



MAKE STEWARDSHIP COUNT

Marine Stewardship Council
Marine House
1 Snow Hill
London EC1A 2DH

Dear Dr. Kiene, Chair of MSC Board of Trustees and members of the MSC Board of Trustees,

As you know, the Make Stewardship Count coalition represents more than 90 marine conservation experts, organizations, and researchers from around the world, many of whom have extensive experience with the MSC assessment process, and we have spent a considerable amount of time engaged with the MSC Fisheries Standard Review (FSR) over the last two years.

We have undertaken analysis and discussions with our expert members to ensure considered and substantive input throughout the FSR process. We have also appreciated the opportunities to engage as invited participants to MSC's workshops and engagement sessions.

With the release of the draft Standard in February of this year, it is clear MSC has undertaken a significant amount of work to address concerns raised, and has proposed some significant changes that could help raise the bar for sustainable fishing and mitigate waste of marine life. We welcome, for example, the proposal that a client or client group does not include any entity that intentionally harasses or kills marine mammals.

Unfortunately, some of the proposed improvements are at risk of being undermined by details that will allow fisheries and management regimes to avoid the new requirements and thereby potentially deliver little change on the water.

We would like to voice our support for MSC to uphold some key changes in the draft Standard that will possibly face push back from industry. We also urge the Board to further strengthen these areas of the Standard by removing all loopholes for opting out and by tightening up definitions and guidance to reduce the opportunity for interpretation that will result in certified fisheries continuing with status quo or new fisheries to enter the program without making the proposed improvements even if that is below the MSC's intent.

These new requirements will still need to be considered best practice by the time this new Standard is fully implemented for certified fisheries, which will be close to 2030. Weakening now will mean the requirements will be out of date at this time and far behind the crest of the sustainability wave before there is even a chance to use them as levers of change.

In particular, Make Stewardship Count would like to call your attention to the following:

Ensuring Independent Observation of Catch

We strongly support the proposed required, quantitative minimum coverage levels for 'independent observation' of catch (ranging from 20% to 65% of fishing) found in the new Evidence Requirement Framework (Toolbox). The required levels are based on strong science and have the potential to be one of the strongest improvements in the Standard. The proposal recognizes that transparency, verification, and quality of data collected on board fishing vessels is critical for responsible fishing. We urge MSC to hold strong on this and maintain these quantitative minimums for scoring at the different thresholds.

However, for this significant change to the Standard to be effective, it is essential that MSC:

1. Removes the associated option of equivalence in guidance B1.3.1.2 'c' [Catch estimates are likely to achieve a level of precision that has been prescribed by the management agency in order to achieve stock assessment or management purposes.] and related Guidance GB1.3.1.1 that allows certification instead with 'precision targets set by management agencies'

This 'opt out' written into the draft allows fisheries to avoid the new minimum independent observation levels by instead deferring to existing coverage levels deemed equivalent by RFMOs and governments, even if those coverage levels are much lower than the science based minimums MSC has proposed in the new Evidence Requirement Framework.

2. Tightens the definition of what can be considered 'independent observation' in fulfillment of the minimum thresholds guidance option B1.3.1.2 'b'- [There is a procedure in place for estimating catches using multiple sources of information that the team considers to be equivalent with (a) in terms of sample size and objectivity] and related Guidance 1.3.1.1 'alternative methods of monitoring'.

This is especially important for fisheries that are higher risk and higher impact in terms of criteria such as target species, scale, gear, location, seasonality, etc. We urge the Board to reconsider using a risk based approach to narrow interpretation here and reduce burden on low risk fisheries while ensuring adequate information for scoring is available for those high risk fisheries.

For example, the guidance GSA 3.12.3 and GSA 3.13 related to what constitutes quantitative evidence of impact on sensitive habitats has some risk-based guidance for more prescriptive application as well as more detail on what is and is not acceptable for monitoring systems. We recommend something similar be included in the toolbox.

Minimising mortality of unwanted catch and endangered, threatened, & protected species (ETP)

MSC has introduced strong scoring language requiring fisheries 'to minimize mortality to the point of elimination' for ETP species and unwanted catch (discarded). Again, this intent could be one of the strongest levers of change in the new Standard - incentivising substantive shifts to more selective fishing gear and practice on the water.

MSC must also strengthen the definitions of 'hindering recovery', 'minimise', and negligible:

- Narrow the economic reasons fisheries can avoid adopting best practices for minimizing mortality. The draft includes opt outs if changes are 'cost prohibitive', 'not plausible economically', and/or if they alter 'the target catch level by more than 10%'
- Remove the option for fisheries to avoid requirements if their impact is deemed 'proportionately' small or 'negligible'. The current version of the Standard has demonstrated this argument is widely used to avoid change and leads to 'death by a thousand cuts'.

Ensuring zero tolerance for shark finning at sea

After more than a decade of urging by the conservation community and those managers and industry that have already instituted the policy, we are pleased to see MSC finally introduce a requirement for fisheries to have Fins Naturally Attached (FNA) policy without exemptions as a prerequisite for certification. This is globally accepted as the best practice for ensuring compliance with bans on finning sharks at sea.

We urge MSC to keep FNA without exemptions as a requirement in the final Standard for entry into certification

For this change to be effective, however, MSC must:

- Move the FNA definition, into the legally binding Standard text,
- Strengthen the definition by including text that prohibits the removal of shark fins on board vessels, and retaining on board, transshipment or landing shark fins,
- Ensure evidence of compliance with FNA by requiring the application of the quantitative Precision Thresholds for 'independent observation defined in the Evidence Requirement Framework when scoring the likelihood of shark finning to take place in PI 1.2.1. SI (e); PI 2.1.2 SI (d) and PI 2.2.2.SI (d)

Reducing interpretation by certifying companies

The draft Standard continues to allow too much discretion by the Conformity Assessment Body (CAB) companies that are paid by fisheries to assess them against the Standard. To ensure the Standard's intent is met, in particular, MSC must:

- Reduce the discretion given to CABs throughout the Standard, especially in relation to the new Evidence Requirement Framework and, in particular, areas where CABs are allowed to determine equivalency of management, mitigation, alternative measures to evaluate the proportional risk/impact of fisheries under P2 scoring and related guidance.
- Introduce a clear, risk based approach for evidence requirements thus narrowing the interpretation left to CABs

As this Standard Review has taken several years and will only demonstrate its full potential for improvement on the water in eight -plus years it is even more important to get it right this time, consistent with the message from MSC's Future Forum presentation during the Seafood Expo in Barcelona - '8 years to save the ocean'. The current draft has multiple key areas with brackets that could be changed substantially and impact the intent and applications considerably.

We therefore urge the Board to reconsider the proposed Standard with regard to the shortcomings and issues listed above and we call for MSC to undertake a further round of consultations when the final revised Standard is revealed.

As committed stakeholders who have been engaged from the start of this Review, Make Stewardship Count members are certainly willing to provide their expert knowledge in helping to make this new Standard a strong guidepost for sustainable fishing, one that not only raises the bar for the present but will also be fit for the future in order to ensure the oceans are teeming with life, and safeguarding the resources upon which we and future generations so much rely.

Thank you for your consideration and we look forward to hearing back from you.



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