



Polly Burns
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6 Redheughs Rigg
Edinburgh
United Kingdom
EH12 9DQ

Sent by email

Date: 11/07/2019

Subject: Request for variation to the MSC Certification Requirement v2.0 FCR-7.23.18 for Eastern Canada offshore lobster

Dear Polly Burns,

I write with reference to your submission on 10/07/2019 of a request for variation to the MSC Certification Requirement (CR) to allow:

An extension to the deadline for the surveillance report from the 23rd July 2019 to 23rd August 2019.

As you are aware, the CR procedures relating to v2.0 FCR-7.23.18 state:

This Surveillance Report shall be forwarded to the MSC within 60 days of completing the audit, for publication on the MSC website

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:

- This surveillance audit includes a full review of the circumstances surrounding the convictions against Clearwater Seafoods from DFO that have been brought to our attention. The surveillance required an in-depth review of all the related documents, some of which required lengthy formal processes to request from the court and prosecution.
- The surveillance report has been issued to the client with the findings – which includes two new conditions. These require Client Action Plans (CAPs) from the client, which they are undertaking in collaboration with DFO.
- The client has communicated that completing the Client Action Plans within the current timeframe is not achievable.
- The request is in accordance with the new V2.1 process, which permits 30 extra days when a new condition has been raised to allow the client time to generate action plans.

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

- The CAB can confirm that it is not aware at this time of any factor (related to either fishery status, or performance against conditions) that could result in the fishery no longer being in compliance with the MSC Fisheries Standard.
- Extended deadline of 30 days.
- Stakeholders are informed.



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: Accreditation Services International