



To: John McKendrick QC  
Independent Adjudicator  
Marine Stewardship Council  
objections@msc.org

(via email)

Date: 07 September 2017

**SUBJECT: Acoura's proposed rescheduling of matters relating to the objection to certification the North Sea Brown Shrimp Fishery**

Dear Sir,

The NGO Consortium has carefully considered the request by Acoura Fisheries to reschedule the dates for a CAB response to the Notice of Objection, the period allowed for Negotiation, and the potential dates for an oral hearing if it is required.

The Consortium has the following observations and concerns regarding these proposed scheduling changes:

1. The MSC requirements at PD2.10.1.5 allow the independent adjudicator to consider and grant an extension to the time limits in exceptional circumstances. However, it has not been identified how the scheduling constraints of the CAB and assessment team qualify as exceptional. There are clearly defined responsibilities for all parties under the MSC requirements and these must be taken into account throughout the assessment process.
2. There does not appear to be consideration of MSC precedent in regards to this request, either in terms of time extensions granted in previous objections or what precedent this action may set for future objections.
3. The CAB appears to have only considered their own scheduling constraints in this request. Scheduling concerns of other parties to the objection have not yet been taken into consideration. On 01 September 2017 the Consortium proposed a date of 29 September as a potential date for a negotiation meeting in an email to the Dutch fishery client which was also sent to the MSC NSBS objection email address. However, we do note that the CAB extended the period for stakeholders to submit a Notice of Objection by five working days due to EU public holidays and that this extension was provisionally accepted by the independent adjudicator in the response to the Notice of Objection on 22 August 2017.
4. The Consortium notes the CAB's recommendations in response to the client's proposal for a negotiation meeting on 12 September 2017 in Emmeloord. The Consortium agrees that the CAB should respond to the Notice of Objection before participating in negotiations and that both the objector and client should have an opportunity to consider the CAB response before substantive negotiations take place involving all three parties.

5. In the interest of fairness and adherence to the established time intervals between stages of the MSC objections process, if the CAB's request is accepted, the date for additional written representations by the fishery clients and any stakeholders who participated in the assessment should also logically be extended to 06 October 2017 (5 working days prior to the date for the CAB response to the Notice of Objection). Based on the availability of the CAB and team to consider the Notice of Objection and stakeholder/client representations as defined in Table 01 of the CAB request letter (i.e. not available before 10 October), an extension of this date would make no difference for the CAB and assessment team.
6. Based on the additional cost for all parties to travel to the Caribbean for an oral hearing, both financially and in terms of the overall carbon footprint of the objections process, we do not think that it is practical or advisable to convene an oral hearing in St Martin or Miami. Therefore, if an oral hearing is deemed necessary, we consider that it is more practical to either hold the hearing in early December or remotely via teleconference.
7. Based on the experience of members of the NGO Consortium with oral hearings, we consider that a hearing via teleconference would present significant disadvantages to the exchange of information and clarity of understanding of the relevant issues.

We look forward to the response of the independent adjudicator regarding these issues.

Best regards,

Aafke Brader  
Sr Marine Advisor North Sea  
WWF-Netherlands