



PUBLIC SUMMARY OF A MEETING OF THE MSC STAKEHOLDER ADVISORY COUNCIL

15th – 17th October 2019, London UK

Attendance (*alphabetical order*)

Co-Chairs: Ms Stefanie Moreland (Trident Seafoods), Ms Amanda Nickson (The Pew Charitable Trusts)

Members in Attendance: Dr Johann Augustyn (SADSTIA), Ms Heather Brayford (Government of Western Australia), Mr Rory Crawford (Birdlife International/RSPB), Ms Agathe Grossmith (Carrefour), Ms Yumie Kawashima (Aeon), Mr Tor Larsen (Norwegian Fishermen's Association), Dr Ghislaine Llewellyn (WWF International), Mr Ivan Lopez (Pesquera Ancora), Ms Christine Penney (Clearwater Seafoods), Mr Marco Quesada (Conservation International), Ms Carmen Revenga (The Nature Conservancy), Ms María José Espinosa Romero (Comunidad y Biodiversidad A.C (COBI)), Mr Peter Trott (Fishlistic)

MSC Governance: Dr Werner Kiene (Chair of MSC Board of Trustees)

Observers: Ms Amanda Stern-Pirlot (MRAG Americas)

MSC Staff: Mr Simon Brown (Senior Policy Officer), Dr Rohan Currey (Chief Science & Standards Officer), Mr Nicolas Guichoux (Chief Program Officer), Ms Ishbel Matheson (Chief Communications Officer), Dr Alene Wilton (Chief Operating Officer), Ms Nikki Wood (Head of Stakeholder Engagement)

The Council was also joined by MSC staff on a project-by-project basis.

Apologies

Mr Rupert Howes, Chief Executive

Tuesday 15th October 2019

A. Welcome and Opening Remarks

The Co-Chairs, Ms Stefanie Moreland and Ms Amanda Nickson, welcomed Stakeholder Advisory Council (STAC) members, MSC staff and the Chairman of the MSC Board of Trustees to the meeting.

During the session the STAC approved the minutes of the previous meeting held in March 2019. The STAC received updates from the Chair of the MSC Board of Trustees and Chief Operating Officer and had a general discussion on MSC activities since the Council's last meeting in March 2019.

B. Communication and Engagement Working Group feedback

The STAC received an update from its Communications and Engagement Working Group. The Group recommended a set of communications principles for consultation and engagement to help MSC simplify its stakeholder dialogue and reach a broader group of stakeholders. As a consequence, a more topic- and audience-focused communication approach was recommended for the Fisheries Standard Review (FSR).

C. Fisheries Standard Review: Communications and Engagement plan overview

The Council received an overview on the communications and engagement plan for the FSR. This included an audience-focused approach, with clear information available through the MSC website: the proposals specifically included proposals to ensure more clarity on the fit of current policy work within the MSC policy process, and more consideration being given to the approach to consultation used.

The MSC also provided the STAC with an overview of the FSR, with updates on the topics under review. Consideration was given to the timeline of the review and potential revision stages, including a proposal to extend the existing FSR timeline by six months. Discussion was also held over the level of consultation and engagement required for each topic, should the MSC Board agree to move ahead to the revision stage of the FSR.

The STAC endorsed and recommended to the MSC Board the proposed six-month extended FSR timeline, as it would enable additional time for the purpose of preparing and undertaking meaningful stakeholder communications, consultation and engagement. The Council proposed recommendations for the Communications and Engagement Working Group to provide input on the FSR communications plan, including helping to simplify the FSR 'story' and also to explain the reality of having multiple Fisheries Standards active at the same time, as is currently the case.

D. Stakeholder Engagement Strategy

The STAC was introduced to work recently initiated to develop a new Stakeholder Engagement Strategy for the MSC. MSC has undertaken to strengthen and evolve its approach to stakeholder engagement, and as a first step in this work, STAC considered stakeholder feedback gathered and proposed key focus areas for future work. The session provided input on several areas which would be incorporated within the Stakeholder Engagement Strategy, including simplification of language, appropriate transparency in decision-making, and potentially increased use of translations. The STAC will continue to be involved in the further development of this strategy.

E. Assurance Working Group feedback

The STAC's Assurance Working Group provided an update on proposed assurance-related changes in the Fishery Certification Process (FCP) recently given a public Final Opportunity to Review consultation (Extraction of the Objection Procedure, Persistent Disagreement, Conditions). The Council recommended that the Assurance Working Group continue work related to the mechanisms for dispute resolution and conditions, among other assurance topics.

F. Labour Update (Additional Session)

The STAC requested and received an additional agenda item – an update on MSC's work on labour. The STAC did not have a unified view of the direction the MSC should take with

regards to its requirements for labour standards. The STAC registered support for the risk reduction considerations underway and requested a close and ongoing dialogue with the MSC Board as its deliberation of this issue progressed. The STAC requested that the Executive collect and analyse the labour statements provided to date to determine their conformity, with the intent to address comprehensively risk of child and forced labour in MSC certified supply chains.

F. Fisheries Certification Process

The final public opportunity to review proposed FCP changes closed on 23 September 2019. The STAC received an update on the MSC Executive's recommended changes to the FCP, focusing on a summary of the public consultation feedback related to the Assurance Review. The Council supported the extraction of the **Objection Procedure** and noted that the STAC Assurance Working Group would be involved in the broader discussion on dispute resolution mechanisms, including those related to objections.

The STAC agreed that proposed changes to the **MSC template for stakeholder input into fishery assessments** should go forward and requested that a review of the template for usability and accessibility be made by the STAC Communications and Engagement Working Group. The STAC supported further development of the project exploring the information/evidence adequacy and committed to take this forward through its **Principle 3** Working Group, including considering a risk-based approach.

The STAC did not disagree with the proposed definition of **persistent disagreement** between a conformity assessment body (CAB) and a Peer Reviewer or a CAB and a stakeholder. However, the STAC did not reach agreement regarding its recommendation for the location of the persistent disagreement definition, with some STAC members indicating they would prefer it be retained within the FCP whilst the dispute resolution mechanisms were under review, and others indicating that they felt it did not belong in the FCP and should be removed.

The STAC felt there was not enough information to determine if the recommendations relating to **conditions** sufficiently addressed the issues raised and could not therefore provide a unified recommendation. The Council confirmed its support for action to increase transparency in the closing of conditions. The STAC recommended that a "library of conditions" and associated acceptable actions/resolutions be created to encourage consistency. The STAC also recommended that a discussion of how conditions are identified and set, be linked to the Standard to ensure that where condition-setting is the result of ambiguity in interpretation of the Standard, this can be identified and practically addressed. The STAC Assurance Working Group could assist with this work.

The STAC endorsed and recommended to the MSC Board the proposed changes to the way in which MSC defines the **Unit of Assessment**, but some members expressed concern over the long implementation timeline MSC was required to adopt for implementation of these changes.

The STAC will present a range of views on work related to **expedited audits** to the MSC Board to inform the latter's decision making. Specifically, the majority of STAC members indicated that the proposed text changes relating when expedited audits were triggered during full assessment seemed to be based on perceived concerns about future challenges, rather than concrete indications that this is a current issue. The minority of STAC members supported the proposed text changes, as stakeholders would appreciate the clarification they provide. The STAC agreed that the trigger for an expedited audit should be clarified to ensure the bar is raised to the trigger point of "could the fishery certification be suspended on the basis of the findings of this audit" and that this trigger should apply at any point after the information cutoff, during assessments and after certification.

G. Fisheries Standard Review

The STAC **Principle 2** Working Group gave an update on the progress of review work underway for the FSR topics endangered, threatened and protected (ETP) species, ghost gear, primary species majority of catch and shark finning (which is addressed in the FCP and FSR workstreams). The STAC agreed it would be beneficial to invite Technical Advisory Board (TAB) members to join the Group and to schedule a meeting of this working group in advance of the next STAC meeting in 2020.

In respect of work related to **endangered, threatened and protected species**, the Council recommended clarifying the Executive's problem statement to indicate that there was ambiguity in the Fishery Standard which resulted in inconsistent scoring, inclusion of the words "lack of clear definition" and "often limited", and that the Executive remove "are not perceived" and replace with "may not be accurately". The STAC requested an opportunity to review the technical output from TAB, so that the STAC Principle 2 working group may provide input on any value-based issues.

Regarding policy work related to **ghost gear**, STAC supported the definition of the problem tabled by the MSC Executive, noting that ghost gear is a separate issue to marine debris. STAC recommended adding: "on the marine environment, as raised by stakeholders" to the problem statement in place of the phrase about marine plastics.

Regarding work related to situations where the **majority of the catch** is constituted by fish stocks which did not meeting P1 level of performance, the STAC strongly recommended that the Executive evaluate evidence and prepare communications with regards to how the problem of unwanted catch is addressed through the current Standard. There was no consensus amongst STAC members as to whether this is a priority issue.

The STAC advised that the issue of **shark finning** remained a highly-charged and not solely scientific issue that may benefit from discussion between STAC, the TAB and other interested parties. The STAC recommended that the revisions proposed for the FCP to eliminate the most egregious cases of shark finning be approved by the MSC Board. The STAC further recommended that under the FSR, a risk-based approach to evidence requirements be developed along with the recognition of best practice and continued work in this direction, including auditability of requirements and lessons from 'illegal, unreported and unregulated' fishing provisions. The STAC requested that the MSC Board give consideration to updating and clarifying its 2011 statement on shark finning to align with practical delivery of intent.

I. STAC Governance

The STAC held an in-camera discussion on governance issues.

J. Meeting Close

Closing remarks were shared and the date of the forthcoming Stakeholder Advisory Council meeting was announced (week commencing 18 May 2020).

ENDS