

MSC March 2019 Shark Finning consultation survey

Note:

Make Stewardship Count survey responses are highlighted

Information about Make Stewardship Count

The Make Stewardship Count Coalition (<http://www.make-stewardship-count.org>) is an international coalition of today 84 NGOs and experts that request urgently needed improvements to the MSC standard and certification process. It is important that consumers can trust the MSC label and be confident, that it represents seafood products, which are sourced sustainably and responsibly, and are not associated with destructive or wasteful fishing practices. This trust in the MSC label will help encourage consumers to consider sustainable choices and thereby help to drive healthy improvements on the water.

The coalition wrote a public letter to the MSC in January of 2018, demanding critical improvements be made in the Principle 2 section of the Standard (impact on ecosystem and habitat) and the transparency and independence of the certification process as a whole.

Recent work by the coalition includes a submission to the EAC on their "Sustainable Seas" inquiry, as well as engaging with retailers and fisheries to enable an inclusive and transparent review process. The coalition has also forwarded 8 priority topics to the MSC, which should be reviewed and discussed in expert workshops throughout the duration of the Standard Review process. By addressing these high-priority topics in open workshop settings and inviting international experts and all stakeholder groups to these prior to the start of formal consultations, it is the hope of the coalition to improve the process and outcome of the Standard Review.

MSC Information on Consultation Purpose (from consultation webpage)

This public consultation seeks feedback from stakeholders on the introducing a new requirement that would deem individual legal entities successfully prosecuted for incidences of shark finning within the last 2 years out of scope for MSC certification, and therefore not eligible to sell their catch as MSC certified.

This consultation asks for stakeholder feedback on the following options:

- Option 1: Status quo - review shark finning requirements as part of the [Fisheries Standard Review \(FSR\)](#) (target release August 2021 with up to three years implementation).
- Option 2: Option 1 combined with the introduction of a new scope requirement to complement existing shark finning requirements, implemented on a Fisheries Certification Process time frame (target release in February 2010, with six months implementation).

This consultation also asks for any alternative approaches stakeholders believe the MSC should be investigating if they are not in favour of the proposed options.

Consultation Documents

- [Consultation survey](#)

The consultation questions and background information are in the survey:

[Shark finning March 2019 public consultation](#)

SURVEY

Research ethics and your data

The specific purpose of this consultation is to understand the views of stakeholders with regards to alternative policy development options for reinforcing and clarifying the MSC intent on shark finning.

All feedback will be analysed by the MSC Executive and used to inform policy development that will then be considered by the MSC Stakeholder Advisory Council and the MSC Technical Advisory Board who will make recommendations to the Board of Trustees. The Board of Trustees will then take a decision on whether to publish any revised requirements in a future iteration of our program documents.

We will also use the profiles of participants to evaluate whether the participants collectively constitute a representative sample of key stakeholders for the issue(s) of interest.

Any project reports and case studies will include anonymised information only; no information will be published that could allow participants to be identified as an individual.

Finally, this survey is entirely optional and you may withdraw at any time.

1. Given the above, are you happy to continue?

Yes

No

User Information

2. Contact Information

Full name: Dr. Iris Ziegler

Email address: info@make-stewardship-count.org

3. In what country do you work?

We work globally due to the international structure of the coalition

4. Are you responding as an individual or on behalf of an organisation?

Individual

Organisation

5. What organisation do you represent? Name one only.

Make Stewardship Count Coalition with 84 members by now

Full updated list of members can be found at: <https://www.make-stewardship-count.org/>

Shark Finning - The Issue

At its December 2011 meeting, the MSC Board of Trustees resolved that shark finning shall not be undertaken within MSC certified fisheries. The MSC recognises a need to review the current requirements to ensure that the intent is clear and being effectively delivered in MSC certified fisheries.

There are currently requirements regarding shark finning in both Principle 1 and Principle 2 of the MSC Fisheries Standard. Assessment teams must provide a score based on the level of certainty that shark finning is not taking place.

Stakeholders have raised concerns that the intent of the Board of Trustees' decision is not clearly reflected and implemented in the MSC requirements.

6. What should the MSC do about this issue, if anything? Explain your answer.

This is an urgent issue and there is plenty of proof that finning still occurs (e.g. 429 cases of shark finning documented in the PNA fishery) in some MSC certified fisheries. The current scoring and guidance in the Standard are overly complicated and have not proved effective at implementing the intent of the board. Neither option presented in this consultation will solve this issue in an acceptable timeframe.

Therefore, we request the implementation of a 'fins naturally attached policy' in all fisheries interacting with sharks (under either Principle 1 or 2) to be implemented in order for the CAB to score the fishery at SG60.

Explanation:

Some of our members have been consulting with MSC on the issue of shark finning for more than eight years now. At that time, in 2011, MSC's clear intent was to ensure that fisheries engaged in shark finning were not eligible for certification. The consultation starting point in 2011 was to implement 5% for SG60 and fins naturally attached for SG80 - the global best practice. However, in the third round of discussion in late 2012, MSC significantly shifted from this clear line, mystifying stakeholders as to the decision-making process and resulting in the complicated scoring with loopholes that is in the Standard today. MSC should therefore consider the current consultation as a continuation of the past consultations, recognize that an immediate course correction is needed, and phase in clear requirements for certified fisheries to implement a "fins naturally attached" policy within 1 year.

MSC Proposed Options

The MSC recognises that there is a need to review the current shark finning requirements to ensure that the Board of Trustees' decision intent is clear and being delivered effectively in MSC certified fisheries. The MSC is consequently proposing two options for public consultation.

Option 1: Status quo - review shark finning requirements as part of the Fisheries Standard Review (FSR) (target release date: August 2021 with a 3 year implementation timeframe). Existing requirements would remain in place during the review.

Option 2: Option 1, combined with the introduction of a new scope requirement as part of the Fisheries Certification Process (FCP) (target release date: February 2020 with a 6 month implementation timeframe).

Background to the proposed options

Option 1:

The Fisheries Standard Review (FSR) is undertaken by the MSC every 5 years. The latest review started in 2018 and will run until 2021. The FSR includes two phases of activity: a review and revision phase. The review phase aims to identify issues and determine whether revisions are necessary, and runs until December 2019. The review phase is followed by a revision phase which aims to action any improvements that have been identified as necessary, and runs until August 2021. Note, not all issues reviewed will result in revisions, and decisions to revise requirements will be evidence-based.

As part of the FSR, shark finning requirements will be reviewed within both the Fisheries Standard and the Fisheries Certification Process.

Under Option 1, as part of the review phase of the FSR, the MSC would investigate whether any changes to the current shark finning requirements are needed. Following review, if revisions are deemed necessary, policy development options would be prepared and presented for consultation starting in early 2020. Consultation results and impact testing regarding those options would then inform direction of policy development, where final recommendations will be made by the MSC Technical Advisory Board for decision by the MSC Board of Trustees. Any revisions to the Fisheries Standard will aim to be released in August 2021, and will have an associated 3 year implementation timeframe.

A review into shark finning requirements as part of the FSR would include:

A review of where shark finning requirements sit within the Fisheries Standard and FCP, to ensure that all relevant areas of the Standard and Process adequately address shark finning and clearly deliver the intent.

Option 2:

Existing 'Scope of the Fisheries Standard' requirements are located within the

Fisheries Certification Process (FCP) v2.1. The FCP is currently being reviewed and v2.2 has a target release date of February 2020. Upon release there would be a 6 month implementation timeframe for any changes, which would apply to all fisheries in the MSC Program.

In addition to Option 1 and the existing scoring requirements in the Fisheries Standard under Principle 1 and 2, Option 2 includes the potential introduction of a new scope requirement for shark finning as follows:

Individual legal entities that have been successfully prosecuted for incidences of shark finning within the last 2 years will be deemed 'out of scope' for MSC certification, and will not be eligible for inclusion within a Unit of Certification.

Determinations of scope can be made at any time throughout the assessment process and lifetime of a valid MSC certificate. Any changes to a fishery which may alter compliance of the fishery or of a legal entity within a fishery, with the scope criteria set by the MSC, would trigger a review and (re)evaluation of conformity by the relevant Conformity Assessment Body (CAB).

The key difference between Option 1 and Option 2 is that Option 2 occurs on a faster timeline for implementation.

7. What other options should the MSC consider that you would prefer ahead of these options?

Change fisheries requirements to clearly require a "fins naturally attached" policy for achieving SG60 score. Phase in this policy within 1 year.

Rating MSC's proposed options

Please rate the proposed options and combinations of options below for the following criteria - feasibility, acceptability, affordability, effectiveness, fairness, auditability and your general preference.

8. Please rate these options, which are in no particular order, in terms of feasibility, that is, whether they can be easily or conveniently done.

Option 1: Very unfeasible	Unfeasible	Neither	Feasible	Very feasible
Option 2: Very unfeasible	Unfeasible	Neither	Feasible	Very feasible

9. Please explain your answer, making suggestions for how you would amend any of the options to make them more feasible.

To make Option 2 acceptable it needs to be combined with the introduction of a “Fins naturally attached” policy within 1 year for scoring of SG60 in combination with a requirement that any vessel that has been reported to engage in shark finning will be deemed ‘out of scope’ for MSC certification, and will not be eligible for inclusion within a Unit of Certification - irrespective of whether prosecution has been completed or not, and that such vessel may only become part of the UoC again if effectively cleared from all allegations of finning by a court.

10. Please rate these options, which are in no particular order, in terms of acceptability, that is, whether they can be tolerated or allowed.

Option 1: Very unacceptable Unacceptable Neither Acceptable Very acceptable Option 2: Very unacceptable Unacceptable Neither Acceptable Very acceptable

11. Please explain your answer, making suggestions for how you would amend any of the options to make them more acceptable.

A review of the shark finning requirements is sorely needed, but both options take too long before becoming effective and possibly achieving any change on the water.

The proposal to exclude vessels which have been prosecuted successfully from the UoC should be a given in any case, but will be inadequate on its own especially when considering how rarely a successful prosecution for shark finning happens and the length of time involved in such. The example of the PNA fishery clearly demonstrates this: Only 5 reported investigations and 1 of these still ongoing today, when 429 cases of finning have been reported (in the fishery assessment/certification report by the CAB itself) to have happened between 2012 and 2015.

Requesting a “fins naturally attached” policy at the point of landing, combined with a sufficient level of observer coverage will achieve the MSC board’s intended outcome.

To make Option 2 acceptable it needs to be combined with the introduction of a “Fins naturally attached” policy within 1 year for scoring of SG60 in combination with a requirement that any vessel that has been reported to engage in shark finning will be deemed ‘out of scope’ for MSC certification, and will not be eligible

for inclusion within a Unit of Certification - irrespective of whether prosecution has been completed or not, and that such vessel may only become part of the UoC again if effectively cleared from all allegations of finning by a court.

12. Please rate these options, which are in no particular order, in terms of affordability, that is, based on how affordable the option would be to implement and maintain.

Option 1: Very unaffordable Unaffordable **Neither** Affordable Very Affordable

Option 2: Very unaffordable Unaffordable **Neither** Affordable Very Affordable

13. Please explain your answer, making suggestions for how you would amend any of the options to make them more affordable.

Since the MSC began consultations on scoring to prevent ongoing shark finning in certified fisheries back in 2011, the number of countries and fishery management organizations, which have adopted “fins naturally attached”, has grown exponentially. It is today widely adopted as best practice and the only effective method to prevent shark finning from happening. Most certified fisheries would therefore not be affected by a swift change to such certification requirements, as their current regulations already require “fins naturally attached”. For those countries and fisheries still using the 5% ratio rule, it has by now been demonstrated across all types of fisheries that they can implement “fins naturally attached” with much less difficulty than a vocal minority of fleets like to portray. MSC certification is voluntary and it is important noting that fleets can always implement this best practice of their own volition in order to achieve the high level a sustainability certificate calls for without having to wait for a government regulation. This should not be an excuse and affordability is therefore not an issue.

14. Please rate these options, which are in no particular order, in terms of effectiveness, that is, how well the option actually resolves the issue.

Option 1: **Very ineffective** ineffective Neither Effective Very effective

Option 2: **Very ineffective** ineffective Neither Effective Very effective

15. Please explain your answer, making suggestions for how you would amend any of the options to make them more effective.

Proposed timelines for both options are too long and proposed measures for Option 2 are completely inadequate to resolve stakeholders' concerns that the ban on finning is not effectively addressed by the Standard, or enforced by the process, and thus continues to result in non-compliance with the ban on finning in MSC certified fisheries

16. Please rank these options, which are in no particular order, in terms of general preference.

Option 1:	1	2	no ranking done as none of the provided options is acceptable
Option 2:	1	2	

17. Please explain your answer, making suggestions for how you would amend any of the options to make them more preferable.

To make Option 2 acceptable it needs to be combined with the introduction of a "Fins naturally attached" policy within 1 year for scoring of SG60 in combination with a requirement that any vessel that has been reported to engage in shark finning will be deemed 'out of scope' for MSC certification, and will not be eligible for inclusion within a Unit of Certification - irrespective of whether prosecution has been completed or not, and that such vessel may only become part of the UoC again if effectively cleared from all allegations of finning by a court.

18. What other concerns related to this topic would you like to raise?

Adequate, effective, and clear fisheries certification requirements to prevent finning from happening in MSC certified fisheries need to be implemented, as listed below:

- Implementation of a "fins naturally attached" policy in all fisheries interacting with sharks (under either Principle 1 or 2) in order for the CAB to score the fishery at SG60
- 'Fins naturally attached' needs to be in place for all fisheries interacting with sharks whether it is considered a primary species, a secondary species, or ETP species for the purpose of MSC scoring
- External verification of compliance with the 'fins naturally attached' policy needs to be demonstrated by a minimum level of observer coverage (human observers and/or electronic surveillance)
- The mandatory minimum level of observer coverage needs to be defined for each fishery prior to entering assessment following a risk based

approach, which is based on e.g. target species, gear type, catch size, FAO region, and these observer coverage rates need to be harmonised throughout all UoAs within the same risk category.

- MSC needs to provide improved technical overview and execute oversight on CABs' compliance with the scoring requirements. MSC must scrutinise that scorings are harmonised between CABs and between comparable fisheries.

As noted above, many of our members have been involved with consultations on this topic with MSC for the last eight years and continually raised it as a concern through fishery assessments and audits as well as directly with MSC standard setters. Most top fishing countries, including the EU since 2013, by now legally require "fins naturally attached" for landing sharks and it is widely acknowledged as the best practice to ease enforcement burden, eliminate wiggle room to fin sharks, and to facilitate the collection of shark-specific catch data.

We strongly believe that in light of the long process of consultation on this topic there is urgent need to shorten the 3 year phase-in period suggested by the non-binding FAO guidance on eco-labels.

Stakeholder Category

Please answer some questions about who you are as a stakeholder. This information is critically important for MSC to know whether we are hearing from a diverse range of interests.

19. Please state which stakeholder categories describe your job. Select all that apply, if any.

Transportation/logistics - Transportation of product.

Storage - Holding of product in storage.

Packing/Repacking - Changing of packaging.

Processing - Any activity that changes the product.

Wild harvest fisheries - Involvement with harvesting wild stocks.

Aquaculture - Involvement with the husbandry of farmed stocks.

Conformity assessment - Involvement with testing or other activities that determine whether a process, product, or services complies with the requirements of a specification, technical standard, contract, or regulation

Accreditation - involved with issuing credentials or certifying third parties against an official standard

Standard setting - Developing, coordinating, promulgating, revising, amending,

reissuing, interpreting, or otherwise producing technical standards

None of the above (more options are given on the upcoming pages)

20. **What type of interest(s) in the sustainable seafood industry are you representing in participating in this survey? Select all that apply.**

Academic/Scientific - An intellectual/theoretical interest in the seafood sector.

Commercial - A financial interest in the seafood sector.

Comms/media - Involvement with communications related to the seafood sector.

Consumer - A person who buys and uses a sea(food) product.

Cultural/recreational/artisanal - A lifestyle interest in the seafood sector.

Governance/management - Leadership and administration for the governance of the seafood sector.

Political/lobby/NGO - An interest in influencing decisions that affect the seafood sector.

None of the above

21. **Are you a donor to the MSC? If so and please choose what type of donor from the list below.**

1. Individual
2. Institution
3. Corporate
4. **Not a donor**

User Information and Future Conditions

To help us improve our communications, please complete the following questions below before pressing 'Done' and completing the survey.

22. **How did you hear about this public consultation?**

Invitation to participate by Rohan Currey

23. Participating in this consultation was worth my time.

Strongly disagree

Disagree

Neither disagree or agree

Agree

Strongly agree

24. I would recommend participating in MSC consultations to my colleagues.

Strongly disagree

Disagree

Neither disagree or agree

Agree

Strongly agree

25. This consultation survey was exactly what I needed for me to provide my feedback on this topic.

Strongly disagree

Disagree

Neither disagree or agree

Agree

Strongly agree

26. Please explain your answers.

This particular consultation seems like an unnecessary step - consulting on whether to consult. A review of the original consultation intent from 2011 along with a review of the current literature and regulatory landscape for best practice and/or an expert workshop would have been a better use of the MSC's and stakeholders' time to move to a clear and adequate improvement in the current scoring, which so far has failed to keep shark finning out of MSC certified fisheries

(As demonstrated by MSC fishery certification reports across a number of currently certified fleets).

27. Would you like to be contacted about future consultations on MSC policy development?

Yes

No

You have now completed the survey...

Thank you for your feedback, which will be given full consideration. Please watch the MSC Program Improvements website for future updates.