

MARINE STEWARDSHIP COUNCIL

Policy Advisory

Policy Advisory 17: Guidance on Condition Setting
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Documents Supplemented or Modified by this Advisory

MSC Scheme Document	Status Change
Fisheries Certification Methodology v6.1	§ 3.4 supplemented (further guidance)

Background

Fisheries which receive individual Performance Indicator scores between 60 and 80 are required to fulfill conditions (FCM 3.4) during the course of the validity of their certificate, with the objective of eventually achieving performance at the SG 80 level for all Performance Indicators. The examples contained in this Policy Advisory provide supporting guidance and interpretation for Certification Bodies relating to setting conditions in the Fisheries Certification Methodology (v6). This is considered particularly important for ensuring the transparency and credibility of the MSC programme.

Intent

The intent of this Policy Advisory is to ensure the correct application of the scheme requirements by certification bodies, with regard to the setting of conditions for certification.

Direction

1. This Policy Advisory will come into immediate effect for all fisheries currently under assessment or undergoing recertification that have not published the Public Comment Draft Report by 1 May, 2010.

Guidance

2. The current requirements of the FCM v6 (Section 3.4) pertaining to conditions remain unchanged and can be summarized as follows:
 - a. The condition must be adequate and clear enough to improve performance to at least the 80 level, within a period set by the certification body (FCM 3.4.2).
 - b. The condition must follow the narrative or metric form of the PIs and SGs used in the assessment tree (FCM 3.4.5).
 - c. The client action plan must specify how the outcome will be assessed in audits by the CB (FCM 3.4.7).
 - d. Evidence must be provided that the CB has consulted all relevant entities when setting conditions, if those conditions require action or funding from these entities in order to achieve the condition (FCM 3.4.8).
3. The following examples are provided to illustrate how conformance to these requirements can be achieved.

Examples

The following are several examples of conditions for components of Performance Indicators under Principles 1, 2 and 3. The form is presented to provide guidance on conformity with section 3.4 of the FCM (v6). Rationales are provided for illustrative and contextual purposes only, and do not reflect actual fisheries in the MSC programme, and this section is not intended to supplement or replace the scoring procedure guidance provided in Section 4 of FAM v2.

Principle 1

Outcome	1.1.1
PI	The stock is at a level which maintains high productivity and has a low probability of recruitment overfishing.
SG60	It is likely that the stock is above the point where recruitment would be impaired.
SG80	It is highly likely that the stock is above the point where recruitment would be impaired. The stock is at or fluctuating around its target reference point.
SG100	There is a high degree of certainty that the stock is above the point where recruitment would be impaired. There is a high degree of certainty that the stock has been fluctuating around its target reference point, or has been above its target reference point, over recent years.
Scoring	70
Rationale	<p>Recent stock assessments of <i>Mustelus canis</i>, (ICES 2009) indicate that it is likely that the stock is above the point where recruitment would be impaired, which meets SG60.</p> <p>However, there is currently a 75% probability that the true status of the stock is higher than the point at which there is an appreciable risk of recruitment being impaired (Elasmobranch Working Group 2010), so the assessment team does not believe that it is 'highly likely' (i.e. at least 80% probability) that the stock is above the point where recruitment would be impaired. Therefore the first scoring issue for SG80 is not met.</p> <p>The stock is at its target reference point (ICES 2009), which meets the second scoring issue for SG80.</p> <p>Since the first scoring issue for SG80 is met and the second scoring issue is not met, the assessment team concludes that a score of 70 is appropriate for this PI.</p>
Condition	By the second surveillance audit, evidence must be presented by the fishery client that shows that it is highly likely (specifically at least 80% probability) that the stock is above the point where recruitment would be impaired.

Client action plan	<p>In order to demonstrate by the second surveillance audit that it is highly likely that the stock is above the point where recruitment would be impaired, the fishery client will support the ongoing national government research programme to conduct more rigorous stock assessment analyses for this species. Actions undertaken and to be implemented for this year will include hosting researchers as observers on client vessels, providing fishery-dependent data, and providing the use of client vessels for monthly research trips to collect data required to undertake the stock assessment.</p> <p>Consequently, at the second surveillance audit, the fishery client will present more rigorous stock assessment analyses, observer reports, fishery-dependent data that was provided to the national government research programme, and trip reports from the national government research programme undertaken on client vessels.</p>
Consultation on condition	<p>The relevant researchers and government officials have been consulted by telephone and in-person meetings and agree that these actions will reduce uncertainty in stock assessment data and are achievable and realistic to complete by the second surveillance audit. They have committed to assist the fishery in undertaking the actions specified in the action plan.</p>

Harvest strategy	1.2.1
PI	There is a robust and precautionary harvest strategy in place.
SG60	<p>The harvest strategy is expected to achieve stock management objectives reflected in the target and limit reference points.</p> <p>The harvest strategy is likely to work based on prior experience or plausible argument.</p> <p>Monitoring is in place that is expected to determine whether the harvest strategy is working.</p>
SG80	<p>The harvest strategy is responsive to the state of the stock and the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points.</p> <p>The harvest strategy may not have been fully tested but monitoring is in place and evidence exists that it is achieving its objectives.</p>
SG100	<p>The harvest strategy is responsive to the state of the stock and is designed to achieve stock management objectives reflected in the target and limit reference points.</p> <p>The performance of the harvest strategy has been fully evaluated and evidence exists to show that it is achieving its objectives including being clearly able to maintain stocks at target levels.</p> <p>The harvest strategy is periodically reviewed and improved as necessary.</p>
Scoring	70
Rationale	<p>The harvest strategy for this fishery is responsive to the state of the stock (PFMC 2009), and it is evident that the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points (PFMC 2009). Consequently, this fishery meets the first scoring issue of SG80.</p> <p>The harvest strategy has not been fully tested, and monitoring is in place (PFMC2009). However, there is currently no evidence that the harvest strategy is achieving its objectives. As a result, the second scoring issue of SG80 is only not fully met; therefore the assessment team has decided that a score of 70 is appropriate for this PI.</p>

Condition	By the third surveillance audit, evidence must be presented that shows that the harvest strategy for this fishery is achieving its objectives.
Client action plan	The fishery client commits to presenting evidence to the certification body that demonstrates that the harvest strategy for this fishery is achieving its objectives. An appropriately qualified consultant will be contracted to independently compile reports on an annual basis to first establish a baseline, and analyze whether the TAC is set consistent with scientific advice as well as detail on whether landings are exceeding the TAC set for that year. These reports will be presented to the certification body during the first, second and third surveillance audits, in order for the outcomes to be assessed.
Consultation on condition	Not required for this condition as no external parties are involved.

Principle 2

Outcome	2.2.1
PI	The fishery does not pose a risk of serious or irreversible harm to the bycatch species or species groups and does not hinder recovery of depleted bycatch species or species groups.
SG60	Main bycatch species are likely to be within biologically based limits, or if outside such limits there are mitigation measures in place that are expected to ensure that the fishery does not hinder recovery and rebuilding. If the status is poorly known there are measures or practices in place that are expected result in the fishery not causing the bycatch species to be biologically based limits or hindering recovery.
SG80	Main bycatch species are highly likely to be within biologically based limits or if outside such limits there is a partial strategy of demonstrably effective mitigation measures in place such that the fishery does not hinder recovery and rebuilding.
SG100	There is a high degree of certainty that bycatch species are within biologically based limits.
Scoring	60
Rationale	The two main bycatch species for this fishery, <i>Carcharodon carcharias</i> and <i>Hemipristis elongata</i> , are currently not within biologically based limits according to recent fisheries-independent research (Smith et al. 2009; Jenkins et al. 2010). However, there are mitigation measures in place, such as gear restrictions including the mandatory use of magnetic hooks, and area closures, which are expected to ensure that the fishery does not hinder recovery and rebuilding for these depleted bycatch species (CFM 2009). Both scoring issues for SG60 are met, however since the mitigation measures have been recently implemented, they cannot yet be shown to be demonstrably effective and therefore the scoring issue for SG80 is not met.
Condition	By the third surveillance audit, main bycatch species must be highly likely to be within biologically based limits, or if outside such limits there must be a partial strategy of demonstrably effective mitigation measures in place such that the fishery does not hinder recovery and rebuilding.

Client action plan	The client fishery will conduct ongoing monitoring of current mitigation measures to show that they are demonstrably effective such that the fishery does not hinder recovery and rebuilding of <i>Carcharodon carcharias</i> and <i>Hemipristis elongata</i> populations. This will be undertaken through 100% onboard observer coverage on client fishery vessels and analysis of logbook data to illustrate trends in bycatch data for these species. This strategy will be implemented immediately and reports will be provided to the assessment team as evidence at the first, second and third surveillance audit. The final analysis demonstrating effectiveness will be completed and assessed at the third surveillance audit.
Consultation on condition	Not required for this condition as no external parties are involved.

Principle 3

Fishery specific management system	3.2.3
PI	Monitoring, control and surveillance mechanisms ensure the fishery's management measures are enforced and complied with.
SG60	<p>Monitoring, control and surveillance mechanisms exist, are implemented in the fishery under assessment and there is a reasonable expectation that they are effective.</p> <p>Sanctions to deal with non-compliance exist and there is some evidence that they are applied.</p> <p>Fishers are generally thought to comply with the management system for the fishery under assessment, including, when required, providing information of importance to the effective management of the fishery.</p>
SG80	<p>A monitoring, control and surveillance system has been implemented in the fishery under assessment and has demonstrated an ability to enforce relevant management measures, strategies and/or rules.</p> <p>Sanctions to deal with non-compliance exist, are consistently applied and thought to provide effective deterrence.</p> <p>Some evidence exists to demonstrate fishers comply with the management system under assessment, including, when required, providing information of importance to the effective management of the fishery.</p> <p>There is no evidence of systematic non-compliance.</p>
SG100	<p>A comprehensive monitoring, control and surveillance system has been implemented in the fishery under assessment and has demonstrated a consistent ability to enforce relevant management measures, strategies and/or rules.</p> <p>Sanctions to deal with non-compliance exist, are consistently applied and demonstrably provide effective deterrence.</p> <p>There is a high degree of confidence that fishers comply with the management system under assessment, including, providing information of importance to the effective management of the fishery.</p> <p>There is no evidence of systematic non-compliance.</p>
Scoring	60

Rationale	<p>Monitoring, control and surveillance mechanisms exist in this ray fishery, including VMS and logbook reporting, and these mechanisms were implemented in 2009 (RFA 2009). There is a reasonable expectation that they are effective, since similar systems implemented in other ray fisheries in the region have been shown to ensure that management measures are enforced and complied with (ERFA 2004; ERFA 2006).</p> <p>Sanctions to deal with non-compliance exist as outlined in RFA 2009, and there is some evidence, in the form of records of fines levied, that they are applied.</p> <p>Fishers are generally thought to comply with the management system for the fishery under assessment (Fisheries Enforcement Officer, pers. comm.) including, when required, providing information of importance to the effective management of the fishery (RFA 2009).</p> <p>Since the fishery meets these three issues, SG60 is met.</p> <p>However, since these monitoring, control and surveillance mechanisms were only implemented in 2009, there is currently no demonstrated ability to enforce relevant management measure, strategies and/or rules. Similarly, the fishery is not able to demonstrate that sanctions to deal with non-compliance are consistently applied, or to provide evidence to demonstrate that fishers comply with the management system. Finally, there is insufficient evidence at this point to conclude that there is no systematic non-compliance. Consequently, the fishery does not meet any of the issues under SG80 and therefore scores no higher than 60.</p>
Conditions	<p>By the second surveillance audit, the fishery must provide evidence that the monitoring, control and surveillance mechanisms work together to form part of a system, and demonstrate an ability to enforce relevant management measures, strategies and/or rules.</p> <p>By the second surveillance audit, the fishery must also demonstrate that sanctions are consistently applied and thought to provide effective deterrence.</p> <p>By the third surveillance audit, the fishery must provide evidence that demonstrates that fishers comply with the management system under assessment, including, when required, providing information of importance to the effective management of the fishery.</p> <p>The fishery must also demonstrate by the third surveillance audit that there is no evidence of systematic non-compliance.</p>

Client action plan	<p>In order to improve compliance and enforcement, the fishery client commits to implementing a system for monitoring, control and surveillance that can demonstrate an ability to enforce relevant management measures, strategies, and/or rules, by the second surveillance audit. This will be carried out through the integration of the logbook reporting and VMS mechanisms into an integrated system involving other components for comprehensive monitoring, control and surveillance.</p> <p>Through regular contact and communication with Fisheries Enforcement Officials, by the second surveillance audit the fishery client will provide evidence in the form of written statements and records of sanctions to demonstrate that they are consistently applied and thought to provide effective deterrence.</p> <p>The client fishery will provide evidence by the third surveillance audit that demonstrates that fishers comply with the management system, including the provision of information required for the effective management of the fishery. Monitoring to demonstrate fisher compliance is already implemented in this fishery through a structured framework of interaction between fisheries managers and Fishery Enforcement Officers, but has not been ongoing for sufficient time yet to demonstrate compliance. Fisheries managers and Fisheries Enforcement Officers meet on a yearly basis to evaluate compliance, and produce reports on the outcomes of these meetings. These reports will be presented to the assessment team at the third surveillance audit. This action will also serve to demonstrate that there is no systematic non-compliance.</p>
Consultation on condition	<p>Fisheries Enforcement Officials have been consulted on their involvement in this Client Action Plan, and agree to provide copies of sanction documentation for the next five years, and to provide written statements on their evaluation of deterrence before the second surveillance audit.</p>

Ends