 2.4, PI 2.5) for this fishery, there are no references or are nil in their content to specific processes of management of these species such as, an adequate identification of captured species, the management of ETP species or specific enforcement of resolutions about FAD's coming from IATTC.

Due to the presence of WWF mentoring all certification processes cited in the fishery of tuna in the EPO, it may be concluded that, the fleet included in the certification process of Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery) has been neither engaged nor participating in any activity or process of taking decisions in the fishery. There is no evidence or reference in the report that may support the participation of these companies in processes that contribute to improve tuna fishery sustainability in Ecuador and on a regional level. Due to these facts, this fleet cannot be considered as proactive in complying with Ecuadorian and IATTC Management objectives.

In this scenario, WWF considers that the certification of the fleet included in the process of certification of Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery) does not contribute to improve fishery sustainability due to the fact as per previous comments, neither in the reports uploaded in the MSC website, nor in the different management existing processes as much as in IATCC or in Ecuador, there is relevant evidence of the contribution of this economic group to tuna fishery sustainability. In this sense, we consider that MSC certification for this group of companies that, has not given any evidence or any commitment towards sustainability of tropical tuna fishery in the EPO, and has taken advantage of the opportunities generated by the effort of other actors, should not represent an example lined up with the values and objectives of the Marine Stewardship Council.

For all the previously mentioned, from the WWF Ecuador side, it is considered as necessary to raise an Objection to the certification of Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery) performed by CAB LRQA Fishery, in which the role of the participating fleet is crucial as it only seems to extract convenient general elements used in other certification reports.

Following, some other specific objections to PI's that were formerly raised in the PCDR consultation process.

## 2.3 Your objection

**Table 2.3.1 – Objection category**

| Are you objecting on the basis that, in your opinion: (please select any that apply)  |                 |
|---|-----------------|
| There was a serious <b>procedural</b> or other irregularity in the fishery assessment <b>process</b> that was material to the fairness of the assessment (MSC Disputes Process v1.0, 5.9.2.a). <a href="#">Complete Section 2.4.</a>  | <b>Yes / No</b> |
| The <b>CAB review of the Client Action Plan</b> cannot be justified because the conditions fundamentally cannot be fulfilled within the allocated time frame ( MSC Disputes Process v1.0, 5.9.2.b). <a href="#">Complete Section 2.5.</a>   | <b>Yes / No</b> |
| The <b>score</b> given by the certifier (CAB) in relation to one or more of the Performance Indicators cannot be justified, and the effect of the <b>score</b> in relation to one or more of the particular Performance Indicators in question was material to the determination ( MSC Disputes Process v1.0, 5.9.2.c). <a href="#">Complete Section 2.6.</a> | <b>Yes / No</b> |
| <b>Additional information</b> not forming part of the record (MSC Disputes Process v1.0, 5.8.5.a) that is relevant to the circumstances at the date of determination has not been considered (MSC Disputes Process v1.0, 5.9.3). <a href="#">Complete Section 2.7.</a>  | <b>Yes / No</b> |

## 2.4 Process

Objection in line with MSC Disputes Process v1.0, 5.9.2.a.

Please ensure you have filled in your [contact details \(Section 2.1\)](#) and [objections category \(Section 2.3\)](#) before filling in this section.

**Table 2.4.1 - Content**

| 1 | Procedural issues   |
|---|---|
|   | <ul style="list-style-type: none"> <li>- State here the procedure(s) that you or your organisation believes were omitted or incorrectly followed by the certifier in the conduct of this assessment, in relation to the version of the FCP used.</li> </ul>   |
|   | <p><b>Summary:</b></p> <p>The certifier incorrectly followed procedures in regards to the verification of information / evidence (ISO 19011 - A.5 ) and in regards to access to information (FCP v.2.2 - 4.4). As one of several effects, the procedures for traceability within the fishery were incorrectly followed and the outcome was impaired (FCP v.2.2 – 7.2). Additionally, we describe in objection box 2.6. several other cases where these procedural errors significantly affected the result of the determination.</p> <p><b>Relevant procedures:</b></p> <p>ISO-17065<br/>A.6.2 The certification body has the responsibility to obtain sufficient objective evidence upon which to base a certification decision.</p> <p>ISO 9001<br/>3.8 objective evidence - data supporting the existence or verity of something</p> <p>ISO 19011<br/>3.9 audit evidence: records, statements of fact or other information, which are relevant to the audit criteria (3.7) and verifiable</p> <p>6.4.7 Collecting and verifying information<br/>During the audit, information relevant to the audit objectives, scope and criteria, including information relating to interfaces between functions, activities and processes should be collected by means of appropriate sampling and should be verified, as far as practicable.</p> <p>Only information that can be subject to some degree of verification should be accepted as audit evidence. Where the degree of verification is low the auditor should use their professional judgement to determine the degree of reliance that can be placed on it as evidence. Audit evidence leading to audit findings should be recorded. If, during the collection of objective evidence, the audit team becomes aware of any new or changed circumstances, or risks or opportunities, these should be addressed by the team accordingly</p> <p>A.5 Verifying information<br/>Insofar as practicable, the auditors should consider whether the information provides sufficient objective evidence to demonstrate that requirements are being met, such as being:</p> <ol style="list-style-type: none"> <li>complete (all expected content is contained in the documented information);</li> <li>correct (the content conforms to other reliable sources such as standards and regulations);</li> <li>consistent (the documented information is consistent in itself and with related documents);</li> <li>current (the content is up to date).</li> </ol> <p>It should also be considered whether the information being verified provides sufficient objective evidence to demonstrate that requirements are being met.</p> |



## MSC Fisheries Certification Process v2.2

### 4.4 Access to information

4.4.1 The CAB shall ensure that unpublished key information necessary for stakeholders to be able to properly review the logic used by the team to score a PI is made available to stakeholders.

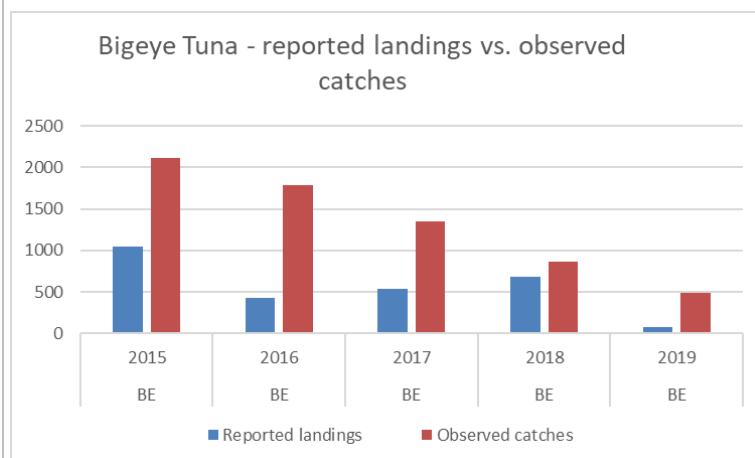
4.4.1.1 The CAB shall make unpublished key information available when referenced in a public assessment report and shall ensure that the information is available throughout the subsequent stages of the assessment process.

### Rationale:

Missing verifiability of claims, inconsistency of data and limited access to information has been problematic throughout this assessment and was criticised by stakeholders (PEW, WWF- Final Draft report). Verifiable objective evidence is still missing or is inconsistent. Stakeholders still have no access to key information.

WWF pointed out throughout the assessment that:

- The CAB claims that an EMS system is in place for vessels that don't carry human observers and states that cameras are onboard. However, there is no additional information provided and it cannot be verified that the camera footage is analysed and results documented (see box 2.6- PI 2.1.3) .
- The CAB claims that the fishery adheres to ETP relevant IATTC resolutions (C-19-04: C16-05). However, information about the mandatory self-reporting of shark and turtle bycatches are not provided (e.g. logbooks, reports) and adherence to this requirement can therefore not be verified (see box 2.6 – PI 2.3.2)
- The CAB claims that one source of catch composition are vessel logbooks and that logbooks and internal records of quota monitoring have been reviewed (FDR 8.3.1.1.2; 9.3.3) to estimate catch composition. However, no information about this review of logbooks and internal records of quota monitoring were provided in the report and no information was accessible. But information of logbook protocols are essential to verify claims regarding ICCAT compliance and to triangulate inconsistent catch and landing data to verify the inconsistent datasets.
- The CAB claims that they had 100% landings data from the fishery that had been verified by national authorities as well as the catch data from the IATTC observer program (covering 79% of fishing activity). However, observed catch data (Table 6 FDR) and official landings (table 7 FDR) do not match up and are obviously inconsistent (see Fig. 1 below) and therefore the actual catches and catch compositions cannot be verified (ISO 19011- A.5 c). For example, the observed Bigeye Tuna catches are in average 230% higher (up to >400% in 2016) than the reported landings although the observed Bigeye Tuna catches are already an underestimation (Observer cover only 79% of fishing activity), Observed Skipjack catches in 2019 exceeded the reported landings more than 2000t and the ratios of unobserved catches (landings vs. observed catches - discards) differ profoundly between species (YF, BE, SK) in the same year.



Given the inconsistency between landing and catch data and the known risks regarding MCS in Ecuador (European Union granted Ecuador a Yellow Card because it considered that the system of control and sanctions did not guarantee the effective reduction of IUU fishing) it is a serious procedural error and beyond expert judgement to accept such a low degree of verification as it is provided in this assessment.

|   |   |
|---|---|
|   | <p>MSC noted in their technical oversight (FDR 9.6 MSC Technical Oversight) that “as per section 6.2 of the MSC Reporting Template, the CAB shall include a description of the tracking, tracing and segregation systems and how these systems will allow traceability back to the UoC. Section 7.2 is incomplete and it is unclear what systems are in place by the fishery client in maintaining UoC catch records and record accuracy. For example, EMS was discussed in p.25 (Chapter 5.3), but not all UoC vessels have EMS to ensure correct record keeping of catch coming from certified catch area.”</p> <p>CAB answered that there are multiple tracking levels that apply to this fishery which is 100% monitored on landing and explained in Section 7.2 of the FDR that the client provided evidence of traceability in the form of catch records from fishing vessels, landing records and sales notes and concluded that there are auditable traceability processes in place from the point of capture to the point of landing. However, the evidence that part of the observed catches (e.g. 75% of BE tuna catches) seemingly disappear from the point of capture to the point of landing was ignored by the CAB.</p> <p>-</p> |
| 2 | Other   |
|   | <ul style="list-style-type: none"> <li>- State here any other irregularity in the fishery assessment process that you or your organisation believes was material to the fairness of the assessment.</li> </ul>  |
|   |   |

|   |  |
|---|--|
| 3 | Effect on the determination  |
|   | <ul style="list-style-type: none"> <li>- Please state why you or your organisation believes that the failure of the CAB to follow procedures has significantly affected the result of the determination such that the determination should be altered.</li> </ul>  |
|   | <p>The certifier incorrectly followed procedures in regards to the verification of information / evidence (ISO 19011- A.5 ) and in regards to access to information (FCP v.2.2 - 4.4). As one of several effects, the procedures for traceability within the fishery were incorrectly followed and the outcome was impaired (FCP v.2.2 – 7.2). Additionally, we describe in objection box 2.6. several other cases where these procedural errors significantly affected the result of the determination.</p> |

## 2.5 CAB review of client action plan

Objection in line with MSC Disputes Process v1.0, 5.9.2.b.

Please ensure you have filled in your [contact details \(Section 2.1\)](#) and [objections category \(Section 2.3\)](#) before filling in this section.

Listing the conditions placed on the relevant Performance Indicator(s) and, using the template below, please clearly identify:

- a. The reason(s) why you or your organisation believes that the condition assigned to the Performance Indicator(s) and CAB review of the Client Action Plan within the Final Draft Report cannot be justified because it cannot fundamentally be fulfilled within the allocated time frame; and
- b. Your supporting justification, making reference to the particular parts in the Client Action Plan that cannot fundamentally be fulfilled within the allocated time frame.

Please repeat the table below as needed for each Performance Indicator and condition to be included in the objection.

**Table 2.5.1 - Conditions**

| 1 | Performance Indicator  |
|---|--|
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding |
|   |  |
| 2 | Condition  |
|   | - Enter the condition, as stated in the Final Draft Report.                |
|   |  |

| 3 | Reason   |
|---|--|
|   | - Enter reason(s) in line with (a) above.                        |
|   |  |
| 4 | Supporting justification   |
|   | - Please enter supporting justification for the reason(s) above. |
|   |  |

## 2.6 Scoring

Objection in line with MSC Disputes Process v1.0, 5.9.2.c.

Please ensure you have filled in your [contact details \(Section 2.1\)](#) and [objections category \(Section 2.3\)](#) before filling in this section.

Listing the conditions placed on the relevant Performance Indicator(s) and, using the template below, please clearly identify:

- The reason(s) you or your organisation believes that the score(s) presented within the Final Draft Report cannot be justified; and,
- Your rationale and/or evidence in support of a different conclusion, making reference to the particular Performance Indicator in question.

Please repeat the table below as needed for each Performance Indicator and condition to be included in the objection.

**Table 2.6.1 - Scoring**

| 1 | Performance Indicator   |
|---|---|
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding  |
|   | 2.1.3 - Primary species information   |
| 2 | Reason  |
|   | - Enter reason(s) in line with (a) above.   |
|   | <p>This fleet counts on three out of a total of eleven vessels that are under Class 6; two corresponding to Class 3 and one corresponding to Class 5. One vessel from Class 3 and one vessel from Class 5 are said to count on EMS (Electronic Monitoring System) but the other vessel does not count on any Observer, neither electronic nor human. Final Draft Report 5.3.3 Catch Data: In response to ACDR, the client group obtained IATTC data from observer's trip conducted aboard UoA vessels over the period between 1st of January 2015 and August 2020 prior to the first site visit in February-March 2021. But what about the three vessels under Class 6 that did not count on Observers during this period. Assessment teams need to be more precautionary in their assessment of information adequacy to support an Outcome PI score (see GSA3.6.3.1). The assessment team did not take into account that some of the UoC vessels do not have observers or EMS in place and that the data collection contains a high level of potential bias. CABs are required to assess the validity of the qualitative information used (at SG 60 - GSA3.6.3 - triangulation) and the CAB argues in their rationale for 2.1.3 that they used IATTC observer data and UoA landing data "The result of these requirements is that there is a long time series of catch and landings data available (see Table 6 &amp; Table 7) which are used by the IATTC to inform its stock assessments" and "this tour confirmed, inter alia, that the IATTC observer was aboard the vessel and was monitoring the unloading of the catch; and that detailed records of landings of each species (by weight) were generated and retained in accordance with Ecuadorian regulatory requirements." However, the CAB did not notice or highlighted the massive mismatch between the ICCAT observer data and UoA landing data (Table 6 and 7). While Skipjack Tuna catches corresponded quite well between landings and observer data, the Bigeye Tuna catches differ in average 230% between landings and observer data (up to &gt;400% in 2016) and BE landings are continuously underreported compared to IATTC observer data. This massive discrepancy can not be explained by discard at sea (discard rate 0.67% for BE see Table 8) and the actual discrepancy is likely even higher because IATTC observers do not cover all UoA fishing operations/ catches (3 out of 11 vessels do not have IATTC observers). The CAB made a mistake as to a material fact (not testing for validity of BE data) and the scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it.</p> <p>Going to back to FDR report of the fishery (section 5.3 Description of the fishery) and referring to aforementioned two vessels of UoC that have electronic observers on board.</p> <p>The FDR literally says:</p> <p>Two of the small-scale fishing vessels have voluntarily installed electronic surveillance systems (EMS). EMS systems consist of digital video cameras installed at various locations on the ship along with a digital video recorder. The EMS system is activated every time a set (real fishing operation) is made. The third small-scale fishing vessel, Joselito, plans to install an EMS system by the first quarter of 2021</p> |

|  |  |
|--|--|
|  | <p>Beyond this information there is no data in the report about the analysis of the information coming from this system. No reference is made to how the data is processed and contrasted to determine its veracity and degree of error. There is also no mention of whether these data are sent separately or jointly to IATTC. The latter could distort the quality of the information given that there is apparently no verification mechanism, which is assessed by another party. There is also no reference to the application of a standard or protocol that has been used for the installation of the on-board system and information processing</p> <p>Therefore a score of &gt;80 and even &gt;60 for scoring issue a cannot be justified.</p> |
|--|--|

|   |  |
|---|--|
| 3 | Supporting rationale and or evidence   |
|   | - Please enter here the supporting rationale for the reason(s) above.  |
|   | <p>GSA3.6.3 Scoring the adequacy of information for SG 60 and SG 80</p> <p>Table 6 and 7; massive discrepancies of observed and landed catches of BE</p> <p>SA3.6.3.2</p> <p>That in determining the adequacy of the methods used for data collection, the team shall consider: ■</p> <p>a. The precision of the estimates (qualitative or quantitative);</p> <p>b. The extent to which the data are verifiable (on their own or in combination with other data sources);</p> <p>c. Potential bias in estimates and data collection methods;</p> <p>d. Comprehensiveness of data; and</p> <p>no objective evidence that the CAB's client is complying with EMS use and two vessels do not count on any type of observer.</p> |

**Table 2.6.1 - Scoring**

|   |  |
|---|--|
| 1 | Performance Indicator  |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding |

**Table 2.6.1 - Scoring**

|   |   |
|---|---|
| 1 | Performance Indicator   |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding  |
|   | 2.3.2 - ETP species management strategy   |
| 2 | Reason  |
|   | - Enter reason(s) in line with (a) above.   |
|   | <p>PI 2.3.2 scoring issue d). "There is some evidence that the measures/strategy is being implemented successfully"</p> <p>ETPs including Turtles and sharks, : The CAB does not provide evidence that the IATTC resolutions that are relevant to the protection of ETP species (especially turtles) are implemented by the UoC. Resolution C-16-05-sharks and Resolution C-19-04-turtles require that fishers collect and submit catch data and all interactions have to be reported. However, the CAB does not provide any information how many encounters were reported by their client and if the number of reports corresponds with the IATTC observer data. Besides data from IATTC observers from January 2015 to August 2020, the organisation has not generated any other evidence of ETP species release.</p> |

|  |  |
|--|--|
|  | <p>Additionally, it is also mandatory by IATTC that a crew member is trained in the release of ETP species from the net or FADs. The CAB argues that all Captains of the fleet have completed ISSF training. However, there is no indication or evidence that any crew members were additionally trained in releasing techniques. It is implausible that a captain will leave the bridge during an active fishing operation to release an ETP species every time one gets entangled.</p> <p>Therefore SG 80 in PI 2.3.2 scoring issue d) is not met. The scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it because key evidence (mandatory self reporting data; Crew training) is missing.</p> |
|--|--|

|   |  |
|---|--|
| 3 | Supporting rationale and or evidence   |
|   | - Please enter here the supporting rationale for the reason(s) above.  |
|   | <p>Only the fish-master (captain) is trained in ETP release and not the crew members. Crew training is required by IATCC Resolution C-19-04)</p> <p>No information/evidence was provided by the CAB that the UoA complies with ETP reporting requirements set out by IATCC (Resolutions require self reporting – not reporting via IATCC observers) e.g. Turtles, (IATTC. 2019a. Resolution C-19-04: Resolution to mitigate impacts on sea turtles; Shark species e.g. silky and hammerhead sharks (Resolution C16-05) self reporting requirement for all vessels not carrying IATCC observers</p> |

**Table 2.6.1 - Scoring**

|   |   |
|---|---|
| 1 | Performance Indicator   |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding  |
|   | 2.4.2- Habitats management strategy - VMEs  |
| 2 | Reason  |
|   | - Enter reason(s) in line with (a) above.   |
|   | <p>Scoring issues 2.4.2 c) There is some quantitative evidence that the measures/partial strategy is being implemented successfully.</p> <p>The use of non-entangling FADs is required under ISSF and by Ecuadorian regulations and the CAB argues that the client fleet is actively working to improve non-entangling FAD design and is testing the use of biodegradable materials to mitigate potential impacts on sensitive habitats and ecosystems from lost FADs in accordance with the IATTC. However, there is no qualitative or quantitative evidence of the program, the outcomes, statistics, replacement plan, and not only refer to Harmonization with other fisheries as each fishery must have developed its own plan and generated its own numbers related to non-entangling and biodegradable FADs. Additionally, there is no evidence provided that the organization has actually adopted any measures from Resolution C-21-04.</p> <p>Additionally, the CAB wrote in their rationale that “There is also a requirement for 100% observer coverage.” which is a mistake as to a material fact (see Final report page 180 “Eight of the eleven vessels carry human observers”)</p> <p>Therefore, score for 2.4.2 must be substantially lower than 80 and a condition should be raised. The scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it.</p> |

|   |                                      |
|---|--------------------------------------|
| 3 | Supporting rationale and or evidence |
|---|--------------------------------------|

|  |  |
|--|--|
|  | - Please enter here the supporting rationale for the reason(s) above.  |
|  | <p>There is no objective evidence of the program, the outcomes, statistics, replacement plan, and not only refer to Harmonization with other fisheries as each fishery must have developed its own plan and generated its own numbers related to non-entangling and biodegradable FADs.</p> <p>IATTC Resolution C-19-01</p> <p>Scoring issues 2.4.2 c) There is some quantitative evidence that the measures/partial strategy is being implemented successfully.</p> |

**Table 2.6.1 - Scoring**

|   |  |
|---|--|
| 1 | Performance Indicator  |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding   |
|   | 2.5.1 - Ecosystem outcome  |
| 2 | Reason   |
|   | - Enter reason(s) in line with (a) above.  |
|   | <p>2.5.1 scoring issue a) The CAB argues that “Physical factors driving ecosystem productivity and high order predator dynamics – There is nothing that occurs in this tuna fishery that could disrupt the physical factors driving ecosystem productivity and predator dynamics to a point where there would be a serious or irreversible harm (i.e., &lt;20th %ile probability – Table SA9, MSC 2018a). For this element, therefore, the fishery meets the SG60, SG80 and SG100 level of performance.” However, this argumentation is implausible. The phenomenon of “fishing down the food web” has been documented for example in the subtropical North Pacific Ocean with a decline in the mean trophic level of the catches. The observed declines of the bigeye and albacore tunas, shortbill spearfish, striped marlin, and blue shark catches resulted in the proliferation of mid-trophic level species such as mahi mahi, sickle pomfret, scolar and snake mackerel (Juan-Jorda 2019). Several studies seem to confirm the assumption that loss of large predators is likely to lead to ecosystem changes in pelagic ocean systems. A first modelling exercise was performed for the EPO, which did also show that the ecosystem structure has likely changed over the last 48-year period of fishing (IATTC 2019: REPORT ON THE TUNA FISHERY, STOCKS, AND ECOSYSTEM IN THE EASTERN PACIFIC OCEAN IN 2018). Additionally, the assessment team acknowledges the finding of Griffiths and Fuller 2019 that a significant reduction in purse-seine would be needed to restore the EPO ecosystem to its state prior to the expansion of the FAD fishery. The CAB argues that recovery to a pre-FAD-fishery state is feasible and therefore ‘serious or irreversible’ harm is unlikely. We agree that the situation is reversible but numerous studies (including Griffiths and Fuller 2019) show a serious harm to the ecosystem which is ignored by the CAB (e.g., depletion of top predators Table GSA3). Table SA8 explicitly states that serious impacts in the ecosystem context are not limited to permanent changes (in contrast to habitat PIs) but include the reduction of key features most crucial to maintaining the integrity of its structure and functions. A score of 100 is highly unjustified and a score below 80 should be assigned and a condition raised. The CAB made a mistake as to a material fact how to interpret serious harm (Table GSA3) and the scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it.</p> |
| 3 | Supporting rationale and or evidence   |
|   | - Please enter here the supporting rationale for the reason(s) above.  |
|   | <p>Scientific studies provide evidence that serious harm happens in the EPO (depletion of top predators) GSA3.16.2 : Trophic cascade caused by depletion of predators and especially ‘keystone’ predators</p> <p>Table SA8: Principle 2 Phrases</p> <p>Griffiths, S. and Fuller, L. (2019) An updated ecosystem model of the eastern tropical Pacific Ocean: analysis of ecological indicators and the potential impacts of FAD fishing on ecosystem dynamics. San Diego, California, USA: Inter-American Tropical Tuna Commission, p. 15</p> <p>Table GSA3 - MSC Guidance to the Fisheries Standard v2.01</p>   |

**Table 2.6.1 - Scoring**

|   |   |
|---|---|
| 1 | Performance Indicator   |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding  |
|   | 2.5.2 - Ecosystem management strategy   |
| 2 | Reason  |
|   | - Enter reason(s) in line with (a) above.   |
|   | <p>All exposed in PI 2.5.2 Ecosystem Management Strategy from page 160 to page 173 has almost the same text to that one exposed in the Final Draft Report of AGAC Four Oceans Integral Purse Seine Tropical Tuna Fishery (Eastern Pacific Ocean) in PI 2.5.2 Ecosystem Management Strategy from page 180 to page 183. However, as mentioned in our comments for several other P2 PIs we do not see evidence that the client fleet is actively working to minimising their ecological impact within the EPO footprint through the early adoption of lower entanglement risk FAD design criteria (as defined by ISSF 2019), the mandatory release of shark, mobulid ray, sea turtle and other non-targets species using best practice for safe release, providing appropriate training to the crew, and through ensuring data provision requirements (e.g. mandatory ETP bycatch reporting) and we therefore disagree that the CAB used these mitigation measures in their 2.5.2 a) SG 80 rationale and we do not believe that there is some evidence that the measures/partial strategy is being implemented successfully in the UoA (scoring issue d)..We therefore believe that for PI 2.5.2 SG 80 is not met (scoring issue a and d) and a condition should be raised. The scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it.</p> |
| 3 | Supporting rationale and or evidence  |
|   | - Please enter here the supporting rationale for the reason(s) above.   |
|   | <p>Literally taken from document corresponding to other fishery (Final Draft Report) but without taking into account client specific information.</p> <p>No evidence provided that in the UoA measures/partial strategy are being implemented successfully<br/>See notice of objection regarding missing evidence for compliance with ICCAT requirements (PI 2.3.2 d) and (PI 2.4.2 d) and PI 2.1.3 (wrong catch/landing data)</p> <p>IATTC Resolution C-19-01; Resolution C-19-04; Resolution C16-05;</p>  |

**Table 2.6.1 - Scoring**

|   |  |
|---|--|
| 1 | Performance Indicator  |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding |
|   | 2.5.3 - Ecosystem information  |
| 2 | Reason   |



|  |  |
|--|--|
|  | - Enter reason(s) in line with (a) above.  |
|  | <p>Scoring issue b) Main impacts of the UoA on these key ecosystem elements can be inferred from existing information, and some have been investigated in detail.</p> <p>All exposed in PI 2.5.3 Ecosystem Information from page 174 to page 175 has almost the same text to that one exposed in the Final Draft Report of AGAC Four Oceans Integral Purse Seine Tropical Tuna Fishery (Eastern Pacific Ocean) in PI 2.5.3 Ecosystem Information from page 184 to page 186. Please see our comments for 2.5.1. Therefore, UoA specific impacts cannot have been investigated in detail. 2.5.3 b scoring guidepost 80 is therefore not met and a condition should be raised. The scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it.</p> |

|   |  |
|---|--|
| 3 | Supporting rationale and or evidence   |
|   | - Please enter here the supporting rationale for the reason(s) above.  |
|   | <p>Literally taken from document corresponding to other fishery (Final Draft Report) and UoA main impacts have not been investigated in detail and also the UoA did not provide some specific information “the main impacts of the UoA on these key ecosystem elements” (see our comments for PI 2.3.2 d and PI 2.4.1 and PI 2.5.1).</p> <p>SA3.18.1.1</p> |

**Table 2.6.1 - Scoring**

|   |  |
|---|--|
| 1 | Performance Indicator  |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding |
|   |  |
| 2 | Reason   |
|   | - Enter reason(s) in line with (a) above.                                  |
|   |  |

|   |   |
|---|---|
| 3 | Supporting rationale and or evidence                                  |
|   | - Please enter here the supporting rationale for the reason(s) above. |
|   |   |

**Table 2.6.1 - Scoring**

|   |   |
|---|---|
| 1 | Performance Indicator   |
|   | - Please enter the Performance Indicator. E.g.: PI 1.1.2, Stock Rebuilding  |
|   | 3.2.3 - Compliance and enforcement  |
| 2 | Reason  |
|   | - Enter reason(s) in line with (a) above.   |
|   |   |
|   | <p>In October 2019, Ecuador received a yellow card from the European Union regarding deficiencies in the mechanisms that the country has settled to ensure compliance with its international obligations as a flag, port, and market state. These deficiencies included that law enforcement is determined by an outdated legal framework, inefficient administrative procedures, and a lenient approach towards infringements and even this legal framework has been recently corrected with the approval and application of a new Fishing Law, it is still too early to score this PI without raising a condition. In October 2019, Panama received a yellow card from the European Union over deficiencies in the mechanisms the country has set up to ensure compliance with its international obligations as flag, port, and market state. These deficiencies include: i) Deficiencies in terms of control over the activities of the fishing and fishing related activities of vessels flying the flag of Panama. ii) Deficiencies in the implementation of the Port State Measures Agreement to prevent fish stemming from IUU fishing activities reaching national and international markets and to effectively prevent IUU vessels from receiving port services. Panama had already received a yellow card in November 2012, lifted in October 2014. It is the first country to be given a yellow card by the European Union twice. It needs to be highlighted that other similar UoCs (TUNACONS and AGAC) do have conditions set regarding 3.2.3. The Tunacons assessment team concluded for PI 3.2.3 a) MCS implementation in Panama that “UoA 2 (Panama) does not meet SG 80 since insufficient evidence exists to conclude that a monitoring, control and surveillance system has been implemented in the fishery and has demonstrated an ability to enforce relevant management measures, strategies and/or</p> |

|  |  |
|--|--|
|  | <p>rules.” Also, for sanctions (scoring for 3.2.3 b) SG 80 was not met for Panama and additionally for Ecuador: “Ecuador A new system of sanctions is included in the 2020 Organic Law for the Development of Aquaculture and Fishing. Ecuadorian authorities acknowledge that until recently they faced legal and practical issues to recover the fines, and cumbersome administrative procedures often result in practical impossibility to address recidivism. Information provided by Ecuadorian authorities to the European Commission indicates a previous uneven approach in relation to the application of sanctions, notably as regards the confiscation of illegal catches. As a result, the previous sanctioning system neither deprived the offenders from the benefits accruing from IUU fishing, nor deterrent. In the August 2021 Biennial Report to Congress, NOAA concluded (p.13): Ecuador reports the majority of cases as under investigation and subject to administrative proceedings by the Fisheries Authority. For cases in which it was determined that no infraction was committed, Ecuador provided a detailed rationale for why the activity was not in contravention of a conservation and management measure. Ecuador’s reporting in these cases relied on review of observer reports and appropriate post-deployment follow-up with the observer. The EU in its reasoning for awarding Ecuador a yellow card, noted that while sanctions existed and were on occasion applied, application was inconsistent and did not provide effective deterrence. We conclude that sanctions to deal with non-compliance exist in Ecuador and there is some evidence that they are applied meeting SG60. However, due to newness, there is no evidence that the sanctions outlined in the 2020 Organic Law for the Development of Aquaculture and Fishing are consistently applied and o rare yet to provide effective deterrence, so SG 80 is not met. Panama A new, comprehensive system of sanctions is included in the Law 204 Regulating fishing and aquaculture in Panama. In addition, the Panamanian agencies have implemented inter-institutional cooperation and now exchange information on fishing vessels and national and international fishery inspections. The automation of catch certificates has been regulated; fishing license information can now be verified online. Despite measure take from 2012 to 2014 in response to the EU’s first yellow card, Panama received a second yellow card in 2019. The European Commission determined that law enforcement is affected by inefficient administrative procedures and a lenient approach towards infringements. The EU concluded there are significant delays in the imposition of sanctions and the sanctioning system is neither depriving the offenders from the benefits accruing from IUU fishing, nor deterrent. Sanctions to deal with non-compliance exist in Panama and there is some evidence that they are applied meeting SG60. However, there is insufficient effort to conclude that they are consistently applied and thought to provide effective deterrence so SG80 is not met.” Eastern Pacific Ocean tropical tuna - purse seine (TUNACONS) fishery - MSC Fishery Assessment Report. Therefore, in the present assessment, the scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it. Additionally, we do not believe SG 80 and 60 in scoring issue c (compliance) is justified. No evidence was provided that the UoA complies with relevant ETP reporting requirements (IATTC Resolution C-19-04; Resolution C16-05). And more seriously, Tables 6 and 7 indicate a massive underreporting of landings by the UoA of big eye tuna in the years 2015-2019 and of skipjack tuna in 2019. The scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it and the CAB made a mistake as to a material fact by not checking the numbers of observer data vs. landings.</p> |
|--|--|

|   |   |
|---|---|
| 3 | Supporting rationale and or evidence  |
|   | - Please enter here the supporting rationale for the reason(s) above.   |
|   | <p>Literally taken from document corresponding to other fishery (Final Draft Report) but the assessment teams of the two overlapping fisheries Tunacons and AGAC-EPO raised conditions for 3.2.3 a (Tunacons Panama) (AGAC-EPO Panama) and b (Tunacons Ecuador and Panama)</p> <p>See final report Tunacons and AGAC-EPO Panama. No relevant additional information was provided in this present report that would justify different scores compared to the overlapping fisheries.</p> <p>Reported landings of BE tuna (table 6) differ profoundly from catches observed by IATCC observers in the UoA indicating a systematic underreporting of catches(see our comments for PI 2.1.3)</p> |
|   |   |

## 2.7 Additional information

Objection in line with MSC Disputes Process v1.0, 5.9.3.

Please ensure you have filled in your [contact details \(Section 2.1\)](#) and [objections category \(Section 2.3\)](#) before filling in this section.

Using the template below, please list all additional information not forming part of the record (MSC Disputes Process v1.0, 5.8.5.a) that is relevant to the circumstances at the date of the determination that you feel has not been considered. Be sure to provide the reasons why you or your organisation believes that the information in question:

- a. Was known or should reasonably have been known to any party to the assessment process;
- b. Should reasonably have been made available to the CAB; or,
- c. If considered, could have been material to the determination or the fairness of the assessment.

**Table 2.7.1 – Additional information**

|   |  |
|---|--|
| 1 | Information  |
|   | - Please state here the additional information.  |
|   |  |
| 2 | Reason why information was known or should reasonably have been known.   |
|   | - Enter here the reasons why information was known or should reasonably have been known and should have been made available. |
|   |  |
| 3 | Reason why information could have been material to the determination or the fairness of the assessment.                      |
|   | - State here the reasons why information could have been material to the determination or the fairness of assessment.        |
|   |  |

## Appendix 1 – Costs of the adjudication process (the Fee)

Objectors should note MSC Disputes Process v1.0, Section 5.11 in relation to the costs of the adjudication process.

### **Fee amount and payment details**

The cost of the adjudication process is £5,000 or such lesser amount fixed by the independent adjudicator under MSC Disputes Process v1.0, 5.11.5.

The cost of the adjudication process shall be calculated and paid in Great British Pounds.

The MSC will email remittance details for the costs of the adjudication process within 5 days of the date on which the independent adjudicator notifies the parties that the adjudication phase will commence.

Please ensure the bank charges imposed by your own bank are not deducted from the Fee.

All sums, prices, costs, expenses and revenues referred to under the cost of the adjudication process are inclusive of VAT and any other taxes.

As per MSC Disputes Process v1.0, 5.11.3, an objection will not proceed to adjudication unless, within 15 days of the date on which the independent adjudicator notifies the parties that the adjudication phase will commence, the objector(s) has either:

- Paid the costs of the adjudication process to the MSC, or
- Obtained a waiver from the independent adjudicator in accordance with MSC Disputes Process v1.0, 5.11.4 and 5.11.5.

## 4 Appendix 2 - MSC Objection Fee Cost Waiver Form

### 4.1 Introduction

This form should be completed in accordance with the MSC Objections Procedure (MSC Disputes Process v1.0).

This form may be completed and emailed to the MSC at [objections@msc.org](mailto:objections@msc.org), where it will be forwarded to the independent adjudicator.

All information included here in will be kept strictly confidential between the MSC and the appointed independent adjudicator.

Objectors should note the following excerpts from the MSC Disputes Process v1.0 on submission of a cost waiver request:

- 5.11.4 Objectors may apply to the independent adjudicator for the Fee to be waived (in whole or in part) using the application form in the ‘MSC Notice of Objection Template’.
- 5.11.4.1 The objector shall submit the Fee waiver application to the independent adjudicator within 15 days after the date of publication.
- 5.11.4.2 Such an application shall provide the justification as to why a waiver is sought and shall be accompanied by appropriate evidence to demonstrate exceptional circumstances, including, where available, the objector's most recent audited financial report.
- 5.11.5 The independent adjudicator shall decide within 5 days of receiving any waiver application whether to refuse the application or to waive the whole or part of the costs that would otherwise be attributed to the objector.
- 5.11.5.1 A waiver shall only be granted if the independent adjudicator is satisfied that there are exceptional circumstances justifying such a waiver. The onus is on the objector to demonstrate that there are such exceptional circumstances. In determining whether there are exceptional circumstances, the independent adjudicator shall consider:
- Any evidence relating to the financial ability of the objector to meet the costs of the adjudication process.
  - The impact on the objector's other activities of paying the costs of the adjudication process.
  - The ability of the objector to raise funds from external sources, including support from other participants in the assessment process, for the purposes of meeting the costs of the adjudication process.
- 5.11.5.2 If the independent adjudicator fails to decide on the waiver application within the time frame specified in 5.11.5, and such failure is attributable solely to the independent adjudicator, the independent adjudicator shall extend the time frame and inform relevant parties of the extension.

Please note that in case of discrepancies between the text above and the MSC Disputes Process v1.0 on the MSC website, individuals should refer to the MSC Disputes Process v1.0 on the website.

Please complete all unshaded fields. All notes and guidance indicated in *italics*, please delete and replace with your specific information. All grey boxes containing instructions may be deleted, e.g. the ‘Introduction’ section.

### 4.2 MSC Objection Fee Cost Waiver Form

#### 4.2.1 Identification detail

**Table 4.2.1.1 – Identification details**

|  |   |
|--|---|
| 1  | Fishery assessment to which this objection applies  |
|  | Final Draft Report of Eastern Pacific Ecuador Purse Seine Tropical Tuna Fishery (FSC and FAD set fishery) |
| <b>Contact details for objecting party</b> |   |
| 2  | Organisation(s)   |
|  | WWF Ecuador   |
| 3  | Contact person  |

|   |  |
|---|--|
|   | Mr. Arturo Gonzalez  |
| 4 | Address  |
|   | Avenida Leopoldo Carrera Solar 1 Manzana 62 Etapa 1 Edificio Olivos Tower Piso 7 Oficina 703 |
| 5 | Phone number   |
|   | - Include country code   |
|   | +593-984584773   |
| 6 | Email address  |
|   | arturo.gonzalez@wwf.org.ec   |

The following the following cost waiver is requested on behalf of the above-named organisation(s).

I am authorised to make this submission on the above-named organisations' behalf.

Name: Arturo Gonzalez

Position: Marine Conservation Program Officer

Signed: \_

Dated: 09-22-2022

#### 4.2.2 Evidence of exceptional circumstances

**Table 4.2.2.1 – Evidence of exceptional circumstances**

|   |  |
|---|--|
| 1 | Any evidence relating to the financial ability of the objector to meet the costs of the adjudication process (MSC Disputes Process v1.0, 5.11.5.1.a)   |
|   |  |
| 2 | The impact on the objector's other activities of paying the costs of the adjudication process (MSC Disputes Process v1.0, 5.11.5.1.b)  |
|   |  |
| 3 | The ability of the objector to raise funds from external sources, including support from other participants in the assessment process, for the purposes of meeting the costs of the adjudication process (MSC Disputes Process v1.0, 5.11.5.1.c) |
|   |  |

#### 4.2.3 Appendices

*Please include your organisations most recent audited financial report, and any other relevant supporting documentation.*



## 5 Template information and copyright

This document was drafted using the 'MSC Notice of Objection Template v3.1'.

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| Template version control |                     |  |
|--------------------------|---------------------|--|
| Version                  | Date of publication | Description of amendment   |
| 1.0                      | March 2009          | Issued with TAB Directive-023 Revised Fisheries Certification Methodology Objections Procedure |
| 1.1                      | February 2010       | Updated in line with release of TAB Directive-023 Objections Procedure v2                      |
| 1.2                      | 26 October 2012     | Updated in line with release Certification Requirements v1.2                                   |
| 2.0                      | 08 October 2014     | Updated in line with release of Fisheries Certification Requirements v2.0                      |
| 3.0                      | 17 December 2018    | Release alongside Fisheries Certification Process v2.1   |
| 3.1                      | 25 March 2020       | Release alongside Fisheries Certification Process v2.2 and MSC Disputes Process v1.0           |

A controlled document list of MSC program documents is available on the MSC website ([msc.org](http://msc.org)).

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