

## Marine Stewardship Council - Variation Request

<b>Date submitted to MSC</b>	02 Nov 2018
<b>Name of CAB</b>	Lloyds Register
<b>Fishery Name/CoC Certificate Number</b>	Echebastar Indian Ocean Skipjack Tuna Purse Seine Fishery
<b>Lead Auditor/Programme Manager</b>	Polly Burns
<b>Variation prepared by:</b>	Jason Combes
<b>Scheme requirement(s) for which variation requested</b>	<p><b>7.6 Determination of eligibility dates</b> (see G7.6)</p> <p>7.6.1 The CAB shall nominate a date from which product from a certified fishery is eligible to be sold as MSC certified or bear the MSC ecolabel (the eligibility date). This shall be either: (see G7.6.1)</p> <p>7.6.1.1 The date of the certification of the fishery; or</p> <p>7.6.1.2 The publication date of the first Public Comment Draft Report.</p>
<b>Is this variation sought in order to fulfil IPI requirements (FCR 7.4.14)?</b>	No

### 1. Proposed variation

A change to the 'eligibility date' is proposed from 'the date of certification of the fishery' (7.6.1.1) as specified in the Final Report to an alternative arrangement.

In this variation request Lloyds Register seek MSC permission to change Section 4 of the Public Certification Report from:

#### **4.1 Eligibility Date**

*The Eligibility Date will be the date of publication of the PCR on MSC.org*

To:

#### **4.1 Eligibility Date**

*The Eligibility Date for vessels covered under the scope of the certificate will be the date of publication of the PCR on MSC.org with two exceptions: The eligibility date Elai Alai will be the 26<sup>th</sup> October 2018 for and for Euskadi Alai the 5<sup>th</sup> November 2018 when the respective vessels began fishing and for product that complies with the following:*

- i. caught on fishing trips that had commenced at the date of publication of the PCR and,*
- ii. that the active fishing trip will continue for at least five calendar days after the date of publication of the PCR and,*
- iii. caught in compliance with the operation (fishing method and traceability) as described in the Final Report and,*

- iv. *the client is to send the CAB within two working days of the date of certification the details of these pre – certification catches (for example, estimated quantities) and declare that the catches comply with bi, ii, iii above*

*will be eligible to be sold as MSC certified and carry the ecolabel.*

*[Note. The measures given are to ensure that the fish caught pre-certification are done so in compliance with the certified operation, and also to ensure the client is not incentivised to land quantities of pre- certification fish on the day of certification as this would not be in the spirit of the variation request].*

*Furthermore, LR informed the client that any harvested after the eligibility date and sold or stored as under-assessment fish shall be handled in conformity with relevant under-assessment product requirements in the [MSC Chain of custody standard](#).(section 5.6).*

*The ships departed with empty fish holds as can be evidenced by the ‘departure report’ and the ‘ship condition report’. The fish caught from the eligibility date until the certification date will be under assessment product. Catches after the certification date are certified. All other risks of mixing certified and non-certified product are addressed in the PCR Traceability section. The client operates full traceability records (EU logbook) and the under assessment catches and certified catches are segregated into separate fish holds as described in the remainder of section 4 below. When the fishery certifies the under assessment product will become MSC certified. At the end of the trips Elai Alai and Euskadi Alai will land the entire catch as MSC certified following the traceability practices described in the remainder of section 4 below.*

## 2. Rationale/Justification

As currently defined in the fishery assessment (Final Report section 4.1) the fishery will certify when the Public Certification Report is published (CR 2.0: 7.6.1.1). Two of the fishing boats in the Unit of Certification (UoC) will be actively fishing<sup>1</sup> and catches thereafter will be certified. The client has requested that fish caught before certification in these trips<sup>1</sup> and stored on board can be eligible to be sold as MSC certified. This constitutes a request to change the eligibility date to those shown below<sup>1</sup>. The CAB has considered the situation.

There are valid operational reasons that this request was made by the client:

- The UoC fishing vessels engage in roughly four-week fishing trips on a rotational basis to ensure that, at all times, some are engaged in fishing and others are in harbour to discharge catches, take on provisions and conduct maintenance. It would not make sense (time, fuel, costs, scheduling, market supply, steaming time) for boats to return to port to discharge less than full holds in either the days preceding certification (non-certified catch) or post certification (supplying a limited quantity of certified fish to market).
- The operation of the skipjack fishery (to be certified) during the remainder of 2018 may be reduced because the annual catch limit of Yellowfin Tuna (bycatch) is nearly used up (for this reason two fishing boats are already unable to fish until 01 Jan 2019). The fishery could certify but there be no operational fishery until 2019.
- The fishery has been through prolonged objections and following necessary changes to the Final Report the fishery will be certified. The client wishes to trade MSC certified fish at the earliest opportunity.

<ul style="list-style-type: none"> <li>The client has assured the CAB that the fishing operation and traceability systems (Final Report Section 4.0) operated by the client the same in both the pre – certification and post – certification situations.</li> </ul>	
<b>3. Implications for assessment (required for fisheries assessment variations only)</b>	
No implications for the assessment.	
<b>4. Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)</b>	No
<b>5. Further Comments</b>	
Nil	

<b>6. Confidential Information [DELETE IF NOT APPLICABLE]</b>
<p>The client made this request and explained the reasons to LR after the objection was concluded. LR have no reasons to doubt the rationale.</p> <p>As this variation request predates the certification date, which is when the altered arrangement will come into effect, it is not retrospective.</p> <p>UMAF does not apply. The fishing boats are empty at the start of the trip. If the variation is granted then the only catches on board will be MSC certified.</p>