Marine Stewardship Council

Guidance to the MSC Certification Requirements



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Policy Development Director Marine Stewardship Council Marine House 1 Snow Hill London EC1A 2DH United Kingdom

Phone: + 44 (0) 20 7246 8900

Fax: +44 (0) 20 7246 8901

Email: standards@msc.org

Responsibility for this Guidance Document

The Marine Stewardship Council is responsible for this Guidance to their Certification Requirements.

This is a living document and will be reviewed on an on-going basis.

Readers should verify that they are using the latest copy of this (and other documents). Updated documents, together with a master list of all available MSC documents, can be found on the MSC's website.

Version No.	Date	Description Of Amendment
Consultation Draft	17 January 2011	First publication of consolidated MSC scheme requirements, released for consultation
0.0	15 March 2011	Incorporate content from the CAB and MSC consultation plus public consultation
0.6	19 May 2011	Draft issued to the MSC Technical Advisory Board for final review and sign-off
1.0	15 August 2011	First version issued for application by Conformity Assessment Bodies
1.1	10 January 2012	Version issued incorporating guidance for assessing shared and straddling stocks and highly migratory stocks, discards, implementation timeframes and recertification requirements as approved by TAB 20.
		Typos, wrong referencing and numbering were amended.
1.3	14 January 2013	Version issued incorporating TAB 21 and BoT agreed changes.
		Minor edits and clarifications were also provided.

Versions Issued

Marine Stewardship Council

Vision

Our vision is of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations.

Mission

Our mission is to use our ecolabel and fishery certification programme to contribute to the health of the world's oceans by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood, and working with our partners to transform the seafood market to a sustainable basis.

Focus

We will:

- collaborate with fishers, retailers, processors, consumers and others to drive change forward;
- never compromise on the environmental standard we set, nor on our independence;
- continue to lead the world in wild-capture fishery certification, with the most trusted, recognised and credible seafood ecolabel.

MSC standards and certification requirements

With experts, the MSC has developed standards for sustainable fishing and seafood traceability. They ensure that **MSC-labelled seafood comes from, and can be traced back to, a sustainable fishery**.

MSC standards and requirements meet global **best practice** guidelines for certification and ecolabelling programs.

Contact Details

Marine Stewardship Council

Marine House 1 Snow Hill London EC1A 2DH United Kingdom

Phone: + 44 (0) 20 7246 8900 Fax: + 44 (0) 20 7246 8901 Email: <u>standards@msc.org</u>

MSC Ecolabel Licensing Team

Email: ecolabel@msc.org

MSC Chain of Custody Team

Email: productintegrityteam@msc.org

MSC Fisheries Team

Email: fisheries@msc.org

MSC Policy Development Team

Email: standards@msc.org

ASI

Accreditation Services International Gmbh Friedrich-Ebert-Allee 65 53113 Bonn Germany

Phone: + 49 (228) 227 237 0 Fax: + 49 (228) 227 237 30 E-mail: <u>asi-info@accreditation-services.com</u>

General Introduction

The MSC's *Principles and Criteria for Sustainable Fishing* sets out requirements that a fishery must meet to enable it to claim that its fish come from *a well-managed and sustainable source.*

Throughout the world fisheries are using good management practices to safeguard jobs, secure fish stocks for the future and help protect the marine environment. The science-based MSC environmental standard for sustainable fishing offers fisheries a way to confirm sustainability using a credible, independent third-party assessment process. It means sustainable fisheries can be recognised and rewarded in the marketplace, and gives an assurance to consumers that their seafood comes from a well-managed and sustainable source.

The MSC standard applies to wild-capture fisheries only – whatever their size, type or location but does not apply to farmed fish.

Three core principles form the MSC fisheries standard:

Principle 1: Sustainable fish stocks

The fishing activity must be at a level which is sustainable for the fish population. Any certified fishery must operate so that fishing can continue indefinitely and is not overexploiting the resources.

Principle 2: Minimising environmental impact

Fishing operations should be managed to maintain the structure, productivity, function and diversity of the ecosystem on which the fishery depends.

Principle 3: Effective management

The fishery must meet all local, national and international laws and must have a management system in place to respond to changing circumstances and maintain sustainability.

Before the MSC ecolabel can be used on seafood, or any claim relating to MSC approval or certification can be made, an assessment must take place that confirms the product originates from a fishery certified to the MSC's Principles and Criteria for Sustainable Fishing.

Certified chain of custody systems are an essential component of any product labelling programme, providing credible assurance that traceability of fish products through supply chains is maintained. To achieve this, elements of relevant supply chains are subject to certification against the MSC Chain of Custody standard for seafood traceability.

Chain of custody certification

Before the MSC ecolabel can be used on seafood, or any claim about the MSC can be made, an assessment must take place **at each step in the chain** that confirms the product originates from a fishery certified to the MSC's Principles and Criteria for Sustainable Fishing.

Certified chain of custody systems are an essential component of any product labelling programme, providing credible assurance that traceability of fish products through supply

chains is maintained. To achieve this, companies in each relevant supply chain are subject to certification against the MSC Chain of Custody standard for seafood traceability.

Four core principles form the MSC Chain of Custody Standard:

Principle 1: The organisation shall have a management system

Principle 2:The organisation shall operate a traceability system

Principle 3: There shall be no substitution of certified products with non-certified products

Principle 4: There shall be a system to ensure all certified products are identified

The full MSC Chain of Custody standard for seafood traceability version 3 is available from the MSC website.

Use of MSC's Chain of Custody by other standard setters

The Aquaculture Stewardship Council (ASC) uses the MSC Chain of Custody requirements to assure the traceability of ASC-certified aquaculture products through their supply chains. Although this is an important collaboration, the ASC remains a separate organisation that will use a different ecolabel. Annex BE defines how the MSC Chain of Custody requirements are applied to ASC supply chains.

Introduction to this Document

The purposes of the MSC Certification Requirements are:

- 1. to establish consistent certification requirements to enable all conformity assessment bodies (CAB¹s) to operate in a consistent and controlled manner;
- 2. to provide the transparency that is required of an international certification scheme for it to have credibility with potential stakeholders, including governments, international governmental bodies (e.g. regulatory bodies, fishery managers), CABs, suppliers of fish and fish products, non-governmental organisations and consumers;
- 3. to provide documentation designed to assure long-term continuity and consistency of the delivery of MSC certification.

The MSC's accreditation body Accreditation Services International GmbH (ASI) is responsible for setting the scope for which accreditation to the Certification Requirements will be granted. ASI will set scope for CABs with reference to the chain of custody and fishery certification schemes described in this document.

How to use this document

The MSC's certification requirements are set out in three parts and apply to CABs as below:

Part	Conformity
Part A – General certification requirements	Mandatory for all CABs
Part B – Chain of custody certification requirements	Mandatory for all CABs
Part C – Fishery certification requirements	Mandatory for CABs certifying fisheries

Guidance

The Guidance to the MSC Certification Requirements has been produced to help conformity assessment bodies (CABs) interpret the MSC Certification Requirements contained in the document "MSC Certification Requirements".

Guidance has been developed to:

- provide clarification on questions asked by CABs;
- to address areas of concern to the MSC;
- act as a training aid for both MSC and CAB staff.

The headings and numbering in this document, when included, match those in the MSC Certification Requirements exactly, with numbers prefaced with the letter "G" to indicate Guidance.

Those using Guidance should refer to both this document and the MSC Certification Requirements together, as text from the MSC Certification Requirements is not repeated in Guidance.

¹ Note that the term Certification Bodies (CB) is included under the term Conformity Assessment Bodies. This document refers to CB as CAB

In this document, Guidance is not provided for all system requirements clauses - where this occurs the phrase "No Guidance at this time" appears.

The MSC recommends that CABs read the MSC Certification Requirements in conjunction with the MSC's Guidance to the MSC Certification Requirements.

Where guidance is provided that generally relates to the subject of a major heading, or relates to the content of a specific clause, this icon **a** appears at the end of the title or clause.

Insertions are identified with **bold text**. Deletions are identified using **single strikethrough and bold**. Both insertions and deletions will be shown bearing a footnote.

The footnote reflects the:

- a. authority who made the decision (e.g. Technical Advisory Board);
- b. date (or meeting number) that the decision was made;
- c. date on which the change should come into force/came into force.

Changes to correct minor matters record the reason for the addition or deletion in the footnote.

Derogations are indicated by inserting a footnote at the end of the clause(s) the derogation refers to, placing it in square brackets and number and brackets bold. In the footnote it is shown:

- a. the authority who made the decision on the derogation;
- b. the date or meeting number of the decision;
- c. the date on which the derogation came into force or expires; and
- d. a short description of the derogation.

A derogation indicates a measure which allows for all or part of the requirement to be applied differently, or not at all, to certain applicants or certificate holders.

The MSC will periodically provide new versions of the CR and GCR, where previous amendments will no longer be tracked. Between official versions, the MSC will maintain an up-to-date consolidated version.

Standard implementation timeframes

In December 2011, standard implementation timeframes for changes to the MSC Standards and certification requirements were agreed by the Technical Advisory Board and Board of Trustees. The procedure makes a formal distinction between process- and performance-type changes to scheme requirements. The procedure defines:

- 1. A fixed time interval of 2 months between when documents are issued to certifiers by the MSC and the date on which they become effective (the *effective date*).
- 2. A standardized implementation timeframe for changes to process requirements for both fisheries and chain of custody:

- All new assessments or audits commencing² after the effective date must be conducted in compliance with new requirements.
- All other assessments or audits must be conducted in compliance with new requirements within one year of the effective date.
- 3. A standardized implementation timeframe for changes to performance requirements:
 - New fisheries, which have not commenced assessment before the effective date, must comply with new performance requirements.
 - Existing fisheries (in assessment or certified) must comply with new performance requirements upon reassessment or within 4 years of the effective date³, whichever is sooner.
 - New chain of custody applicants, which have not commenced audit before the effective date, must comply with new performance requirements.
 - Existing chain of custody holders must comply with new performance requirements upon reassessment.
 - 4. All fisheries for which more than 4 months has elapsed between entering assessment and the start of the site visit, must implement the new requirements from the time of the site visit.
 - 5. All fisheries for which more than 9 months has elapsed between the on-site assessment and the PCDR, must implement the new requirements when revising the scoring under CR 24.2.3.
 - 6. The Board may, for specific policies, agree that the timeframe for implementation applicable to fisheries under paragraph 3 may be shorter than 4 years, with a minimum implementation timetable being at the first surveillance audit taking place after one year from the effective date.

The implementation requirements above are *maximum* implementation dates. At their discretion, CABs may implement performance or process requirements at earlier dates than required by the regulations above.

For more information about implementation timeframes, please go to <u>http://improvements.msc.org/</u>

² Commencing: announcing a full assessment or surveillance audit of a fishery; entering a contract for a CoC audit.

³ i.e. at a reassessment that takes place prior to 4 years from the effective date or at the

reassessment or surveillance audit immediately following 10 March 4 years after the effective date.

Introduction to Part C - Fisheries

The MSC's Principles and Criteria for Sustainable Fishing, produced through an international consultation process, describe statements against which a fishery may be compared to enable its operators to make a claim that the fish sold on to retailers, processors and consumers comes from a well-managed and sustainable source.

Undertaking integrated (i.e. encompassing more than just stock status issues) assessments of fisheries is a relatively new phenomenon. Only a small (but increasing) number of government agencies and academic institutions have developed robust and repeatable methods for conducting such assessments. The MSC Certification Requirements have undergone several trials and revisions and are subject to regular oversight by the MSC's Technical Advisory Board (TAB).

This Guidance and accompanying Certification Requirements are designed for CABs and their teams who are conducting pre-assessments and full assessments of fisheries against the MSC's Principles and Criteria for Sustainable Fishing. Guidance is not mandatory, but provides useful information, examples and interpretations that CABs should consider when undertaking fishery assessment related activities.

Persons wishing to comment on this document or other MSC scheme documents are encouraged to do so by sending an email to <u>standards@msc.org</u>.

Document Sections

Part A – General Certification Requirements Guidance

Part A Contents	GA1
Part A: General Requirements Guidance	GA2
Annex AA Guidance	GA12

Part B – Chain of Custody Requirements Guidance

Part B Contents	GB2
Part B – Chain of Custody Certification Requirements Guidance	GB5
Annex BA Guidance	GB16
Annex BB Guidance	GB17
Annex BE Guidance	GB26

Part C – Fishery Certification Requirements Guidance

Part C Contents	GC2
Part C – Fishery Certification Requirements Guidance	GC7
Annex CA Guidance	GC41
Annex CB Contents	GC43
Annex CB Guidance	GC52
Annex CC Guidance	GC112
Annex CD Guidance	GC144
Annex CE Guidance	GC146
Annex CF Guidance	GC147
Annex CG Guidance	GC148
Annex CH Guidance	GC149
Annex CI Guidance	GC150
Annex CJ Guidance	GC151
Annex CK Guidance	GC153
Annex GCL - Guidance to CABs on Stakeholder Consultation	GC164
Annex GCLA – Sample Generic INTERVIEW PROTOCOL	GC186

Part A Table of Contents

Part /	A: 0	General Requirements Guidance	GA2
G1	Sc	ope	GA2
G2	No	rmative Documents	GA2
G3	Те	rms and Definitions	GA2
G4	Ge	neral Requirements	GA2
G4.	1	Requirement of accreditation	GA2
G4.	2	Implications of suspension, withdrawal or cancellation of CAB accreditation	GA2
G4.	3	Conformity to ISO 17065 and MSC requirements	GA3
G4.	4	Conformity to ISO 19011	GA3
G4.	5	Compliance with legal requirements	GA3
G4.	6	Certification Decision Making Entity	GA4
G4.	7	Communication with the MSC	GA4
G4.	8	Contract	GA4
G4.	9	Control of MSC ecolabel and CAB logo claims	GA5
G4.	10	Language	GA5
G4.	11	Transfer of certificate between CABs	GA5
G4.	12	Request for approval, variation and/or exemption	GA6
G5	Sti	ructural Requirements	GA7
G5.	1	Mechanism for safeguarding impartiality	GA7
G5.	2	Confidentiality	GA7
G6	Re	source Requirements	GA7
G6.	1	Personnel	GA7
G7	Pre	ocess Requirements	GA7
G7.	1	Information for applicants	GA7
G7.	2	Assessment and audit planning	GA7
G7.	3	Changes affecting certification	GA8
G7.	4	Suspension or withdrawal of certification	GA8
G7.	5	Information on certificates	3A11
G8	Ма	inagement System Requirements for CABsG	iA11
G9	He	ading not used at this timeG	i A11
G10	ŀ	Heading not used at this timeG	A11
Anne	ex A	A GuidanceG	iA12

Part A: General Requirements Guidance

G1 Scope

No Guidance at this time.

G2 Normative Documents

Normative documents are those which contain provisions which when referenced in the text of the MSC Certification Requirements, become requirements. The most significant of these are ISO Guide 65 and IAF Guidance to ISO Guide 65.

G3 Terms and Definitions

The MSC & MSCI Vocabulary draws its definitions (including abbreviations) from three main sources:

- the International Organisation for Standardisation (ISO);
- the glossary of the Fisheries and Aquaculture Department of the Food and Agricultural Organisation of the United Nations;
- ISEAL Alliance's Code of Good Practice for Setting Social and Environmental Standards Implementation Manual.

Where a term cannot be found in any of these documents a definition is prepared by the MSC.

GCR readers are encouraged to identify terms which they believe need further expansion to the MSC.

G4 General Requirements

G4.1 Requirement of accreditation

- G4.1.1 No guidance at this time
- G4.1.2 No guidance at this time
- G4.1.3 No guidance at this time

G4.2 Implications of suspension, withdrawal or cancellation of CAB accreditation

If a Certificate Holder's CAB has its accreditation withdrawn, they can transfer to another CAB as outlined in 4.11.7

G4.2.1 No guidance at this time

- G4.2.2 No guidance at this time
- G4.2.3 No guidance at this time
- G4.2.4 No guidance at this time
 - G4.2.4.1 Partial audits may refer to audits, which are specifically focused on the area of non-conformance which resulted in the suspension. For example, if the certificate holder was not correctly identifying MSC certified products, so that non-MSC product could be mis-sold as MSC, the partial audit would look at if the certificate holder had implemented a more robust identification system.
- G4.2.5 No guidance at this time
- G4.2.6 No guidance at this time
- G4.2.7 No guidance at this point
- G4.2.8 If a Certificate Holder's CAB has its accreditation withdrawn, they can transfer to another CAB as outlined in 4.11.7

G4.3 Conformity to ISO Guide 65 and MSC requirements

ISO 17065 was published in September 2012 and supersedes ISO Guide 65. The transition from ISO Guide 65 to ISO 17065 for the MSC requirements is provisional at present. MSC will seek input from ASI and CABs during 2013 to review if certain aspects of ISO 17021 should be implemented instead of ISO 17065. A final decision will be made at the TAB 2013 meeting and the changes agreed incorporated into the 2014 version of the CR.

CABs are encouraged to review ISO 17065 when updating their management systems and processes to ensure that their systems are "future proofed." This review process will also be assisted by ASI auditing CABs against ISO 17065 from January 2013. ASI may audit CABs against ISO 17065 starting 14 January 2013 and where ASI identifies nonconformities against 17065, (which would not have been nonconformities, if audited against ISO Guide 65), ASI will raise an observations.

The numbering of the MSC Certification Requirements follows that of CD 2 of ISO 17065.

AAPG documents, while written for accreditation body use, may be read by CABs to ensure that their systems and personnel are capable of withstanding ASI scrutiny.

G4.4 Conformity to ISO 19011

No guidance at this time

G4.5 Compliance with legal requirements

No guidance at this time

G4.6 Certification Decision Making Entity

No guidance at this time

G4.7 Communication with the MSC

- G4.7.1 No guidance at this time
- G4.7.2 Within 10 days of the date the certificate is issued, the CAB need to send the completed form to 'surveys@msc.org', using the Fishery/CoC name in the subject line of the email.

G4.8 Contract

- G4.8.1 No guidance at this time
- G4.8.2 A traceback exercise endeavours to trace MSC labelled products from retail back to the certified fishery of origin by seeking supporting documentary evidence from all those involved in its supply chain. The requirements in section 4.8.2 of Part A of the CR allow the MSC to approach CoC certificate holders directly for specific information about MSC transactions.
 - G4.8.2.1 No guidance at this time
- G4.8.3 No guidance at this time
- G4.8.4 No guidance at this time
- G4.8.5 No guidance at this time
- G4.8.6 See below
 - G4.8.6.1 The intent of this clause is to make clear that the CAB may require that vessels are separately certified for chain of custody. Inserting this clause into the certification contract removes any doubt that may arise at a later stage that vessel CoC would automatically be included under the fishery certificate.
- G4.8.7 No guidance at this time
- G4.8.8 No guidance at this time
- G4.8.9 The amount of product required for the sample is very small (generally less than 100g) and may in many cases only be a swab from the fish. However it is recognised that if a small business is handling high value products and these are damaged by sampling there may be a need to reimburse the loss.
 - G4.8.9.1 CABs should contact the MSC if they consider that a client should be compensated by the MSC for sample collection, with a justification based on the relative value of the sample to the client, taking into account both client size and lost product value.

Where a product authentication test indicates that the seafood presents a food safety risk (e.g. it is a species not fit for human consumption), then there is a legal obligation to inform the authorities. In this case the CAB could request the certificate holder to inform the authorities and provide evidence to them of having done this.

G4.8.10 The FAO Guidelines for Ecolabelling in Wild Capture Fisheries endorse transparency and accessibility of audit reports: "121. The certification body may receive external audits on relevant aspects. The results of the audits should be accessible by the public."

It was decided at the Credibility Working Group in April 2012 to include a requirement in the next version of the Certification Requirements (CR) to allow ASI to publish a summary of each ASI fishery witness audit, and from 2014, each Chain of Custody (CoC) audit.

G4.9 Control of MSC ecolabel and CAB logo claims

No guidance at this time

G4.10 Language

No guidance at this time

G4.11 Transfer of certificate between CABs

A client's wish to change CABs may come about from:

- the client's choice; or
- the failure of an applicant CAB to gain accreditation for the scope of the certification, and hence not being able to issue a certificate; or
- a CAB ceasing to offer accredited certification services for whatever reason.

The MSC will only recognise one certificate for the stated scope (combination of fishery and CoC activity) for the client at any one time.

- G4.11.1 No guidance at this time
- G4.11.2 No guidance at this time
- G4.11.3 Prior to gaining accreditation, applicant CABs are required to demonstrate their competence by carrying out a full audit and/or assessment of a client under the observation of ASI. The CAB cannot issue a certificate until the accreditation process is completed. The applicant CAB may, for whatever reasons, fail to gain accreditation. In this instance, in order to gain a certificate an applicant client will need to transfer to another CAB. Applicant clients may also decide they need to achieve certification more quickly than an applicant CAB can

guarantee. The intent of this clause is to help a client transfer from an applicant CAB to a new, accredited CAB as fairly as possible.

- G4.11.3.1 This clause ensures that information that would support or might preclude certification is not withheld from the succeeding CAB. Confidentiality of 3rd parties may need to be considered by all parties.
- G4.11.3.2 No guidance at this time
- G4.11.3.3 See below
 - a. No guidance at this time
 - b. See below
 - i. No guidance at this time
 - ii. For example, the CAB should expect a surveillance report if a surveillance was due. If there is not one provided to them, they should ask why.
 - iii. No guidance at this time
 - c. No guidance at this time
 - d. No guidance at this time
 - e. No guidance at this time
- G4.11.4 No guidance at this time
- G4.11.5 No guidance at this time
- G4.11.6 No guidance at this time
- G4.11.7 No guidance at this time
- G4.11.8 See below
 - G4.11.8.1 No guidance at this time
 - G4.11.8.2 All certificates issued by a CAB whose accreditation has been withdrawn expire a maximum of 90 days after the withdrawal of accreditation. The MSC provides a grace period of up to 90 days to allow certificate holders to transfer their certification to a new (succeeding) CAB while continuing to use the MSC ecolabel and make claims of conformity with MSC standards, unless there is a specific reason to doubt the integrity of the particular certificate.
- G4.11.9 Further information can be found in the MSCI License agreement.

G4.12 Variation requests

- G4.12.1 No guidance at this time
- G4.12.2 Where CABs have noticed that something should have been changed but it is too late to submit a variation request, the CAB should create an advisory for stakeholders and post it on the MSC website. This should include rationale for

why the deviation occurred and how it is being addressed. This should be copied to ASI for confirmation.

G5 Structural Requirements

G5.1 Mechanism for safeguarding impartiality

No guidance at this time

G5.2 Confidentiality

When undertaking their work CABs have access to commercially sensitive information. The MSC believes that a policy and instruction on confidentiality needs to be documented to:

- ensure the CAB considers all aspects of confidentiality;
- allow ASI to review the policy and subsequent procedures for completeness.

G6 Resource Requirements

G6.1 Personnel

G6.1.1 No guidance at this time

G7 Process Requirements

G7.1 Information for applicants

No guidance at this time

G7.2 Assessment and audit planning

- G7.2.1 See below
 - G7.2.1.1 No guidance at this time
 - G7.2.1.2 No guidance at this time
 - G7.2.1.3 For example, good audit practice as defined in ISO 19011.
 - G7.2.1.4 No guidance at this time
- G7.2.2 No guidance at this time
- G7.2.3 No guidance at this time

G7.3 Changes affecting certification

No guidance at this time

G7.4 Suspension or withdrawal of certification

The CAB should consider the level of intent and/or how systematically the integrity of the supply chain has been compromised. Some examples of activities that would lead to suspension for this reason are:

- clear evidence that certified product has been replaced with non-certified product and is being or has been sold as certified; or
- clear evidence that certified product has been supplemented with noncertified product and is being or has been sold as certified; or
- the certificate holder is unable to demonstrate that the product is from a MSC-certified source
- G7.4.1 Some examples of where a CAB may suspend or withdraw a certificate for a contractual or administrative reason include:
 - late payment of CAB invoices;
 - a short slip in the audit schedule due to unforeseen circumstances;
 - slow response to the CAB that the CAB deemed unacceptable, but once response was given the issue was not high risk.
- G7.4.2 No guidance at this time
- G7.4.3 Where a suspension is possible due to reasons set out in sections 7.4.3 or 7.4.4 of Part A of the CR, the CAB could point out the consequences of not complying with requirements in the specified timeframes (i.e. suspension).
 - G7.4.3.1 No guidance at this time
 - G7.4.3.2 No guidance at this time
 - G7.4.3.3 No guidance at this time
 - G7.4.3.4 The ninety day notice period above may be contained in reports, requests for action or other documents provided by the certifier to the certificate holder.
- GA7.4.4 Systematically normally includes all cases where there has been more than one instance of non-MSC being sold as MSC at one site.
 - a. No guidance at this time
 - b. Not guidance at this time
 - c. No guidance at this time
 - d. No guidance at this time
 - e. No guidance at this time
 - f. No guidance at this time

- g. There shall be a minimum of 6 months between a certificate being suspended and being reinstated.
- G7.4.4 Where a suspension is possible due to reasons set out in sections 7.4.3 or 7.4.4 of Part A of the CR, the CAB could point out the consequences of not complying with requirements in the specified timeframes (i.e. suspension).
 - G7.4.4.1 Examples of a demonstrable breakdown in the chain of custody are: significant discrepancies in records supplied at different points in time by the certificate holder; significant omissions in certificate holder's traceability records; or a complete lack of knowledge by the certificate holder of the MSC CoC requirements.
 - G7.4.4.2 There are various reasons that a certificate may be suspended or withdrawn from a client, but some should be dealt with more seriously than others. The MSC regards the misrepresentation of product from non-certified fisheries as certified as extremely serious, and has created requirements dealing with this situation

Evidence that a product that is being claimed as MSC certified is not includes, but is not limited to, information that the client is buying from a supplier that is not certified. In addition to information from the CAB's own sources, formal communication from MSC or ASI should be considered to be sound evidence. The MSC requires positive evidence of compliance; the absence of evidence is not sufficient to maintain certification.

- G7.4.4.3 No guidance at this time
- G7.4.4.4 No guidance at this time
- G7.4.4.5 No guidance at this time
- G7.4.5 See below
 - G7.4.5.1 No guidance at this time
 - G7.4.5.2 See below
 - a. No guidance at this time
 - b. All CABs are requested to review each of their clients' suppliers' lists and tell clients to take action as necessary.
 - c. No guidance at this time
 - d. If a certificate is suspended or withdrawn, the usual provisions for MSC ecolabel use, claims, etc in the case that a certificate is suspended or withdrawn shall apply. The continued use of the MSC ecolabel and other claims of conformity with MSC standards is not permitted, and the client's name will be removed from the MSC website or their status will be updated as appropriate.
 - e. In the case of a fishery certificate being suspended or withdrawn, up to the time that the certificate is suspended or withdrawn all stakeholders should have confidence that fish or fish products are from a fishery that meets the MSC's *Principles and Criteria for Sustainable Fishing*. As a

result, there needs to be a difference in treatment of fish captured before and after the date of suspension or withdrawal.

The burden of proof that fish can be separated by capture date falls to the certificate holder or logo licensee. If there is not objective evidence of the ability to separate fish by capture date, the product may not enter further supply chains and thus may not be sold as certified.

G7.4.6 See below

- G7.4.6.1 No guidance at this time
- G7.4.6.2 No guidance at this time
- G7.4.6.3 See below
 - a. No guidance at this time
 - b. All CABs are requested to review each of their clients' suppliers' lists and tell clients to take action as necessary
 - c. No guidance at this time
 - d. If a certificate is suspended or withdrawn, the usual provisions for MSC ecolabel use, claims, etc in the case that a certificate is suspended or withdrawn shall apply. The continued use of the MSC ecolabel and other claims of conformity with MSC standards is not permitted, and the client's name will be removed from the MSC website or their status will be updated as appropriate
 - e. The burden of proof that fish can be separated by capture date falls to the certificate holder or logo licensee. If there is not objective evidence of the ability to separate fish by capture date, the product may not enter further supply chains and thus may not be sold as certified.
- G7.4.6.4 See below
 - a. No guidance at this time
 - b. No guidance at this time
 - c. The CAB could record the information on a comment box, using text such as: "CoC certificate withdrawn for a second time. Client excluded from reapplying to CoC certification until *insert date*"
- G7.4.7 No guidance at this time
 - G7.4.7.1 No guidance at this time
 - G7.4.7.2 No guidance at this time
 - G7.4.7.3 No guidance at this time
 - G7.4.7.4 Verification activities should include CAB monitoring the activities of the suspended client (e.g. submission and review of all purchasing and sales documents, conducting unannounced audits, interviews with the person responsible for MSC certification to ensure understanding and ability to train other members of staff, etc.

- G7.4.8 No guidance at this time
- G7.4.9 No guidance at this time
- G7.4.10 No guidance at this time
- G7.4.11 Suspension must always precede withdrawal of a certificate. When a certificate is withdrawn the CAB may no longer be in a contractual agreement with the client.
- G7.4.12 No guidance at this time
- G7.4.13 No guidance at this time

G7.5 Information on certificates

The CAB's CoC certificates may include the address of the client's other office(s) if these differ from the site where the main audit activity took place. If additional addresses are listed, the main activity performed at this(ese) address(es) shall be noted on the certificate to avoid confusion with the address where the main activity, that was considered in the chain of custody audit taken place

G8 Management System Requirements for CABs

No guidance at this time

G9 Heading not used at this time

No guidance at this time

G10 Heading not used at this time

No guidance at this time

----- End of Part A Guidance -----

Annex AA Guidance

No guidance at this time

----- End of Annex AA Guidance -----

Marine Stewardship Council

Guidance to the MSC Certification Requirements Part B



Version 1.3, 14 January 2013

Part B Contents

Part B C	Contents	GB2
Part B -	Chain of Custody Certification Requirements Guidance	eGB5
G11	Scope	GB6
G12	Normative Documents	GB6
G13	Terms and Definitions	GB6
G14	General Requirements	GB6
G14.1	Contract	GB6
G15	Structural Requirements	GB6
G16	Resource Requirements	GB6
G17	Process Requirements	GB6
G17.1	Need for certification	GB6
G17.2	Scope of certification	GB7
G17.3	Audit planning	GB11
G17.4	Evaluation	GB11
G17.5	Audit findings	GB13
G17.6	Certification decision	GB13
G17.7	Change to scope of certification	GB13
G17.8	Surveillance	GB14
G17.9	Re-certification	GB15
G18	Management System Requirements for CABs	GB15
G19	Heading not used at this time	GB15
G20	Heading not used at this time	GB15
Annex I	BA Guidance	GB16
Annex I	3B Guidance	GB17
GBB Int	roduction	GB17
GBB1	Scope	GB17
GBB2	Application	GB17
GBB3	Audit Timing and Frequency	GB19
GBB4	Sampling	GB19
GBB4.	1 Decision if sample stratification is needed	GB19
GBB4.	2 CAB decides sample plan to be used	GB19

G Tabl	e BB1GB19
GBB4.3	Increase in sample size GB19
GBB4.4 number	Allocation to normal, enhanced or reduced sampling plans to determine the of site of the sampling plan for subsequent audits
GBB4.5	Sample selection GB19
GBB5	PersonnelGB20
GBB5.1	Certification auditors GB20
GBB6	Non-conformitiesGB20
GBB7	Audit Reports and Audit DecisionsGB20
GBB8	Adding New Sites to the GroupGB20
Annex B	C GuidanceGB21
Annex BI	O GuidanceGB24
GBD1	Requirements for Reporting ChangeGB24
GBD2 Carried o	Request for Records of Certified Product in the Event of a Traceback ut by the MSCGB24
GBD2.1	Applicability
GBD2.2	Requirements GB24
GBD3	Handling or Selling Under-MSC-Assessment FishGB24
GBD4	Requirements for the Use of SubcontractorsGB25
GBD5	Requirements for Using Non-Certified Seafood IngredientsGB25
GBD6	Group RequirementsGB25
Annex B	E GuidanceGB26
GBE1 C	hanges to Scope of CertificationGB26
GBE2 R	eportsGB26
GBE3 C	ertificatesGB26
GBE4 D the Chair	etermination of the Point(s) at Which ASC Certified Products Enter of CustodyGB27
GBE5 A	pplication of MSC Certification Requirements, Part A and BGB27
GBE6 C	lauses Which do not Apply when Assessing ASC ScopeGB27
GBE7 A	dditions to Parts A and B of the MSC Certification Requirements
when Ass	GB27 GB27
G Tabl	e BE2GB27

GBE8 Additions to Parts A and B of the MSC Certification Requirements	
when Considering MSC Certified Products for a Certificate Holder that	
Previously only had ASC Certified Products	B28
GBE9 Amendments to Parts A and B of the MSC Certification Requirement	nts
when Considering ASC Scope	B28

Part B – Chain of Custody Certification Requirements Guidance



G11 Scope

No guidance at this time

G12 Normative Documents

No guidance at this time

G13 Terms and Definitions

No guidance at this time

G14 General Requirements

G14.1 Contract

If potential clients have any further questions concerning MSC ecolabel use these should be directed to MSCI: <u>ecolabel@msc.org</u>

G15 Structural Requirements

No guidance at this time

G16 Resource Requirements

G16.1 Personnel

G16.1.1 The intent of this requirement is that the original auditor would not be able to return to auditing the organisation concerned for at least one complete certification cycle.

A change in CoC auditor after a set time period or number of audits is considered best practice in many auditing fields. It helps to remove any real or perceived bias from the auditing process created by the use of the same lead auditor for a large number of consecutive CoC audits. By introducing an alternative auditor they will be able to carry out the audit with a fresh set of eyes thereby giving stakeholders greater confidence in the rigour of the audit process.

The six year period could include an initial audit, two surveillances, a re-audit and two further surveillances before the auditor would need to be changed.

G17 Process Requirements

G17.1 Need for certification

No guidance at this time

G17.2 Scope of certification

The five options for certification are summarised in Table GB1

Table GB1:	Options f	for certification
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	Option	Applies to	Individual organisations or group schemes
1	Accredited CoC certification	Any potential client	Both
2	Accredited CoC combined audit	All potential clients already certified to a national /international food safety standard that has been reviewed by the MSC or CAB and a gap analysis provided. The list of the MSC reviewed standards can be found on the MSC website.	Both
3	Multi-site	Any potential client that has more than one site and wishes for all sites to be individually audited but receive one certificate.	Both
4	Group certification	Any potential client defined as groups of individual enterprises or multiple site organisations.	Group
5	Interim Certification	All potential clients that are low risk an immediate on-site audit is neither practicable nor necessary. A CAB can award an interim certificate for up to three months.	Both

- Accredited CoC certification is the standard audit/certification option for standalone organisations that fall outside the other three categories.
- Where there is a group of associated sites which collectively apply for certification and choose to have all sites individually audited, the group will be eligible to receive one certificate.
- Where there is a group entity (single central point of control) and associated individual sites, which collectively apply for certification to the MSC Chain of Custody Standard, the group certification requirements (Annex BB) apply.
- The interim certification option is available in cases where it is not practicable to perform a complete on-site audit prior to allowing fish or fish product(s) into the CoC. Permission for interim certification may be granted by the MSC (on the basis of a recommendation from the CAB) for up to three months, providing that the risk is low and manageable.
- Potential clients are not required to have identified all the suppliers of the products and are not required to have purchased all of the products listed in the potential scope at the time of the audit.

Specific requirements on scope are provided below for some types of operators.

Vessels

- The traceability systems of vessels belonging to the client group of an MSCcertified fishery are considered as part of the fishery assessment, unless otherwise stipulated in the Public Certification Report. Where fish is processed on board, or when transhipment occurs, separate CoC certification may be required by the fishery CAB.
- Risks to traceability are considered and a recommendation made by the fishery CAB based on the CAB's risk assessment as set out in MSC Certification Requirements Part C – Fishery Certification Requirements.

Transportation companies

- Companies that transport seafood products require CoC certification if:
 - they take ownership of the goods, unless they transport consumer ready tamper proof products;
 - o they are involved in repacking or re-labelling activities; or
 - they are involved in any activity which leads to the product being processed or transformed.
- Companies that transport seafood products on behalf of a CoC-certified client, but do not take ownership of the goods do not require CoC certification.

Traders and brokers

- Trading companies and brokers that wish to sell MSC products must be CoC certified if they take ownership of the products.
- Companies trading seafood products by acting on behalf of a CoC client, but do not take ownership of the goods, do not require CoC certification.
- CoC certification is not required for traders and brokers if they trade MSC products in their consumer ready tamper proof packaging.

Storage companies

- Storage companies, such as cold stores, which hold products in a storage area before processing/distributing/selling it and/or after processing it, must be CoC-certified if they take ownership of the goods, unless they store consumer-ready tamper proof products.
- CoC certification is not required if the storage company's activities have been assessed as part of the certification of another CoC client. However, if they are involved in re-packing or re-labelling activities, an on-site audit is required and the CAB must keep a list of the CoC-certified company's storage subcontractors.
- Storage companies are encouraged to have their own CoC certification even if they do not take ownership of the goods.

Wholesalers and distributors

- CoC certification is required for companies such as wholesalers and distributors who buy in large quantities and re-sell in smaller quantities or receive and sell products in sealed containers or pallets.
- Wholesalers and distributors who sell to consumers as well as businesses (such as club stores) should note that in order for their business customers to sell products as MSC certified, the wholesaler/distributor shall have CoC certification. CoC shall be required for the business customer to make a claim about the MSC-certified status of their products (with the exception of the point below).
- CoC certification is required for wholesalers and distributors that wish to make a claim about the MSC-certified status of the products they handle unless they receive and sell MSC products in their consumer ready tamper proof packaging.

Processors, packers and re-packers

- CoC certification is required for any company that transforms products and/or packaging if they take ownership of products.
- Contract processors, who process a product but do not take ownership of it, must have COC certification unless they can be included in the scope of their client's CoC certification. If they are included in the client's scope, an on-site audit shall be required and a list of all contract processors for that CoC client shall be kept by the CAB.
- Processors, packers and re-packers are encouraged to have their own CoC certification even if they do not take ownership of the goods.

Wholesale fish markets

No Guidance

Physical fish auctions

Fish auctions at or near the harbour where fish is landed and where buyers bid for fish may be considered as part of the fishery certification. Each fishery Public Certification Report defines where fishery certification ends and where Chain of Custody starts. A risk assessment is carried out by the fishery CAB and the report states if fish auctions are included in the scope of the fishery certification.

Restaurants and other food service operators

• CoC certification is required for companies that prepare MSC-certified fish for serving to consumers. This includes any food service situation, standard

restaurant or quick service restaurant where the product is sold directly to consumers. This includes companies that receive MSC-certified fish in a pre-packaged format but then subsequently open the packaging for cooking.

• Companies that receive MSC-certified fish in consumer ready tamper proof packaging but then subsequently open the packaging for heating purposes only, or for placing on a plate only, do not require CoC certification.

Retail to consumer

CoC certification shall be required for retailers that purchase and sell MSCcertified fish if they process or transform the product or make changes to the packaging. This includes fresh fish counters at retailers, fishmongers, markets selling direct to consumers etc.

CoC certification shall not be required if they handle MSC-certified fish in its consumer ready tamper proof packaging.

- G17.2.1 No guidance at this time
- G17.2.2 When recording scope, one product form may be listed with two different types of storage and four presentations, but it is not necessary to link any of these to each other.
- G17.2.3 No guidance at this time
- G17.2.4 See below
 - G17.2.4.1 All companies which are based at more than one location are either certified through multi-site certification or group certification. In multi-site certification each stie is audited to the requirements section 17 of the Certification requirements and Annex BD. They are however issued with a single certificate code across all sites. In this case they do not need to comply with the Group Certification requirements of Annex BC and do not have sites sampled. This will be useful for companies which want to share a certificate code, for example for printing of packaging, but which do not want to implement the internal controls necessary for group certification.
- G17.2.5 Companies are required to document all their subcontractors as per BD 4.2.3.1 to facilitate trace-backs, however, for the purposes of scope, transportation subcontractors need not be listed.
- G17.2.6 The interim certification option is available in cases where it is not practicable to perform a complete on-site audit prior to allowing fish or fish product(s) into the CoC. Permission for interim certification may be granted by the MSC (on the basis of a recommendation from the CAB) for up to three months providing that the risk is low and manageable.
- G17.2.7 See below
 - G17.2.7.1 The accredited CoC combined audit option allows a CAB to combine the MSC audit with an audit for an existing certification against a recognised national/international food safety standard.

- It has been recognised that elements of the MSC Chain of Custody Standard are covered in those recognised standards and that the CAB may have already audited those elements.
- A second audit to satisfy MSC requirements may be unnecessary.
- In these instances the MSC or the CAB provides a gap analysis for each recognised standard, which identifies the additional requirements of the MSC Chain of Custody Standard that are not contained in the recognised standard.
- CABs may use this gap analysis to create new/revise existing audit documentation to assist in conducting the audit.
- G17.2.8 No guidance at this time
- G17.2.9 No guidance at this time

G17.3 Audit planning

- G17.13.1 No guidance at this time
 - G17.13.1.1 No guidance at this time
 - G17.13.1.2 The CAB may give the applicant their assigned MSC CoC certification Code at this stage or at any stage upon request.

G17.4 Evaluation

The on-site audit is conducted in order to accomplish the following:

- To review the client's management system, including any documented policies and procedures where appropriate, is adequate to meet the MSC CoC Standard (Note: the CAB may conduct this before the on-site stage).
- To ensure that the client's management system is conformed to by the client's staff.

G17.4.1 See below

- G17.4.1.1 For example comparable non-MSC-certified fish being processed on the same production line used for MSC-certified products or for similar looking species.
- G17.4.1.2 No guidance at this time
- G17.4.2 No guidance at this time
- G17.4.3 See below
 - G17.4.3.1 No guidance at this time
 - G17.4.3.2 No guidance at this time

- G17.4.3.3 Examples of physical parameters to be checked include the marking of fish containers and established locations of MSC-certified or under-MSC-assessment versus non-certified sources.
- G17.4.3.4 Examples of procedures are written protocols for maintaining segregation, employee training manuals, implementation of employee training, etc.
- G17.4.3.5 No guidance at this time
- G17.4.3.6 An auditor can either verify that the client can perform a batch reconciliation, or can perform a batch reconciliation themselves.

The auditor could perform a batch reconciliation by selecting a batch, and for a given period of time, calculating:

- opening stock, plus
- purchases, less
- sales, less
- closing stock, equals
- waste and other losses.

The calculated waste should be compared to certificate holder records of waste, if the certificate holder keeps records – many do not.

The auditor may calculate a ratio of waste to inputs (inputs being a+b-d) for each batch sampled, and compare the ratios calculated in one batch with the other batches (if the batches are of similar product undergoing similar processes) and/or compare the calculated ratios to theoretical ratios for the product and processes.

Auditors should take care when comparing ratios, as even if products are like for like (e.g. whole side fillets of fish), significant variations can occur dependent on skill of filleter, seasonality of fish, catch area, size or grade of fish etc. Further, if the product is then having skin removed, pin-boned, portioned or loined then the yield is going to be greatly different per processing unit depending on what grade the customer has requested.

Auditors can find information on yields from other sources. For example:

When fishery products are processed in third countries, there are standard yields agreed between the processing company and the Customs authorities of the processing country. In China, for example, because the import duty is so high for fish entering the country, a 'book' is opened for each import into the processing factory and the Customs then check that all the finished product is subsequently exported. To do this, standard yields are agreed in advance for the whole intake.. If available to the auditor, these figures may provide guidance. Auditors should be aware that individual batches may vary from the yield given for the entire consignment, as yields differ for specific products produced for individual customers.
When fish for processing leaves a country for a third country processor, likewise, there are also Customs declarations and subsequent import yields to be confirmed, because the country of origin (and destination of the finished product) Customs need to ensure that third country fish isn't entering for which duty is payable. Again, these agreed figures are useful for any MSC fish.

A reasonable sample size could be based upon the square root of the number of batches handled within a given period.

- G17.4.3.7 No guidance at this time
- G17.4.3.8 No guidance at this time
- G17.4.3.9 No guidance at this time
- G17.4.3.10 The level of a non-conformity generated, when information provided by a certificate holder during audits or other requests described in BD2 is not consistent with information provided at a different point in time, can be determined as outlined in 17.5. Significant inconsistencies may demonstrate a breakdown in the chain of custody and could result in a suspension of certification as outlined in 7.4.4.1.
- G17.4.4 No guidance at this time
- G17.4.5 No guidance at this time

G17.5 Audit findings

- G17.5.1 No guidance at this time
- G17.5.2 No guidance at this time
- G17.5.3 No guidance at this time
 - G17.5.3.1 No guidance at this time
 - G17.5.3.2 No guidance at this time
 - G17.5.3.3 It is not mandatory to collect a complete list of the certificate holder's purchases of MSC-certified products but MSC highly recommends this.

G17.6 Certification decision

- G17.6.1 No guidance at this time
- G17.6.2 This means that the audit report details the findings of the audit and includes the CABs decision on the outcome- independent of the individual auditor-.

G17.7 Change to scope of certification

G17.7.1 Clients that are already certified with MSC products in their scope need to alert the CAB before they can extend their scope for the first time to sell any ASC-

certified products. At this point the CAB will need to issue a new ASC certificate and update information in the ASC eCert database. For a client that already has ASC products in their scope, the client does not need prior CAB approval to add additional ASC products or certified farms, but they must update the CAB in accordance with Table BD2.

- G17.7.2 No guidance at this time
- G17.7.3 No guidance at this time
- G17.7.4 No guidance at this time
- G17.7.5 No guidance at this time
- G17.7.6 See below
 - G17.7.6.1 There is a new functionality in eCert that will allow a CAB to enter a new species without needing to also add an associated fishery or product details. More information on this will be included in the eCert user guide.

G17.8 Surveillance

Audits are distributed throughout the duration of the CoC certification over three years for each type of surveillance:

		Surveillance Frequency							
	Surveillance Type	Initial Audit	Year 1		Year 2		Year 3		
1.	Enhanced	On-site	On-site	On-site		On-site	On-site	On-site	Re-certification
2.	Standard	On-site		On-site			On-site		Re-certification
3.	Reduced	On-site			С	n-site*			Re-certification
4.	Remote reduced	On-site			D	esktop*			Re-certification

Table GB2: Surveillance Frequency

*Refers to 10-18 months

Guidance to Table B4: In Table B4 the non-conformances in section 5 are relevant even if they have been closed out before a certificate is awarded.

- G17.8.1 No guidance at this time
- G17.8.2 No guidance at this time
- G17.8.3 No guidance at this time
 - G17.8.3.1 For expedited audits entry cannot be refused on the basis of a responsible person not being available and time limits for document provision can still be set.
- G17.8.4 See Below
 - G17.8.4.1 No guidance at this time

- G17.8.4.2 No guidance at this time
- G17.8.4.3 No guidance at this time
- G17.8.4.4 The MSC will require unannounced audits in cases where there is a risk of a breach in the Chain of Custody but there is inadequate information to raise a complaint against a specific CoC certificate holder. This is particularly relevant where a product authentication test of a consumer-ready product indicates substitution or mislabelling but does not confirm at which step the problem occurred. In these cases, expedited or unannounced audits at various steps in the supply chain may be warranted in order to determine the source of the issue.
- G17.8.5 No guidance at this time
- G17.8.6 No guidance at this time
- G17.8.7 No guidance at this time
- G17.8.8 The findings of the Decision of the CAB should be within the audit report or another uploaded document. This means that the audit report details the findings of the report and includes the CABs decision on the outcome independent of the individual auditor.

G17.9 Re-certification

No guidance at this time

G18 Management System Requirements for CABs

No guidance at this time

G19 Heading not used at this time

No guidance at this time

G20 Heading not used at this time

No guidance at this time

----- End of Part B Guidance -----

Annex BA Guidance

The use of the MSC Chain of Custody checklist is not currently mandatory.

Where the MSC Chain of Custody checklist has been used this can be uploaded on the MSC database in replacement of the report template required by BA1.3.

There are two checklist templates:

- Checklist for single site audits
- Checklist for group audits

The checklist is in an Excel format.

----- End of Annex BA Guidance -----

Annex BB Guidance

GBB Introduction

Group Certification has been developed in order to assist both groups of individual enterprises and multiple site companies ("organisations") to achieve certification in an effective and cost efficient manner while providing stakeholders with an appropriate level of assurance of compliance.

The principle of group certification is that a central site or coordinating entity (the "group entity") confirms that all individual sites comply with the MSC Chain of Custody Standard and all other relevant MSC requirements, and that third party auditing takes place only at a sample of sites to verify the functionality of the internal verification system. A group entity may also perform some of the activities on behalf of individual sites.

A CAB undertakes an audit of the group entity's activities, concentrating on their competency to determine each site's conformity with all MSC requirements. To evaluate the level of competency of the group entity, a sample of sites is audited by the CAB to check that the conformity assurance provided by the group entity is, in fact, correct.

The objectives of Annex BB and BC are to:

- establish a consistent methodology to enable all CABs to provide certification of groups in a consistent and controlled manner;
- provide the transparency that is required for certificates issued to have credibility with stakeholders, including governments, international governmental bodies (e.g. regulatory bodies, fishery managers), CABs, the fishing industry and associated supply chains, non-governmental organisations and consumers; and,
- provide documentation designed to assure long-term continuity and consistency of the delivery of Chain of Custody group certification against the MSC CoC Standard.

Annex BB should be read in conjunction with Annex BC, "Checklist of Requirements for Group Chain of Custody Certification". Annex BC sets mandatory requirements for organisations seeking group certification. These are the minimum acceptable requirements for groups to meet the MSC Chain of Custody Standard Clause 1.1, which requires an organisation to have a management system which addresses "all the requirements below" – i.e. all the requirements of the standard.

GBB1 Scope

No guidance at this time

GBB2 Application

GBB2.1 CAB eligibility to perform group certification

No guidance at this time

GBB2.2 Applicant eligibility for group certification

No guidance at this time

GBB2.3 Certification Contract

No guidance at this time

GBB2.4 Determination of Reduced Risk Groups

The intent of this clause is that the CAB informs the group entity that if the group's circumstances change with regards to RRG eligibility, they may no longer be eligible for certification as a RRG. The CAB will verify that the group meets the RRG eligibility criteria at a minimum during each audit, and at any other point if information is received indicating a potential change in eligibility status. If the group no longer meets the eligibility requirements in BB2.5, the CAB will notify the group entity that they will either need to restructure the group to exclude any non-eligible sites (if possible) or will need to be recertified against the non-RRG requirements in order to maintain CoC certification. This must happen before the next recertification or surveillance audit.

GBB2.4.1 Reduced Risk Group requirements cannot be applied to a stratified part of a group.

GBB2.5 Eligibility Requirements for Reduced Risk Groups

The intent of this clause is to ensure that the CAB assesses the group against clause BB2.5 to determine if a group is eligible as a RRG. This assessment may be carried out before the initial audit, but the CAB will also validate eligibility during the onsite audit.

Where a group has specific site(s) conducting an activity not permitted by the eligibility criteria, this group including those sites cannot be certified against RRG requirements. The group including those sites can be certified as a non-RRG group, or can exclude non-eligible sites from the group and be certified as a RRG. Non-eligible sites may then be certified separately as single sites or a separate group.

- GBB2.5.1 No guidance at this time
- GBB2.5.2 No guidance at this time

- GBB2.5.3 Fresh fish counters or other restaurant/ retail to consumer organisations that perform processing within their standard business activities are eligible for RRG certification as per the 'Activity' definitions in Table B2.
- GBB2.5.4 Internal audit systems must be in place for all sites, but these do not need to be MSC-specific (e.g. could be food safety audits). The same applies for training this does not need to be MSC specific.
- GBB2.5.5 See below
 - GBB2.5.5.1 This clause is intended for those operators storing and moving seafood (e.g. 'box movers' or 'box-in/ box-out' companies). The group is permitted to attach additional labels to sealed boxes as long as information for product traceability is maintained. Labels with information needed to identify products as MSC-certified information cannot be covered with other labels. Where there is only one label on the pallet, individual boxes tare to be labelled with relevant product or traceability information when the pallet is broken down.

GBB3 Audit Timing and Frequency

No guidance at this time

GBB4 Sampling

GBB4.1 Decision if sample stratification is needed

No guidance at this time

GBB4.2 CAB decides sample plan to be used

- G Table BB1 Possible scores range from 21 to 100
- **G Table BB1 7c** Purchasing from suppliers is managed by the group entity (central buying list or a centrally approved list of products and suppliers for sites to use.

GBB4.3 Increase in sample size

No guidance at this time

GBB4.4 Allocation to normal, enhanced or reduced sampling plans to determine the number of site of the sampling plan for subsequent audits

No guidance at this time

GBB4.5 Sample selection

No guidance at this time

GBB5 Personnel

GBB5.1 Certification auditors

G Table BB5A:

Row 2.Management systems and reference documents:

Management system related standards in this context means standards where there is a high degree of reliance on management systems to ensure product conformity. These standards include requirements for internal audits, a management review and self-corrective action to address any problems identified in the audit and review such as ISO 9001 and 14001.

It does not include MSC audits.

Row 3. Audit Experience:

Equivalent standards are those which include a significant component of traceability including: GFSI-approved standards, GlobalGAP aquaculture standard and ISO 22000.

GBB6 Non-conformities

No guidance at this time

GBB7 Audit Reports and Audit Decisions

No guidance at this time

GBB8 Adding New Sites to the Group

No guidance at this time

----- End of Annex BB Guidance -----

Annex BC Guidance

The MSC group CoC requirements include the Chain of Custody standard, and Annex BC and Annex BD of the Certification Requirements.

- GBC1.1.4 Documents can be kept in either paper or electronic format and can be stored at the group entity or site level, provided the group entity can access them if requested. Relevant documents include those needed to conduct an input/output reconciliation and those needed to trace shipments of MSC-certified products forward to the customer or back to the supplier. These documents may be requested by the MSC for purposes of a traceback. Other relevant documents could include training records and internal audit reports (refer to BC3.6.1 for verification records required).
- GBC1.2 The group entity is expected to be able to control that all sites of the group comply with the MSC group CoC requirements. This control can be demonstrated in different ways, depending on the type of group and the level of control the group entity has over sites.
- GBC1.2.3 The group entity may use any type of subcontractors, but if sites use subcontractors directly, they shall only use subcontractors that are either part of the group (i.e. listed as a site), that have their own CoC certificate, or only perform transport or storage functions as specified in Table B2. All subcontractors used by the site or the group entity must be used in conformity with requirements in Annex BD.
 - GBC1.3.2.1If the number of sites added since the most recent CAB audit exceeds 10% of the total sites at the time of that audit, the group will need to get written consent from the CAB before sites can be added. Written consent is also needed before the group can add sites that introduce new activities. The CAB may decide to conduct a remote or onsite audit if warranted.

If the number of sites added since the last audit is less than 10% of the total number of sites at the last CAB audit, the group only needs to inform the CAB via writing of the changes, as per BC1.3.2. In this case the group does not need written approval from the CAB before adding the sites.

- GBC1.3.3 The entity is expected to take action to make sure that sites no longer in the group certificate will not continue to use the ecolabel or MSC claim. This may include confiscating unused packaging, menus, or signage with the MSC ecolabel, and verifying during the next visit to the site that the MSC ecolabel is no longer used.
- GBC2.2 MSC-certified product can be only bought from MSC CoC certified suppliers or directly from the certified fishery. There must be a system in place to ensure that MSC certified product is identifiable at all time. Where product labelled as MSC cannot be confirmed as coming from a certified source, there must be a procedure in place to address this.

- GBC2.3 It is not required to have 'MSC' or the MSC logo on all invoices of MSC-certified product, but the CAB needs to verify that any traceability or internal tracking system used is effective.
- GBC2.4 All 'key personnel' responsible for MSC CoC are to be trained by the group entity. This includes staff within the group entity or sites that are responsible for making decisions, setting procedures, or verifying conformity as related to MSC requirements.
- GBC2.5 Where the MSC ecolabel is used the group is to have signed a license agreement with MSCI. For RRGs, this agreement is to be with the group entity, and the group entity is expected to oversee all use of the ecolabel and collection of turnover declarations from sites. For non-RRG groups, it is possible that individual sites have their own license agreement.
- GBC3.1 It is the responsibility of the group entity to ensure internal audits take place. Internal audits can be carried out by external auditors who are not group employees provided they cover all MSC requirements. For non-RRGs, onsite internal audits must have had an internal audit before initial certification can take place. These audits do not need to be MSC-specific but should be able to demonstrate the site's conformity with MSC Group CoC requirements.

For RRGs, internal site audits are not required before initial certification, although the group entity is responsible for ensuring that procedures and training are in place so that all sites are in conformity with MSC group CoC requirements before certification. If the group entity and all sites in the certificate handle seafood that is exclusively MSC-certified, internal site audits are not required, although CABs will still audit a sample of sites on an annual basis. No internal audits are required for a stratified subgroup if all seafood handled by sites in the stratified subgroup is MSC certified.

GBC3.1.2 Internal audits after initial certification must happen at every site at least once a year. There is no mandatory requirement that internal audits must be onsite of MSC-specific, but they must be effective at determining the site's conformity with MSC group CoC requirements and identifying any non-conformities.

Internal auditors can be members of the group or members of a third-party, but must conform with requirements in section BC2.4.2.

- GBC3.2.2.1 Sites are to be selected at random to avoid the group entity pre-determining which sites to conduct the input/output reconciliation on. The group entity can use any process to select sites at random but will need to explain or document the process used for site selection for audits.
- GBC3.1.3 Non-conformities found during internal audits can be classified into two categories ('critical non-conformities' and 'non-conformities'). During CAB audits of the group entity and sites, the CAB will grade non-conformities into three categories as per section BB6.4 and BB6.5 of the CR.
- GBC3.2 The input/output reconciliation is to prove that the amount of certified seafood sold is less than or equal to the amount purchased and that the full amount purchased can be accounted for. If product is processed, the input/ output reconciliation will need to include reasonable conversion rates (yields). If the

group entity and all sites in the certificate handle seafood which is exclusively MSC-certified, there is no requirement for the group entity to conduct an input/output reconciliation. The same applies to a stratified subgroup if all seafood handled by sites in that subgroup is MSC certified. In both cases, CABs will still conduct an input/ output reconciliation during their site audits.

- GBC3.2.2 If a RRG chooses to conduct input/output reconciliation on a sample of sites, traceability documents will still need to be retained for all sites (either at the group entity or site office level) that will enable CABs or the MSC to trace back products or batches when requested.
- GBC3.3 An internal review of the group's conformity with MSC requirements needs to take place at least once a year and before the initial certification. Ideally this will include the MSC representative, members of senior management, and other staff related to the MSC programme, such as internal auditors. This review will consider results of internal audit reports (where applicable), whether policies and procedures are functioning effectively, any complaints received, and will determine any changes that will be made to the group's management, control, or verification systems as a result.

This review can be combined with other meetings (i.e. ISO9001, 14000, etc.). Senior management must be aware of the outcome of the review and any changes proposed as a result.

- GBC3.4 Where non-conformities are identified by the group, during internal audits or otherwise, the procedures in BC3.4 must be followed. Note the grading and timelines for internally-detected non-conformities are distinct from site nonconformities detected by CABs, which are covered in section BB6.4. Nonconformities found by internal auditors or other members of the group (not CABs) can be graded into two categories:
 - Critical non-conformities results in suspension of the site from the group and are to be corrected within 30 days
 - Non-conformities are to be corrected within 90 days of detection, If a non-conformity is not fully corrected within 180 days it will be upgraded to a critical non-conformity.
- GBC3.5 Applicable for non-RRGs only: The group is to have a designated person or committee that decides whether each site is in conformity with MSC group CoC requirements. This decision is to be made based on findings of the internal audits, input/output reconciliation, and any other evidence available.
- GBC3.6 Records can be retained in either electronic or hardcopy at the group entity or site level. These records include traceability documentation for sales and purchases or processing of MSC certified products, which may be required by the MSC for a traceback exercise.

----- End of Annex BC Guidance -----

Annex BD Guidance

GBD1 Requirements for Reporting Change

No guidance at this time

GBD2 Request for Records of Certified Product in the Event of a Traceback Carried out by the MSC

GBD2.1 Applicability

No guidance at this time

GBD2.2 Requirements

To provide assurance to all stakeholders that the CoC certification program provides a guarantee that fish bearing the MSC ecolabel comes from certified fisheries, the MSC conducts validation exercises for its CoC and MSC ecolabel licensing program. This helps guarantee the integrity of the MSC ecolabel, the credibility of the MSC program and the validity of the MSC claim.

One of the validation checks is a traceback exercise.

A traceback exercise endeavours to trace MSC labelled products from retail back to the certified fishery of origin by seeking supporting documentary evidence from all those involved in its supply chain. The requirements in section 4.8.2 of Part A of the CR allow the MSC to approach CoC certificate holders directly for specific information about MSC transactions.

Tracebacks are managed by the MSC's traceback evaluator.

To assist in tracebacks the certificate holder is required to provide the MSC with information on product origin and destination. The information provided to the MSC is held in confidence and not disclosed to any other entity unless:

- the documentation reveals that there is a significant risk to food safety; or
- there is a non-conformity with legal requirements.

In which case the MSC may, at its sole discretion, forward the information provided to the relevant authorities.

GBD3 Requirements for Handling or Selling Under-MSC-Assessment Fish

No guidance at this time

GBD4 Requirements for the Use of Subcontractors

No guidance at this time

GBD5 Requirements for Using Non-Certified Seafood Ingredients

No guidance at this time

GBD6 Group Requirements

No guidance at this time

----- End of Annex BD Guidance -----

Annex BE Guidance

MSC has agreed to share its chain of custody with the Aquaculture Stewardship Council (ASC). MSC CoC certificate holders can ask CABs to have the scope of their certificate extended so that they can handle ASC-certified products as well as MSC-certified products.

This sharing of the same CoC was agreed as supply chains for both types of certified product are similar and therefore there are significant cost savings for CoC certificate holders by having just one CoC instead of 2 parallel systems.

Where a certificate holder wants to be certified for both the ASC and MSC, the CAB will issue 2 CoC certificates: one for MSC CoC and one for ASC CoC.

There are some important points to note:

- For ASC CoC starts at the fish farm; see fish farm report on ASC webpage http://www.asc-aqua.org/
- MSC administers CoC for ASC. For questions, certificate extensions, variations and database queries CABs to contact the MSC Product Integrity Team productintegrityteam@msc.org
- For fish farm matters CABs to contact ASC directly
- There are two eCert databases: one for ASC one for MSC data needs to be entered on both where a CoC holder has 2 certificates
- A separate licence agreement is needed where a CoC holder wishes to use the ASC logo

GBE1 Changes to Scope of Certification

- GBE1.1 No guidance at this time
- GBE1.1.1 Where a COC holder has COC for MSC with one CAB he cannot ask a different CAB to extend COC for ASC. In this way the same CAB is responsible for COC for MSC and COC for ASC.

GBE2 Reports

No guidance at this time

GBE3 Certificates

No guidance at this time

GBE4 Determination of the Point(s) at Which ASC Certified Products Enter the Chain of Custody

No guidance at this time

GBE5 Application of MSC Certification Requirements, Part A and B

- GBE5.1 No guidance at this time
- GBE5.2 There are certain cases where an aquaculture operation may, in addition to ASC farm certification, also require MSC chain of custody certification. The CAB performing the ASC farm certification determines the point at which chain of custody starts and therefore if chain of custody certification is required at the aquaculture operation. In these specific cases MSC group requirements are not applied to the aquaculture operation. MSC group requirements are however still relevant for any group at any other point in the supply chain seeking MSC chain of custody certification with ASC scope.
- GBE5.3 Non conformities against fish farms can be found in the Draft Audit Report published on the ASC webpage. The date a non-conformity against a fish farm has been closed out can be found in the Final Audit Report published on the ASC webpage.

GBE6 Clauses in Parts A and B Which do not Apply when Assessing ASC Scope

No guidance at this time

GBE7 Additions to Parts A and B of the MSC Certification Requirements when Assessing ASC Scope

- GBE7.1 See below
- **G Table BE2** As above, there are certain cases where an aquaculture operation may, in addition to ASC farm certification, also require MSC chain of custody certification. The CAB performing the ASC farm certification determines the point at which chain of custody starts and therefore if chain of custody certification is required at the aquaculture operation. In these specific cases MSC requirements for reduced and remote reduced surveillance are not relevant for the aquaculture operation. These requirements are however still relevant for any company at any other point in the supply chain seeking MSC chain of custody certification with ASC scope.

GBE7.2 No guidance at this time

GBE8 Additions to Parts A and B of the MSC Certification Requirements when Considering MSC Certified Products for a Certificate Holder that Previously only had ASC Certified Products

No guidance at this time

GBE9 Amendments to Parts A and B of the MSC Certification Requirements when Considering ASC Scope

No guidance at this time

GBE10 Changes to terms in parts A and B when considering ASC scope

Guidance Table BE 5 The actual audit date in relation to Under ASC assessment fish, which is allowed, is displayed in the Draft Audit Report on the ASC webpage.

----- End of Annex BE Guidance -----

ANNEX BF Guidance

GBF1 CoC Auditor Qualification And Competency Criteria

G Table BF1 Row 4 - Audit experience and Row 6 - Auditor Training:

Equivalent standards are those which include a significant component of traceability including: GFSI-approved standards, GlobalGAP aquaculture standard and ISO 22000..

Marine Stewardship Council

Guidance to the MSC Certification Requirements Part C



Version 1.3, 14 January, 2013

Part C Contents

Part C	Contents	GC2
Part C	- Fishery Certification Requirements Guidance	GC7
G21	Scope	GC7
G22	Normative Documents	GC7
G23	Terms and Definitions	GC7
G24	General Requirements	GC7
G24.	1 Submission of reports, data & requests to MSC & publication of reports	sGC7
G24.	2 Assessment timelines	GC7
G24.	3 Consultation requirements	GC8
G24.	Use of confidential information in fishery assessments	GC10
G24.	5 Access to information	GC10
G24.	6 Confidentiality agreements	GC10
G25	Structural Requirements	GC11
G26	Resource Requirements	GC11
G27	Process Requirements	GC11
G27.	1 Initial client interest	GC11
G27.	2 Pre-Assessment	GC12
G27.	3 Application review	GC13
G27.4	4 Confirmation of scope GC13	
G27.	5 Team selection	GC13
G27.	6 Determination of target eligibility date	GC13
G27.	7 Announcement regarding certification and public involvement	GC13
G27.	3 Confirming the assessment tree to be used	GC18
G27.	Assessment visits, stakeholder consultation and information collection	GC23
G27.	10 Scoring the fishery	GC23
G27.	11 Setting Conditions	GC26
G27. Chair	12 Determination of the point(s) at which fish and fish products enter funs of Custody	rther GC33
G27.	13 Preliminary Draft Report for client review	GC33
G27.	14 Peer review and Peer Review Draft Report	GC33
G27.	15 Public Comment Draft Report	GC34
G27.	16 Determination	GC34

G27.17	Final Report	GC34
G27.18	Objections procedure	GC35
G27.19	Certification decision and certificate issue	GC35
G27.20	Public Certification Report	GC35
G27.21	Fisheries that fail assessment	GC35
G27.22	Surveillance	GC35
G27.23	CAB assistance with certificate sharing	GC36
G27.24	Re-assessment	GC37
G28 N	anagement System Requirements for CABs	GC40
G29 H	eading not used at this time	GC40
G30 H	eading not used at this time	GC40
Annex C	A Guidance	GC41
Annex Cl	3 Contents	GC43
Annex Cl	3 Guidance	GC52
GCB1	General Requirements	GC56
GCB2	Principle 1	GC56
GCB2.1	General requirements for Principle 1	GC56
GCB2.2	Stock Status PI (PI 1.1.1)	GC58
GCB2.3	Reference Points PI (PI 1.1.2)	GC59
GCB2.4	Stock Rebuilding PI (PI 1.1.3)	GC69
GCB2.5	Harvest Strategy PI (PI 1.2.1)	GC73
GCB2.6	Harvest Control Rules & Tools PI (PI 1.2.2)	GC76
GCB2.7	Information Monitoring PI (PI 1.2.3)	GC77
GCB2.8	Assessment of Stock Status PI (PI 1.2.4)	GC78
GCB3	Principle 2	GC79
GCB3.1	General requirements for Principle 2	GC79
GCB3.2	General Requirements for Outcome PIs	GC81
GCB3.3	General Requirements for Management Strategy Pls	GC83
GCB3.4	General requirements for Information PIs GCError! Boo	kmark not defined.
GCB3.5	Retained Species Outcome PI (PI 2.1.1)	GC85
GCB3.6	Retained Species Management Strategy PI (PI 2.1.2)	GC85
GCB3.7	Retained Species Information / Monitoring PI (PI 2.1.3)	GC88
GCB3.8	Bycatch Species Outcome PI (PI 2.2.1)	GC88

GCB3.9	Bycatch Species Management Strategy PI (PI 2.2.2)	GC89
GCB3.10	Bycatch Species Information / Monitoring PI (PI 2.2.3)	GC89
GCB3.11	ETP Species Outcome PI (PI 2.3.1)	GC89
GCB3.12	ETP Species Management Strategy PI (PI 2.3.2)	GC90
GCB3.13	ETP Species Information / Monitoring PI (PI 2.3.3)	GC90
GCB3.14	Habitats Outcome PI (PI 2.4.1)	GC90
GCB3.15	Habitats Management Strategy PI (PI 2.4.2)	GC91
GCB3.16	Habitats Information / Monitoring PI (PI 2.4.3)	GC91
GCB3.17	Ecosystem Outcome PI (PI 2.5.1)	GC91
GCB3.18	Ecosystem Management Strategy PI (PI 2.5.2)	GC92
GCB3.19	Ecosystem Information / Monitoring PI (PI 2.5.3)	GC92
GCB3.20	Principle 2 Phrases	GC93
GCB4 F	Principle 3	GC93
GCB4.0	General requirements for Principle 3	GC93
GCB4.1	Principle 3 Terminology	GC96
GCB4.2	Legal and/or Customary Framework PI (PI 3.1.1)	GC96
GCB4.3	Consultation, Roles and Responsibilities PI (PI 3.1.2)	GC100
GCB4.4	Long Term Objectives PI (PI 3.1.3)	GC103
GCB4.5	Incentives for Sustainable Fishing PI (PI 3.1.4)	GC104
GCB4.6	Fishery-Specific Management PIs	GC105
GCB4.7	Fishery-Specific Objectives PI (PI 3.2.1)	GC106
GCB4.8	Decision-Making Processes PI (PI 3.2.2)	GC106
GCB4.9	Compliance and Enforcement PI (PI 3.2.3)	GC109
GCB4.10	Research Plan PI (PI 3.2.4)	GC110
GCB4.11	Monitoring and Management Performance Evaluation PI (PI 3	.2.5)GC111
Annex CC	Guidance	GC112
GCC1 I	ntroduction to the Risk-Based Framework	GC113
GCC2	Applying the Risk-Based Framework	GC115
GCC2.1	Information gathering and preparation	GC115
GCC2.2	Stakeholder involvement with the RBF	GC121
GCC2.3	Conducting a SICA	GC122
G Table	CC3 – Table CC7	GC123
G Table	CC8	GC127
G Table	CC11	GC128

GCC2.4	.0 Conducting a Productivity-Susceptibility Analysis (PSA)	GC128
GCC3	Requirements for using the RBF for specific Pls	GC139
GCC3.1	Requirements for PI 1.1.1	GC139
GCC3.2	RBF Requirements for PI 1.1.2	GC139
GCC3.3	RBF Requirements for PI 1.1.3	GC140
GCC3.4	RBF Requirements for PI 1.2.4	GC140
GCC3.5	RBF Requirements for PI 2.3.1	GC140
GCC3.6	Specific requirements for Information PIs when the RBF is applied	GC140
Annex CI	D Guidance	GC144
Annex Cl	E Guidance	GC146
Annex Cl	F Guidance	GC147
Annex C	G Guidance	GC148
Annex Cl	H Guidance	GC149
GCH1	Scope	GC149
GCH2	Default tree	GC149
GCH3	Conditions	GC149
GCH4	Entry into further chains of custody	GC149
GACH4	Surveillance	GC149
GCH5	Re-assessment	GC149
Annex Cl	Guidance	GC150
Annex C.	J Guidance	GC151
GCJ1 D	etermination of Scope	GC151
GCJ2 Ir	nitial requirements on assessment issues	GC152
GCJ3 Ir	ntroduced species as non-target species	GC152
GCJ4 Ir	nplementation of this Annex	GC152
Annex Cl	K Guidance	GC153
GCK1	General	GC153
GCK2	Principle 1	GC153
GCK2.1	General Requirements for Principle 1	GC153
GCK2.2	Genetics	GC155
GCK3	Principle 2	GC155
GCK3.1	General Requirements for Principle 2	GC155

GCK3.	2	Translocations	.GC157
GCK4	Ρ	rinciple 3	GC158
GCK4.	.1	General Requirements for Principle 3	.GC158
Annex (GCL	Guidance to CABs on Stakeholder Consultation	GC164
GCL1	Intr	oduction	GC165
GCL1.	2	Purpose of this document	.GC165
GCL1.	3	Nature and scope of this document	.GC165
GCL1.	4	Approach of this document	.GC166
GCL2	Wh	o is a Stakeholder?	GC166
GCL3	Pur	pose and Goals of Stakeholder Consultation	GC167
GCL4	Gui	ding Principles for Conducting Stakeholder Consultation	GC168
GCL5	Rol	es and Responsibilities	GC171
GCL6	Ste	ps for Conducting Stakeholder Consultation	GC174
Annex (GCL	A – Sample Generic INTERVIEW PROTOCOL	GC186

Part C – Fishery Certification Requirements Guidance

G21 Scope

The purposes of Part C or the MSC Certification Requirements are to:

- Establish consistent fisheries certification requirements for all CABs.
- Provide transparency for credibility with stakeholders including governments, fishery managers, CABs, suppliers of fish and fish products, non-governmental organisations and the public.
- Specify requirements of the certification scheme that ensures the MSC ecolabel on fish or fish products is a credible assurance that the fish comes from a fishery conforming to MSC's Principles and Criteria for sustainable fishing.

G22 Normative Documents

Note that the normative references provided are additional to those found in Part A.

G23 Terms and Definitions

The MSC and MSCI vocabulary is an Annex to Part A of the MSC Certification Requirements.

The word assessment is used for the initial evaluation and five yearly evaluations for re-certification, and the word audit is used for annual surveillance visits and expedited audits.

G24 General Requirements

G24.1 Submission of reports, data and requests to MSC and publication of reports by MSC

G24.1.1 No guidance at this time

G24.2 Assessment timelines

The MSC sets an objective to reduce the duration of the fishery assessment process to less than 12 months while maintaining high standards of assessment.

The intent of section 24.2 of Part C of the CR is to:

• Ensure all stakeholders are kept up-to-date on the timelines of the assessment process.

- Ensure assessments are announced at a point in the process where the CAB is properly prepared to undertake the initial assessment steps.
- Limit the duration of the assessment between data gathering and drafting the Public Comment Draft Report in order to maintain the currency of information used in the assessment.
- Recognise that there will be exceptional circumstances that need to be accounted for.
- G24.2.1 No guidance at this time
- G24.2.2 No guidance at this time

G24.2.3 (Note: this refers to guidance for both CR 24.2.3 and CR A24.2.3)

Following examples of fisheries where different versions of the requirements apply.

MSC issues a new version of the CR containing changes to process and performance requirements on the 18th of January, 2025 to certifiers, and these become effective from 18th March, 2025.

Fishery A announces full assessment on the 1st of January, 2025, has a site visit on the 1st of March, 2025 and a PCDR is issued on the 4th of July, 2025. Fishery A does not have to be assessed against the performance requirements contained in the 18th January version of the CR until 18th January, 2030. Fishery A has to have been assessed against the new process requirements by 18th of January, 2026. This is because there were less than 4 months from announcement to site visit, and less than 9 months from site visit to PCDR.

Fishery B announces full assessment on the 1st of January, 2025, and has scheduled a site visit on the 1st of June, 2025. Fishery B will have to apply the 18th March, 2025 version of the CR to the present assessment. This is because more than 4 months lapsed between full assessment announcement and site visit.

Fishery C announces full assessment on the 1st of January, 2025, holds a site visit on the 1st of March, 2025. As of 1st January, 2026, no PCDR has been published. Fishery C will have to consider new information, including the newest version of the CR (January 18th, 2025 version), and be re-scored accordingly. This is because more than 9 months lapsed between the site visit and the PCDR publication.

G24.2.4 "Exceptional circumstances" in this clause refers to situations in which, even with perfect implementation, achieving the timescales may take longer than that mandated. For example: unexpected illness, prolonged consultation due to high levels of stakeholder engagement, extremely complex data analysis and force majeure reasons.

G24.3 Consultation requirements

Stakeholder engagement is a critical component of the MSC fisheries assessment process:

- A robust stakeholder consultation process is fundamental to conducting a quality assessment.
- It provides important information to CABs.
- It contributes significantly to the credibility and outcome of the assessment process.

Section 24.3 of Part C of the CR is designed to improve the quality and consistency of stakeholder consultation in the fishery assessment process without adding significant time or cost.

It does so primarily by ensuring that current best-practice among CABs is consistently applied across all assessments and CABs.

This is a direct response to specific concerns that have surfaced from a variety of stakeholders about their experiences engaging in MSC fishery assessments.

The intent is to improve consistency in the way CABs engage stakeholders in the assessment process to ensure:

- early identification of relevant stakeholders, each of whom are given adequate opportunity to give their views at relevant assessment stages;
- that issues raised by stakeholders are acknowledged and reported as early in the assessment process as possible, to provide maximum opportunity for resolution outside of the objections process;
- comments from stakeholders are targeted and relevant to each assessment;
- explicit responses from certifiers are presented such that it is easy to see how, where, and why the comments have (or have not) been considered.

The stakeholder comment submission forms can be found on the MSC website at http://www.msc.org/documents/get-certified/stakeholders/template_for_stakeholder_input/?searchterm=stakeholder_guide

Further guidance on stakeholder consultation is provided in Annex GCL of this document.

- G24.3.1 No guidance at this time
- G24.3.2 No guidance at this time
- G24.3.3 No guidance at this time
- G24.3.4 No guidance at this time
- G24.3.5 No guidance at this time
- G24.3.6 No guidance at this time
- G24.3.7 This requirement relates to stakeholder consultations on fishery assessment stages including team consultation (CR27.5), tree consultation (CR27.8), site

visits (27.9) and Assessment reports (PCDR, Final Report, Surveillance Report). The 5pm consultation closing time is consistent with the release of such consultation documents by MSC at the end of the working day in the UK office.

G24.4 Use of confidential information in fishery assessments

The intent of this section is to:

- clarify management of use of confidential information provided during a fisheries assessment to ensure that stakeholders reviewing reports are not placed at a disadvantage;
- limit the range and circumstances of information that can be withheld with a focus on protection of commercially sensitive information.

Annex CF of the CR describes the content and format for the public certification report. The MSC Full Assessment Reporting Template requires that "*Each indicator shall contain . . . a reference to the source of the information used to make a judgement about that indicator.*" If the source is confidential this will create difficulties for stakeholders wishing to review the information.

Stakeholders play an important role in reviewing the results of assessments through the review of assessment reports. This process allows stakeholders to review the scores determined for assessing the performance of the fishery, and the rationale supporting those scores. Access to the information upon which a fishery's performance has been assessed is crucial in ensuring stakeholders are able to properly review assessment reports.

The need to ensure that transparency is afforded around all aspects of the assessment process is essential to ensuring that the benefits of stakeholder engagement in the process are delivered.

The MSC recognises that there may be specific concerns relating to the confidentiality of information used in the assessment. Section 24.6 in Part C of the CR provides direction on how to treat and manage the use of confidential information provided during a fisheries assessment to ensure that stakeholders reviewing assessment reports are able to properly review assessment findings.

G24.5 Access to information

Information available to a CAB may include un-published reports.

To facilitate stakeholder access to those reports to ensure symmetry of information. Section 24.5 in Part C of the CR contains requirements for CABs to ensure that information used in the assessment is made available.

The CABs do not have to make the information available itself, but it must ensure that it is available to stakeholders.

G24.6 Confidentiality agreements

No guidance at this time

G25 Structural Requirements

No guidance at this time

G26 Resource Requirements

No guidance at this time

G27 Process Requirements

Certification to the MSC's Principles and Criteria is a multi-step process. The certification process includes four major steps:

- **Pre-assessment**: A confidential report from a CAB tells a fishery if it is likely to achieve certification. The report may also give guidance about how to prepare for full assessment. Requirements for the pre-assessment are found in section 27.2 in Part C of the CR.
- **Preparation**: In this step the client prepares for a full assessment in response to pre-assessment findings and other relevant information. No requirements for preparation are presented in the MSC Certification Requirements.
- Full assessment: This is a multi-step process to determine whether or not the fishery conforms to the MSC standard. The process is led by an appointed CAB and its expert team. It involves consulting with stakeholders, reviewing PIs, scoring the fishery, identifying ways that the fishery can strengthen its performance (if needed), peer review and making a determination and then a final decision about whether or not the fishery meets the MSC's Principles and Criteria. This is an intensive process that calls for a high level of information to be provided by the fishery and others. Requirements for the full assessment phase are presented in sections 27.3 to 27.21 in Part C of the CR
- **Post-assessment**: Surveillance audits are conducted by the appointed CAB. Fisheries are encouraged to make the most of certification using the MSC Chain of Custody standard for seafood traceability. Requirements for post-assessment are presented in sections 27.22 to 27.24 in Part C of the CR.

G27.1 Initial client interest

The aim of this section is to ensure that a potential client receives full information about the MSC, the process of fishery certification and the benefits and

responsibilities of having a fishery certified. It is the CAB's responsibility to provide information.

CABs should also refer to section 7.1 in Part A of the CR and ISO 17065 clause 7.7

Detailed guidance material accompanying information sheets prepared by the MSC for potential and actual certification clients is available to download from the MSC website (www.msc.org).

MSC guidance material is not a substitute for detailed information and advice provided by the CAB to potential or actual clients. It is the CAB's responsibility to ensure clients are fully informed about anything relevant to the pre- and full assessment of their fishery.

G27.2 Pre-Assessment

G27.2.1 Pre-assessments are desirable, and are recommended by the MSC.

Pre-assessments can identify key issues and the likelihood of meeting the MSC's Principles and Criteria or highlight major barriers to achieving certification.

Pre assessments can assist the CAB with its planning for a full assessment.

There is reasonable evidence that pre-assessments conducted by CABs work as intended. They have prevented fisheries from moving forward and incurring significant expenditure on a full assessment where there was low or no likelihood of success.

The great majority of fisheries that have moved forward to full assessment, after a pre-assessment, have been successfully assessed.

Evaluations carried out by consultants have unknown standing and the MSC does not consider their reports as official pre-assessments. Decisions to follow consultant recommendations are the client's to make.

The MSC recommends to clients that they use a CAB for pre-assessment.

- G27.2.2 The Pre-Assessment:
 - clarifies to the client the philosophy and expectations of the MSC as expressed in its scheme documents;
 - identifies the strengths and weaknesses of the fishery;
 - results in early identification of problems that may preclude certification, for example use of destructive fishing methods and operation under controversial unilateral declarations.
- G27.2.3 The Pre-Assessment is confidential to the client, the CAB, and if the fishery proceeds with certification the MSC, unless otherwise directed by the client.

There are benefits that flow to the MSC when pre-assessment reports are confidentially lodged with the MSC. These include:

- providing a basis to identify environmental benefits delivered by the program outside of the full assessment process;
- providing the MSC with an ability to better monitor application of the MSC program.

To realise these benefits, the TAB agreed in June 2009 that once a fishery formally enters MSC assessment, that a copy of any pre-assessment undertaken for that fishery by a CAB be confidentially lodged with the MSC.

- G27.2.4 No guidance at this time
- G27.2.5 No guidance at this time
- G27.2.6 No guidance at this time
- G27.2.7 No guidance at this time
- G27.2.8 No guidance at this time
- G27.2.9 The requirement for CABs to submit annual summary information on MSC preassessments was approved by the TAB at its meeting in December 2010, following previous consideration in June 2010 and consultation with CABs in October 2010. Detailed MSC pre-assessment reports prepared by CABs are still submitted to MSC at time of entry to full assessment, not at the time of annual reporting of summary information.

The information provided may be aggregated and publicly reported on the MSC website to show regional pre-assessment activities without revealing either the CAB or client identities or other specific fishery details.

This reporting allows the MSC to monitor the numbers of fisheries that are engaging with the MSC process in different regions of the world and the proportions of those fisheries that subsequently enter and do not enter full assessment.Example report provides information from the same CAB for a later year and includes a status update for one of the previously reported preassessments. Submissions by CABs in years 2012 and onwards would be expected to follow the form of the Table below.

Table G1Example Report (for years after the first submission, including updates for previous years where the status is now known orrevised)

Certification Body (name)	ABC Certification Ltd

Reporting period (year ending 31 March)	Fishery					Fishery evaluation at time of pre-assessment			Actions since pre-assessment	
	Species	Stock (location)	Gear type(s)	Client (organis- ation name)	Fishery scale	Status (1, 2 or 3)	Rationale for assigned status	Status (1, 2, 3, 4 or 5)	Notes	
2012	Brown trout (<i>S.</i> <i>trutta</i>)	Deep Lake, Scotland	Gill net	BT Fishing Ltd	Small scale	3		1	Now in preparation for submission of announcement documents	
2012	Herring (<i>Clupea</i> <i>harengus</i>)	Irish Sea	Gill net	New Fishing Ltd	Semi- industrial	2	Expected fail in P3 due to lack of written research plan and other issues	3	Working on research plan, expect to enter full assessment when complete	
Include rows below to update information on fisheries included in previous annual reports where the status was 'not known' at the time of first reporting, or where the status has since changed										
2011	Lobster (<i>Homarus</i> <i>gammarus</i>)	lsle of Skye, UK	Pot	DEF Fishing Ltd	Small scale	1	Expected fail on P1 due to lack of existing harvest control rules.	2	Entered assessment with CB XYZ Ltd. Announced September 2011.	

G27.3 Application review

No guidance at this time

G27.4 Confirmation of scope

This section contains a series of actions required to be undertaken prior to the CAB confirming the scope of the application. This includes:

- reviewing pre-assessment reports and other information;
- confirming the proposed unit of certification;
- ensuring that the fishery does not operate under a controversial unilateral exemption to an international agreement or use destructive fishing practices;
- determining if the fishery has failed an assessment within the last two years;
- determining if the certificate may be shared with fishers not part of the client group;
- determining if IPI stocks are caught;
- determining if the fishery is enhanced;
- determining if the fishery overlaps with another MSC certified or applicant fishery;
- determining if the fishery is based on an introduced species;
- at the end of this process the scope of the assessment is confirmed;
- these steps are focused on information gathering and other preparatory steps required before the team can be formed, the assessment tree can be confirmed and the assessment and scoring of the fishery undertaken. It is designed to provide assessments that are robust, repeatable and maintain the integrity of the MSC certification program.
- G27.4.1 No guidance at this time

Unit of Certification

G27.4.2 The unit of certification (i.e., the unit entitled to receive an MSC certificate) is described as:

"The fishery or fish stock (= biologically distinct unit) combined with the fishing method/gear and practice (= vessel(s) pursuing that stock. At its simplest, a single vessel could be the unit of certification, more likely, a number of vessels in the same fishery will probably be assessed. The process of certification will by nature become more complicated for multi-species fisheries and for those fisheries having a significant bycatch of non-target species and/or other environmental impact." One or a group of vessels in the same fishery (a combination of stock(s)/gear/practice) is the unit of certification. The unit of certification is what is being assessed. Subsets are clients and "non clients", called "other eligible fishers". Clients can equal the unit in which case there are no other eligible fishers. If the number of fishers within the unit is greater than the number of individuals making up the certification client, then there are other eligible fishers, all of this must be clearly communicated by the CAB to the MSC and other stakeholders

There may be other fisheries (i.e., combinations of stock(s)/gear/practice) in operation that may catch the stock or impact the same ecosystem as the fishery seeking certification.

Stocks in this context could be different species, or different 'more or less isolated and self-sustaining' groups within a species.

There is no implication that if one stock or fishery is certified then that certification also applies to all other stocks of that species or to other fisheries taking that species.

 The first MSC certified fishery (Thames herring) was for a gear type (gill net) operating on a fish stock that was also caught by a fishery using a different gear type (trawl). Part of the interpretation and justification in taking this approach is the desire to use MSC certification as a reward for good practice for different users and potential users of the same fish resource.

The Standards Council discussions and decisions regarding Unit of Certification made extensive use of three interconnected arguments:

- That the MSC is an outcome standard, and so MSC would not certify a fishery that did not meet its Principles irrespective of whether the candidate fishery was responsible for the failure of the stock(s) or related ecosystem to meet those principles.
- That the MSC seeks to reward good practice, encourage continuous improvement and lead by example, and so would wish to certify fisheries that showed good practice even though other fisheries operating on the same fish stock(s) or ecosystem did not use those best practices.
- That the MSC has a fishery certification approach, and so its direct impacts are through identifying and redressing the root causes of problems that are accessible to improvement through fishery practice and management. This is done principally through the practice and management of fisheries that seek certification. While other fisheries and human uses may impact the fish stock(s) and the marine ecosystem, and may ultimately cause impacts that prevent MSC certification of all related fisheries, interpretation of the MSC Principles and Criteria is focussed on the fishery seeking certification.

Principle 1 is "A fishery must be conducted in a manner that does not lead to overfishing or depletion of the exploited populations and, for those populations

that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery."

- Principle 1 applies to the whole of the fish stock(s) exploited by the fishery seeking certification.
- A fishery could only pass if the whole fish stock(s) meet/s this standard, and it would not pass if the standard was not met, irrespective of who (e.g. the fishery seeking certification or other fisheries) was responsible for the stock not meeting the standard.

Principle 2 is "Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the fishery depends".

- The ecosystem could be interpreted to be very large so that it is likely to contain a serious impact of another fishery somewhere within it, unrelated to the activities or sustainability of the fishery seeking certification
- Some ecosystem effects are transmitted over a wide area, and so a remote fishery could cause failure with respect to Principle 2 in the local ecosystem of another fishery.
- Principle 2 applies to the fishery (a combination of stock(s)/gear/practice) seeking certification, so long as the fishery as a whole is conducted in a way that does not substantially undermine the objectives of Principle 2 across the whole range of the fish stock(s).
- This was intended to allow Principle 2 to be applied across the full spatial range of the fish stock(s) involved, and the relevant ecological structure and processes, and not be limited to just the local effects of the fishery seeking certification.

Principle 3 is "The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional frameworks that require use of the resource to be responsible and sustainable".

- Principle 3 applies to the fishery (a combination of stock(s)/gear/practice) seeking certification, except where elements of Principle 3 are required to achieve Principles 1 and 2.
- This was intended to allow Principle 3 to be applied flexibly to achieve Principles 1 and 2.

The unit of certification flows from the application for certification. In other words, the client nominates the fish species on which they seek to put the MSC ecolabel, as well as the fishery for which they seek certification.

In order for any fisheries product to be eligible to carry the MSC ecolabel, its stock(s) must be assessed as passing Principle 1/ (Obviously it must pass all three Principles, but to carry the ecolabel, even as 'bycatch' its stock status must pass P1, not simply P2 such as the example of hake and ling in the New Zealand

hoki fishery assessment.) If bycatch species are to carry the ecolabel, stocks must be nominated for assessment under P1.

Similarly, multi-species fisheries assessments must list all species to which the client wishes to attach the MSC ecolabel and they must be assessed under Principle 1.

Any bycatch species not nominated for assessment under P1 must pass an assessment against P2.

Further, for any species described as depleted or similar, the assessment needs to demonstrate that rebuilding programs are working and that the precautionary principle or precautionary approach is applied through the use of risk assessment and risk management measures.

G27.4.3 No guidance at this time

Unilateral exemption and destructive fishing practices

G27.4.4 No guidance at this time

Controversy - disputes in fisheries

G27.4.5 While considering a request for advice from the MSC's Board of Trustees in September 2002 the TAB discussed a proposal to the Board from the MSC's Stakeholder Council to suspend the Alaska pollock fishery assessment process until the US National Academy of Sciences and supplemental Environmental Impact Statement reports were available to the CAB.

The TAB felt that questions like this need to be answered by CABs by direct reference to, and assessment against, the MSC's Principles and Criteria for Sustainable Fishing, rather than by the MSC Board of Trustees intervening and acting as a CAB.

The TAB considered Principle 3, Criterion A.5 to be the most relevant section of the MSC's Principles and Criteria for Sustainable Fishing, including the footnote, in relation to controversial disputes.

PRINCIPLE 3:

The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.

Intent: The intent of this principle is to ensure that there is an institutional and operational framework for implementing Principles 1 and 2, appropriate to the size and scale of the fishery.

Criterion A5

Incorporates an appropriate mechanism for the resolution of disputes arising within the system

Footnote: Outstanding disputes of substantial magnitude involving a significant number of interests will normally disqualify a fishery from certification

The intent of the original drafters of the MSC's Principles and Criteria P3 CA5 was:

- not that the existence of controversies or disputes were of themselves enough to stop a fishery from being eligible for certification; but
- nor the CAB to consider if the controversy or dispute so overwhelmed the fishery's management system that the system did not have the ability to meet the standard set by Principle 3, and from that Principles 1 and 2.

The existence of lawsuits are not considered a barrier to certification, otherwise parties opposed to certification could simply lodge any number of lawsuits to prevent an outcome they didn't support. A CAB must consider whether the legal action prevents the fishery's management system from having the ability to meet the standard set in Principle 3.

In order to provide clarification for CABs, the TAB considered that the key issues for a CAB regarding the existence of disputes in fisheries should be the following:

- Does the fisheries management regime (national or international system or plan) include a mechanism for resolving disputes?
- If yes, is the mechanism for resolving disputes adequate to deal with potential or existing disputes. For example, do stakeholders have access to the mechanism for resolving disputes and is there sufficient scope to cover the relevant issues?
- Do any disputes/controversies overwhelm the fishery enough to prevent it from meeting the remaining Principles and Criteria?

It was noted that a fishery could pass the three points above, with stakeholders having used the mechanism for resolving disputes but remaining unhappy with the outcome.

The TAB was of the view that the existence of disputes should not rule out certification.

It is the ability of the fishery management system to meet the standard that is the test.

The TAB agreed that the Principles and Criteria are robust enough and sufficient to enable CABs to evaluate the adequacy of the mechanisms for dispute resolution within fisheries.

The TAB reiterated the point that as an accreditation body [as it then was], the MSC could not act as a CAB. If at the end of an assessment process but prior to certification, an Independent Adjudicator finds that a CAB has misinterpreted the Principles and Criteria, then ASI can issue the CAB (not the fishery) a corrective action request which may or may not alter the Determination. ASI may also issue a corrective action request to the CAB as the result of an accreditation audit.

G27.4.6 Guidance for G27.4.5 (above) also applies here
Fisheries that have previously failed assessment of hard a certificate withdrawn

G27.4.7 No guidance at this time

Other eligible fishers

G27.4.8 The MSC's policy goal is to develop its program requirements to maximise the amount of MSC labelled product widely available in the marketplace from fisheries that have been certified as being sustainable and well managed. This goal is an essential element of meeting MSC's mission to provide for consumer demand for sustainably sourced fish products, reward sustainable fisheries for their investments and increase incentive for unsustainable fisheries to improve their performance.

The MSC has the following intent regarding its certificate program and certificate sharing:

- To minimise the number of overlapping assessments requiring harmonisation.
- To encourage the largest proportion of fishers to enter at the start of the full assessment process, but when only a select group of fishers within a fishery wants to undertake MSC assessment, to allow them to proceed so as not to delay certification.
- Ensuring that the process is clear and transparent to interested parties.

Certificate sharing mechanisms developed in existing MSC fisheries include a number of arrangements including the provision of free access to the certificate, providing that on-going surveillance costs:

- are shared equitably with all participants;
- are met through the payment of a landing levy; and/or
- are shared and all product bearing an MSC ecolabel is marketed through the certificate holder.

Clearly it would not be feasible to outline all potential cost sharing mechanisms.

- The MSC recognises the role of individual fishery clients in devising mechanisms that are appropriate to their particular circumstances.
- There are no formal, mandatory arrangements for the development of certificate sharing mechanisms.
- Guidance is provided below, not as firm 'direction', but rather as suggestions to clients and their potential partners for their use and/or inclusion in any certificate sharing mechanisms. CABs may wish to provide this advice to fisheries:

MSC's advice on allocating costs of certificate sharing

The MSC has provided this non-binding guidance to certificate holders on sharing of certificate costs. CABs may wish to provide this information to those involved in this situation.

When a client allows access to a certificate and seeks proportional reimbursement of the initial costs paid either as a one off payment or as an ongoing cost sharing mechanism, the following guidance is offered as to how these costs could be calculated. Costs may include the following:

- the direct costs paid to a CAB;
- the direct costs incurred by the client in managing or facilitating the assessment;
- the cost of the client's time spent managing / facilitating the assessment process; and
- a risk premium, up to a maximum of 20% of the other assessment costs.

If costs additional to those identified above are included in the proposed certificate sharing mechanism, these must be documented and justified in any and all communication regarding the proposed sharing mechanism.

Allowable costs would not be expected to include any grant or subsidy made to the client to cover the costs incurred during the assessment, except where a proportion of such grants or subsidies are subsequently repaid.

The direct costs and the time costs incurred by the client in managing or facilitating the assessment may either be costed directly from the client's accounts or charged as a simple overhead rate.

Where the direct and time costs are to be estimated from the client's accounts, full details will be made available to other fishers seeking to gain entry to the certificate via the CAB. If audited accounts detailing these costs are required the other eligible fishers will pay the costs incurred in conducting such audits. The cost of the client's time will be based on the earnings records for the individuals involved and time inputs recorded and substantiated by the client.

• Where the client's direct and time costs are to be estimated according to an overhead rate, this rate should not exceed 30% of the fees paid to the CAB. In this case, the following formula is suggested for calculating the overall cost to be shared:

(Costs * Overhead) * Risk Premium

• Where the rates for the overhead and risk premium are set at the proposed upper limits of 30% and 20% respectively, the overall cost would be calculated from the formula as:

((direct cost paid to CAB less any cost paid for a consultant)*1.3)*1.2

Costs (both for entry and maintenance to the certificate, including the fulfilment of conditions) would be apportioned to the new entrant(s) seeking certification in accordance to the mechanism. Examples could include, but are not limited to a pro rata sharing of costs based on:

 the number of vessels (or operators), processing or marketing entities seeking entry as a proportion of those documented as originally included in the unit of certification;

- the quota held by the new vessel(s) (or operators), processing or marketing entities seeking entry, as a proportion of those documented as originally included in the unit of certification; or
- the increase in fishing power of new vessel(s) (or operators) or processing or marketing capacity seeking entry, pro rata to those documented as originally included in the unit of certification.

In the event that additional fishers, processing or marketing entities seek to join the certificate after an initial and successful certificate sharing negotiation a rebate may be due to those that joined the certificate previously. Alternatively, potential costs may be apportioned between all of the fishers that are potentially eligible to share the certificate, and payments made by sub-sets of fishers only in proportion to their share of the overall costs (thus avoiding the need for rebates if other fishers join later). Such mechanisms will be detailed in the cost sharing mechanism informing stakeholders that an assessment is to be undertaken.

- G27.4.8.1 No guidance at this time
- G27.4.8.2 See below
 - a. This arrangement defines which other eligible fishers may gain access to the fishery certificate, if and when the fishery is certified.
 - b. No guidance at this time
- G27.4.8.3 No guidance at this time

Inseparable or practicably inseparable stocks

- G27.4.9 Requirements about inseparable or practicably inseparable (IPI) stocks are designed to improve consistency in the application of the MSC ecolabel when:
 - catches of target stocks assessed under Principle 1 are IPI from catches of stocks assessed under Principle 2;
 - there is no separate certification of the IPI stocks.
 - G27.4.9.1 Requirements for IPI stocks are considered as additive to the direction on the unit of certification and are only applicable when the inseparability of retained catches from the target catch occurs as in section 27.4.9.1 of Part C of the CR.
- G27.5 The MSC can limit the granting of the request for variation to allow the application of the requirements for IPI stocks to a fishery certification to one certification period.
- G27.5.1 To create incentives to promote the improved management of non-target stocks and to potentially allow a defined and limited proportion of catches of IPI stock(s) to enter into further certified Chains of Custody and to use the MSC ecolabel IPI stocks may be sold as certified. Figure GC1 will assist with interpretation of the requirements and decision flow.
- G27.5.2 No guidance at this time
- G27.5.3 No guidance at this time
- G27.5.4 No guidance at this time

Figure GC1 – IPI stock decision flow



GA27.4.15 Expedited Principle 1 assessments

This section applies to situations where CABs are seeking to undertake an expedited Principle 1 assessment of Principle 2 main retained stocks within certified fisheries.

Enhanced Fisheries

G27.5.5 The MSC's primary focus is on ensuring the long-term viability of global fish populations and the health of the aquatic eco-systems on which they depend. The MSC has always included some types of fishery enhancement within its program, but has specifically excluded aquaculture. In recent years, increasing

numbers of applications have been received by the MSC for guidance on the scope of the program in relation to enhanced fisheries.

Given the wide range of types of enhanced fishery that may seek to enter the MSC program, it is recognised that existing certification requirements and guidance may require modification for the assessment of enhanced fisheries, through the development of additional - or modification of existing - PISGs.

Guidance to section 27.4.12 and Table C1 in Part C of the CR define the criteria and processes by which enhanced fisheries may be identified as being within the scope of the MSC program and the steps to be followed for their assessment against the MSC's Principles and Criteria for Sustainable Fishing. The process provides for the performance assessment of enhanced fisheries using CAB-developed indicators prior to the development of relevant guidance by MSC. The directions may be expected to be revised at the time that performance evaluation guidance relating to enhanced fisheries is confirmed by MSC.

The focus of MSC is primarily on the sustainability of wild fish stocks. The MSC's intent is to enable certain defined types of enhanced fisheries to be eligible for certification against the MSC standard while maintaining this objective.

Categories of enhanced fisheries

- The scope criteria in section 27.4.12 of Part C of the CR confirm that grow-out and holding systems may be considered within scope under certain conditions, as outlined below.
- Catch and grow (CAG) production systems that have the features of intensive aquaculture – that require routine and intensive inputs such as feed, chemical or medicinal treatments or control and manipulation of the brood stock – are outside of scope. The wild harvest phase, whether it involved the collection of larvae, juveniles or adults, would fall within the current scope of the standard up to the point of landing.
- CAG systems that only require limited enhancement (e.g. rope culture of bivalves or the extensive farming of wild shrimp) may be considered within scope for the entirety of their operation (see scope criteria B).
- Hatch and catch (HAC) production systems may also be considered within scope in certain circumstances, reflecting the established case history and precedent set by the hatchery-stocked salmon fisheries. For these types of fisheries, more intensive culture activities may be allowed so long as they only apply to a short part of the animals' growth.
- A single fishery may display several of the features of CAG, HAC or Habitat Modified (HM) fisheries. In the application of Part C, it is intended that any overlaps between categories should not become complicating factors in determining whether a given fishery is within or outside scope. Distinctions are drawn in some cases between applications of the criteria to these different categories.

General guidance on the scope criteria and the assessment of enhancement aspects in fisheries.

Table C1 in Part C of the CR provides the criteria for making a determination as to whether a fishery production system is within or outside the scope of the MSC program. The criteria are grouped under three headings:

- linkages to and maintenance of a wild stock;
- feeding and husbandry;
- habitat and ecosystem impacts.

The fundamental characteristics of the enhanced fisheries adopted under this policy (i.e. those having links to wild stocks and potential impacts on wild ecosystems) mean that such enhanced fisheries should fall under the coverage of MSC's Principles and Criteria for Sustainable Fishing. The PIs in the default tree may require modification to assess the full range of impacts of all types of enhanced fisheries. MSC is currently working on the development of requirements and guidance on these matters.

Part C of the CR allows for those enhanced fisheries that wish to begin an MSC assessment to commence prior to the completion of further MSC requirements and guidance:

- some enhanced fisheries may be able to proceed with assessment against the existing default tree;
- other enhanced fisheries may be considered in scope but require additional guidance and/or PISGs to be developed for a full assessment;
- the performance assessment issues that would be expected to be covered by these modifications for each category of enhanced fishery are outlined in the following section and in sections 27.4.12, 27.7.3.2 and 27.8.6 of Part C of the CR.

One factor noted as a possible scope criterion was the degree of ownership of the organisms under production or of the locations used for production. If an enhanced fishery (e.g. mussels attached to the seabed) restricts other fishing opportunities in an area, such alienation of space was considered a possible restriction to eligibility. Recognising that some wild capture fisheries also use static gear that prevents other activities within a localised area, the issue of ownership was rejected from the criteria system.

Scope Criteria A. Linkages to and maintenance of a wild stock (Also see section27.8.6 of Part C of the CR)

Given the MSC focus on the sustainability of global wild fish stocks, the concept of 'wildness' plays a central role in scoping enhanced fisheries. The fishery must incorporate some element of harvest of a wild population, and must be managed so that the natural productivity and genetic biodiversity of that population is not undermined with respect to any impacts on long term sustainability.

• Linkages to wild stocks may exist either in HAC systems where fish are raised to a larval or juvenile stage in captivity, then released into and

harvested from a wild stock; or CAG systems where fish are harvested as juveniles or young adults from the wild and then raised in captivity until the 'flesh' is sold on to the market.

Scope Criteria B. Feeding and husbandry

The criteria included in this group emphasise the main focus of the MSC on wild fisheries. Production systems that show characteristics more consistent with closed and/or intensive aquaculture are out of scope.

Feeding is a fundamental requirement in most intensive aquaculture systems and thus provides a clear means for distinguishing between wild and farmed production systems. The framing of the scope criteria distinguishes between the use of feeding for a short initial period in HAC fisheries (such as in those stocked salmon fisheries already in the program) and the intent to exclude those CAG fisheries where feed inputs are used to achieve the greater part of the weight gain of the fish over their life cycle. Other CAG operations that rely on natural sources of feed (such as mussels and other bivalves) are thus considered potentially within scope against this criterion. Tuna fattening in pens after capture would be out of scope, at least after the point of first capture from the wild.

- Criterion B1 allows for the certification of fish that are fed in captivity only for the purpose of maintaining condition once caught, as commonly practiced in holding facilities for crustacea prior to sale.
- The application of criterion B2 specifically to CAG operations recognises that disease prevention and other measures to maximise survival may be routinely used in some HAC fisheries. Such practices are allowed within these systems to reflect the limitations on potential environmental impacts imposed by the short duration of the captive growth phase. Such impacts shall however be included in the P2 assessment in this type of fishery.

Scope Criteria C. Habitat and ecosystem impacts

Habitat modifications in enhanced fisheries can include both physical changes to the sea bed or river course and the use of a range of man-made structures associated with the rearing or capture of fish that are not strictly 'fishing gear'.

- In the first case, modifications can range from the construction of simple ponds in intertidal areas or river floodplains through to watercourse management measures aimed at improving spawning habitats.
- In the second case, fish attracting devices (FADs), lobster casitas and mussel culture ropes (in CAG systems) are examples. Such artificial habitat modifications either enhance the productivity of the fishery or facilitate the capture or production of fish.

The MSC is developing a range of documents to provide guidance on specific types of enhanced fisheries. For salmon fisheries this process is still ongoing. Requirements for enhanced bivalve fisheries have been completed and can be found in Annex CK to the CR and in Annex GCK to the GCR.

G27.5 Team selection

- G27.5.1 No guidance at this time
- G27.5.2 No guidance at this time
- G27.5.3 No guidance at this time
- G27.5.4 No guidance at this time

G27.6 Determination of target eligibility date

Users of the MSC program require clarification regarding when the ecolabel can be applied to product caught before the date of certification in a fishery that eventually becomes certified. Previous practice has varied and in the past the date from which product from a certified fishery is potentially eligible to bear the label (the eligibility date) was inconsistently set.

The MSC developed its requirements on eligibility dates to clarify the date of eligibility for the use of ecolabel on fishery products caught before the eventual fishery certificate date and to promote consistency of approach across fisheries in this regard.

The intent of the original target eligibility date directive was to:

- outline the situations under which fishery products caught before the date of certification of a fishery may be considered to have come from a sustainable fishery and thus be eligible for use of the ecolabel;
- allow fisheries to use the MSC ecolabel and make claims for fish products that are sold after the fishery certificate is awarded, but that are caught before this date; and
- ensure that MSC's Chain of Custody is maintained and ensure that only products from certified fisheries use the MSC ecolabel.

G27.7 Announcement regarding certification and public involvement

Growth in the MSC program, with a wide range of fisheries in assessment and an increasing number of CABs undertaking fishery assessments has led to differences in the format and type of information provided as part of the notification and announcement processes. In order to ensure all information required at the outset of an assessment is provided and to promote consistency across the program, the MSC has developed a template and guidance for the provision of information at the outset of a fishery assessment.

The intent of these requirements is to:

- ensure completeness of information provided at the start of an assessment;
- ensure consistency in the interpretation of information; and

- facilitate smooth fishery assessments by identifying potential assessment issues at the start of an assessment.
- G27.7.1 Requires CABs to notify the MSC in writing of each application for fishery certification. As part of the notification and announcement, CABs are required to provide an indicative timetable for the assessment process for publication on the MSC website, and a formal Notification Report not for publication on the MSC website.
 - G27.7.1.1 No guidance at this time
 - G27.7.1.2 It needs to be clear who the team leader is.
- G27.7.2 No guidance at this time
- G27.7.3 If changes to the default tree are required, the CAB proposes those changes (the "draft tree"), and submits a variation request to the MSC for them. The CAB then put the proposed changes out for public consultation, altering the draft tree as a consequence of comments as and if required. The result is the "final tree" used in the assessment.
 - G27.7.3.1 Table GC1 (see next page) provides guidance to assist with completion of the notification report.

Table GC1	· Guidance	to	com	oletina	the	form	"Notification	Rer	ort"
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Name of Fishery	To be determined by the fishery client and the CAB.				
	The name should be unique and unambiguous. In addition to specifying the species for which certification is sought, the name may also incorporate details of the client group for the assessment, geographical location of the fishery and the fishing method employed.				
Species Common Name(s)	Common name(s) for the species. This should include common names used in the key commercial markets for the species.				
Species Latin Name	Scientific name for the species.				
Method of Catch	Details of the fishing method(s) employed in the fishery.				
Location of Fishery	Stock name: a description of the biological unit stock exploited by the fishery, as commonly used in management and assessment reports (e.g. North Sea spring spawning herring)				
	Stock region: a description of the geographic area within which the fishery is undertaken. This may be only a part or the entire stock unit included under stock name above.				
	Common name of the body of water within which the fishery is undertaken (e.g. North Sea).				
	FAO statistical area/s (see Figure GC2).				
	Local fisheries management area/s (e.g. ICES divisions VI, VII, and VIII abc), including a map of the management area if available.				
Fishing Season	Details on the seasonal operation of the fishery.				
Statement that the fishery is within scope	Confirmation that the fishery is able to be assessed within scope of the Principles and Criteria for Sustainable Fishing				
Unit of Certification	See Part C 27.4.2 and associated guidance.				
	This is what the CAB and its expert team assess during the assessment. The unit of certification is set at the beginning of the assessment; anything outside this unit will not be eligible to enter the certification at a later date				
Client Name and Contact Details	A client is an individual, organisation or group of organisations that makes a formal application and enters into a contract with a CAB for a fishery to be assessed against the MSC's Principles and Criteria.				
	The MSC does not specify who may or may not be the client.				
	The MSC does emphasise the importance of the client having some influence over the management of the fishery, or the ability to be able to implement any conditions raised by the CAB after certification.				
	Fishery clients have included government agencies, fishing industry associations, processing companies and producer organisations and local management authorities. Fishing industry associations and NGOs, or different government agencies have also worked together as co-clients.				
	A successful assessment results in the CAB issuing a fishery certificate to the client for use as specified in the contract, and by extension to fishers who have been identified by the CAB as being members of the client group.				

Client Group	The client group includes those fishers within the unit of certification that the client identifies as being covered by the certificate. The client group may also include other entities that the client extends use of the certificate to. The client group is wholly and exclusively covered by the certificate.
	"Other entities" may include any processing companies or producer organisations or other bodies that the client wishes to make the certificate available to, at the exclusion of other non-client group members.
	It is the CAB's responsibility to determine who should or should not be allowed to use the fishery certificate they have issued. Only fish caught by those fishers that are identified by reference to or on a valid fishery certificate by the CAB shall be eligible for chain of custody certification and subsequent use of the MSC ecolabel.
Other Eligible Fishers	Those operators who have been fully assessed against the MSC's Principles and Criteria as part of the unit of certification; and are not currently part of the client group but may become eligible to join the client group under a certificate sharing arrangement.
	This group is defined by the CAB and would normally comprise fishers targeting the same stock using the same methods/gear and operating under the same management regime as the fishers included in the client group. It might also include other situations, for instance the catches of a stock defined in the unit of certification that are taken as incidental catch in another certified fishery.
Fishing Operators	In cases where the client group includes a small number of named fishing vessels (as compared to a group of vessels being eligible by virtue of their characteristics or by membership of a named client group), the vessel names, registration numbers, tonnages and lengths should be provided, along with any distinguishing gear use capabilities of each vessel. In cases where the fishing vessels are not named individually, the number of vessels or other 'catching units' currently included in the client group (and in the full unit of certification, if larger) should be provided. The term 'fishing operator' is used here as an alternative to 'fishing vessels' so as to include fisheries that operate using static gears or other means of fish capture, where equivalent information should be provided as appropriate.
Certificate Sharing Mechanism	The proposed agreement between the client group and other eligible fishers (where these exist) detailing the cost sharing mechanism to be used and any other requirements to enable the other eligible fishers to join the fishery certificate.
Risk Based Framework	An indication as to whether the Risk Based Framework (RBF) is likely to be used during the assessment, and to the extent known, the PIs against which it is likely to be used.
Enhanced Fisheries	A description of any human interventions in the natural production system associated with the fishery and, where enhancements occur, details as to the determination that the fishery is within scope of the MSC program, as guided by current MSC policies.
Management System	A general description of the management system, including information on the agencies involved in the management of the fishery, the legislative framework within which the fishery is undertaken and the core management measures implemented (including the TAC for the fishery for which certification is sought).
Catch Data	Total TAC established for the fishery in the most recent fishing year.
	Unit of certification share of the total TAC established for the fishery in the most recent fishing year.
	Client share of the total TAC established for the fishery in the most recent fishing year.

	Total green weight catch taken by the client group in the two most recent calendar years.
	This information is needed to enable the MSC to monitor the scope and growth of the program; the MSC requires data on the level of catch taken by the client group. Information provided will not be published to the MSC website or released publicly, but will be securely stored and used as a basis to calculate the market share of MSC certified fisheries (e.g. 40% of whitefish production is in assessment or certified to the MSC standard).
History of the Fishery	A description of the general history of the fishery, including initial development of the fishery and significant changes within the history of the fishery.
Other Fisheries in the Area	A description of other nearby fisheries not subject to the certification that may interact with the fishery being assessed.
External Influences	A description of external influences (such as environmental issues) that may affect the fishery and its management.
Main Commercial Market	A description of the main seafood products resulting from the fishery and the main markets within which those products are sold (including relative market share information if available).
Estimated Length of Full Assessment	A predicted date by which the assessment is expected to be completed and certification awarded if the assessment result is positive. Note that a separate assessment timeline is still required.
Target Eligibility Date	Determined in accordance with Part C 27.6, the targeted date from which product from a certified fishery is eligible to bear the ecolabel.
Certification Body	Name of the CAB, including contact details for the assessment team leader and the first point of contact if different to the team leader.
Stakeholders	A list of the major stakeholders in the fishery and the nature of their interest.
Chain of Custody	Information for any subsequent Chain of Custody certification including an indication about the point at which the CAB believes that traceability can be ensured to.

Figure GC2: FAO Statistical areas

From <u>ftp://ftp.fao.org/fi/maps/world_2003.gif</u>



G27.7.3.2 No guidance at this time

G27.7.4 No guidance at this time

G27.8 Confirming the assessment tree to be used

- G27.8.1 No guidance at this time
- G27.8.2 The team must develop an 'assessment tree' based on the default tree in Annex CB, including a set of components, performance indicators and scoring guideposts (PISGs) specific to the fishery being evaluated. The tree is comprised of the following:
 - Principles
 - Components;
 - Pls (the lowest level of the 'tree', where scoring is conducted; developed operationally for each fishery);
 - SGs (describe the main thresholds in the scoring system); SGs must be written for each PI.

The team starts with the default tree contained in Annex CB. It considers a number of factors which may require alterations to the default tree, including if:

- the fishery has failed an assessment within the last two years;
- the fishery has IPI stocks;

- the fishery is an enhanced fishery;
- it is a fishery whose tree must be harmonised with others;
- the fishery is data-deficient and could use the RBF.
- G27.8.3 If changes to the default tree are required, the CAB proposes those changes (the "draft tree"), and requests MSC approval for them. The CAB then puts the proposed changes out for public consultation, altering the draft tree as a consequence of comments as and if required. The result is the "final tree" used in the assessment.
 - In making changes to the default tree, teams should consider writing PIs in a way that can result in an appropriate time-bounded condition being easily prepared. Quantitative PIs could be used, where appropriate. For example:
 - PBR (potential biological removals of marine mammals) where fishing activity does not impede the recovery rate of populations.
 - MSY the fishery is at or above MSY or BMSY or some other variation of an appropriate fisheries management reference point.

Fishery that has Failed Assessment

- G27.8.4 If an applicant fishery has failed an assessment against the MSC standard within the last two years:
 - When the fishery re-enters assessment it is not required to complete all steps required. If they were to do so the process may involve the repetition of steps which need not necessarily be completed for a second time if there have been no material changes since the original assessment, with resulting implications for the duration and cost of the reassessment.
 - Scheme requirements regarding the re-entry of fisheries that fail an initial assessment have been developed that parallel the existing certification requirements while allowing appropriate flexibility in certain parts of the assessment process to provide efficiencies while ensuring a robust and rigorous assessment.
 - The intent of these processes is to provide a route to certification for fisheries that fail an initial assessment against the MSC standard that ensures:
 - a thorough, accurate and up to date assessment of a fishery's performance against the MSC Standard;
 - appropriate opportunity for stakeholder engagement and review of the assessment; and
 - efficiency gains through the avoidance of repeating unnecessary steps in the assessment process.

Fishery with IPI stocks

G27.8.5 No guidance at this time

Fishery with enhanced stocks

G27.8.6 See below

G27.8.6.1 See below

a. These requirements mirror the treatment of salmon in existing assessments.

The requirement may have implications for the interpretation of or need for additional PIs in P1 (particularly in relation to the maintenance of productivity of the natural genetic characteristics of the wild stocks). Additional PIs may be needed in P2 where the fishery's impact (e.g. bycatch, discard) on the natural population and other ecosystem components will be important, not its impact on the direct removal of the enhanced population.

The intent is that management systems exist to control exploitation rates on wild stocks in order to allow for self-sustaining, locally adapted wild populations (i.e. adequate wild stock levels that can perpetuate themselves at harvestable levels on a continuing basis – consistent with P1). The management of enhancement activities related to the fishery should not prevent the ability of wild populations to sustain themselves at their optimum levels, according to their natural habitat related and biologically based productive capacities.

b. The extent of translocation must be considered during pre-assessment and full assessment to ensure that the fishery enhancement programs predominantly utilise stocks or populations that are native to the natural production area from which the fishery's catch originates.

> The means of confirming that fish are 'native' to a fishery production area (i.e. from within the 'natural range') may not be simple except in cases where no movement occurs.

> PIs may need to be developed to determine the extent of movement within a range that can be considered to have acceptably low risks. Related performance assessment will require the identification of the 'natural production area' or genetic range of a stock.

> Translocation of fish in enhanced fisheries should ensure that fisheries maintain the diversity, structure and function of the ecosystem on which they depend while minimising any adverse effects that are caused. Inadequately managed translocations of fish between different areas may have both genetic and other impacts that need to be assessed (e.g. the spread of diseases between areas, accidental species introductions etc).

c. The issues of feed augmentation and the use of medicines or other chemical compounds are not currently covered by the MSC standard or the default tree.

Where feeding or disease prevention are used in HAC systems, or where other interventions are used in CAG systems (e.g. fertilisation to enhance natural food availability, removal of predators or competitors, either to maximise capture or minimise post-capture mortality), assessments shall confirm that these activities do not have serious negative impacts on other species or the wild environment. Such assessment would be included in the P2 scoring for the fishery.

d. Consideration is required as to the cumulative impacts of multiple production operations, areas, facilities, systems etc. within a geographical region.

For example, one small mussel rope facility may have minimal impact on the natural ecosystem's structure and function while filling a whole bay with such structures may have much greater impacts.

Consideration is needed of those situations where an individual operation is the subject of an assessment under the MSC program which is only one of several similar operations in a finite space. The assessment should consider whether the cumulative impacts of a particular production system are likely to cause serious or irreversible harm to the natural ecosystem's structure and function.

For the purpose of these requirements, translocation does not include the transfer of species to a production area from outside the distribution of their natural range. The latter should be considered the INTRODUCTION of a species, to be considered under Annex CJ.

G27.8.6.2 The MSC wishes to approve draft trees for enhanced fisheries to ensure consistency of application.

Harmonised fisheries

G27.8.7 No guidance at this time

Use of RBF for a data-deficient fishery

- G27.8.8 The RBF should not be used unless the answer to any of the questions in Table AC2 is no. If the answer is not known at this stage, the use of the RBF should be announced to stakeholders and the site visit planned for as if it was an RBF assessment.
 - G27.8.8.1 A list of Scoring Elements within the fishery should be available when making the decision on whether a Performance Indicator is data-deficient or not. A full list of scoring elements may not be known at this stage, and may change following the site visit. This should be considered when making the decision as to whether the PI Performance Indicator is data-deficient or not.

For Principle 1, there will normally only be one scoring element, the target species under assessment. For Principle 2, scoring elements may be the different species being impacted by the fishery or different habitat types.

G27.8.8.2 See also guidance to Annex CC

Weighting

G27.8.9 See Table GC2 below

Table GC2: Default weighting to be applied in using the default tree.

Note: this information can be found in the Default Scoring worksheet on the MSC website

Principle Weight	Component Weight	PI		Weight in Principle			
	_			Fither		<u>Or</u>	
One 1	Outcome	1.1.1	Stock Status		0.25	0.333	0.1667
	0.5	1.1.2	Reference Points	0.5	0.25	0.333	0.1667
		1.1.3	Stock Rebuilding			0.333	0.1667
	Management	1.2.1	Harvest Strategy	0.25	0.	125	
	0.5	1.2.2	Harvest Control Rules & Tools	0.25	0.	125	
		1.2.3	Information & Monitoring	0.25	0.	125	
		1.2.4	Assessment of Stock Status	0.25	0.	125	
Two 2	Retained	2.1.1	Outcome	0.333	0.	0667	
	species 0.2	2.1.2	Management	0.333	0.	0667	
		2.1.3	Information	0.333	0.	0667	
	Bycatch	2.2.1	Outcome	0.333	0.	0667	
	species 0.2	2.2.2	Management	0.333	0.	0667	
		2.2.3	Information	0.333	0.	0667	
	ETP species 0.2	2.3.1	Outcome	0.333	0.	0667	
		2.3.2	Management	0.333	0.	0667	
		2.3.3	Information	0.333	0.	0667	
	Habitats	2.4.1	Outcome	0.333	0.	0667	
	0.2	2.4.2	Management	0.333	0.	0667	
		2.4.3	Information	0.333	0.	0667	
	Ecosystem	2.5.1	Outcome	0.333	0.	0667	
	0.2	2.5.2	Management	0.333	0.	0667	
		2.5.3	Information	0.333	0.	0667	
Three 3	Governance	3.1.1	Legal/Customary Framework	0.25	0.	125	
	0.5	3.1.2	Consultation, Roles & Responsibilities	0.25	0.	125	
		3.1.3	Long Term Objectives	0.25	0.	125	
		3.1.4	Incentives for sustainable fishing	0.25	0.	125	
	Fishery	3.2.1	Fishery Specific Objectives	0.2	0.	1	
	Specific Management	3.2.2	Decision Making processes	0.2	0.	1	
	System 0.5	3.2.3	Compliance & Enforcement	0.2	0.	1	
	-	3.2.4	Research Plan	0.2	0.	1	
		3.2.5	Management Performance Evaluation	0.2	0.	1	

G27.8.10 No guidance at this time

Stakeholder consultation on proposed trees

- G27.8.11 No guidance at this time
- G27.8.12 No guidance at this time
- G27.8.13 No guidance at this time
- G27.8.14 No guidance at this time
- G27.8.15 No guidance at this time
- G27.8.16 No guidance at this time

G27.9 Assessment visits, stakeholder consultation and information collection

This is the stage at which formal assessment occurs. Guiding principles are that there should be:

- objective, science-based fishery assessment;
- transparency and consistency of assessment processes;
- external review and scrutiny.

G27.10 Scoring the fishery

Note: Scoring the fishery using the RBF is covered under Guidance to Annex CC.

This is the stage at which evaluation of the information gathered in the formal assessment occurs and:

- scores are assigned;
- scores are justified.
- G27.10.1 Specific parts of the client action plan may cover more than one PI even though each PI must have its own condition. However the action plan should make reference to these specific conditions and their milestones.
- G27.10.2 See below
 - G27.10.2.1 The requirements in the scoring guideposts (SGs) are regarded as 'cumulative'. This means that, in order to achieve an 80 score, all of the 60 issues and all of the 80 issues shall be met and each scoring issue specifically justified by supporting rationale. Similarly, in order to achieve a 100 score, all of the 60 issues, all of the 80 issues, and all of the 100 issues shall be met and each scoring issue specifically justified by supporting rationale.

- G27.10.3 Scores are assigned at intervals of five points to avoid the implication of spurious accuracy within this system.
 - G27.10.3.1 Scores may need to be assigned in intervals smaller than five when considering complexity generated by multiple scoring issues and scoring elements (see below).
- G27.10.4 No guidance at this time
- G27.10.5 In considering the scoring of individual PIs based on the performance against the scoring issues, the terms below should be used:
 - Few : Most of the scoring issues should be taken to indicate 'minority : majority' or 'less than half : greater than half'. E.g. if there were 3 or 4 scoring issues, the ratios '1:2' and '1:3' would be represented by the terms Few : Most.
 - Some : Some should be taken to indicate a roughly equal split of scoring issues.

G27.10.6 See below

- G27.10.6.1 Rationale for all scores shall be explicitly documented in the report's text. For example, rationale for a score of 75 in Principle 2 (Retained Species, Management PI 2.1.2) might read:
 - There are five retained species other than the target species.
 - For three of them catch by the fishery under evaluation is less than 5% of the total catch. There is a management strategy in place which is primarily designed for the fisheries which target these three species, and which recognises limit reference points that are based on sensible assumptions about the stock, and are used in conjunction with a periodic assessment to keep catches within a quota defined by the assessment and reference points. In the years when quota on these species has been reduced, those reductions have been reflected in reduced catches in the fishery under evaluation as well as reductions in the main target fisheries for these species (meeting SG80).
 - A fourth species (hake) is a major target species of high value to another fishery, and is assessed and managed rigorously. The fishery under evaluation takes 20% of the catch of this species, and quotas are applied to the fishery under assessment as well as to its major target fishery and are effectively monitored and enforced (meeting SG100).
 - The fifth species (a valuable but only occasionally caught deep water species) currently lacks an effective management plan and is intrinsically vulnerable to the fishery that is being evaluated. The managers accept that it will be difficult in this multi-species fishery to maintain this species (and all the others) at BMSY, but they do aim to

keep it above levels that would impair reproduction. Monitoring is in place to identify when catch rates increase, but although there is a CPUE-triggered move-on rule there has been no work to indicate whether the trigger level for the move-on rule is set such that it is likely to be able to keep the stock above levels that would impair reproduction.

- Based on the SGs, in the above scenario, most of the scoring elements achieve SG80 and above (one achieving SG100), and individual scores for the ones not meeting SG80 are medium or high intermediates in c) above: thus the score would be 75. There are four scoring issues in SG80 (there is a strategy; it is based on information about the fishery and species; there is an objective basis to think that it will work; the strategy is being implemented), only one of which is really in doubt (objective basis to think it will work). The scoring element that falls short, the deep water stock, meets most of the requirements of SG80. An appropriate score is 75.
- G27.10.6.2 For instance, in the situation where most elements did not meet SG80, indicating an overall score of 65, but generally scored high intermediate scores a higher overall score would be appropriate, for instance 70; but if the elements scored only low intermediate scores, then a score of 65 or below would remain appropriate. In the situation where only a few elements failed to achieve SG80, suggesting an overall score of 75, but achieved low intermediate scores, a lower score, such as 70, would be appropriate.
- G27.10.6.3 For example, in the situation where some elements met SG100, but some only met SG60, suggesting a score of 70, it may be appropriate to reflect the very high performance of some of the elements with an upwards adjustment to 75.
- G27.10.7 In considering the scoring of individual PIs based on the performance of different scoring elements the terms below should be used:
 - Few : Most of the scoring elements should be taken to indicate 'minority : majority' or 'less than half : greater than half'. E.g. if there were 6 scoring elements, the ratios '1:5' and '2:4' would both be represented by the terms Few : Most
 - G27.10.7.1 Some : Some should be taken to indicate a roughly equal split of scoring elements. No guidance at this time
 - G27.10.7.2 No guidance at this time
 - G27.10.7.3 No guidance at this time
 - G27.10.7.4 No guidance at this time
 - G27.10.7.5 This requirement only applies if some scoring elements have been scored using the RBF and some using the default PISGs.
- G27.10.8 No guidance at this time
- G27.10.9 No guidance at this time

G27.11 Setting Conditions

Note: that specific guidance for setting conditions if the RBF is used, and using the PSA to set conditions are covered under Guidance to Annex CC.PSA

The TAB released direction on content of conditions in March 2005 for implementation by CABs. It contained guidance about the content and wording of certification conditions. It also set out mandatory requirements to be followed by CABs when setting certification conditions. Those mandatory requirements have now been incorporated into the MSC Certification Requirements.

Later analysis and examination by the TAB in 2006 of consistency of certification conditions in public certification reports revealed the need to clarify MSC requirements with respect to the content and wording of certification conditions raised by CABs.

Concerns raised by stakeholders needed to be addressed by tightening guidance and requirements on how to word conditions and their specific content. The concerns were:

- Timeliness of closing out conditions.
- How conditions are expected to achieve outcomes and measure positive improvements in certified fisheries.

The analysis by the TAB also revealed that CABs had not been consistently using measurable targets or specifying expected outcomes within the PISGs within final trees. This meant that when CABs used the final trees, or more specifically the SGs, to specify conditions CABs were not including outcomes or targets for which fishery clients should aim.

A second TAB direction in 2006 provided further requirements and guidance. All these changes are intended to convey the importance of setting conditions that are about time-bounded outcomes, not about inputs (i.e., the what, not the how).

Conditions provide for agreed further improvement in the fishery and provide one of the bases for subsequent audit. They are intended to improve performance against the MSC's Principles (target species status; maintenance of ecological function; and management system performance), and may include among other things: reducing uncertainty; improving processes; improving implementation; reducing risk; or improving outcomes.

This is the stage at which evaluation of the information gathered in the formal assessment continues, and if scores of less than 80 are awarded measurable, outcome oriented and time-bounded conditions of certification are prepared.

When it comes to setting conditions, the TAB has confirmed that conditions can be about:

- reducing uncertainty;
- improving processes and/or implementation;

- reducing risk;
- improving outcomes.

These elements can be hierarchical and may ultimately be linked together in pursuing a longer term outcome and potential continuous improvement.

Tables GC3, GC4 and GC5 have examples of conditions for components of PI under Principles 1, 2 and 3. Rationales are provided for illustrative and contextual purposes only, and do not reflect actual fisheries in the MSC program, and this section is not intended to supplement or replace the scoring procedure guidance in the MSC's requirements.

Table GC3: Example of conditions for Principle 1

Outcome	PI 1.1.1
PI	The stock is at a level which maintains high productivity and has a low probability of recruitment overfishing.
SG60	It is likely that the stock is above the point where recruitment would be impaired.
SG80	It is highly likely that the stock is above the point where recruitment would be impaired.
	The stock is at or fluctuating around its target reference point.
SG100	There is a high degree of certainty that the stock is above the point where recruitment would be impaired.
	There is a high degree of certainty that the stock has been fluctuating around its target reference point, or has been above its target reference point, over recent years.
Scoring	70
Rationale	Recent stock assessments of <i>Mustelus canis,</i> (ICES 2009) indicate that it is likely that the stock is above the point where recruitment would be impaired, which meets SG60.
	There is currently a 75% probability that the true status of the stock is higher than the point at which there is an appreciable risk of recruitment being impaired (Elasmobranch Working Group 2010), so the team does not believe that it is 'highly likely' (i.e. at least 80% probability) that the stock is above the point where recruitment would be impaired. The first scoring issue for SG80 is not met.
	The stock is at its target reference point (ICES 2009), which meets the second scoring issue for SG80.
	Since the first scoring issue for SG80 is met and the second scoring issue is not met, the team concludes that a score of 70 is appropriate for this PI.
Condition	By the second surveillance audit, evidence must be presented by the fishery client that shows that it is highly likely (specifically at least 80% probability) that the stock is above the point where recruitment would be impaired.
Client action plan	In order to demonstrate by the second surveillance audit that it is highly likely that the stock is above the point where recruitment would be impaired; the fishery client will support the ongoing national government research program to conduct more rigorous stock assessment analyses for this species. Actions undertaken and to be implemented for this year will include hosting researchers as observers on client vessels, providing fishery-dependent data, and providing the use of client vessels for monthly research trips to collect data required to undertake the stock assessment.
	At the second surveillance audit, the fishery client will present more rigorous stock assessment analyses, observer reports, fishery-dependent data that was provided to the national government research program, and trip reports from the national government research program undertaken on client vessels.
Consultation on condition	The relevant researchers and government officials have been consulted by telephone and in-person meetings and agree that these actions will reduce uncertainty in stock assessment data and are achievable and realistic to complete by the second surveillance audit. They have committed to assist the fishery in undertaking the actions specified in the action plan.

Harvest strategy	1.2.1
PI	There is a robust and precautionary harvest strategy in place.
SG60	The harvest strategy is expected to achieve stock management objectives reflected in the target and limit reference points.
	The harvest strategy is likely to work based on prior experience or plausible argument.
	Monitoring is in place that is expected to determine whether the harvest strategy is working.
SG80	The harvest strategy is responsive to the state of the stock and the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points.
	The harvest strategy may not have been fully tested but monitoring is in place and evidence exists that it is achieving its objectives.
SG100	The harvest strategy is responsive to the state of the stock and is designed to achieve stock management objectives reflected in the target and limit reference points.
	The performance of the harvest strategy has been fully evaluated and evidence exists to show that it is achieving its objectives including being clearly able to maintain stocks at target levels.
	The harvest strategy is periodically reviewed and improved as necessary.
Scoring	70
Rationale	The harvest strategy for this fishery is responsive to the state of the stock (PFMC 2009), and it is evident that the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points (PFMC 2009). Consequently, this fishery meets the first scoring issue of SG80.
	The harvest strategy has not been fully tested, and monitoring is in place (PFMC2009). There is currently no evidence that the harvest strategy is achieving its objectives. As a result, the second scoring issue of SG80 is only not fully met; the team decided that a score of 70 for this PI.
Condition	By the third surveillance audit, evidence must be presented that shows that the harvest strategy for this fishery is achieving its objectives.
Client action plan	The fishery client commits to presenting evidence to the CAB that demonstrates that the harvest strategy for this fishery is achieving its objectives. An appropriately qualified consultant will be contracted to independently compile reports on an annual basis to first establish a baseline, and analyse whether the TAC is set consistent with scientific advice as well as detail on whether landings are exceeding the TAC set for that year. These reports will be presented to the CAB during the first, second and third surveillance audits, in order for the outcomes to be assessed.
Consultation on condition	Not required for this condition as no external parties are involved.

Table GC4 : Example of conditions for Principle 2

Outcome	2.2.1
PI	The fishery does not pose a risk of serious or irreversible harm to the bycatch species or species groups and does not hinder recovery of depleted bycatch species or species groups.
SG60	Main bycatch species are likely to be within biologically based limits, or if outside such limits there are mitigation measures in place that are expected to ensure that the fishery does not hinder recovery and rebuilding.
	If the status is poorly known there are measures or practices in place that are expected result in the fishery not causing the bycatch species to be biologically based limits or hindering recovery.
SG80	Main bycatch species are highly likely to be within biologically based limits or if outside such limits there is a partial strategy of demonstrably effective mitigation measures in place such that the fishery does not hinder recovery and rebuilding.
SG100	There is a high degree of certainty that bycatch species are within biologically based limits.
Scoring	60
Rationale	The two main bycatch species for this fishery, <i>Carcharodon carcharias</i> and <i>Hemipristis elongata</i> , are currently not within biologically based limits according to recent fisheries-independent research (Smith et al. 2009; Jenkins et al. 2010). There are mitigation measures in place, such as gear restrictions including the mandatory use of magnetic hooks, and area closures, which are expected to ensure that the fishery does not hinder recovery and rebuilding for these depleted bycatch species (CFM 2009). Both scoring issues for SG60 are met, however since the mitigation measures have been recently implemented, they append us to be dependent to be demonstrably effective.
	and the scoring issue for SG80 is not met.
Condition	By the third surveillance audit, main bycatch species must be highly likely to be within biologically based limits, or if outside such limits there must be a partial strategy of demonstrably effective mitigation measures in place such that the fishery does not hinder recovery and rebuilding.
Client action plan	The client fishery will conduct ongoing monitoring of current mitigation measures to show that they are demonstrably effective such that the fishery does not hinder recovery and rebuilding of <i>Carcharodon carcharias</i> and <i>Hemipristis elongata</i> populations. This will be undertaken through 100% onboard observer coverage on client fishery vessels and analysis of logbook data to illustrate trends in bycatch data for these species. This strategy will be implemented immediately and reports will be provided to the team as evidence at the first, second and third surveillance audit. The final analysis demonstrating effectiveness will be completed and assessed at the third surveillance audit.
Consultation on condition	Not required for this condition as no external parties are involved.

Table GC5: Example of conditions for Principle 3

Fishery specific management system	3.2.3
PI	Monitoring, control and surveillance mechanisms ensure the fishery's management measures are enforced and complied with.
SG60	Monitoring, control and surveillance mechanisms exist and are implemented in the fishery under assessment and there is a reasonable expectation that they are effective.
	Sanctions to deal with non-compliance exist and there is some evidence that they are applied.
	Fishers are generally thought to comply with the management system for the fishery under assessment, including, when required, providing information of importance to the effective management of the fishery.
SG80	A monitoring, control and surveillance system has been implemented in the fishery under assessment and has demonstrated an ability to enforce relevant management measures, strategies and/or rules.
	Sanctions to deal with non-compliance exist, are consistently applied and thought to provide effective deterrence.
	Some evidence exists to demonstrate fishers comply with the management system under assessment, including, when required, providing information of importance to the effective management of the fishery.
	There is no evidence of systematic non-compliance.
SG100	A comprehensive monitoring, control and surveillance system has been implemented in the fishery under assessment and has demonstrated a consistent ability to enforce relevant management measures, strategies and/or rules.
	Sanctions to deal with non-compliance exist, are consistently applied and demonstrably provide effective deterrence.
	There is a high degree of confidence that fishers comply with the management system under assessment, including, providing information of importance to the effective management of the fishery.
	There is no evidence of systematic non-compliance.
Scoring	60
Rationale	Monitoring, control and surveillance mechanisms exist in this fishery, including VMS and logbook reporting, and these mechanisms were implemented in 2009 (RFA 2009). There is a reasonable expectation that they are effective, since similar systems implemented in other ray fisheries in the region have been shown to ensure that management measures are enforced and complied with (ERFA 2004; ERFA 2006).
	Sanctions to deal with non-compliance exist as outlined in RFA 2009, and there is some evidence, in the form of records of fines levied, that they are applied.
	Fishers are generally thought to comply with the management system for the fishery under assessment (Fisheries Enforcement Officer, pers. comm.) including, when required, providing information of importance to the effective management of the fishery (RFA 2009).
	Since the fishery meets these three issues, SG60 is met.
	However, since these monitoring, control and surveillance mechanisms were only implemented in 2009, there is currently no demonstrated ability to enforce relevant

Fishery specific management system	3.2.3
	management measure, strategies and/or rules. Similarly, the fishery is not able to demonstrate that sanctions to deal with non-compliance are consistently applied, or to provide evidence to demonstrate that fishers comply with the management system. Finally, there is insufficient evidence at this point to conclude that there is no systematic non-compliance. Consequently, the fishery does not meet any of the issues under SG80 and scores no higher than 60.
Conditions	By the second surveillance audit, the fishery must provide evidence that the monitoring, control and surveillance mechanisms work together to form part of a system, and demonstrate an ability to enforce relevant management measures, strategies and/or rules.
	By the second surveillance audit, the fishery must also demonstrate that sanctions are consistently applied and thought to provide effective deterrence.
	By the third surveillance audit, the fishery must provide evidence that demonstrates that fishers comply with the management system under assessment, including, when required, providing information of importance to the effective management of the fishery.
	The fishery must also demonstrate by the third surveillance audit that there is no evidence of systematic non-compliance.
Client action plan	In order to improve compliance and enforcement, the fishery client commits to implementing a system for monitoring, control and surveillance that can demonstrate an ability to enforce relevant management measures, strategies, and/or rules, by the second surveillance audit. This will be carried out through the integration of the logbook reporting and VMS mechanisms into an integrated system involving other components for comprehensive monitoring, control and surveillance.
	Through regular contact and communication with Fisheries Enforcement Officials, by the second surveillance audit the fishery client will provide evidence in the form of written statements and records of sanctions to demonstrate that they are consistently applied and thought to provide effective deterrence.
	The client fishery will provide evidence by the third surveillance audit that demonstrates that fishers comply with the management system, including the provision of information required for the effective management of the fishery. Monitoring to demonstrate fisher compliance is already implemented in this fishery through a structured framework of interaction between fisheries managers and Fishery Enforcement Officers, but has not been ongoing for sufficient time yet to demonstrate compliance. Fisheries managers and Fisheries Enforcement Officers meet on a yearly basis to evaluate compliance, and produce reports on the outcomes of these meetings. These reports will be presented to the team at the third surveillance audit. This action will also serve to demonstrate that there is no systematic non-compliance.
Consultation on condition	Fisheries Enforcement Officials have been consulted on their involvement in this Client Action Plan, and agree to provide copies of sanction documentation for the next five years, and to provide written statements on their evaluation of deterrence before the second surveillance audit.

G27.11.1 Fisheries which receive individual PI scores between 60 and 80 are required to fulfil conditions during the course of the validity of their certificate, with the objective of eventually achieving performance at the SG 80 level for all PIs. This

is considered particularly important for ensuring the transparency and credibility of the MSC program.

- G27.11.2 CABs must not be prescriptive about the means of meeting conditions. The fishery client may develop their own corrective actions and deal with a condition in their own way. The important points for the CAB are that the client must demonstrate to the CAB's satisfaction that a condition can be met, and how the outcome or result will be (or has been) achieved.
- G27.11.3 No guidance at this time
- G27.11.4 No guidance at this time
- G27.11.5 No guidance at this time
- G27.11.6 No guidance at this time
- G27.11.7 No guidance at this time
- G27.11.8 Examples of "exceptional circumstances" are the time taken for:
 - natural ecological functions and response times;
 - time required for relevant research to be funded, undertaken and published;
 - determination of the points(s) at which fish and fish products enter further Chains of Custody.
- G27.11.9 No guidance at this time
- G27.11.10 No guidance at this time

G27.12 Determination of the point(s) at which fish and fish products enter further Chains of Custody

No guidance at this time

G27.13 Preliminary Draft Report for client review

- G27.13.1 No guidance at this time
- G27.13.2 No guidance at this time
 - G27.13.2.1 No guidance at this time
 - G27.13.2.2 No guidance at this time
 - G27.13.2.3 A period of up to thirty days is available for the client to consider the report and respond to it, but if the client response is received before the end of the thirty day period, the CAB can move on to CR 27.13.3 without waiting for the full thirty days to elapse.

G27.14 Peer review and Peer Review Draft Report

Peer reviewers in the fishery assessment process are not required to sign the MSC Code of Conduct as many of the requirements are not applicable to them as they do not meet anyone as part of the review process. The focus for peer reviewers is therefore on their knowledge and skills. However, CABs may wish to assure themselves that potential peer reviewers have suitable personal attributes by requesting evidence such as letters of reference from previous or current employers.

- G27.14.1 Knowledge of the following subjects constitutes a thorough understanding of the MSC Principles and Criteria and the MSC Certification Requirements for peer reviewers:
 - the different steps in the fisheries assessment process
 - scoring the assessment tree for each Performance Indicator
 - how conditions are set and monitored
- G27.14.2 CABs can refer peer reviewers to MSC's on-line training module for team members and conduct in-house training to help ensure CR 27.14.2 can be fulfilled.
- G27.14.3 The two additional requirements met by the peer reviewers should focus on those issues perceived to be the most important in determining the assessment outcome. These issues may be particular stakeholder concerns about the fishery under assessment and/or issues which the CAB feels would benefit from an expert review to ensure the scores and rationales given by the assessment team have taken account of all the available information and can be scientifically justified.

G27.15 Public Comment Draft Report

G27.15.1 No guidance at this time

G27.16 Determination

CABs should also refer to section 4.6 of Part A of the CR and ISO 17065 clause 7.6.

The determination is a recommendation by the team to the CAB's decision making entity.

G27.17 Final Report

G27.17.1 No guidance at this time

G27.18 Objections procedure

G27.18.1 No guidance at this time

G27.19 Certification decision and certificate issue

CABs should also refer to section 4.6 of Part A of the CR and ISO 17065 clause 7.6.

A fishery certificate is the formal document that is issued to a fishery client as evidence that a fishery is certified against the MSC standard. It is issued to the fishery client after the public certification report for the fishery under assessment has been accepted by the client and published on the MSC website.

The continued growth of the MSC program has generated a need for interested parties to obtain information about each fishery's scope of certification in a quick and efficient manner. CABs responsible for certifying the first link in the supply chain especially must be able to obtain information about which operators/businesses and/or points in the fishery are covered by the fishery certificate.

G27.20 Public Certification Report

G27.20.1 No guidance at this time

G27.21 Fisheries that fail assessment

G27.21.1 No guidance at this time

G27.22 Surveillance

This step of the process provides for the surveillance and enforcement of the conditions of certification and the opportunity for any changes in the fishery to be evaluated for continued consistency with the MSC Principles and Criteria.

- G27.22.1 No guidance at this time
- G27.22.2 No guidance at this time
- G27.22.3 See below
 - G27.22.3.1 No guidance at this time
 - G27.22.3.2 If the CAB determines that the level of surveillance of a fishery is Remote Surveillance, the CAB can choose to start either with an on-site audit or offsite audit. If the CAB decides to start with an off-site audit, the following surveillance audit cannot be an off-site audit.CAB assistance with certificate sharing.
- G27.22.4 No guidance at this time

- G27.22.5 No guidance at this time
- G27.22.6 No guidance at this time
- G27.22.7 No guidance at this time
- G27.22.8 See below
 - G27.22.8.1 When evaluating if a condition is on target, CABs need to review the actions, outcomes, expected results or milestones with the corresponding timeframes specified when setting the condition. If those fall behind the timeframes specified when setting the condition, then the condition will be evaluated as behind target.

For fisheries having conditions written prior to the issuance of TAB D-033 (i.e. with no mandatory milestones, and/or not outcome based), adequate progress could be evaluated against the actions, outcomes, results expected or interim milestones specified when setting conditions.

G27.22.9 See below

- G27.22.9.1 No guidance at this time
- G27.22.9.2 If progress against a condition is behind target, remedial action is required, which can include the setting of new milestones and targets so long as they are still expected to achieve the condition within or close to the timeframes envisaged at the time of setting them. If the fishery is not back 'on target' i.e. meeting the original milestones or targets, or the milestones revised as in the previous sentence within 12 months of falling behind, the fishery is suspended.
- G27.22.10 No guidance at this time
- G27.22.11 No guidance at this time
- G27.22.12 No guidance at this time
- G27.22.13 No guidance at this time
- G27.22.14 No guidance at this time
- G27.22.15 No guidance at this time
- G27.22.16 No guidance at this time
- G27.22.17 See below
 - G27.22.17.1 No guidance at this time
 - G27.22.17.2 Examples of "significant new information" are:
 - major changes in management;
 - new information describing a major impact of the fishery.

G27.23 CAB assistance with certificate sharing

No guidance at this time

G27.24 Re-assessment

These provisions are introduced to allow continuous certification, if warranted.

- G27.24.1 No guidance at this time
- G27.24.2 See below
 - G27.24.2.1 No guidance at this time
 - G27.24.2.2 No guidance at this time
 - G27.24.2.3 No guidance at this time
 - G27.24.2.4 See below
 - a. For fisheries having conditions written since it became a requirement to make progress against specified milestones (2011), and for fisheries with conditions written prior to the issuance of TAB D-33 (i.e. with the requirement for outcome based conditions, but no mandatory milestones) adequate progress is determined with respect to the milestones or timelines specified when setting the condition.
 - If at the time of the reassessment measurable improvements and/or outcomes against the quantitative or other metrics used when setting the condition are not met according to the scheme already outlined in sections 27.22.8 and 27.22.9 of Part C of the CR, with the provision for revising milestones given in these paragraphs and further explained in G27.22.8.1 and G27.22.9.2, then progress against meeting the conditions should be considered inadequate; or
 - if the reassessment is scheduled to begin before the expiry of the existing certificate, and the CAB considers the fishery is behind the timeframes specified for milestones and the whole condition to be met, then progress should be considered inadequate.
 - For fisheries having conditions written prior to the issuance of TAB D-33 (i.e. with the requirement for outcome based conditions, but no mandatory milestones) CABs need to evaluate adequate progress against conditions in relation to the measurable improvements, outcomes against the quantitative metrics, actions or (interim) milestones specified when setting the condition.
 - For fisheries having conditions written after the issuance of TAB D-33 progress against meeting conditions should be evaluated against the milestones specified when setting the conditions.
 - For both types of fisheries if, at the time of the reassessment, progress is considered to be one year behind target, then the CAB should consider progress against meeting the conditions as inadequate, and recertification should not be granted.

If the reassessment is scheduled to begin before the expiry of the existing certificate, the assessment team has some flexibility to exercise

appropriate judgment as to the likelihood of any conditions still outstanding to be fulfilled on schedule (i.e. by the expiry of the existing certificate, or other timeframe as previously specified when the condition was set). Those cases are contemplated in the examples shown below.

Examples for fisheries where the reassessment takes place before the expiry of the certificate and befor	е
the completion deadline for some open conditions:	

	Before outcome based requirements	After outcome based requirements: actions, or expected outcome	After TAB-33 with milestones (27.11.1.4)
All conditions closed at time of reassessment	See 27.24.2.4.a	See 27.24.2.4.a	See 27.24.2.4.a
Open conditions at time of reassessment. All open conditions on target for completion by stated deadline	See 27.22.8.1 b. If conditions are judged to be on target there need be no special consideration at reassessment. If it is not possible to determine this, see 27.24.2.4 b II	See 27.22.8.1 b. If conditions are judged to be on target there need be no special consideration at reassessment. If there are no milestones specified see G27.24.2	See 27.22.8.1 b. If conditions are judged to be on target there need be no special consideration at reassessment.
Open conditions at time of reassessment. One or more open conditions is determined to be behind target.	See 27.24.2.4.b. It may not be possible to determine if conditions are behind target as no milestones were predetermined and condition fulfilment might not lead to 80 outcome.	See 27.24.2.4.a.l. (referring back to 27.22.8.1.b.l) CABs will need to verify at the next surveillance audit the status of the condition (27.22.9).	If this is the first time the condition is behind target, See 27.24.2.4.a.l. (referring back to 27.22.8.1.b.l) CABs will need to verify at the next surveillance audit the status of the condition (27.22.9) The condition must be back on track within one year of falling behind (27.22.8.1.b and 27.22.9).
At reassessment one or more conditions are more than 1 year behind target.	See 27.24.2.4 b. It may not be possible to determine if conditions are behind target as no milestones were predetermined and condition fulfilment might not lead to 80 outcome.	See 27.24.2.4 II. Progress likely to be considered inadequate	See 27.24.2.4 I. Progress likely to be considered inadequate

Under some circumstances fisheries will still have conditions open at the time of reassessment, particularly as reassessment often begins before the expiry of the existing certificate. These cases may occur when conditions were raised in previous surveillance audits (e.g. 3rd Surveillance audit), where the condition is due to be closed out in the 5th year of the certificate, or under exceptional circumstances, where it was recognised that achieving a performance level of 80 may take longer than the period of certification. In these cases CABs should verify that conditions are on target and should assess the achievement of the condition in the year the condition is expected to be closed using the requirements under section 27.24.2.4 of Part C of the CR. In most cases evaluation of progress is the same at reassessment as during surveillance. In cases where conditions were drafted before requirements for outcome-based conditions existed or before the default assessment tree was used, special circumstances apply, as given in section 27.24.2.4 b of Part C of the CR.

c. The requirements on condition setting and reporting have been modified in recent years. In 2011 with TAB D-033, requirements to monitor progress against milestones were approved. In 2006 requirements for conditions to be drafted as outcome-based came into effect. As these changes became effective at different times, they did not apply to all fisheries. Thus, certifiers could still have fisheries certified with conditions attached that are neither outcome based nor have milestones specified.

This legacy issue is addressed by allowing fisheries certified prior to when the outcome-based requirements were implemented, or where the tree has changed so that existing conditions no longer match to the reassessment tree, or where old conditions cannot be expected to achieve SG80 in the reassessment tree even if they are completed, to redraft those conditions. In redrafting conditions the CAB should consider what action is needed to deliver the SG80 outcome and redraft or evaluate the conditions accordingly.

The timelines on completion of these new conditions should be shorter than one certification period (i.e. 5 years), and they should contain appropriate milestones.

Another example could be fisheries certified with conditions that, if completed, would meet the requirements of SG 100. If at the time of the reassessment, the situation is such that the fishery achieves the outcome required at SG 80 of the reassessment tree even without completing the condition, the condition should be considered closed.

G27.24.2.5 No guidance at this time

G27.24.2.6 No guidance at this time

- G27.24.3 No guidance at this time
- G27.24.4 No guidance at this time
- G27.24.5 No guidance at this time
- G27.24.6 The intention behind this PI is that there are no surprises (to the CAB, the fishery client or stakeholders) at the end of the certification period because progress to meeting the conditions and achieving the intended outcomes of SG80 has been transparently reported by certification bodies.

G28 Management System Requirements for CABs

No guidance at this time

G29 Heading not used at this time

No guidance at this time

G30 Heading not used at this time

No guidance at this time

----- End of Part C Guidance -----

Annex CA Guidance

Flow Chart of Fisheries Certification process – Informative



Figure CA2 - Timeframes for Full Assessment
Marine Stewardship Council

Guidance to the MSC Certification Requirements Annex CB



Version 1.3, 14 January, 2013

Annex CB Contents

Part	ΑT	able of Contents	. 1
Part	A: (General Requirements Guidance	. 2
G1	Sc	ope	. 2
G2	No	ormative Documents	. 2
G3	Те	rms and Definitions	. 2
G4	Ge	eneral Requirements	. 2
G4	.1	Requirement of accreditation	. 2
G4	.2	Implications of suspension, withdrawal or cancellation of CAB accreditation	. 2
G4	.3	Conformity to ISO Guide 65 and MSC requirements	. 3
G4	.4	Conformity to ISO 19011	. 3
G4	.5	Compliance with legal requirements	. 3
G4	.6	Certification Decision Making Entity	. 4
G4	.7	Communication with the MSC	. 4
G4	.8	Contract	. 4
G4	.9	Control of MSC ecolabel and CAB logo claims	. 5
G4	.10	Language	. 5
G4	.11	Transfer of certificate between CABs	. 5
G4	.12	Variation requests	. 6
G5	St	ructural Requirements	. 7
G5	.1	Mechanism for safeguarding impartiality	. 7
G5	.2	Confidentiality	. 7
G6	Re	esource Requirements	. 7
G6	.1	Personnel	. 7
G7	Pr	ocess Requirements	. 7
G7	.1	Information for applicants	. 7
G7	.2	Assessment and audit planning	. 7
G7	.3	Changes affecting certification	. 8
G7	.4	Suspension or withdrawal of certification	. 8
G7	.5	Information on certificates	11
G8	Ма	anagement System Requirements for CABs	11
G9	He	eading not used at this timeŕ	11
G10	I	Heading not used at this time	11

Annex	AA Guidance	12								
Part B	Contents	2								
Part B -	- Chain of Custody Certification Requirements Guidance	5								
G11	Scope	6								
G12	Normative Documents	6								
G13	Terms and Definitions	6								
G14	General Requirements	6								
G14.1	Contract	6								
G15	Structural Requirements	6								
G16	Resource Requirements	6								
G16.1	Personnel	6								
G17	Process Requirements	6								
G17.1	Need for certification	6								
G17.2	Scope of certification	7								
G17.3	Audit planning	11								
G17.4	Evaluation									
G17.5	Audit findings	13								
G17.6	Certification decision	13								
G17.7	Change to scope of certification	13								
G17.8	Surveillance	14								
G17.9	Re-certification	15								
G18	Management System Requirements for CABs	15								
G19	Heading not used at this time	15								
G20	Heading not used at this time	15								
Annex	BA Guidance	16								
Annex	BB Guidance	17								
GBB In	troduction	17								
GBB1	Scope	17								
GBB2	Application	17								
GBB3	Audit Timing and Frequency19									
GBB4	Sampling	19								
GBB4	Decision if sample stratification is needed									
GBB4	.2 CAB decides sample plan to be used	19								
G Ta	able BB1	.19								

G Ta	ble BB1	.19
GBB4.	3 Increase in sample size	19
GBB4. numbe	Allocation to normal, enhanced or reduced sampling plans to determine the of site of the sampling plan for subsequent audits	19
GBB4.	5 Sample selection	19
GBB5	Personnel	20
GBB5.	1 Certification auditors	20
G Ta	ble BB5A:	.20
GBB6	Non-conformities	20
GBB7	Audit Reports and Audit Decisions	20
GBB8	Adding New Sites to the Group	20
Annex E	3C Guidance	21
Annex E	3D Guidance	24
GBD1	Requirements for Reporting Change	24
GBD2 Carried	Request for Records of Certified Product in the Event of a Tracebao out by the MSC	ck 24
GBD2.	1 Applicability	24
GBD2.	2 Requirements	24
GBD3	Requirements for Handling or Selling Under-MSC-Assessment Fish 24	ı
GBD4	Requirements for the Use of Subcontractors	25
GBD5	Requirements for Using Non-Certified Seafood Ingredients	25
GBD6	Group Requirements	25
Annex I	3E Guidance	26
GBE1	Changes to Scope of Certification	26
GBE2	Reports	26
GBE3	Certificates	26
GBE4 the Cha	Determination of the Point(s) at Which ASC Certified Products Enter in of Custody	27
GBE5	Application of MSC Certification Requirements, Part A and B	27
GBE6 Scope	Clauses in Parts A and B Which do not Apply when Assessing ASC 27	
GBE7 when A	Additions to Parts A and B of the MSC Certification Requirements ssessing ASC Scope	27
G Ta	ble BE2	.27

GBE8 when C Previou	Additions to Parts A and B of the MSC Certification Requirements Considering MSC Certified Products for a Certificate Holder that
GBE9	Amendments to Parts A and B of the MSC Certification Requirements
when C	28 Considering ASC Scope
GBE10	Changes to terms in parts A and B when considering ASC scope 28
GBF1	CoC Auditor Qualification And Competency Criteria
G T	able BF129
Part C	Contents 2
Part C	 Fishery Certification Requirements Guidance7
G21	Scope7
G22	Normative Documents7
G23	Terms and Definitions7
G24	General Requirements7
G24.1 MSC	Submission of reports, data and requests to MSC and publication of reports by 7
G24.2	2 Assessment timelines
G24.3	3 Consultation requirements
G24.4	Use of confidential information in fishery assessments 10
G24.5	5 Access to information 10
G24.6	6 Confidentiality agreements 10
G25	Structural Requirements11
G26	Resource Requirements11
G27	Process Requirements11
G27.1	I Initial client interest
G27.2	2 Pre-Assessment
G27.3	3 Application review 1
G27.4	Confirmation of scope 1
G27.5	5 Team selection
G27.6	Determination of target eligibility date
G27.7	Announcement regarding certification and public involvement
G27.8	3 Confirming the assessment tree to be used
G27.9	Assessment visits, stakeholder consultation and information collection
G27.1	10 Scoring the fishery 23
G27.1	11 Setting Conditions 26

G27.12	Determination of the point(s) at which fish and fish products enter further	
Chains of	Custody	33
G27.13	Preliminary Draft Report for client review	33
G27.14	Peer review and Peer Review Draft Report	33
G27.15	Public Comment Draft Report	34
G27.16	Determination	34
G27.17	Final Report	34
G27.18	Objections procedure	35
G27.19	Certification decision and certificate issue	35
G27.20	Public Certification Report	35
G27.21	Fisheries that fail assessment	35
G27.22	Surveillance	35
G27.23	CAB assistance with certificate sharing	36
G27.24	Re-assessment	37
G28 Ma	anagement System Requirements for CABs	40
G29 He	ading not used at this time	40
G30 He	ading not used at this time	40
Annex CB	Contents	43
Annex CB	Guidance	52
GCB1	General Requirements	56
GCB2	Principle 1	56
GCB2.1	General requirements for Principle 1	56
GCB2.2	Stock Status DI (DI 1 1 1)	
GCB2.3		58
	Reference Points PI (PI 1.1.2)	58 59
GCB2.4	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3)	58 59 69
GCB2.4 GCB2.5	Stock Status PI (PI 1.1.1) Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1)	58 59 69 73
GCB2.4 GCB2.5 GCB2.6	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2)	58 59 69 73 76
GCB2.4 GCB2.5 GCB2.6 GCB2.7	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3)	58 59 69 73 76 77
GCB2.4 GCB2.5 GCB2.6 GCB2.7 GCB2.8	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3) Assessment of Stock Status PI (PI 1.2.4)	58 59 69 73 76 77 78
GCB2.4 GCB2.5 GCB2.6 GCB2.7 GCB2.8 GCB3	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3) Assessment of Stock Status PI (PI 1.2.4) Principle 2	58 59 69 73 76 77 78 79
GCB2.4 GCB2.5 GCB2.6 GCB2.7 GCB2.8 GCB3	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3) Assessment of Stock Status PI (PI 1.2.4) Principle 2 General requirements for Principle 2	58 59 69 73 76 77 78 79 79
GCB2.4 GCB2.5 GCB2.6 GCB2.7 GCB2.8 GCB3.1 GCB3.2	Reference Points PI (PI 1.1.2) Stock Rebuilding PI (PI 1.1.3) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3) Assessment of Stock Status PI (PI 1.2.4) Principle 2 General requirements for Principle 2 General Requirements for Outcome PIs	58 59 69 73 73 76 77 78 79 81
GCB2.4 GCB2.5 GCB2.6 GCB2.7 GCB2.8 GCB3.1 GCB3.2 GCB3.3	Reference Points PI (PI 1.1.1) Stock Rebuilding PI (PI 1.1.2) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3) Assessment of Stock Status PI (PI 1.2.4) Principle 2 General requirements for Principle 2 General Requirements for Outcome PIs General Requirements for Management Strategy PIs	58 59 69 73 73 76 77 78 79 81 83
GCB2.4 GCB2.5 GCB2.6 GCB2.7 GCB2.8 GCB3.1 GCB3.2 GCB3.3 GCB3.4	Reference Points PI (PI 1.1.1) Stock Rebuilding PI (PI 1.1.2) Harvest Strategy PI (PI 1.2.1) Harvest Control Rules & Tools PI (PI 1.2.2) Information Monitoring PI (PI 1.2.3) Assessment of Stock Status PI (PI 1.2.4) Principle 2 General requirements for Principle 2 General Requirements for Outcome PIs General Requirements for Management Strategy PIs No guidance at this time	58 59 69 73 76 77 78 79 81 83 85

GCB3.5	Retained Species Outcome PI (PI 2.1.1)	85
GCB3.6	Retained Species Management Strategy PI (PI 2.1.2)	85
GCB3.7	Retained Species Information / Monitoring PI (PI 2.1.3)	88
GCB3.8	Bycatch Species Outcome PI (PI 2.2.1)	88
GCB3.9	Bycatch Species Management Strategy PI (PI 2.2.2)	89
GCB3.10	Bycatch Species Information / Monitoring PI (PI 2.2.3)	89
GCB3.11	ETP Species Outcome PI (PI 2.3.1)	89
GCB3.12	ETP Species Management Strategy PI (PI 2.3.2)	90
GCB3.13	ETP Species Information / Monitoring PI (PI 2.3.3)	90
GCB3.14 and "hab	Habitats Outcome PI (PI 2.4.1) Definitions for "habitat", "habitat struct tat function" have been added to the Vocabulary (AA3)	ure", 90
GCB3.15	Habitats Management Strategy PI (PI 2.4.2)	91
GCB3.16	Habitats Information / Monitoring PI (PI 2.4.3)	91
GCB3.17	Ecosystem Outcome PI (PI 2.5.1)	91
GCB3.18	Ecosystem Management Strategy PI (PI 2.5.2)	92
GCB3.19	Ecosystem Information / Monitoring PI (PI 2.5.3)	92
GCB3.20	Principle 2 Phrases	93
GCB4	Principle 3	93
GCB4.0	General requirements for Principle 3	93
GCB4.1	Principle 3 Terminology	96
GCB4.2	Legal and/or Customary Framework PI (PI 3.1.1)	96
GCB4.3	Consultation, Roles and Responsibilities PI (PI 3.1.2)	100
GCB4.4		102
	Long Term Objectives PI (PI 3.1.3)	103
GCB4.5	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4)	103
GCB4.5 GCB4.6	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs.	103 104 105
GCB4.5 GCB4.6 GCB4.7	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1)	103 104 105 106
GCB4.5 GCB4.6 GCB4.7 GCB4.8	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2)	103 104 105 106 106
GCB4.5 GCB4.6 GCB4.7 GCB4.8 GCB4.9	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2) Compliance and Enforcement PI (PI 3.2.3)	103 104 105 106 109
GCB4.5 GCB4.6 GCB4.7 GCB4.8 GCB4.9 GCB4.10	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs. Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2) Compliance and Enforcement PI (PI 3.2.3) Research Plan PI (PI 3.2.4)	103 104 105 106 109 110
GCB4.5 GCB4.6 GCB4.7 GCB4.8 GCB4.9 GCB4.10 GCB4.11	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2) Compliance and Enforcement PI (PI 3.2.3) Research Plan PI (PI 3.2.4) Monitoring and Management Performance Evaluation PI (PI 3.2.5)	103 104 105 106 109 110 111
GCB4.5 GCB4.6 GCB4.7 GCB4.8 GCB4.9 GCB4.10 GCB4.11 Annex CC	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2) Compliance and Enforcement PI (PI 3.2.3) Research Plan PI (PI 3.2.4) Monitoring and Management Performance Evaluation PI (PI 3.2.5) Guidance .	103 104 105 106 106 109 110 111 112
GCB4.5 GCB4.6 GCB4.7 GCB4.8 GCB4.9 GCB4.10 GCB4.11 Annex CC GCC1	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2) Compliance and Enforcement PI (PI 3.2.3) Research Plan PI (PI 3.2.4) Monitoring and Management Performance Evaluation PI (PI 3.2.5) Guidance ntroduction to the Risk-Based Framework	103 104 105 106 109 110 111 112 113
GCB4.5 GCB4.6 GCB4.7 GCB4.8 GCB4.9 GCB4.10 GCB4.11 Annex CC GCC1 GCC2	Long Term Objectives PI (PI 3.1.3) Incentives for Sustainable Fishing PI (PI 3.1.4) Fishery-Specific Management PIs Fishery-Specific Objectives PI (PI 3.2.1) Decision-Making Processes PI (PI 3.2.2) Compliance and Enforcement PI (PI 3.2.3) Research Plan PI (PI 3.2.4) Monitoring and Management Performance Evaluation PI (PI 3.2.5) Guidance ntroduction to the Risk-Based Framework	103 104 105 106 106 109 110 111 112 113 115

GCC2.2	Stakeholder involvement with the RBF	121							
GCC2.3 Conducting a SICA 1									
G Tabl	e CC3 – Table CC7	123							
G Tabl	e CC8	127							
G Tabl	e CC11	128							
GCC2.4.	0 Conducting a Productivity-Susceptibility Analysis (PSA)	128							
GCC3	Requirements for using the RBF for specific PIs	139							
GCC3.1	RBF Requirements for PI 1.1.1	139							
GCC3.2	RBF Requirements for PI 1.1.2	139							
GCC3.3	RBF Requirements for PI 1.1.3	140							
GCC3.4	RBF Requirements for PI 1.2.4	140							
GCC3.5	RBF Requirements for PI 2.3.1	140							
GCC3.6	Specific requirements for Information PIs when the RBF is applied	140							
Annex C	D Guidance	144							
GCD1	Background	144							
GCD2	Objections procedure	144							
GCD2.1	Object and purpose	144							
GCD2.2	The Independent Adjudicator	144							
GCD2.3	Notice of objection	144							
GCD2.4	Procedure on receipt of a notice of objection	144							
GCD2.5	Reconsideration by the CAB	144							
GCD2.6	Adjudication	144							
GCD2.7	Powers of the Independent Adjudicator	144							
GCD2.8	Remand	145							
GCD2.9	Costs	145							
GCD2.10	General provisions relating to the objections process	145							
Annex CE	E Guidance	146							
Annex CF	⁻ Guidance	147							
Annex CC	Guidance	148							
Annex CH	l Guidance	149							
GCH1	Scope	149							
GCH2	Default tree	149							
GCH3	Conditions	149							
GCH4	Entry into further chains of custody	149							

GCH5	Surveillance	149								
GCH6	Re-assessment	149								
Annex Cl	Guidance	150								
Annex C.	J Guidance	151								
GCJ1 D	etermination of Scope	151								
GCJ2 Ir	GCJ2 Initial requirements on assessment issues									
GCJ3 Ir	ntroduced species as non-target species	152								
GCJ4 Ir	nplementation of this Annex	152								
Annex Cl	۲ Guidance	153								
GCK1	General	153								
GCK2	Principle 1	153								
GCK2.1	General Requirements for Principle 1	153								
GCK2.2	Genetics	155								
GCK3	Principle 2	155								
GCK3.1	General Requirements for Principle 2	155								
GCK3.2	Translocations	157								
GCK4	Principle 3	158								
GCK4.1	General Requirements for Principle 3	158								
Annex G	CL – Expedited P1 assessments	163								

GCL2.5 In cases where there are a number of stocks identified as 'main retained' in a certified fishery, assessing one or more of these against Principle 1 will mean that they are removed as 'scoring elements' from Principle 2 'retained species'. The remaining scoring elements in Principle 2 'retained species' will have to be rescored according to CR section 27.10.7.4. This does not require a P2 expert. In the unlikely event that the new P2 score

causes a failure of the fishery due to the reallocation of P2 species to P1, the CAB may elect to discontinue the expedited P1 assessment process for one or more stocks. 163

Annex GO	CM: Fishery Team Leader, Team Member, Team And Peer Reviewer tions And Competencies – Informative	64
Annex G	CN - Guidance to CABs on Stakeholder Consultation - Informative. 10	65
GCN1	Introduction	65
GCN1.2	Purpose of this document10	65
GCN1.3	Nature and scope of this document10	65
GCN1.4	Approach of this document10	66
GCN2	Who is a Stakeholder?	66
GCN3	Purpose and Goals of Stakeholder Consultation10	67
GCN4	Guiding Principles for Conducting Stakeholder Consultation 16	68
GCN5	Roles and Responsibilities17	71
GCN6	Steps for Conducting Stakeholder Consultation	74
Annex G	CNA – Sample Generic18	86
INTERVIE	EW PROTOCOL	86

Annex CB Guidance

The default tree structure, including the PISGs for each of the three MSC Principles to be used in fishery assessments

Foreword to Annex GCB Guidance

Annex CB results from work that began in 2005 on a project to ensure high quality, credible fishery assessments and certifications based upon an assessment methodology to be applied consistently across fisheries regardless of ecological, geographical, technological or other variations in characteristics.

This annex takes the MSC Principles and Criteria as its foundation and provides a hierarchical, multi-criteria structure for assessing fisheries, called the default tree.

This structure and the prescribed default set of performance indicators and scoring guideposts (PISGs) are used in all assessments unless a team can show just cause for why a variation should apply.

Purpose of Annex GCB Guidance

The purposes of Annex GCB are to:

- establish assessment requirements to enable CABs to operate in a consistent and controlled manner;
- provide the transparency that is required of an international standard setting body for it to be credible with stakeholders, including governments, fishery managers, CABs, suppliers of fish and fish products, non-governmental organisations and consumers;
- specify a system that ensures the MSC ecolabel on fish or fish products is a credible assurance that the fish is derived from a well-managed and sustainable fishery, as defined by the MSC's Principles and Criteria.

The specific objectives and benefits of the default tree are to:

- improve the common understanding by CABs, clients and stakeholders of how fisheries will be assessed against the MSC Principles and Criteria by use of a simple, transparent assessment structure;
- increase consistency of interpretation and application of the MSC Principles and Criteria to ensure all fisheries are assessed in a similar and equitable manner;
- increase future certainty about re-assessment for currently certified fisheries;
- improve the robustness and credibility of fishery assessments by providing greater clarity on required performance;
- improve the efficiency of the assessment process while maintaining the integrity of the MSC's third party certification approach.

Headings in this guidance document correspond to headings in Annex CB.

GCB Overview

The default tree structure is divided into three levels for the purposes of scoring (see Figure GCB1 below):

- Level 1 The MSC Principle as described in the MSC's Principles and Criteria
- Level 2 The Component which is a high level sub-division of the Principle.
- **Level 3** The performance indicator (PI) which is a further sub-division of the Principle and the point at which scoring of the fishery occurs.
- **Level 4** The scoring issues which are 'the different parts of a single scoring guidepost (SG), where more than one part exists covering related but different topics'.

An illustration of the structure can be found in Figure GCB1.

In considering multiple elements, the following language may be used when:

- Few : Most of the elements, taken to indicate 'minority : majority' or 'less than half : greater than half'. e.g. if there were six elements, '1:5' and '2:4' would both be represented by the terms Few : Most
- Some : Some, taken to indicate a roughly equal split of elements.

A "default tree" becomes a "draft tree" while a variation request and stakeholder comment is being sought, then a "final tree" when it is ready for use, with or without changes, in a specific fishery assessment

Figure GCB1: Default Tree Levels relevant to scoring fisheries



Scoring issues

Table GCB1: Comparison between the MSC's Principles and Criteria for Sustainable Fishing and the default tree structure

		Prii 1. C	nciple Dutc on	e 1 ne	2. Hi	arvest	t stra	tegy	Prin 1. Re spec	ciple etaine ies	2 d	2. By spec	ycatc ies	h	3. E spec	TP		4. H	abitat	S	5. E	cosys	tem	Prin 1. G polic	overn y	ance	and	2. Fi mana	shery	spec ent	ific		Scope
	Stotes Criteria	- Stock status	N Reference points	ده Recovery & Rebuilding	→ Performance of harvest strateg.	N Harvest control rules & tools	⇔ Information / monitoring	+ Assessment	- Status	∾ Management	ය Information	- Status	N Management	မ Information	- Status	N Management	ං Information	- Status	∾ Management	ం Information	- Status	N Management	မ Information	→ Legal and/or customary framew	N Consultation roles and resps	ం Long term objectives	➡ Incentives for sust. fishing	 Fishery specific objectives 	N Decision making processes	⇔ Compliance and enforcement	↔ Research plan	ு Monitoring and evaluation	
Prin	ciple 1. Target species				<u> </u>						-				<u> </u>		-																
1 2 3	High productivity If depleted, recovery plan Reproductive capacity																																
Prin	ciple 2. Ecosystem								-																								
1	Functional relationships																																
2	Biodiversity and ETP spp																																
3	If depleted, recovery plan				<u> </u>																												
Prin	ciple 3. Management system																																
A	Management system criteria																																
AI	No controversial unilateral exemption																								_	_	(i	_	_				
AZ	Clear long-term objectives, etc						-	i - 1																							- 1	_	
A3	Appropriate to cultural context and sca	le																						_		-							
A4	Discrive regar and customary rights																								- I								
AG	Incentives, no perative subsidies																										-						
A7	Timely adaptive precautionary																												_				
AS	Research plan																													1			
A9	Stock assessments conducted								1																				· · · · · ·	1			
A10	Momt measures and strategies												1	í -			í I																
A11	Compliance, MCS			_						_	_		_						_			_											
В	Operational criteria	1			1																												
B12	Bycatch and discards																																
B13	Habitat impacts																																
B14	Destructive fishing practices																ł				1												
B15	Operational waste																																
B16	System, legal and admin requirements																																
B17	Collaboration in data collection	1																								1							





GCB1 General Requirements

- GCB1.1 See below
- GCB1.1.1 An example of an outcome is the actual stock status of the target stock(s).
- GCB1.1.2 No guidance at this time
- GCB1.2 No guidance at this time
- GCB1.3 No guidance at this time

GCB2 Principle 1

GCB2.1 General requirements for Principle 1

The outcome and management components are of equal importance to the performance of a fishery under P1, and equal weight in the scoring process.

Component	Focus	Description
Outcomes	The current status of the target stock resource	The impact of the fishery on the target species/stock, and particularly whether or not the species/stock is at sustainable levels, for the whole of the fish stock(s) exploited by the fishery seeking certification.
Harvest Strategy (Management):	A precautionary and effective harvest strategy	A management strategy is in place to ensure that harvest of the target species is maintained within sustainable levels, for the whole of the fish stock(s) exploited by the fishery seeking certification.
		PIs under 'Management' consider the tools, measures or strategies that are being used specifically to manage the impact of the fishery on the target species, for the whole of the fish stock(s) exploited by the fishery seeking certification. This differs from P3 where the overarching management system for the entire fishery and its operations are considered. The Harvest Strategy (Management) PIs under P1 do not duplicate considerations in P3.

Table GCB2: P1 Components and description

The three P1 Criteria are assessed by the combination of PIs, as:

- Each of the outcomes required by the three Criteria is covered by the Outcome PIs.
- The Harvest Strategy (Management) PIs assess a fishery's ability to manage the impact on target stocks to achieve those outcomes sought by the three Criteria.
- Criterion 3, with no specific Outcome PI, is covered by considering its impact on the formulation of the management strategy and the Harvest Control Rule (HCR) and tools.
- For example, the limit reference point should be set at a point where

- There is no danger that genetic changes in the stock would reduce reproductive productivity, and
- If there is a risk that this may not be so, the limit reference point should be increased accordingly.

The problem might be addressed through changes to the component of the stock that is harvested, for instance by changing the distribution or selectivity of fishing.

Shared and straddling stocks and highly migratory stocks

When considering management PIs under P1 in fisheries that target shared stocks, straddling stocks or highly migratory stocks, CABs should consider all national and international management systems that apply to the stock and the capacity of these systems to deliver sustainable outcomes for P1.

• International management systems may include Regional Fisheries Management Organisations (RFMOs), bilateral/multilateral arrangements and other international arrangements with similar intent.

Outcome PIs

The outcome component has two primary PIs and one supplementary PI (reference points), as it is required to assess the primary PIs and as all three PIs are interdependent.

The three PIs express the concept that sustainability of target stocks (i.e. a desirable outcome and an unconditional pass against the MSC Principles and Criteria) comes from management behaviour that:

- increases the probability that exploited biomass fluctuates around the B_{MSY} target, or a higher target if this is warranted from a consideration of the trophic inter-dependencies of the target species; and
- decreases the probability that exploited biomass will drop significantly towards the point where recruitment becomes impaired, either through recruitment overfishing or through genetic effects or imbalances in sex ratio.

The following outcomes would attract scores of 80 or higher:

- A more consistent fluctuation around the target level.
- Biomass levels in excess of target levels, which imply a lower probability of being below target levels.
- A higher probability of being above a biomass limit reference point.
- The setting of higher (precautionary) reference points.
- More rapid demonstrated rebuilding of stocks from areas close to the limit reference point to the target reference point.

Some terminology used in this document was developed from a list of common terminology used in connection with management procedures (MPs) by Rademeyer et al. (2007).⁴

GCB2.2 Stock Status PI (PI 1.1.1)

This PI measures the outcome required by Criterion 1 of P1: the current status of the target species resource relative to the target and limit reference points. The Criterion 3 outcome is implicitly considered within the assessment of a fishery against the Stock Status PI.

The performance requirement under this PI is expressed in terms of biomass, and makes reference to two indicator points: the stock status at which there is an appreciable risk that recruitment is impaired; and a target reference point.

The default PISGs mean that:

- stocks for which there is a high degree of certainty of being above the point of recruitment failure and being at their target reference point, and for which this status has endured for a number of years suggesting a stable and effective management system, should result in scores of 100;
- a score of 80 is appropriate for a stock being managed reasonably well, which is at or fluctuating around its target reference point, and where it is highly likely that the stock is above the point where there is an appreciable risk of recruitment being impaired;
- stocks that are likely to be appreciably and consistently below their target reference point and which are approaching the point at which recruitment would be impaired shall receive lower and lower scores, until it is only likely that the stock is above the point at which recruitment would be impaired, at which point it scores 60;
- stocks that are at or below the point at which recruitment is impaired shall result in scores lower than 60.

Additional certainty that target reference levels can be maintained may be deduced when stock sizes have been above target reference levels. However,

⁴ Rademeyer, R.A., Plaga'nyi, E'.E., and Butterworth, D.S. 2007. Tips and tricks in designing management procedures. *ICES Journal of Marine Science*, **64**: 618–625.

where a fishery is being fished down, certainty will depend to a certain extent on the degree of control over current high stock levels and the rate of fishing down being allowed by management or exerted by fishers.

- GCB2.2.1 No guidance at this time
- GCB2.2.2 Fluctuation refers to the variability over time around the target reference point, acknowledging that the magnitude of fluctuation will be influenced by the biology of the species, and that short-term trends may be apparent in such fluctuations.

There may be situations where well-managed stocks do not have target reference points or do not have limit reference points. The stock will still need to be assessed in terms of the overall outcome objectives, i.e. for SG80 that the stock status is highly likely to be above the point at which there is an appreciable risk that recruitment is impaired, and will be at or around a level consistent with B_{MSY}.

As exceptions, proxy stock indicator points may be used in management systems based only on fishing effort, such as management of some short-lived species. The precise wording of the Stock Status SGs will need to be redrafted for management systems which are based purely on fishing mortality reference points. For the majority of stocks, for which stock status reference points based on fishing mortality are not relevant, performance of indices of exploitation rate (e.g., fishing mortality reference points) shall be evaluated against relevant benchmarks (such as F_{MAX} or F_{LIM}) in PI 1.2.2 in relation to the HCR to ensure that biomass reference points are met.

- GCB2.2.3 No guidance at this time
- GCB2.2.4 No guidance at this time
- GCB2.2.5 Pacific salmon is an example of species fished as stock complexes.

It is acknowledged that in a multi-stock fishery context the target levels of biomass for some species may be different from those usually applied to a single species (i.e. B_{MSY}).

GCB2.3 Reference Points PI (PI 1.1.2)

This PI measures the appropriateness of the target and limit reference points used to assess stock status. This PI could have been placed with the Harvest Strategy PIs but is placed with the Outcome PIs because it is required to assess them and because of the interdependence between this and the two true Outcome PIs under this component

- GCB2.3.1 No guidance at this time
- GCB2.3.2 See below
 - GCB2.3.2.1No guidance at this time
 - GCB2.3.2.2No guidance at this time
 - GCB2.3.2.3No guidance at this time

- GCB2.3.2.4For example, in the European context, B_{PA} or F_{PA} as given in ICES advice are rarely consistent with B_{MSY} or F_{MSY} . If B_{PA} or F_{PA} are identified as the targets used in management, the rationale for PI 1.1.2 would have to explain how this is consistent with B_{MSY} in the given case to warrant a score or 80. If this cannot be shown, then a score of less than 80 shall be assigned
- GCB2.3.2.5No guidance at this time
- GCB2.3.2.6No guidance at this time
- GCB2.3.3 All management systems should have reference points, and even if these are not stated explicitly they should be implicit within the decision rules or management procedures, and the fishery should be assessed on these implicit reference points. For example, an explicit use of only a target reference point should include some implicit consideration of a limit reference point, and likewise a management system that uses only a limit reference point will have some implicit acknowledgement of targets.

In situations covered by CB2.3.3, both explicit and implicit reference points need to be consistent with the SGs. For example, if a management strategy is based solely around a target reference point, the harvest control rule, when combined with the target reference point shall ensure that the stock will remain well above the level where there is an appreciable risk that recruitment would be impaired and ensure that the exploitation rate is reduced as this point is approached. This is an implied limit reference point. Equally, a management strategy based solely around a limit reference point shall imply that there is a target reference point close to or at B_{MSY} (or some other measure or surrogate that maintains the stock at high productivity), and at a level that is well above the limit reference point.

There is no necessary connection between an MSC SG and a government set reference point. If the government set reference point meets the needs and standards of the MSC assessment, then a fishery may use it. It is not necessary to use the government reference point.

There may be situations where the limit reference point is set higher than the point at which there is an appreciable risk that recruitment is impaired. Where this results in more precautionary management, the SG100 statement about "following consideration of relevant precautionary issues" would apply.

- GCB2.3.4 No guidance at this time
- GCB2.3.5 No guidance at this time
- GCB2.3.6 For example where there is a high dependency of predators on juvenile fish.
- GCB2.3.7 Although it may generally be the case that limit reference points are set at the point that reproductive capacity starts to be appreciably impaired, for some fisheries, especially those for small pelagic species and annual species where there the stock recruit relationship is very steep, management may choose to set a limit reference point above this level. Such action should attract scores between 80 and 100 with the intent that the overall score reflects the very low likelihood of reproductive capacity ever being impaired if such a limit reference point was used.

- GCB2.3.8 Some species such as Pacific salmon are fished as stock complexes in a way which can be considered analogous to multi-species target species considered under PI 2.1.1. In a multi-stock fishery context such as this a practical management approach may require that the target levels of biomass for some individual stocks within the complex be different from those usually applied to a single species (i.e. a level consistent with B_{MSY} or some surrogate or measure with similar intent).
- GCB2.3.9 Writing the PISGs in terms of biomass and fishing rate metrics creates an appearance that the MSC Principles and Criteria are not well suited for other than large industrial fisheries with formalised stock assessments and biomass based reference points. This is not the intent.
 - GCB2.3.9.1 Examples of qualitative interpretation include analogy with similar situations, plausible argument, empirical observation of sustainability and qualitative risk assessment.

Examples of quantitative interpretation include the use of measured data from the relevant fishery, statistical analysis, quantitative risk assessment and quantitative modelling.

Examples of surrogate measures are given below:

- Relatively sedentary bivalves often have fishery management trigger points based on population densities collected through systematic surveys, where these index densities are established based on the species population dynamics and the inherent productivity of the habitat and environmental conditions. There may be no formal stock assessment but yield is calculated on a proportion of the observed biomass and the harvested fraction determined on empirical evidence from historical catches and their consequences.
- In some crustacean species, fishery management strategies might seek to protect from harvest the complete female reproductive capacity in the population (i.e., single sex harvest). The trigger or reference points involved could relate to metrics such as percent fertilised eggs and or other female population indicators that are evaluating the management system's effectiveness at achieving its goal.
- In salmon and other semelparous species different management metrics may be used, for instance numerical escapement goals that on the average can be expected to maximise the long-term numerical yield of adult or maturing fish. A variety of terms are used for target reference points in this case, such as MSY or optimum escapement goals, and given the normal annual freshwater and marine survival fluctuations that are typical for salmon populations, an effective management outcome is typically considered to be spawning escapements that fluctuate to some extent above and below the target. These are surrogates for B_{MSY} based targets, even though MSY and B_{MSY} may not be used

explicitly nor may it always be possible to estimate them. Further, given the extensive population structure inherent with salmon life history, resource managers often establish index populations that they use to establish and monitor achievement of spawning escapement outcomes to verify the effectiveness of a fishery management program on the constituent populations within runs and management units defined for fishery management purposes.

Limit reference points for salmon populations are sometimes expressed as critical spawning escapement thresholds, levels below which populations could be particularly vulnerable if subject to wide fluctuations in marine or freshwater survival conditions, including impacts on freshwater productive capacity due to habitat damage or degradation. This is a surrogate for the point at which there is an appreciable risk of impairing recruitment, and their use as limit reference points would be consistent with the PISGs. An indexing approach is often used to define these triggers. Some salmon fisheries managed by MSY escapement goals may not have explicit limit reference points. This is acceptable so long as the harvest strategy acknowledges some level of critical escapement threshold, for instance, through a combination of target reference point and harvest control rule such that the stock will remain well above the level where there is an appreciable risk that recruitment would be impaired.

Consideration of Environmental Variability

GCB2.3.10 No guidance at this time

Consideration of Trophic Position

- GCB2.3.11 For example, generic reference points appropriate for low trophic level, short lifespan, high fecundity species would be those appropriate to such species, rather than those appropriate for high trophic level, long lived, low fecundity species.
- GCB2.3.12 No guidance at this time
- GCB2.3.13 Ways of demonstrating whether a stocks under assessment should be treated as a key LTL stocks may include the use of qualitative information on the ecosystem, diet matrices to construct food webs and/or the use of ecosystem models that demonstrate the connection between species and trophic groups in the ecosystem.
 - If ecosystem models are to be used they must be "credible". "Credible" should be interpreted to mean 1) publicly available and well documented, 2) fitted to time series data and 3) comprehensive (dealing with the whole ecosystem including all trophic levels). See also Essington & Plaganyi (2012, MSC Science Series). Where species are aggregated into trophic groups in ecosystem models, the degree of aggregation should adhere to the guidance provided in Fulton et al. (2003)11 that 1) aggregations do not include serially linked groups (predators and prey) and 2) that aggregations

are not across species, age classes or functional groups with rate constants that differ by more than 2- to 3- fold. Where possible, information about trophic connection should be based on empirical evidence of trophic dependence.

- <u>Diet matrices</u>, which characterise the proportion of prey eaten by each predator in addition to the simple linkages between predators, may also be used. If diet matrices are used, they must also be constructed adhering to the guidance of Fulton et al (2003).
- In determining key LTL status, the <u>spatial scale</u> of the ecosystem that could be affected, and from which information should be derived, needs to be considered. This should generally correspond to the spatial distribution of the stock being fished, and could be broader in some instances (for example if the stock occurs within a well defined spatial entity such as a gulf or regional sea). It will not necessarily correspond to the jurisdictional scale of the fishery. If the spatial scale of the ecosystem is considerably larger than the stock distribution, the potential impacts on predators of localised depletion would need to be considered. For example, in cases where key LTL stocks are identified by using total catch as a proxy for total biomass of the stock, this proxy needs to be scaled to the spatial extent of the stock and its predators. A low volume fishery in a major coastal upwelling system would be interpreted differently than one in a small embayment with several locally-dependent predators.
- Where the target stock or stock component under assessment is widely distributed and is present in more than one ecosystem, the assessment of sub-criteria i,ii and iii in paragraph CB2.2.3.13 a in Annex CB of the CR should focus on the ecosystem containing largest abundance of the species.
- a. The three sub-criteria in paragraph CB2.3.13a for identifying "key" LTL stocks follow the description of wasp-waisted ecosystems given by Cury et al. (2000, 2003)⁵ as being "typically dominated by only one, or at most a few" LTL species that transfer a very large proportion of the total primary production through the lower part of the food web, that account for the vast majority of predator diets and that control the abundance of both the prey and the predators of these LTL species. Guidance on assessing whether the each of the three sub-criteria are met is provided

⁵ Cury, P., A. Bakun, R.J.M. Crawford. A. Jarre, R.A. Quinones, L.J. Shannon and H.M. Verheye (2000) Small pelagics in upwelling systems: patterns of interaction and structural changes in 'wasp waist' ecosystems. *ICES Journal of Marine Science* 57:603-619.

Cury, P., L. Shannon and Y.-J. Shin (2003) The functioning of marine ecosystems: a fisheries perspective. Pp103- 123 In *Responsible Fisheries in the Marine Ecosystem*, M. Sinclair and G. Valdimarsson (eds). FAO, Rome and CABI, Oxon UK.

in the following sections.

Connectivity

- i. This sub-criterion requires that the LTL stock is eaten by the majority of predators, as stated: "a large proportion of the trophic connections in the ecosystem involve this species, leading to significant predator dependency".
 - In quantitative terms, food webs can be used to investigate connectance, which can be expressed as unweighted
 Proportional Connectance or the weighted SURF index (SUpportive Role to Fishery ecosystems). SURF has the advantage that it is relatively insensitive to the grouping of predator and prey species; connectance is highly sensitive to them (Essington and Plaganyi, 2012 MSC publication series).
 - **Proportional Connectance (PC)** is calculated as follows, from a diet matrix that has *n* components, and only requires a knowledge of the interaction between groups, not the proportional diet fraction of each group.
 - The total connectance *T* in a diet matrix is the Number of all positive (non-zero) diet interactions between components (i.e. predator-prey).
 - The connectance *C* of a component is the total number of prey interactions plus the total number of predator interactions of that component calculated from the diet matrix.
 - Then the proportional connectance of prey *i* is $PC_i = \frac{C_i}{T}$

• SURF is calculated as follows

•
$$SURF_i = \frac{\sum_{j=1}^n (p_{j,i})^2}{T}$$

• Where p_{ij} is the diet fraction of predator j on prey i (the proportion of the diet of predator j that is made up of prey i).

Figure GCB3 shows the results, for key and non-key LTL species classified according to the MSC definition (as given in CB2.3.18 a: if, when fishing at B/Bo=40%, no single ecosystem group is depleted by more than 70% of its Bo, and no more than 15% of ecosystem groups

are perturbed by more than 40% from their Bo) using the data in Smith et al (2011), of calculating connectance and SURF.



Figure GCB3. PC and SURF scores calculated from EwE ecosystem models presented in Smith et al (2011), plotted against their impact on the ecosystem: category 1 satisfies CB2.3.18a at B/Bo = 40% and is classified as non-key LTL; category 2 fails CB2.3.18a and is classified as key-LTL.

Based on the analyses illustrated in Figure GCB3, the following should be assumed by assessment teams:

- connectance values of less than 4% would normally indicate a non key-LTL stock; values of greater than 8% would indicate a key LTL stock.
- SURF values of less than 0.001 will normally indicate a non-key LTL stock. SURF values of greater than 0.005 will normally indicate a key-LTL stock.

In the intermediate zone, where the classification of the stock is uncertain, further qualitative evidence of predator dependency may be taken into consideration, e.g.:

 if the stock is important in the diets of many higher predators for much of the year ('importance' here might be shown by the species being the preferred diet of a predator, compared to other prey species that also occur in the diet depending on availability; or by the species having higher calorific value or other specific fitness, e.g. for the development of juveniles),

- if land-based colonies of predators (including seals, sea lions, penguins and other birds) are considered particularly dependent on this LTL stock, or
- if large aggregations of other species are known to gather to feed on this LTL stock.

In the absence of a credible quantitative model, assessing the percent of connections will require ecosystem-specific understanding of the food web connections in the whole ecosystem based on a comprehensive species list that identifies links for major prey and predators, particularly dependent predators of the LTL stock in question, and supported by the considerations presented in paragraph f above.

Energy Transfer

- ii. This sub-criterion requires that "a large volume of energy passing between lower and higher trophic levels passes through this stock";
 - Argument to determine whether sub-criterion 1b is triggered may be based on 1) empirical data, 2) credible quantitative models, and/or 3) information about the relative abundance of the LTL stock in the ecosystem.
 - Consumer biomass ratio is calculated as the biomass of the candidate key LTL stock, divided by the biomass of all consumers in the ecosystem (i.e. all ecosystem components that are not primary producers or detritus), i.e. Consumer Biomass Ratio = B_{LTL}/B_{consumers}.
 - Model-based results suggest that any LTL stock that constitutes more than 5% of the consumer biomass in the ecosystem should be regarded as a key LTL stock.
 - The importance of the size of a key LTL stock in determining whether there is a large volume of energy transfer through it will of course depend upon the size of the total energy in the ecosystem, and in the consumer biomass, as defined above.
 - Although the size of the catch of a key-LTL stock is not directly indicative of its likely importance in energy transfer, nevertheless, in approximate terms catch size can be assumed to relate to ecosystem importance and may be used to support a plausible

argument that a LTL species meets, or does not meet, criterion CB2.3.13.b.ii:

- LTL stocks that are subject to small catches (<50,000 t average total catch from the stock over the last 5 years) by small scale fisheries will not normally be key LTL stocks. Catches less than this threshold may still indicate key LTL stocks in cases where they are taken from unusually small ecosystems.
- The situation with LTL stocks that are subject to large catches (e.g. >100,000 t total catches from the stock over the last 5 years) in respect of key-LTL status is less easy to predict. CABs should, however, not assume that these fisheries are accessing non-key LTL stocks.

Wasp-waisted-ness

- iii. The 'wasp-waisted-ness' sub-criterion requires that "there are few other species at this trophic level through which energy can be transmitted from lower to higher trophic levels, such that a high proportion of the total energy passing between lower and higher trophic levels passes through this stock".
 - Simple food webs will be sufficient to determine whether there are significant other functionally similar species (at a similar trophic level) to the candidate LTL stock.
 - Although for the candidate LTL species, the focus is on the adult component of the stock (CB2.3.13a, b), the consideration of other species at the same trophic level should consider all life stages (including juveniles) of those species.
 - Examination of catch statistics of other species of the types listed in Box CB1 or CB2.3.13bi within the same ecosystem may also allow determination of whether there are few significant catches of other species at this trophic level.
 - In ecosystems where the catches of the candidate LTL stock are less than those of all other species at the same trophic level, the ecosystem may be regarded as not wasp-waisted and the candidate stock will not normally be a key LTL stock
- GCB2.3.14 As an example, sardine would be considered a key LTL species in the southern Benguela current system but not in the northern Humboldt system in its current state (as at 2010); if the Humboldt were to shift to a sardine-based rather than an anchovy-based system, it would once again become a key LTL species in that ecosystem. As with other MSC guidance on ecosystem change (for instance relating to climate change, multi-decadal environmental cycles), CABs need to be aware of changes in ecosystem structure and productivity, and assess (in surveillance reports or in assessment / reassessment) the extent to which the fishery has taken these into account, for instance in the case of productivity by adjusting target/limit reference points, or in the case of ecosystem shifts such as above by reconsidering the species against the key LTL species definition.

- G Box CB1 The MSC may, from time to time, modify the list of species in Box CB1, where analyses indicate the consistency of other species with the criteria in paragraph CB2.3.13 b.
- GCB2.3.15 No guidance at this time
- GCB2.3.16 No guidance at this time
- GCB2.3.17 At the SG60 level, fisheries are required to maintain stocks of key LTL species at levels that are sufficient to protect dependent parts of the ecosystem. These minimum requirements are intended to allow for the additional ecosystem demands on key LTL species, over and above their 'single-species' management objectives.
 - Fisheries on key LTL species that adopt target reference points less than 40%B₀ would not meet the SG60 requirement and thus may not be certified. An appropriate guide for the phrase "substantially above" would be 55%B₀, compared to the default assumption of 40%B₀ for B_{MSY}. For other situations where B_{MSY} is analytically determined to be lower or higher than 40%B₀, similar adjustments to the TRP would be appropriate. For example, if B_{MSY}=30%B₀, a TRP of 45%B₀ could also achieve a 60 score. The TRP may not be set below the hard limit of 40%B₀, however, even in cases where B_{MSY} is estimated to be below 25%B₀.
 - Recognising that LTL species may have either steep or shallow stock recruitment relationships (see Myers et al, 1999, Table 1), associated with higher or lower productivity, analytical determination of an LRP in a single species context may suggest a level higher or lower than ½B_{MSY}. However, in order to allow for additional ecosystem needs, departures from the default assumption of LRP=½TRP are only permissible if the single species analytical determination indicates that the LRP should be higher than this level. For instance, if B_{MSY}=30%B₀ and a single-species LRP is analytically determined to be 18%B₀, a TRP of 45%B₀ would be appropriate at SG60 and any LRP lower than 22.5%B₀ would not achieve a 60 score; however, if the single-species LRP was analytically determined to be 25%B₀, this LRP would achieve the SG60 score.
- GCB2.3.18 Estimates for B₀ referred to in CB 2.3.18 and CB2.3.19 can be determined using credible single species or ecosystem models or from robust empirical data such as fishery independent surveys. In the absence of robust estimates for B₀, target fishing mortality rates that would achieve the appropriate target biomass levels can be adopted. In these cases the likely relationship between fishing mortality rates and stock biomass levels should be considered in scoring PI 1.1.2.
 - a No guidance at this time
 - b Point I addresses broader "ecosystem-level" impacts, and point II addresses individual species impacts.
- GCB2.3.19 Estimates for B₀ referred to in CB 2.3.18 and CB2.3.19 can be determined using credible single species or ecosystem models or from robust empirical data such

as fishery independent surveys. In the absence of robust estimates for B_0 , target fishing mortality rates that would achieve the appropriate target biomass levels can be adopted. In these cases the likely relationship between fishing mortality rates and stock biomass levels should be considered in scoring PI 1.1.2.

- GCB2.3.20 No guidance at this time
- GCB2.3.21 Environmental variability is not regarded as an issue that particularly affects fisheries based on key LTL species compared to non-LTL fisheries.

GCB2.4 Stock Rebuilding PI (PI 1.1.3)

Stocks may sometimes score below 80 on PI 1.1.1 in cases of high uncertainty where they do not meet the first (LRP) scoring issue even though the stock is still fluctuating around the TRP.

This PI measures a fishery's performance in relation to the requirements of P1, Criterion 2: the recovery and rebuilding of stocks that are currently depleted. It would normally be assumed that a well constructed harvest strategy would include consideration of the situation where the stock becomes depleted, but that in this situation additional measures may also be required. The PI is a mixture of management and outcome and as for all other Principle 1 PIs the focus is on the whole of the fish stock(s) exploited by the fishery seeking certification.

- GCB2.4.1 See below
 - GCB2.4.1.1No guidance at this time
 - GCB2.4.1.2Stocks scoring less than 80 on PI 1.1.1 normally are considered depleted.
 - GCB2.4.1.3No guidance at this time
 - GCB2.4.1.4No guidance at this time
- GCB2.4.2 Provision for the situation for where the stock becomes depleted should be a normal consideration of a harvest strategy, and could include a pre-agreed strategy which will rebuild stocks to the target reference point so that they once again comply with SG80 of PI 1.1.1.

This PI does not refer to "formal recovery plans", as in some jurisdictions this terminology carries specific legislative or regulatory meaning. The SGs refer to "recovery strategies", which may or may not be binding in a statutory context. The material concerns are that the recovery strategies are in place and, depending on the performance level (60, 80 or 100) are monitored and effective over varying specified timescales.

Examples: In the absence of explicit estimates of B_{MSY} or other biomass reference points for many stocks, examples in Table GCB3 and GCB4 are given to assist teams with interpreting the guidance on PIs 1.1.1 and 1.1.2. It should be noted that the scores given in the examples below are suggested as being appropriate for the situations outlined. Other information relevant to

these points in real fisheries may justify slightly different scores being assigned in those cases.

Table GCB2 – Fishery 1 has been subject to overfishing in the past, but implemented a four-year management plan three years ago, seeking to reduce fishing mortality to F_{MAX} over the four years, in order to avoid sudden dramatic reductions in TAC. According to scientific advice for this fishery, F_{MAX} is a fishing mortality level capable of achieving high long-term yields. It is estimated that, once F_{MAX} is reached, it will take four further years for the stock biomass to reach a level consistent with B_{MSY}. There is an established LRP (B_{LIM}), set as the lowest observed spawning stock biomass level, and corresponding precautionary level (BPA) above BLIM which ensures, when the estimated stock biomass is at or above B_{PA}, it is highly likely that the true stock biomass is above B_{LIM}. The harvest control rules for this fishery have established B_{PA} as a trigger level to allow quicker reductions in fishing mortality should the stock biomass fall below this level. The stock has been above B_{IIM} for the past ten years, and above B_{PA} for the past two years, with an upward trend in stock biomass since the multi-annual management plan was implemented three years ago.

Perform ance Indicator	Score	Rationale
1.1.1	70	Because the stock biomass is above B_{PA} , and taking account of the level at which B_{PA} is set, it is highly likely that the stock is above the point where recruitment would be impaired (B_{lim}). This fulfils the requirements of the first scoring issue under SG80.
		Although there is an implicit biomass target of B_{MSY} (see 1.1.2), the stock is likely not yet at a level consistent with B_{MSY} , as the fishing mortality proxy for F_{MSY} (F_{MAX}) has not yet been realised, and the stock biomass still shows a strong upward trend as fishing mortality is reduced year over year.
		It is considered that the first scoring issue under SG80 is fully met, but the second is not, resulting in an overall score of 70 for the PI.

Table GCB2: Examples of fishery 1 scores on PI 1.1.1, 1.1.2 and 1.1.3

1.1.2	85	Reference points are appropriate for the stock and can be estimated: A biomass limit reference point has been established using stock-recruit data as the point where impaired recruitment is likely, and B _{PA} has been set at a level above B _{lim} taking uncertainty into account. This fulfils the requirements of the first scoring issue under SG100.
		The limit reference point (B_{lim}) is set above the level at which there is an appreciable risk of impairing reproductive capacity, and based on reasonable practice, but does not have extra precaution built in. For Fishery 1, although B_{PA} is used as part of the harvest control rules, B_{lim} is the reference point used as the LRP. This means that on the second scoring issue, the 80 level is achieved, but the 100 level is not.
		While there is no explicit biomass target reference point, there is an implicit biomass target reference point which is consistent with B_{MSY} in that the fishing mortality target adopted in the multi-annual management plan is F_{MAX} , which, for this fishery, is an F_{MSY} proxy according to scientific advice. When reached, maintaining a fishing mortality at F_{MAX} will ensure that the stock is rebuilt to, and maintained at a level consistent with B_{MSY} . This fulfils the requirements of the third scoring issue under SG80.
		Species A is not a low trophic level species. The fourth scoring issue is not assigned a score.
		This PI receives a score of 85 because the requirements of one scoring issue are fulfilled at the 100 level, and two at the 80 level.
1.1.3	80	A rebuilding strategy is in place to get the stock to B_{MSY} , reflected in the F_{MAX} target in the adopted management plan, and corresponding actions being taken to ensure this target is reached. This fulfils the requirements of the first scoring issue under SG80.
		There is evidence that the stock is being rebuilt in that there has been a strong upward trend in the stock biomass since the multi-annual management plan was implemented three years ago, and it has been specified that, once F_{MAX} is reached, it will take a further 4 years to attain stock levels consistent with B_{MSY} . In a total of five years, the stock should be rebuilt to B_{MSY} levels. This meets the requirements under SG80, but not under SG100, because although specified, the rebuilding strategy is not aiming for rebuilding within the shortest practicable period.
		This PI receives a score of 80 because it meets both scoring issues under SG80, but not SG100.

Table GCB3 – Fishery 2. Fishery 2 has implemented a biomass LRP and TRP as B_{LIM} and B_{PA} , respectively, and has set the corresponding target fishing mortality to F_{PA} . The scientific advisory body has reported that for fishery 2, F_{PA} = 0.6, and managing to this level is consistent with a precautionary approach, as B_{PA} has been set at a level where there is a 90% chance that if the estimated stock biomass is at this point, the true stock biomass is above B_{LIM} . B_{PA} is more than two times B_{LIM} . The scientific body has additionally advised that a fishing mortality consistent with achieving high long-term yields falls in the range of 0.2-0.4. The stock has been at or fluctuating around B_{PA} for four years.

PI 1.1.2 would attract the condition of adopting a management strategy including biomass targets consistent with B_{MSY} . It should concurrently be recommended by the CAB that the fishery already be thinking about

harvesting according to a B_{MSY} –consistent target to avoid the situation where, upon fulfilling the condition for PI 1.1.2, they subsequently fall below 80 on 1.1.1, and trigger the need for PI 1.1.3.

Performance Indicator	Score	Rationale
1.1.1	80	It is highly likely that the stock is above the point where recruitment would be impaired, as the estimated stock biomass has been at B_{PA} for the past 4 years, and B_{PA} is a level at which it is highly likely that the true biomass is above B_{lim} (the level of impaired recruitment) as it represents a 90% certainty of being above B_{lim} .
		The stock has been fluctuating around its target reference point (B_{PA}) for 4 years. This is considered to meet the requirements of SG80, but not SG100, because it has not been fluctuating around this point for a sufficiently long period of time (see FAM v2 paragraph 6.2.9), and there is no measure of certainty given around the estimated stock status.
		This PI receives a score of 80, as it meets the requirements of SG80 under both scoring issues, but not SG100.
1.1.2	75	Reference points are appropriate for the stock. They have been estimated for this specific stock by the scientific advisory body taking uncertainty into account. The SG80is met for this scoring issue.
		The limit reference point is set at B_{lim} , determined as the lowest point at which no affect on recruitment was observed. This is reasonable practice, and provides a low risk of impairing reproductive capacity. The SG80 is met for this scoring issue.
		The target reference point is <u>not</u> set such that the stock is maintained at a level consistent with B_{MSY} or a surrogate with similar intent or outcome. Even though the TRP, and the current biomass level, is more than two times B_{lim} , the scientific advisory body states that fishing mortality in the range of 0.2-0.4 would be consistent with maintaining high long-term yields, which we interpret to mean consistent with F_{MSY} . However the TRP used in management is F_{PA} =0.6, which corresponds with B_{PA} . The target biomass reference point is below B_{MSY} or a consistent proxy level.
		Species 2 is not a low trophic level species. The fourth scoring issue is not assigned a score.
		An overall PI score of 75 is assigned, as two of the three relevant scoring issues at the SG80 level have been met.
1.1.3	n/a	

Table GCB3: Examples Fishery 2 scores on PI 1.1.1, 1.1.2 and 1.1.3

- GCB2.4.3 This issue (Status of Stocks Depletion and Recovery) arose when guidance was sought by a CAB about the MSC's interpretation of the P1, Criterion 2 relating to the minimum acceptable level (i.e. SG60) for stock size and the scope that the P1 provides for considering the rebuilding of depleted stocks.
- GCB2.4.4 For example of the second test, if a fishery has a recovery timeframe of 3 generations, within 5 years, it would be required to adopt a rebuilding strategy resulting in a recovery time of no more than 2 generations.

The intent of P1 determines the SG60 for stock size. Because the fishery can pass certification only if all PI scores are SG60 or more, this effectively defines

how depleted the stock may be and still pass. So a stock depleted below the SG60 for stock size cannot pass certification no matter how convincing the recovery plan is.

If a stock recovery plan is included as a condition of certification then the requirements of the condition (i.e. that give a reasonable chance of achieving the SG80 over the timeframe of the certification) determine the target and timeframe of the required stock rebuilding plan.

On this basis, it may be impossible for some stocks to achieve recovery targets in a five year timeframe because of the life history parameters of the species under assessment: growth rate; size or age at maturity or recruitment to the fishery; stock size or age composition; longevity; and, natural mortality, among other things.

GCB2.4.5 No guidance at this time

GCB2.5 Harvest Strategy PI (PI 1.2.1)

Four PIs assess the performance of the harvest strategy. These consider:

- the overall performance of the harvest strategy;
- key elements of harvest strategies:
 - the control rules and tools in place;
 - o the information base and monitoring;
 - the assessment method.

The four Harvest Strategy PIs are expressed in relation to achieving outcomes, in particular the harvest strategy shall be appropriate to achieving the management objectives expressed in the target and limit reference points.

For low trophic level species the target and limit reference points need to take into account the ecological role of the stock for the fishery to score 80 or above under PI 1.1.2. The harvest strategy, control rules, information requirements and assessment also need to be consistent with this distinction for low trophic level species.

This PI scores the overall performance of the harvest strategy, particularly the way that the different elements work together to keep the stock at levels consistent with reference points.

Assessing informal approaches against PI 1.2.1

The RBF infers certain triggers for data-deficient fisheries in the absence of biological based limits. Assessment of data-deficient fisheries against this indicator should consider how elements of the harvest strategy combine to manage impact, such that susceptibility is maintained at or below acceptable levels given the productivity of the species.

The assessment should factor in the likelihood of changes within the fishery that could potentially lead to an increase in the risk of impact from fishing activity over time.

Teams shall further consider how elements of the strategy are combining to ensure that the fishery is moving in the desired direction or operating at a low risk level and that qualitative or semi-quantitative objectives are being achieved.

There should be evidence that the expected objectives are being achieved. Evidence may be demonstrated through local knowledge or research.

CABs should determine the extent to which there is a feedback and learning mechanism to inform the harvest strategy on an ongoing basis. Depending on the scale of the fishery this could be through informal stakeholder processes that are based on local knowledge of the fishery or any other less subjective review process.

See clause GCB3.6for extra guidance on management PIs.

- GCB2.5.1 See below
 - GCB2.5.1.1An evaluation may, for example, range from a subjective stakeholder process in small scale/data deficient (SS/DD) fisheries to quantitative Management Strategy Evaluation (MSE) as appropriate to the fishery.
 - GCB2.5.1.2Testing can include the use of experience from analogous fisheries, empirical testing (for example practical experience of performance or evidence of past performance) and simulation testing (for instance using computer-intensive modelling such as Management Strategy Evaluation (MSE)).
- GCB2.5.2 No guidance at this time

Shark finning

GCB2.5.3 At its December 2011 meeting held in Berlin, the Marine Stewardship Council (MSC) Board of Trustees resolved that fisheries engaged in shark finning will not be eligible for certification to the MSC standard for sustainable fisheries (see Board decision). The Board's decision is based upon international norms and consensus, such as that expressed in the FAO's International Plan of Action for the Conservation and Management of Sharks, as well as scientific and management grounds.

This Scoring Issue (SI) intends to assess the arrangements that are in place to ensure shark finning is not taking place. The SI is a combination of management strategy and implementation.

The intent of the MSC Board of Trustees decision (see above) is that shark finning shall not be undertaken within MSC certified fisheries. The intent of 1.2.1 (e) is to provide a mechanism for scoring a fishery on the level of certainty that a CAB has that shark finning is not taking place. Thus regardless of a fishery's performance against 1.2.1 (e), the CAB should not certify or maintain the certification of a fishery when there is objective verifiable evidence that indicates shark finning is taking place. Objective verifiable evidence could be any documented statement or fact based on observations, measurements or tests which can be verified.

The MSC considers that policy requiring the landing of all sharks with fins naturally attached is the most rigorous approach to ensuring that shark finning is not occurring. However, the MSC recognises that in some fisheries this may be practically difficult to achieve, and therefore also recognises that landing fins and carcases in an appropriate ratio and allowing other processing (e.g. process the body as fish meal) of shark carcases, may be allowed if adequately regulated and observed.

On landing and transhipment, where reference is made to the requirement for fins to be naturally attached to the body in order to facilitate freezing and storage, the fishery could partially cut the fins, including for the purposes of draining blood to avoid ammoniation, and fold them around the carcasses.

- GCB2.5.4 Percentage onboard observer coverage generally refers to fishing effort, although CABs may accept other expressions of coverage. In order to establish whether onboard observer data are representative of the activity of the vessel during a year, and can be relied upon to have detected representative encounters with sharks, CABs could seek evidence for the management system having examined the onboard observer data for consistency with the reported/landed/etc. catches of sharks.' This could be done, for example, by comparing the onboard observer report to the logbooks.
 - GCB2.5.4.1In reference to CB 2.5.5.2c, 2.5.6.2d and 2.5.6.3c., equivalent objective evidence could be effective electronic monitoring (e.g. using VMS-linked video monitoring with a high percentage coverage of fishing activity), along with dockside verification of catch.
- GCB2.5.5 See below
 - GCB2.5.5.1t is recognised that fisheries not engaged in shark finning may find it difficult to comply with fins naturally attached regulations. In that cases where a ratio of shark fins to shark carcass is used by the management system to ensure that shark finning is not occurring, a default of 5% fin:carcass wet weight should be used, unless an alternative can be objectively justified by the management system (e.g. where it is scientifically accepted that the ratio of fins: carcass for a species differs from 5%).
 - Regulations refers to regulations governing the management of sharks including but not limited to prohibiting shark finning, such as ratified RFMO conservation measures, national or international MOUs or agreements, implementation of NPOAs on sharks, national legislation, etc.
 - GCB2.5.5.2The removal of fins from a landed shark during processing does not conform to the MSC definition of shark finning. The removal of fins alone does not count as processing, and if the carcass was discarded would conform to the MSC definition of shark finning. Note that:

- Processing should involve the transformation and the retention of a substantial part of the shark apart from the fins.
- Retention of a minor body part, such as teeth, should not be count.
- a. See GCB2.5.5.1a
- b. When sharks are processed onboard the number of animals taken should be recorded as specified in the reporting template. The CAB could validate recorded data by using a 'conversion factor' to calculate how much shark product is equivalent to the original live sharks.
- GCB2.5.6 No guidance at this time

GCB2.6 Harvest Control Rules & Tools PI (PI 1.2.2)

This PI assesses the control rules and actions that management takes in response to changes in the fishery and/or changes in status in relation to reference points.

Teams should apply this PI as an assessment of the design and plausibility of HCRs and management tools to control exploitation of the whole stock(s) under assessment.

HCRs and/or management tools should be based on plausible hypotheses about resource dynamics and be reasonable and practical, meaning that those measures possess a substantial likelihood of success. The basis for plausibility and practicality of design should be considered in relation to the scale and intensity of the fishery, for instance utilising empirical information; relevant science; or model based approaches such as MP and MSE.

The requirement that an HCR reduces exploitation rates as the limit reference point is approached should not always be interpreted as requiring the control rule to deliver an exploitation rate that is a monotonically decreasing function of stock size.

- Any exploitation rate function may be acceptable so long as it acts to keep the stock above the limit reference point and attempts to maintain the stock at the target reference point.
- This outcome includes the requirement that the HCR should act to cause stocks to rebuild to the target reference point when they are below it; maintenance of a stock at a level just above the limit reference point would not be acceptable.
- A reduction of exploitation rate may not always mean that the control rule requires a reduction in "total" exploitation rate, but instead could for instance involve reducing exploitation rate on parts of the stock (e.g., by age or sex).
- Reductions in exploitation rate are assumed to primarily refer to reductions in catches and effort, and not to gear modifications unless these have the effect of reducing catches/effort.

The requirement that the control rules and/or management actions are designed to take into account uncertainty can be supported by testing. Testing can include the use of experience from analogous fisheries, empirical testing (for example practical experience of performance or evidence of past performance) and simulation testing (for instance using computer-intensive modelling such as MSE).

Assessing informal approaches

CABs should assess the extent to which there are management tools and measures in place that are consistent with ensuring that susceptibility of the target species to removal is no higher than that which would cause the risk to the target species to be above an acceptable risk range. Measures could be spatial, temporal, or changes to gear overlap.

Assessments should also consider measures in place to respond to changes in the fishery. For example, by reducing susceptibility of target species when the fishery is not heading in the direction of its objectives.

GCB2.7 Information Monitoring PI (PI 1.2.3)

This PI addresses the information base for the management of the target stocks. The information and monitoring required for the management of stocks should only include that which is needed to inform the harvest strategy, HCRs and control tools.

The intent of SG60 is that while only a limited amount of information may be available and regularly monitored this would normally be considered sufficient to support the HCR under the most likely stock hypothesis.

Information is required:

- to undertake assessment of stock status;.
- to inform the design of a harvest strategy and effective HCRs;
- for the effective operation of harvest control tools.

GCB2.7.1 Information categories could include:

- **Stock structure** could incorporate information describing the distribution and geographical range of the stock, the relationship of the geographical range to the harvest control, and the age, size, sex and genetic structure of the stock.
- **Stock productivity** could incorporate maturity, growth, natural mortality, density dependent processes, the stock recruit relationship and fecundity.
- Fleet composition could incorporate information on associated effort by gear type/method of capture, including fleet characteristics in both targeted and non-targeted fisheries taking the species. The general assumption is that information is required for the stock as a whole, but
better information would usually be expected from the fishery unit that is being assessed.

- Stock abundance could incorporate information relating to absolute or relative abundance indices including recruitment, age, size, sex and genetic structure of the stock. Reflecting the guidance on surrogate measures under PI 1.1.2, the requirement for 'stock abundance' information at SG60 and SG80 may be met by the use of surrogate indicators that provide an adequate proxy for stock abundance.
- Fishery removals could incorporate information describing the level, size, age, sex and genetic structure of landings, discards, illegal, unreported, unregulated, recreational, customary and incidental mortality of the target stock by location and method of capture. Information is required for the stock as a whole, but better information would usually be expected from the fishery being assessed.
- **Other data** may include environmental information such as temperature, weather and other factors that may influence fish populations and fishing.
- GCB2.7.2 The intent behind the consideration in SG80 that additional information should be available that may not be directly relevant to the current harvest strategy, is that the information monitoring system should take into account information relevant to a wider set of possible stock hypotheses than addressed by the current harvest strategy. This is essentially "future proofing" the management system against alternative hypotheses and changes in the system.

The distinction between scoring issues b and c for PI 1.2.3 at SG80 relates to the relative amount or quality of information required on fishery removals.

Scoring issue b relates to fishery removals specifically by those vessels covered under the unit of certification which need to be regularly monitored and have a level of accuracy and coverage consistent with the harvest control rule.

The reference to 'other' fishery removals in scoring issue c relates to vessels outside or not covered by the unit of certification. These require good information but not necessarily to the same level of accuracy or coverage as that covered by the second scoring issue.

See clause GCB3.7 for more guidance on information PIs and discards data collection methods.

GCB2.8 Assessment of Stock Status PI (PI 1.2.4)

This PI considers how the fishery assesses information to provide an understanding of stock status and the effectiveness of the harvest strategy. Some harvest strategies assess stock status using empirical indicators and do not require use of quantitative assessment models. In such cases, the Assessment PI will be scored relative to the robustness of that indicator (which may also have contributed to the score for the Information PI). This PI refers to stock assessments but in some circumstances, particularly under SG100, it may be useful to consider if MP/MSE approaches were used to test the robustness of the stock assessment to uncertainty and alternative hypotheses.

For some harvest strategies stock assessment methods may not be model based but based on stock status relative to empirical reference points (e.g., catch rate, density, survey abundance, among other things), and decision rules may be constructed of rules using these indices rather than analytical assessments. Other harvest strategies may utilise complex analytical models.

GCB3 Principle 2

GCB3.1 General requirements for Principle 2

P2 considerations have been categorised into five components; which are considered to cover the range of potential ecosystem elements that may be impacted by a fishery:

- **Retained species**: Species that are retained by the fishery (usually because they are commercially valuable or because they are required to be retained by management rules).
- **Bycatch species**: Organisms that have been taken incidentally and are not retained (usually because they have no commercial value).
- ETP species: Endangered, Threatened or Protected Species.
- Habitats: The habitats within which the fishery operates.
- **Ecosystem**: Broader ecosystem elements such as trophic structure and function, community composition, and biodiversity.
- GCB3.1.1 The separation of these components should enable assessments to be focused on the different objectives and expectations of management, and the different strategies used to manage a fishery's impact.

To clarify the difference between the Ecosystem component and other components. In general:

- the Ecosystem component establishes the performance against which to assess the indirect impacts of fishing on the wider ecosystem;
- the Retained species, Bycatch species and Habitats components establish the performance against which to assess the direct impacts of fishing on those components of the ecosystem;
- the ETP component considers both indirect and direct impacts.

The reasons for separating Retained species and Bycatch species components in the default tree are:

- to recognise that information on species which are typically discarded and are of nuisance value to a fishery may often be more difficult to obtain than for species which are retained and of commercial value; and
- to allow the identification of those species that are caught by the fishery, but are not included in the unit of certification, but from which the fishery may derive some income and may, on occasion, influence the operation of the fleet in a way that makes their catch more likely.
 - This may increase the risk of the fishery on these retained species, and the assessment against the MSC Principles and Criteria should take account of this possibility.
 - In contrast, those bycatch species which are truly of nuisance value to the fishery, and are discarded, are unlikely ever to provide an incentive for increased catches.
- GCB3.1.2 For example, when considering a seabird species taken as bycatch that is also listed as threatened under relevant national legislation, a team would recognise that the species is primarily managed as an ETP species and it will only be considered when scoring the 'ETP species' PIs, and not in the scoring of 'Bycatch species' PIs. In addition, the wider ecosystem impacts of, for instance, retained catch removals should also be considered under the Ecosystem component.
 - **GCB3.1.2.1** The total impact of the fishery on all components in P2 needs to include observed and unobserved fishing mortality:
 - Observed mortality:
 - o catches;
 - o discards including slippage.
 - Unobserved fishing mortality, which is the sum of all individual mortalities in a fishery resulting directly from capture or indirectly from contact with or avoidance of fishing gear can include, but is not limited to:
 - o illegal fishing and/or unregulated catches;
 - o drop out mortality;
 - fish and/or shellfish that are injured and subsequently die as result of coming in contact with fishing gear;
 - o ghost fishing;
 - fish that are stressed and die as a result of attempting to avoid being caught by fishing gear.

Under each of the five P2 components there are three PIs:

- An 'Outcome' PI that considers the status of the impact or the risk that the fishery poses to that component.
- A 'Management Strategy' PI that considers the basis, reliability and implementation of the management strategy for the component.

- An 'Information' PI that considers the nature, extent, quality and reliability of the monitoring and information that is relevant to:
 - o developing and implementing the management strategy;
 - o measuring the outcomes of the strategy.

GCB3.1.3 No guidance at this time

GCB3.2 General Requirements for Outcome PIs

The Outcome PI provides a measure of the status of each component. For most fisheries this single indicator will reflect the interactions of the fishery with many species and species groups within the P2 component.

For the **Retained Species** and **Bycatch Species** components of P2, the PISGs are structured with reference to avoiding serious or irreversible harm to the component from fishing.

- The SGs refer to being 'within' biologically based limits because these limits may take many forms and may be expressed as upper or lower limits in relation to the index that is being measured. B_{LIM} and F_{LIM} are common single-species biologically based limits, but proxies are acceptable, depending on the information that is available and nature of the ecosystem feature of concern (for example, percent of an area impacted by a fishery).
- "Within" means on the precautionary side of a limit, for example, above B_{LIM} or below F_{LIM}.

For the **Habitats** and **Ecosystem** components, the concept of 'serious or irreversible harm' refers to change caused by the fishery that fundamentally alters the capacity of the component to maintain its function or to recover from the impact.

- This may also be interpreted as seriously reducing the ecosystem services provided by the component to the fishery, to other fisheries and human uses.
- Irreversible harm from fishing includes very slowly reversible harm that is
 effectively irreversible on time-scales of natural ecological processes (e.g.
 natural perturbation, recovery and generation times in the absence of
 fishing, normally one or two decades but may be shorter or longer
 depending on the species and ecosystem concerned).
- Examples of serious or irreversible harm include local or global extinction, serious recruitment overfishing, habitat loss on scales that have widespread detrimental consequences for the ecosystem services provided by the habitat (e.g. gross change in species composition of dependent species), and loss of resilience resulting in trophic cascades, fishery mediated regime shifts, etc. Explicit targets may not be appropriate or available for all of the components, in some cases because there is no scientific or general consensus on appropriate targets.

• While performance in relation to targets can be introduced where appropriate, the generic performance requirements relate to increasing confidence and safety margins with which serious or irreversible harm is avoided, including through the management tools, measures and strategies that are in place.

Several PIs and SGs use the phrase '*do not hinder*' recovery or rebuilding. This should be interpreted as not materially or significantly impeding recovery or rebuilding, and relates to the impact of the fishery rather than change in the absolute status of the component.

- If there is a formally planned recovery then the management of the fishery shall be consistent with that plan and the fishery should not prevent the planned recovery from being achieved in the intended timeframe.
- If there is no formally planned recovery then the fishery would permit recovery on a timeframe that is consistent with the natural dynamics of the species.

The components of P2 may be subject to human impact from sources other than the assessed fishery. For example, retained or bycatch species may be target species in other fisheries, while habitats and ecosystem processes may be impacted by coastal zone or other development or introduced species. The SGs in P2 are structured to first address the status of the component.

- If the status is low, for whatever reason, then the operative P2 assessment issue is then if the fishery is hindering recovery. This is different to the treatment of target species in P1, where low status would preclude certification irrespective of the cause of that low status. For example if a retained or bycatch species in the assessed fishery is depleted as a result of targeting in other fisheries then the P2 assessment would be based on the impact of the assessed fishery on recovery of the depleted species, even if no effort was being made to recover the species in the other fisheries.
- The assessment is based on the 'marginal contribution' that this fishery makes to the status or recovery of the component under consideration. This could be determined in a practical way by examining likely population trajectories if all the other fisheries reduced their catches to zero (i.e., the only catches were being taken by the fishery under assessment). If the fishery is not the root cause of human impacts on the component then actions of the fishery cannot redress the situation. However in any event the fishery is required not to hinder recovery or rebuilding.

Confidence and risk

Increasing scores require increasing confidence in the assessment of outcome status and adequacy of management measures or strategies. For most components:

- the 60 SG is 'likely' to be;
- the 80 SG is 'highly likely' to be;

 the 100 SG has a 'high degree of certainty' of being within biologically based limits.

These terms may be interpretable either qualitatively (e.g. through analogy with similar situations, plausible argument, empirical observation of sustainability and qualitative risk assessment) or quantitatively (e.g. through measured data from the relevant fishery, statistical analysis, quantitative risk assessment and quantitative modelling).

- GCB3.2.1 No guidance at this time
- GCB3.2.2 Direct observations and quantitative analysis are often limited in P2 components and so there may be a greater reliance on qualitative interpretations. Achieving an 80 score through qualitative assessment would typically require the risk to be very low and for there to be ongoing monitoring in place to provide measurement of continued performance. A long history of stability or continuity in the fishery when monitored and managed on the basis of qualitative assessments or expert judgements can provide good evidence for sustainability of the fishery.
- GCB3.2.3 No guidance at this time
- GCB3.2.4 Specifics relating to application of these terms and probability levels in relation to Habitats and Ecosystem components are discussed under the Outcome PI for each component.

GCB3.3 General Requirements for Management Strategy PIs

These PIs intend to assess the arrangements that are in place to manage the impact that a fishery has on the component. The SGs contain a mixture of requirements for either measures to be in place or strategies. To clarify the difference:

- "Measures" are individual actions or tools that may be in place either explicitly to manage impacts on the component or coincidentally, being designed primarily to manage impacts on another component, indirectly contribute to management of the component under assessment. For example, the closure of an area may have primarily been put in place to avoid the catch of juvenile target species and enhance target species sustainability. It may also have a beneficial effect on the bycatch of sensitive species such as other juvenile finfish. If such a measure were effective in assisting the fishery to achieve the SG80 level for the Bycatch species Outcome PI then this could be considered as a management measure under the Bycatch species Management Strategy PI.
- A "strategy" represents a cohesive and strategic arrangement which may comprise one or more measures, an understanding of how it/they work to achieve an outcome and which should be designed to manage impact on that component specifically. A strategy needs to be appropriate to the scale, intensity and cultural context of the fishery, and could include voluntary or customary arrangements, agreements or practices, codes of practice (if they can be demonstrated to be working). A strategy should

contain mechanisms for the modification fishing practices in the light of the identification of unacceptable impacts.

- A "**partial strategy**" represents a cohesive arrangement which may comprise one or more measures, an understanding of how it/they work to achieve an outcome and an awareness of the need to change the measures should they cease to be effective. It may not have been designed to manage the impact on that component specifically.
- A "comprehensive strategy" (applicable only for ETP component) is a complete and tested strategy made up of linked monitoring, analyses, and management measures and responses.

This is because information is required to ensure and continue to confirm that the fishery has no impact upon that component.

Objective Basis for Confidence. Throughout the default tree there is a gradient from 60 to 100 in the performance requirement regarding the basis for the conclusions that can be drawn in an evaluation.

- The first level is information that can provide a basis for inference about the impacts of fishing is expert knowledge. This is acquired from diverse sources, including studies that may have been conducted in the area although not for the purpose of certification, studies of the same or similar species or ecosystems in other places, established ecological theory and modelling, and community or experiential knowledge.
- The next level of information has that expert knowledge augmented by some information collected in the area of the fishery, and about the specific component(s) and/or fishery being considered. The information should have been collected in a sound manner, but might be opportunistically collected rather than collected as part of a systematic monitoring program or a research project targeted on the specific component. How extensive that more specific information may vary, but should be appropriate to the scale and intensity of the fishery.
- The highest level of information has all the preceding information augmented by relatively complete information on the component, and much of that information should come from systematic monitoring and/or research. This does not mean that information exists on everything, particularly for the Habitats and Ecosystem components, but information is reliable and complete for all the major points of interaction between the fishery and component, to a level of detail appropriate to the scale and intensity of the fishery.
- GCB3.3.1 For example, if there are no "main" retained species then a management strategy would not be required at SG60 or SG80.
- GCB3.3.2 To meet the requirement at SG100 this may simply comprise a statement of intent about continuing to have no impact and ongoing monitoring to ensure that no impact occurs.

GCB3.4 No guidance at this time

GCB3.5 Retained Species Outcome PI (PI 2.1.1)

- GCB3.5.1 The retained catch can still be a valuable catch in the fishery, if it is targeted or taken incidentally, and there is thus an economic incentive for capture.
- GCB3.5.2 Both SG60 and SG80 use the qualifier 'main retained species'. 'Main' allows consideration of the weight, value or vulnerability of species caught. For instance, a species that comprises less than 5% of the total catch by weight may normally be considered to be a minor species (i.e., not 'main') in the catch, unless it is of high value to the fisher or of particular vulnerability, or if the total catch of the fishery is large, in which case even 5% may be a considerable catch. A species that normally comprises 20% or more of the total catch by weight would almost always be considered a 'main' retained species.

Main retained species' should also include any LTL species that may be currently in a low abundance regime but may be expected to increase again in future to the point of becoming a key LTL species.

Shark fins are considered to have high commercial value. Thus, when a fishery trades shark fins, the shark will be considered a main retained species, even when sharks comprise less than 5% of the catch

SG60 for P2 retained species is consistent with the Stock Status PI for P1. There is an additional consideration in P2 to recognise that the status of some retained species, especially those that are not targeted, may be very uncertain. Consequently, SG60 reflects acceptance that the management system may rely on measures and practices that make it unlikely that this fishery could seriously deplete the population or hinder recovery (e.g. practices expected to result in very low fishing mortality), even if the status of the species is very uncertain.

Although SG80 only makes reference to biologically based limits, there is a requirement at SG100 that retained species are at or fluctuating around a target reference point. Retained species will often be taken in multi-species complexes. In a multi-species fishery context, the target levels of biomass or fishing mortality for some species that would be acceptable at SG100 may be different from that usually applied to a single species, although in all cases should result in retained species having a low risk of serious or irreversible harm.

- GCB3.5.3 No guidance at this time
- GCB3.5.4 Quantitative assessments can include methods such as yield per recruit or catch curve analysis.
- GCB3.5.5 No guidance at this time

GCB3.6 Retained Species Management Strategy PI (PI 2.1.2)

The intent of this PI intends to assess the arrangements in place to manage the impact that a fishery has on the retained species to ensure the fishery does not pose a risk of serious or irreversible harm to retained species.

The different types of arrangement are clarified in GCB3.3.

The arrangements in place to manage impacts on the retained species may also include measures to reduce discards of such species, which could include, but are not limited to (from Section 7.3,FAO, 2010):

- input and/or output controls;
- the improvement of the design and use of fishing gear and bycatch mitigation devices;
- spatial and temporal measures;
- limits and/or quotas on by catches;
- bans on discards, where applicable, providing that the retained catch cannot be released alive and is utilised in a manner that is consistent with the FAO Code of Conduct for Responsible Fisheries; and;
- incentives for fishers to comply with measures to manage bycatch and reduce discards.
- GCB3.6.1 No guidance at this time
- GCB3.6.2 At its December 2011 meeting held in Berlin, the Marine Stewardship Council (MSC) Board of Trustees resolved that fisheries engaged in shark finning will not be eligible for certification to the MSC standard for sustainable fisheries (see Board decision). The Board's decision is based upon international norms and consensus, such as that expressed in the FAO's International Plan of Action for the Conservation and Management of Sharks, as well as scientific and management grounds.

This Scoring Issue (SI) intends to assess the arrangements that are in place to ensure shark finning is not taking place. The SI is a combination of management strategy and implementation.

The intent of the MSC Board of Trustees decision (see above) is that shark finning shall not be undertaken within MSC certified fisheries. The intent of 2.1.2(e) is to provide a mechanism for scoring a fishery on the level of certainty that a CAB has that shark finning is not taking place. Thus regardless of a fishery's performance against 2.1.2 (e), the CAB should not certify or maintain the certification of a fishery when there is objective verifiable evidence that indicates shark finning is taking place. Objective verifiable evidence could be any documented statement or fact based on observations, measurements or tests which can be verified.

The MSC considers that policy requiring the landing of all sharks with fins naturally attached is the most rigorous approach to ensuring that shark finning is not occurring. However, the MSC recognises that in some fisheries this may be practically difficult to achieve, and therefore also recognises that landing fins and carcases in an appropriate ratio and allowing other processing (e.g. process the body as fish meal) of shark carcases, may be allowed if adequately regulated and observed.

On landing and transhipment, where reference is made to the requirement for fins to be naturally attached to the body in order to facilitate freezing and storage, the fishery could partially cut the fins, including for the purposes of draining blood to avoid ammoniation, and fold them around the carcasses.

- GCB3.6.3 Percentage onboard observer coverage generally refers to fishing effort, although CABs may accept other expressions of coverage. In order to establish whether onboard observer data are representative of the activity of the vessel during a year, and can be relied upon to have detected representative encounters with sharks, CABs could seek evidence for the management system having examined the onboard observer data for consistency with the reported/landed/etc. catches of sharks.' This could be done, for example, by comparing the onboard observer report to the logbooks.
 - GCB3.6.3.1In reference to CB 3.6.5.2c, 3.6.6.2d and 3.6.6.3c., equivalent objective evidence could be effective electronic monitoring (e.g. using VMS-linked video monitoring with a high percentage coverage of fishing activity), along with dockside verification of catch.
- GCB3.6.4 See below
 - GCB3.6.4.1t is recognised that fisheries not engaged in shark finning may find it difficult to comply with fins naturally attached regulations. In that cases where a ratio of shark fins to shark carcass is used by the management system to ensure that shark finning is not occurring, a default of 5% fin:carcass wet weight should be used, unless an alternative can be objectively justified by the management system (e.g. where it is scientifically accepted that the ratio of fins: carcass for a species differs from 5%).
 - Regulations refers to regulations governing the management of sharks including but not limited to prohibiting shark finning, such as ratified RFMO conservation measures, national or international MOUs or agreements, implementation of NPOAs on sharks, national legislation, etc.
 - GCB3.6.4.2The removal of fins from a landed shark during processing does not conform to the MSC definition of shark finning. The removal of fins alone does not count as processing, and if the carcass was discarded would conform to the MSC definition of shark finning. Note that:
 - Processing should involve the transformation and the retention of a substantial part of the shark apart from the fins.
 - Retention of a minor body part, such as teeth, should not be count.
 - a. See GCB2.5.5.1a
 - b. When sharks are processed onboard the number of animals taken should be recorded as specified in the reporting template. The CAB

could validate recorded data by using a 'conversion factor' to calculate how much shark product is equivalent to the original live sharks.

GCB3.7 Retained Species Information / Monitoring PI (PI 2.1.3)

This PI addresses the information base for the management of the retained species. The information and monitoring required of the retained species should include that which is needed to determine the risk posed by the fishery and the effectiveness of the strategy to manage retained species.

Information is required to be estimated sufficient to estimate the stock status, or, undertake the assessment of the impacts of the fishery and inform the management of retained species.

Information on the amount of main retained species taken by the fishery should include:

- observed fishing mortality (including discards and slippage); and
- unobserved mortality arising from fishing.

Discards may be estimated through:

- observer programmes;
- interviews with fishers;
- research programmes;
- electronic monitoring;
- other technologies such as cameras;
- logbooks;
- inspection of fishing vessels and gear prior to the commencement of fishing operations;
- co-management and community-based management.
- GCB3.7.1 No guidance at this time
- GCB3.7.2 The scoring issues in brackets only refer to assessments for which quantitative information is available to assess the fishery, so these scoring issues should not be scored for scoring elements that do not have the quantitative information available.

GCB3.8 Bycatch Species Outcome PI (PI 2.2.1)

GCB3.8.1 The outcome PISG requirement levels are similar to those for retained species. SG60 may rely on measures and practices that make it unlikely that this fishery could seriously deplete the population or hinder recovery (e.g. practices expected to result in very low fishing mortality), even if the status of the species is very uncertain. GCB3.8.2 'Main' for this PI allows consideration of the catch size or vulnerability of species caught. For instance, a species that comprises less than 5% of the total catch by weight may normally be considered to be a minor species (i.e., not 'main') in the catch, unless it is of particular vulnerability or if the total catch of the fishery is large, in which case even 5% may be a considerable catch. On the other hand a species that normally comprises 20% or more of the catch by weight would almost always be considered a 'main' bycatch species.

The terms 'likely' and 'highly likely' in SG60 and SG80 may be addressed qualitatively or quantitatively, but SG100 would usually require quantitative evidence and exceptions would need strong justification of very low risk over the period of proposed certification.

If there are no bycatch species in the fishery, or bycatch is exceptionally rare and negligible in its impact, then the fishery would meet SG100.

GCB3.9 Bycatch Species Management Strategy PI (PI 2.2.2)

Guidance GCB3.6 applies here.

GCB3.10 Bycatch Species Information / Monitoring PI (PI 2.2.3)

GCB3.10.1 Guidance GCB3.7 applies here.

GCB3.10.2 The scoring issues in brackets only refer to assessments for which quantitative information is available to assess the fishery, so these scoring issues should not be scored for scoring elements that do not have the quantitative information available

GCB3.11 ETP Species Outcome PI (PI 2.3.1)

GCB3.11.1 See below

- a No guidance at this time
- b See below
 - i. Species listed under CITES Appendix 1 shall be considered ETP species, unless it can be shown that the particular stock of the CITES listed species impacted by the fishery under assessment is not endangered. For example, if a species is listed in CITES Appendix 1 because it is endangered in the Pacific, and the fishery under assessment is catching the Atlantic stock which is not endangered, then the stock does not have to be assessed under the ETP component.
- GCB3.11.2 Examples of species/stocks that should be assessed under Retained or Bycatch Species, but for which confusion may exist include species on non-binding lists (e.g. the IUCN Red List), or those recognised at intergovernmental level (e.g. FAO International Plans of Action).

GCB3.11.3 No guidance at this time

GCB3.11.4 No guidance at this time

GCB3.12 ETP Species Management Strategy PI (PI 2.3.2)

No guidance at this time

GCB3.13 ETP Species Information / Monitoring PI (PI 2.3.3)

- GCB3.13.1 No guidance at this time
- GCB3.13.2 The scoring issues in brackets only refer to assessments for which quantitative information is available to assess the fishery, so these scoring issues should not be scored for scoring elements that do not have the quantitative information available.

GCB3.14 Habitats Outcome PI (PI 2.4.1)

Definitions for "habitat", "habitat structure", and "habitat function" have been added to the Vocabulary (AA3).

GCB3.14.1 Usually habitats impacted by the fishery are bottom habitats rather than pelagic habitats, but impacts on the biotic aspects of pelagic habitats could be considered.

If a benthic habitat is being assessed, the team may consider the following points:

- Substratum sediment type (e.g., hard substrate)
- Geomorphology seafloor topography (e.g., flat rocky terrace)
- Biota dominant floral and/or faunal group(s) (e.g., kelp forest and mixed epifauna, respectively)

While the productivity and regenerative ability of biogenic habitats would affect their resilience under fishing, and may be useful surrogates for consideration of status and reversibility, it is the ecological function of the habitat and the ecosystem services that it provides that is the intent of assessment.

• For example particular habitats may determine the carrying capacity of target, bycatch or ETP species, and a mosaic of habitats may be necessary for some species to complete their life cycle or determine the overall composition of the ecological community.

- GCB3.14.2 Examples of serious or irreversible harm include the loss (extinction) of habitat types, depletion of key habitat forming species or associated species to the extent that they meet criteria for high risk of extinction, and significant alteration of habitat cover/mosaic that causes major change in the structure or diversity of the associated species assemblages.
- GCB3.14.3 For example if a habitat extends beyond the area fished then the full range of the habitat should be considered when evaluating the effects of the fishery. The 'full range' of a habitat shall include areas that may be spatially disconnected from the area affected by the fishery and may include both pristine areas and areas affected by other fisheries.

Knowledge of the structure and role of habitats is often limited, and there is not general or widespread agreement on the equivalence of targets and limits for fishery impacts.

- GCB3.14.4 No guidance at this time
- GCB3.14.5 No guidance at this time
- GCB3.14.6 No guidance at this time

GCB3.15 Habitats Management Strategy PI (PI 2.4.2)

No guidance at this time

GCB3.16 Habitats Information / Monitoring PI (PI 2.4.3)

No guidance at this time

GCB3.17 Ecosystem Outcome PI (PI 2.5.1)

The Ecosystem component considers the broad ecological community and ecosystem in which the fishery operates.

PI 2.5.1 requires that "the fishery does not cause serious or irreversible harm to the key elements of ecosystem structure and function." GCB3.17.2 confirms that such harm may reflect "depletion of top predators and trophic cascade through lower trophic levels caused by depletion of key prey species in 'wasp-waist' food webs. Assessments of the risks of "serious or irreversible harm" to the ecosystem in PI 2.5.1 may be made in reference to the maximum levels of impacts allowed under CB2.3.18 b. While PI 1.1.2 scores the setting of TRPs and the theoretical evidence that they will achieve the allowed impact levels, PI 2.5.1 scores the evidence that such levels are being achieved in practice.

GCB3.17.1 The Ecosystem component does not repeat the status assessment of these elements individually but rather considers the wider system structure and function - although if all these components scored highly it might be expected that the Ecosystem component would also score highly. The Ecosystem component addresses system-wide issues, primarily impacted indirectly by the fishery, including ecosystem structure, trophic relationships and biodiversity.

- GCB3.17.2 Serious or irreversible harm in relation to the capacity of the ecosystem to deliver ecosystem services could include:
 - trophic cascade (i.e. significantly increased abundance, and especially decreased diversity, of species low in the food web) caused by depletion of predators and especially 'keystone' predators;
 - depletion of top predators and trophic cascade through lower trophic levels caused by depletion of key prey species in 'wasp-waist' food webs;
 - severely truncated size composition of the ecological community (e.g. greatly elevated intercept and steepened gradient in the community size spectrum) to the extent that recovery would be very slow due to the increased predation of intermediate-sized predators;
 - gross changes in the species biodiversity of the ecological community (e.g. loss of species, major changes in species evenness and dominance) caused by direct or indirect effects of fishing (e.g., discarding which provides food for scavenging species);
 - change in genetic diversity of species caused by selective fishing and resulting in genetically determined change in demographic parameters (e.g. growth, reproductive output).

Relatively few fisheries would have the information needed to address ecosystem issues quantitatively, and usually they will be assessed using surrogates, analogy, general observations, qualitative assessment and expert judgement. Harm to ecosystem structure is normally inferred from impacts on populations, species and functional groups, which can often be measured directly. Harm to ecosystem functions is normally inferred from impacts on ecosystem processes and properties such as trophic relationships, community resilience etc. and often have to be inferred from conceptual or analytical models or analyses.

- GCB3.17.3 No guidance at this time
- GCB3.17.4 No guidance at this time
- GCB3.17.5 No guidance at this time

GCB3.18 Ecosystem Management Strategy PI (PI 2.5.2)

- GCB3.18.1 See the guidance on 'measures' provided in the General Guidance section GCB3.1, GCB3.3.
- GCB3.18.2 No guidance at this time

GCB3.19 Ecosystem Information / Monitoring PI (PI 2.5.3)

GCB3.19.1 Key ecosystem elements may include trophic structure and function (in particular key prey, predators, and competitors), community composition, productivity pattern (e.g. upwelling or spring bloom, abyssal, etc.), and characteristics of biodiversity.

GCB3.20 Principle 2 Phrases

Throughout the P2 section of the default tree care has been to taken to have a number of key words and phrases always mean the same thing. The requirements about the content of the PISG tables sometimes provides explanatory text about a specific key word or phrase, to avoid being cryptic about the intent of a specific PI or SG. However, the use of explanatory text is not to be taken as restrictive on the meaning of the word or phrase in these individual applications.

GCB3.20.1 Further guidance to Table CB24 is provided in Table GCB6.

Term	Definition and discussion
Biologically based limits	B_{LIM} and F_{LIM} are common single-species biologically based limits, but many proxies are acceptable to these specific limits, depending on the information that is available and nature of the ecosystem feature of concern (for example, percent of an area impacted by a fishery).
	The wider role of the component in the ecosystem is recognised in identifying biologically based limits, and for example the Biologically Based Limits may be modified so as to avoid excessive depletion of dependent predators.
Broadly understood	Examples of "Main features" are characteristics of trophic structure (e.g. key predators, prey species, and competitors of a species), pattern of productivity (e.g. upwelling system, major spring bloom, etc); presence of strong bottom-up, wasp-waist, or top-down control; and main aspects of biodiversity and community composition (e.g. relatively species rich or poor given the latitude and depth, high or low dominance of the most common species), etc.
Does not hinder	Sometimes a species is depleted or otherwise experiencing very low productivity for reasons that are unrelated to the impacts of the fishery of concern (e.g. impacts of other fisheries, highly unfavourable environmental conditions, effects of contaminants on reproduction, etc.). Hence it is appropriate to evaluate this component relative to the impact of the fishery on the species, and not actually require evidence that the status of the species is improving. Sometimes a species is depleted or otherwise experiencing very low productivity for reasons that are unrelated to the fishery.

 Table GCB6: Further explanation and examples of Principle 2 Phrases

GCB4 Principle 3

GCB4.0 General requirements for Principle 3

The intent of P3 is to ensure that there is an institutional and operational framework, appropriate to the size and scale of the fishery, for implementing P1 and P2 that is capable of delivering sustainable fisheries in accordance with the outcomes articulated by P1 and P2. The P3 default tree structure divides the PIs

into two components as shown in Figure CB3 in Annex CB of the CR and summarised below.

'Governance and Policy' captures the broad, high-level context of the fishery management system within which the fishery under assessment is found. Performance elements within this component include:

- The legal and/or customary framework that overarches the fishery, including fisheries that are subject to international cooperation for management of the stock, and possibly other fisheries under the same management framework.
- the consultation processes and policies;
- the articulation of the roles and responsibilities of people and organisations within the overarching management system;
- other overarching policies supporting fisheries management.

'Fishery Specific Management System' focuses the team on the management system directly applied to the fishery undergoing assessment. The focus should be on the management system of the UoC, which for some fisheries will include both national and international components. Pls under this component consider::

- the fishery-specific management objectives (i.e. fishery management objectives for the fishery under assessment, specifically);
- the decision-making processes in the relevant fishery;
- the fishery's compliance and enforcement system and implementation;
- research planning and monitoring;
- evaluation of the performance of the fishery's management system.

This guidance is most relevant to the following PIs:

- 3.1.2 Consultation, Roles and Responsibilities (see GCB4.3.3.2 for further details, the concept of which is applicable to the other PIs in Principle 3, and particularly to those mentioned here);
- 3.1.4 Incentives for Sustainable Fishing;
- 3.2.2 Decision Making Processes, and
- 3.2.3 Compliance and Enforcement.

For example, in some RFMOs compliance can be the responsibility of a Compliance Committee, and sanctions can be brought by the RFMO itself (e.g. through loss of access to resources, such as when a Member's vessel is identified as IUU, or loss of access by a Member itself) through its negotiation process, or by the Flag State of the vessel having the violation. If the latter is not in any way under the control of the national management authority of the UoC (e.g. if the UoC is for vessels registered with flag state X, and the noncompliance is by vessels registered with flag state Y), its internal compliance should not be part of the assessment (i.e. in the previous example the fishery of vessels from flag state X should not be held responsible for the non-compliance of flag state Y vessels). The effectiveness of actions at the UoC national level (i.e the compliance of flag state X vessels) and the RFMO level (the overall effectiveness of compliance to deliver sustainable outcomes) should, however, be considered

A unit of certification might include only a sub-set of fishers (vessels, fleet operators, and individual fishermen) within a wider fleet of fishers fishing for the same biologically distinct stock, using the same method, under the same or similar management system or arrangements. However, it is the management of the wider fleet which denotes the specific "fishery" for the purposes of this component and is the subject of assessment under the fishery-specific management system PIs. Special or additional management arrangements or features unique to the vessels in the unit of certification may be considered and reflected in the scores under the fishery-specific management system PIs.

GCBA4.0.1 Assessing multi-level management systems against Principle 3

In order to effectively assess the management system, the assessment team must determine which biological and/or jurisdictional levels apply to the management system of this fishery. These levels of management should then be considered for all PIs within the relevant P3 component.

For a purely domestic fishery, the fishery management framework may exist at a local, regional or national scale within the jurisdiction of a single State. Additionally, a purely domestic fishery may exist in multiple jurisdictions within a State, for example under a Federal system of government. However, where trans-boundary fish stocks, straddling fish stocks, stocks of highly migratory fish species and discrete high seas fish stocks are exploited by two or more States, international law becomes relevant. These multi-level management systems may have a variety of jurisdictional arrangements that might apply to that fishery and must therefore be considered by the assessment team.

Under international law, as set out in the UN Convention on the Law of the Sea and related instruments, the States concerned, including the relevant coastal States in the case of shared stocks, straddling stocks, and highly migratory species, are required to cooperate to ensure effective conservation and management of the resources.

The relevant instruments that set out these requirements are:

- United Nations Convention on the Law of the Sea, 1982;
- United Nations Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995 (UNFSA);
- FAO Code of Conduct for Responsible Fisheries, 1995 (including the FAO Compliance Agreement of 1993).

The MSC considers UNFSA Article 10 and the UNCLOS requirements as a basis for MSC requirements relating to cooperation for fisheries that are subject to international cooperation for management of the stock. These requirements to cooperate apply to UoC participants even if cooperation is not formally required by the relevant RFMO/RFMA or if an RFMO/RFMA does not exist. These requirements also apply to fisheries in the high seas even if the target species are not HMS or shared or straddling stocks and are not formally covered by the UNFSA requirements. This requirement is further elaborated in ACB4.2.1-CCB4.2.1.

- GCB4.0.1 No guidance at this time
- GCBA4.0.2 The intent of ACB 4.0.2is to limit the extent of responsibility of the fishery within the UoC for the actions of non-UoC management bodies, unless they impact directly on the delivery of P1 and P2 outcomes
- GCB4.0.2 Assessing informal and/or traditional management systems against Principle 3

A key characteristic of management mechanisms and measures in traditionally managed or self governing fisheries is that they may be undocumented or may not be formally ratified.

- GCB4.0.2.1See below
 - a. .No guidance at this time
 - b. The CAB could use semi-structured interviews with a range of stakeholders or other participatory tools to collect information. The information in the sample should be representative of the reality of the fishery.

Multiple stakeholder participatory approaches can be used to cross check opinions and views from different segments of the stakeholder community.

Both of the above could be used by the CAB to support the rationale and validate the conclusions provided for the scores as required in clauseCB4.2.

GCB4.1 Principle 3 Terminology

No guidance at this time

GCB4.2 Legal and/or Customary Framework PI (PI 3.1.1)

Key to determining if fisheries management occurs within a framework that both respects relevant laws and is compatible with relevant instruments of international law capable of delivering sustainable fisheries in accordance with P1 and P2, is understanding what is meant by the legal and/or customary framework.

A fishery management system's local, regional, national or international legal and/or customary framework is:

- the underlying supporting structure, formal or informal, that incorporates all the formal and informal practices; and
- procedures and instruments that control, or have an impact on, a fishery. This includes policies and practices of both government and private sectors, including (but not limited to):
 - implementing agencies (e.g. fisheries agencies, conservation agencies);
 - fishery business groups (e.g. catch sector cooperatives, industry associations);
 - o fishing vessel owners;
 - o indigenous groups;
 - o local civil society or community groups.
- The government sector includes all applicable government systems, the courts and the relevant parliamentary and regulatory bodies. The management system is not limited to government legislation, nor to industry or customary practice, but is the complex interaction of all such elements, controls and practices that are used in a fishery and result in 'hard' (law) or 'soft' (accepted practice) controls over actual 'on-water' catching practices.

There are three scoring issues to be considered under the Legal and/or Customary Framework PI:

- capability of delivering sustainable fisheries in accordance with P1 and P2;observing legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood;
- dispute mechanisms.

Assessing informal and traditional approaches in PI 3.1.1

Consistency with laws or standards

The first scoring issue for this PI relates to the presence or absence of an appropriate and effective including at the international level legal and/or customary framework that is capable of delivering sustainable fisheries in accordance with P1 and P2.

Scoring this part of the PI means focussing on the existence of a national and/or international framework itself and if it is capable of delivering sustainable fisheries. This may be determined by examining:

- the presence or absence of the essential features of an appropriate and effective structure within which management takes place;
- if those features are hard or soft;

- if the framework has a focus on long term management rather the short term;
- how it manages risk and uncertainty;
- if the framework is transparent and open to scrutiny, review and adaptation as new information becomes available.

The essential features needed to deliver sustainable fisheries are defined by their relevance to achieving sustainable fisheries in accordance with P1 and P2 appropriate to the size and scale of the fishery, and may include:

- establishing when and where people can fish;
- who can fish;
- how they may fish;
- how much they can catch;
- what they can catch;
- who they talk to about the 'rules' for fishing;
- how they might gather relevant information and decide what to do with it;
- how they know that people are abiding by whatever 'rules' are made and;
- how they catch, sanction or penalise wrongdoers.

With these features the operational framework could be said to be compatible with local, national or international laws or standards. Consistency with laws and standards.

For management systems which are less clearly articulated, as for example in informal and traditional management systems evidence of the extent to which this scoring issue is met, could be through:

- accepted norms;
- commonly held values;
- beliefs; and/or
- agreed rules across the fishing communities of which the fishery under MSC assessment is part.

To obtain evidence of compliance with the requirements of this scoring issue, CABs may need to use semi-structured interviews with a range of stakeholders. The information in the sample should be representative of the reality of the fishery

The interviews could be used to:

- obtain information on customs, traditions, culture, practices, social mechanisms or internal statutes and protocols that lend themselves to sustainable use of fisheries resources;
- determine the extent to which these informal arrangements and practices combine to achieve sustainable fisheries.

As required in CB4.0.2, CABs should provide evidence demonstrating how they have drawn valid and robust conclusions from such semi-structured interviews. For example, this could be achieved doing both, obtaining opinions from different stakeholder and using different tools to collect information.

Resolution of disputes

When there are no immediately obvious structures for dispute resolution, the use of participatory techniques could be used to:

- identify and evaluate the presence of dispute resolution mechanisms used in the fishery;
- obtain information on these dispute mechanisms;
- assess the effectiveness of such mechanisms.

Including participants and/or interviewees from a wide variety of stakeholder types and from stakeholders operating outside the fishery under assessment, will minimise the likelihood of subjectivity. Fishers may be able to draw up charts or use other visual or non-textual means to help explain or demonstrate the process for resolving conflicts in the fishery.

The level of transparency and effectiveness of the systems can be determined by:

- information on the proportion of stakeholders that are aware of the existence of any dispute resolution arrangements;
- the history and stories of how disputes have been dealt with in the past;
- ascertaining whether the presence or absence of unresolved disputes can be considered significant indicators of the existence and/or effectiveness of dispute resolution mechanisms.

Respect for rights

Evidence of consistency with this requirement can be determined by using field observations and structured interviews with fishers and fishing community leaders to ascertain the following:

- the extent to which fishery participants are aware of established rights;
- responses in the past within the fishery to disputes over established rights;
- accepted norms and practice across the fishery that is supportive of such established rights.
- GCBA4.2.1 The requirement under SG60 (CB4.2.2) extends, in respect of UNFSA Article 10, to the generation of scientific advice, not its implementation (Article 10 paragraphs d, e, f, g). A framework for cooperation with other parties could include for example the ability for parties to coordinate scientific advice to respective management agencies. At SG60 it is expected that the flag state(s) of vessels from the UoC will be participating with a relevant RFMO at least as a cooperating non-contracting party or cooperating non-Member.

- GCBB4.2.1 At SG80 organized and effective cooperation with other parties extends to UNFSA Article 10 paragraphs a, h and j, and could include for example the establishment of appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement. Also at SG80 and SG100 it is expected that the flag state(s) of vessels from the UoC will be participating with a relevant RFMO or other arrangement as Members or, if Membership is prohibited for political reasons, as cooperating non-contracting party or cooperating non-Member.
- GCBC4.2.1 At SG100 binding procedures governing cooperation with other parties could include for example the agreement and compliance with conservation and management measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks.
- GCB4.2.1 See below
- GCB4.2.2 Both CB4.2.2.1 and CB4.2.2.2 could be formalised under rule of law, or be informal but known through traditional or customary means.
- GCB4.2.3 Decisions of legislatures (through statutes or national treaties relating to aboriginal or indigenous people), or courts will establish if rights have been conferred upon any particular group or individual. The main consideration in relation to performance against this scoring issue is whether a suitable framework exists or does not exist to address the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood, not on the effectiveness or results (e.g. allocation of access) of such a framework.
- GCB4.2.4 Issues and disputes involving allocation of quota and access to marine resources are outside the scope of an assessment against the MSC's Principles and Criteria.
- GCB4.2.5 No guidance at this time
- GCB4.2.6 No guidance at this time

GCB4.3 Consultation, Roles and Responsibilities PI (PI 3.1.2)

Consideration of the roles and responsibilities of the fishers in relation to their cooperation with the collection of relevant information and data, where relevant and/or necessary, may be included in scoring this PI. In doing so, this will take account of MSC's Criterion P3, C17 which relates to fishing operations assisting and cooperating with management authorities in the collection of catch, discard, and other information of importance to the effective management of the resources and the fishery.

Assessing informal and traditional approaches in PI 3.1.2

Roles and responsibilities

In some traditionally managed fisheries or fisheries under self-governance, specific roles and responsibilities may not always be clearly articulated or immediately apparent. This does not mean that different institutions or organisations do not undertake specific and agreed roles. A range of entities, adhoc committees and other groups with a variety of labels including NGOs may have responsibility for different fishery management roles. The arrangements may not be formally codified but may be widely understood across the fishery.

To verify the extent to which roles and responsibilities are defined across the management system, CABs may need to work with stakeholders to prepare simple governance, institutional or system maps.

The maps can provide a visual representation of the different groups and organisations involved in the fishery, how they function, which aspects of the management process they are responsible for, and how they relate to one another.

The extent of consistency with the requirement for this performance indicator is based on how well entrenched the entities are in their roles and the extent to which key areas of responsibility are covered.

Consultation process and participation

In the absence of a documented consultation procedure, evidence to verify the extent and transparency of consultation processes can be demonstrated by alternative means.

This can include identifying the existence, content and relative frequency of invitation letters to meetings. It can also include a consideration of activities of fisheries extension officers, how well local announcements are used, the use of posters, and the extent of awareness of fishers about meeting agendas, meeting content and outcomes.

CABs may need to interview fishers about selected case studies to determine how information collected from stakeholders has been used in the past.

Information from such interviews may be considered representative of how the information collected from stakeholders is generally used, providing the CABs demonstrate that valid and rigorous methods were used. Conducting interviews with different stakeholder and cross checking the information is one way of validating the results.

Evaluation of effectiveness of consultation processes might consider the general absence of discrimination against any individuals and/or organisations from any known consultations as part of the measure of performance against this scoring issue. However, any such conclusions need to be supported by demonstrably valid information collected by rigorous and robust means.

GCB4.3.1 The main point of the PI's consultation section is that the management system is open to interested or affected parties and stakeholders and that any information that is viewed as important by those parties can be fed into and be considered by the process in a way that is transparent to the interested or affected parties and stakeholders.

SG80 and SG100 under the PI's consultation section introduce the added elements of demonstrating that whatever information is gathered, it is considered and that there is transparency about its use or lack of use.

SG100's demonstration may not necessarily be additional reporting beyond what may already occur in a fishery management system. For example there may be any of the following:

- Regular newsletters, broadcasts or reports that go out to interested or affected parties or stakeholders.
- Information pages published and distributed.
- The minutes of meetings put on the public record for people to see, electronic mail or other e-technologies may be used.
- If dealing with stakeholders who don't have access or ability to read reports, watch broadcasts or use computers there may be report back meetings or other such means to report what happened.

Teams will need to be satisfied that what evidence is offered does meet the standard of demonstrating consideration of the information (being transparent) and also explains how the information was or was not used. If a fishery management system does not currently do this, then it cannot score 100 without implementing some form of transparency about how information is used or not used.

- GCB4.3.2 See GCB4.3.1 above
- GCB4.3.3 Effective consultation processes within the management system must be appropriate to the scale, intensity and cultural context of the fishery. For example, but importantly not confined to, consultation at the level of broad policy development and at the level of research planning.

Affected parties, depending on the context, may include (but are not limited to) individuals, mandated representatives, and/or participants in the fishery.

In multinational arrangements there should be adequate consultation at the fishery's national and international level. Thus the management authority dealing with the fishery directly (e.g. the coastal State or the Flag State) and the international organisation, where such exists, should be assessed for consultation requirements. It is a not a requirement that elements are scored against this PI for other non-UoC States which are members of the international organisation, or members of a bilateral/multilateral arrangement.

GCB4.3.4 Local knowledge may be long-term knowledge held by many fishers or community members. It might be place-based (i.e., local to a particular geographical area), and may have social, economic or ecological dimensions. It will reflect the knowledge and opinions about issues held by individuals and groups local to relevant fisheries. Local knowledge can be valuable first-hand experience that might inform any fisheries management process, including fisheries research, data collection and resource assessment, monitoring, control and surveillance operations, policies and processes, and fisheries management policies, practices and/or decisions.

Evaluation of the relative value and robustness of local knowledge in the management process may form part of the process of being transparent about how information is considered and used or not used under SG80 and SG100.

Individuals or groups as referred to in section CB4.3.4 of Annex CB in the CR could include, but not be limited to, fishers, indigenous people, local community representatives or groups, local civil society groups like local NGOs, local fishing businesses and/or their representatives, local government representatives or politicians.

GCB4.4 Long Term Objectives PI (PI 3.1.3)

The emphasis of this PI is about the presence or otherwise of long term objectives at the broader management level, i.e. the objectives of the management agency for all fisheries under its control. Where fisheries fall under dual control (e.g. internationally managed fisheries where management falls to both a national agency and a bilateral/multilateral agreement or organisation, or federally managed fisheries which have some provincial or state management component), the subject of PI 3.1.3 should be the wider organisation.

This PI deals *only* with the high or broad management policy context – perhaps within overarching legislation, perhaps policy or custom that applies to many or all fisheries within a broader management system – and with if laws, policies, practices or customs at that high or broad level imply or specify and/or require long term objectives that are consistent with a precautionary approach as defined below.

Assessing informal approaches in PI 3.1.3

Objectives

The CAB could infer consistency with requirements in the scoring issue by the practices operating within the fisheries covered by the management system.

The CAB could use the following to evaluate how the fishery is considered to perform against this scoring issue:

- A review of the factors that have influenced recent decisions in the fishery.
- Knowledge of the extent to which such factors are consistent with achieving sustainability.
- The application of the precautionary approach.

The CAB should consider if the decisions have been taken on the basis of the ecological health of the fishery and associated ecosystems, or for other reasons that are not compatible with achieving sustainability over the long term.

- GCB4.4.1 No guidance at this time
- GCB4.4.2 The intention is that scoring focuses on the consistency of any long term objectives within overarching management policy with the notions of being

cautious when information is uncertain etc., and taking action even when information is inadequate.

The definition of the precautionary approach given in CB4.4.2 was derived from Article 6, UN Agreement for the implementation of the provisions of UNCLOS of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks; also known as the "Fish Stocks Agreement".

It is not intended that this PI be a second opportunity to score fisheries on the use or otherwise of target and limit reference points which are scored under P1 of the default tree, nor to point teams towards Article 6, Annex II of the Fish Stocks Agreement for a prescriptive list of what must appear in management policy per se in relation to the precautionary approach. Nor should it direct teams towards re-scoring management strategies or outcomes covered both in P1 and P2 or decision-making processes covered in a separate PI under P3 where precaution and the precautionary approach are also mentioned.

This PI forms an important part of the overall understanding of the use or otherwise of a precautionary approach in the fishery but is not concerned with the operational implementation of the precautionary approach within the 'dayto-day' management of the fishery itself.

GCB4.5 Incentives for Sustainable Fishing PI (PI 3.1.4)

This PI gives effect to Criterion P3, A6.

When considering if the fishery management system provides for incentives that are consistent with achieving the outcomes expressed by P1 and P2 (SG60 and SG80), the key issue in this part of the SG is to score the system with reference to if it 'opens the door' for the possibility for positive incentives. Does the system have attributes, policies or principles that would tend to incentivise fishers to fish sustainably, that engender a sense of stewardship of the resources?

For example, policies that attempt to provide stability and/or security for fishers amid the uncertainties that come with complex and dynamic systems. This may involve, but not be limited to:

- the system providing for reducing information gaps and uncertainties for fishers;
- providing for strategic or statutory management planning to give certainty about the rules and goals of management;
- providing for mechanisms and opportunities to gain support for the management system from fishers; or fishery management system features that encourage collective action while allowing individual choice such that individual decisions are steered towards public good;

- providing for the clarification of roles, rights and responsibilities of the various stakeholders; engenders a sense of ownership (possibly, but not necessarily, through rights-based measures);
- providing for a participatory approach to management, research and other relevant processes.

Assessing informal approaches in PI 3.1.4

Incentives

Assessments may consider the effectiveness of incentives for "good behaviour", such as peer pressure, social beliefs and customs that encourage sustainable practices and long-term stewardship of fisheries resources and the marine environment.

Where such approaches are considered, rationale provided for scores should include information about the existence of the specific practices in the fishery that have been identified as effectively resulting in good behaviour.

Some rights-based measures may contribute to sustainable fishing. The effectiveness of such measures as incentives for sustainable fishing should also be taken into consideration. Examples include:

- quotas (individual or otherwise);
- territorial Use Rights in Fisheries (TURFs);
- rights of exclusion; and
- other community-based or collective rights-based measures.
- GCB4.5.1 For instance, management systems should not include subsidies that obviously contribute* to unsustainable** fishing. Since there is not yet international agreement on what actions should be considered subsidies and which of these may be considered "good" or "bad" under different circumstances, the team should not attempt to identify and classify all subsidies in the fishery under evaluation. Instead, they should only take note of any issues that are obviously perverse incentives contributing to, or that have significant potential to contribute to, unsustainable fishing.
 - * Contribute means contributing to unsustainable fishing at the time of assessment.

** Unsustainable means unsustainable in an ecological / environmental sense, not economically unsustainable.

At SG100 the expectation is that the management system actively and explicitly considers and reviews management policies and procedures with particular attention paid to the issue of incentives to make sure they are not contributing to unsustainable fishing practices.

GCB4.6 Fishery-Specific Management Pls

No guidance at this time

GCB4.7 Fishery-Specific Objectives PI (PI 3.2.1)

This PI deals *only* with the fishery-specific policy context, such as within national or provincial/state or joint authority policy or custom specifically applied to the fishery under assessment.

Assessing informal approaches in PI 3.2.1

Objectives

In some traditionally managed fisheries, or fisheries under self-governance, objectives may not always be stated quantitatively or be expressed specific to the particular species or fishery under assessment. Objectives may specify social and/or economic objectives. In some fisheries objectives may be defined in terms of addressing further declines, rather than specifically maintaining optimum yields or biomass levels.

Compliance of the fishery with MSC requirements can be determined by how well these variously formulated objectives align with achieving sustainability as expressed by MSC Principles 1 and 2. Objectives that are defined to meet social needs may in some cases be consistent with achieving sustainability as articulated in Principles 1 and 2. To be considered as consistent with achieving sustainability, however, such objectives should not be designed to meet social needs at the expense of ecological considerations.

In evaluating such objectives for consistency with achieving outcomes in Principles 1 and 2, there will be a need to determine if the fishery under assessment is subject to considerations which may lead the emphasis on social or economic objectives to pose potential risks to achieving the outcomes required by Principles 1 and 2.

- GCB4.7.1 No guidance at this time
- GCB4.7.2 An example of an objective is "the impact on dependent predators will be reduced by x% over y years".

GCB4.8 Decision-Making Processes PI (PI 3.2.2)

The PI states: "...decision-making processes that result in measures and strategies etc". In this context, the relevant performance-related issue is if the decision-making processes actually produce measures and strategies within the fishery-specific management system, not an evaluation of the quality of those measures and strategies which is covered elsewhere in the tree structure under P1 and P2. The assessment issue is about the decision-making processes themselves.

SG60, SG80 and SG100 refer to decision-making processes taking account of the wider implications of decisions. This means the processes take account of, for example, the consequences of decisions on management objectives for target species on the ecosystem, and of the impacts on those who depend on

the fishery for their livelihoods (thus giving effect to the final sentence of Criterion P3, A2).

Respect for laws

Scoring issues e relate to the issue of '**respect for laws**' through the presence or absence of actual legal disputes.

This part of the PI is concerned with of the fishery is operating within the legal or customary framework and if there is any evidence that it is not.

The MSC Board of Trustees has determined that the precedent set by the Bering Sea/Aleutian Islands Pollock Fishery objection decision made in 2004 will guide interpretation of this part of the PI:

Respect for laws is different to compliance with laws and this part of the indicator does not require that a fishery management system be in perfect minute-to-minute compliance with every single piece of substantive or procedural law that may govern a fishery. This would elevate form over substance to set the bar so high.

Rather, should a fisheries management agency be subject to court challenges, it is the record of repeated violation of the same law or regulation, the timely attempts to comply with binding judicial decisions or acting proactively to avoid legal disputes that are important in determining the level of performance against this part of the PI.

When assessing the importance of any evidence relating to this issue, the team should consider if any violations of the same law or regulations compromise the ability of the management system to deliver sustainable fisheries in accordance with the outcomes intended by P1 and P2.

Assessing informal approaches in PI 3.2.2

"Established" decision-making processes should be understood to mean that there is a process that can be immediately triggered for fisheries-related issues, the process has been triggered in the past and has led to decisions about sustainability in the fishery. These processes may or may not be formally documented or codified under an official statute.

Key considerations for assessing whether the system is well-established or not include the extent to which the system is recognised by stakeholders in the fishery and the durability or permanency of the decision-making process.

CABs may need to use semi-structured interviews with a range of stakeholders to obtain information about how any decision-making process works. This may involve selecting a case study event (e.g. fishery decline in the past, a specific observation across the fishery or other ecological change) and determining from interviews if, and how decisions were made in response to the event. As with general requirements relating to the use of semi-structured interviews, a means of cross checking views and validating CAB conclusions and scores should be evidenced.

Approach to disputes

Assessment of fisheries against this issue may consider the extent to which there may be other or higher authorities to whom fishers or other stakeholders may appeal if they are dissatisfied with fishery rules or their implementation in the fishery by local managers.

If any such appeals have been made, the responsiveness or otherwise of local 'managers' or leaders should be considered and scored in accordance with the guideposts.

Semi-structured interviews may be used by CABs to determine the extent to which stakeholders believe that local 'managers'/leaders respect or otherwise, any judgements or decisions made by any higher or other authority.

The interviews can also be used to determine the extent to which:

- Managers implement their own rules.
- Stakeholders believe the management system is sufficiently proactive to avoid disputes.

CABs may consider collective, participative and publically accountable involvement in management of the fishery by a broad spectrum of local stakeholders of the fishery as potential evidence of the presence of proactive avoidance of legal disputes. Supporting evidence may come from cross and multiple checked, semi-structured interviews from a range of stakeholders representing different interests within the community.

Accountability and transparency of management system and decision making process

This scoring issue considers the importance of stakeholder access to fishery information and data, and access to information on actions taken by management to ensure stakeholders are able to provide quality input into the decision making processes.

Accountability is intended to be understood in the general sense of the word, essentially that management is answerable to stakeholders on management of the fisheries and that this is demonstrated by the provision of information on the fishery to stakeholders

The team could assess the extent to which transparency and accountability is embedded within the management system by by considering the extent and means by which management provides account of, and information on, the fishery to stakeholders. The data that are required to be available to stakeholders is exclusive of data or information that is subject to national privacy and data protection regulation and laws associated with the fishery.

When considering the public access to information on the fisheries performance and fisheries data, the team could include consideration of:

- The extent to which accurate and up to date fisheries data available to management is reported to the public or at least accessible on request to stakeholders.
- The resolution at which data are available and ensuring that it is appropriate to the nature and type of the fishery and of sufficient clarity to ensure meaningful engagement of stakeholders in the decision making process.

The availability of information to stakeholders on actions taken by management that have implications for sustainable use of fisheries resource could include:

- Availability of information, or at least non-confidentiality of information, on subsidies that may be considered to have implications for sustainability.
- Availability of information, or at least non-confidentiality of information, on who has access (license holders) to the resource.
- Availability of information on infractions against fishery regulation and consequent penalties and/or fines.
- Availability of information on outcomes and impact of management decision where such information is available.
- GCB4.8.5 At the SG60 level, it should be expected that at least a general summary of information listed on 4.8.4.2 on, subsidies, allocation, compliance and fisheries management decisions) is available to (fishery, government and non-government) stakeholders on request.
- GCB4.8.6 At the SG80 level, it should be expected that in addition to the information provided at the SG60 level, information listed in 4.8.4.1 decisions, fisheries data supporting decisions, and the reasons for decisions, are made available to all stakeholders on request.
- GCB4.8.7 At the SG100 level, it should be expected that the information listed in the SG60 and SG80 levels are available openly, publicly and regularly to all stakeholders.

Comprehensive should be understood to mean detailed information on the aspects listed in GCB4.8.9 and GCB4.8.11 is made available. This is however, exclusive of information and data that is subject to national privacy laws and regulations as provided in GCB4.8.10

GCB4.9 Compliance and Enforcement PI (PI 3.2.3)

At SG60, SG80 and SG100 while assessing the existence and implementation of monitoring, control and surveillance systems, efforts to inform fishers about their obligations under the fishery-specific management system may be considered, but the assessment should not be limited to this.

Assessing informal and traditional approaches in PI 3.2.3

Assessments may consider the likelihood of infractions in a particular fishery as the basis for determining the suitability of the MCS system for the fishery.

Evaluation of effectiveness of MCS in fisheries where a less formalised MCS system exists may consider the role and effectiveness of a range of factors in deterring illegal activity. These factors may include the following:

- social disapproval;
- prevailing norms;
- self-monitoring;
- presence of community fish watchers or wardens;
- accessibility to the resource;
- ability to smuggle catches onshore without detection;
- mobility and homogeneity of the fisheries in the fishery;
- exclusivity of access and market-related factors such as value, demand or preferences (e.g. preferences regarding size).

The extent to which fishery participants are subject to fines, penalties or other repercussions, or disincentives such as public 'naming and shaming', for violating fishery customs, rules or regulations important for sustainability may also be considered. These may include fines and penalties imposed by community institutions or other local bodies.

- GCB4.9.1 This gives effect to Criterion P3, B17.
- GCB4.9.2 At SG80 and SG100, in some fisheries management systems or for particular types of fisheries, it may be difficult to demonstrate an ability to enforce relevant management measures, strategies and/or rules if violations are rare. This could be taken, in an outcome sense, to mean that monitoring, compliance and surveillance (MCS) is effective. An absence of violations (or absence of a record of sanctions and penalties for violations) does not necessarily indicate that compliance and enforcement are effective; it could mean that MCS is in fact ineffective and what is happening is an absence of detection.

GCB4.10 Research Plan Pl (Pl 3.2.4)

This PI gives effect to Criterion P3, A8.

- GCB4.10.1 No guidance at this time
- GCB4.10.2 Low scores in P1 and P2 may be caused by lack of specific information or research programs to deliver them, whereas this performance indicator is

concerned with the presence or otherwise of overall strategic research planning within the fishery-specific management system.

- GCB4.10.3 No guidance at this time
- GCB4.10.4 No guidance at this time
- GCB4.10.5 No guidance at this time

GCB4.11 Monitoring and Management Performance Evaluation PI (PI 3.2.5)

This PI gives effect to the part of Criterion P3, A3 that relates to the management system having a process of monitoring and evaluating management performance, appropriate to the cultural context, scale and intensity of the fishery, and relevant to the whole system not just management outcomes

For each SG under this PI, relevant "parts" of the management system **fisheryspecific** can include MCS (i.e., Compliance and Enforcement PI), research plan, feedback and response, and monitoring systems as required by the Management Strategy and Information PIs in P1 and P2.

Assessing informal approaches in 3.2.5

Assessments against this PI may consider whether there are opportunities and/or forums for decision-makers to receive feedback on the management system. It should also consider other practices such as exchange of information between the community and the management institution. The regularity of such opportunities should be considered in scoring fisheries against this PI.

- GCB4.11.1 Depending upon the scale and intensity of the fishery the external review for SG80 and SG100 could be:
 - by another department within an agency;
 - by another agency or organisation within the country;
 - through a government audit that is external to the fisheries management agency;
 - by a peer organisation nationally or internationally;
 - by external expert reviewers.

GCB4.11.2 No guidance at this time

----- End of Annex CB Guidance -----

Annex CC Guidance

Background and intent

The FAO Guidelines on Ecolabelling for Fisheries and Fisheries Products from Marine Capture Fisheries provided the conceptual basis for the adoption of a risk-based approach to the evaluation of fisheries against certain PIs in circumstances where information is inadequate to evaluate those PIs conventionally.

In paragraph 32, the FAO guidelines state:

"...the use of less elaborate methods for assessment of stocks should not preclude fisheries from possible certification for ecolabelling". It goes on to note "...to the extent that the application of such methods results in greater uncertainty about the state of the 'stock under consideration', more precautionary approaches to managing such resources will be required which may necessitate lower levels of utilisation of the resource".

The inference is that in the absence of detailed scientific information on fishery impacts and providing the existence of tools which provide a qualitative or semi-quantitative indication of the risk inherent in a fishery, it should be possible to assess such a fishery for certification based on the extent to which fishing activity is demonstrably "precautionary" or of "less risk".

The MSC adopted an approach which considers a combination of risk-based indicators in order to arrive at a *risk score* which translates to a parallel MSC score. The risk-based indicators used in this process, include, amongst others, qualitative and semi-quantitative proxies for scale and intensity of fishing activity which correspond with the level of utilisation of the resource. In addition, the approach requires the team to adopt the worst case scenario approach to scoring the risk indicators in the absence of credible evidence, information or logical reasoning to the contrary.

In the event of the RBF being used for a particular PI, the likelihood of being scored high risk and of receiving a low MSC scores on the specified indicator increases with increasing scale and intensity of utilisation of resources in the fishery. While the RBF allows the use of more qualitative information obtained under an extensive stakeholder consultation process, increased uncertainty around the information or evidence used, or the lack of consensus on particular information obtained in the process will result in the most cautious (worst plausible) score being applied, furthering the likelihood of lower MSC scores.

In general this stepped approach to risk can be expressed by the following:

- A SICA will deliver a more precautionary assessment of risk using fewer data than a PSA or the default tree.
- A PSA requires more information than a SICA, and will deliver a more precautionary assessment of risk using fewer data than the default tree.

The precaution built in to the RBF methods always creates an incentive to use the conventional process when data are available.

The MSC's intention in allowing the use of a risk-based approach is to ensure that its assessment process is accessible to data-deficient fisheries that are readily demonstrated as operating in a precautionary manner.

Implicit in the approach is a recognition that fisheries which are operating at relatively high levels of utilisation pose a greater risk to the ecological components with which they interact

and that the assessment and management of such risks **<u>must</u>** be underpinned by comprehensive scientific information.

For this reason, if detailed data exist for a fishery these must be used; the RBF is offered as an alternative for when such data are not available, and it will deliver a more precautionary (risk averse) assessment.

GCC1 Introduction to the Risk-Based Framework

The table below defines which PIs within the default tree may be scored using each of the two RBF methodologies. PIs not scored using the RBF shall be scored using the default tree, taking account of any accompanying guidance specific to that PI.

PIs for which the RBF may directly be used are indicated in bold. PIs for which special guidance applies when the RBF is used for related PIs are indicated in italics.

Performance Indicator	RBF applicability	
1.1.1 Stock status	Both SICA and PSA applicable	
1.1.2 Reference points	If RBF is used for 1.1.1 default score of 80 shall be given to this PI	
1.1.3 Stock rebuilding	Do not score if RBF is used for 1.1.1	
1.2.1 Harvest strategy	RBF not applicable	
1.2.2 Harvest control tools and rules	RBF not applicable	
1.2.3 Information/monitoring	RBF not applicable	
1.2.4 Assessment of stock status	If RBF is used for 1.1.1 default score of 80 shall be given to this PI	
2.1.1 Retained species outcome	Both SICA and PSA applicable	
2.1.2 Retained species management strategy	RBF not applicable	
2.1.3 Retained species information/monitoring	If RBF is used for 2.1.1. no need to score the SI in brackets	
2.2.1 Bycatch species outcome	Both SICA and PSA applicable	
2.2.2 Bycatch species management strategy	RBF not applicable	
2.2.3 Bycatch species information/monitoring	If RBF is used for 2.2.1 no need to score the SI in brackets.	
2.3.1 ETP Species outcome	Both SICA and PSA applicable	
2.3.2 ETP Species management strategy	RBF not applicable to ETP species	
2.3.3 ETP Species information/monitoring	If RBF is used for 2.1.1. no need to score the SI in brackets	
2.4.1 Habitats outcome	SICA only, no PSA available	
2.4.2 Habitats management strategy	RBF not applicable	
2.4.3 Habitats information/monitoring	RBF not applicable	

Table GCC1: PIs that could be scored using the RBF
Performance Indicator	RBF applicability
2.5.1 Ecosystem outcome	SICA only, no PSA available
2.5.2 Ecosystem management strategy	RBF not applicable
2.5.3 Ecosystem information/monitoring	RBF not applicable
Principle 3	RBF not applicable to P3

Note: There are no prerequisites for a fishery to meet in order to be eligible to use the RBF for any data-deficient PIs. Certifiers need not use the RBF for all outcome PIs. For example, when assessing Principle 2, a CAB may use the conventional PIs and scoring guideposts for PIs 2.1.1 (retained species) and 2.2.1 (bycatch species), but trigger the RBF on 2.4.1 (habitat) and 2.5.1 (ecosystem), if data are lacking only in those areas.

The risk-based framework (RBF) is designed for use in association with the Default Tree for Principles 1 and 2. The RBF was adopted by MSC to enable scoring of fisheries in datadeficient situations, particularly for the "outcome" PIs associated with Principles 1 and 2.

The RBF is designed to allow CABs to determine the risk that a fishery is posing undue harm to a species, habitat, or ecosystem. The RBF does not apply to Principle 3.

The RBF includes a set of methods for assessing the risk to each of the ecological components from activities associated with the fishery in assessment. The methods range in complexity and data requirements from a system based on expert judgment (Scale Intensity Consequence Analysis - SICA), to a semi-quantitative analysis to assess potential risk (Productivity Susceptibility Analysis - PSA).

Each of the methods provides a risk-based estimate of the impact of the fishery on the ecological component addressed within the outcome PI (or on individual elements of a given component, such as individual species). These risk estimates are in turn related to the specific SGs used to assess the performance of the fishery against the PI for a particular component.

MSC is aware of the existence of other risk-based analysis tools, as well as the fact that the development of these tools is a continuous process. Future versions of the MSC RBF will reflect the continuing evolution and refinement of these tools and methods.

There is currently no Level 2 (PSA) analysis available for use with the Habitats and Ecosystem PIs, 2.4.1 and 2.5.1

The Outcome Performance Indicator for ETP species requires that the fishery "meets national and international requirements for protection of ETP species". Because these limits will be different in different management regimes is not possible to use the PSA to evaluate the performance of a fishery against this PI.

The overall process is outlined below:

• Step 1: Information gathering and preparation

• The information gathering and preparation stage involves compiling preliminary background information needed to score the fishery. This includes information on principle activities in the fishery and a comprehensive list of species, habitats types and communities impacted by the fishery. Hazard identification tables (Table CE1 or based upon Table CE1) shall be used during this step to define the "risk landscape" associated with the fishery through identifying potential risk-causing activities.

• Step 2: Conduct SICA

A SICA is based on the structured collection of qualitative information pertaining to the PI in question from a diverse group of stakeholders.

To achieve a good result, it is necessary to plan the stakeholder consultation strategy leading to the SICA in such a way as to ensure effective participation from a range of stakeholders.

The robustness of the SICA relies heavily on the inputs of a suitably broad stakeholder group with a good balance of knowledge about the fishery and the ecological components on which it impacts.

For each data-deficient outcome PI, a SICA scoring template is completed, scoring the "worst plausible case" combination of fishing activity and sub-component and using the accompanying consequence table provided for scoring guidance. Within the SICA scoring table, scores are assigned for scale, intensity and consequence of risk causing activity.

• Step 3: For "Species" PIs scoring "moderate" or greater risk with the SICA, conduct PSA

For each data-deficient outcome PI for species (i.e. target, retained or bycatch) having scored moderate or higher risk in the SICA analysis (i.e. less than an 80 MSC score), a PSA must be undertaken. PSA is not available for habitat and ecosystem outcome indicators. The PSA requires basic information about the productivity and susceptibility of each species in the given PI, and uses this information to individually score a set of attributes using pre-established PSA tables. Any attribute for which there are insufficient data is automatically assigned the highest risk score: at least some level of information is thus needed to demonstrate low risk in the fishery.

Each scoring element in a PI shall have its own PSA score (e.g. for PI 2.2.1, if there are five bycatch species, there should be five PSA scores for that PI).

• Step 4: Continue assessment steps according to MSC requirements.

Once all individual PIs are scored, the assessment continues in the same way as a non-data-deficient fishery assessment, and the remaining steps of the certification process are carried out.

GCC1.1.1.1 There may be occasions where quantitative information is available for some scoring elements and not others. In such cases, the decision on the use of the RBF should be taken at a scoring element level.

GCC2 Applying the Risk-Based Framework

GCC2.1 Information gathering and preparation

GCC2.1.1 See below

- a No guidance at this time
- b The principle activities that occur during fishing can be guided by what is included in the scoring templates, and further identified risk-causing activities from the hazard identification table.
- c i.e. quotas, limited entry, gear restrictions, spatial closures, depth limits etc.
- Identification of species units (target, and bycatch/retained species) potentially impacted by fishery activities is part of this process.
 Identification of target, retained and bycatch species impacted in the fishery is often possible through existing data and reports.

Expert judgment and anecdotal evidence is also used to compile this preliminary species list. Stakeholders are then consulted, individually and at fishery management meetings, on the preliminary list and additions and deletions made, with rationale recorded for the particular decisions.

The RBF is designed to assess risk to habitat from a range of activities associated with fishing. The basic unit is a habitat type, defined as either pelagic (encompassing the water-column), or benthic (the seafloor structure including its attached invertebrate fauna). Information gathering includes identifying the habitat units ('types') occurring within the geographical range within which the fishery operates.

Identifying benthic habitat types has proven challenging due to the dispersed and variable nature of habitat data. Whatever data does exist varies in type, scale, quality and consistency, and perhaps most importantly, accessibility. In the RBF we use a standardised way of identifying benthic habitat units, by Substratum Geomorphology and Fauna (SGF). For example, one habitat type could be fine sediments—flat seabed—mixed epifauna. Each SGF combination with which the fishery interacts should be noted.

Pelagic habitat typically comprises the water-column and is usually delineated by pelagic boundaries based on bioregionalisation schemes. For example in Australia pelagic habitats are delineated based on oceanographic properties in relation to their depth and proximity to land and underlying water masses. Similar classification systems occur in other regions (e.g. Spaulding et al 2007, Figure GCC1

e In the absence of any alternative, the Spaulding et al (2007) classification should be used for classification of pelagic habitat. The vertical water column can be further subdivided into depth strata, reflecting the different biological communities. Most fisheries under MSC assessment will be operating within one pelagic habitat only.



Figure GCC1. Examples of worldwide pelagic habitat boundaries (Spaulding et al 2007).

Identification of ecosystems

There can be many interpretations of community — from very large-scale, ocean basin species assemblages to the small-scale, such as assemblages of a single taxon or small-scale habitat associations such as infaunal invertebrate communities.

Community members include all mobile fauna, vertebrate or invertebrate, but do not include sessile organisms such as coral that are largely structural and classified as habitat.

In most cases, the community lists generated will comprise largely of vertebrate species because information is more readily available for them. Once the set of species for the ecosystem is defined, a generic foodweb can be populated based on information about species interactions and trophic relationships (Figure GCC2) by allocating the set of species to the appropriate boxes. A general understanding of these relationships is necessary to be able to assess the risks posed to an ecosystem by fishing activities which may impact on one or more ecosystem components.



Figure GCC2. Generic foodweb (courtesy Cathy Bulman, CSIRO). The thickness of the lines is not relevant to the presentation here.

- GCC2.1.2 No guidance at this time
- GCC2.1.3 No guidance at this time
- GCC2.1.4 No guidance at this time
- GCC2.1.5 No guidance at this time

Table GCC2. Hazard identification table, examples of fishing activities

Direct Impact of Fishing	Fishing Activity	Examples of Activities Include
Capture		Activities that result in the capture or removal of organisms. This includes cryptic mortality due to organisms being caught but dropping out prior to the gear's retrieval (i.e. They are caught but not landed)
	Bait collection	Capture of organisms due to bait gear deployment, retrieval and bait fishing. This includes organisms caught but not landed.
	Fishing	Capture of organisms due to gear deployment, retrieval and actual fishing. This includes organisms caught but not landed.
	Incidental behaviour	Capture of organisms due to crew behaviour incidental to primary fishing activities, possible in the crew's down time; e.g. crew may line or spear fish while anchored, or perform other harvesting activities, including any land-based harvesting that occurs when crew are camping in their down time.
Direct impact, without capture		This includes any activities that may result in direct impacts (damage or mortality) to organisms without actual capture.
	Bait collection	Direct impacts (damage or mortality) to organisms due to interactions (excluding capture) with bait gear during deployment, retrieval and bait fishing. This includes: damage/mortality to organisms through contact with the gear that doesn't result in capture, e.g. Damage/mortality to benthic species by gear moving over them, organisms that hit nets but aren't caught.
	Fishing	Direct impacts (damage or mortality) to organisms due to interactions (excluding capture) with fishing gear during deployment, retrieval and fishing. This includes: damage/mortality to organisms through contact with the gear that doesn't result in capture, e.g. Damage/mortality to benthic species by gear moving over them, organisms that hit nets but are not caught.
	Incidental behaviour	Direct impacts (damage or mortality) without capture, to organisms due to behaviour incidental to primary fishing activities, possibly in the crew's down time; e.g. the use of firearms on scavenging species, damage/mortality to organisms through contact with the gear that the crew use to fish during their down time. This does not include impacts on predator species of removing their prey through fishing.
	Gear loss	Direct impacts (damage or mortality), without capture on organisms due to gear that has been lost from the fishing boat. This includes damage/mortality to species when the lost gear contacts them or if species swallow the lost gear.
	Anchoring/ mooring	Direct impact (damage or mortality) that occurs and when anchoring or mooring. This includes damage/mortality due to physical contact of the anchor, chain or rope with organisms, e.g. An anchor damaging live coral.

Direct Impact of Fishing	Fishing Activity	Examples of Activities Include
	Navigation/ steaming	Direct impact (damage or mortality) without capture may occur while vessels are navigating or steaming. This includes collisions with marine organisms or birds.
Addition/ movement of biological material		Any activities that result in the addition or movement of biological material to the ecosystem of the fishery.
	Translocation of species (boat movements, reballasting)	The translocation and introduction of species to the area of the fishery, through transportation of any life stage. This transport can occur through movement on boat hulls or in ballast water as boats move throughout the fishery or from outside areas into the fishery.
	Discarding catch	The discarding of unwanted organisms from the catch can introduce or move biological material. This includes individuals of target and by- product species due to damage (e.g. shark or marine mammal predation), size, high grading and catch limits. Also includes discarding of all non- retained bycatch species. This also includes discarding of catch resulting from incidental fishing by the crew. Discards could be alive or dead.
	Stock enhancement	The addition of larvae, juveniles or adults to the fishery or ecosystem to increase the stock or catches.
	Provisioning	The use of bait or burley in the fishery.
Disturb physical processes		Any activities that will disturb physical processes, particularly processes related to water movement or sediment and hard substrate (e.g. boulders, rocky reef) processes.
	Bait collection	Bait collection may disturb physical processes if the gear contacts seafloor-disturbing sediment, or if the gear disrupts water flow patterns.
	Fishing	Fishing activities may disturb physical processes if the gear contacts seafloor-disturbing sediment, or if the gear disrupts water flow patterns.
	Boat launching	Boat launching may disturb physical processes, particularly in the intertidal regions, if dredging is required, or the boats are dragged across substrate. This would also include foreshore impacts where fishers drive along beaches to reach fishing locations and launch boats.
		Impacts of boat launching that occurs within established marinas are outside the scope of this assessment.
	Anchoring /mooring	Anchoring/mooring may affect the physical processes in the area that anchors and anchor chains contact the seafloor.
	Navigation /steaming	Navigation /steaming may affect the physical processes on the benthos and the pelagic by turbulent action of propellers or wake formation.
External hazards		Any outside activities that will result in an impact on the component in the same location and period that the fishery operates. The particular activity as well as the mechanism for external hazards should be specified.
	Other capture fishery methods	Take or habitat impact by other commercial, indigenous or recreational fisheries operating in the same region as the fishery under examination

Table GCC3: Data deficiency of Scoring Elements within each Pl

Performance Indicator	Scoring elements	Main?	Data-deficient?
1.1.1	Marquesen Grouper	Yes	Yes
2.1.1	Rock lobster Panulirus penicillatus	Yes	Yes
	Leopard Sea Cucumber <i>Bohadchia</i> <i>argu</i> s	Yes	Yes
2.2.1	Bluespotted Wrasse Anampses caeruleopunctatus	Yes	Yes
	Roundjaw Bonefish Albula glossodonta	Yes	Yes
	Snaggletooh shark Hemipristis elongatus	Yes	No
2.3.1	Great white shark Carcharodon carcharias	Yes	No
2.4.1	Tropical coral reef	Yes	Yes
2.5.1	Ecosystem	N/A	Yes

GCC2.2 Stakeholder involvement with the RBF

The SICA is a qualitative analysis which aims to identify which activities lead to a significant impact on any species, habitat or ecosystem. The SICA operates as a screening tool; a "worst case" approach that is used to measure the impacts of a range of activities on particular scoring elements. For Principle 1 PIs, there is typically only one scoring element being considered (target species of the fishery), but under Principle 2, the full range of retained and bycatch species, habitats, or ecosystems (as defined in earlier sections of this document) could be assessed. Where judgments about risk are uncertain, the highest consequence score that is still regarded as plausible is chosen.

Stakeholder consultation with a suitably broad stakeholder group with a good balance of knowledge about the fishery is critical in a risk assessment, particularly at the qualitative (SICA) level of an assessment. Stakeholders provide expert judgment, local knowledge, hands-on experience, fishery-specific and ecological knowledge and raise issues that may not be covered in material otherwise provided to the team.

GCC2.2.1 No guidance at this time

- GCC2.2.2 No guidance at this time
- GCC2.2.3 No guidance at this time
- GCC2.2.4 No guidance at this time
- GCC2.2.5 No guidance at this time
- GCC2.2.6 See below
 - a The purpose of the recommended text is to encourage a broad range of stakeholders to attend site visits, and to provide some advance notice on the nature of the SICA approach.
- GCC2.2.7 No guidance at this time

GCC2.3 Conducting a SICA

The six MSC SICA steps are summarised below:

- **SICA Step 1**: Determine "worst plausible case" combination of fishing activity and scoring element, and prepare a SICA scoring template for this species, habitat, or ecosystem.
- **SICA Step 2**: Score spatial scale of the fishing activity identified in step 1 for the Performance Indicator.
- **SICA Step 3**: Score temporal scale of the fishing activity identified in step 1 for the PI.
- **SICA Step 4**: Score the intensity of the fishing activity identified in step 1 for the PI.
- SICA Step 5: Score the consequence resulting from the scale and intensity of the activity for the most vulnerable subcomponent of the element identified in the "worst plausible case" in Step 1. (E.g. population size of target species) using the consequence Table CE10, CE11 and CE12.
- **SICA Step 6**: Convert the consequence score into an MSC score, and feed back into the final tree, or go to PSA.

SICA habitat-specific issues

Even at low intensity, vulnerable seamount habitats supporting slow-growing, long-lived and complex faunal communities may be substantially impacted by one encounter with a high impact gear, which may require recovery times of decades, and require high consequence scores.

GCC2.3.1 See below

- GCC2.3.1.1 See below
 - Typically fishing, gear loss, and bait collection (where relevant) are considered, and are listed as defaults in the SICA scoring templates.
 However, if other risk-causing activities are identified, they should be documented in the table and considered as well.

- b See below
 - i. At present, even for multi-species fisheries, each target stock seeking MSC certification will need its own assessment under Principle 1.
 - ii. No guidance at this time
- c No guidance at this time
- d No guidance at this time
- e No guidance at this time
- f No guidance at this time
- GCC2.3.1.2 No guidance at this time
- GCC2.3.1.3 No guidance at this time
- GCC2.3.1.4 No guidance at this time
- **G Table CC3 Table CC7** Only one subcomponent representing the worst plausible case is selected and scored.

The following example tables have been completed for a fictitious fishery using the RBF for several indicators.

The fishery is a diving spear fishery for Marquesen Grouper which takes place on the reefs around the Marquesas Islands. The Marquesen Grouper is an endemic species to these islands, and is an expensive delicacy, served primarily to tourists in the many resort hotels on the islands. There are 25 fishermen involved in the fishery. They go out in small boats with outboard motors to the fishing grounds, drop anchor, and dive from the boat, using spears to catch grouper. This is the only fishery operating on the stock. They have a weekly bag limit of 40 fish each, and usually make 3-4 trips per week to catch up to their limit. While fishing, they sometimes take other encountered species for subsistence and local market, such as lobster, sea cucumber, and other reefassociated fin fishes. As there are no official fisheries for these other species, there is no harvest limit, nor official reporting of landings. There is no un-retained bycatch, because of the highly selective nature of the gear. This fishery used the RBF to evaluate Pls 1.1.1, 2.1.1, and 2.4.1.

The tables GCC3, GCC4 and GCC5 were completed by a fictitious team during the RBF assessment.

NOTE: Since the assessment used the RBF for PI 1.1.1., the guidance on scoring 1.1.2 given above, as well as the mandatory condition when the 1.1.1 scores between 60 and 80 would have to be followed here.

Table GCC3. Sample SICA table for PI 1.1.1. The combination of risk-causing activity and subcomponent identified as the "worst case" was direct capture impacting on population size.

Performance Indicator: 1.1.1	Risk-causing activities	Temporal scale of activity	Spatial scale of activity	Intensity of activity	Relevant subcomponents	Consequence score	MSC Score
Target species outcome	 Fishing activities from all fisheries including: 				Population size	3	60
	 <u>Direct capture</u> Unobserved mortality (e.g. gear 	5	5	2	Reproductive capacity		
	 loss) Capture as bycatch in other fisheries 	5	Age/size/sex structure				
	 Other identified risk- causing activities (specify) 				Geographic range		
<u>Rationale:</u> As this as the activity rela	fishery uses a very selectiv ted to the fishery posing the	e gear resulting i most risk to the t	n no gear loss, an target stock. Pop	d there are no o ulation was chos	ther fisheries on this speci- sen as the most relevant su akeholders Additionally a	es, we were able to ident bcomponent, because it is the fishermen target in	ify direct capture is possible to dividuals of a
specific size, there	e is no fishery-dependant wa	ly of determining	possible changes	in size structure	e or reproductive capacity.		
The temporal scal endemic reef-asso given because evi they feel their cha well as economic, in consequence scale	e score of 5 was given assu poiated species, therefore its dence of local depletion was nces of finding enough fish t basis, and that limit is alway core 3. Additionally CPUE	ming the fisherm range is restricters given in that fish here are diminish s fished. The ten pas not changed	en fish 4 days a w ed to the Marques nermen indicated ned. Finally, a cor am and other stak during the past 10	eek, 52 weeks p as Islands, and they do not return sequence score ceholders agreed by years of recore	ber year. A spatial scale so the fishermen observe no o rn to the same spot for fishi e of 3 is given, in that there d that this is consistent with t keeping, and bag limits ba	core of 5 was given becau closed areas. An Intensit ing more than once per m is a bag limit, set using s the "full exploitation rate	use this is an y score of 3 was nonth because come scientific, as " language given d upward or

downward,

Note: the rationale given here and highlighted in the table is only meant as a partial example of what can be included in this box and is not meant to be extensive or complete.

Table GCC4. Sample SICA table for PI 2.1.1. The combination of risk-causing activity and subcomponent identified as the "worst case" was fishing impacting on population size. The species determined "most vulnerable" was the South Pacific rock lobster Panulirus penicillatus.

Performance Indicator	Risk-causing activities from fishery under assessment	Temporal scale of activities	Spatial scale of activities	Intensity of activities	Relevant subcomponents	Consequence score	MSC Score
PRINCIPLE TWO:	• Fishing				Population size	3	60
Retained Species	Gear loss				Reproductive		
Outcome	Bait collection				capacity		
Species: South Pacific rock lobster <i>Panulirus</i> <i>penicillatus</i>	Other identified risk-causing activities (specify)	5	5	2			
					Age/size/sex structure		
					Geographic range		
Rationale: The full list of the most vulnerable due t twice per week. Fisherm the South Pacific Islands. is thus possible. As a res the fishery at present in te	retained species is given e o ease of capture, and hig en and buyers for the loca However, as a matter of ult, it was determined that erms of bag limits for lobst	elsewhere in the report h market value. Gro I market concur that precaution, it was as the grouper fishery c er, there is potential	brt. Of the species ouper fishermen al- this fishery product sumed that the Ma could be causing a for more exploitati	taken, the stakehold ways take lobster wh ces a maximum of 20 arquesas Islands are change to the popu on if it were to becor	der and expert group: hen they encounter th) lobsters per week, o e home to a self-cont lation size or growth ne more profitable	s determined that the roo nem, which is estimated of a species that ranges ained sub-population, an rate, and as there are no	k lobster was to be once or throughout all of d local depletion restrictions on
Note: the rationale given complete.	here and highlighted in the	e table is only meant	as a partial examp	ble of what can be in	cluded in this box an	d is not meant to be exte	ensive or

Table GCC5. Sample SICA table for PI 2.4.1. The combination of risk-causing activity and subcomponent identified as "worst-case" was anchoring impacting on habitat structure and function.

Performance Indicator	Risk-causing activities from fishery under assessment	Temporal scale of activities	Spatial scale of activities	Intensity of activities	Relevant subcomponents	Consequence score	MSC Score
PRINCIPLE TWO:	Fishing						
Habitats Outcome	Gear loss						
Habitat: tropical coral	Bait collection				Habitat types		
reet	<u>Anchoring/mooring</u>	5	5	3	Theorem (Jpoo		
	Other identified risk-						
	causing activities (specify)				Habitat structure and function	3	75*

Rationale:

According to stakeholders present, boats drop anchor on shallow coral reefs during each fishing trip, at times damaging branching corals. Also, due to strong currents, anchors can be dragged short distances over the reef and dislodge any fragile biogenic structures encountered. The fishery otherwise does not impact the habitat because divers stay in the water column and spear fish which are also in the water column. The consequence score was given as 3 because the time it takes for this fragile biogenic habitat to recover is on a scale of years. But because there is much less than 20% of this habitat affected, and negative impact to the functioning of the habitat is thought to be negligible from this activity, the MSC score was modified to 75. The team would like to place a condition of certification on this PI, however feel an overall PI score of 60 is unjustifiably low...

Note: the rationale given here and highlighted in the table is only meant as a partial example of what can be included in this box and is not meant to be extensive or complete.

GCC2.3.2 See below

- GCC2.3.2.1 See below
 - a For an example of use of Table CE7, if the relevant activity was fishing (e.g. capture by longline) and it takes place within 20% of the overall range of the stock, then the spatial scale is scored as 3.
 - b No guidance at this time
- **G Table CC8** Scale score is not used mathematically, for example in a calculation to determine the consequence score. It is used in the process of making judgments about level of intensity at SICA Step 4. Two different activities that scored the same for spatial scale might have quite different outcomes for the intensity score.
- GCC2.3.3 For examples of temporal scale:
 - If the fishing activity occurs daily, the temporal scale is scored as 6.
 - If gear loss occurs about once per year, then the temporal scale is scored as 3.

It may be more logical for some activities to consider the aggregate number of days that an activity occurs. For example, if the activity "fishing" was undertaken by 10 boats during the same 150 days of the year, the score is 4. If the same 10 boats each spend 30 non-overlapping days fishing, the temporal scale of the activity is a sum of 300 days, indicating that a score of 6 is appropriate.

In the case where the activity occurs over many days, but only every 10 years, the number of days divided by the number of years in the cycle is used to determine the score. For example, 100 days of an activity every 10 years averages to 10 days every year, so that a score of 3 is appropriate.

GCC2.3.4 No guidance at this time

GCC2.3.5 See below

- GCC2.3.5.1 See below
 - a For example, population size or age/size/sex structure could be indirect measures for reproductive capacity.
 - b No guidance at this time
 - c No guidance at this time
 - d No guidance at this time
 - e No guidance at this time
 - f This is important to remember with respect to the "geographic range" subcomponent, which might be affected by other considerations, e.g. natural or human induced climate change or other human induced factors.
 - g No guidance at this time

- **G Table CC11** The time scales referred to are based on the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, which is Annex F to the Report of the FAO Technical Consultation on International Guidelines for the Management of Deep-sea Fisheries in the High Seas, Rome, 4-8 February and 25-29 August 2008. The guidelines define "temporary impacts" on sensitive habitats as being those that allow the habitat to recover in the order of 5-20 years; this range is used as the guide for recovery times acceptable at the consequence level of 3 (MSC score of 60).
- GCC2.3.6 See below
 - GCC2.3.6.1 See below
 - a No guidance at this time
 - b No guidance at this time
 - c For example, if the SICA results in a consequence score of 2 (corresponding to an MSC score of 80), but additional information is available and presented that justifies raising this score, a final MSC score of 85 may be given.
 - GCC2.3.6.2 No guidance at this time

GCC2.4.0 Conducting a Productivity-Susceptibility Analysis (PSA)

The PSA is potentially used when the RBF is triggered for PIs 1.1.1, 2.1.1, 2.2.1 and 2.3.1 within the default tree, i.e. for target species, retained species, and bycatch species.

There are four steps for the MSC PSA.

- PSA Step 1 Score productivity attributes
- PSA Step 2 Score susceptibility attributes
- PSA Step 3 Calculate risk scores and plot individual species onto a PSA plot.
- PSA Step 4 Convert PSA scores into MSC scores and feed back into default tree

An MSC PSA Worksheet for RBF is available from the MSC website and the latest version should always be used in the PSA analysis.

The PSA approach examines attributes of each species that contribute to or reflect its productivity or susceptibility, in order to provide a relative measure of the risk to the scoring element from fishing activities. Productivity is the average of seven attributes, while susceptibility is the product of four aspects

Table GCC6. PSA Attribute table

	Attribute
	Average age at maturity
	Average size at maturity
	Average maximum age
Productivity	Average maximum size
	Fecundity
	Reproductive strategy
	Trophic level
	Areal overlap considers overlap of fishing effort with a species stock distribution
	Vertical overlap considers the likelihood that a species will encounter fishing gear that is deployed within the geographic range of that species (based on two attributes: adult
Susceptibility	habitat and bathymetry) The position of the stock within the water column relative to the fishing gear.
	Selectivity considers the potential of the gear to capture or retain species
	Post capture mortality considers the condition and subsequent survival of a species that is captured and released (or discarded)

- GCC2.4.0.1 No guidance at this time
- GCC2.4.0.2 No guidance at this time
- GCC2.4.0.3 The definition of "main" for retained species is in Annex CB CB3.3.1.2 and for bycatch species in Annex CB CB3.3.2.2.
- GCC2.4.0.4 'Main' in this context is intended to allow consideration of the weight, value or vulnerability of species caught. For instance, a species that comprises less than 5% of the total catch by weight may normally be considered to be a minor species, i.e., not 'main', in the catch, unless it is of high value to the fisher or of particular vulnerability, or if the total catch of the fishery is large, in which case even 5% may be a considerable catch. On the other hand a species that normally comprises 20% or more of the total catch by weight would almost always be considered a 'main' retained species.
- GCC2.4.1 See below
 - GCC2.4.1.1 The level of fishing impact a species can sustain depends on the inherent productivity of the species. The productivity determines how rapidly a species can recover from depletion or impact due to fishing. The productivity of a species is determined by species attributes such as longevity, growth rate, fecundity, recruitment and natural mortality.

Cut-off values for scoring the productivity attributes as low, medium and high in Table CE14 were developed after considering the distribution of attribute values for a wide range of taxa from within Australia. In testing the approach in subsequent discussions around the world, and validating the attributes against intrinsic rate of increase (r), we have improved our understanding to recognise that taxa-specific cut-offs, and geographic (tropical, vs. temperate, vs. deep sea) may be appropriate. This can be further improved by additional research, and MSC work is ongoing to progress this.

- GCC2.4.2 Susceptibility is estimated as the product of four independent aspects; Areal overlap (Availability), Vertical overlap (Encounterability), Selectivity and Post-capture Mortality (PCM). The level of fishing impact that a scoring species can sustain depends on its vulnerability or susceptibility to capture or damage by the fishery activities. The susceptibility of a species is determined by attributes such as the degree of overlap between the distribution of the fishery and the distribution of the species; and whether the species occurs at the same depth in the water column as the fishing gear.
 - GCC2.4.2.1 No guidance at this time
 - GCC2.4.2.2 See below
 - GCC2.4.2.2.1 The assessment of a fishery against P1 is supposed to consider all fishery-related mortality on the target stock. This can be difficult with the PSA. In the PSA, on the susceptibility axis, the areal overlap and vertical overlap attributes are additive across fisheries i.e. the overlap of the stock's 3-dimensional range with each fishery can be added up and the areal overlap and vertical overlap risk scores determined, however, selectivity and PCM can't be combined across fisheries in the same way in the absence of explicit guidance.
 - GCC2.4.2.2.2 See below
 - a. Where a fishery overlaps a large proportion of a stock distribution range the risk is high because the species has no refuge, and the potential for impact is high.
 - GCC2.4.2.2.3 No guidance at this time
 - GCC2.4.2.2.4 See below
 - a. See below
 - i. See below
 - 1. Size at maturity is more typical of the individuals in a population whereas very few individuals reach maximum size for the species.

For most groups, when the size at maturity is double the mesh size the risk of being selected shall be high. The upper size cut-off is used to eliminate large species. For example, basking sharks up to 5m long have been captured in trawl nets and gill nets but the risk of capturing such large animals is low.

- ii. No guidance at this time
- iii. No guidance at this time
- GCC2.4.2.2.5 See below
 - a. See below

- i. No guidance at this time
- ii. No guidance at this time
- iii. No guidance at this time
- iv. For example, sharks with spiracles, such as Port Jackson sharks can breathe without swimming and can survive on deck for many hours if captured alive.
- b. No guidance at this time
- c. See below
 - i. This would suggest the gear is not very selective for the desired size
 - ii. No guidance at this time
 - iii. No guidance at this time
- GCC2.4.2.2.6 In the case when attributes are scored "low", there is little point in using adjustments.

Examples are provided below to assist consideration of whether an adjustment to a risk score is warranted.

- The information to score area overlap in the fishery region is quite coarse. Observer input may be used to adjust areal overlap scores for some species. If qualified observers report very low numbers of a species, say only one seen during 10 years experience on the fishing vessels, then areal overlap may be changed to low. If the observer reports seeing the species between 33% and 66% of days spent on the fishing grounds then areal overlap is rescored as medium. If the species is seen on more than 66% of days, then the areal overlap score cannot be reduced from "high". Unless there are independent field observations (non-fishers) during commercial operations it is not appropriate to over-ride areal overlap scores.
- Vertical overlap is scored by estimating the overlap with the deployed fishing gear. The dominant habitat, and hence area occupied for reptiles and mammals is the very upper ocean (epipelagic zone). These air breathing species are vulnerable to drowning before the gear is recovered to the fishing vessel. As a result, the default vertical overlap score for these air-breathing groups is "high". In fisheries that have observer programs, vertical overlap scores may be reduced from a "high" score. For example, if an observer sees sharks every day he/she observes fishing but the sharks never approach the gear or take fish off the hooks, then vertical overlap is rescored as "low". For fisheries without independent field observations during commercial fishing (e.g. observer programs), it is not appropriate to over-ride vertical overlap scores.
- Selectivity, an estimate of retention by the fishing gear, is scored based on the length of the particular species, as these data are readily available. Not all species of similar length have the same shape, and

shape may influence retention, and thus change the way that selectivity might be scored. On face value one might assume that long thin species, such as squid and sea snakes could escape nets more easily than box-fishes of similar length. However, in the early 1990's Australian trawlers caught over 80,000 sea snakes. Similarly arrow squid are taken in high numbers in Australian trawl fisheries (> 1,900 tonnes 2001–2004). This suggests that for moving trawl nets at least, selectivity over-rides are not appropriate. By contrast a sea-snake would be likely to escape a stationary gill net more easily than a fish of the same length. If supporting data could be obtained an adjustment for the length-based selectivity score may be appropriate. Without supporting data, adjustments should not be used, in line with use of the precautionary principle in the RBF.

- In addition, a range of species such as large billfishes can be retained (selected) if they encounter fishing gear. The selectivity score for these species based on their size is often "high". Other biological attributes and fishery restrictions may modify these scores. Scores should only be overridden based on supporting data from independent observer programs or observer notes on wildlife interactions. For example, in some Australian fisheries using hooks, observer records show seahorses and plankton feeders are not captured. Selectivity scores in hook fisheries for these species may be overridden to "low". Selectivity experiments suggest that selectivity of hooks for most invertebrates is low. Molluscs such as bailer shells, scallops etc. have low selectivity in hook fisheries.
- In the tables provided, Table CC16 presents a selectivity scoring system for hooks, set gillnets and traps/ pots. Teams will need to prepare appropriate selectivity tables for other gears, justifying the factors used and cut-offs selected in their report.
- For all retained species, post-capture mortality is high. PCM is scored as "high", unless there is information that indicates that animals are released alive. Observers can also provide independent verification of life status of released individuals. Where observers can verify that fishers regularly release >66% (>33%) of individuals of a given species alive during normal fishing operations, and there is evidence of survivorship then the scores is changed to low (med). For some fisheries, additional data on post-capture mortality may also be available from field experiments.
- GCC2.4.3 The relative position of the component on the plot will determine relative risk. The overall risk value for a component is the Euclidean distance from the origin of the graph (0,0).

Calculation of Euclidean distance:

For each component unit (e.g. species) the attributes for productivity are scored [1 3] (high, medium, low productivity). These attribute scores are averaged to provide an overall productivity score in the interval [1 3]. Similarly for each unit

the attributes within the four aspects of susceptibility are also scored [1 3] (low, medium, and high susceptibility). These aspects are multiplied and rescaled to the interval [1 3] to provide a susceptibility score. These two scores are then plotted on the PSA diagnostic plot. A single risk score is calculated as the

Euclidean distance from the nominal origin [0,0], calculated as: $R = \sqrt{(P^2 + S^2)}$;

where R is the risk score, which can fall in the interval [1.41 4.24], and P is the productivity score, and S the susceptibility score. This single risk score allows a ranking of all units considered.

The divisions between risk categories and hence scoring guideposts are based on dividing the area of the PSA plots into equal thirds. If all productivity and susceptibility scores (scale 1-3) are assumed to be equally likely, then 1/3rd of the Euclidean overall risk values will be greater than 3.18 (high risk), 1/3rd will be between 3.18 and 2.64 (medium risk), and 1/3rd will be lower than 2.64 (low risk).



Figure GCC3. Examples of diagnostic charts for displaying PSA values for each species

Left Chart: Low risk species have high productivity and low susceptibility, while high risk species have low productivity and high susceptibility. The curved lines divide the potential risk scores into thirds on the basis of the Euclidean distance from the origin (0,0).

Right Chart: Example PSA plot for a set of target species. Note the curved lines that divide the risk space into equal thirds, as described in the text

GCC2.4.4 See below

GCC2.4.4.1 For PI 1.1.1 there will usually be only the target species, but for PIs 2.1.1 and 2.2.1, there could be more than one retained or bycatch species (scoring elements) under consideration. The quadratic equation used is

MSC Score = -11.965(PSA)² + 32.28(PSA) + 78.259

There is a direct quadratic relationship ($R^2=1$) between overall PSA scores and MSC score equivalents. This has been derived setting the highest possible risk score (i.e. all attributes score high risk) as equivalent to an MSC score of 0; setting the lowest possible risk score (i.e. all attributes score low risk) as equivalent to an MSC score of 100; and setting the lower and upper bounds of the "medium risk" range as equivalent to MSC scores of 60 and 80, respectively. A curve through these four points is described by the conversion equation above

- GCC2.4.4.2 For PI 1.1.1 this will usually be only the target species, but for PIs 2.1.1 and 2.2.1, there could be more than one retained or bycatch species (scoring elements) under consideration.
- GCC2.4.4.3 No guidance at this time
- GCC2.4.4.4 An example of PI 2.2.1 with multiple retained species (i.e. landed and sold but not under MSC assessment) scored using the PSA is given in Table GE6.
- GCC2.4.4.5 For discussion on main species see GCC2.4.0.4.

For example, if there are 10 species identified as bycatch, and four of them classified as main, if the team only looks at those four and they all score at or above 90, it would not be allowed to score the PI greater than 80 unless the other six species are considered as well. The definition of "main" for retained species is defined in Annex CB 3.3.1.2 of the CR and for bycatch species in Annex CB 3.3.2.2 of the CR.

It is not possible to score a PI at the 100 level if only main species are considered, as scores shall be modified downwards,

An example of a PSA analysis is below.

	Prod	uctivity A	Attribute	S					Susc	eptibili	ty Attrib	utes			
Species	Av . Age	Av. Max age	Fec.	Av size mat	Av. Size max	RS	TL	Productivity score:	А	E	S	РСМ	Suscept. Score	PSA Score	MSC Score
Marquesen Grouper (target sp.)	2	2	1	2	2	1	3	1.86	3	2	3	3	2.33	2.98	68.4
Rock Lobster Panulirus penicillatus	2	2	1	1	1	1	1	1.29	1	2	3	3	1.43	1.92	96.1
Leopard Sea Cucumber Bohadschia argus	1	1	1	1	1	1	1	1.00	2	3	3	3	2.33	2.53	83.3
Bluespotted Wrasse Anampses caeruleopunctatus	2	2	1	2	2	1	3	1.86	2	2	3	3	1.88	2.64	80.1
Roundjaw Bonefish Albula glossodonta	2	2	1	1	2	1	2	1.57	1	2	3	3	1.43	2.12	92.9

Table GCC7. Sample PSA table for target and retained species with MSC equivalent scores.

Notes:

- The four retained species have PSA score equivalents of roughly 96, 83, 80, and 93. This corresponds to a score of 85 for the PI as a whole.
- The target species has a PSA score equivalent of roughly 68. This is a conditional pass score. Unless additional information is available showing that the stock productivity is at an acceptably high level, PI 1.1.1 will have the mandatory condition.

An example of scoring Principle 1 using the PSA is provided below

There are four fisheries (A, B, C, D) impacting a mullet stock, either as a target or bycatch species. For Principle 1, the effect of all of these fisheries shall be considered in the PSA.

The PSA scores for each fishery are:

 Table GCC8 Sample PSA when multiple fisheries impact a stock

Mullet	Produc	ctivity At	tributes					Produc	Suso Attri	ceptibi butes	ility		Susce	PSA S	MSC S
(target sp.)	Av mat. Age	Av. Max age	Fec.	Av size mat	Av. Size max	RS	TL	ctivity score:	A	Ш	S	PCM	ot. Score	core	core
А	3	2	1	2	2	1	3	2.00	3	3	2	2	1.88	2.74	76.8
В	3	2	1	2	2	1	3	2.00	3	3	2	3	2.33	3.07	64.7
С	3	2	1	2	2	1	3	2.00	3	3	1	2	1.43	2.46	85.4
D	3	2	1	2	2	1	3	2.00	3	3	1	2	1.43	2.46	85.4

Productivity scores are the same across Fisheries A-D since the same species is being targeted.

For the susceptibility attributes, the areal overlap and vertical overlap attributes are the same across all fisheries because the impact of all fisheries on the stock is being considered, so the overlap of the species range (both geographic and vertical) with the total coverage of all fisheries impacting this stock has been assessed to arrive at these attribute values. E.g. for areal overlap, fisheries A, B, C and D have a combined overlap with the target stock range of roughly 60% (see Figure GCC4). And for vertical overlap, in this example, the total vertical overlap is about 40% (see Figure GCC5).



Figure GCC4: Geographical overlap of all fishing activity and P1 stock range



Figure GCC5: Vertical overlap of all fishing activity and P1 vertical range

The other susceptibility attributes are different since each fishery prosecutes the target species in a different way, possibly being bycatch in one fishery while a target in another, etc.

The MSC scores for each fishery show that Fishery A & C are medium risk at the MSC 60-80 scoring guidepost, and Fishery B & D are low risk at >80 MSC scoring guidepost.

However, Fisheries A - D have different catches of this stock which are not precisely known. In speaking with local experts, it has been determined, using the given table, that each fishery should be assigned the following weights:

Fishery	Weighting Score
A	3
В	2
С	1
D	1

Using these weightings, a weighted average is taken across Fisheries A – D to find the PSA score for the entire stock. This gives a PSA score of 2.77, which corresponds to an MSC score of 75.8. Comparatively, a straight non-weighted average results in a PSA score of 2.68 and an MSC score of 78.8, rounded to 79.

GCC2.4.5 The team may use PSA results to assist with condition setting.

• Using the set of productivity and susceptibility attributes, attributes that have contributed to a high risk shall be identified.

- The fishery could be asked to reduce risk by implementing changes in the identified attributes: i.e. by the setting of a condition related to reducing susceptibility.
- GCC2.4.5.1 No guidance at this time
- GCC2.4.5.2 No guidance at this time
- GCC2.4.5.3 Since productivity attributes are inherent to the species, these attributes cannot be changed through fisheries improvements. Where individual productivity attributes have been defaulted to "high risk" because of lack of information, these risk scores could be reduced if additional studies revealed the risk level was actually lower.

For example, if the risk score for a particular bycatch species was due to high vertical overlap, and high post-capture mortality, then the corrective action might be to restrict fishing to night time, or reduce the mortality when that species is captured. These actions can even be tested, by simulating changing the PSA attribute scores, and observing if the risk category changes. This ability to explore the effectiveness of meeting conditions is a strong advantage of analysing a fishery using the attributes included in the PSA approach.

GCC2.4.5.4 For instance, if the proposal was to decrease the susceptibility of a bycatch species by using a different type of gear, it would be important to ensure that any future RBF score with the alternative gear did not identify a consequential problem for another, currently unaffected, bycatch species.

GCC3 Requirements for using the RBF for specific PIs

GCC3.1 RBF Requirements for PI 1.1.1

- GCC3.1.1 No guidance at this time
- GCC3.1.2 Low trophic level fisheries that are targeted over a large part of their range would not be expected to fall in this category
- GCC3.1.3 No guidance at this time
- GCC3.1.4 No guidance at this time

GCC3.2 RBF Requirements for PI 1.1.2

Use of the RBF for PI 1.1.1 implies risk-based reference points for PI 1.1.2, i.e. the limit reference point is expressed as the likelihood of recruitment being impaired by all fishing activities on the target stock. In the RBF context, the level of impact at which recruitment is impaired is given by the SICA consequence level "severe impact" (SICA score 5) as appears in the original of the ERAEF (Ecological Risk Assessment for the Effects of Fishing) framework (Hobday, et al. 2006). The limit and target reference points defined within this framework have been set such that there is at least a 70% likelihood that the true

status of the stock is above this level, which is consistent with the requirements of the default tree. These reference points are pre-defined when using the RBF to score PI 1.1.1 as follows:

- the limit reference point corresponds to an MSC score converted from PSA of 60;
- the target reference point corresponds to a SICA score of 2, or MSC score converted from PSA of 80.

Note there is an extra level of precaution in the RBF in this context, as it is a SICA score of 3 which actually corresponds to "full exploitation rate" (i.e. MSY fishing) - the 80 SG within the default tree. The RBF however uses a SICA score of 2 as the 80 SG equivalent as an extra measure of precaution, and to always encourage the use of stock status data where available.

GCC3.3 RBF Requirements for PI 1.1.3

The RBF is designed to be used in cases where direct measures of stock status such as estimates of biomass, are not available. There is no direct measure to determine whether the stock is actually depleted, and would need to consider rebuilding measures under PI 1.1.3. What is known after scoring PI 1.1.1 using the RBF is the risk of the stock being fished such that recruitment would be impaired. Rather than requiring a fishery scoring less than 80 on PI 1.1.1 using the RBF to score PI 1.1.3, when a fishery scores between 60 and 80 on PI 1.1.1 using the RBF, the conditions specified in GCC3.1.3 for PI 1.1.1 shall apply.

GCC3.4 RBF Requirements for PI 1.2.4

For data-limited fisheries the application of the RBF may be the only "assessment of stock status" available. This assessment is made in relation to risk level reference points rather than biologically based reference points, so the logic for defaulting the score for PI 1.1.2 to 80 when the RBF is needed to assess PI 1.1.1 holds for PI 1.2.4.as well.

GCC3.5 RBF Requirements for PI 2.3.1

No guidance at this time

GCC3.6 Specific requirements for Information PIs when the RBF is applied

The following table is a PI by PI overview of which guidance within this document to apply when using the RBF, and where within this document to find scoring examples for the given PI.

Table GCC8.	PI by PI overview	of guidance for	applying	SICA and PSA.
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Performance Indicator	Level 1 (SICA)	Level 2 (PSA)	
1.1.1 Stock status	If the result of the SICA for the target stock is a consequence score of 1 or 2, the MSC score conversion from Table CC14 shall apply here in the absence of additional information (see CE2.3.6.1). Regardless of the SICA result for this PI, a PSA shall also be undertaken. <i>Example: Table GCC2</i> If either the SICA or PSA score is between 60 and 80, the conditions specified in CC3.1.3 shall be applied to this PI.	The PSA score obtained for the Target stock must be converted into an MSC score equivalent according to the equation in the MSC PSA Worksheet for RBF , explained in GCC2.4.4.1 . In the absence of additional information (CC2.4.4) this MSC score equivalent shall apply to the PI. Note susceptibility attribute scores can be modified according to the guidance in GCC2.4.2.2 . If either the SICA or PSA score is between 60 and 80, the conditions specified in CC3.1.3 shall be applied to this PI. <u>Example: Table GCC6, first data row</u>	
1.1.2 Reference points	When the RBF is used for scoring PI 1.1.1, this PI shall be given a score of 80 in conformance with clause CC3.2.1.		
1.1.3 Stock rebuilding	When RBF is used to score PI 1.1.1, and the score is less than 80, this PI is not scored . In place of scoring PI 1.1.3, conditions will be raised in association with 1.1.1. See CC3.1.3 .		
1.2.1 Harvest strategy	RBF does not apply—use default tree PISGs and guidance in GCB2.5		
1.2.2 Harvest control tools and rules	RBF does not apply—use default tree PISGs and guidance in GCB2.6		
1.2.3 Info/monitoring	RBF does not apply—use default tree PISGs and guidance in CE3.1.5		
1.2.4 Assessment of stock status	When the RBF is used for scoring PI 1.1.1, this PI shall be given a score of 80 in conformance with CC3.4.1 .		
2.1.1 Retained species outcome	If the result of the SICA for the "most vulnerable" retained species (see Section CC2.3.1 SICA step 1) is a consequence score of 1 or 2, the MSC score conversion from Table CC14 shall apply here in the absence of additional information (see CC2.3.6.1). If the result of the SICA is a consequence score greater than 2 (3 or higher) it is discarded and a PSA must be conducted on all (or "main"—see CC2.4.4.5) identified scoring elements within the PI. <u>Example: Table GCC3</u>	The PSA score obtained for all, or "main" (see Paragraph 4.4.6), retained species must be converted into an MSC score equivalent according to the equation in the MSC PSA Worksheet for RBF ., explained in CC2.4.4.1 . Following the CC2.4.4 , an overall MSC score for the PI is determined based on the combination of MSC scores for the species evaluated within the PI. Note susceptibility attribute scores can be modified according to the guidance in CC2.4.2.6 . <u>Example: Table GCC6</u>	
2.1.2 Retained species mgmt strategy	RBF does not apply—use default tree PISGs		
2.1.3 Retained species info/monitoring	When the RBF is used to score PI 2.1.1, the bracketed scoring issues within the default tree SGs for this PI need not be scored. Barring this exception, the default tree PISGs shall be used.		

Performance Indicator	Level 1 (SICA)	Level 2 (PSA)	
2.2.1 Bycatch species outcome	If the result of the SICA for the "most vulnerable" bycatch species (see CC2.3.5) is a consequence score of 1 or 2, the MSC score conversion from Table CC10 shall apply here in the absence of additional information (see CC2.3.6.1.c). If the result of the SICA is a consequence score greater than 2 (3 or higher) it is discarded and a PSA must be conducted on all (or "main" – also see CC2.4.4.5) identified scoring elements within the PI.	The PSA scored obtained for all, or "main" (bycatch species must be converted into an MSC score equivalent according to the equation in CC2.4.4.1) Following CC2.4.4 , an overall MSC score for the PI is determined based on the combination of MSC scores for the species evaluated within the PI. Note susceptibility attribute scores can be modified according to the guidance in CC2.4.4.4 .	
2.2.2 Bycatch species mgmt strategy	RBF does not apply—use default tree PISGs		
2.2.3 Bycatch species info/monitoring	When the RBF is used to score PI 2.2.1, the bracketed scoring issues within the default tree SGs for this PI need not be scored. Barring this exception, the default tree PISGs shall be used.		
2.3.1 ETP Species outcome	If the RBF is used to score 2.3.1 the team sh undertake both SICA and PSA methodologie The SICA score is not used.	The PSA is always conducted when RBF is used for ETP species. The PSA score always applies regardless of the SICA score	
2.3.2 ETP Species mgmt strategy	RBF not applicable		
2.3.3 ETP Species info/monitoring	When the RBF is used to score 2.3.1 the bracketed scoring issues within the default tree SGs for this PI need not be scored.		
2.4.1 Habitats outcome	If the result of the SICA for the "most vulnerable" habitat (see CC2.3.5) is a consequence score of 1 ,2, or 3, the MSC score conversion from Table CC10 shall apply here in the absence of additional information (see CC2.3.6.1c). If the resulting MSC score is between 60 and 80, a condition must be set for this PI. If the result of the SICA is a consequence score greater than 3 (4 or higher), the PI will "fail" the assessment based on SICA. Subsequently, data may be gathered such that the scoring guideposts within the default tree can be used. <u>Example: Table GCC4</u>	No PSA is available for this PI ² . If the PI cannot be evaluated successfully using the SICA, data may be gathered such that the SGs within the default tree can be used.	
2.4.2 Habitats mgmt strategy	RBF does not apply—use default tree PISGs		
2.4.3 Habitats info/monitoring	RBF does not apply—use default tree PISGs		
2.5.1 Ecosystem outcome	If the result of the SICA for the "most vulnerable" ecosystem (see CC2.3.5) is a consequence score of 1, 2, or 3, the MSC score conversion from Table CC10 shall apply here in the absence of additional	No PSA is available for this PI . If the PI cannot be evaluated successfully using the SICA, data must be gathered such that the SGs within the default tree can be used.	

Performance Indicator	Level 1 (SICA)	Level 2 (PSA)
	information (CC2.3.6.1c) If the resulting MSC score is between 60 and 80, a condition must be set for this PI. If the result of the SICA is a consequence score greater than 3 (4 or higher), the PI will "fail" the assessment based on SICA. Subsequently, data may be gathered such that the scoring guideposts within the default tree can be used.	
2.5.2 Ecosystem mgmt strategy	RBF does not apply—use default tree PISGs	
2.5.3 Ecosystem info/monitoring	RBF does not apply—use default tree PISGs	
Principle 3	RBF not applicable to P3	

- GCC3.6.1 This exception is allowed since the information required to meet these scoring issues would not be expected to be available in the data-limited situations applicable to the RBF.
- GCC3.6.2 If the RBF is used to score scoring elements in outcome PIs in P2, it is recognised that there is not information sufficient to estimate outcome status with respect to biologically based limits. For this reason, these Scoring Guideposts are not scored when assessing data-deficient scoring elements.

----- End of Annex CC Guidance -----

Annex CD Guidance

GCD1 Background

In April 2007 the MSC's Stakeholder Council developed a number of recommendations regarding possible changes to MSC's Objection Procedure. Upon reviewing this topic the MSC's Board of Trustees at its May 2007 meeting directed the MSC Executive to review the MSC's Objections Procedure and present recommendations for changes that would improve its 'fit for purpose', cost and time efficiency, transparency and credibility'.

Following review and stakeholder consultation, a revised Objections Procedure was agreed for implementation at the January 2009 meeting of the MSC Board of Trustees.

Further small changes to improve clarity in a number of areas were agreed for implementation at the December 2009 meeting of the MSC Board of Trustees.

GCD2 Objections procedure

GCD2.1 Object and purpose

No guidance at this time

GCD2.2 The Independent Adjudicator

No guidance at this time

GCD2.3 Notice of objection

No guidance at this time

GCD2.4 Procedure on receipt of a notice of objection

No guidance at this time

GCD2.5 Reconsideration by the CAB

No guidance at this time

GCD2.6 Adjudication

No guidance at this time

GCD2.7 Powers of the Independent Adjudicator

No guidance at this time

GCD2.8 Remand

No guidance at this time

GCD2.9 Costs

No guidance at this time

GCD2.10 General provisions relating to the objections process

No guidance at this time

----- End of Annex CD Guidance -----

Annex CE Guidance

No guidance at this time

----- End of Annex CE Guidance -----

Annex CF Guidance

No guidance at this time

----- End of Annex CF Guidance -----

Annex CG Guidance

No guidance at this time

----- End of Annex CG Guidance -----

Annex CH Guidance

GCH1 Scope

No guidance at this time

GCH2 Default tree

No guidance at this time

GCH3 Conditions

No guidance at this time

GCH4 Entry into further chains of custody

- GCH4.1 The purpose of this section is to:
 - create incentives to promote the improved management of non-target stocks;
 - to potentially allow a defined and limited proportion of catches of IPI stock(s) to enter into further certified Chains of Custody and to use the MSC ecolabel.

GCH5 Surveillance

No guidance at this time

GCH6 Re-assessment

No guidance at this time

----- End of Annex CH Guidance -----
Annex CI Guidance

At its November 2006 meeting the TAB re-emphasised MSC's policy intent to encourage 'certificate sharing' amongst fishery participants in the same fishery as widely as possible.

The TAB underscored that 'free riders' in the system or excluding new participants, who are willing to pay a reasonable share the costs of original assessment and ongoing requirements of certification, from a certificate are both undesirable outcomes.

Previous TAB direction had sought to promote, at the beginning of the assessment process, the establishment of clear and fair arrangements that would provide for new entrants to join a certified fishery. The intent was to remove one of the many possible motivations that could otherwise drive different client groups to initiate separate assessments on overlapping fisheries.

The MSC wishes to discourage overlapping assessments to avoid potential financial, consistency and credibility costs, including:

- fisheries managers, scientists and stakeholders receiving duplicate requests for information;
- duplication of costs for a fishery's certification, including that expense incurred by fishery management agencies pre- and post-certification; and
- the possibility of different assessments placing different conditions upon the same fisheries managers and upon different fishery clients.

In July 2007 the TAB released requirements and guidance on the processes that CABs were to undertake in the case of overlapping assessments. The requirements and guidance specifically addressed harmonisation between two fisheries starting the assessment process at about the same time. The TAB has now reviewed and revised this to provide guidance for harmonisation where a fishery in assessment overlaps with an already certified fishery.

The MSC expects that the outcome of any given assessment, particularly the overall result that is achieved (whether a pass or a fail) and the setting of conditions, will be consistent between overlapping fisheries in assessment and certified fisheries.

----- End of Annex CI Guidance -----

Annex CJ Guidance

Background

Fisheries that are based on non-native species were previously ineligible for certification to the MSC Standard.

The MSC acknowledges that there are longstanding cases of fisheries introductions wherein the introduction of the non-native species occurred prior to the existence of guidelines and regulations on introduction of exotic species into new locations and that in many instances these introductions are now irreversible and that the fisheries in their current state are subject to management measures that are designed to ensure sustainable use of the target species and associated ecosystems.

In light of this and in recognition of the increasing number of these types of fisheries seeking to be evaluated against the MSC's Standard, the MSC has developed a set of scope criteria to define the conditions under which an Introduced Species Based Fishery (ISBF) may be considered within scope of the MSC standard and programme.

Consistent with best international practice, the intent is to ensure that ISBFs can only be considered to be in scope of the MSC standard if the introduction cannot now be safely reversed and if the introduction occurred a long time ago.

There are certain ecological considerations which may be pertinent to fisheries and management systems where introductions of non-native species have occurred. Such considerations may require modifications to the guidance and default tree used in their assessment. Initial guidance on aspects of the assessment that may require such modifications is provided.

Annex CJ is expected to be applicable over a pilot phase period of 18-24 months after which it is expected that the scope criteria and associated assessment guidance will be subject to review and revision.

Intent

The aim of the MSC is to ensure that fisheries resources are managed sustainably. The intent of this policy is to enable participation in the MSC of fisheries with longstanding introductions which are irreversible and which are subject to management measures that promote sustainable use of the resources.

Assessment

Assessment of introduced species at Principle 1 is potentially complicated because of the varying, but valid ecological objectives that can exist for fisheries that are based on introduced species. In most ISBFs, objectives are set to ensure optimum productivity of the target (introduced) species. In certain other fisheries, objectives may be set to keep populations of the introduced species at a level that ensures wider ecosystem objectives are met. These wider ecosystem objectives may include keeping the target stock at sub-MSY levels in order to allow for some level of restoration of biodiversity.

GCJ1 Determination of Scope

No guidance at this time

GCJ2 Initial requirements on assessment issues

- GCJ2.1 See below
- GCJ2.1.1 ISBFs is required to meet the intent of Principle 1 which is to ensure that exploited populations are maintained at high abundance levels. An ISBF determined to be in scope of the MSC programme shall at Principle 1, be assessed accordingly, using default Performance Indicators and Scoring Guideposts in Principle 1.
- GCJ2.1.2 No guidance at this time
- GCJ2.1.3 No guidance at this time
- GCJ2.1.4 No guidance at this time
- GCJ2.1.5 No guidance at this time

GCJ3 Introduced species as non-target species

No guidance at this time

GCJ4 Implementation of this Annex

No guidance at this time

----- End of Annex CJ Guidance -----

Annex CK Guidance

Foreword to Annex GCK

Annex GCK is intended to provide supplemental guidance and interpretation when applying the default assessment tree (Annexes CB, GCB) and the modifications to it (Annex CK) for assessing enhanced bivalve fisheries. The numbering of sections in this Annex corresponds to the equivalent sections in the CR.

GCK1 General

GCK1.1 No guidance at this time

GCK2 Principle 1

GCK2.1 General Requirements for Principle 1

GCK2.1.1 With enhanced catch-and-grow (CAG) bivalve fisheries, management is not based on reference points or the concept of managing stock size. Shellfish are either captured as larvae on ropes or caught as seed and moved to favourable areas for grow out. Instead of removing animals from the system, survivorship is improved through the provision of substrate and better growing conditions. In the end, this process may actually contribute to increasing stock size and biomass instead of reducing it. Since bivalve culture cannot lead to exploitation rates that approach limit reference points, it is not managed as such. Scoring enhanced CAG bivalve fisheries for P1 stock status is therefore not usually appropriate. However, CABs still need to determine that there is no threat to the target species, and if so confirmed there is no need to score P1 nor to have a P1 expert on the team.

Management strategies for bivalve culture are based on limiting the impact of the farming activity on the environment, with a particular focus on carrying capacity and benthic habitats. The strategies usually contain a number of elements such as number of farms per site, number of lines per farm, and locations where farming can and cannot occur (to protect certain habitat types). Information on biomass produced is gathered but not for the purpose of assessing stock status. Production surveys can provide management with useful information when used in combination with other environmental indices to give a good picture of the risk posed by the farming activity to the environment. However, they are not measures designed to maintain the wild population at high productivity levels or BMSY. Therefore, scoring the harvest strategy and harvest control rules and tools PIs for shellfish farming is not appropriate.

GCK2.1.2 Enhanced CAG bivalve fisheries involving translocations that remove seed stock from source locations should be scored against the stock status, harvest strategy/control rules and tools PIs to ensure that the exploitation of the source seed resource is properly managed. Since it is problematic to assess stock size in relation to biomass or fishing mortality, the RBF may be used. Translocations of native species among different geographic areas may also pose risks to the genetic diversity of wild populations. This issue is most often associated with escapes from salmon net pen culture. However, the life history and genetic characteristics of bivalve populations are very different from those of salmon and other finfish. Salmon populations are highly structured by homing behaviour and adaptations to natal freshwater spawning grounds. Marine shellfish, on the other hand, have widely dispersing planktonic larvae and typically show minimal genetic divergence over broad spatial scales.⁶ While there is a low risk for translocations of marine shellfish to affect the genetic integrity of wild populations (depending on the scale of the translocation), it is still necessary for assessment teams to examine each situation and provide rationale and evidence explaining the level of risk if it exists. This will be achieved by scoring the Genetic outcome PI.

GCK2.1.3 The use of hatchery propagated seed in bivalve fisheries is increasing. Although beneficial to stocks undergoing restoration or rebuilding, hatchery enhancement may also pose a risk to wild populations. Hatchery-based enhancement may reduce the genetic diversity of wild stocks, leading to reduced fitness and adaptability. This is brought about by intentional or unintentional artificial selection ("domestication" selection) in the hatchery environment. Certain practices that are used in hatcheries to maximise larval survival and growth may lead to decreased survival when seed is placed in the wild. For example, the fine-mesh screens used in shellfish hatcheries to cull small individuals from larval cultures may also select for rapid larval development. If rapid larval development in the hatchery environment were to correlate with poor post-settlement survival and growth, the reproductive success of the wild population may be compromised. This is especially true if the use of hatchery seed is widespread and overwhelms local wild stocks. Many traits could be subject to such domestication selection, and it would be difficult to develop a practical methodology by which to measure genotype-by-environment interaction for larval traits across both hatchery and natural habitats. Nevertheless, risks from hatchery enhancements on genetic diversity or adaptation are manageable with appropriate designs and monitoring.⁷

Efforts should be made to address genetic concerns specific to the species and the geographic region where the seed will be out-planted. Best practices for managing the genetic impacts of hatchery enhancement include:

- maintaining a large number of broodstock to ensure against inbreeding and random genetic changes;
- rotating broodstock within spawning seasons and between years;
- avoiding the return of hatchery-propagated stock to the hatchery and using it as broodstock;

⁶ Hedgecock D, S Edmands, and P Barber. 2007. Genetic approaches to measuring connectivity. Oceanography 20:70-79.

⁷ Hedgecock D, and K Coykendall. 2007. Genetic risks of hatchery enhancement: The good, the bad, and the unknown. In *Ecological and Genetic Implications of Aquaculture Activities*. Edited by TM Bert, pp. 85-101. Dordrecht: Springer.

- using local broodstock to limit the mixing of genetically divergent populations;
- maintaining the scale of hatchery enhancement and the reproductive potential of hatchery seed well below the size and reproductive potential of the wild population.
- GCK2.1.4 No guidance at this time
- GCK2.1.5 No guidance at this time

GCK2.2 Genetics

No guidance at this time

GCK3 Principle 2

GCK3.1 General Requirements for Principle 2

All Principle 2 PISGs are applicable to enhanced hatch-and-catch (HAC) bivalve fisheries.

There are normally no retained species captured in enhanced CAG bivalve fisheries based solely on spat collection; therefore PIs for retained species should not be scored. Fisheries with some level of dredging may involve the capture of retained species; for these fisheries the retained species PIs should be scored as per the standard requirements.

The PIs for bycatch species should not be scored for fisheries based solely on spat collection. For enhanced CAG bivalve fisheries that employ a dredging or fishing component to collect seed for grow out, there is often a minimal amount of bycatch (usually some crabs and starfish) but still enough to consider the bycatch PIs relevant for scoring purposes.

There is the potential for enhanced CAG bivalve fisheries to interact with ETP species.

For suspended culture, the scoring of Principle 2 habitat PIs should clearly focus on the benthic impacts of bio-deposition and organic enrichment, and the scoring of ecosystem PIs should clearly focus on issues relating to carrying capacity and the trophic effects of bivalve filtration/feeding.

<u>Benthic Organic Enrichment</u> – One way in which suspended bivalve culture can impact the environment is by increasing the amount of organic material that settles on the seabed. When shellfish feed, they filter organic matter from the water column and repackage it into faster sinking particles. As this organic sediment builds up underneath bivalve farms, changes to benthic habitat and communities may occur. The extent and severity of these habitat changes is most often site specific and relate to a variety of factors including the following:

• Scale, duration, and intensity of shellfish production.

- Growing practices and methods.
- Concentration of suspended organic matter available for shellfish filtration.
- Water depth and sedimentation rate.
- Local currents and prevailing winds.

During certain situations these factors may combine to produce significant negative effects that can be seen at both the local and wider ecosystem level.

Total 'free' sulphide (S²⁻) in surficial (0-2 cm) sediments is a cost-effective indicator of the organic enrichment effects of suspended shellfish cultivation on benthic communities. In general, there is a consistency between changes in various biological and geochemical variables and total S²⁻ in surface sediments along organic enrichment gradients. Other metrics such as redox potential, sediment oxygen demand, sediment organic content and benthic diversity indices may also be used to assess a specific farming operations impact on the benthic environment but are less ideal due to measurement challenges, costs and/or inherent variation.⁸

Impacts to benthic biodiversity resulting from increased S²⁻ concentrations can be significant and occur even at low S²⁻ levels. The transition from normal to hypoxic conditions has been identified as occurring at 1,500 μ M S²⁻. This threshold represents a transition from "moderate" to "reduced" macrobenthic sulphide concentration and changes in the benthic macrofauna community structure. Anoxic sediments are characterised by S²⁻ concentrations >6,000 μ M. A transition within the hypoxic class of sediments at 3,000 μ M has been identified where less S-tolerant taxa disappear but more tolerant opportunistic species have not yet increased in abundance. S²⁻ levels above 3,000 μ M represent a condition that exerts severe hypoxic stress on benthic community structure and characterise a polluted sediment condition that poses a high risk to benthic habitat.⁹

Shellfish farming may occur where the natural benthic environment is already heavily enriched with organic matter prior to the initiation of any culture activities. In these cases, comparing measurements taken underneath farms to control sites outside of the farm can show that the culture activity is not directly responsible for the anoxic conditions.

Assessment teams could apply the sulphide methodology in justifying their scores for habitat status:

For the <u>SG 60 level</u> for habitats, assessment teams must justify that the fishery is <u>unlikely</u> to reduce habitat structure and function to a point where there would be

⁸ Bivalve Aquaculture Dialogue. 2010. Bivalve Aquaculture Dialogue Standards.

http://www.worldwildlife.org/what/globalmarkets/aquaculture/WWFBinaryitem17872.pdf
 ⁹ Hargrave, B.T., Holmer, M., Newcombe, C.P. 2008. Towards a classification of organic enrichment in marine sediments based on biogeochemical indicators. Mar. Poll. Bull. 56: 810-824.

serious or irreversible harm. This could correspond to levels of total 'free' sulfide in surficial sediment beneath farms of \leq 3,000 µM.

For the <u>SG 80 level</u> for habitats, assessment teams must justify that the fishery is <u>highly unlikely</u> to reduce habitat structure and function to a point where there would be serious or irreversible harm. This could correspond to levels of total 'free' sulfide in surficial sediment beneath farms of \leq 1,500 µM.

For the <u>SG 100 level</u> for habitats, assessment teams must justify that there <u>is</u> <u>evidence</u> that the fishery is highly unlikely to reduce habitat structure and function to a point where there would be serious or irreversible harm. This could correspond to negligible levels of total 'free' sulfide in surficial sediment beneath farms, such as would be found at background levels for that environment.

<u>Phytoplankton Depletion/Ecological Carrying Capacity</u> – Bivalve aquaculture dominates the energy flow of a marine system when the phytoplankton consumed by the total production of cultured molluscs exceeds the combined reproduction rate and tidal replenishment rate of phytoplankton in the system. If phytoplankton consumption due to culture activities exceeds ecological carrying capacity, significant changes to ecological processes, species, populations, or communities in the growing environment may occur. Methods for determining the impact of suspended bivalve farming operations range from simple clearance and retention time calculations to expensive and complex computer modelling of ecological carrying capacity of affected water bodies. While it can be difficult to account for all the variables involved in coastal ecological processes, relatively simple calculations can be used to determine whether or not production is likely to be sustainable.

The main threat associated with the translocation of shellfish is the introduction of diseases, pests, or invasive species. There are many historically documented cases of shellfish introductions serving as vectors for disease and non-native species. In some of these cases the introductions have resulted in mass mortalities of native species and severely disrupted ecosystems. Biosecurity measures have been put in place in many areas in order to prevent such occurrences; yet regulations and enforcement may be insufficient to prevent intentional or accidental introductions. It is important that these risks are assessed through established protocol and validated through independent scientific review. For general guidance on translocation see G27.8.6.1 and G27.8.6.1.b.

The removal of seed from an area either through dredging or spat collection may have P2 impacts (e.g. habitat impacts of the dredging activity or ecosystem impacts from seed removal). For this reason CABs should consider P2 impacts for all sources of shellfish seed.

GCK3.2 Translocations

No guidance at this time

GCK4 Principle 3

GCK4.1 General Requirements for Principle 3

In cases where P1 is not scored, scoring of P3 should focus only on the relevant management systems applicable to maintaining sustainable P2 outcomes.

Assessment Trees for Enhanced Bivalve Fisheries

See following Figures

Figure GCK1. Default assessment tree.



Figure GCK2. Enhanced HAC bivalve fishery.



Figure GCK3. Enhanced CAG bivalve fishery based solely on spat collection without translocation.



Figure GCK4. Enhanced CAG bivalve fishery based solely on spat collection with translocation.







Figure GCK6. Enhanced CAG bivalve fishery with seed collection by dredging/fishing and translocation.



Table GCK1	. Summary o	f scoring required for	different types of	of enhanced bivalve fisheries.
			<i></i>	

Fishery Type			Scoring Required For:						
#	Enhanceme nt Type	Spat/Seed collection	Trans- locatio n	Principle 1	Genetic Outcom e (P1)	Genetic Managemen t & Information (P1)	Translo- cation Pls (P2 impacts)	Retained Species	Bycatc h Specie s
1	HAC	Hatchery produced	No	Yes	Yes	Yes	No	Yes	Yes
2	CAG	On ropes/ collectors	No	No	No	No	No	No	No
3	CAG	On ropes/ collectors	Yes	Yes (RBF)	Yes	No	Yes	No	No
4	CAG	By dredging	No	No	No	No	No	Yes	Yes
5	CAG	By dredging	Yes	Yes (RBF)	Yes	No	Yes	Yes	Yes

----- End of Annex CK Guidance -----

Annex GCL – Expedited P1 assessments

- GCL2.1 Annex CL outlines the minimum assessment requirements necessary for an expedited Principle 1 assessment of main retained Principle 2 species in an already certified fishery. There may be instances where ADDITIONAL assessment steps or evaluations are necessary to ensure that the entire assessment of the fishery across all three Principles continues to be accurate when additional stocks are added to Principle 1. Because this expedited assessment approach is new, and fisheries have been evaluated in different ways by different CABs at different times, MSC maintains control over whether expedited assessments will be allowed, via a variations request process. For MSC to allow the expedited assessment, assurance must be given by the CAB that the impact of this across the rest of the fishery assessment (i.e. in both P2 and P3) has been evaluated, and if necessary, modifications to the expedited assessment approach suggested.
- GCL 2.1.1 The requirements given for the expedited P1 assessment of main retained P2 species in Annex CL are the minimum requirements. If CABs determine in their review of the fishery and variation application that additional assessment steps or Performance Indicator rescoring is necessary, this will need to be undertaken as well.
- GCL2.5 In cases where there are a number of stocks identified as 'main retained' in a certified fishery, assessing one or more of these against Principle 1 will mean that they are removed as 'scoring elements' from Principle 2 'retained species'. The remaining scoring elements in Principle 2 'retained species' will have to be rescored according to CR section 27.10.7.4. This does not require a P2 expert. In the unlikely event that the new P2 score causes a failure of the fishery due to the reallocation of P2 species to P1, the CAB may elect to discontinue the expedited P1 assessment process for one or more stocks.
- GCL3.1.2 If a new report is being created for the expedited P1 assessment (i.e. it is not taking place as part of a regular surveillance audit) sections 1, 2, 3.1-3.3, 4, 5, 6 of the Full Assessment Reporting Template may be populated from previous surveillance audit reports or the Final Certification Report, where appropriate.
 - GCL3.1.2.1The surveillance report provides two functions: as a surveillance report and as a Public Comment Draft Report for the expedited audit, so as not to compromise the timing of the surveillance report. Thus, CABs should still publish the surveillance report within 30 days of the audit, and could use such announcement to seek public comment on the expedited assessment.

Annex GCM: Fishery Team Leader, Team Member, Team And Peer Reviewer Qualifications And Competencies – Informative

GCM 1 Guidance To Table CM3

GCM 1.1 Fish Stock Assessment (Row 1)

Where 5 years or more experience is stated, the 5 years refers to an individual team member needing to have 5 years' experience. The experience cannot be the accumulated experience of different team members e.g. 1+4 years, 2+3 etc.

GCM 1.2 Fish Stock Biology / Ecology (Row 2)

For a team member to comply with this requirement, 'similar biology' in this context means that where the target species is:

- a demersal fish species, experience with other demersal fish species qualifies.
- a pelagic fish species, experience with other pelagic fish species qualifies
- a crustacean species, experience with other crustacean species qualifies
- a mollusc species, experience with other mollusc species qualifies
- Similarly for any other taxon.

GCM 1.3 Current knowledge of the country, language and local fishery context (Row 5)

GCM 1.3.1 Common language means knowledge of a language that is spoken by clients and stakeholders. The intent of the requirement is to ensure that information can be clearly exchanged between the team, client and stakeholders and understood by most parties. For example, the common language in Indonesia could be Bahasa, in African countries it could be English, French or Portuguese.

GCM 1.3.2 A 'relevant fishery' in this context means one where the scale of the fishery and the stock assessment techniques and management approaches are similar to those in the fishery under assessment. For example, if the fishery under assessment is a small-scale operation with limited quantitative information and informal management systems, then 'relevant fisheries' would have these characteristics as well. Similarly, if the fishery under assessment is large scale or industrial with fully quantitative stock assessment approaches and related management systems (such as harvest control rules related to input/output measures) then 'relevant fisheries' would also have these characteristics.

Annex GCN - Guidance to CABs on Stakeholder Consultation - Informative

GCN1 Introduction

GCN1.1 Stakeholder consultation in the context of a fishery assessment against the MSC's Principles and Criteria for Sustainable Fishing is not a trivial procedural requirement, but a critical and substantive component of the overall assessment process. The MSC fishery assessment process depends on an effective engagement with stakeholders that can inform the assessment of a fishery's performance. Stakeholders, including government agencies, conservation organisations, and other fisheries and commercial interests, represent the most critical source of information regarding a fishery independent of the client.

Among other things, stakeholders can shed light on the diversity of perspectives on the fishery, and can highlight any areas of controversy. The stakeholder consultation process allows an assessment to determine the soundness of a range of perspectives, make an objective and balanced evaluation of the fishery against the MSC Principles and Criteria for Sustainable Fishing, and enhance the transparency of the assessment process and the durability of a certification decision. To ensure effective consultation with stakeholders, CAB must consider stakeholder views on all aspects of an assessment and the performance of a fishery.

GCN1.2 Purpose of this document

GCN1.2.1 This document is intended to provide CABs with consistent and specific guidelines regarding MSC expectations for meaningful stakeholder consultation in the assessment of fisheries interested in applying for MSC certification. The primary audience for the document is comprised of the accredited certification bodies who will be conducting MSC fishery assessments. Secondary audiences include clients and stakeholders who will benefit from understanding the role and expectations for stakeholder consultation in the assessment process.

GCN1.3 Nature and scope of this document

- GCN1.3.1 This document compliments Part C of the MSC Certification Requirements that set out the requirements of the fishery assessment process. Recognising that some CABs are not necessarily expert in or experienced with stakeholder consultation of the sort envisioned by the MSC, this document specifically focuses on the stakeholder consultation components of the overall process, providing conceptual and technical guidance for conducting a meaningful stakeholder consultation process.
- GCN1.3.2 This document should be used in conjunction with the MSC Certification Requirements and the associated Guidance. These collectively provide instruction and guidance on the overall process. This guidance document should

provide certification bodies, clients, stakeholders and others with insights into the MSC's expectations regarding appropriate and high quality fishery assessments against the MSC Standard.

GCN1.3.3 The scope of this document begins with the pre-assessment phase and covers the assessment process through full assessment and production of the draft and final report. While stakeholders may have continued involvement in the certification surveillance and/or objections processes, this document does not provide specific guidance for their involvement in those processes.

GCN1.4 Approach of this document

GCN1.4.1 The approach used in this document is to incorporate the key elements of best practice in stakeholder consultation into the MSC fishery assessment process. It is critical to recognise that the specifics of an appropriate stakeholder consultation process will and should vary according to the unique circumstances and context of each fishery being considered, requiring judgment on the part of the CAB regarding the nature, scope and specifics of the design and conduct of the consultation process. This makes it difficult to develop a checklist of minimum requirements that applies to every case. This document provides both conceptual guidance in the form of Guiding Principles, as well as technical guidance in the form of specific recommended steps that can and should be tailored to every case.

GCN2 Who is a Stakeholder?

- GCN2.1 The MSC takes an inclusive approach when considering the definition of a stakeholder in the fisheries certification process. A stakeholder is any person, group or organisation who:
- GCN2.1.1 may affect, or be affected by, a certification decision; or
- GCN2.1.2 has expressed an interest in the fishery being considered for certification assessment and/or in other potentially affected resources; or
- GCN2.1.3 has information relevant to the assessment of the fishery for MSC certification.
- GCN2.2 Typical stakeholders may include:
- GCN2.2.1 government agencies (with direct fishery management or research responsibility or responsibility for related resources, research or other activities);
- GCN2.2.2 non-governmental conservation or other public interest organisations (these may be local, regional, national and/or international organisations);
- GCN2.2.3 academic researchers;
- GCN2.2.4 adjacent or potentially affected fisheries (other than the one being considered) or other potentially affected commercial interests, including the post-harvest sector; or
- GCN2.2.5 Community or tribal entities or individuals.

GCN2.3 Depending on the specific circumstances, any one of these or other stakeholders may support or be critical of the status of the fishery in question. Further, within these stakeholder categories there may be inconsistent perspectives. Hence, careful and early analysis of the full range of stakeholders and stakeholder perspectives is critical.

GCN3 Purpose and Goals of Stakeholder Consultation

- GCN3.1 The importance of meaningful stakeholder consultation in MSC fishery assessments cannot be overstated. The primary goal is to collect the information needed to conduct a robust assessment of the fishery. A successful stakeholder consultation process will instil confidence in stakeholders that the assessment of a given fishery was well informed by a balanced, accessible and equitable process to which they were able to contribute meaningfully. It should not be a forum to debate issues, but to identify the full range of relevant information and issues and bring them to the attention of the team.
- GCN3.1.1 A well planned and conducted consultation process will serve the following specific and important purposes:

To ensure a well-informed certification assessment

GCN3.2 Besides the client, stakeholders are the primary source of information needed by the certification bodies to conduct a meaningful assessment. Whether they are academic scientists, government managers, or conservation organisations, stakeholders are likely to be the richest and most substantive source of information either in support or critical of the practices and effects of the fishery as they relate to the MSC Principles and Criteria.

To optimise the durability of certification decisions

- GCN3.2.1 A thorough stakeholder consultation process will decrease the likelihood of both substantive and procedural objections to certification determinations, making them more durable. The process will reveal problems or conflicts related to the fishery, and provide advance notice of the nature of any potential objections to the certification.
- GCN3.3 This enables the CAB, the team and the client an opportunity to examine and address, as appropriate, any relevant critiques of the fishery and any related issues in dispute. In addition, a good stakeholder consultation process makes clear to stakeholders the process for participating, thereby minimising the likelihood of procedural objections. While this will not eliminate all objections or complaints, it can reduce them significantly.

To build and strengthen credibility

GCN3.4 Credibility is at the core of the success or failure of the MSC certification and labelling scheme. Credibility is critical to acceptance of the fishery-specific certification decision, the reputation of the CAB, the reputations of the fishery itself and those who participate in it, and finally to consumer confidence in the MSC ecolabel in the marketplace. The extent to which all relevant information,

perspectives, and concerns are revealed and considered is fundamental to building and maintaining credibility in all of these dimensions.

To strengthen overall stakeholder support for the MSC certification programme

GCN3.5 A well-conceived and implemented stakeholder consultation process will nurture mutual respect and support among players – stakeholders, certification bodies, client fisheries and the MSC. A consultation process that is conducted without bias, considers diverse perspectives, concerns and substantive information, and is transparent in the way it addresses conflicting input, will engender respect and lay the foundation for mutual support, even where differences may persist.

GCN4 Guiding Principles for Conducting Stakeholder Consultation

GCN4.1 The following Guiding Principles are intended to provide a conceptual framework and point of reference for certification bodies as they consider their approach to and design of meaningful stakeholder consultation processes. These principles reflect widely accepted fundamentals of best practice for expert practitioners involved with the design and conduct of consultative or participatory processes with the objective of informed, broadly supported, and durable decision making.

Every case is different

- GCN4.2 The level of effort required for successful and meaningful stakeholder consultation in each case will vary depending on several interrelated dimensions. The most important of these factors are:
- GCN4.2.1 the scale, scope and complexity of the fishery and its effects and therefore the number and range of potentially interested stakeholders;
- GCN4.2.2 the past or current level and nature of conflict, or the potential for controversy regarding the fishery; and
- GCN4.2.3 the ability and/or willingness of key stakeholders to engage constructively in the assessment process.

Consideration of these factors is critical in designing and planning for an appropriate stakeholder consultation plan – one that is tailored to the scale, scope, complexity, and potential for conflict associated with the fishery in question. The appropriate specific focus and level of effort required in the stakeholder consultation process for one fishery may be quite different from another one. There is no "one-size-fits-all".

The earlier in the process stakeholders and their concerns are identified, the better

GCN4.3 There is no doubt that the earlier information about stakeholder concerns and consultation needs is obtained, the better prepared the CAB and/or team will be to plan for and conduct a successful process. Reaching out to stakeholders early in the process sends a message that decisions are not being made prior to consultation, and that there is genuine interest in getting all relevant information

into the system for consideration. In the case of an MSC certification, this is true both in terms of 1) analysis of and planning for stakeholder consultation needs in the pre-assessment phase, and 2) engaging stakeholders in meaningful consultation in the full assessment phase. Specifically:

- GCN4.3.1 in the pre-assessment phase:
 - GCN4.3.1.1 Early analysis of stakeholder consultation needs will provide critical awareness of conflicting perspectives and potential controversy, and therefore valuable insights into areas that will need attention and specific substantive expertise.
 - GCN4.3.1.2 Early analysis will provide critical information needed to inform 1) the design of an appropriate stakeholder consultation plan, and 2) the estimated costs associated with the full assessment
- GCN4.3.2 in the full assessment phase:
 - GCN4.3.2.1 Contacting and engaging stakeholders as early in the process as possible will reassure stakeholders that their information or concerns are included in the assessment early enough to receive real consideration and that stakeholder consultation is not being conducted as a procedural requirement after a decision has already been made.

The consultation process should be communicated clearly and early, and should be accessible and responsive

- GCN4.4 Information describing the process for stakeholder consultation should be communicated clearly and made readily available to stakeholders, and the process itself should be accessible and responsive. Every effort should be made to provide stakeholders with the substantive and procedural information they need to participate effectively. For the purposes of MSC certification, this should include, at a minimum:
- GCN4.4.1 information about the MSC describing the certification programme and an orientation to the MSC certification process overall; and
- GCN4.4.2 a description of the proposed process planned for stakeholder consultation for the specific fishery in question.

Attempts to gather stakeholder input must be active, not passive

GCN4.5 In order to achieve meaningful consultation, stakeholder input must be actively sought out, not merely invited. Simply providing an opportunity for input is insufficient (e.g. announcing an open meeting in a newspaper, newsletter or magazine; or publishing an announcement soliciting written comment). Identifying specific individuals who represent key stakeholder groups, organisations, or interests, and making direct personal contact to request and engage in a meeting or interview for the specific purpose of collecting their input is necessary. Further, being responsive to their questions and needs is critical, and may require making changes in the process plan (e.g., contact additional

individuals or organisations, provide for additional time, adjust meeting times or locations, etc.).

GCN4.5.1 In the case of MSC fishery assessments, where there is a genuine and often urgent need for quality stakeholder input, it is in the best interest of the CAB to seek it out in order to ensure fully informed and credible decisions regarding certification. The level of effort required to do this will vary immensely from case to case.

The stakeholder consultation process should be designed and carried out in way that is culturally and technically appropriate

- GCN4.6 Awareness of the cultural norms and expectations and the technological capabilities of those to be consulted will contribute to the design and implementation of an appropriate and successful consultation process.
- GCN4.6.1 Respect for the different cultural or social norms and protocols for approaching individuals (or governments, organisations, tribes, or community groups, etc.) to request their input is extremely important. For example, there may be specific acceptable channels through which to approach community or tribal leaders, or elected officials. Ignorance or insensitivity regarding these factors, even though unintended, may cause embarrassment, offence, or humiliation to the parties or the CAB, and seriously undermine efforts to obtain useful input.
- GCN4.6.2 Likewise, an understanding of the technical capacity of key individuals or organisations is very important, particularly with regard to communications mechanisms (e.g., telephones, electronic mail, facsimile, and internet capabilities). For instance, requiring written input may be inappropriate in some circumstances, as might be referring someone to a web site for information. In some situations, communication services may be unreliable, or fishermen may be at sea for extended periods and unable to communicate promptly.

Meaningful stakeholder consultation takes time

- GCN4.7 In planning the full assessment process overall and the stakeholder consultation process specifically, sufficient time for consultation must be provided for.
 Stakeholder consultation often takes more time than expected, resulting in cost over-runs and delays.
- GCN4.7.1 An unrealistic timeframe will invariably lead to frustrated and disenfranchised stakeholders, poorer stakeholder input, and erosion of the CAB's credibility, as well as the credibility of the process and the eventual outcome. It takes time to contact, arrange for appropriate consultation, then to conduct the consultation, and possibly follow-up (once or several times with some stakeholders, as needed) to meet CAB and stakeholder needs.
- GCN4.7.2 Additional key stakeholders may be identified as the process unfolds and will need to be consulted. Some stakeholder groups have limited resources and may not be able to respond quickly. In addition, representatives of specific interest groups or organisations will often require time to consult with their constituents, or their own experts before committing to substantive input.

A safe environment is needed for honest and open exchange of information, perspectives and concerns

GCN4.8 Stakeholders should be given no reason for concern in participating openly and honestly in the consultation process. Stakeholders should be assured that any reference to or characterisation of the substance of their input by a CAB, either written or verbal, will be done without attribution, unless some other arrangement is specifically agreed to by the stakeholder. Interactions with all stakeholders should be respectful, unbiased and non-judgmental throughout the process in order to engender trust and credibility in the CAB, the team, and the MSC programme overall.

Transparency is your ally; communicate often and be accessible and responsive

- GCN4.9 There are simple steps that can be taken to avoid uncertainty and confusion in the minds of stakeholders, including:
- GCN4.9.1 Communicate about what you are going to do, so people know what to expect.
- GCN4.9.2 Communicate about what you are doing, so people know where you are in the process.
- GCN4.9.3 Tell people what you are going to do with their input.
- GCN4.9.4 Be receptive and responsive to requests for changes to the process, as appropriate.
- GCN4.9.5 Communicate any changes to the process, so people are not caught off guard.
- GCN4.9.6 Communicate about what you did provide documentation (without attribution) of the issues and concerns raised and how they were handled in the decision-making process.

GCN5 Roles and Responsibilities

- GCN5.1 There are five major players with roles and responsibilities in the stakeholder consultation aspect of MSC fishery assessment. They are:
- GCN5.1.1 the CAB who has been approached by a client;
- GCN5.1.2 the client;
- GCN5.1.3 the stakeholders and their representatives;
- GCN5.1.4 the MSC; and
- GCN5.1.5 the team.

The CAB

GCN5.2 The CAB is the legally constituted body that is accredited by ASI to conduct fishery assessments against the MSC standard (the Principles and Criteria for Sustainable Fishing).

- GCN5.2.1 The CAB is responsible for ensuring that a thorough and credible stakeholder consultation process is designed and conducted consistent with the MSC Certification Requirements and associated guidance.
- GCN5.2.2 The specifics of this process are laid out in detail in section 24.3 of of Part C of the CR. A critical role for the CAB is to make sure that the team is as fully informed as possible. In addition, it is the responsibility of the CAB to provide stakeholders with advice so that they are informed of the process, and further, to keep stakeholders informed of the progress of the assessment process, and finally the stakeholders' roles and opportunities for them to participate at different points in that process.

The Client

- GCN5.3 The primary role of the client in the stakeholder consultation process is to provide the CAB, in the both the pre-assessment phase and subsequent to it, with any information they have or know of regarding the groups who have demonstrated interest in the activities of the fishery being considered, both in support of and critical of the fishery.
- GCN5.3.1 Particular emphasis should be placed on identifying any groups who have played or are playing a role in any conflict or controversy related to the fishery and the particular issues of contention.
- GCN5.3.2 It is extremely important that the client is forthcoming, as this information will be critical to the CAB in conducting the pre-assessment, and to the team in the event of a full assessment. It will provide insight into the nature and extent of any controversy regarding the fishery and an indication of potential resistance to certification. This information will relate directly to the level of effort needed to conduct stakeholder consultation in the full assessment, and the key issues likely to be at the heart of the fishery assessment for stakeholders.
- GCN5.3.3 Full disclosure, early in the process, of any issues in conflict be they historic, current or anticipated will increase the likelihood of a thorough and accurate pre-assessment, and for the development of an appropriate stakeholder consultation process in the full assessment.
- GCN5.3.4 To the extent that the client can produce a list of the names of organisations, individuals (and their contact information if available), any articles or data published by the groups or in the media about their interest in the fishery, and any other information regarding the relationship between the fishery and its stakeholders, it is in their best interest to do so.
- GCN5.3.5 In addition, throughout the stakeholder consultation process, the client should be prepared to respond to questions from the CAB and the team regarding issues, concerns and information raised by stakeholders.

Stakeholders

GCN5.4 Once a fishery has entered full assessment, the role of stakeholders is to bring to the attention of the CAB and the team any issues and concerns they have regarding the fishery in question, that they believe relate to the performance or conduct of the fishery relevant to the MSC Principles and Criteria.

- GCN5.4.1 Stakeholders should provide well-formed and substantive arguments for their positions, including reference to objective evidence that can assist the team in assessing the merit of the issues raised.
- GCN5.4.2 Stakeholders should understand that there is no advantage to be gained by withholding concerns, data or knowledge from the team. Concerns, data or knowledge not presented for inclusion in the assessment cannot be used in determining the certification outcome. Nor can the concerns or information be used as the basis for an objection to a certification.
- GCN5.4.3 Wherever possible, in addition to providing verbal input through interviews, stakeholders should submit their input in writing to make sure full consideration by the team and create a record of their input.
- GCN5.4.4 Stakeholders may will also be asked to provide recommendations to the CAB regarding team membership, although this is not mandatory for certification bodies. Stakeholders shall, however, be given the opportunity to comment upon perceived or actual conflicts of interest of any proposed peer reviewers towards the end of the assessment process.
- GCN5.4.5 Stakeholders may be individuals or groups, and stakeholder groups may be organised and cohesive, or they may be informally organised and diverse in their opinions.
- GCN5.4.6 Stakeholder groups are well advised to, and typically do, interact through a stakeholder representative.
 - GCN5.4.6.1 The role of a stakeholder group representative is a critically important one. It is the responsibility of the stakeholder representative to make sure that he or she is acting on behalf of his or her constituents, and is accurately representing their interests and positions.
 - GCN5.4.6.2 To the extent that this is not the case, a stakeholder representative should tell the team or CAB of the situation.
 - GCN5.4.6.3 Interest group representatives should be prepared to describe the mechanisms they have for communicating with their constituents.
- GCN5.4.7 Stakeholders and stakeholder representatives should be prepared to provide the CAB and/or team with a meaningful estimate of the time they will need to consult with their colleagues, experts and/or constituents to participate in the assessment process.

The team

- GCN5.5 The CAB team's role is to assess the performance of the applicant fishery against the MSC standard. The role of the team in the stakeholder consultation process is to consider the information, issues and concerns raised by stakeholders, and provided by the client, as they relate to the MSC Principles and Criteria. They are tasked with bringing their collective knowledge, expertise, wisdom and judgment to bear in conducting the assessment of the fishery against the MSC standard.
- GCN5.5.1 Where there are questions or confusion regarding issues or information coming from stakeholders, or where there is inconsistent or conflicting information

received from stakeholders and the client, the team should reach out to stakeholders to request more information, clarification or substantiation.

- GCN5.5.2 To the extent that team members may be aware of stakeholder interests that have not been brought to them in this process, they are advised to seek additional stakeholder input to make sure that all key issues are on the table for consideration, thereby minimising the likelihood that an issue will be raised as a problem late in the process.
- GCN5.5.3 Throughout the process, the team should be careful to document the issues brought to them by stakeholders. It is also advisable to keep some record of the determination the team makes regarding issues raised by stakeholders – particularly for controversial issues.

The Marine Stewardship Council (MSC)

- GCN5.6 The role of the MSC with respect to the stakeholder consultation process for fishery certification assessments has several dimensions:
- GCN5.6.1 On its website the MSC provides documents describing the certification process and other orientation materials aimed at a wide audience. The MSC will post notification of a fishery entering the full assessment process on its website as well as releasing press advisory notice. The MSC also notifies its general stakeholder contact database and the governing bodies of the MSC. This does not replace the CAB's responsibility to seek out and notify stakeholder interests.
- GCN5.6.2 The MSC may be able to provide the CAB with a list of interested stakeholder groups who should be contacted in a consultation process, which could be especially useful if there has been little visible stakeholder interest to date and there is a need to seek it out. This does not relieve the obligation of the CAB to identify potential stakeholders.
- GCN5.6.3 The MSC can respond to stakeholders' questions about the certification programme overall, and the assessment process if they do not feel they are getting the information they desire from the CAB or the team.
- GCN5.6.4 The MSC will post the draft and final assessment reports on its website and will actively distribute an explanatory statement regarding the determination and the process to follow for those interested in the reports or wishing to lodge an objection (see Annex CD).
- GCN5.6.5 As standard setter, the MSC has other responsibilities throughout the assessment process that are not germane to stakeholder consultation.

GCN6 Steps for Conducting Stakeholder Consultation

GCN6.1 This section describes the specific recommended steps for certification bodies to take in planning and conducting stakeholder consultation. Consistent with the overall guidelines for CABs, these are divided into three stages: the pre-assessment; planning and preparation for the full assessment; and the full assessment and draft and final report stages.

The pre-assessment

- GCN6.2 In the pre-assessment, the CAB, at the request of the client fishery, conducts a preliminary analysis of the fishery with regard to its potential certification against the MSC standard. The overall objective of the pre-assessment is to be able to provide the client with a preliminary indication of the likelihood of certification, the issues most likely to be the focus of a full assessment, and the cost of a full assessment, thus allowing the client to make an informed decision about whether or not to pursue full assessment. The CAB will need to collect the relevant information to determine the scale, scope and focus, and level of effort that would be involved in pursuing a full assessment, the areas of conflict or controversy, and to develop an informed estimate of the likely cost of full assessment.
- GCN6.2.1 Preliminary stakeholder and conflict analysis
 - GCN6.2.1.1 The CAB's objective in the pre-assessment phase is to conduct preliminary stakeholder and conflict analyses, not necessarily involving actual consultation with stakeholders.
 - GCN6.2.1.2 Stakeholder analysis, wherein key stakeholders and their issues of concern are identified, should indicate the level of effort that will be required (and therefore the cost and length of time needed) to conduct the stakeholder consultation component of a Full assessment.
 - GCN6.2.1.3 Conflict analysis should provide the CAB and client with:
 - a. evidence of the degree and substantive focus and character of any controversy likely to emerge in a full assessment; and
 - b. valuable insights into the specific substantive expertise that would be needed on a team for the fishery in question, should a decision be made to go forward with a full assessment.
- GCN6.2.2 Confidentiality
 - GCN6.2.2.1 The pre-assessment phase is confidential unless otherwise agreed between the client and the CAB.
 - GCN6.2.2.2 Where confidentiality is desired, there should be no direct stakeholder consultation in this phase.
 - GCN6.2.2.3 There may be cases in which the client does not feel the need for confidentiality. In these cases direct stakeholder contact may be appropriate, and can lead to a more fully informed pre-assessment which may decrease the level of effort, time and costs of a full assessment, should a decision be made to go forward.
 - GCN6.2.2.4 There are numerous sources of information that the CAB can explore to inform this phase without relying on direct stakeholder contact.
 - GCN6.2.2.5 A spectrum of scenarios is possible with regard to confidentiality, ranging from extreme sensitivity and the need for great discretion to little or no need for confidentiality. The choice belongs to the client, and the CAB must be sure to consult carefully on this point to make sure that the client's wishes are understood and respected, as this may have implications for how the

preliminary stakeholder and conflict analysis is conducted in this preassessment phase.

- GCN6.2.2.6 In cases where there is little concern or need for confidentiality and the client is comfortable with the CAB consulting stakeholders directly, there may be significant advantages with respect to time savings both in the preassessment information collection and also in the full assessment consultation process, should a decision be made to pursue it.
- GCN6.2.2.7 In cases where there is a need or desire for complete confidentiality, the CAB should consider whether sensitivities are such that the very act of collecting information may alert stakeholders to the client's interest in exploring potential MSC certification. A number of factors may contribute to this possibility, including the CAB's reputation for conducting MSC fishery assessments, or inadvertent visibility in collecting information. If this is a concern, CABs may wish to hire an independent consultant to collect preliminary information in this phase, with the understanding of confidentiality and concurrence of the client.

GCN6.2.3 Information Collection

- GCN6.2.3.1 CABs should collect as much information as possible in the preassessment phase that can assist the client in determining whether or not to proceed to a full assessment, and enable the CAB to make a preliminary estimate of the level of effort, time and costs that would be associated with a full assessment. From the standpoint of a quality stakeholder and conflict analysis the most important information to collect is that which will answer the following key questions:
 - a. Are there any existing, historical, or anticipated controversies or issues in dispute related to this fishery? If so, what is the substantive focus for each, and who are the main players?
 - b. How wide a net will need to be cast to capture key stakeholder input? What is likely to be the appropriate scope of stakeholders to consult (local, regional, national, international) and in what categories of interest (industry, government, conservation groups, academia, community or tribal/indigenous interests, etc.)?
 - c. Who (and how many) are the key stakeholder groups or individuals with interests or responsibilities related to the fishery in question?
 - d. What, if any, cultural issues, sensitivities or protocols may be relevant to successfully approaching and engaging the stakeholders identified?
 - e. What are the technological capacities of the stakeholders or stakeholder groups (particularly with regard to communications)?
 - f. How internally cohesive are key stakeholder groups? How are they organised and what are their intra-organisational communication mechanisms or capabilities? (E.g. are there mechanisms in place for representatives to inform and consult with their constituents, and what kind of time do they need to do so?)

GCN6.2.4 Sources of Information

- GCN6.2.4.1 Because the pre-assessment phase is presumed to be confidential and there should be no direct stakeholder consultation in this phase, the stakeholders themselves are not directly available to CAB. However, working within this constraint, there are many valuable sources of information for conducting a preliminary stakeholder and conflict analysis. At a minimum, the following sources should be explored: ¹⁰
 - a. **The client**. The client will typically have a very good idea of the primary parties who have shown interest in the fishery at the local, regional, national and/or international levels. The client is also a good first source of information about any cultural or political issues or sensitivities that should be taken into account in planning a process for fuller and more direct stakeholder consultation in a full assessment.
 - b. **The MSC**. The MSC may be able to provide information about national and international interest groups (particularly industry, conservation, government entities and technical experts) who have a history of interest in the fishery in question or a similar one, or in fisheries issues that are likely to emerge in the fishery under examination.
 - c. **The public record**. In some places, the development of a management plan for fisheries is a matter of public record and may include opportunity for public comment. Documents pertaining to comments received by the authority responsible for developing the management plan may be publicly available. This can be a valuable source of information regarding the degree of stakeholder interest, their substantive concerns, and extent to which there may be outstanding issues.
 - d. **Interest group publications**. Many interest groups issue regular publications in the form of scientific or industry journals, magazines, newsletters, and even films or videos. Internet search engines make it much easier to locate these sources than it has been in the past.
 - e. **Media**. Newspapers, magazines and television outlets (local, national and international) intended for a general audience are a rich source of information particularly where a fishery has attracted conflict or controversy. These sources will often identify key players and issues, but may oversimplify the issues.
- GCN6.2.4.2 All of these sources should be explored so that findings from one can be compared to others. This will help to confirm who are the key players and issues that need further exploration, and where there are areas of conflicting perspectives relevant to the MSC criteria.
- GCN6.2.4.3 As a general rule the more controversy associated with a fishery (or a specific fishery issue) the easier it is to identify key stakeholders. Conversely,

¹⁰ The sources of information listed here should be fully explored even if the pre-assessment is not confidential, as they can provide broader insights into the issues than direct stakeholder consultation alone, and can help to identify who key stakeholders are important to engage in direct consultation.

it may take more effort to identify interested or valuable stakeholders in a noncontroversial fishery.

- GCN6.2.5 Report of pre-assessment stakeholder and conflict analysis findings
 - GCN6.2.5.1 A report of the findings of the pre-assessment stakeholder and conflict analysis should be included as part of the CAB's pre-assessment report to the client in order to assist the client in determining whether or not to pursue a full assessment. The report should include four key components:
 - GCN6.2.5.2 Summary of the findings.
 - a. A list of the key substantive issues, concerns, and controversies (past, current and likely to emerge) related to the fishery in question. This information will highlight the substantive areas that will need further exploration, indicate the potential for controversy that may be encountered related to potential MSC certification, and the likelihood and intensity of support or opposition to certification of the fishery in its current state. It will also provide an indication of the scale, scope and focus of potential changes in the fishery that may be required for successful certification.
 - b. A preliminary list of key stakeholders or stakeholder groups and opinion leaders. This should include a list of the categories of stakeholders who need to be consulted and, to the extent possible, a preliminary list of the names of groups and/or individuals in each category. This will inform the scope of the consultative process needed for a full assessment, and provide a preliminary idea of the level of effort and costs associated with conducting it.
 - c. An indication of the specific substantive expertise needed for a full assessment, including preliminary ideas regarding where to find it. Identifying the specific substantive areas of focus that will particularly need to be examined is critical to assembling a team that has the necessary expertise for a quality assessment.
 - d. A sense of the most promising mechanisms (culturally, technologically, politically, and otherwise appropriate) for consulting with key stakeholders. This information is critical to enable the design of a meaningful stakeholder consultation one that maximises the likelihood of receiving thoughtful, honest and constructive input to inform the assessment, and that does not offend or disenfranchise any stakeholders.
- GCN6.2.6 Preliminary design of a full stakeholder consultation process.
 - GCN6.2.6.1 The findings of the pre-assessment stakeholder and conflict analysis should enable the CAB to develop a preliminary design for a stakeholder consultation process that is appropriate to the specific fishery and the needs of the interested and affected stakeholders. A preliminary design is necessary to enable the development of a cost estimate, and will provide a starting point for preparing and conducting the full assessment should a decision be made to go ahead.

- GCN6.2.6.2 In considering the proposed method for conducting the consultation, the CAB will not always have sufficient information at this stage to know what would work best for the group of targeted stakeholders. A full list of all relevant stakeholders may not emerge until the full assessment process has begun. CABs should make their clients aware that cost estimates are based upon the information available at the time of the stakeholder and conflict analysis during the pre-assessment. It may be necessary to revise cost estimates after the full assessment has begun based upon new information and a more detailed stakeholder consultation design.
- GCN6.2.7 Key components in the preliminary design to estimate costs include:
 - GCN6.2.7.1 the proposed method of consulting (nature of direct consultation; venues; who may conduct consultation; number of direct interactions);
 - GCN6.2.7.2 specific steps to be carried out (contact and invitations to participate; development of questions and/or information; conducting interviews; follow ups)
 - GCN6.2.7.3 proposed timeline for consultation;
 - GCN6.2.7.4 cost estimate for stakeholder consultation component of full assessment.

Full assessment – planning and preparation of stakeholder consultation

- GCN6.3 Much of what would be considered planning for the full assessment might be accomplished in the preliminary design of the stakeholder consultation process and the associated cost estimate prepared to assist the client in making a decision regarding whether or not to pursue a full assessment.
- GCN6.3.1 In the event that a decision is in fact made to conduct a full assessment, some or all of the following steps should be taken in planning and preparing for stakeholder consultation.
 - GCN6.3.1.1 Determine the proposed method of consulting
 - GCN6.3.1.2 <u>The venue and format</u> options include one-on-one interviews, meetings with groups of like-minded stakeholders; visits or presentations at regularly scheduled meetings of community, tribal or other interest groups. Factors to consider here include:
 - a. a location and format most convenient and comfortable for the stakeholder;
 - b. the mechanism most likely to enable candid discussion;
 - c. the venue that demonstrates sensitivity and respect for cultural norms and protocols.
 - GCN6.3.1.3 <u>The nature of the direct consultation</u> will interviews be conducted inperson, by phone, in writing (electronically or on paper)? It is almost always preferable to conduct in-person interviews as a way of demonstrating respect for and genuine interest in what the stakeholder has to offer. It further humanises the interaction and makes candid discussion of different

perspectives more productive. However, in-person interviews may not be necessary or possible in some cases.

- GCN6.3.1.4 <u>Who will conduct the consultation?</u> At least two members of the team should conduct the consultation interviews. Options might include the team leader with one or more members of the team, a neutral stakeholder consultation expert, or some combination of these. The appropriate person or combination of people may vary from case to case; but at least one person should be consistent throughout. Where a highly specific or technical issue is likely to be a key focus of discussion, the appropriate expert from the team should be included as the second or third person. Where there is mistrust or wariness of the MSC or the CAB, it may be appropriate to have an independent neutral expert in stakeholder consultation conduct the interview (and possibly the whole consultation process). It may also be appropriate for the lead interviewer to be assisted by a note-taker, in which case that person's role should be clearly explained.
- GCN6.3.1.5 <u>Number of direct interactions.</u> How many times will individual stakeholders or their representatives be consulted? In designing a proposed process, some assumption should be made about the potential need for follow-up interviews with selected stakeholders. This is particularly likely where there is significant controversy over an issue or set of issues, or multiple perspectives on or interpretations of different sources of data that need to be reconciled or even differences regarding the relevance of an issue to the MSC Principles and Criteria.
- GCN6.3.1.6 It may be that different consultation mechanisms will be best for different stakeholders, based on their level of interest, availability, or other factors. Further, the CAB may identify different tiers of stakeholders, some with whom the CAB will definitely want to meet in person (perhaps more than once) and others for whom a telephone interview will suffice, and still others for whom a written response to interview questions may be appropriate.
- GCN6.3.2 Identify the specific steps to be carried out.
 - GCN6.3.2.1 The steps for conducting the proposed consultation process should be specifically spelled out. The following series of steps is an example for a "typical" process:
 - a. **Step 1)** *Initial contact and invitation to participate.* A formal introduction to the initial list of stakeholders in the form of a letter of introduction from the CAB, and including standard written MSC-provided orientation materials (describing the overall programme, the overall certification assessment and decision-making process, and the purpose and goals of stakeholder consultation), and a description of the CAB's proposed process for stakeholder consultation. This initial mailing should go to all stakeholders listed at the same time in order to avoid any perception of bias.
 - b. **Step 2)** Follow-up confirmation and assessment of interest in participating. As soon as possible following the likely date the introductory package was received, stakeholders should be contacted in

a more personal fashion – preferably by phone or alternatively by email, as appropriate. The purpose of this step is to confirm receipt of initial introductory information.

- i. Confirm that the individual is the most appropriate person in the organisation to be consulting.
 - A. If not request assistance in identifying the appropriate person, then using the new contact, go back to Step 1) above.
 - B. If confirmed continue to next step below.
- ii. Verbally review proposed consultation process.
- iii. Solicit and respond to any questions.
- iv. Assess interest, willingness and availability for initial interview
 - A. If yes schedule interview (agree on desired venue and mechanism). Be sure the stakeholder is comfortable that they will have sufficient time to review materials and/or consult as needed to prepare for the interview.
 - B. If no explore reasons for not wanting to be involved and request recommendations of other individuals who can represent similar interests (or other process if the proposed process is what is objectionable).¹¹
- c. **Step 3)** Follow-up to confirm interviews and provide interview questions. Once an interview has been scheduled, the stakeholder(s) should be sent written confirmation of the date, time and place of the interview. In addition, to enable the stakeholders to prepare for a productive interview, (including consulting with constituents or partners)

- They don't know enough to say and don't have the time, resources or expertise to get well enough informed to provide quality input. In this case it could be helpful to ask what other group might be more involved.
- They don't trust the CAB, the MSC, or don't like the whole idea.
- They don't want to go on record. In this case it should be explained that there will be no attribution of comments or concerns in any written decision, unless otherwise agreed to.
- MSC certification (deserved or not) will undermine current vested interests (a particular campaign, law suit or related one).
- Cannot read English well enough to appreciate what is being requested.
- The wrong person at an organisation was contacted. In such a case, go back and find the right person.

As a rule, reluctance by key stakeholders to engage should trigger more active outreach to determine the reason

for their reluctance.

¹¹ There are a number of reasons why a stakeholder or stakeholder group might demonstrate a lack of interest or resist participation. It is extremely important to discover what their reason might be. Among the possible reasons are

[•] They believe the fishery is fine. In this case, get confirmation (in writing if at all possible) that this is what they think.

it is helpful to provide interview questions to stakeholders at this time. This communication should also include contact information in case questions arise prior to the interview.

- d. **Step 4)** *Conduct Interviews.* A basic interview protocol is provided as Appendix A. It should be noted that the basic interview protocol should be augmented to include any questions aimed at issues specific to the fishery in question and tailored to the needs of the particular case and situation. Estimate a realistic amount of time for each interview and document this for your client. There may be cases in which one interview session is insufficient, and a second session is needed and mutually agreed to.
- e. **Step 5)** Follow-up acknowledgement and thank you. After the interview process, a brief follow-up to thank the stakeholder(s) for their time and willingness to be consulted will help to acknowledge their effort and input. This can be in the form of a phone call, email, fax or letter, whichever is most appropriate. In addition, there may be cases where it will be useful or necessary to provide a written summary of interview highlights back to individuals interviewed, as a means of checking the accuracy and completeness of understanding of their input, and requesting comment back from them confirming or correcting the summary points.
- f. **Step 6)** Follow-up on recommended additional stakeholders. If interviews identified additional stakeholders who should be consulted, they should be contacted in the same fashion as the first set of stakeholders, Steps 1-6 repeated.
- GCN6.3.3 Determine the timeline for conducting the consultation.

GCN6.3.3.1

Some general guidelines for developing

a realistic timeframe include:

- a. no more than two weeks between initial contact (Step 1) and follow-up contact in Step 2; the shorter the better;
- b. depending on stakeholder needs in preparing for interview, and on extent to which travel is required to conduct interviews, assume 1-6 weeks between scheduling an interview and conducting it;
- c. timeframe in which stakeholders are available may vary widely. To conduct 10-30 interviews may require as much as a 4-8 week period;
- d. assume that there will be additional stakeholders identified in the initial round of interviews. These will probably have similar time requirements;
- e. account for time to review input from interviews and potential need for follow-up interviews for additional discussion to clarify or explore selected issues or concerns;
- f. account for time to document and analyse input, and to prepare summary of stakeholder consultation.

- GCN6.3.4 Revise cost estimate for the stakeholder consultation component of a full assessment, if applicable.
 - GCN6.3.4.1 Once a proposed process has been articulated, the cost of conducting the stakeholder consultation can be estimated and included in the overall cost estimate for the full assessment process. The cost of stakeholder involvement is often underestimated, leading to tension between the CAB and the client, and potentially disenfranchising the stakeholders themselves who may feel that they are getting short shrift. The cost estimate at this point is truly an estimate, subject to change. Once the actual consultation process begins, information gathered in the early stages may indicate the need for more or less effort than originally anticipated. The costs of the process may need to be changed accordingly.
 - GCN6.3.4.2 The most important consideration in developing a realistic cost estimate for a stakeholder consultation process is how much time each of the steps of the process will take. The level of effort and amount of time required is almost always underestimated. To avoid under-estimates, the following considerations may be helpful:
 - a. Assume that the list of stakeholders to be consulted will grow at least 30% beyond the initial list emerging from the Pre-assessment.
 - b. Assume that at least 20% of those consulted will require follow-up in the form of a second or even third direct interaction.
 - c. Do not assume that a less controversial or visible fishery means that a lower level of effort will be necessary. It is often (but not always) the case that the more controversy, the easier it is to identify and engage stakeholders, and the more likely they will have developed position statements with supporting data. Conversely, when considering a less controversial or visible fishery, it may take more time and effort to track down stakeholders and to engage them, and they may be less prepared (and therefore need more time and encouragement) to provide a position statement. It may be that these normally quiet, less visible stakeholders who have important contributions to make in expressing their support or opposition to a potential certification, which may have a significant impact upon public and political perception beyond their usual circle of influence.
 - d. Some stakeholder groups, particularly conservation groups or other NGOs, may have limited resources that are stretched thin. This can have significant implications for their availability (even in if their interest is high) and ability to engage in a tight timeframe.

GCN6.3.5 Prepare Interview Protocol

- GCN6.3.5.1 In preparation for conducting the full assessment, a consistent interview protocol should be developed, tailored to the needs of the stakeholder and the CAB and team.
- GCN6.3.5.2 A generic interview protocol is included as Appendix A and can serve as a basis for developing a more customised version, as appropriate.

- GCN6.3.6 Compile names and contact information for initial stakeholder list
 - GCN6.3.6.1 While the pre-assessment stakeholder and conflict analysis may have generated a good preliminary list of stakeholders or stakeholder groups, it may not have provided specific names and contact information. In preparing for the full assessment stakeholder consultation, it will be necessary to research specific names and associated contact information.
 - GCN6.3.6.2 Establishing a database that can be used to direct future communications with all or a subset of the stakeholders will enable communications that are more efficient. Preparing such a database ahead of time can be enormously helpful.

The full assessment, Draft and Final Reports

GCN6.4 Conduct Direct Stakeholder Consultation

Following the process designed in the planning phase, and incorporating any changes along the way as needed, the team conducts the stakeholder consultation.

GCN6.4.1 Review and Analyse Findings

The findings of the stakeholder consultation will provide some of the basis for assessment of the fishery by the team. The findings should be carefully reviewed and analysed with emphasis on the following:

- GCN6.4.1.1 Identification of any outstanding substantive questions and a process for getting them answered. E.g., go back to interviewee(s), seek additional expertise, or consider how to proceed in the event that the questions cannot be answered.
- GCN6.4.1.2 Note areas where stakeholders indicated support for a claim that the fishery meets the standard of the MSC Principles and Criteria.
- GCN6.4.1.3 Note and carefully assess stakeholder issues or concerns about, or objections to, certification for integration into the final tree developed for the fishery. For each concern raised in consultation with stakeholders, ask the question:
- GCN6.4.2 In the best judgment of the team, does the issue or concern have substantive standing and is it relevant to the MSC Principles and Criteria?

Options:

- GCN6.4.2.1 The concern is substantive but is NOT relevant to any MSC criteria. In this case, it will be important to articulate the rationale for declaring the concern "not relevant" to the MSC criteria in order to demonstrate to parties that their concern was heard and why it was "rejected".
- GCN6.4.2.2 The concern is substantive and is relevant to MSC criteria. Identify to which criterion or criteria the concern applies, and address in the overall tree.
- GCN6.4.2.3 The concern does not have substantive standing, nor is it directly relevant to MSC criteria. It may be a function of past history, trust, relationships, dissatisfaction with process, politics, etc. This is a difficult and

delicate judgment to make, and should be considered very carefully. The rationale should be clearly articulated in an objective manner in the draft and final reports and the team should work so as to avoid objections where feasible.

GCN6.4.3 Documentation of the Stakeholder Consultation in the assessment reports

The importance of documenting both the process and substantive findings of the stakeholder consultation cannot be overemphasised. A summary of the stakeholder consultation process should be an integral part of all reports. At a minimum this summary should include:

- GCN6.4.3.1 a list of the parties consulted;
- GCN6.4.3.2 steps taken to solicit input (noting particularly where there was any resistance to meaningful engagement by any stakeholder group and how it was handled);
- GCN6.4.3.3 summary of issues raised (both in support of and critical of the fishery and potential MSC certification) <u>in a neutral voice, without attribution to</u> <u>individuals or groups (unless otherwise agreed to);</u>
- GCN6.4.3.4 explanation of how issues were considered by the team (particularly the rationale for "rejecting" a concern or objection to certification);
- GCN6.4.3.5 a list of specific items of objective evidence submitted for the assessment, in support of issues raised.

----- End of Annex GCN -----
Annex GCNA – Sample Generic

INTERVIEW PROTOCOL

Name of person(s) interviewed:

Organisation:

Stakeholder category: (e.g., conservation, government authority, academic, industry, community, other affected or interested party, etc.)

Date of Interview:

Mode of Interview: (in-person meeting, telephone, written (email, fax, mail)

Introduction (Introduce self/organisation; confirm receipt of informational package; review proposed consultation process, including CAB role, purpose of consultation, what will be done with information provided, reminder of no attribution, etc.. Ask if any questions about the process. Finally, point out that you will be taking notes and that they are for your own use and that of the team, but will not be made public).

- What is the nature of your (your organisation's) interest in the fishery (past, current, anticipated)?
- What, if any, specific substantive issues or concerns do you have regarding the fishery?

Solicit without specific prompting.

Walk through each of the key areas of the MSC Principles and Criteria - specifically request any issues and concerns on each.

- For each issue of concern noted, do you have recommendations for how they can be addressed?
 - o If so, what are they?
 - o If not, do you know of anyone else who does?
- For each issue of concern what or who is (are) the best source(s) of data or evidence to support your (your organisation's) position? Explain the significance and weight given to peer reviewed published information.
- Are there other sources of information or data that you know of (consistent or not with your position....e.g. data others may be using to counter your position or to support a conflicting position?
- Who do you believe are the most credible experts?
 - Regarding this fishery.
 - Regarding the issues important to you.
- What other individuals or organisations are actively interested in this fishery or the issues of concern to you related to the fishery?
 - In support of your position?

- Taking a different position?
- What other individuals or organisations would you recommend that we consult in our efforts to get as much information as possible for an assessment of this fishery?
- If timing is relevant and/or appropriate, do you have recommendations for potential members of the team?
- Would you like time to consult with others in your organisation, or other like-minded organisations in order to make sure that we have the full input of your organisation and its constituents or partners?
 - If so, how much time do you think you need, and can we schedule a follow-up meeting or call to discuss any additional input you would like to provide?
 - If not, note the timeline, mechanism and contact information for further input if something else comes up.

Let me summarise the key points that I have understood you to make in this interview thus far. (Summarise the key points of the input received from this interview to check for accuracy and to demonstrate that you have been listening carefully)

It would be extremely useful if you or your organisation could put your concerns in writing for consideration by the team.

- Would you (your organisation) be willing to do this?
 - If so: when can we expect to receive it (review the timeline and relevant milestones)?
 - If not: do you feel confident that I have captured your input (based on the verbal summary above),
- OR, if I type up my notes in summary fashion and send them to you, would you be willing to review them for completeness and accuracy?

As we document the input we receive from stakeholders, you may or may not wish to have us attribute issues or concerns to individual stakeholders or stakeholder groups. Do you have a preference one way or the other? (Urge openness and transparency).

Unless you prefer that we not do so, we will keep you informed of the ongoing process (and any changes in the assessment process) and provide you with a copy of the assessment report for comment. What is the best mechanism for providing you with this information (email? regular post? other?)?

Briefly highlight key points of opportunity for input and expected timing of the process.

Do you have any questions? If any questions or additional concerns come to you after we have completed this interview, please contact us and let us know (again, review timeline and any deadlines).

If we have additional questions as the assessment process proceeds, may I contact you again with specific questions?

----- End of Annex GCNA -----