



31st Meeting of the Marine Stewardship Council's Technical Advisory Board

Public Summary

December 2nd-5th, 2019

MSC Offices, London

This summary contributes to the transparency of MSC's governance. Readers should note that recommendations made by the MSC Technical Advisory Board are reviewed by the MSC Board of Trustees and only those recommendations that are formally endorsed by the MSC Board of Trustees will result in changes to the program. The Board may not always immediately consider the TAB's recommendations, especially in instances where more research or consultation is required. Project pages on improvements.msc.org will be updated to reflect final decisions, including rationales.

MSC's Technical Advisory Board (TAB) convened for its 31st meeting to discuss proposals for development of the MSC's Fisheries Standard and associated audit requirements. Sub-groups of the TAB also held meetings for a number of projects in development in the days prior to the TAB meeting (Days 1-3) (TAB sub-groups perform intersessional work with reduced TAB membership, they may pass recommendations to the TAB for decisions and approval).

The TAB meeting was attended by [all members of the TAB](#) excepting Keith Sainsbury, and Adam Swan, who gave their apologies, and Tim Essington who contributed to the discussion and decisions made via participation in the prior TAB sub-group meeting.

The following observers were present for the meetings: Ms Polly Burns (Days 1-3) and Mr Martin Gill (Day 4) of Lloyd's Register, Dr Toru Tsuzaki of Control Union (All days), Dr. Antonio Hervas of Accreditation Services International (All days), Dr Andrew Hough representing the Association of Sustainable Fisheries (All days), Ms Wendy Banta, Ms Suzi Keshavarz and Ms Vân Roetert of the Aquaculture Stewardship Council (Day 3).

Ms Stefanie Moreland (All days) and Ms Amanda Nickson (Days 2;3;4) were representing the MSC's Stakeholder Advisory Council and Dr Werner Kiene attended on behalf of the MSC Board of Trustees (Days 2;3;4). External observers were not present for internal governance discussions and Executive updates and were asked to leave where potential for conflict of interest was identified.

Introductory items

TAB agreed in principle with providing technical input to relevant MSC Stakeholder Advisory Council working groups, noting the role of any TAB members participating in such groups would be to provide scientific or technical advice only. The MSC Executive presented initial conclusions from research on how to facilitate engagement by **small-scale fisheries** in the MSC program. The Fisheries and Chain of Custody Sub-Groups reported back to the TAB, which formally adopted the positions recommended by the sub-groups regarding the pending revisions to the Fisheries Certification Process, the scope of the Fisheries Standard Review and ongoing work related to the seafood supply chain.

Fisheries Certification Process (FCP)

The Fisheries Certification Process (FCP) outlines the process Conformity Assessment Bodies (an independent organisation that determines whether a fishery complies with the MSC Fisheries Standard, also known as CABs) must follow when assessing a fishery against the MSC's Fisheries Standard.

The TAB considered MSC Executive final proposals for revising requirements, guidance and templates from the FCP related to improving reporting of conditions and improving the understanding and application of existing processes for **setting, evaluating and closing conditions**. The TAB supported the proposals of the MSC Executive to increase transparency through improved reporting of conditions and to clarify requirements to ensure improved understanding and application of existing processes for setting, overseeing evaluating and closing of conditions. TAB also approved template improvements related to the inclusion of information on conditions in assessment reports and surveillance reports, including a new Stakeholder Input Template for Surveillance Audits and a new MSC Client Action Plan template. The TAB supported the Executive recommendation to continue the conditions review project with FSR timelines, to focus on clarifying and confirming the MSC intent on conditions and subsequently revising requirements and guidance to operationalise intent, where necessary.

The TAB considered MSC Executive proposals made by the MSC Executive regarding changes to the MSC Template for Stakeholder Input into Fishery Assessments, reporting template, requirements and guidance to improve the way stakeholder comments and CAB responses are recorded in fishery assessments. The aim of the updated stakeholder template is improved data capture, monitoring and evaluation to determine the nature and extent of **persistent disagreement with expert judgement** between stakeholders and CABs. The TAB approved these changes to the stakeholder input template, reporting template, requirements and guidance, pending minor clarifications to the guidance for coding verbal summaries. The TAB agreed with the MSC Executive that (a) guidance on the precautionary approach should not be added to the FCP guidance, as there is already reference to the precautionary approach in the Guidance to the Fisheries Standard and this topic will be further reviewed and addressed under a Fisheries Standard Review project on risk-based evidence requirements (see more detail below), and (b) a definition of persistent disagreement is not added as FCP guidance, but noted that the proposed definition will be retained and used by the MSC to inform monitoring and evaluation. The TAB noted planned activities to monitor and evaluate stakeholder input and CAB response which will feed into wider work on persistent disagreement with expert judgement under the MSC Assurance review.

The MSC Executive made proposals for new scope requirements to exclude entities that are convicted (for **shark finning** in the previous two years (changing the labour requirements and guidance to match the change in language from “successfully prosecuted” to “convicted”), and guidance to highlight MSC's intent that these requirements should be applied at the vessel level. Retraction of the ‘systematic’ shark finning interpretation was also proposed as this has been made obsolete by the shark finning scope criteria. The TAB supported the proposed changes. These changes are designed to address the worst cases of shark finning, with further work to ensure that the MSC Board of Trustees' intent with respect to shark finning is clear and effectively implemented as discussed on Day Three, with respect to the Fisheries Standard Review (see below).

Expedited audits are triggered when new information becomes available after the information cut-off point during an assessment and outside of the surveillance audit cycle. The TAB signed off on previously agreed changes to remove ‘review of information’ as an audit type and to remove the requirement to open a 30-day stakeholder input opportunity if the time between announcement and

publication of Public Comment Draft Report (PCDR) exceeds 9 months. Additionally, the TAB agreed with the MSC Executive's proposal that expedited audits should not be triggered when the new information would only lead to the addition of a condition. The TAB also supported the proposal that when an expedited audit is triggered during an assessment after the cut-off date for information and before the fishery is certified, the result does not affect the certification decision. Instead the certificate is granted and immediately suspended, allowing the fishery to address the reason(s) for suspension and re-engage with the program by making improvements to the way they operate. The MSC Executive also informed TAB that CABs can conduct a surveillance audit as an alternative to an expedited audit so long as it is announced within 30 days of becoming aware of the new information.

The TAB endorsed and recommended to the Board the MSC Executive's proposal to amend the definitions of **Unit of Assessment** (UoA) and Unit of Certification (UoC) to require all activities undertaken by a specific gear-type to be included in an MSC assessment, thus preventing **compartmentalisation** in which certified and uncertified activities with a defined gear occur on the same trip.

The TAB deferred deciding (until an intersessional meeting scheduled for early January 2020) on revisions related to the definition of vessel types and the conduct of expedited audits within a surveillance audit until a final auditability review has been completed on those changes. This is expected to have no effect on the release date for the next version of the FCP.

Fisheries Standard Review (FSR)

The TAB agreed to recommend exploration of options to **simplify the structure and scoring approach of the Fisheries Standard, such as removing duplication, while maintaining the same sustainable outcomes**. TAB advised that impact testing is critical, to ensure that any proposed changes do not affect the current bar of the Fisheries Standard, unless explicitly intended.

The MSC Executive proposed to explore ways to improve how best practice in **monitoring, control and surveillance** is articulated within Principle 3, and how **compliance with management rules** is scored by assessment teams. The TAB supported the MSC Executive's proposal to strengthen and clarify the MSC's intent in this area. The TAB endorsed a plan to develop **risk-based evidence requirements** that would be applied across all three principles, including a plan for consulting on this work. The MSC Executive was supported by the TAB with respect to engaging the MSC Stakeholder Advisory Council (STAC) in examining the appropriateness of two existing scope criteria (controversial unilateral exemptions and disputes in fisheries) and a potential new scope criterion (on excluding vessels included on Regional Fisheries Management Organisation Illegal, Unreported and Unregulated vessel lists), recognising that STAC will need guidance from an external expert on the technical aspects of this work.

The MSC Executive presented options for improving the Fisheries Standard when determining whether a Unit of Assessment (UoA) causes serious or irreversible harm to key elements of **ecosystem structure and function**, focussing on clarifying definitions, improving guidance and strengthening the use of risk analysis to identify the impacts the fishery has on the wider ecosystem. The TAB emphasised that it is essential that the MSC remains engaged in 'ecosystems' given international movement towards ecosystem-based fisheries management (EBFM), recognising that rather few management systems have fully operationalised EBFM. The TAB approved the policy direction for this project and noted that some aspects of this work should continue beyond the current FSR.

The MSC Executive investigated the implementation of the Fisheries Standard version 2.0 released in 2014 to identify and prioritize any issues or inconsistency in application of requirements and to determine if the Standard is continuing to meet its sustainability objectives. This review evaluation did not find any problematic issues with respect to the consistency of scoring outcomes. Results confirmed current FSR projects as priority areas for review and potential revision and uncovered bait as the only topic for further consideration. The TAB endorsed clarifications with respect to **how bait is assessed** as part of the current Fisheries Standard Review and agreed that further research on best-practice for bait use should continue beyond the current FSR.

The TAB agreed that the MSC Executive should explore several revision options that will help to improve the effectiveness of the requirements for **key low trophic level species** (e.g. sardines, anchovies and krill), focused around clarifying requirements and guidance and strengthening the tools used to identify key low trophic level stocks.

The TAB agreed that the MSC Executive should draft additional guidance on several topics relevant to **fisheries with naturally highly-variable stocks**. The guidance should focus on clarifying how requirements related to the status and management of 'target stocks' proposed for certification should be applied in the assessment of these fisheries, addressing persistent concerns on how fisheries that drop in and out of certification because of natural variation are difficult to assess.

The TAB agreed that the MSC Executive should further explore opportunities for clarifying the requirements and guidance related to various aspects of Principle 1 (that sustainable fisheries have healthy fish stocks). This includes when the **harvest strategies** for 'target stocks' proposed for certification are considered to be responsive, the examination of **condition milestones** when stocks are healthy and revision or restructuring of how **stock rebuilding** is assessed.

The TAB agreed that the MSC Executive should review the **shark finning** requirements to ensure that the MSC Board of Trustees' intent with respect to shark finning is clear and effectively implemented. The topics discussed included a scope issue of extending the definition of shark finning to apply to other elasmobranchs and the current situation of global best practice with respect to shark management measures and policy. The TAB supported this work continuing, noting that any scope-based recommendations to the Board of Trustees are best handled by the STAC, with support from the TAB.

The MSC Executive proposed (1) that STAC consider whether to recommend to the Board to introduce new scope criteria that would prohibit the intentional harassment or killing of **marine mammals**, and the use of marine mammals as bait in MSC certified fisheries, (2) to explore options for reducing inconsistencies in requirements for **Endangered, Threatened or Protected (ETP) species** designation, and (3) to explore options for revising ETP performance indicators with a focus on information adequacy, the interpretation of limits, and the assessment of cumulative impacts. TAB approved the project direction and supported the Executive developing and consulting on options for making these changes.

The MSC Executive reported that numerous queries from stakeholders related to how fisheries should be scored regarding **impacts on habitats** suggest that clarification of the MSC's intent in this regard is required. The Executive proposes to draft revision options for improved guidance to support the application of the habitat performance indicators, focused on improving the assessment of habitat impacts and move-on rules. Many of these revisions will be based on existing interpretations, with further review and consultation required to address some of the issues identified. The TAB approved the policy direction.

The MSC Executive presented findings from the review phase of the Fisheries Standard Review of the **Risk-Based Framework (RBF)**, highlighting aspects where further work is needed to ensure that it delivers its intent as an effective and precautionary tool for the assessment of **data-limited fisheries** against the MSC Standard. The TAB agreed that the MSC Executive should explore ways to ensure that outcomes from assessments made using the RBF are consistently precautionary and effective in delivering the intent of the MSC Fisheries Standard. The TAB emphasised the need to further examine existing linkages with other FSR projects and that the MSC maintain the right incentives for fisheries to benefit from gathering better data.

The MSC Executive proposed to explore options for how to make the consideration of **abandoned, lost or discarded fishing gear (ghost gear)** impacts explicit in fishery assessments, and to develop new requirements aimed at promoting the implementation of gear loss avoidance strategies and mitigation actions in certified fisheries. The TAB supported the MSC Executive in the intent to develop options to address these objectives.

The MSC has developed simulation-testing software to evaluate Management Procedure performance for **data-limited fisheries**. Specific guidance for use of this tool when scoring is currently in development for inclusion in a new Toolbox Annex. The Executive recommended proceeding with the

guidance under development for consideration as part of the next phase of the FSR. The TAB approved of the direction being taken by the Executive, commenting that the credibility risk of not moving forward to increase accessibility for data-limited fisheries is greater than that for moving forward cautiously.

The TAB discussed the **carbon footprint of fisheries and the seafood supply chain**, noting that the carbon footprint of seafood (including food miles) is much lower than many other food sources. The TAB agreed it would further discuss climate change impacts from and on fisheries further at its next meeting.

Chain of Custody program

The TAB was updated on longer term plans to **use modern auditing technology** to improve the efficiency and credibility of the chain of custody program, with a focus on voluntary participation and economic benefits to supply chain actors. Reports of ongoing work reviewing the assurance system resulted in the sub-group recommending feasibility and plausibility assessments, and mitigating any potential issues with auditor competence and performance. The MSC Executive gave an update on monitoring and evaluation of the **labour** requirements introduced earlier this year, with the sub-group cautioning that social auditing is imperfect and complex.

What happens next?

Subject to final Board approval in February 2020, the **revised Fisheries Certification Process** will be prepared for publication in March 2020. The new requirements will be used for audit processes that begin from September 2020.

Research and investigation of **Fisheries Standard Review** topics began in 2018. The outcomes of this research will be considered by the Board in February 2020. It will determine whether it wishes to undertake further exploratory work on specific projects or aspects on the Standard – if it determines to take this path, this next phase will include workshops on specific topics, to aid in policy development. This work may identify areas of the standard which benefit from being revised. Any proposed revisions to the MSC Fisheries Standard resulting from the current Fisheries Standard Review will be subject to public consultation throughout 2020 and 2021 and would be expected to be introduced into the program following publication in early 2022.

The TAB will next meet in May 2020. The TAB will review work progressed following Board decisions in respect of the Fisheries Standard Review.

Requests to observe future TAB meetings should be sent to Standards@msc.org.