



Clarifying the MSC's habitats requirements

Consultation Summary Report

October 2020

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Glossary of abbreviations and technical terms

CAB – Conformity Assessment Body

VME – Vulnerable Marine Ecosystem

pVME – potentially Vulnerable Marine Ecosystem

This is a working paper, and hence it represents work in progress. This report is part of ongoing policy development.

The views and opinions expressed in parts of this report are those of stakeholders and do not necessarily reflect the official policy or position of the Marine Stewardship Council.

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Purpose and scope of this report

Every five years, the Marine Stewardship Council (MSC) initiates a [Fisheries Standard Review](#) to help ensure our assessment and certification system remains the leading measure of fisheries sustainability. The current review began in 2018 and will conclude in 2022.

Stakeholders from all sectors are at the heart of our review, helping identify issues, develop solutions and test proposed changes. We have completed research into the topics identified in the Terms of Reference, and will next develop options for revisions. One of the topics identified is *Clarifying the MSC's habitats requirements*. We are holding a series of consultations throughout 2020 and 2021 for stakeholders to take part in the development of the Fisheries Standard.

This report details the following for the 2020 consultations on the topic of Clarifying the MSC's habitats requirements:

- Background to topics discussed
- Participation data
- Next steps in the review process
- Full transcripts and feedback tables

It is the goal of MSC consultations to value authenticity, fairness and inclusiveness, secure strategic insight and build consensus and credibility. Our core principle is that consultations should be useful to the MSC in achieving its mission and useful to the participants in seeing how their views are considered. To achieve this, the MSC's processes for consultation follow the [ISEAL Standard Setting Code of Good Practice](#) and the [FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#).

ISEAL requires that participation is open to all stakeholders, and that the standard setter proactively seeks contributions from disadvantaged stakeholder groups. This is to ensure that contributors represent a balance of interests in the subject matter and in the geographical scope to which the standard applies. Publishing raw consultation feedback is considered 'aspirational good practice' by ISEAL. We publish this feedback as part of our commitment to transparency in our consultation process.

Background

The previous [Fisheries Standard Review](#), undertaken in 2012–2014, considerably strengthened our requirements on habitats. However, several issues and concerns have since been raised by stakeholders regarding a lack of clarity and guidance. The MSC has had to [publish additional guidance](#) for Conformity Assessment Bodies (CABs), referred to as 'interpretations'.

The issues identified have been reviewed as part of the Fisheries Standard Review project [Ensuring habitat performance indicators are clear](#). This work highlighted that concerns were centred around a small number of scoring issues. These were primarily within the requirements and guidance for identification of Vulnerable Marine Ecosystems (VMEs) and potential VMEs (pVMEs), and those for defining when 'move-on rules'¹ should be applied. However, the volume of logged issues suggests that the habitat component lacks clarity, which may be leading to misapplication of the requirements. In response, the MSC aims to develop options to improve the clarity of the requirement language, and guidance to support the application of the habitat performance indicators.

To help inform this policy development, the MSC has consulted stakeholders on the scope of work being undertaken to explore and clarify the key issues. The consultation activities are detailed below.

Consultation launch conference

On 13 May 2020, the MSC held an online conference hosted on WorkCast to launch the Fisheries Standard Review. The conference was open to all and advertised via the MSC website and media channels including *Undercurrent News*, *IntraFish* and *Seafood Source*. Stakeholders who had subscribed to receive updates on the MSC program were directly informed. At the conference, the MSC provided stakeholders with information on all topics under review and upcoming consultation events, and participants had the opportunity to direct questions to the MSC project leads.

There were 11 sessions, one of which was titled *Principle 2: Minimising environmental impacts - Clarifying how the impact of fisheries on ecosystems and habitats is assessed*, and was a joint session with the project on [Ensuring ecosystem performance indicators are clear](#). MSC staff gave a presentation and then conference participants were invited to submit questions in a live Q&A. The Q&A session was recorded and subsequently transcribed using a third-party transcription service operating under a confidentiality agreement with the MSC. The full transcript and all questions submitted in the chat box, with individuals' names and commercially sensitive or defamatory information removed, can be found in [Annex II: Transcript of Q&A session](#).

Online consultation workshops

Using Zoom, the MSC held two online consultation workshops on the topic of *Clarifying the MSC's habitats requirements*:

- 1430-1630 UTC 21 July 2020 (see [workshop agenda](#))
- 0830-1030 UTC 23 July 2020 (see [workshop agenda](#))

¹ 'Move-on rules' are a precautionary management response for the detection of unforeseen encounters with VME/pVME based on the premise that a fishing vessel will move a minimum distance from a location where species indicating the presence of a VME are captured by the fishing gear.

The workshops were advertised at the [consultation launch conference](#), on the MSC website, and to stakeholders subscribed to receive updates on the MSC program. Stakeholders were invited to register their interest through a registration portal. Some participants were recruited through targeted communications. While the workshops were open to all, it was specified that a certain level of expertise was needed to participate effectively.

The workshops focused on two main issues:

1. Identification of VME and pVME for scoring
2. Requirement to have move-on rules in place for fisheries encountering VME/pVME

Participants were provided with [background information](#) prior to the workshops.

The workshops were recorded and later transcribed using a third-party transcription service. Subsequently, a third-party service redacted individual names, organisations, countries, fisheries and species. Confidentiality agreements were signed between the MSC and the third-parties. The full transcripts, with any information that could potentially identify an individual, organisation or fishery removed, are available in:

- [Annex IIIa: Transcript of workshop 21 July 2020](#)
- [Annex IIIb: Transcript of workshop 23 July 2020](#)

These documents also contain comments submitted in the chat box during the workshops.

Online form (follow-up survey)

The workshops were followed up by an [online form](#) that was open to all on the MSC website between 23 July and 17 August 2020. The form was primarily intended as an opportunity for workshop participants to provide further feedback. The full feedback from the online form, with any information that could potentially identify an individual, organisation or fishery removed, can be found in [Annex IV: Feedback tables](#).

Participation

This section presents participation data for the consultation activities detailed above.

Consultation launch conference Q&A participation

The consultation launch conference session on *Principle 2: Minimising environmental impacts - Clarifying how the impact of fisheries on ecosystems and habitats is assessed* had 129 external participants that attended live, 13 of whom asked questions. Later, 24 more watched the recording online, and therefore could not participate in the live Q&A session.

There was broad sectoral representation ([Table 1](#)). Most participants were based in Europe, North America or Latin America ([Table 2](#)). The lower numbers of participants from Asia and South Asia, and the absence of participants from Oceania, could be explained by time differences. Recordings of the conference sessions were made available online to accommodate stakeholders in other time zones.

Table 1: Number of external participants that attended the live Q&A session representing each stakeholder group.

| Stakeholder group | Number |
|---|------------|
| Academic/scientific | 15 |
| Commercial wild harvest fisheries/aquaculture | 23 |
| Conformity assessment/accreditation | 22 |
| Governance/management | 3 |
| Media/comms | 1 |
| Non-governmental organisation | 43 |
| Seafood supply chain | 8 |
| Other | 14 |
| Total | 129 |

Table 2: Number of external participants that attended the live Q&A session representing each geographical region.

| Geographical region | Number |
|--------------------------|------------|
| Africa | 8 |
| Asia | 2 |
| Europe | 61 |
| Latin America | 19 |
| Middle East/North Africa | 1 |
| North America | 31 |
| Oceania | 0 |
| Russia | 0 |
| South Asia | 7 |
| Total | 129 |

Online consultation workshops participation

The workshops attracted 30 participants. The full list of participant organisations, their stakeholder groups and country of work can be found in [Table 5](#) and [Table 6](#) in [Annex I: Participation](#).

Table 3: Number of individual participants/respondents representing each stakeholder group. Note that the total represents the number of participations, not the number of individual participants, as several people participated twice; by attending a workshop and completing the online form.

| Stakeholder group | Workshop 1 | Workshop 2 | Online form | Total |
|-------------------------------------|------------|------------|-------------|-----------|
| Academic/scientific | 3 | 2 | 1 | 6 |
| Aquaculture | 0 | 2 | 1 | 3 |
| Commercial wild harvest fisheries | 7 | 1 | 3 | 11 |
| Conformity assessment/accreditation | 1 | 1 | 2 | 4 |
| Governance/management | 2 | 1 | 1 | 4 |
| Non-governmental organisation | 2 | 3 | 1 | 6 |
| Standard setter | 0 | 1 | 0 | 1 |
| Other | 0 | 4 | 0 | 4 |
| Total | 15 | 15 | 9 | 39 |

Table 4: Number of individual participants/respondents representing each geographical region. Note that the total represents the number of participations, not the number of individual participants, as several people participated twice; by attending a workshop and completing the online form.

| Geographical regions | Workshop 1 | Workshop 2 | Online form | Total |
|--------------------------|------------|------------|-------------|-----------|
| Africa | 0 | 3 | 0 | 3 |
| Asia | 0 | 4 | 1 | 5 |
| Europe | 6 | 3 | 3 | 12 |
| Latin America | 1 | 0 | 0 | 1 |
| Middle East/North Africa | 0 | 0 | 0 | 0 |
| North America | 8 | 0 | 3 | 11 |
| Oceania | 0 | 4 | 2 | 6 |
| Russia | 0 | 0 | 0 | 0 |
| South Asia | 0 | 1 | 0 | 1 |
| Total | 15 | 15 | 9 | 39 |

In the workshops, commercial wild harvest fisheries had the greatest number of participants, but there was broad sectoral representation ([Table 3](#)). The majority of participants were based in Europe or North America, with additional participants based in Africa, Asia, Latin America, Oceania and South Asia ([Table 4](#)). Note that the two workshops were held at different times to accommodate different time zones, and that this is reflected in the regional representation at each workshop. The MSC offered interviews in individuals' own languages as an alternative to participating in the workshops, and translated versions of the online form were available on request.

Online form (follow-up survey) participation

There were nine respondents to the online form. The full list of respondents, their stakeholder groups and country of work can be found in [Table 7](#) in [Annex I: Participation](#). For respondents that did not consent to their names being published, only stakeholder group and country is available.

The relatively low participation rate could be explained by the workshop taking place late in the consultation and, consequently, the form being made available later than for consultations on other topics, or that stakeholders were satisfied with the workshops as a means of providing feedback. Commercial wild harvest fisheries had the highest number of respondents, but there was broad sectoral representation ([Table 3](#)). The majority of respondents were based in Europe or North America, with additional respondents from Oceania and Asia ([Table 4](#)).

Next steps

We are currently reviewing all feedback received from the consultation workshops and survey as well as independent research and our own internal data analysis. This will inform our decisions on proposed changes to the MSC Fisheries Standard. We will carry out an impact assessment on the proposed changes. We will also seek the advice of our governance bodies on the proposed changes.

In making changes to the MSC Fisheries Standard, we need to consider the following:

- a) Do proposed changes meet [strategic objectives](#)?
- b) Do proposed changes affect the ability to deliver on the [MSC's Theory of Change](#)?
- c) Do proposed changes to the Standard align with the [MSC's three Principles](#)?

We will engage with stakeholders in early 2021 to share any potential changes to the Standard and explain how we developed these changes. We will hold further consultations in 2021 and the revised Standard will be publicly reviewed in early 2022 to ensure changes are clear and that the new Standard delivers the intentions of our program.

To be notified of future activities and developments, [sign up to our Fisheries Standard Review update](#).

Annex I: Participation

Table 5: List of participants in the online consultation workshop on 21 July 2020, including organisation, stakeholder group and country of work.

| Organisation | Stakeholder group | Country |
|--|-------------------------------------|-------------|
| Bangor University | Academic/scientific | UK |
| Bureau Veritas | Academic/scientific | Spain |
| Independent | Academic/scientific | UK |
| Alaska Seafood Co-op | Commercial wild harvest fisheries | USA |
| Alaska Seafood Co-op | Commercial wild harvest fisheries | USA |
| Association of Sustainable Fisheries | Commercial wild harvest fisheries | UK |
| Atlantic Grounfish Council | Commercial wild harvest fisheries | Canada |
| At-sea Processors Association | Commercial wild harvest fisheries | USA |
| Cooperative Fisheries Organization (CVO) | Commercial wild harvest fisheries | Netherlands |
| NOMAD | Commercial wild harvest fisheries | USA |
| MRAG Americas | Conformity assessment/accreditation | USA |
| Dept. Of Marine Resources, Government of The Bahamas | Governance/management | Bahamas |
| Fisheries First Ltd. | Governance/management | Canada |
| Fauna & Flora International | Non-governmental organisation | UK |
| Ocean Wise Conservation Association | Non-governmental organisation | Canada |

Table 6: List of participants in the online consultation workshop on 23 July 2020, including organisation, stakeholder group and country of work.

| Organisation | Stakeholder group | Country |
|---------------------------------|-------------------------------------|--------------|
| Did not specify | Academic/scientific | New Zealand |
| Ecosystem Conservation Society | Academic/scientific | Bangladesh |
| Dalian Ocean University | Aquaculture | China |
| Maruha-nichiro | Aquaculture | Japan |
| OPAGAC | Commercial wild harvest fisheries | Spain |
| Capricorn Marine Environmental | Conformity assessment/accreditation | South Africa |
| Ministry for Primary Industries | Governance/management | New Zealand |
| Blue Ventures | Non-governmental organisation | Indonesia |
| WWF | Non-governmental organisation | Netherlands |

| | | |
|--|---|--------------|
| WWF | Non-governmental organisation | Germany |
| Fish Matter | Other: Consultant | Australia |
| Did not specify | Other: Consultant working with Academia/Science and NGOs | Australia |
| South African Environmental Observation Network | Other: Environmental monitoring organisation in government sector | South Africa |
| Independent Consultant | Other: Fisheries consultant | Indonesia |
| CapFish cc | Standard setting | South Africa |

Table 7: List of respondents to the online form. For those respondents who consented to this, their names and organisations are included.

| Name | Organisation | Stakeholder group | Country |
|--|--|-------------------------------------|----------------|
| Javier Seijo | Universidad de Santiago de Compostela | Academic/scientific | Spain |
| Kun Xing | Dalian Ocean University | Aquaculture | China |
| Mark Fina | Alaska Seafood Co-op | Commercial wild harvest fisheries | USA |
| Andy Hough | Association of Sustainable Fisheries | Commercial wild harvest fisheries | UK |
| Austin Estabrooks | At-sea Processors Association | Commercial wild harvest fisheries | USA |
| Amanda Stern-Pirlot | MRAG Americas | Conformity assessment/accreditation | USA |
| Redacted at request of individual | Redacted at request of individual | Conformity assessment/accreditation | Australia |
| Rob Tilney | Contracted MSC fisheries manager for DWG, New Zealand. | Governance/management | New Zealand |
| Karin Bilo | WWF | Non-governmental organisation | Germany |