

1-3 Snow Hill  
London  
EC1A 2DH  
United Kingdom  
Tel: +44 (0)20 await new No  
Fax: +44 (0)20 await new No

Andy Hough  
Intertek Moody  
Merlin House, Stanier Way,  
The Wyvern Business Park,  
Derby.  
Derbyshire  
DE21 6BF  
United Kingdom

Sent by email

Date: 23<sup>rd</sup> September 2011

Subject: **Requests for variations to MSC scheme requirements**

Dear Andy,

I write with reference to Intertek Moody's recent submissions regarding requests for variations from the MSC scheme requirements.

The MSC discussed the reasons for some of these variations with Paul Knapman and Jason Combes on Monday 19<sup>th</sup> September. This letter forms our responses to the variations we have received on the following fisheries. We acknowledge that there are further fisheries where surveillance audits are overdue and that Intertek Moody is considering submitting further variations on these fisheries for the consideration of the MSC.

As you are aware, the MSC procedures relating to surveillance audits and assessment timelines are integral to ensuring all MSC accredited certification 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 scheme.

The MSC has made the following assessments and judgments on the current variation requests.



1-3 Snow Hill  
London  
EC1A 2DH  
United Kingdom  
Tel: +44 (0)20 await new No  
Fax: +44 (0)20 await new No

### **Burry Inlet cockle**

In your request to vary from FCM 5.3.2 and 6.1 MSC notes the factors presented in your letter and subsequent emails supporting your request including:

The fishery has effectively been closed due to a cockle die-off.

The fourth surveillance audit was due in February 2011 and the variation request was received on the 7<sup>th</sup> September 2011. The MSC notes that a letter of 7 March 2008 (attached), details a condition of granting an earlier variation to the surveillance audit schedule on this fishery was that "Moody Marine shall advise MSC in advance if timeframes are not to be met". This condition has not been met.

The rationale is insufficient for the MSC to grant a variation to the scheme requirement. This request is therefore rejected.

### **Canada northern prawn**

The MSC notes in your request to vary from FCM 6.1 and 6.2 the following factors in support of your request:

The request has been made in advance of the deadline of the revised audit schedule for this fishery (although the certification date for this fishery was 30<sup>th</sup> August a subsequent stakeholder advisory suggests that surveillance audits for this fishery will take place in late August or September).

The limited availability of key staff involved in the management of this fishery.

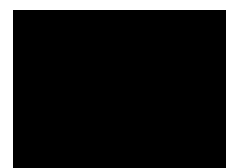
The MSC finds the rationale sufficient and this variation is therefore granted subject to the following conditions:

FCM 6.8.2 (to become CR 27.22.13-14) is followed and the report forwarded to the MSC by the 20<sup>th</sup> November 2011.

Future surveillance audits for this fishery follow the agreed schedule requiring site visits from the end of August to September.

### **Oregon Pink Shrimp**

The MSC notes in your request to vary from FCM 6.1 and 6.2 the following factors in support of your request (submitted 7/9/11 then revised following our discussions and re-submitted 22/9/11):



1-3 Snow Hill  
London  
EC1A 2DH  
United Kingdom  
Tel: +44 (0)20 await new No  
Fax: +44 (0)20 await new No

The pressures two site visits places on the management agency.

The change is proposed to allow the client to reduce costs, and more importantly, required time of the fishery agency managers and scientists. Oregon Department of Fish and Wildlife (ODFW) is a small department and all managers/ scientists have multiple species and tasks related to other fisheries.

The request was submitted in advance allowing time for stakeholders of the fishery to be notified and for the MSC to consider the request before non-conformity occurs.

We also note that a variation was previously accepted in relation to scheduling of surveillance audits for this fishery to accommodate the needs of the ODFW. Further, that the report for surveillance audit two was significantly delayed in spite of the condition of the variation requiring the audit to be held no later than the first week of April.

The MSC considers the rationale is adequate to grant the variation relating to surveillance audit 4 and re-certification site visit in this instance. The variation is accepted subject to the following conditions:

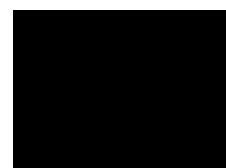
The combined site visit for the 4<sup>th</sup> surveillance audit and re-assessment be conducted within the timelines for the original surveillance schedule, that is, by the 4<sup>th</sup> anniversary of the certification of the fishery (6<sup>th</sup> December 2011).

FCM 6.8.2 (to become CR 27.22.13-14) is followed and the report forwarded to the MSC within 30 days of the on-site audit.

The revised variation request includes provision for surveillance audit three. An accompanying email suggests that the third audit (which was due by 1<sup>st</sup> week of April 2011) could be undertaken by desk review earlier in 2011. No variation request was received at that time and the third surveillance audit did not take place.

The rationale presented in relation to surveillance audit three is not satisfactory. However, as there is no evidence of the client being implicated in the cause of this issue the MSC has no option but to accept the request to allow the certification to continue and the situation to be corrected. The variation is therefore accepted in relation to this audit subject to the following condition:

A surveillance report resulting from a desk review for the period which should have been covered by surveillance audit three shall be forwarded to the MSC for publication on the website by the 23<sup>rd</sup> October.



1-3 Snow Hill  
London  
EC1A 2DH  
United Kingdom  
Tel: +44 (0)20 await new No  
Fax: +44 (0)20 await new No

IML shall advise MSC in advance if future timeframes are not likely to be met.

### **BC Sockeye**

This request to vary from FCM 6.8.2 was submitted four months after the on-site surveillance audit which was completed on the 12<sup>th</sup> May 2011, and three months after the final piece of information was received relating to the audit. No justification for the delay in submitting a variation request has been provided. The MSC cannot therefore accept the justification for this variation request. However, there is no evidence of the client being implicated in the delay. As a result the MSC are willing to grant this variation to prevent the client suffering as a result of Intertek Moody inaction.

The variation to FCM 6.8.2 is granted on this occasion subject to the following conditions:

The report is provided to the MSC for posting by the 7<sup>th</sup> October, as suggested in your variation request.

### **OCI Yellowtail Flounder**

In support of your request to vary from FCM 6.1 and 6.2 the MSC notes the following factors:

The request was submitted in advance allowing time for stakeholders of the fishery to be notified and for the MSC to consider the request before non-conformity occurs.

The limited availability of key staff involved with the management of the fishery.

On this occasion, the MSC find the rationale sufficient to grant the variation from FCM 6.1 and 6.2. This acceptance is subject to the following conditions:

Intertek Moody confirms whether the subsequent surveillance audits will revert to the original schedule or will conform to the revised audit date.

FCM 6.8.2 (to become CR 27.22.13-14) is followed and the report forwarded to the MSC within 30 days of the on-site audit.



1-3 Snow Hill  
London  
EC1A 2DH  
United Kingdom  
Tel: +44 (0)20 await new No  
Fax: +44 (0)20 await new No

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

A handwritten signature in grey ink, appearing to read 'D Agnew'.

Dr David Agnew  
Standards Director  
Marine Stewardship Council

cc: ASI, Don Aldous, Paul Knapman, Steve Devitt, Jason Combes