



Fisheries Standard Review

Identifying further solutions to ensure MSC certified fisheries are not involved in shark finning

Consultation document

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Purpose and scope of this document

This document supports the 2021 consultation on [identifying further solutions to ensure MSC certified fisheries are not involved in shark finning](#). This document details the following:

- Background to the topic
- Proposed revisions to the Standard and the proposals for consultation
- Next steps in the review process

This document supports the online survey which is open from 18 May – 17 June 2021. The survey can be accessed through the [MSC website](#).

The MSC values authenticity, fairness and inclusiveness, and through our consultations, we aim to secure strategic insight and build consensus and credibility. 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](#).

Consultation purpose

This public consultation will help us better understand whether stakeholders consider the proposals to be an effective solution to provide confidence that shark finning is not occurring within MSC certified fisheries.

Who can comment

This consultation is open to all stakeholders. An understanding of the MSC Fisheries Standard and knowledge of measures and policies to prevent shark finning will help you effectively participate in this consultation.

Glossary

CAB – Conformity Assessment Body. These are the independent third-party assessment teams that assess and certify MSC fisheries

ETP – Endangered, Threatened or Protected species, assessed in Principle 2

FNA – Fins Naturally Attached

1. Background

Shark finning is the practice of removing any of the fins of a shark (including the tail) and discarding the remainder of the shark at sea. This is [strictly prohibited within MSC certified fisheries](#).

The [MSC Fisheries Standard](#) requires certification assessment bodies (CABs) to assess the likelihood that any vessel in a fishery is engaged in shark finning. Through a certification assessment process, fisheries must demonstrate that they have appropriate levels of external validation and relevant policies in place to ensure shark finning is not occurring.

The current requirements are framed around an increasing level of likelihood that shark finning is not occurring. As with all MSC requirements, they increase from a minimum acceptable level of performance to a best practice level and to a state-of-the-art level¹. The shark finning requirements are assessed currently for target and bycatch species².

To determine the likelihood of shark finning not occurring, CABs need to evaluate the management measures in place for the fishery. Such management measures include the levels of external validation (e.g. observer coverage), regulations and policies. One such policy is fins naturally attached (FNA). This policy mandates that sharks cannot be processed at sea and the full animal with fins naturally attached to the trunk must be brought back to land. In the current requirements, if a fishery has an FNA policy, the fishery can meet the best practice level by default.

In the absence of an FNA policy, the minimum acceptable scoring level allows fins to be cut at sea, providing the fishery adheres to species-specific fins-to-carcass ratios. Furthermore, the current version of the standard allows at-sea processing, providing there are regulations in place to address shark finning, and fisheries can demonstrate and document the destination of fins. Combined with improving management measures, the likelihood of shark finning not occurring increases from the minimum acceptable level to the state-of-the-art level with increasing external validation. For example, an observer coverage of 5% is considered the minimum acceptable level, while 20% is considered best practice.

Fisheries Standard Review topics for shark finning

Two topics are considered under the Fisheries Standard Review (FSR) regarding the MSC's requirements to prevent shark finning.

1. The definition of 'shark'. The species or species groups that should be considered in MSC's requirements on preventing shark finning.
2. How the existing requirements in the Fisheries Standard should be updated to better reflect global best practice and ensure that shark finning does not occur in MSC certified fisheries.

¹ The scoring system used by the MSC codifies these three levels into guideposts 60 (minimum acceptable level), 80 (best practice) and 100 (state of the art), respectively.

² For more detailed information about MSC's shark finning requirements please refer to [MSC Fisheries Standard and Guidance v2.01](#), section SA2.4.3 to SA 2.4.7 and associated guidance

The proposals for consultation have been developed through internal research, a consultancy report³ and a public consultation held in 2020⁴. The proposals have also undergone an impact assessment to identify potential positive and negative impacts of proposed changes⁵.

2. Proposals for consultation

Proposed revisions to the Standard were presented to the [MSC's Technical Advisory Board and Stakeholder Advisory Council](#) in December 2020. They provided advice and made recommendations to the [MSC Board of Trustees](#). In January 2021, the Board of Trustees decided on the proposed revisions to be taken forward to the consultation. The proposed revisions open to consultation are summarised here:

2.1. Defining the term 'shark'

Problem Statement

The MSC does not currently define the term 'shark'. This means that a range of different species may be assessed under the preventing shark finning requirements, based on the definitions applied in respective management jurisdictions. In some cases, this may exclude species that are particularly vulnerable to the shark fin trade, ultimately leading to inconsistent assessment outcomes.

Proposal

The MSC proposes to create an MSC-bespoke definition of 'shark', which would include the orders of Selachimorpha (true sharks) and Rhinopristiformes (e.g. guitarfishes, sawfishes).

This would constitute a minimum acceptable definition of a 'shark' for MSC assessments. Where a broader definition of a 'shark' is adopted by a jurisdiction relevant to a fishery under assessment, that fishery would be assessed to include the wider range of species as defined in the applicable legislation.

Rationale for proposal

The orders Selachimorpha and Rhinopristiformes constitute the most likely groups to be a target of shark finning. This proposal expands the scope beyond just 'true sharks' (Selachimorpha) to include groups such as wedgefishes (Rhinidae), sawfishes (Pristidae) and giant guitarfish (Glaucostegidae) that have some of the most valuable fins in the shark fin trade.⁶

³ Brautigam, A. (2020). [Best Practice in the Prevention of Shark Finning](#). Published by the Marine Stewardship Council.

⁴ MSC (2020). [Evaluating the MSC's requirements for the prevention of shark finning. Consultation Summary Report](#).

⁵ Dewar, K. & Gutteridge, A. 2021. Identifying further solutions to ensure MSC certified fisheries are not involved in shark finning. Fisheries Standard Review Impact Assessment Report. Published by the Marine Stewardship Council (www.msc.org), (<https://www.msc.org/docs/default-source/default-document-library/stakeholders/consultations/impact-assessments/msc-impact-assessment-report---preventing-shark-finning.pdf>), 44 pages.

⁶ Kyne *et al.* (2019), The thin edge of the wedge: extremely high extinction risk in wedgefishes and giant guitarfishes. Aquatic conservation: Marine and Freshwater Ecosystems. Volume 30, Issue 7, pp.1337-1361.

2.2. Changes to the requirements for the prevention of shark finning – best practice

Problem Statement

The desired outcome and intent are to clarify the requirements to reflect the MSC's intent that shark finning is not to be undertaken within MSC certified fisheries and ensure the standard reflects global best practice.

Proposal

It is proposed to revise the existing requirements and set a minimum acceptable level to certification⁷ which assesses that shark finning is not occurring. The following revisions are proposed:

Sharks caught and retained by a fishery seeking MSC certification can currently be assessed under different categories within the MSC Fisheries Standard. This depends upon:

- the species,
- whether it is the target catch or a primary, secondary or ETP species; and
- the management measures in place.

This proposal will have different implications according to how a shark species is categorised in an assessment.

If sharks are the target catch (assessed under Principle 1), the MSC proposes that all retained sharks shall be landed with an FNA policy or verifiable alternative measures that ensure shark finning is not occurring. Furthermore, if fisheries use a verifiable alternative measure, such fisheries will be considered 'high' risk and will have to provide higher quality information about their operations (see the [MSC Fisheries Standard Review project on evidence requirements](#) for more details).

If sharks are not the target catch (assessed under Principle 2) the proposed requirements for each component would be as follows:

1. Primary species

All retained sharks shall be landed with FNA or verifiable alternative measures that ensure shark finning is not occurring. Furthermore, if fisheries use a verifiable alternative measure, such fisheries will be considered 'high' risk and will have to provide higher quality information about their operations (see the [MSC Fisheries Standard Review project on evidence requirements](#) for more details).

2. Secondary species

All retained sharks shall be landed with an FNA policy in place.

3. Endangered, threatened or protected (ETP) species

⁷ Technically it means to define this requirement at SG60 and not having requirements for SG80 or SG100.

The MSC proposes to add a new requirement for shark finning to the ETP component in Principle 2. It will require that all retained sharks shall be landed with FNA.

Note: the categorisation of ETP species will reflect any proposals arising from the FSR project on [Clarifying best practice for reducing impacts on endangered, threatened and protected species \(ETP\)](#).

Irrespective of how shark species are categorised (e.g. target, secondary), all fisheries that interact with sharks will be assessed for the quality of information required to achieve certification with respect to shark finning (see the [MSC Fisheries Standard Review project on evidence requirements](#) for more details).

Rationale

Well-managed shark species are informed by stock assessments and managed against reference points and catch limits. These types of species are typically those that are the target species under Principle 1 or 'primary' species in Principle 2. It is the understanding of the MSC, that due to the management measures in place in these fisheries, the likelihood of shark finning is very low as the incentives are diminished or removed. The MSC considers that the use of verifiable alternative measures to FNA may be permitted in these cases, particularly if they are coupled with comprehensive and high quality information and monitoring thresholds. Such fisheries would have the same level of confidence that shark finning is not occurring, compared to fisheries that have an FNA policy in place.

Verifiable alternative measures may include species-specific fin-to-carcass ratios, fins artificially attached, or fins stored in the same bag as the trunk. As with the current requirements, it would also require the full documentation of the destination for fins.

The requirement to have 'secondary' and ETP species be landed with FNA will strengthen the existing requirements. This is because, at present, shark finning is not explicitly considered for ETP species. Further, an analysis of MSC certified species indicated that around 80% of shark species were categorised as secondary species. ETP species are the most vulnerable groups of species, and secondary species are often managed in less data-rich circumstances than target or primary species. Therefore, mandating that FNA is required for these types of species will cover the vast majority and the most vulnerable shark species. Such species will likely include silky sharks and oceanic whitetips.

As an additional layer of assurance that shark finning is not occurring in fisheries that target sharks or catch sharks as a primary species and make use of verifiable alternative measures to FNA, they will be considered 'high' risk with relation to the evidence they have to provide. If a fishery categorised as 'high risk' it would be required to provide higher quality information than a fishery categorised as 'low risk'. For example, this could include having a higher level of monitoring and external validation in place to ensure that shark finning is not occurring.

These proposed revisions would promote improvements to management while also ensuring that shark finning is not occurring.

Next steps

The MSC will use the information and knowledge gained through consultations to refine the options for revisions to the Standard. The proposed revisions will be reviewed by the MSC governance bodies in late 2021.

Following this consultation, the next opportunity to comment on proposed changes will be during the 60-day public consultation on the draft Standard in early 2022.

The new Standard will be released in 2022 subject to approval from the MSC governance bodies.