

# ETP Designation Workshop - Pre-Workshop Survey

## Welcome to the ETP Designation Pre-Workshop Survey

The MSC Fisheries Standard Principle 2 scoring component for Endangered, Threatened, or Protected (ETP) species considers the impact, both direct and indirect, of a fishery's Unit of Assessment on species listed as endangered, threatened or protected in national or certain international agreements (SA3.1.5). The 2013-2014 Fisheries Standard Review resulted in changes to cumulative impacts across multiple MSC fisheries and to incentivise minimisation of bycatch; however, ETP requirements were not reviewed fully.

Since the 2013-2014 Fisheries Standard Review, issues have been identified by conservation stakeholders, CABs, and the MSC. Additionally, ETP-related issues have been raised through public letters to the MSC Board of Trustees.

As part of the Fisheries Standard Review, the MSC is reviewing the ETP designation requirements. We are holding a workshop later this year to bring together expert opinion and evaluate proposals for how ETP designation requirements may be improved for a more consistent approach between MSC fisheries assessments and to ensure that fisheries or conservation stakeholders are not surprised by designation at the assessment stage, but made aware well in advance.

The workshop will gather information and evaluate the status quo, as well as alternative methods of ETP designation for their strengths, weaknesses, scientific robustness, applicability and auditability.

Thank you for taking the time to provide comments before the workshop.

## Research ethics and your data

The specific purpose of this survey is information-gathering to prepare for the ETP designation workshop.

All feedback will be analysed by the MSC Executive. In the Fisheries Standard Review, all feedback will be 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.

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

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



Yes

No

## 2. Contact Information

Full name\*

Dr Cat Dorey

Email Address\*

## 3. In what country do you work?

Australia/Global

## \*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 including 88 NGOs and Scientists


## ETP Designation

Currently, taxa are designated as Endangered, Threatened or Protected (ETP) using a list of national or international agreements ([Fisheries Standard v2.01 SA3.1.5 - page 28](#)).

## Fisheries Standard v2.01 SA3.1.5

SA3.1.5 The team shall assign ETP (endangered, threatened or protected) species as follows: 

SA3.1.5.1 Species that are recognised by national ETP legislation;

SA3.1.5.2 Species listed in the binding international agreements given below: 

- a. [Appendix 1 of the Convention on International Trade in Endangered Species \(CITES\)](#), unless it can be shown that the particular stock of the CITES listed species impacted by the UoA under assessment is not endangered.
- b. Binding agreements concluded under the Convention on Migratory Species (CMS), including:
  - ii. [Annex 1 of the Agreement on Conservation of Albatross and Petrels \(ACAP\)](#);
  - iii. [Table 1 Column A of the African-Eurasian Migratory Waterbird Agreement \(AEWA\)](#);
  - iv. [Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas \(ASCOBANS\)](#);
  - v. [Annex 1, Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area \(ACCOBAMS\)](#);
  - vi. [Wadden Sea Seals Agreement](#);
  - vii. Any other binding agreements that list relevant ETP species concluded under this Convention.

SA3.1.5.3 Species classified as 'out-of scope' (amphibians, reptiles, birds and mammals) that are listed in the IUCN Redlist as vulnerable (VU), endangered (EN) or critically endangered (CE).

## Status Quo

This section seeks your feedback on the current method of ETP designation.

### ***6. What are the strengths of the current method of ETP designation?***

- It is an improvement on the previous version. It does at least incorporate a science-based mechanism of designating some Threatened and Endangered species by including IUCN status for everything except fish (though this exclusion itself is a weakness) but there are limitations to its utility.

### ***7. What are the weaknesses of the current method of ETP designation?***

#### Issues relating to ETP species lists

- The IUCN itself has noted that it does not provide a comprehensive picture of all the species that are threatened. So far, only some groups of species have been comprehensively assessed. Further, assessments are updated at a slow pace, which can be a problem for marine species impacted by environmental changes (which can cause rapid shifts in distribution). Furthermore, a number of species impacted by MSC-certified fisheries fall into IUCN's Data Deficient category (more on this point below).
- The international agreement list is not comprehensive; for example, no mention is made of the legally-binding agreements under the UNEP Regional Seas Programme that have species listings (e.g. the SPAW Protocol of the Cartagena Convention, Barcelona Convention, etc.)

- While there may be strong scientific evidence required for proposing species for national and international lists, such as CITES, the decisions to list are often highly politically motivated, and the listing of some important species that need better protection can be significantly delayed or left off entirely.

#### Issues relating to data

- There are insufficient standards for the quality of data used by CABs for making assessments. Given their vulnerability, ETP species data and management requirements should be at least as stringent as those for primary or secondary species.
- There is insufficient precaution for those many species (fish and non-fish) where there is data deficiency, such as those listed as Data Deficient by IUCN, but where life history characteristics would indicate a high level of risk. The FAO Code of Conduct and other fisheries-related international agreements highlight the precautionary approach and that the absence of scientific data should not be used as a reason not to act (7.5.1).
- There is ineffective assessment of cumulative impacts on ETP species, including through partitioning of species and gears during assessments (e.g. North Sea fisheries), and by limiting the review of cumulative impacts to MSC fisheries alone.
- Shark species are a particular group where conservation, management and data are regularly significantly lacking, and where the current ETP framework by MSC is insufficient to prevent likely further declines.

#### Specific issues regarding sharks

- Sharks (and other Chondrichthyes) have very different life histories and conservation concerns (e.g. removal of fins for sale, and collection of sawfish rostrum for trophies) from most other fish. In addition, data collection, management and conservation are rare often poor for this group, and the current ETP framework by MSC is insufficient to prevent likely further declines.
- Sharks are grouped with fish and are therefore excluded from using IUCN threat listings, and only very few species are listed in CITES (note Appendix II not I) or CMS.
- There has been inconsistent assignment of the same shark species to either ETP or secondary species categories in different assessments by different CABs, despite their recognition by shark specialists as a threatened species in need of protection.
- If a shark species does get treated as ETP by a CAB, then there is no assessment of finning practices as this is currently only assessed for primary and secondary species but not for ETP species

#### Broader issues around how bycatch species are treated under P2

- Currently, bycatch species that are not (or not yet) listed as ETP and can never be considered as target catch given that they are defined by the MSC as out of scope (i.e. cetaceans, birds, etc) are not addressed under the current scoring system. They may not have specific catch thresholds set ('acceptable take') at all under the fishery management and there is presently little incentive/requirement to minimise bycatch. There are plenty of cases where these species ARE targeted or at least retained for use, such as dolphins for bait, and seabirds for consumption by crew and therefore little incentive to avoid

catching them. The entire concept of minimising bycatch is largely missing from the MSC standard.

Broader MSC issues that especially impact effective ETP species protection

- No effective assurance mechanism and persistent disagreement resolution mechanism in the programme (eg. in the Dolphin set Mexican Tuna fishery).
- Ineffective expedited audit mechanism particularly where ETP species are involved (E.g. North Atlantic Right Whale)
- Ineffective assurance and closure of conditions mechanism

***8. What are the opportunities to improve the current method of ETP designation without significantly altering the model?***

- Broaden the list of international agreements that should be reviewed by CABs regarding species ETP listings.
- Recognise that sharks (and other Chondrichthyes) have very different life histories and concerns from most other fish, and require the use of IUCN listings to determine ETP status for chondrichthyes.
- Create an approach that gives consistency at a biologically-relevant scale (i.e. for populations, sub-populations) rather than one driven by human-based borders.
- Introduce a risk based precautionary approach that considers the abundance and population status, and therefore need for protection, for all species that are not considered the target of a fishery, but are impacted by the fishery, including predators of target species. All bycatch whether wanted or not wanted should be considered in such a risk-based precautionary approach.
- The standard must recognise that catch minimisation needs to be the aim for all non-target species, consistent with the FAO Code of Conduct for Responsible Fisheries (7.2.2 g) and the UNFSA (Art.5, F), for example.

***9. What are the threats or future concerns of the current method of ETP designation?***

- The overall risk is that MSC fisheries continue to impact on threatened species, whether currently designated or not, and are furthering their decline or preventing their recovery.
- Species that could be listed as ETP are not yet listed by the limited listings accepted by MSC, or due to political reasons may never be.
- Species appear on lists not recognised by MSC.
- The current method gives highly inconsistent outcomes because the “protected” part can be determined by whether a species is nationally-listed, or whether the jurisdictions that the fishery operates are, or are not, signatories to international agreements, or countries may be signatories but hold reservations or objections to listing provisions.
- There are difficulties in balancing the need to minimise catch/bycatch as a general principle as proscribed in international fisheries law alongside the need/interest in managers setting specific catch/bycatch reduction targets.

***10. Do you have any comments on the agreements used for ETP designation?***

- Many agreements do not set thresholds for human-induced mortality, yet this is used as the basis for scoring in the standard (ACAP is a good example). Furthermore, thresholds need to be supported by proper, statistically signifi-

cant data collection; the incentive to self-report bycatch in these situations is further eroded, so independent data collection has to be the solid foundation of any approach along these lines (and this is not presently the case for MSC).

- The standard should include consideration of regional MoUs, which while not legally binding, help to provide guidance as to the level of concern regarding certain non-target species as well as management recommendations (Indian Ocean Southeast Asian Marine Turtle Agreement (IOSEA) and the CMS Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia).
- See relevant comments in 7 and 9 above.

### **ETP Populations in MSC assessments**

***11. In your view, are there any populations or taxa that previously have not been designated that should have been? Why? If so, what are the shortcomings in the national or international agreements, or MSC requirements, that led to this?***

- There are many species that have not been assessed, due to lack of data and/or lack of resources to collect and assess data on population sizes, ranges, and trajectories, that may have been excluded.
- Please note the issue above of setting thresholds. A specific example of concern would be eiders in Greenland in the lumpsucker gillnet fishery. The population is apparently stable, but large numbers are bycaught (in the thousands) - is it really acceptable for this fishery to be certified with no obligation to reduce the bycatch of eiders, however 'meaningless' at a population scale this bycatch might be?
- In the Echebatar Indian Ocean Tuna fishery assessment, the CAB had initially (CDR) not considered silky shark *Carcharhinus falciformis* as an ETP species but considered them as minor secondary species. In the next version of the report (second report) it revised the designation for *C. falciformis* and *C. longimanus* (oceanic white tip) to ETP species - although both are listed as Vulnerable by IUCN and are on CITES Annex II, both would not have qualified according to the MSC standard definition. Despite this change, and despite the CABs acknowledgement that "While the IOTC is concerned about the silky shark, and has noted that the species is in decline, it is not managed by the IOTC, nor is there an assessment," NO reduction in the amount of bycatch of silky sharks (7,000 to 10,000 per year by only 5 vessels!) was considered necessary, simply because other fisheries in the area may have taken even larger numbers in the past.
- In the Canadian longline fishery blue shark *Prionace glauca* is about 50% of the total catch by weight with no requirement to reduce this "waste of marine life" which gets discarded dead or alive. It was not assessed as ETP under MSC requirements although IUCN rates this species as Near Threatened with an unknown population trend, and it is listed in Annex II of CMS.

***12. Conversely, in your view, are there any populations or taxa that previously have been designated that should not have been? Why? If so, what are the shortcomings in the national or international agreements, or MSC requirements, that led to this?***

None that we are aware of.

### **Other comments**

Please be as specific as possible for the next two questions, listing species names, locations and agreements where possible. If you have not experienced either of these situations, please note this in the answer box. Please note that any comments related to other parts of the ETP requirements will not be used for this workshop, but will be considered for future policy development. Any comments on ETP requirements previously raised with MSC need not be repeated as they have been recorded already.

### ***13. Any other comments?***

- Whatever changes are made to the ETP designation there will still need to be consideration given to requirements under international law.
- The key question that needs to be addressed is how to reduce the impact of a fishery on all bycatch, whether wanted or not wanted, especially in view of the increasing number of multispecies fisheries pursuing certification only for one or some of the species they catch.
- MSC standard must implement a precautionary risk-based approach and ensure bycatch mitigation and bycatch reduction have PIs requiring scoring. The requirements for meeting SG60, SG80, or SG100 would differ based on the ETP status assigned, the extent of bycatch reduction required, and the level of urgency. At the time of first certification the fishery must provide a plan for stepwise bycatch reduction over the course of certification and demonstrate the successful execution of such condition during the annual surveillance audits. The extent and time scale for reduction per year will depend on the threat status of the individual species and this reduction must be documented by adequate observer rates or EM monitoring level. The level of observer required must be defined using a risk based, precautionary approach depending e.g. on the likelihood of detection of the specific ETP bycatch at a given level of surveillance and other measures in place.

#### Regarding the workshop

- On the MSC Improvement website the following topics for ETP Species as part of the Standard Review are listed and these should therefore also be included in this workshop as they are all interrelated:
  - “This project will review:
    - The designation of Endangered, Threatened or Protected (ETP) species within fishery assessments.
    - Global best practice concerning scientific research and management of ETP species.
    - The application and intent of ETP Performance Indicators in the Standard to achieve sustainability outcomes.”
- Please make sure that the feedback from this survey is published and shared with all participants at least 4 weeks before the workshop.
- Please share the agenda and list of invited participants with all of us at least 4 weeks before the workshop.
- Please share the recommendations on the 2019 consultations that went to the TAB, as well as the TAB’s recommendations to the Board and the Board’s recommendations with the participants of the workshop in advance.

Link to survey

<https://www.surveymonkey.co.uk/r/PDG7J53>

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