

MSC March 2019 Unit of Assessment consultation survey

NOTE: This is Word version of MSC's PDF and online survey with the purpose of sharing our proposed submission with Make Stewardship Count coalition members

Note on this from Cat Dorey's perspective

This consultation is attempting to rectify the problems resulting from changes made to UoA definitions following previous UoA consultations. The changes resulted in a definition of a UoA that involved a fishing trip - all gear types used in a single trip must be assessed and certified. This apparently created problems for some small-scale fleets that might use multiple gear types on a trip, for example handlines and gill nets. We also found this unsatisfactory for purse seiners using FADs - free school trips could be certified separately from FAD trips by the same vessels when essentially its the same gear but with different ways of using it. The proposed changes are stronger and to some extent fairer.

Make Stewardship Count coalition survey responses are **highlighted**.

MSC Information on Consultation Purpose (from consultation webpage)

This project aims to update the requirements for defining the UoA so that it cannot be subdivided such that certified and uncertified activities occur on the Principle 1 target stock in the same area, at the same time, on the same vessel and with the same gear.

The MSC is proposing the following three solutions:

1. Update the Unit of Assessment (UoA) definition:
 - Remove the term 'fishing practice' from the definition of the UoA requiring all activities by gear-type to be included in the UoA(s) in the Fisheries Assessment Process.
 - Define the term 'fishing practice' for use elsewhere in the MSC Fisheries Standard if scored as separate scoring elements or separate UoAs.
 - Add a requirement to define the geographic area to resolve previously identified issues with the UoA definition.
2. Determining main, minor and Endangered, Threatened and Protected impacts.
3. Implementation time frame options for existing fisheries (details in survey).

Consultation documents

- [Consultation survey >](#)

The consultation questions and background information are in the survey:

-  [Unit of Assessment consultation survey March 2019 \(PDF document, 222.1 kB\)](#)

More information

If you need more information, contact [Megan Atcheson](#).

SURVEY

Research ethics and your data

The specific purpose of this consultation is research.

All feedback will be analysed by the MSC Executive and discussed with the MSC Technical Advisory Board and MSC Stakeholder Advisory Council who will make recommendations to the Board of Trustees. The Board will then will 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 broadly unbiased and 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

2. Contact Information

Full name: **Dr Cat Dorey**

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

3. In what country do you work?

Global

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

Organisation

5. What organisation do you represent?

Make Stewardship Count Coalition members

Full updated list here: <https://www.make-stewardship-count.org/>

Unit of Assessment - Issue description

The existing requirements for defining the Unit of Assessment (UoA) allow compartmentalisation of fisheries for the purposes of assessment and certification. In this instance compartmentalisation allows for the recognition of better performers.

However, stakeholders have raised concern that some compartmentalisation allows certified and non-certified practices targeting the Principle 1 stock to take place on a single vessel (on the same trip, with the same gear and in the same area), which could challenge MSC's Theory of Change and potentially be misleading to consumers.

Unit of Assessment - MSC's proposed resolution

To resolve this issue, the MSC proposes changes to the requirements for defining the Unit of Assessment (UoA) such that it cannot be subdivided to a level of granularity that allows certified and non-certified practices to occur on the Principle 1 target stock on the same vessel, during the same trip.

In order to do this the MSC is proposing the following modifications to the Unit of Assessment (UoA) definition (FCP v2.1 7.5):

- Remove the term 'fishing practice' from the definition of the UoA requiring all practices/activities by gear-type to be included in the UoA(s);
- Define the term 'fishing practice' elsewhere in the MSC Fisheries Standard (definition given on following page);
- Add a requirement to define the geographic area as part of the UoA.

These modifications have the potential to affect the status quo for determination of Principle 2 main and minor species, as well as impacts on Endangered, Threatened and Protected (ETP) species. MSC proposes that these are determined using catch data at the resolution of the UoA.

Unit of Assessment - Modifications to the requirements

The proposed definition for the Unit of Assessment (UoA) as stated in the Fisheries Certification Process (FCP) v2.1, would be updated as follows, where **red text** represents deleted or new text:

7.5.2 The CAB shall determine the proposed UoA (i.e. what is to be assessed) to include:

- a. The target stock(s).
- b. The ~~fishing method and/or~~ gear type(s) **and** vessel type(s) ~~and/or practices~~ .
- c. The fishing fleets or groups of vessels, or individual fishing operators pursuing that stock, including any other eligible fishers that are outside the proposed Unit of Certification (UoC).
- d. The geographical area where fishing occurs.**

By updating requirement 7.5 of the FCP v2.1, the following definitions would apply:

Fishing Practice:	How a fishing gear is used. For example, fishing practices refer to behavioural changes in gear use (e.g. purse seines used in associated and unassociated sets or gillnets set for 2 hours versus 10 hours). In contrast, technical modifications to gear (such as adding weights) that change the use of the gear are not considered as fishing practices.
--------------------------	--

Fishing gear:	<p>Refers to any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting marine organisms, in accordance with MARPOL Annex V.</p> <p>The equipment used for fishing, e.g. gillnet, handline, harpoon, haul seine, longline, midwater trawl, purse seine, rod-and-reel, trap, and trawler. Each of these gears can have multiple configurations. [Source: FAO glossary]</p>
---------------	--

6. How likely will removal of the term ‘practices’ clarify that the UoA must be defined at the gear level and not further subdivided by different behavioural uses of the same gear; such as ‘set-type’ in purse seine fisheries?

Very unlikely Unlikely **Maybe** Likely Very likely

7. Please explain your answer, making suggestions for how you would amend to make this clearer.

It is certainly an improvement on the previous text, and the intent is clear. However, we still have concerns about CABs and their clients potentially using flexible definitions of gear types. For example, in the past we learned that some retailers stated they did not source tuna from longlines, they sourced from ‘short-lines’ and on investigation of the supplier and fishery involved it was clear these were just longlines that are shorter than average, but essentially the same gear type. We have also heard people refer to FADs as a gear type, and the definition of fishing gear above actually supports this definition, given that a FAD is a physical device used in combination with a purse seine net to catch fishes.

The MSC should provide a list of accepted definitions of gear types based on the FAO gear list. Newly developed types that may not fall strictly under one of these categories must be reviewed and added to the list before certifying.

8. Please provide any examples of fisheries currently in the MSC program, or prospective fisheries, that would be required to redefine their UoA based on the proposed changes?

All purse seine fisheries targeting tunas in both free schools (certified) and with FADs/floating objects (uncertified) such as:

- PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine
- PNG Fishing Industry Association’s purse seine Skipjack & Yellowfin Tuna Fishery
- Tri Marine Western and Central Pacific Skipjack and Yellowfin Tuna

- WPSTA Western and Central Pacific skipjack and yellowfin free school purse seine
- Tropical Pacific yellowfin and skipjack free-school purse seine fishery
- Sant Yago TF Unassociated purse seine Atlantic yellowfin tuna fishery

9. Do you agree that there is a need for the addition of geographic area to the UoA definition as written?

Strongly disagree Disagree Neutral Agree Strongly agree

10. Please explain your answer, making suggestions for how you would amend if necessary.

We agree that a geographic definition should be explicitly included, but not as suggested. More clarity is required for consistency and transparency. Most importantly, we must ensure that this new definition is not used as another means to artificially compartmentalise a fishery that is targeting a stock or stock(s) with an FAO-defined fishing gear type, but using different fishing practices and/or technical modifications in different geographical areas. For example, the new definition must not allow certification of purse seiners targeting free schools in one area, while excluding from certification the same vessels/fleets using drifting or anchored FADs on the same stock(s) but in another area. Similarly, vessels/fleets must not be certified when using best practice bycatch mitigation methods in one area, but be excluded when they use poor practices in another area.

Currently, defining the target stock and its management body, or bodies, usually locates the vessels/fishery within a broad ocean or management area, so what do you hope to add with this requirement? By 'geographic area' do you want simply the broad ocean region (e.g. Indian Ocean) or FAO designations for regions, both of which we understand to be already provided with for certified UoAs? Do you mean an area defined by latitude and longitude?

The usefulness of whatever geographic information is provided will also entirely depend on the fishery. For example, compare a tuna fleet operating only in the EEZ of Kenya to a tuna fleet operating throughout the high seas of FAO region 51 of the North West Indian Ocean - both could simply state FAO region 51 as their geographic area.

In clarifying this requirement, we note that it will be valuable to have more detailed geographic location information that includes the area of operation defined by latitude and longitude, for greater awareness of impacts on specific regions. For example, to determine if the vessels/fleets operate next to a marine sanctuary, or within a biodiversity hotspot or a key migration route.

The vessels/fleets should be required to provide evidence (AIS data and/or VMS data) of the full fishing footprint, in addition to licensing agreements that state where they are and are not licensed to fish.

Unit of Assessment - Main, minor and ETP species in Principle 2

Background

In Principle 2 (P2), Primary (PI 2.1.x) and Secondary (PI 2.2.x) species components are split out by main and minor species. Main species, scored at the 60 and 80 scoring guidepost level, are species that comprise 5% or more of the catch (2% or more of the catch for less resilient species). Impact on populations of Endangered, Threatened and Protected (ETP) species is determined based on total numbers of these species in the UoA.

Conformity Assessment Bodies (CABs) use catch data for the UoA to classify the main and minor species for P2 Primary and Secondary species components, as well as impact on ETP species. The status quo for fisheries is to use data specific to the UoA. However, where gear has been subdivided by set-type, the data may not be consistent across management jurisdictions at this finer resolution. For example, Regional Fisheries Management Organisations (RFMOs) use different definitions such as 'associated' versus 'unassociated' sets or 'Fish Aggregating Device (FAD)', 'log' (both associated) and 'unassociated' sets.

Proposal

For determination of P2 species main and minor designations, as well as UoA impact on the P2 species components (Primary, Secondary and ETP), that CAB shall use data scaled to the UoA (that is without subdivision to set type).

11. Do you agree with the proposal for determining main and minor P2 species based without consideration for set-types?

Strongly disagree Disagree Don't know **Agree** Strongly agree

12. Please explain your answer, making suggestions for how you amend if necessary.

Our comments are based on the understanding that under this new UoA definition each gear type is assessed and scored separately, even if multiple gear types are assessed together as one client group by a CAB.

We agree that determining the full impact of each UoA should be by assessing all the fishing practices on all the vessels, and therefore to determine which species fall into the main/minor/ETP categories, and for final Performance Indicator scores.

However, it continues to be important for the CAB to review and report on the impact of different operational practices within the UoA(s) in their assessments, such as FAD use or particular bycatch mitigation practices used in some areas or seasons but not others, as it will highlight where some practices have more problems than others, and where changes can be made for improvements. In other words, CABs should review and report on each fishing practice used so we can see where the issues arise, and/or where improvements are making a difference.

Therefore we suggest the addition of this clarifying sentence to the proposed text: "CABs shall, however, provide data for different UoA practices and present these data separately in the reports, where relevant and available, to demonstrate where significant differences arise with regard to catches and impacts within UoA practices."

13. Please list any fisheries other than purse seine fisheries, either currently engaged in the MSC program or more generally, that may be impacted by this proposed method to determining main and minor species for Principle 2?

NOTE: The online survey only provided 5 boxes for examples. Our response to this is under point 15.

Unit of Assessment - Timelines for implementation

Implementation timeframes refer to the time period between publication of the new requirements and their effective date. There are three options for implementation timeframes for the change to the Unit of Assessment (UoA) requirements outlined above: six months, three years or five years.

Requirements (such as those in the Fisheries Certification Process document) usually have a relatively short implementation timeframe of six months. However, given that the proposed changes are related to a modification of scope (with operational consequences for fisheries), the MSC are considering three years for existing fisheries to implement any changes, as prescribed for Standard related changes under the FAO GUIDELINES FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM MARINE CAPTURE FISHERIES. Finally, MSC is also considering a five year implementation timeframe consistent with a credible Fishery Improvement Project (FIP).

These proposed timeframes are intended to apply to fisheries that are certified or that have entered assessment before the effective date and will become effective at the first audit (surveillance or reassessment) following the deadline. A change to the UoA to bring it in line with the new requirements would generally be achieved by the Scope Extension process requirements (Annex PE of the FCP v2.1). Any new fisheries that enter assessment after the effective date of the proposed new requirements would have to apply the new requirements in full from that date.

14. Please rank the following timeframes for implementation of the changes proposed (where 1 is your preferred option)

- 1. Process changes requiring six months**
- 2. FAO Ecolabelling guidelines allowing three years for standard related changes**
- 3. Credible FIP guidelines allowing five years**

15. Is there any other feedback related to the proposed changes described above you would like to raise?

With regard to question 13: We are not aware of other specific MSC fisheries that may be impacted by this change. However, there are many non-certified fisheries that could potentially be impacted by a tighter definition of UoAs, as was raised in the first letter to Rupert Howes from a coalition of NGOs and scientists requesting the initial UoA review (17 January 2017). These were the examples provided at that time:

- 1. A bottom trawl fishery that fishes on highly mobile soft bottom substrates with a potentially low impact, which then makes changes in its fishing operation mode by adding rock hopper gear so it can shift to fish in areas with vulnerable marine ecosystems (VMEs), but still targeting the same species.**

2. A pelagic longline fishery using best practice bycatch mitigation methods during some sets, in some seasons and/or areas, but not others.

In these examples, CABs could no longer argue that catches caught with the rock hopper trawl gear in VMEs, or bycatch species taken on longlines without mitigation best practices, can be excluded from the UoA. Please note that in both these examples, artificial separation could still happen if the geographic area requirement is not carefully defined.

With regard to Question 14: We prefer the order as it is presented - as short a time frame as possible. We do NOT support option 3. If the MSC programme is a FIP then make that clear in your advertising!

Further Comments: We would also like to reiterate some of the concerns raised by our members in previous UoA consultations.

We note that there is no consideration given to the issue of UoAs that only include one or some target species and not others; hence problematic target species are assessed as 'other retained species' in the weaker Principle 2 section, while MSC still describes the certified species as being from a 'sustainable fishery.'

While the proposed change to the definition of a UoA is an improvement, it still allows the UoA to be defined in ways which ignore the full impact of the fishing activity.

We know the MSC believes that this will provide incentives for fleets/companies/fisheries to improve management of the remaining target species, but we do not believe that the current programme drives the changes sufficiently. In addition, the MSC describes all its certified fish as being traceable to an MSC certified sustainable fishery, which is clearly not what the standards and program are designed to do. MSC needs to be honest about being a high-level Fishery Improvement Project for vessels, fleets, and some whole fisheries that have taken significant steps towards best practice.

If MSC is determined to stick with its current standards and processes, then those vessels/fleets/fisheries, which are truly currently using global best practices, in all their activities, should be given greater recognition than those on the path to best practice, by awarding a tiered certification with something like bronze, silver, gold award levels. That would provide real incentive for other vessels/fleets/fisheries to continue to improve once certified and would be considerably more honest.

It would also allow NGOs to continue to demand improvement in fisheries with partial or complete certification, without having to deal with MSC's ongoing but erroneous defence of all their certified vessels/fleets as being 'sustainable fisheries.'

Stakeholder category

16. 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)

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

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

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

Individual

Institution

Corporate

Not a donor

User information and future contact

19. How did you hear about this public consultation?

MSC Stakeholder email announcements

20. Participating in this consultation was worth my time.

Strongly disagree
agree

disagree

Neither disagree nor agree

Agree

Strongly

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

Strongly disagree disagree **Neither disagree nor agree** Agree Strongly agree

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

Strongly disagree disagree Neither disagree nor agree Agree Strongly agree

23. Please explain your answers.

The UoA consultation has been going for a long time and has required considerable time and resources to engage with. We have yet to see a useful outcome. This survey was, we hope, the final part of the consultation.

We have not found the survey submission process easy as we need to consult with all our member on the responses. The online survey form is very limiting with regard to what we can write, and we are unable to review our answers easily.

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

Yes

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