

**Marine Stewardship Council
Variation Request Form**

This form details the information required from CABs to enable the MSC to consider a request to vary from their scheme requirements.

Certification Body	 
Fishery Name/CoC Certificate Number	Ekofish group - North Sea (ICES IVb) twin rigged otter trawl plaice fishery
Lead Auditor/Programme Manager	J Combes
Scheme requirement(s) to vary from	CR V 1.2 27.4.3 The CAB shall note that once defined, the unit of certification cannot be changed during the assessment without approval from the MSC, using the variation process

Proposed variation
<p>Request change in the Unit of Certification in respect to</p> <ol style="list-style-type: none"> a. Change to mesh size b. Tickler chain use c. Days when fishing will occur d. Fishery open throughout the year

Rationale/Justification

Change to mesh size

Background

Ekofish would like to have the option to operate smaller mesh gears (95-130 mm mesh ie TR1 and TR2) as used in the MSC certified Osprey trawlers North Sea plaice fishery.

Ekofish use a large mesh (>120mm) and are therefore categorised by the EU fishery management as TR 1, with restricted days at sea (150d), as the EU cod management presumes that large meshed trawl fisheries targeting cod. If a TR1 fishing vessel can show that cod constitute <2.5% of total landing then more DAS may be issued. Using a smaller mesh (category TR2) allows more days at sea for Ekofish to conduct fishing operations.

The following is taken from the OT fishery certification report and explains the need to certify the 95-130mm fishery

‘To comply with effort management measures under the cod recovery plan vessels in the UoC operate different cod-end mesh sizes depending on the location fished; 95-100 mm in the designated flatfish area (south of 550/560N), and 110 – 130 mm to the north of this. The OT UoC is therefore a demersal otter trawl operating cod-end mesh sizes of 95-130 mm.’

The TR1 TR2 rules are a perverse incentive to use smaller meshed gear. As a voluntary measure towards sustainability Ekofish vessels will operate TR1 days, when available, in preference to TR2 days.

Assessment team comment

Ekofish had 5 conditions raised at certification that were largely necessary to close out areas of uncertainty. The adoption of smaller mesh creates similar areas of uncertainty. It is important that Ekofish show that the smaller mesh fishery is no worse than the >120mm and/or that the effect of the smaller mesh does not compromise P1 or P2. This is consistent with Conditions raised for Osprey trawlers which need to be completed by Surveillance 1 for that UoC. Ekofish have established protocols for self sampling catches, reviewing resultant data and implementing appropriate management responses. Sampling from the smaller mesh gears can be integrated into ongoing monitoring by Ekofish. Moody will review Ekofish findings at the next surveillance audit.

Assessment team conclusion

This revised operation of the fishery is consistent with other certified fisheries. The capture method remains unchanged so will not change scoring. Clearly the fishery will need to operate to allow data to be gathered. At the next surveillance (ie operate the new gear for 1 year and report findings at the next surveillance) the following should be presented to the assessment team for their review

- Ekofish to show that the smaller mesh fishery is no worse than the <120mm and/or that the effect of the smaller mesh does not compromise P1 or P2.
- Ekofish to review resultant data and implement appropriate management responses.

The surveillance process has sufficient scope to rescore the fishery if necessary and raise conditions. If other certified NS plaice fisheries encounter issues that also impact the certified Ekofish operation then a process of harmonisation, either immediately or at the next surveillance audit, will take place to ensure parity unless Ekofish can prove that their situation is different.

Tickler chain use

Background

Ekofish would like to have the option to operate tickler chains as used in MSC certified Osprey trawlers and DFPO North Sea plaice fishery

Osprey trawlers UoC statement included '*A maximum of 4 tickler chains with up to 13mm diameter links*'. More detail was included later in the certification report '*Four light tickler chains are fitted near the back of the footrope. The front three ticklers are the longest and made from 10mm diameter steel links. These ticklers are usually mounted with swivels to prevent the chains twisting up as it moves over the seabed. The last and shortest tickler is made from 13mm diameter link chain*'.

Assessment team comment

Ekofish had 5 conditions raised at certification that were largely necessary to close out areas of uncertainty. The adoption of tickler chains creates similar areas of uncertainty. It is important that Ekofish show that the use of tickler chains (arranged as for Osprey trawlers) does not compromise P1 or P2. Ekofish now have established protocols for self sampling catches, reviewing resultant data and implementing appropriate management responses. Sampling from the modified gear can be integrated into ongoing monitoring by Ekofish. Moody will review Ekofish findings at the next surveillance audit.

Assessment team conclusion

This revised operation of the fishery is consistent with other certified fisheries. The capture method remains unchanged so will not change scoring. Clearly the fishery will need to operate to allow data to be gathered. At the next surveillance (ie operate the new gear for 1 year and report findings at the next surveillance) the following should be presented to the assessment team for their review

- Ekofish to show that the effect of the tickler chain does not compromise P1 or P2.
- Ekofish to review resultant data and implement appropriate management responses.

The surveillance process has sufficient scope to rescore the fishery if necessary and raise conditions. If other certified NS plaice fisheries encounter issues that also impact the certified Ekofish operation then a process of harmonisation, either immediately or at the next surveillance audit, will take place to ensure parity unless Ekofish can prove that their situation is different.

Fishery open 7 days a week

Background

Ekofish would like to have the option to operate a 7 days a week fishery as permitted in the MSC certified DFPO North Sea plaice fishery.

The EFG certification report includes detail on a code of conduct that EFG boats would have to sign before entering the certified operation. *‘Do not fish during the weekend; no nets in the water from 06:00 Sat – 06:00 Mon. Other MFV operations are permitted during 06:00 Sat – 06:00 Mon, i.e. steaming to and from fishing grounds. The vessels only fish from Monday to Friday. Catches are therefore a maximum of five days old upon landing which maintains fish quality’.*

The Dutch operated MFV will continue to cease fishing operations over the weekend as prescribed above. The Danish component of the Ekofish fleet (DMFV) fish for 5 days then have 2 days in harbour but alternate timing to ensure continuity of supply to markets. Danish boats often return to port mid week for an overnight, effectively taking a weekend.

As a voluntary measure towards sustainability Ekofish vessels will operate TR1 days, when available, in preference to TR2 days.

Assessment team comment

The adoption of a 7d fishery compared to a 5d fishery could have impacts upon P1 and P2 bycatch and discard species as well as impact on benthic ecosystems.

P1. As reasoned in the DFPO certification report the value of a 5d fishery (incidentally along with the Ekofish closed season) in terms of benefits to Plaice are negligible unless applied to the whole of the north sea fishing fleet and besides the catch is constrained by TAC and quota. The timing of the capture is of little consequence to stocks. Discards are low. The impact of a 7 day fishery is unlikely to have any significant effect.

P2 Discards are low. The benefits of the 5d fishery are negligible unless applied to the whole of the north sea fishing fleet and besides many of the bycatch species are constrained by (precautionary) TAC and quota. Fishing areas are established and unlikely to change. The habitats and ecosystems on the fished areas are unlikely to have benefited in the 2 days a week without fishing activity especially as other fisheries operate in the same areas potentially for 365 days a year. The sandy habitats fished are subject to natural disturbance.

Ekofish now have established protocols for self sampling catches, reviewing resultant data and implementing appropriate management responses. Sampling from the 7d fishery can be integrated into ongoing monitoring by Ekofish. The assessment team will review Ekofish findings at the next surveillance audit.

Assessment team conclusion

This revised operation of the fishery is consistent with other certified fisheries and will not change scoring. Ekofish had voluntarily ceased fishing operations during the weekends Under the new arrangements each boat is likely to take a two day break each week but not necessarily at the weekend. The benefits of a weekend break are difficult to quantify especially as the fishing areas are impacted by fisheries that operate throughout the year. Relinquishing the voluntary cessation of fishing during the weekend is unlikely to have any significant impact upon the sustainability of the fishery.

The surveillance process has sufficient scope to rescore the fishery if necessary and raise conditions. If other certified NS plaice fisheries encounter issues that also impact the certified Ekofish operation then a process of harmonisation, either immediately or at the next surveillance audit, will take place to ensure parity unless Ekofish can prove that their situation is different.

Fishery open throughout the year

Background

Ekofish would like to have the option to operate the fishery throughout the year as permitted in the MSC certified DFPO North Sea plaice fishery.

The EFG certification report includes detail on a code of conduct that EFG boats would have to sign before entering the certified operation. *‘Operate under a season that opens on the 1 April and closes on the 15 November. Note: There is a general policy for the Dutch flatfish fleet to limit the catch of Plaice to 25% of the quota in the first 3 months of the year (Jan-Mar). Clearly the closed season 16 November until 31 March operated in the Ekofish Group BV certified fishery is compliant with this general policy as none of the Ekofish Group BV plaice quota can be caught in the first 3 months of the year (Jan-Mar)’.*

As a voluntary measure towards sustainability Ekofish vessels will operate TR1 days, when available, in preference to TR2 days.

Assessment team comment

The adoption of a year round fishery compared to a seasonal fishery could have impacts upon P1 and P2 bycatch and discard species as well as impact on benthic ecosystems. Much of the rationale given to the extension to a 7 day fishery also applies to the extension to a year round fishery. The assessment team for DFPO were asked by stakeholders to justify the year round fishery to which the following response was given

‘Seasonal Closure:

Both the Ekofish and the Osprey fisheries chose not to target plaice from mid-November to 1st April. By contrast the DFPO assessment is not restricted seasonally. A seasonal closure would typically be part of an overall management strategy for managing a resource – in this case the target species of plaice. In order for this to be meaningful and indeed be of benefit to the resource, this would have to be applied across the entire resource and across all fleets and be reflected in the scoring of principle 1. In short unless it applies to all, it is of little meaningful benefit. No scoring credit is given to the seasonal closure in the Osprey Trawlers certification report. The lack of a seasonal closure for the DFPO fishery, is therefore of no detriment to the scoring of the fishery.’

Much the same rationale is given by the Ekofish assessment team below

P1. As reasoned in the DFPO certification report the value of a seasonally restricted fishery in terms of benefits to plaice are negligible unless applied to the whole of the north sea fishing fleet and besides the catch is constrained by TAC and quota. The major method for stock maintenance is the plaice box. The timing of the capture is of little consequence to stocks. Discards are low. Plaice that are near spawning have a limited market so incentives are low and there is a general policy for the Dutch flatfish fleet to limit the catch of Plaice to 25% of the quota in the first 3 months of the year (Jan-Mar). The North sea plaice stock remains well above the biomass Precautionary Approach level (Bpa); see Surveillance 3 audit report on MSC website: http://www.msc.org/track-a-fishery/certified/north-east-atlantic/Ekofish-Group-North-Sea-twin-rigged-otter-trawl-plaice/assessment-downloads-1/20120703_SR.pdf

The impact of a year round fishery is unlikely to have any significant effect.

P2 Discards are low. The benefits of the seasonal fishery is negligible unless applied to the whole of the north sea fishing fleet and besides many of the bycatch species are constrained by (precautionary) TAC and quota. Fishing areas are established and unlikely to change. The habitats and ecosystems on the fished areas are unlikely to have benefited from the closed season without fishing activity

especially as other fisheries operate in the same areas potentially for 365 days a year. The sandy habitats fished are subject to natural disturbance.

Ekofish now have established protocols for self sampling catches, reviewing resultant data and implementing appropriate management responses. Sampling from the year round fishery can be integrated into ongoing monitoring by Ekofish. The assessment team will review Ekofish findings at the next surveillance audit.

Assessment team conclusion

This revised operation of the fishery is consistent with other certified fisheries and will not change scoring. Ekofish had voluntarily introduced a closed season. Even under the new arrangements each boat is likely to take occasional breaks from fishing for maintenance and seasonal holidays. The benefits of a seasonal closure are difficult to quantify especially as the fishing areas are impacted by fisheries that operate throughout the year. Relinquishing the voluntary closed season is unlikely to have any significant impact upon the sustainability of the fishery.

The surveillance process has sufficient scope to rescore the fishery if necessary and raise conditions. If other certified NS plaice fisheries encounter issues that also impact the certified Ekofish operation then a process of harmonisation, either immediately or at the next surveillance audit, will take place to ensure parity unless Ekofish can prove that their situation is different.

Implications for assessment (required for fisheries assessment variations only)

n/a.

Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)

N/A

Further Comments

If MSC grant all or part of this variation then IMM propose to place on the Ekofish page of the MSC website:

- a. A revised fishery certificate showing the changes to the fishery
- b. A copy of this variation request so that all interested parties can read the rational for the changes and the revised UoC statement below. If all changes are permitted then the UoC statement would be [~~struck through~~ text indicates deleted text and **bold** new text]

Species: Plaice (*Pleuronectes platessa*)**Geographical Area:** North Sea Territorial waters between UK and Denmark ICES Subarea IVb excluding Norwegian sector and plaice box (Plaice box is defined as extant in August 2008)**Method of Capture:** Demersal otter trawl rigged as follows

- Twin rigged
- A roller clump weight.
- 200m wire sweeps with 70mm rubbers and a larger diameter (150mm) rubber every 50m on sweeps
- ~~No tickler chains,~~
- ~~120mm~~ **95-130mm** minimum mesh size.
- 120mm square meshed panel (knotless mesh), 4m x 3m positioned in the top side of the extension 3m in front of the choker of the cod end.
- Double twined cod ends
- No chafers

Stock: North Sea plaice**Management:** EU CFP. National measures (Dutch, Danish, UK). POs.

The UoC will sign up to a code of conduct including but not limited to:

1. Operate under a season that opens on the 1 April and closes on the 15 November
2. ~~Not fish during the weekend. No nets in the water from 06:00 Sat – 06:00 Mon. Other MEV operations are permitted during 06:00 Sat – 06:00 Mon, i.e. steaming to and from fishing grounds.~~
3. Pass all landings through the fish markets at ~~UK~~ **specified in the Stakeholder Notification published on MSC website 24 Aug 2012** (effectively an independent third party to record landings from the UoC in addition to the landing declaration made at the port of landing)
4. Belong to North Sea Fishermens Organisation (NSFO) and operate under their rules

Client Group: Ekofish Group BV

Unit of Certification (UoC) are the following MFVs:

- ~~1. PD 147 Enterprize 45m 2000hp Flag vessel from Scotland~~
 - ~~2. PD 43 Annegina 42m 2000hp Flag vessel from Scotland~~
 - ~~3. GY 57 Ebenhaezer 40m 2000hp Flag vessel from England~~
 - ~~4. GY 127 Hendrika Jacoba 40m 2000hp Flag vessel from England~~
- As specified in the surveillance 2 report**

The fishing vessels of the UoC, and any other fishing vessels that join the Ekofish Group BV certified fishery, must commit to a contractual Code of Conduct provided by Ekofish Group BV concerning the fishing practices.