Wageningen, 14 March 2017

Subject: Response to your letter dated 8 December 2016

Dear Michelle Cho and Matt Thompson,

Many thanks for taking the time to provide your comments on the GSSI Benchmark Report for the Marine Stewardship council. NEAq has played a valuable role in the development of the Global Benchmark Tool as part of the Expert Working Group on Aquaculture, by being on the GSSI Steering Board and during GSSI public consultations.

GSSI is committed to a transparent benchmark process with opportunity for engagement and comments. Following the consultation, GSSI’s response to NEAq comments raised in relation to the GSSI Benchmark conclusions for the MSC are set out below. Changes to the conclusion text or reference lists are marked in blue.

First of all we would like to address your general comments, before responding to your specific comments on individual GSSI components in more detail.

NEAq comment 1):
There seems to be a recurring theme in certification schemes, for both aquaculture and wild fisheries, of a difference in the way a standard is written on paper, and the way it is executed in actuality. This could be for a number of different reasons, e.g., a difference in the way the standard is interpreted by the reader, or the impracticality of executing something the way it is written. Regardless of the reason, the way the standard is executed should be what is benchmarked, as it would be most in line with the intent of environmental certifications and with GSSI’s mission.

The issue here is that these certification schemes may be failing to fulfill their intent, as a result of differences in interpretation by the certifying bodies, or by the way these certifying bodies are accredited, or for another reason. There is a disconnect between what the standard is attempting to certify and what is actually being certified (see WWF Retrospective Report http://wp.maydayblog.com/wpcontent/uploads/2016/11/WWF-Retrospective-Indian-Ocean-Tuna-HCRs-FINAL.2-1-1.pdf; also MSC certification reports where an objection was filed most likely has some more good examples). This provides GSSI with an opportunity to add value for all stakeholders and to differentiate itself from traditional and historical benchmarking processes by adding verification that standards are being appropriately and consistently applied by both certifying bodies and accreditation bodies. We would be willing to work with GSSI to discuss and develop this opportunity.
Some of the language used in GSSI’s fishery components seems to communicate the intent of the component more clearly than the MSC standards’ written guidance for certifying bodies (undoubtedly at least partially as a result of the multi-stakeholder process GSSI’s EWGs participated in and their consultations with the FAO regarding the intent of the associated FAO guidelines). There may be a role for GSSI to play in helping with consistency in the application of standards by certifying bodies. To accomplish this, GSSI could provide guidance language for standards to communicate the clear intent of the components, or principle indicators, in the case of MSC. This may make it easier for certifying bodies to focus more on the outcome, and not the wording, making their results more consistent.

**GSSI response:** Thank you for your engagement. It is the role and responsibility of the scheme to ensure consistent implementation of its standards across certification and accreditation bodies. GSSI’s role is to verify if the scheme assumes this responsibility.

As part of this public consultation, GSSI will only respond to comments that are directly related to the GSSI Benchmark conclusions for the MSC.

**NEAq comment 2):**

_The conclusions written in this report sometimes, if not always, benchmark where the standard falls score-wise in relation to each essential component. In many cases, conclusions for Essential Components were written with information from scoring guidepost (SG) 80 and not SG60 (i.e., D.1.02, D.1.04, D.2.07, D.3.09, D.3.14, D.4.04, D.5.02, D.5.07, D.5.10, D.6.05, D.6.06, D.6.09). This implies that for those Principle Indicators, a score of 80 or higher would be consistent with the associated GSSI Essential Components. However, because the MSC certifies fisheries with a score of 60 or higher for Principle Indicators and GSSI either recognizes a certification scheme that includes all GSSI essential components or it doesn’t, then the conclusions should stick to whether or not a score of 60 for related Principle Indicator(s) is consistent with the GSSI component. To be clear, if consistency with any GSSI essential component is not achieved at a score of 60, MSC should not be recognized by GSSI. Along the same vein, because MSC does not differentiate in the marketplace between scores on products, Principle Indicators should be consistent with a score of 60 for related Supplemental Components (D.1.01.01, D.1.02.01, D.1.05.03, D.1.05.04, D.2.05.01, D.2.06.01, D.3.06.04, D.3.09.01, D.4.05.03, D.5.06.02, D.6.07.01)._

**GSSI response:** The GSSI Essential Component B.2.16 clearly states that a scheme can allow certification of an entity with non-compliances, as long as these are minor, and a clear timeline and system for closing out corrective actions is in place.
Essential component B.2.16
The Scheme Owner clearly defines the criteria relating to the classification of non-conformities. Where the Scheme Owner allows for certification of an entity with non-compliances, the Scheme Owner requires that:
- Only non-conformities on minor, non-critical issues are allowed;
- A timeline for closing out corrective actions must be defined;
- A system to verify that corrective actions have been closed out is in place.

The MSC Fisheries Certification Requirements (FCR) version 2.0 (Section 7.10 and 7.11, available online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0/view) outline that where MSC allows for certification of entities with non-compliances, MSC requires that:

- Only non-conformities on minor, non-critical issues are allowed: Minor non-conformities are defined as needing to have a minimum score of 60 on individual PIs as well as an average score of 80 across all PIs. A score below 60 on individual PIs and/or an average score below 80 across all PIs will be considered a major non-conformity and will not allow for certification.

- A timeline for closing out corrective actions must be defined: FCR clause 7.11.1.3 states that, “The CAB shall draft conditions to result in improved performance to at least the 80 level within a period set by the CAB, but no longer than the term of certification”.

- A system to verify that corrective actions have been closed out is in place: Progress against the defined corrective actions is checked at surveillance audits. Section 7.23.13 states: “At each on-site or off-site surveillance audit the team shall evaluate progress against conditions.”

The MSC scoring system is therefore in alignment with GSSI's acceptance of the principles of non-conformities and conditional passes. This also confirms the appropriateness of using the SG80 for the GSSI benchmarking.
To make this more clear in the final evaluation, the GSSI Essential component B.2.16 has been amended.
## Conclusion on GSSI Essential Component B.2.16

**Conclusion:** The MSC is in alignment because the FCR section 7.11 details the requirements for CABs to set conditions and the timeframe within which they should be closed. Minor non-conformities are defined as needing to have a minimum score of 60 on individual PIs as well as an average score of 80 across all PIs. A score below 60 on individual PIs and/or an average score below 80 across all PIs will be considered a major non-conformity and will not allow for certification. FCR clause 7.11.1.3 states that, “The CAB shall draft conditions to result in improved performance to at least the 80 level within a period set by the CAB, but no longer than the term of certification.”

Progress against the defined corrective actions is checked at surveillance audits. Section 7.23.13 states, 'At each on-site or off-site surveillance audit the team shall evaluate progress against conditions.'

### References:


FCR clause 7.11.1.3 states that, 'The CAB shall draft conditions to result in improved performance to at least the 80 level within a period set by the CAB but no longer than the term of certification'

Progress against these conditions is checked at surveillance audits. Section 7.23.13 states, 'At each on-site or off-site surveillance audit the team shall evaluate progress against conditions.'

### NEAq comment 3):

Because some of the MSC Principle Indicators are written with guidance for SG80 that tells certifying bodies to consider “combined effects of the MSC UoAs” (Units of Assessment) (D.5.10, D.6.06), this seems to leave room for fisheries to break themselves up and apply for certification in multiple UoAs (e.g., offshore US American lobster, Maine American lobster, and US Gulf of Maine American lobster), which would allow them to potentially not consider combined effects of the entire fishery or all MSC UoAs but still pass. This also seems like it would make it more difficult for other UoAs to achieve a score of 80 the later they enter the process. Breaking a fishery up in this way seems like it could be used as a
way to skirt the intent of the GSSI components as written. While these comments are focused on the MSC certification scheme as a result of GSSI’s public consultation on its benchmarking, we believe other certification schemes face similar challenges in the execution of certifying fisheries or farming operations. This further illustrates the potential for GSSI to take action on this issue, meeting its mission to “ensure confidence in the supply and promotion of certified seafood as well as to promote improvement in the seafood certification schemes.”

GSSI response: This comment is more about the GSSI Benchmark Tool and not directly related to the public consultation of the MSC scheme.

The FAO Guidelines only consider cumulative impacts related to the stock under consideration, all other impacts are considered related to the unit of certification. Therefore, for the components D.5.10 and D.6.06, the cumulative impact beyond the unit of certification is not required for GSSI alignment.

GSSI is determined to work towards ensuring confidence and improvement of certification schemes and looks forward to continuing this debate in the context of the review of the Benchmark Tool.

Supplementary Component D.1.01.01
The standard requires that the fishery management organization or arrangement provides advice that contributes to the attainment of objectives for the management of the deep-sea fishery (DSFs) in the high seas under consideration and the prevention of significant adverse impacts on Vulnerable Marine Ecosystems (VMEs.) from fishing.

NEAq comment: If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Supplementary Component (1). This GSSI Supplementary component calls for managers providing advice to contribute to the attainment of management objectives to prevent significant adverse impacts on VMEs. Preventing significant adverse impacts seems like a stronger stance than some likelihood of not reducing structure and function of habitat (2).

GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) The FCR guidance section GSA 3.13.4 explains that: "The MSC’s definition of “serious or irreversible harm” is very similar to the FAO Guidelines’ 29 definition of “significant adverse impacts”. A key consideration in both definitions is the concept of reversibility or recoverability. Both definitions consider the time frame
required for a habitat to recover. Damage requiring 5-20 years (or more) from which to recover should be considered “serious or irreversible” or “significantly adverse”, consistent with FAO (2009)." This is consistent with the GSSI approach and the MSC scheme is therefore in alignment with this component.

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<th>Conclusion on GSSI Supplementary Component D.1.01.01</th>
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**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, the MSC standard seeks to ensure that the fisheries do not cause undue impacts on habitats (PI 2.4.1), that appropriate management is in place to ensure this (PI 2.4.2), and that appropriate information is available to verify this (PI 2.4.3). The key consideration of the impact is upon the structure and function of the habitat in question and whether or not the impact can be described as "serious or irreversible harm". With regard to VMEs, PI 2.4.1 Sl b deals specifically with VME habitat status, requiring for SG80 that the UoA is highly unlikely to reduce structure and function of the VME habitats to a point where there would be serious or irreversible harm. Serious or irreversible harm is defined in SA3.13.4 as "reductions in habitat structure and function (as defined in Table SA8) such that the habitat would be unable to recover at least 80% of its structure and function within 5-20 years if fishing on the habitat were to cease entirely." VMEs are defined in SA3.13.3.2 as in paragraph 42 subparagraphs (i)-(v) of the FAO Guidelines (definition provided in GSA3.13.3.2). This definition is applied both inside and outside EEZs and irrespective of depth, potentially covering DSFs where included in the UoA.

Additionally, with regards to fisheries in the high seas FCR clause SA 4.1 requires that assessors state the jurisdictional categories that apply to the management system of the UoA when assessing performance of the UoA under Principle 3, with specific requirements given (in SA4.3.2.2. and elsewhere) for UoAs subject to international cooperation to manage stocks.

**References:**

**Essential Component D.1.02**
The standard requires that the fishery management organization or arrangement receives and responds to in a timely manner the best scientific evidence available.
regarding the status of the stock under consideration and the likelihood and magnitude of adverse impacts of the unit of verification on the stock under consideration and the ecosystem.

**NEAq comment:** If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Essential Component (1). These PIs do not mention anything about the advice using best scientific evidence, which seems to be at the core of this GSSI Essential Component (2).

**GSSI response:**

(1) Please see response to GSSI Essential Component B.2.16.

(2) The MSC requirements are consistent with the concept of using the 'best scientific advice', as outlined in the Guidance to this Component, and in the GSSI Glossary. Alternative approaches to stock assessment and management are clearly allowed, consistent with the scale and intensity of the fishery and its management, so long as appropriate allowances for precaution are allowed. Explicit guidance relating to "Assessing informal and traditional approaches" is provided in many PIs, e.g. for PI 3.2.2 Decision making processes (GSA4.8), and PI 3.2.4 Monitoring and Management Performance Evaluation (GSA 4.10).

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**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PIs 1.2.1 and 1.2.2, various PIs 2.x.2, and PI 3.2.2 all require timely intervention in order to ensure that the management organization responds in a timely manner to advice. The MSC surveillance processes (CR 7.23) also ensure ongoing auditing of management organization performance in response to status changes.

Adaptive management is at the core of the MSC, from the annual auditing system of the MSC assessment process to the specific PIs related to Principle 1, including the requirements that environmental variability is a considered (FCR clause SA 2.2.7), that there be a robust and precautionary harvest strategy that is subject to evaluation, monitoring and review (PI 1.2.1), defined and effective harvest control rules (PI 1.2.2) and relevant information to support the harvest strategy through monitoring (PI 1.2.3). Principle 2 information PIs require that information is adequate to assess the impacts of the fishery on ecological components and that there is adequate information to inform the management strategy. PI 3.2.2 requires that the fishery-specific management system includes effective decision-making processes that result in measures and strategies to
achieve the objectives and has an appropriate approach to actual disputes in the fishery. PI 3.2.2 scoring issue (b) at SG80 requires that decision-making processes respond to serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions. Annex PF also details requirements around the use of data-limited approaches (RBF) to assess Principle 1 and 2 outcome PIs. Guidance on how to use and interpret traditional approaches to management and local knowledge is also included under Principle 1 and 3. It is important to note that the level of adaptive management will depend on the characteristics of the species, the management system and risks, and the available resources. Clause SA 2.2.2 requires that the team shall consider the biology of the species and the scale and intensity of both the UoA and management system and other relevant issues in determining time periods over which to judge fluctuations.

References:
MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - Performance Indicator (PI) 1.2.1, 1.2.2, 1.2.3 (FCR clause 2.4 -2.6). Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0

MSC Fisheries Certification Requirements - Annex PF: Risk-based framework - Normative

Supplementary Component D.1.02.01
The standard requires that the fishery management organization or arrangement receives and responds in a timely manner to the best scientific evidence available regarding the status of the DSF fish stock under consideration and the likelihood and magnitude of adverse impacts of the unit of certification on the stock under consideration and prevents significant adverse impacts on VMEs.

NEAq comment: If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Supplementary Component (1). No mention of prevention of significant adverse impacts on VMEs or use of best scientific evidence (2).

GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) Please see responses to Supplementary Component D1.01.01 (re ‘prevention of significant adverse impacts on VMEs’) and Essential Component D.1.02 (re ‘the use of best scientific advice’).
Conclusion on GSSI Supplementary Component D.1.02.01

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, as noted in the MSC response to D.1.02, for the target stock adaptive management is at the core of the MSC, from the annual auditing system of the MSC assessment process to the specific PIs related to Principle 1, including the requirements that environmental variability is a considered (FCR clause SA 2.2.7), that there be a robust and precautionary harvest strategy that is subject to evaluation, monitoring and review (PI 1.2.1), defined and effective harvest control rules (PI 1.2.2) and relevant information to support the harvest strategy through monitoring (PI 1.2.3). Principle 2 information PIs require that information is adequate to assess the impacts of the fishery on ecological components and that there is adequate information to inform the management strategy. PI 3.2.2 requires that the fishery-specific management system includes effective decision-making processes that result in measures and strategies to achieve the objectives and has an appropriate approach to actual disputes in the fishery. PI 3.2.2 scoring issue (b) at SG80 requires that decision-making processes respond to serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions. PI 3.2.2 scoring issue (c) further requires that decision-making processes use the precautionary approach and are based on best available information.

Annex PF also details requirements around the use of data-limited approaches (RBF) to assess Principle 1 and 2 outcome PIs. Guidance on how to use and interpret traditional approaches to management and local knowledge is also included under Principle 1 and 3. It is important to note that the level of adaptive management will depend on the characteristics of the species, the management system and risks, and the available resources. Clause SA 2.2.2 requires that the team shall consider the biology of the species and the scale and intensity of both the UoA and management system and other relevant issues in determining time periods over which to judge fluctuations. GSSI parent requirement D.1.02. For Principle 2 components including habitats/VMEs, Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance states a management strategy is required to mitigate the impact of the fishery/UoA on species (including as they occur in DSFs), habitats and the ecosystem (PI 2.1.2, 2.2.2, 2.3.2, 2.4.2, 2.5.2). MSC distinguishes between three types of habitats in the outcome PI: Commonly encountered, vulnerable marine ecosystems (VME) (as defined in FAO guidelines) and minor, these categories are used in the management and information PIs of 2.4.x. PI 2.4.1 SI b deals specifically with VME habitat status, requiring for SG80 that the UoA is highly unlikely to reduce structure and function of the VME habitats to a point where there would be serious or irreversible harm. Serious or irreversible harm is defined in SA3.13.4 as "reductions in habitat structure and function (as defined in Table SA8) such
that the habitat would be unable to recover at least 80% of its structure and function within 5-20 years if fishing on the habitat were to cease entirely." VMEs are defined in SA3.13.3.2 as in paragraph 42 subparagraphs (i)-(v) of the FAO Guidelines7 (definition provided in GSA3.13.3.2). This definition is applied both inside and outside EEZs and irrespective of depth, potentially covering DSFs where included in the UoA.

Additionally there are requirements to ensure relevant information is collected to support the management of UoA impacts on components (PI 2.1.3, 2.2.3, 2.3.3, 2.4.3, 2.5.3) including fish stocks in DSFs. With regards to VMEs MSC requires that the UoA does not cause serious or irreversible harm to the habitat structure and function (2.4.1), that there is a strategy in place to ensure this (2.4.2) and that information is adequate to determine the risk posed to the habitat and the effectiveness of the management strategy (2.4.3).

References:
MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - Performance Indicator (PI) 2.1.2, 2.1.3, 2.2.2,2.2.3, 2.3.2, 2.3.3, 2.4.1, 2.4.2, 2.4.3, 2.5.2, 2.5.3, 3.2.2 (FCR clause 3.5 -3.18). Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0

Supplementary Component D.1.05.04
The standard requires that the involvement of small-scale fishing communities in the design, planning and, as appropriate, implementation of management measures, including protected areas, affecting their livelihood options is facilitated. Participatory management systems, such as co-management, should be promoted in accordance with national law.

NEAq comment: If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Supplementary Component. Even though the MSC standard "allows the involvement of all interested parties and stakeholders" SG60 does not require providing an opportunity for all involvement.

GSSI response: Please see response to GSSI Essential Component B.2.16.

Conclusion on GSSI Supplementary Component D.1.05.04

Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 3.1.1 SI(c) deals specifically
with consideration of people dependent on fishing for food or livelihood, and PI 3.1.2 provides for consultation with all relevant interested and affected parties. The FCRv2.0 effectively requires the involvement of all interested parties on all aspects of relevance to the UoC and its impact.

At the SG80 level, PI 3.1.2 (c) requires that "The consultation process provides opportunity for all interested and affected parties to be involved" PI 3.1.2(b) further requires that "The management system includes consultation processes that regularly seek and accept relevant information, including local knowledge"; and that "The management system demonstrates consideration of the information obtained".

As stated in Guidance Section GSA4.4 relating to this PI, "The main point of scoring issue (b) is that the management system is open to stakeholders and that any information that is viewed as important by those parties can be fed into and be considered by the process in a way that is transparent to the interested stakeholders", i.e. that their involvement ... in management... is facilitated. MSC also provides specific guidance on the scoring of several PIs for fisheries that are managed using 'informal and traditional approaches" such as often used in small scale fisheries (see e.g. GSA4.4 and GSA4.4.5).

References:

Supplementary Component D.2.03.02
The standard requires that fishery management plans for DSFs in the high seas include biological reference points for the stock under consideration set at levels that ensure, at a minimum, that fish stocks are harvested at levels that are sustainable in the long term. Appropriate biological reference points for stock assessment and management need to be set in a precautionary manner and determined on a case-by-case basis, taking into account the different target stocks, fishery characteristics, and the state of knowledge about the species and fishery.

**NEAq comment:** Although assumptions can be made re: appropriateness of biological reference points and whether or not they were decided upon in a precautionary manner if the stock is fluctuating around MSY, and it is highly likely that the stock is above PRI, this doesn't necessarily mean it is the case, and this GSSI Supplementary Component seems to require appropriate biological reference points that are set in a precautionary manner.
GSSI response: In response to this comment, MSC has submitted additional references to emphasize expectations for precaution in management. The conclusion and reference text has been amended accordingly.

**Conclusion on GSSI Supplementary Component D.2.03.02**

**Conclusion:** The MSC is in alignment because Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance states in PI 1.2.1 requires that there is a robust and precautionary harvest strategy in place to achieve stock management objectives reflected in PI 1.1.1 SG80. PI 1.1.1 SG80 requires that it is highly likely that the stock is above PRI (highly likely = 80% probability that the true status of the stock is high than the point at which there is an appreciable risk of recruitment being impaired) and that the stock is at or fluctuating around a level consistent with MSY. PI 1.1.2 requires that where the stock is reduced, there is evidence of stock rebuilding within a specified timeframe.

Extensive guidance is given in FCR v2.0 section GSA2.2.3 relating to the use of precaution in setting default and proxy levels of reference points. The application of the precautionary approach is also expected in setting the objectives of management in PI 3.1.3, which states at the SG80 level "Clear long term objectives that guide decision-making, consistent with MSC Fisheries Standard and the precautionary approach, are explicit within management policy." Implicit precaution is also required at the SG60 level.

**References:**
MSC Fisheries Certification Requirements and Guidance. FCR v2.0 PIs 1.1.1, 1.1.2, 1.2.1, 3.1.3, GSA 2.2.3. Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0

**Supplementary Component D.2.05.01**
The standard requires the existence of management objectives for the use and management of that portion of the full catch of which bycatch and discards are subsets, and that such plans are consistent with the CCRF.

**NEAq comment:** If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Supplementary Component (1). Also, this Component focuses on minimizing waste but if secondary species and others are at
healthy levels, they can still be discarded and wasted. These MSC PIs don't seem to get at the core of this GSSI Component (2).

GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) The conclusion and the references have been extended to add additional explanations showing that MSC’s requirements for the continual review and implementation of alternative measures that minimize the mortality of unwanted catches are also applicable here. Therefore, the MSC scheme is in alignment with this Supplementary Component.

**Conclusion on GSSI Supplementary Component D.2.05.01**

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, for primary species (PIs 2.1.x) the UoA is required to aim to maintain primary species above the point where recruitment would be impaired (PRI) and does not hinder recovery of primary species if they are below the PRI. Secondary species are those that are not managed according to reference points and out-of-scope species (birds, amphibians, reptiles and mammals) that are not ETP. For PI 2.2.1 the UoA is required to aim to maintain secondary species above a biological based limit and does not hinder recovery or rebuilding below a biological based limit. At an overarching, fishery-wide level, PI 3.2.1 requires at SG80 that "Short and long term objectives, which are consistent with achieving the outcomes expressed by MSC’s Principles 1 and 2, are explicit within the fishery-specific management system".

FCR v2.0 also includes scoring issues for both P1 and P2 species (in PIs 1.2.1, 2.1.2, 2.2.2, 2.3.2) requiring fisheries to continually review alternative measures and encourage the development and implementation of technologies and operational methods that "minimize mortality of unwanted catches" of any species. The adoption of such measures in MSC fisheries will minimize waste as far as reasonably practicable (as defined in FCR v2.0 SA 3.5.3).

**References:** MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - PIs 1.2.1, 2.1.2, 2.2.2, 2.3.2 and 3.2.1, SA 3.5.3. Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0
Essential Component D.2.06

The standard requires the existence of management objectives that seek to ensure that endangered species are protected from adverse impacts resulting from interactions with the unit of certification and any associated culture or enhancement activity, including recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible.

**NEAq comment:** GSSI focuses solely on endangered species and uses the IUCN definition of endangered. MSC lumps endangered, threatened, and protected species in its indicators, and uses Appendix I of CITES or those listed under national legislation to define “endangered”. Species that appear exclusively on non-binding lists such as IUCN Red List or that are only the subject of intergovernmental recognition (such as FAO International Plans of Action) and that are not included under national legislation or binding international agreement are not considered as ETP species under MSC standards. This means that “endangered” species as defined by GSSI may not be covered by these Pls. Additionally, PI 2.3.1 referenced in the conclusion cites text from SG80, and not SG60, and is not appropriate for this component.

**GSSI response:** The GSSI consolidated glossary defines “endangered” with regard to section D as follows: “Taxa in danger of extinction and whose survival is unlikely if causal factors continue operating. Included are taxa whose numbers have been drastically reduced to a critical level or whole habitats have been so drastically impaired that they are deemed to be in immediate danger of extinction. Also included are those that possibly are already extinct, in so far as they definitely have not been seen in the wild in the past 50 years.” MSC defines ETP species as species recognized by national legislation and/or binding international agreements to which the jurisdictions controlling the fishery under assessment are party. Species listed under Appendix I of CITES shall be considered ETP species for the purposes of the MSC assessment, unless it can be shown that the particular stock of the CITES listed species impacted by the fishery under assessment is not endangered. All amphibian, reptile, bird and mammal species that are listed in the IUCN Redlist as vulnerable (VU), endangered (EN) or critically endangered (CE) are considered as ETP species under the MSC standard, too. The MSC process of addressing ETP species as a whole, does not imply that the MSC is not in alignment with the very broad definition of “endangered” that GSSI uses.

**Conclusion on GSSI Essential Component D.2.06**

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, endangered, threatened and protected (ETP) species are addressed in Principle 2 in three Pls; PI 2.3.1, 2.3.2, and 2.3.3.
In the outcome requirements the combined effects of MSC UoAs and any associated enhancement activities are within national and/or international set limits and that the fisheries activities don't hinder the recovery of ETP species. The management PI requires that there is a management strategy in place designed to meet national and international requirements, ensure the UoA does not hinder recovery, and that its is evaluated and implement as well as reviewing alternative measures to minimize UoA mortality of ETP species. Finally, there are information requirements to support the status and management requirements.

References:
MSC Fisheries Certification Requirements and Guidance, Annex FCR2.0 2.3.1, 2.3.2, 2.3.3. Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0

**Supplementary Component D.2.06.01**
The standard requires the existence of management objectives that seek to reduce interactions with particularly vulnerable bycatch (e.g. juveniles and rare, endangered, threatened or protected species).

**NEAq comment:** If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Supplementary Component (1). This GSSI Supplementary component requires the existence of management objectives that seek to reduce interactions with particularly vulnerable bycatch. The MSC standard does not mention anything about reducing interactions with vulnerable bycatch species or with endangered species. The language about "minimizing mortality" of ETP species is often, if not always, interpreted by certifying bodies as minimizing mortality from interactions, and not reducing interactions, even though this may seem like a logical way to minimize mortality. The intent of the GSSI supplementary component here is therefore not explicitly included in the MSC standard (2).

**GSSI response:** GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) A new reference to Box GSA8 in the FCR v2.0 was added in the conclusion, which describes how alternative measures may either "reduce interactions with particularly vulnerable bycatch" as required by this GSSI Supplementary Component, or reduce the harm caused where interactions do still occur. Therefore, the MSC scheme is in alignment with this GSSI component.
Conclusion on GSSI Supplementary Component D.2.06.01

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 2.3.2. requires that the UoA either has a precautionary management strategy in place designed to meet national and international requirements for protection of ETP species (scoring issue (a)) or that there are measures that are expected to ensure that the UoA does not hinder the recovery of ETP species (scoring issue (b)). Scoring issue (e) requires that the UoA regularly reviews and implements measures, as appropriate, to minimize the mortality of ETP species. As described in FCR v2.0 Box GSA8, "Alternative measures should avoid capture of the species in the first place or increase its survivability if released". They may thus either "reduce interactions with particularly vulnerable bycatch" as required by this GSSI Supplementary Component, or reduce the harm caused where interactions do still occur.

At an overarching, fishery-wide level, PI 3.2.1 requires at SG80 that "Short and long term objectives, which are consistent with achieving the outcomes expressed by MSC's Principles 1 and 2, are explicit within the fishery-specific management system". This includes in relation to ETP species in P2. Table GSA3 in the P2 guidance also notes that "Measures" (as expected in the management of each P2 component) "could include the closure of an area that was primarily been put in place to avoid the catch of juvenile target species and enhance target species sustainability, but also has a beneficial effect on the unwanted catch of sensitive species such as other juvenile finfish." The particular vulnerability of juveniles in the bycatch is thus recognized.

**References:**

Supplementary Component D.3.04.01

The standard requires that management measures specify the actions to be taken in the event that the status of the DSF stock in the high seas under consideration drops below levels consistent with achieving management objectives that allow for the restoration of the stock to such levels within a reasonable time frame. The standard requires specific management and operational precautionary actions before and after the establishment regional management arrangements and during the development phase of a fishery as well as once it established.
NEAq comment: This component deals with, among other things, fisheries in developmental phase, which could meet MSC standards, but may not include specific management and operational precautionary actions, as required by this Supplementary Component. MSC is not aligned with this component.

GSSI response: MSC does not explicitly recognize the 'development phase' of a fishery in deciding what level of the standard is applicable to it. MSC requires all certified fisheries to meet the standard, including the requirements for regional management arrangements where appropriate for widely distributed stocks (as scored in PI 3.1.1). Therefore, the MSC scheme is in alignment with this GSSI component.

Conclusion on GSSI Supplementary Component D.3.04.01

Conclusion: The MSC is in alignment because Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, although not explicitly addressing DSF as mentioned in the GSSI requirement and guidance, the MSC version 2.0 does have adequate decision rules in place so this requirement is essentially met with the exception of specifically addressing DSF. The MSC standard clearly applies to all fisheries including DSF and includes sufficient guidance to be wholly effective. PI 1.2.1 requires that there is a robust and precautionary harvest strategy in place to achieve stock management objectives reflected in PI 1.1.1 SG80. PI 1.1.1 SG80 requires that it is highly likely that the stock is above PRI (highly likely = 80% probability that the true status of the stock is high than the point at which there is an appreciable risk of recruitment being impaired) and that the stock is at or fluctuating around a level consistent with MSY. PI 1.2.2 requires that there are well defined and effective harvest control rules (HCRs) in place that reduce the exploitation rate as the PRI is approached.

References: MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - PI 1.1.1, 1.2.1, 1.2.2.

Supplementary Component D.3.06.05
The standard requires that management measures are designed to achieve management objectives (see D.2.07.02) seeking to ensure that non-target stocks (i.e. stocks/species in the catch that are other than the stock under consideration) are not threatened with recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible.
**NEAq comment:** Although "non-target catches" as defined by GSSI include ETP species, the MSC PIs referenced here do not include ETP species, and effects of all fishing on ETP species is not covered by the MSC standard, certainly not with a passing score of 60.

**GSSI response:** The GSSI benchmark has separate elements for endangered species and for non-target catches. The GSSI consolidated glossary defines non-target catch as follows: “Species for which the gear is not specifically set, although they may have immediate commercial value and be a desirable component of the catch.” The GSSI consolidated glossary defines endangered as species that are both endangered or threatened with extinction. The NEAq comment incorrectly states that GSSI includes endangered species within non-target species, there are separate components within the endangered species element that address only endangered species. The rationale for the MSC scheme to be in alignment with this GSSI component is based on the MSC PI’s that address non-target species in the catch. Therefore the MSC scheme is in alignment with this GSSI component.

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**Conclusion on GSSI Supplementary Component D.3.06.05**

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 2.1.2 requires that there is strategy in place that is designed to maintain or to not hinder rebuilding of primary species at/to levels which are likely to be above the PRI. PI 2.1.1 requires that the UoA aims to maintain primary species above the point where recruitment would be impaired (PRI) and does not hinder recovery of primary species if they are below the PRI. PI 2.2.2 requires that there is a strategy for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species at/to levels which are highly likely to be above biologically based limits. PI 2.2.1 requires that UoA aims to maintain secondary species above a biologically based limit and does not hinder recovery of secondary species if they are below a biologically based limit.

**References:**
Supplementary Component D.3.07.03
The standard requires the adoption of measures to minimize mortalities as a result of pre-catch losses and ghost fishing.

**NEAq comment:** Considering unobserved mortality is especially important for endangered species, e.g., endangered North Atlantic right whales becoming entangled in fishing gear, being cut loose, dying from the entanglement stress and lacerations, and then sinking with their carcasses not found. Although "non-target catches" as defined by GSSI include ETP species, and the conclusion written here includes ETP species, certifying bodies do not always consider the effects of unobserved mortality, including ghost fishing on ETP species. For example, see Maine lobster fishery certification report, page 63-64, [https://fisheries.msc.org/en/fisheries/maine-lobster-trap/@@assessments](https://fisheries.msc.org/en/fisheries/maine-lobster-trap/@@assessments)

**GSSI response:** The GSSI benchmark has separate elements for endangered species and for non-target catches. The GSSI consolidated glossary defines non-target catch as follows: “Species for which the gear is not specifically set, although they may have immediate commercial value and be a desirable component of the catch.” The GSSI consolidated glossary defines endangered as species that are both endangered or threatened with extinction. The NEAq comment incorrectly assumes that this GSSI component addresses ETP species. The rationale for the MSC scheme to be in alignment with this GSSI component is based on the MSC PIs that address non-target and ETP species in the catch, but only the non-target species are relevant to this component. The NEAq comment that addresses a concern that certifying bodies do not always consider the effects of unobserved mortality, including ghost fishing on ETP species, is not relevant here. Therefore the MSC scheme is in alignment with this GSSI component, as initially determined.

**Conclusion on GSSI Supplementary Component D.3.07.03**

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, ghost fishing and gear loss criteria are operationalized in the MSC standard (default tree) throughout Principle 2. For example, when determining the fishing operation's impact on primary, secondary and ETP species, assessment teams are required to consider unobserved, in addition to observed fishing mortality and impacts (SA3.1.8). The guidance associated with this clause stipulates that unobserved fishing mortality can include (but is not limited to) ghost fishing (GSA3.1.8). Assessment teams are required to consider whether fisheries review measures to minimize mortality of unwanted catch. This also includes consideration of unobserved mortality, such as that caused by ghost fishing.
Essential Component D.4.04
The standard requires the collection and maintenance of adequate, reliable and current data and/or other information about the effects of the unit of certification, including any associated enhancement activities, on endangered species in accordance with applicable international standards and practices.

**NEAg comment:** If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Essential Component (1). The purpose of collecting and maintaining adequate, reliable, and current data is to determine whether or not the fishery "may be a threat to protection and recovery of ETP species." However, in practice, this purpose may get lost. For example, if there is not adequate, reliable, and current data to determine whether or not a fishery does pose a threat to an endangered species, then this should not pass, but in the case of American lobster fisheries, there is a lot of uncertainty with the level of mortality resulting from entanglements (low observer coverage, delayed mortality, sinking carcasses that are not found, etc.), however the fishery and management passes (2).

References:
and MSC Gulf of Maine lobster trap fishery certification report

GSSI response: GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) Please note that FCR v2.0 SA3.1.8 requires that "The consideration of the impact of the UoA on all components in P2, including unwanted catch, shall include mortality that is observed and mortality that is unobserved." All such information should be included in the scoring of the fishery. Conditions are regularly given to fisheries to improve information on ETP species to the higher level required in the SG80 requirement. The new reference has been added and the conclusion text has been changed accordingly.
Conclusion on GSSI Essential Component D.4.04

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 2.3.3 requires that relevant information is collected to support the management of UoA impacts on ETP species, including:

- information for the development of the management strategy;
- information to assess the effectiveness of the management strategy; and
- information to determine the outcome status of ETP species.

PI 2.3.3, scoring issue (a) requires teas to consider whether the information is adequate to assess the fishery-related mortality (including unobserved mortality, as confirmed by FCR v2.0 SA3.1.8) and impact and to determine whether the fishery may be a threat to protection and recovery of ETP species (SG80). Additional requirements include that the team need to consider the following when determining adequacy of information: That higher quality information shall be required to demonstrate adequacy as the importance, or difficulty, of estimating the true impact of the UoA on a species in relation to its status increases; and that in determining the adequacy of the methods used for data collection, the team shall consider: the precision of the estimates (qualitative or quantitative), the extent to which the data are verifiable (on their own or in combination with other data sources), potential bias in estimates and data collection methods, comprehensiveness of data and the continuity of data collection (SA3.6.3.1 and 3.6.3.2). Guidance GSA3.6.3 provides more detail on adequacy of information at SG60, 80 and 100 including ensuring that the assessment team considers the validity of the data, whether qualitative or quantitative. Annex SC (Salmon) includes specific requirements for ETP species encountered by salmon fisheries. Scoring issue (a) requires that at SG80 where national and/ or international requirements set limits for ETP species, the combined effects of the MSC UoAs and associated enhancement activities on the population/stock are known and highly likely to be within these limits AND direct effects of the UoA including enhancement activities are highly likely to not hinder recovery of ETP species AND indirect effects have been considered for the UoA including enhancement activities and are thought to be highly unlikely to create unacceptable impacts.

**References:**
MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - PI 2.3.3, **SA3.1.8**, SA 3.6.3.1, SA3.6.3.2, GSA 3.6.3,
Essential Component D.5.02
The standard requires that the assessment of the current status and trends of the stock under consideration considers total fishing mortality on that stock from all sources including discards, unobserved mortality, incidental mortality, unreported catches and catches in all fisheries over its entire area of distribution.

NEAq comment: If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Essential Component (1). Unobserved mortality and unreported catches are not included in SG60 or SG80, and not explicitly in SG100 either (2).

GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) The FCR Guidance for PI 1.2.3 (GSA2.6.1) confirms that MSC's requirements for information on 'fishery removals' includes any such 'unobserved mortality and unreported catches' such as may be associated with discarding, incidental mortality or any relevant types of IUU fishing. MSC is therefore in alignment with this GSSI component.

Conclusion on GSSI Essential Component D.5.02

Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 1.2.3 requires that relevant information is collected to support the harvest strategy such as stock structure, stock productivity, fleet composition, stock abundance, UoA removals and other data. PI 1.2.4 requires the assessment to be appropriate for the stock and for the harvest control rule, to estimate stock status relative to reference points that are appropriate to the stock and can be estimated and to take uncertainty into account. In addition, Guidance GSA2.6.1 describes the types of mortality that need considerations for stock assessment: Fishery removals could incorporate information describing the level, size, age, sex and genetic structure of landings, discards, illegal, unreported, unregulated, recreational, customary and incidental mortality of the target stock by location and method of capture. Information is required for the stock as a whole, but better information would usually be expected from the fishery being assessed. The distinction between scoring issues (b) and (c) for PI 1.2.3 at SG80 relates to the relative amount or quality of information required on fishery removals. Scoring issue (b) relates to fishery removals specifically by those vessels covered under the unit of assessment which need to be regularly monitored and have a level of accuracy and coverage consistent with the harvest control rule. The reference to 'other' fishery removals in scoring issue (c) relates
to vessels outside or not covered by the unit of assessment. These require good information but not necessarily to the same level of accuracy or coverage as that covered by the second scoring issue.

References:

Essential Component D.5.06

The standard requires an assessment of the extent to which non-target catches and discards by the unit of certification of stocks other than the stock under consideration and any associated culture and enhancement activities threaten those non-target stocks with recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible.

NEAq comment: If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Essential Component (1). These PIs do not mention anything about ETP species (2).

GSSI response:

(1) Please see response to GSSI Essential Component B.2.16.
(2) This component is understood to apply to the GSSI 'Non-target species' element, not the 'Endangered species' one. In this case, the component does not require consideration of ETP species (which are considered instead in Component D.5.10).

Conclusion on GSSI Essential Component D.5.06

Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, the MSC requirements on non-target species are divided in Primary (PIs 2.1.X) and Secondary (PIs 2.2.X). For primary, at SG80, it is required the species are highly likely (> 80th%ile) to be above the PRI OR if the species is below the PRI, there is either evidence of recovery or a demonstrably effective strategy in place between all MSC UoAs which categorizes this species as main, to ensure that they collectively do not hinder recovery and rebuilding. For secondary, at SG80, species are required to be highly likely (>70th%ile) above biologically based limits OR if below biologically based limits, there is either evidence of recovery or a demonstrably effective strategy in place between all MSC UoAs which categorizes this species as main, to ensure that they collectively do not hinder recovery and rebuilding.
Effective partial strategy in place such that the UoA does not hinder recovery and rebuilding AND Where catches of a main secondary species outside of biological limits are considerable, there is either evidence of recovery or a, demonstrably effective strategy in place between those MSC UoAs that have considerable catches of the species, to ensure that they collectively do not hinder recovery and rebuilding.

References:
MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - Pls 2.1.X and Pls 2.2.X.

Essential Component D.5.10
The standard requires an assessment of the impacts of the unit of certification, including any associated enhancement activities where applicable, on endangered species.

NEAq comment: If a fishery can pass with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Essential Component (1). For ETP species, national and international set limits are not the same as an assessment of the impacts on endangered species (2).

GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.
(2) The limits set by the relevant conventions (as listed in FCR section SA3.1.5), are based on assessments of the potential fishery impacts on endangered species. SA3.10.1 confirms that in scoring issue (a), “where national and/or international requirements set limits” refers to limits set for protection and rebuilding”. An assessment against either scoring issue 2.3.1a or 2.3.1b is thus regarded as meeting this GSSI requirement.

Conclusion on GSSI Essential Component D.5.10
Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 2.3.1. requires that, where national and/or international requirements set limits for ETP species, the combined effects of the MSC UoAs on the population /stock are known and highly likely to be within these limits (scoring issue a). If no national or international requirements set
limits, the direct effects of the UoA shall be highly likely to not hinder recovery of the ETP species (scoring issue b). In both cases indirect effects are also considered at SG80 and are thought to be highly likely to not create acceptable impacts. In addition, PI 2.3.3 requires that Relevant information is collected to support the management of UoA impacts on ETP species, including:
- information for the development of the management strategy;
- information to assess the effectiveness of the management strategy; and
- information to determine the outcome status of ETP species.

Where the status of ETP species cannot be analytically determined, the team should trigger the use of the Risk-Based Framework to score PI 2.3.1. Where the fishery is enhanced, Annex SC will be used to score 2.3.x and there is specific issue to assess the effects of UoA and associated enhancement activities on ETP species.

References:
MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - PI 2.3.1 and 2.3.3
MSC Fisheries Certification Requirements - Annex PF: Risk-based framework - Normative Annex SC.

Essential Component D.6.06
The standard requires the existence of outcome indicator(s) consistent with achieving management objectives (D.2.08) that seek to ensure that Endangered species are protected from adverse impacts resulting from interactions with the unit of certification and any associated culture or enhancement activity, including recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible.

NEAq comment: If the fishery passes with a score of 60, then how will this reference of SG80 be communicated? The conclusion should focus on information from SG60 and whether or not that score is equivalent to this Essential Component. The text cited here from PI 2.3.1 is from SG80, not SG60 (1). GSSI focuses solely on endangered species and uses the IUCN definition of endangered. MSC lumps endangered, threatened, and protected species in its indicators, and uses Appendix I of CITES or those listed under national legislation to define "endangered". Species that appear exclusively on non-binding lists such as IUCN Red List or that are only the subject of intergovernmental recognition (such as FAO International Plans of Action) and that are not included under national legislation or binding international agreement are not considered as ETP species.
under MSC standards. This means that "endangered" species as defined by GSSI may not be covered by these PIs. Additionally, to show that the MSC standard as interpreted may not be consistent with this GSSI Essential Component, the Gulf of Maine lobster trap fishery certification report should be consulted as an example (even though it uses an older version, it still provides a good example for both v.1.3 and v.2). A PBR is a management objective by GSSI's definition ("management objective" is defined by GSSI as "A formally established, more or less quantitative target that is actively sought and provides a direction for management action."), however, there are no outcome indicators consistent with achieving this management objective (PBR of 1) (2).

References:
http://www.fisheries.noaa.gov/pr/sars/pdf/stocks/atlantic/2015/f2015_rightwhale.pdf; and MSC Gulf of Maine lobster trap fishery certification report:

GSSI response:
(1) Please see response to GSSI Essential Component B.2.16.

(2) In response to the second comment, please note that the Northern right whale is explicitly scored as an ETP species in PI2.3.1 in the GoM lobster fishery. As stated on p.156 of the report: "The annual average rate of documented serious injury/mortality events for right whales and humpback whales attributable to lobster gear is less than the PBR for both species."

### Conclusion on GSSI Essential Component D.6.06

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI 2.3.1. requires that, where national and/or international requirements set limits for ETP species, the combined effects of the MSC UoAs on the population /stock are known and highly likely to be within these limits (scoring issue a). If no national or international requirements set limits, the direct effects of the UoA shall be highly likely to not hinder recovery of the ETP species (scoring issue b). In both cases indirect effects are also considered at SG80 and are though to be highly likely not to create acceptable impacts. In addition, PI 2.3.3 requires that Relevant information is collected to support the management of UoA impacts on ETP species, including:
- information for the development of the management strategy;
- information to assess the effectiveness of the management strategy; and
- information to determine the outcome status of ETP species
Where the status of ETP species cannot be analytically determined, the team should trigger the use of the Risk-Based Framework to score PI 2.3.1.

Where the fishery targets salmon, Annex SC will be used to score PIs 2.3.1, 2.3.1, 2.3.3 and there is specific reference to the effects of UoA and associated enhancement activities on ETP species.

References:

Many thanks again for participating in the public consultation and we do hope that the above responses have been helpful. We look forward to a continued collaboration and dialogue going forward.

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Herman Wisse
GSSI Program Director
December 8, 2016

Secretariat
GSSI Secretariat
Global Sustainable Seafood Initiative
secretariat@ourgssi.org

RE: Anderson Cabot Center for Ocean Life at the New England Aquarium
Comments on the Marine Stewardship Council GSSI Benchmark Report

Dear Secretariat:

Thank you for the opportunity to provide comments and recommendations on the Marine Stewardship Council GSSI Benchmark Report.

The Anderson Cabot Center for Ocean Life at the New England Aquarium (ACCOL) is a world class research and conservation organization housed in one of the preeminent aquariums in the United States. In addition to its exhibit halls, which educate over a million visitors a year on marine and aquatic ecosystems and their inhabitants, the Aquarium also has leading ocean conservation research scientists and experts working around the globe on the preservation and sustainable use of ocean resources.

As active stakeholders with institutional expertise on a range of ocean science and management issues, including wild fisheries, we offer the following comments and recommendations. If you have any questions or require further clarification, please do not hesitate to contact us.

Sincerely,

Michelle Cho, Wild Fisheries Project Lead
Matt Thompson, Aquaculture Project Lead
General Comments

We would like to bring up a few points in this section that are not completely addressed in specific comments on GSSI components.

1) There seems to be a recurring theme in certification schemes, for both aquaculture and wild fisheries, of a difference in the way a standard is written on paper, and the way it is executed in actuality. This could be for a number of different reasons, e.g., a difference in the way the standard is interpreted by the reader, or the impracticality of executing something the way it is written. Regardless of the reason, the way the standard is executed should be what is benchmarked, as it would be most in line with the intent of environmental certifications and with GSSI’s mission.

The issue here is that these certification schemes may be failing to fulfill their intent, as a result of differences in interpretation by the certifying bodies, or by the way these certifying bodies are accredited, or for another reason. There is a disconnect between what the standard is attempting to certify and what is actually being certified (see WWF Retrospective Report [link] where an objection was filed most likely has some more good examples). This provides GSSI with an opportunity to add value for all stakeholders and to differentiate itself from traditional and historical benchmarking processes by adding verification that standards are being appropriately and consistently applied by both certifying bodies and accreditation bodies. We would be willing to work with GSSI to discuss and develop this opportunity.

Some of the language used in GSSI’s fishery components seems to communicate the intent of the component more clearly than the MSC standards’ written guidance for certifying bodies (undoubtedly at least partially as a result of the multi-stakeholder process GSSI’s EWGs participated in and their consultations with the FAO regarding the intent of the associated FAO guidelines). There may be a role for GSSI to play in helping with consistency in the application of standards by certifying bodies. To accomplish this, GSSI could provide guidance language for standards to communicate the clear intent of the components, or principle indicators, in the case of MSC. This may make it easier for certifying bodies to focus more on the outcome, and not the wording, making their results more consistent.

2) The conclusions written in this report sometimes, if not always, benchmark where the standard falls score-wise in relation to each essential component. In many cases, conclusions for Essential Components were written with information from scoring guidepost (SG) 80 and not SG60 (i.e., D.1.02, D.1.04, D.2.07, D.3.09, D.3.14, D.4.04, D.5.02, D.5.07, D.5.10, D.6.05, D.6.06, D.6.09). This implies that for those Principle Indicators, a score of 80 or higher would be consistent with the associated GSSI Essential Components. However, because the MSC certifies fisheries with a score of 60 or higher for Principle Indicators and GSSI either recognizes a certification scheme that includes all GSSI essential components or it doesn’t, then the conclusions should stick to whether or not a score of 60 for related Principle
Indicator(s) is consistent with the GSSI component. To be clear, if consistency with any GSSI essential component is not achieved at a score of 60, MSC should not be recognized by GSSI. Along the same vein, because MSC does not differentiate in the marketplace between scores on products, Principle Indicators should be consistent with a score of 60 for related Supplemental Components (D.1.01.01, D.1.02.01, D.1.05.03, D.1.05.04, D.2.05.01, D.2.06.01, D.3.06.04, D.3.09.01, D.4.05.03, D.5.06.02, D.6.07.01).

3) Because some of the MSC Principle Indicators are written with guidance for SG80 that tells certifying bodies to consider “combined effects of the MSC UoAs” (Units of Assessment) (D.5.10, D.6.06), this seems to leave room for fisheries to break themselves up and apply for certification in multiple UoAs (e.g., offshore US American lobster, Maine American lobster, and US Gulf of Maine American lobster), which would allow them to potentially not consider combined effects of the entire fishery or all MSC UoAs but still pass. This also seems like it would make it more difficult for other UoAs to achieve a score of 80 the later they enter the process. Breaking a fishery up in this way seems like it could be used as a way to skirt the intent of the GSSI components as written.

While these comments are focused on the MSC certification scheme as a result of GSSI’s public consultation on its benchmarking, we believe other certification schemes face similar challenges in the execution of certifying fisheries or farming operations. This further illustrates the potential for GSSI to take action on this issue, meeting its mission to “ensure confidence in the supply and promotion of certified seafood as well as to promote improvement in the seafood certification schemes.”

Comments on Specific Sections of the Document

For specific comments, please see accompanying Excel sheet.