

Objection to the certification of Northeastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna fishery -

Notice of Intention to Adjudicate

The Marine Stewardship Council received a Notice of Objection dated 24 October 2016 from World Wildlife Foundation Smart Fishing Initiative (“the objectors”) seeking to object to the certification of the Northeastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna fishery. I previously issued the Notice of Acceptance for this objection on 28 November 2016, with a date of publication of 30 November 2016. Further to a request for an extension this date was delayed to the 30 January 2017. The conformity assessment body (“CAB”) responded to the objection on 27 February 2017.

There was a series of telephone consultation calls between myself the objectors, the conformity assessment body and the client fishery on 9 March. A request was made by all parties that the objection process be delayed pending further meetings and the fishery client mentioned possible mediation. At that stage, it appeared to me that there was a “real and imminent prospect” of a solution that may be acceptable to all parties. I agreed therefore that there should be a further delay to 5 April 2017.

It is now apparent that the negotiations towards settlement are not going ahead, the objectors having written to me on 12 April 2017 to say that the matter should now move to adjudication. In these circumstances, I am issuing this Notice of Intention to Adjudicate.

Mode of hearing, hearing date and location

1. According to the procedures, a hearing must be convened within 30 (working) days of this notification (ie: by the end of May). The first question is whether this could be determined by me on the papers, or whether this matter would benefit from an oral hearing.
2. Oral hearings usually take place at a location which suits the majority of the participants.
3. Thus, please could the parties indicate their views on:
 - a) Whether the objection should be heard orally, or whether it may be determined on the papers;
 - b) whether one day will suffice or if two days should be reserved for any oral hearing;
 - c) location, if heard orally (including the possibility of at my London offices if that is the easiest to arrange).

Please email the MSC email address for this objection by return and at the latest by **5pm GMT 21 April 2017**. I will determine the mode of hearing and if appropriate, hearing dates and location as soon as possible after that and let the parties know. As

will be appreciated, it is not always possible to accommodate the attendance of every individual who wishes attend within the prescribed time period and at a desired location given that the parties come from different countries.

Agreed Bundle

4. The parties are to use their best endeavours to agree the contents of a bundle of documents for the determination of this objection, to include the record, the Notice of Objection, all representations and submissions provided to the Independent Adjudicator to date (including stakeholder submissions), in accordance with the arrangements set out below.
5. Please note that the certification body need only supply the written record of written or documentary evidence submitted in the assessment process that relates to the matters that remain under challenge.
6. The first draft of the index to the bundle is to be prepared by the CAB and served on the objectors and client fishery by **5pm GMT 28 April 2017**.
7. By **5pm GMT 3 May 2017** the objectors and fishery are to notify the certification body whether there are any additional documents in their possession that they wish, respectively, added to the bundle and to supply a copy of any such documents to the CAB if so requested. Please see paragraph 10.
8. A consolidated version of the index and bundle is to be prepared by the CAB and forwarded to the objectors and the fishery by **5pm GMT 5 May 2017**. A final version of the bundle is to be lodged with the Independent Adjudicator by the same date. The bundles should be sent electronically, with each document in the order that it is provided in the index and with an electronic name and number that corresponds to the name and number in the index.

Final submissions

9. In accordance with the objection procedures, parties may submit additional or supplementary written representations on the matters raised in the Notice of Objection or in the written representations submitted by other parties. Any such representations are to be lodged with me and exchanged between the parties by **5pm GMT 10 May 2017**. It is very helpful to me if any power points or documentary presentations for the hearing are also provided by this date.
10. Please note that parties to this objection are requested to strictly limit submissions/evidence to matters that were properly raised within the notice of objection and fall within the MSC Scheme.

Other

11. I look forward to hearing from the parties in accordance with the above. Finally, I wish to observe that the decision to proceed to formal adjudication does not prevent an acceptable and agreed settlement at any time.

Melanie Carter

Independent Adjudicator

18 April 2017