

BLOOM's contribution to MSC's consultation on Fishery assessment process improvements
Submitted on 30 April 2016

Marine Stewardship Council - March 2016 Consultation
Fisheries Process updates for FCR v2.1

Following release of MSC's [Fisheries Certification Requirements \(FCR\) v2.0](#) and [General Certification Requirements \(GCR\) v2.1](#), Conformity Assessment Bodies (CABs) have brought a number of issues to our attention through email and the MSC Interpretations Log. There are a number of existing issues and opportunities to streamline the assessment process with respect to reporting templates, checklists and guidance. Two issues relating to assessment timelines have been raised, and developments are also proposed for scope extensions, and compliance and enforcement.

Key Points

- MSC is working to create an efficient, clear, and robust process for assessment of a fishery and subsequent reporting.
- We have listed a number of topics that we would like you to comment on and inform us of your priorities within the proposals.
- Additionally, we welcome comments on any other improvements to the certification process we should consider, or more general feedback on the topic.

*** 1. Do you support the proposed developments for the fisheries assessment process?**

I am very supportive	I support it	I can live with it	I agree in part, but not totally	I don't agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

2. What would increase your support?

The consultation documents proposes changes on different aspects of the MSC program following suggestions from the Conformity Assessment Bodies (CABs), which "have brought a number of issues to [the MSC's] attention through email and the MSC interpretations log". However, CABs suggestions are related to detailed aspects of the certification protocol, and we therefore do not feel that we could provide any useful comments on several of the proposed changes, e.g.. about reporting templates (3.1.1.) or action plan templates for full assessment (3.1.5.). Although we recommend that all proposed changes - including those who might only be of interest to CABs - be included in the consultation document, we deplore that other stakeholders' concerns were not included in the proposal.

3. Reporting - Please rank the following topics in order of your priorities

4	Reporting Templates (3.1.1)
3	Suitability of documents required at re-assessment (3.1.2)
2	Incorporation of UoC / Traceability templates into Full Assessment Reporting Template (3.1.3)
1	Removal of 'Confidential Information' from variation requests (3.1.4)
5	Action plan templates for full assessment (3.1.5)

4. Please provide any comments on the following topics - do you think the actions would resolve the issues? If not, what actions would address the issues raised?

Reporting Templates (3.1.1) - [View Summary](#)

Suitability of documents required at re-assessment (3.1.2) - [View Summary](#)

Incorporation of UoC/Traceability templates into Full Assessment Reporting Template (3.1.3) - [View Summary](#)

Removal of 'Confidential Information' from variation requests (3.1.4) - [View Summary](#)

Action plan templates for full assessment (3.1.5) - [View Summary](#)

Requirements for CABs to set assessment timelines (3.2.1) - [View Summary](#)

Timeline between Final Report and Public Certification Report (3.2.2) - [View Summary](#)

Scope Extension issues (3.3) - [View Summary](#)

Compliance and Enforcement process (3.4) - [View Summary](#)

3.1.3. Incorporation of UoC / Traceability website information into the full assessment reporting template

Given the high MSC standards for transparency, we are surprised that annual catch data for MSC-certified fisheries are not readily accessible on the MSC's website. The only catch data that we could find were those published in individual fisheries factsheets, but these only relate to pre-certification years (except when a fishery was re-certified).

Transparency is not only about having guidelines and protocol available online, but also about having actual fisheries-related data that can be used by external researchers. Therefore, we would be grateful if you could make all catch data publicly available for all MSC-certified fisheries:

- By year (since the first year of certification);
- Broken down by gear and species.

Also, there is no document summarizing the key parameters of all MSC-certified data. Thus, it would be useful for the civil society, researchers, the industry, etc. if an excel file (or similar) with all characteristics of MSC-certified fisheries was available in an exploitable format. External stakeholders would then be able to analyze the scope of the MSC program: what are the predominant gear categories or vessel lengths that are certified, what volumes are certified annually, etc.

3.1.4. Confidential information in variation requests

"Issue: At present, MSC Fishery Assessment Managers (FAMs) must remove confidential information from variations requests if an additional version with the information removed is not provided. Although variation requests will not automatically be uploaded, we would like to minimize the possibility that confidential information might be published to the MSC website on the updated Track a Fishery pages.

Proposed change: We propose to assess the impacts of removing the confidential information section from the variation request form and require any confidential information to be submitted separately to minimise risk"

We are not certain to understand the implications of the proposed change but it seems to be more supportive of the fishery client's interests rather than the preservation of ecosystems and associated communities that depend on their good environmental status. We appreciate that fishery clients have some confidential information to protect, but a) corporate interests should not undermine the general public's interests; and b) in the case of ecolabeling in particular, it should be acquired that if a fishery wants its practices to be widely recognized as sustainable, transparency should be the default rule.

3.2.2. Timeline between final report and Public Comment Report

Despite high costs and difficult procedures, conservation organizations and other groups have filed and paid for formal objections to MSC fisheries certifications for different reasons: overfished stocks, the use of non-selective fishing methods, or a lack of data. A 2013 study showed that only one objection out of 19 had been upheld such that the fishery was not certified. The MSC process allows for external stakeholders to raise criticism during the objection process, therefore, it should go all the way towards a fair decision-making : the objection process should be free, and assessors should be open to drastic revisions of the Public Comment Report during the laps between the final report and the Public Comment Report.

Sources:

Froese and Proelss (2012) Evaluation and legal assessment of certified seafood. Marine Policy 36: 1284-1289.

Christian, et al. (2013) A review of formal objections to Marine Stewardship Council fisheries certifications. Biological Conservation 161: 10-17.

3.4. Compliance and enforcement processes

"Issue: In order to score the Compliance and Enforcement Performance Indicator (PI 3.2.3), CABs often rely on the client to provide them with reports on compliance with national/international law. The information passes from the Control & Enforcement (C&E) Agency to the client and then on to the CAB. As a result, privacy-constrained information (such as whether a client has been fined or prosecuted for illegal activities) is not included in these reports and the indirect information flow pathway means that the CAB has no way of knowing whether or not they are receiving the complete information set.

Proposed change: Solutions for this issue are likely to be process-based (e.g. revisions to clause 4.3-4.5) but may also include changes to the Standard, that would not be released until FCR v3.0 in 2020. A potential process solution could be to require client participants in MSC assessments to request C&E Agency to provide all records directly to the Conformity Assessment Body (CAB). This would improve the quality of information received by CABs, although sensitivity of information and stakeholder access would have to be considered."

PI 3.2.3. of the MSC standard mentions "monitoring control and surveillance mechanisms ensure the management measures in the fishery are enforced and complied with". We agree on principle with the proposed change that compliance and enforcement agencies should provide all records directly to the Conformity Assessment Body (CAB). Indeed, we believe that it is not the role of the fishery client to provide information about its own compliance and enforcement of national / international law. Such critical data should be independently investigated by the CAB. This proposed change could solve what we consider to be a major procedural flaw of the MSC certification system.

5. Please suggest any additional Fisheries Process issues for us to investigate

Incentive to certify

The MSC certification process may be very rigorous and rather transparent, it still has a flaw used by CABs: they have an incentive to certify their clients rather than to refuse certification (so they can show their positive records).

Two examples:

- Assessment of the Echebstar purse-seine fishery

During the evaluation "the CAB had argued that a score of 60 for PI 1.2.2 was justified due to the need to harmonize the results of the assessment with those for the Maldives skipjack pole and line fishery and the Maldives yellowfin pole and line fishery." It should not be possible to invoke an argument of harmonization (especially when it means a leveling-up of the scores for a fishery in assessment) in order to justify the certification. Each evaluation should be made independently.

Source: www.fis.com/fis/worldnews/worldnews.asp?monthyear=&day=24&id=79478&l=e&special=&ndb=1 target=

- Assessment of the Orange roughy fishery

In the PCDR report, the scoring was extremely generous compared to the small substantiation paragraph for each criteria. Such a contradiction shows that CABs are not very severe with their clients.

Delay of entry into force of updated standards

During our participation as stakeholders in the "Scapêche groundnose grenadier, scabbardfish and blue ling bottom-trawl fishery", which entered the MSC assessment in January 2015, we found illogical and inconsistent to be asked to submit comments/feedback on a version of the Default Assessment Tree (1.3), which was already obsolete and had already undergone a lengthy, complex process of criticism. The MSC's website states 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".

However, a 6-month delay was allowed by the MSC to apply the new version of the fishery standard, and as a result CABs would keep proposing the old version of the standard to their clients, justifying that it would not be fair to

impose them the more constraining version (that was the case for Scapêche). 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*”, it would make sense to use the best available criteria existing to date in order to evaluate fisheries. While we understand that it can take some time for CABs to get used to new standards, we find it peculiar that, five months after Version 2.0 had been published and one month before its use became mandatory, the CAB still wished to use an obsolete version for a 17 month evaluation. 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 the obsolete version of the standard could be maintained up to August 2021! Yet, several improvements included in Version 2.0 of the Fisheries Certification Requirements would have had tremendous implications in the assessment and certification processes. In particular, the lack of incentives for fisheries to minimize mortality of unwanted catch and the lack of clarity regarding the scoring of impacts on habitats in version 1.3 compared to version 2.0 made the use of the former problematic in the case of the Scapêche fishery. We therefore recommend that the MSC remove the delay of implementation for the new standards so as to speed up the improvement process.