

BLOOM'S CONTRIBUTION ON MSC'S DEFAULT ASSESSMENT TREE

As a stakeholder in the full assessment of the 'Scapêche roundnose grenadier, black scabbardfish and blue ling deep-sea fishery' (referred throughout as 'the Scapêche deep-sea bottom trawl fishery'), BLOOM was invited by the MSC's certification body *MacAlister Elliott & Partners* to submit comments on the Default Assessment Tree (Annex CB of the MSC Fisheries Certification Requirements V1.3), as well as on its relevance to the Scapêche deep-sea bottom trawl fishery. We first wish to express our surprise regarding the choice to use Version 1.3 of the Default Assessment Tree, while Version 2.0 has been made public in October 2014. Below we also make suggestions on criteria, which we deem essential to assess the sustainability of any fishery, with respect to the global state of fisheries.

THE INCONSISTENCY OF USING AN OBSOLETE DEFAULT ASSESSMENT TREE

First, it is stated on the MSC's website that "*Version 2.0 of the MSC's Fisheries Certification Requirements [which was published in October 2014] reflects the most up-to-date understanding of fishery science and management. The standard was developed over the past two years and involved a year-long consultation with fishing industry experts, scientists, NGOs and MSC's wide network of partners. It encompasses the expert knowledge of MSC stakeholders from around the world*". On the same web-page, it is explained that "*Conformity assessment bodies (CABs) now have six months to understand and apply the updates so that from 1 April 2015 any fishery entering MSC assessment will be assessed against the updated standard*".¹ It has not been made clear to us why exactly *MacAlister Elliott & Partners* will not use this updated version (2.0) of MSC's Certification Requirements during the evaluation of the Scapêche deep-sea bottom trawl fishery.

We find particularly illogical and inconsistent to be asked to submit comments/feedback on a version of the Default Assessment Tree (1.3), which is already obsolete and has already undergone a lengthy, complex process of criticism. MSC itself states that it took "*a year-long consultation with fishing industry experts, scientists, NGOs and MSC's wide network of partners*" to develop the new Version (2.0) of the MSC's Fisheries Certification Requirements, which now "*encompasses the expert knowledge of MSC stakeholders from around the world*".

As it is the MSC's aim to "*deliver a robust, effective and accessible certification program that keeps up with the latest scientific knowledge and industry practices*",² it would make sense to use the best available criteria existing to date to evaluate the Scapêche deep-sea bottom trawl fishery. While we understand that it can take some time for CABs to get used to new standards, we find it extremely peculiar that, five months after Version 2.0 has been published and one month before its use becomes mandatory, *MacAlister Elliott & Partners* still wishes to use the obsolete version of the Default Assessment Tree for the 17 month-evaluation of the Scapêche deep-sea bottom trawl fishery. Since "*fisheries that are already certified to the MSC standard will have to apply the updated standard at their first re-assessment commencing after 1 October 2017*", this means that — in theory — if Scapêche were to be certified in August 2016, it would be certified against obsolete standards until August 2021!³

In light of the fishing activities carried out by the Scapêche, several improvements included in Version 2.0 of the Fisheries Certification Requirements would have had tremendous implications in the assessment/certification processes. Of particular importance:

- The lack of "*incentive for fisheries to minimise mortality of unwanted catch*".⁴ The Scapêche deep-sea bottom trawl fishery is known for catching a large amount of unwanted species,⁵ so the improvements included in Version 2.0 would have severely penalized the Scapêche deep-sea bottom trawl fishery during the assessment/certification processes;
- The lack of clarity regarding the standard for habitat, which is "*not in line with international best*

¹ www.msc.org/newsroom/news/marine-stewardship-council-publishes-updated-fisheries-standard.

² www.msc.org/about-us/credibility.

³ The fishery is certified for a maximum period of five years (www.msc.org/get-certified/fisheries/after-certification).

⁴ www.msc.org/documents/fisheries-certification-requirements-updates-supplementary-documents/summary-of-changes-fcrv2.0.

⁵ Watling L, Haedrich D, Devine J, Drazen J, Dunn MR, Gianni M, Baker K, Cailliet G, Figueiredo I, Kyne PM, Menezes G, Neat F, Orlov A, Durán Muñoz P, Alvarez Perez JA, Ardron JA, Bezaury J, Revenga C and Nouvian C (2011) Can ecosystem-based deep-sea fishing be sustained. *The University of Maine, School of Marine Sciences, Orono, ME (USA)*. 84 p.

practice". Here again, the Scapêche is known for having tremendous impacts on deep-sea habitats,⁶ as it is trawling in areas where multimillenary corals and centenary sponges live.

We therefore strongly press *MacAlister Elliott & Partners* to change the standards you are planning to use in the evaluation of the Scapêche deep-sea bottom trawl fishery to the only legitimate certification standards as of now, i.e., Version 2.0.

SUGGESTED CRITERIA TO ASSESS THE SUSTAINABILITY OF ANY FISHERY

In this second part of our input, we have complied with your requirements and made comments on the Version 1.3's Default Assessment Tree of the MSC standards, despite the fact that we consider this production of input from us as a complete waste of time and money, just like the very assessment of the highly controversial Scapêche deep-sea bottom trawl fishery.

The Scapêche deep-sea bottom trawl fishery (and deep-sea bottom trawl fisheries in general) have such a high impact on ecosystems that it seems absolutely impossible to us that it passes the threshold of certification, even against the weakest standards of sustainability and environmental impacts. In our aim to fully participate in the evaluation process though, we listed below a few criteria, which we believe are lacking from the Default Assessment Tree. The addition of these criteria would prevent high impact, unsustainable fisheries to even access the assessment/certification processes. This would, in turn, save all stakeholders' precious resources and eventually, credibility.

INCLUDE DEEP-SEA BOTTOM TRAWLING AS A 'DESTRUCTIVE FISHING GEAR' IN THE MSC STANDARD, ON PAR WITH FISHERIES USING EXPLOSIVES AND POISON.

► Chuenpagdee *et al.*⁷ polled fishing professionals including fishermen, managers, conservationists, and scientists for their assessment of the ecological impact of ten major fishing gears used in US waters. These professionals agreed across all sectors that **bottom trawling was the most damaging fishing method.**

► In 2010, other researchers compared the footprints of several human activities on the deep sea-floor of the North Atlantic's OSPAR area, including waste disposal, telecommunication cables, the hydrocarbon industry, marine research activities, and bottom trawling. They found that the impact of bottom trawling was extremely high and was **orders of magnitude greater than that of all other activities.**⁸

► In 2014, another group of researchers published a study that estimated that **one deep-sea bottom trawl had the same impact as 296 to 1,719 longlines.**⁹

► Finally, BLOOM has assessed the scientific literature addressing impacts by deep-sea bottom trawl gear on habitats, animal communities and community structures and found that **over 70 scientific publications had demonstrated the negative impacts of this particular fishing gear on the marine environment and fauna.**¹⁰

As per the definition of what deep-sea bottom trawl fisheries are, we suggest using the 600-meter limit. This would be consistent with the gillnet ban below 600 metres already in place in Europe and the Northeast Atlantic¹¹ and amendments 135, 137 and 138 debated at the European Parliament in December 2013.¹²

⁶ *Ibid.* Watling *et al.* (2011).

⁷ Chuenpagdee R, Morgan L, Maxwell S, Norse E and Pauly D (2003) Shifting gears: assessing collateral impacts of fishing methods in US waters. *Frontiers in Ecology and the Environment* 10(1): 517-524.

⁸ Benn A, Weaver P, Billet D, van den Hove S, Murdock A, Doneghan G and Le Bas T (2010) Human activities on the deep seafloor in the North East Atlantic: an assessment of spatial extent. *PLoS ONE* 5(9): 15.

⁹ Pham C, Diogo H, Menezes G, Porteiro F, Braga-Henriques A, Vandepierre F and Morato T (2014) Deep-water longline fishing has reduced impact on Vulnerable Marine Ecosystems. *Scientific Reports* 4: 6.

¹⁰ See bibliography at: http://bloomassociation.org/download/Bibliographie_sur_les_impacts_des_chaluts_profonds.pdf.

¹¹ European Union (2005) Council Regulation (EC) No 1568/2005 of 20 September 2005 amending Regulation (EC) No 850/98 as regards the protection of deep-water coral reefs from the effects of fishing in certain areas of the Atlantic Ocean. *Official Journal L* 252: 2-3.

Amended by: European Union (2009) Council Regulation (EC) No 43/2009 of January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required. *Official Journal L* 22: 1-205.

¹² The Parliament narrowly rejected (by 342 to 326) the Commission's proposal to phase-out bottom trawling for deep-sea species in favour of a weak 'compromise' negotiated in the Parliament's Fisheries Committee. This was despite the Environment Committee overwhelmingly supporting stronger measures, including a phase-out of bottom trawling below a depth of 200 metres and backing by several parliamentary groups for an amendment that would have required a phase-out of bottom trawling below 600 metres. This outcome was also contrary to the recommendations of more than 300 international scientists, who in September 2013 had formally called on EU policymakers to support the phase-out of bottom trawling. In the days immediately following the Parliament vote, 20 MEPs registered a correction to their votes. Although this does not change the official outcome, had they recorded their votes correctly, the phase-out would have been adopted.

We recommend that all deep-sea bottom trawl fisheries are treated by the MSC and CABs as dynamite and poison fishing, i.e., that they not be entitled to access the assessment/certification processes.

ALL BOTTOM TRAWL FISHERIES CONDUCTED BETWEEN 200 AND 600 METRES SHOULD LEAD TO A DEFAULT REFUSAL BY THE MSC TO ACCESS THE MSC ASSESSMENT/CERTIFICATION PROCESSES, UNLESS THEY UNDERGO A MANDATORY, FULLY TRANSPARENT PRE-ASSESSMENT PROCESS DURING WHICH THEY ARE ABLE TO DEMONSTRATE SUSTAINABLE MANAGEMENT AND ABSENCE OF SIGNIFICANT ADVERSE IMPACTS ON MARINE HABITATS, INCLUDING THROUGH THE MANDATORY PRODUCTION OF PRIOR IMPACT ASSESSMENTS.

All bottom trawl fisheries, as Chuenpagdee *et al.* emphasised,¹³ are highly destructive. We therefore suggest defining destructive trawl fisheries as those occurring below 200 metres¹⁴ and reversing the burden of proof for their management. This would mean that all bottom trawl fisheries should comply with the conduction of systematic impact assessments prior to fishing and that the identification of vulnerable marine ecosystems should be in place, along with protection measures. Unless these measures are in place (on top of having demonstrated sustainable management of the targeted and unwanted — bycatch — species), **bottom trawl fisheries conducted between 200 and 600 metres should not be able to access the assessment/certification processes.** Such MSC standards would be consistent with the implementation requirements of the United Nations' General Assembly resolutions 61/105,¹⁵ 64/72,¹⁶ and 66/68,¹⁷ as well as the Food and Agriculture Organization of the United Nations' international guidelines for the management of deep-sea fisheries in the High Seas,¹⁸ the relevant provisions of Articles 5 and 6 of the 1995 United Nations' Fish Stocks Agreement,¹⁹ and the Council Regulation (EC) No 734/2008.²⁰

EXCLUDE HEAVILY SUBSIDIZED AND ECONOMICALLY UNVIALE FISHERIES (I.E., ALL FISHERIES THAT WOULD BE UNABLE TO OPERATE WITHOUT SUBSIDIES) FROM CERTIFICATION

Subsidies are increasingly recognized by governments, researchers and NGOs as a major barrier to the transformation of the fishing sector to an economically viable and environmentally responsible activity, as most of them are harmful to biodiversity and encourage overfishing.²¹ The lengthy and vivid debate that occurred at the World Trade Organization during the 'Doha Round' clearly demonstrates that this issue is pressing (e.g., with regards to fuel subsidies²²) and must be dealt with. The last article asserting these objectives dates from June 2012 (article 173) at the Rio+20 Conference when nations "*reaffirm[ed their] commitment in the Johannesburg Plan of Implementation to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, taking into account the importance of this sector to developing countries, and [...] reiterate[d their] commitment to conclude multilateral disciplines on fisheries subsidies that will give effect to the WTO Doha Development Agenda and the Hong Kong Ministerial Declaration mandates to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing*".²³

¹³ *Ibid.* Chuenpagdee *et al.* (2003).

¹⁴ *Ibid.* European Union (2009).

¹⁵ United Nations (2007) Resolution adopted by the General Assembly on 8 December 2006—61/105. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. A/RES/61/105—Sixty-first session, United Nations, New York, NY (USA). 21 p.

¹⁶ United Nations (2010) Resolution adopted by the General Assembly on 4 December 2009—64/72. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. A/RES/64/72—Sixty-fourth session, United Nations, New York, NY (USA). 26 p.

¹⁷ United Nations (2012) Resolution adopted by the General Assembly on 6 December 2011—66/68. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. A/RES/66/68—Sixty-sixth session, United Nations, New York, NY (USA). 30 p.

¹⁸ FAO (2009) International guidelines for the management of deep-sea fisheries in the High Seas Food and Agriculture Organization of the United Nations (FAO), Rome (Italy). xv + 73 p.

¹⁹ United Nations (1995) Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. Conference on straddling fish stocks and highly migratory fish stocks, 6th session, July 24-August 4, 1995, United Nations, New York, NY (USA). 40 p.

²⁰ European Union (2008) Council Regulation (EC) No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears. Official Journal L 201: 8-13.

²¹ Sumaila UR and Pauly D (2007) All fishing nations must unite to cut subsidies. *Nature* 450(7172): 945-945.

Sumaila UR, Lam VWY, Le Manach F, Swartz W and Pauly D (2013) Global fisheries subsidies. Note IP/B/PECH/IC/2013-146, European Parliament, Directorate General for Internal Policies, Policy Department B: Structural and Cohesion Policies—Fisheries, Brussels (Belgium). 44 p.

²² Harper S, Bevacqua D, Chudnow R, Giorgi S, Guillonau V, Le Manach F, Sutor T and Sumaila UR (2012) Fuelling the fisheries subsidy debate: agreements, loopholes and implications. *Fisheries Research* 113(1): 143-146.

²³ United Nations (2012) Report of the United Nations Conference on Sustainable Development, Rio de Janeiro (Brazil), June 20–22, 2012. A/CONF.216/16, United Nations, New York, NY (USA). iv + 120 p.



It is essential that all eco-certification schemes do promote sustainable fisheries that produce positive social and economic output. **It is also essential that fisheries that would not survive without subsidies should not get certified.** BLOOM has shown that this was the case for the Scapêche deep-sea bottom trawl fishery.²⁴ If a fishery is kept afloat thanks to public subsidies, it can be understood as a safe sign that there is either overexploitation or overcapacity, and therefore, that the stock is undergoing too strong a fishing pressure.

We recommend that fisheries relying on public subsidies for the conduct of their fishing activities and failing to achieve long-term economic sustainability should not be able to even access the MSC assessment/certification scheme.

INCLUDE A JOB/LANDINGS RATIO AS A CRITERION TO ENSURE THAT FISHING HAS MAXIMAL SOCIAL IMPACT

At a time of globalised overfishing and economic crisis, creating and at least maintaining jobs in the fishing sector should be a clear priority of all stakeholders in the fishing sector. **Certification schemes should all clearly incorporate such objectives of increased social impact, putting viable economic operations at the service of humans and not solely profit.** Because fish are a public resource, it should be clear that their exploitation should lead to maximum positive impact for society, i.e., employment and preservation of economic activities on territories whilst preserving the marine environment and ensuring intergenerational justice (by assuring that the resource is soundly managed and that ecosystem productivity is maintained through time).²⁵

We recommend that a criterion assessing the job creation ratio per kilo of harvested seafood should be incorporated in the MSC certification scheme.

²⁴ www.bloomassociation.org/en/des-flottes-de-peche-deficitaires.

²⁵ Jacquet JL and Pauly D (2008) Funding priorities: big barriers to small-scale fisheries. *Conservation Biology* 22(4): 832-835.