

**Marine Stewardship Council (MSC) 4th Surveillance Audit
Report**

**PFA, DPPO, KFO, SPSG & Compagnie des Pêches St Malo
Northeast Atlantic Blue Whiting pelagic trawl fishery**

On behalf of

PFA, DPPO, KFO, SPSG & CDPSM

Prepared by

Control Union (UK) Limited

November 2020

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QA

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Glossary

| Acronym | Definition |
|-----------|---|
| ACOM | ICES Advisory Committee |
| ASH (HER) | Atlanto-Scandian or Norwegian Spring-spawning Herring |
| BIM | Bord Iascaigh Mhara - Irish Sea Fisheries Board |
| BMSY | Equilibrium total biomass at MSY |
| CAB | Conformity Assessment Body |
| CDPSM | Compagnie des Pêches de Saint Malo |
| CFP | Common Fisheries Policy |
| CoC | Chain of Custody |
| CPUE | Catch per Unit of fishing Effort |
| CR | MSC Certification Requirements |
| CU UK | Control Union UK Ltd |
| DCF | Data Collection Framework |
| DPPO | Danish Pelagic Producers Organisation |
| EAPO | European Association of Fish Producers Organisations |
| EEZ | Exclusive Economic Zone |
| EFCA | European Fisheries Control Agency |
| ETP | Endangered Threatened or Protected species |
| EU | European Union |
| F | Fishing mortality |
| FCP | MSC Fisheries Certification Process |
| FMSY | Fishing mortality resulting in MSY |
| HCR | Harvest Control Rule |
| IBPBLW | ICES Inter-Benchmark Protocol for Blue Whiting |
| IBWAS | International Blue Whiting Acoustic Survey |
| IBWSS | ICES International Blue Whiting Spawning Stock Survey |
| ICES | International Council for the Exploration of the Sea |
| ITQ | Individual Transferable Quota |
| IUU | Illegal, unreported and regulated fishing |
| JDP | Joint Deployment Plan (EFCA MCS) |
| KFO | Killybegs Fishermen's Organisation Ltd |
| LDAC | Long Distance Fleet Advisory Council |
| LTMP | Long-term Management Plan |
| MAC | Mackerel |
| MCS | Monitoring, Control and Surveillance |
| MSC | Marine Stewardship Council |

| Acronym | Definition |
|---------|--|
| MSY | Maximum Sustainable Yield |
| NEA | North East Atlantic |
| NEAFC | North East Atlantic Fisheries Commission |
| PELAC | Pelagic Advisory Council |
| PFA | Pelagic Freezer-Trawler Association |
| PO | Producer Organisation |
| RA | Regulatory Area (NEAFC) |
| RSW | Refrigerated Sea Water |
| SPFA | Scottish Pelagic Fishermen's Association |
| SPSG | Scottish Pelagic Sustainability Group |
| SSB | Spawning stock biomass |
| STECF | Scientific, Technical and Economic Committee For Fisheries |
| TAC | Total Allowable Catch |
| UoC | Unit of Certification |
| UNCLOS | United Nations Law of the Sea |
| VMS | Vessel Monitoring System |
| WG | Working Group |
| WGWIDE | ICES WG on Widely Distributed Stocks |
| WKBWMS | ICES Workshop on Blue Whiting Long Term management Strategy Evaluation |
| WHB | Blue Whiting |
| WW | Western Waters |

1 Executive Summary

This report provides the findings of the 4th surveillance audit of the PFA, DPPO, KFO, SPSP & Compagnie des Pêches St Malo Northeast Atlantic blue whiting (WHB) Pelagic trawl fishery.

The site visit date was delayed and held remotely, as per the MSC process COVID-19 derogation (see section 8.1 in Appendix). Audit activities have focused on changes to the fishery state and management for all UoCs since the last surveillance audit, against the MSC standard FR v1.3 using MSC FCP v2.1.

The target stock is widely distributed, migratory and straddles across numerous jurisdictions in the North East Atlantic (NEA). The fishery overlaps directly with three other certified WHB fisheries, and shares a regional management system for NEA small pelagics stocks with seven other MSC fisheries (four for Atlanto-Scandian herring (ASH) and three for mackerel).

The main findings of this surveillance are that the continued lack of agreement on national TAC shares by the Coastal States has led to overall catches systematically exceeding the agreed TAC; itself fixed in excess of scientific advice. This has resulted, at least in part, in F exceeding F_{MSY} and a continual erosion in the SSB. These findings were harmonized with the other blue whiting MSC certified fisheries undergoing audit at this time.

A decrease in spawning stock level, F exceeding F_{MSY} and lack of management response has resulted in the fishery is behind target on the conditions. The initial deadline for these conditions was the 30th November 2020 however, following the MSC released a derogation in April 2020 for [Covid 19](#) a 6 months extension to all condition deadlines must be applied. The revised hard deadline for these conditions therefore becomes 30th April 2021 and not the 30th November 2020.

Harmonisation discussions between all ASH MSC-certified fisheries also took place at the initiative of the Icelandic ISF ASH fishery seeking re-certification, which has led to an agreed fail for PI3.2.2b at SG60 for all NEA fisheries. This is because the consequences of the unilateral TAC setting is a serious issue and to date there is no evidence that it is being addressed in a meaningful way. Furthermore, as part of the harmonisation discussion in 2019/2020 the CABs discussed at length whether similar issues on HCR tool effectiveness were evident for the blue whiting stock as those found in the associated mackerel fisheries. The CABs concluded that there is no agreement between Coastal States on an allocation key for the TAC. This in turn means that the actual TAC does not follow the advice or the agreed long-term management plan. Due to lack of agreement between Coastal States on TAC sharing and in consequence of the unilateral TAC-setting there is no evidence that tools (TAC) and arrangements for sharing TACs between participants in the fishery, including between coastal states, are working or effective. On this basis the CABs rescored PI 1.2.2c as not meeting SG60.

Given the failures of PI 1.2.2 and PI3.2.2 to reach SG60 GCR 7.4.2a applies for all UoAs: that the fishery can no longer be considered to conform to the MSC Fisheries Standard and therefore the CAB shall suspend all certificates.

Based on the above, the fishery no longer meets the MSC Fisheries Standard. The fishery's certificates (Table 25) will be suspended on 30th December 2020. As per MSC GCR v.2.3 7.4.3e, the certificate holder will have 90 days from the date the Notice of Suspension is published on the MSC website (30th November 2020) to provide CU UK with a documented corrective action plan for addressing the causes of the suspension, and the fishery certificates will remain suspended until the effectiveness of the corrective action plan can be verified. Please see the CAB's decision to suspend notification which is presented alongside this report.

A summary of Principle 1 scores (v1.3) common to all UoCs following this audit is as follows:

| Principle 1 - Performance Indicators | | Original score (2016) | Year 1 (2017) | Year 4 (2020) | Notes |
|--------------------------------------|---------------------------------|-----------------------|---------------|---------------|--------------------------------|
| 1.1.1 | Stock status | 90 | 90 | 90 | |
| 1.1.2 | Reference points | 90 | 90 | 90 | |
| 1.1.3 | Stock rebuilding | N/A | N/A | N/A | |
| 1.2.1 | Harvest Strategy | 85 | 70 | 70 | Condition behind target Year 4 |
| 1.2.2 | Harvest control rules and tools | 90 | 75 | <60 (Fail) | PI rescored <60 at this audit |
| 1.2.3 | Information and monitoring | 90 | 90 | 90 | |
| 1.2.4 | Assessment of stock status | 95 | 95 | 95 | |

A summary of Principle 3 scores (v1.3) common to all UoCs following this audit is as follows:

| Principle 3 - Performance Indicators | | Original score (2016) | Year 1 (2017) | Year 4 (2020) | Notes |
|--------------------------------------|-------------------------------|-----------------------|---------------|---------------|--------------------------------|
| 3.1.1 | Legal and customary framewk | 65 | 65 | 65 | Condition behind target Year 4 |
| 3.1.2 | Consultation, roles and resp. | 100 | 100 | 100 | |
| 3.1.3 | Long term objectives | 100 | 100 | 100 | |
| 3.1.4 | Incentives for sustainability | 90 | 90 | 90 | |
| 3.2.1 | Fishery specific objectives | 90 | 90 | 90 | |
| 3.2.2 | Decision making processes | 80 | 80 | <60 (Fail) | PI rescored <60 at this audit |
| 3.2.3 | Compliance and enforcement | 100 | 100 | 100 | |
| 3.2.4 | Research plan | 90 | 90 | 90 | |
| 3.2.5 | Management perf. evaluation | 80 | 80 | 80 | |

2 Report Details

The fishery was certified against MSC Certification Requirements (CR) V1.3 on 3rd February 2016; its certificate is due to expire on 2nd August 2021. Under MSC FCR V1.3, the 'criteria to determine surveillance score' (Table C3) scored 3, or a 'Normal' surveillance level, with 4 on-site surveillance audits, equating to the default 'Level 6' under FCR V2.0. However, the [Covid-19 Derogation](#) from MSC applied and the on-site surveillance audit was conducted remotely (FCP v2.1 7.28.1-7.28.6).

2.1 Surveillance information

| | |
|--|---|
| 1 Fishery name | |
| PFA, DPPO, KFO, SPSP & CDPSM Northeast Atlantic blue whiting Pelagic Trawl | |
| 2 Surveillance level and type | |
| Surveillance level 6, on-site surveillance audit (FCP v2.1 7.28.1-7.28.6), conducted off-site, Covid-19 Derogation from MSC on remote audit applied. | |
| 3 Surveillance number | |
| 4th Surveillance | X |
| 4 Proposed team leader | |
| Name | Dr Sophie DES CLERS |
| Areas of responsibility | Team Leader and Principles 2 and 3 |
| Competency criteria (Annex PC) | <p>Sophie is an independent scientific expert and an honorary research fellow of University College London. She has been involved in a number of MSC assessments including NS and NEA cod, haddock and saithe, Bay of Biscay and Cornish sardine seine fishing, Normandy-Jersey lobster, Normandy whelks and the PFA, DPPO, KFO, SPSP & Compagnie des Pêches St Malo Northeast Atlantic Blue Whiting pelagic trawl fishery. Sophie is an expert in fisheries management and legislation at a regional, national and international level with particular expertise in EU, African and Indian Ocean fisheries.</p> <p>It is proposed that Sophie would have primary responsibility for Principle 2 and 3. She has completed the required Fishery Team Leader MSC training modules for the new V2.01 Fisheries Certification and V2.1 process requirements. Based on the above experience CU Pesca is confident that Dr Des Clers meets the competency requirements.</p> |
| Conflict of interest in relation to this fishery | No conflict of interest has been identified for this fishery |
| On-site or off-site | Off-site |
| CV | CV available on request |
| 5 Proposed team members | |
| Name | Matt CIERI |
| Areas of responsibility | Principle 1 |

| | |
|---|---|
| Competency criteria (Annex PC) | <p>Dr Cieri received his PhD from the University of Maine in 1999 and has worked as a researcher at the Marine Biological Laboratory in Woods Hole. He currently works for the State of Maine as a fisheries scientist. He specializes in small pelagic species, and modelling their predator-prey interactions with important predators. Dr Cieri worked on the NAFO 5YZ and 4WX herring assessments for over 10 years. During that time, he was involved in or primary analyst on the ADAPT-VPA, Statistical catch at age, SS3 and some statistical catch at length approaches. Dr Cieri is also well versed with bottom trawl and acoustic estimates of pelagic stocks including Atlantic herring, having worked on industry-based and fisheries-independent acoustic surveys and their analytic approaches. Dr Cieri currently runs the Atlantic herring commercial catch/bycatch sampling as well as the age and growth lab for the State of Maine, coupled with analytic work on estimates of bycatch in large-scale pelagic fisheries using at-sea observers, as well as MSVPA work on a similar species, Atlantic menhaden. For this assessment, Based on the information above and Matthew's CV CU Pesca are confident he meets the requirements of Table PC3 for 1. Fish stock assessment and 2. Fish stock biology / ecology.</p> <p>It is proposed that Matthew will act as Principle 1 expert for this audit. Matthew has completed the required Fishery Team member MSC training modules for the V2.0 Fisheries Certification Requirements.</p> |
| Conflict of interest in relation to this fishery | No conflict of interest has been identified for this fishery |
| On-site or off-site | Off-site |
| CV | CV available on request |
| 6 Audit/review time and location | |
| The site visit meeting and interview with the client group was held on 31 st August 2020 at 14:00 (CEST or UTC +2) via video conferencing. Stakeholder meetings after this time were available on request with the assessment team. | |
| 7 Assessment and review activities | |
| <p>During the audit, Control Union (UK) Limited (CU UK) will communicate with the client and any relevant stakeholders and use any available up to date information to assess and review:</p> <ul style="list-style-type: none"> • Any changes to the fishery and its management including those to management systems, regulation and relevant personnel assessments; • Any changes to the scientific base of information such as stock; • Progress against the three conditions associated with this fishery (PI 1.2.1, PI 1.2.2 and PI 3.1.1). • Harmonization against the other fisheries certified in the MSC program • Any developments or changes within the fishery impact may impact on traceability and the ability to segregate MSC from non-MSC products; • Any other significant changes in the fishery. | |
| 8 Stakeholder opportunities | |
| Stakeholders were informed that all team members were available to meet either in person or remotely (FCP v2.2 7.28.15.b) during the surveillance audit using the MSC Template for Stakeholder Input into Surveillance Audits | |

3 Updated fishery's background

3.1 Version details

The reference documents used for the audit are listed in Table 1.

Table 1. Fisheries programme documents versions

| Document | Version number |
|--|----------------|
| MSC Fisheries Certification Process (FCP) | Version 2.1 |
| MSC Fisheries Standard | Version 1.3 |
| MSC General Certification Requirements (GCR) | Version 2.4.1 |
| MSC Reporting Template | Version v2.3 |

3.2 Unit(s) of Assessment (UoA)

Control Union (CU UK) confirms that the fishery under audit remains within in the scope of the MSC Fisheries Standard (7.4 of the MSC Fisheries Certification Process v2.1):

- The target species is not an amphibian, reptile, bird or mammal;
- The fishery does not use poisons or explosives;
- The fishery is not conducted under a controversial unilateral exemption to an international agreement;
- The client or client group does not include an entity that has been successfully prosecuted for a forced or child labour violation in the last 2 years;
- The fishery has in place a mechanism for resolving disputes, and disputes do not overwhelm the fishery;
- The fishery is not an enhanced fishery as per the MSC FCP 7.4.6; and
- The fishery is not an introduced species-based fishery as per the MSC FCP 7.4.7.

CU UK confirms that the client group has submitted the completed 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template' prior to the start of this audit.

The fishery "SPSG, DPPO, PFA, SPFPO & KFO Atlanto-Scandian purse seine and pelagic trawl herring" has five (5) Units of Assessment (UoA) listed in Table 2 to Table 4.

Table 2. UoC1 – PFA

| | |
|--------------------------------------|---|
| Species | Blue Whiting (<i>Micromesistius poutassou</i>) |
| Stock | Blue Whiting in subareas 1–9, 12, and 14 (Northeast Atlantic and adjacent waters) |
| Geographical range of fishery | Northeast Atlantic (ICES Subareas 1-9, 12, and 14) |
| Harvest method / gear | Pelagic trawl |
| Client group | PFA member vessels |
| Other eligible fishers | None |

Table 3. UoC2 – DPPO

| | |
|--------------------------------------|---|
| Species | Blue Whiting (<i>Micromesistius poutassou</i>) |
| Stock | Blue Whiting in subareas 1–9, 12, and 14 (Northeast Atlantic and adjacent waters) |
| Geographical range of fishery | Northeast Atlantic (ICES Subareas 1-9, 12, and 14) |
| Harvest method / gear | Pelagic trawl |
| Client group | DPPO member vessels |
| Other eligible fishers | None |

Table 4. UoC3 – KFO

| | |
|--------------------------------------|---|
| Species | Blue Whiting (<i>Micromesistius poutassou</i>) |
| Stock | Blue Whiting in subareas 1–9, 12, and 14 (Northeast Atlantic and adjacent waters) |
| Geographical range of fishery | Northeast Atlantic (ICES Subareas 1-9, 12, and 14) |
| Harvest method / gear | Pelagic trawl |
| Client group | KFO member vessels |
| Other eligible fishers | None |

Table 5. UoC4 – SPSG

| | |
|--------------------------------------|---|
| Species | Blue Whiting (<i>Micromesistius poutassou</i>) |
| Stock | Blue Whiting in subareas 1–9, 12, and 14 (Northeast Atlantic and adjacent waters) |
| Geographical range of fishery | Northeast Atlantic (ICES Subareas 1-9, 12, and 14) |
| Harvest method / gear | Pelagic trawl |
| Client group | SPSG member vessels |
| Other eligible fishers | None |

Table 6. UoC5 – CDPSM

| | |
|----------------|--|
| Species | Blue Whiting (<i>Micromesistius poutassou</i>) |
|----------------|--|

| | |
|--------------------------------------|---|
| Stock | Blue Whiting in subareas 1–9, 12, and 14 (Northeast Atlantic and adjacent waters) |
| Geographical range of fishery | Northeast Atlantic (ICES Subareas 1-9, 12, and 14) |
| Harvest method / gear | Pelagic trawl and purse seine |
| Client group | CDPSM member vessel |
| Other eligible fishers | None |

4 Updated fishery's background

This report summarises the process and outcome of the 4th annual surveillance audit for the MSC certified PFA, DPPO, KFO, SPSC & Compagnie des Pêches St Malo Northeast Atlantic blue whiting Pelagic Trawl fishery.

4.1 Changes since 2019

There have been no significant changes regarding the scientific basis of information, the management systems, regulations or the personnel involved in science, management and industry. New information including stock assessment, scientific observations and fisheries management are outlined below for each of the three Principles, in sections 4.2 and 4.3.

The fishery's scope has not changed.

4.1.1 Vessel lists

The lists of vessels active in 2019 for UoC1 to UOC5 are given in the following tables.

Table 7. Vessel list UoC1 – PFA (same as 2018-19)

| Vessel Name | Vessel Registration (PLN) | Flag | Overall length (m) | Catch holding method | Gear type |
|------------------|---------------------------|------|--------------------|----------------------|-----------------|
| Annie Hillina | ROS170 | DE | 86.33 | Freezer | Pelagic Trawler |
| Helen Mary | ROS785 | DE | 116.70 | Freezer | Pelagic Trawler |
| Jan Maria | BX791 | DE | 125.53 | Freezer | Pelagic Trawler |
| Maartje Theadora | ROS171 | DE | 140.80 | Freezer | Pelagic Trawler |
| Label Normandy | FC934228 | FR | 51.00 | Freezer | Pelagic Trawler |
| Prins Bernhard | FC-716900 | FR | 88.14 | Freezer | Pelagic Trawler |
| Sandettie | FC 716999 | FR | 86.00 | Freezer | Pelagic Trawler |
| Margiris | KL855 | LIT | 136.12 | Freezer | Pelagic Trawler |
| Afrika | SCH 24 | NL | 126.00 | Freezer | Pelagic Trawler |
| Alida | SCH 6 | NL | 100.00 | Freezer | Pelagic Trawler |
| Carolien | SCH 81 | NL | 126.22 | Freezer | Pelagic Trawler |
| Dirk Dirk | KW172 | NL | 95.00 | Freezer | Pelagic Trawler |
| Frank Bonefaas | SCH 72 | NL | 119.00 | Freezer | Pelagic Trawler |
| W. van der Zwan | SCH 302 | NL | 142.50 | Freezer | Pelagic Trawler |
| Zeeland | SCH 123 | NL | 113.97 | Freezer | Pelagic Trawler |

| Vessel Name | Vessel Registration (PLN) | Flag | Overall length (m) | Catch holding method | Gear type |
|------------------|---------------------------|------|--------------------|----------------------|-----------------|
| Annelies Ilena | KW174 | PL | 144.60 | Freezer | Pelagic Trawler |
| Cornelis Vrolijk | H 171 | UK | 113.97 | Freezer | Pelagic Trawler |
| Wiron 5 | PH 1100 | UK | 55.60 | Freezer | Pelagic Trawler |
| Wiron 6 | PH 2200 | UK | 55.60 | Freezer | Pelagic Trawler |

Table 8. Vessel list UoC2 – DPPO (updated)

| Vessel Name | Vessel Registration (PLN) | Home Port | Overall length (metre) | Catch holding method | Gear type |
|---------------|---------------------------|-----------|------------------------|----------------------|-----------------|
| Ahlma | S206 | Skagen | 39.8 | RSW | Pelagic Trawler |
| Asbjorn | HG265 | Hirtshals | 75.4 | RSW | Pelagic Trawler |
| Astrid | S264 | Skagen | 70.0 | RSW | Pelagic Trawler |
| Beinur | HG62 | Hirtshals | 78.0 | RSW | Pelagic Trawler |
| Bristol | S438 | Skagen | | RSW | Pelagic Trawler |
| Cattleya | E349 | Esbjerg | 69.9 | RSW | Pelagic Trawler |
| Ceton | S205 | Skagen | 62.6 | RSW | Pelagic Trawler |
| Gitte Henning | S349 | Skagen | 90.5 | RSW | Pelagic Trawler |
| Isafold | HG333 | Hirtshals | 76.3 | RSW | Pelagic Trawler |
| Junior | HG365 | Hirtshals | 55.95 | RSW | Pelagic Trawler |
| Lingbank | HM379 | Hanstholm | 41.8 | RSW | Pelagic Trawler |
| Ruth | HG264 | Hirtshals | 87.8 | RSW | Pelagic Trawler |
| Themis | S144 | Skagen | 63.0 | RSW | Pelagic Trawler |

Table 9. Vessel list UoC3 – KFO (same as 2018-19)

| Vessel Name | Vessel Registration (PLN) | Home Port | Overall length (metre) | Catch holding method | Gear type |
|--------------------|---------------------------|-----------|------------------------|----------------------|-----------------|
| Aine | SO734 | Killybegs | 56.5 | RSW | Pelagic Trawler |
| Antarctic | D97 | Killybegs | 50.7 | RSW | Pelagic Trawler |
| Atlantic Challenge | D642 | Killybegs | 59.0 | RSW | Pelagic Trawler |
| Brendelen | SO709 | Killybegs | 64.6 | RSW | Pelagic Trawler |
| Carmarose | SO555 | Killybegs | 27.4 | RSW | Pelagic Trawler |
| Colmcille | G186 | Killybegs | 27.4 | RSW | Pelagic Trawler |
| Father Mckee | SO708 | Killybegs | 64.6 | RSW | Pelagic Trawler |
| Felucca | SO108 | Killybegs | 58.0 | RSW | Pelagic Trawler |
| Girl Stephanie | G190 | Killybegs | 51.9 | RSW | Pelagic Trawler |
| Neptune | SO715 | Killybegs | 48.6 | RSW | Pelagic Trawler |
| Olgarry | SO591 | Killybegs | 51.2 | RSW | Pelagic Trawler |
| Pacelli | D383 | Killybegs | 51.2 | RSW | Pelagic Trawler |
| Paula | D165 | Killybegs | 62.6 | RSW | Pelagic Trawler |
| Sheanne | SO716 | Killybegs | 61.6 | RSW | Pelagic Trawler |
| Vigilant | SO109 | Killybegs | 53.1 | RSW | Pelagic Trawler |

| Vessel Name | Vessel Registration (PLN) | Home Port | Overall length (metre) | Catch holding method | Gear type |
|-------------------|---------------------------|-----------|------------------------|----------------------|-----------------|
| Western Endeavour | D653 | Killybegs | 71.0 | RSW | Pelagic Trawler |
| Westward Isle | G185 | Killybegs | 27.4 | RSW | Pelagic Trawler |

Table 10. Vessel list UoC4 – SPSG (updated)

| Vessel Name | Vessel Registration (PLN) | Home Port | Overall length (metre) | Catch holding method | Gear type |
|-------------|---------------------------|--------------------|------------------------|----------------------|-----------------|
| Adenia | LK193 | Whalsay & Skerries | 69.0 | RSW | Pelagic Trawler |
| Altaire | LK429 | Northmavine | 76.4 | RSW | Pelagic Trawler |
| Antares | LK419 | Whalsay & Skerries | 75.0 | RSW | Pelagic Trawler |
| Antartic II | LK145 | Whalsay & Skerries | 69.0 | RSW | Pelagic Trawler |
| Artemis | BF60 | Fraserburgh | 64.0 | RSW | Pelagic Trawler |
| Challenge | FR226 | Fraserburgh | 65.0 | RSW | Pelagic Trawler |
| Charisma | LK362 | Whalsay & Skerries | 75.0 | RSW | Pelagic Trawler |
| Chris Andra | FR228 | Fraserburgh | 71.2 | RSW | Pelagic Trawler |
| Christina S | FR224 | Fraserburgh | 72.0 | RSW | Pelagic Trawler |
| Grateful | FR249 | Fraserburgh | 71.0 | RSW | Pelagic Trawler |
| Havillah | N200 | Kilkeel | 50.0 | RSW | Pelagic Trawler |
| Lunar Bow | PD265 | Peterhead | 81.0 | RSW | Pelagic Trawler |
| Ocean Star | FR77 | Fraserburgh | 86.0 | RSW | Pelagic Trawler |
| Pathway | PD165 | Peterhead | 79.0 | RSW | Pelagic Trawler |
| Quantus | PD379 | Peterhead | 65.5 | RSW | Pelagic Trawler |
| Research W | LK62 | Whalsay & Skerries | 79.0 | RSW | Pelagic Trawler |
| Resolute | BF50 | Fraserburgh | 75.0 | RSW | Pelagic Trawler |
| Serene | LK297 | Whalsay & Skerries | 80.0 | RSW | Pelagic Trawler |
| Stefanie-M | N265 | Kilkeel | 51.0 | RSW | Pelagic Trawler |
| Sunbeam | FR487 | Fraserburgh | 56.2 | RSW | Pelagic Trawler |
| Taits | FR227 | Fraserburgh | 75.0 | RSW | Pelagic Trawler |
| Unity | FR165 | Fraserburgh | 44.9 | RSW | Pelagic Trawler |
| Zephyr | LK394 | Whalsay & Skerries | 75.0 | RSW | Pelagic Trawler |

Table 11. Vessel list UoC5 – CDPSM (same as 2018-19)

| Vessel Name | Vessel Registration (PLN) | Home Port | Overall length (metre) | Gear type |
|----------------|---------------------------|------------|------------------------|--------------------------------------|
| Joseph Roty II | SM 199 078 | Saint Malo | 90.55 | Surimi paste pelagic freezer trawler |

4.2 Principle 1

4.2.1 Stock assessment

ICES recently updated the assessment of blue whiting in September 2020 (ICES 2020a and b). Spawning Stock Biomass (SSB) in 2020 ranged from 2.585 to 6.869 million t (CI 95%) with a median of 4.214 million t (Figure 1). The stock has declined in SSB since a recent high, falling from around 6.267 million t to its current value. SSB is projected to decline further to 3.248 million t for 2021 at the current low level of recruitment and high level of fishing mortality. This stock is still well above its MSY $B_{trigger}$ of 2.25 million t, despite this lower recruitment and a fishing mortality rate $F > F_{MSY}$.

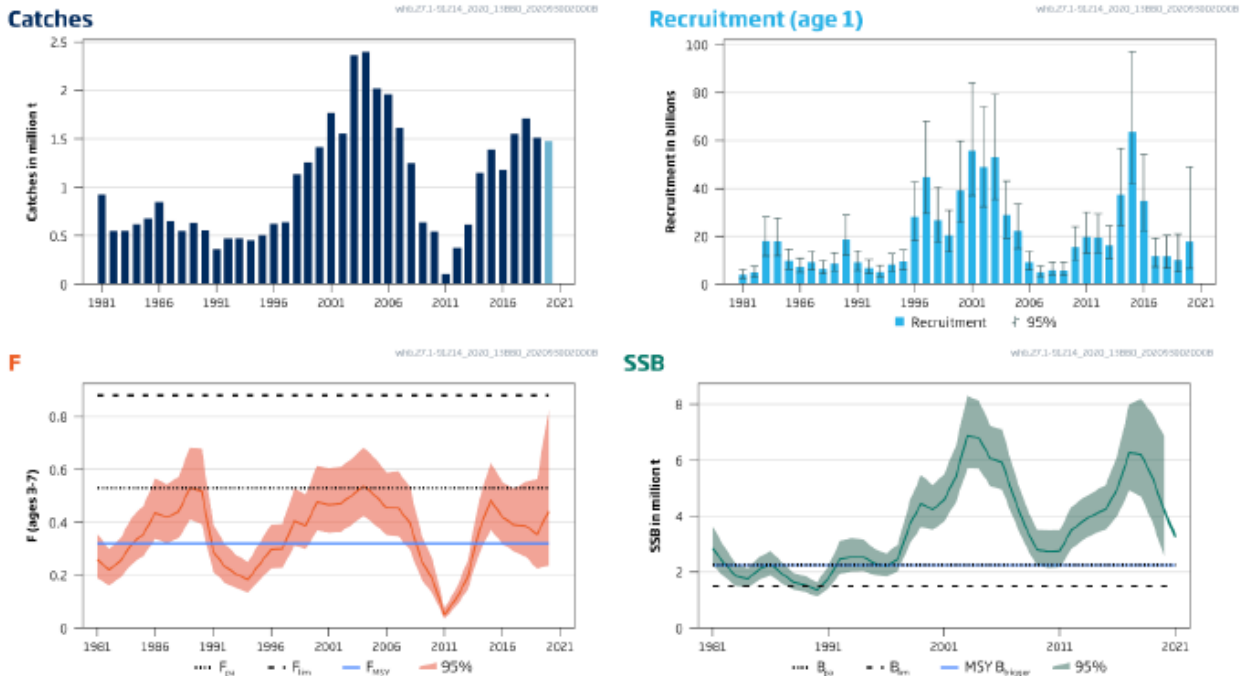


Figure 1. Blue whiting in subareas 1–9, 12, and 14. Summary of the stock assessment. Catches for 2020 (pale blue) are preliminary from January to June. For this stock, $F_{MGT\ TARGET} = F_{MSY}$ and $B_{MGT} = B_{pa}$. From ICES 2020a their Figure 1)

Fishing Mortality (F) has been variable recently (Figure 1). In 2020, ICES (2020a) indicates that F ranged from 0.24 to 0.82 (95% CI) with a median estimate of 0.44. This value of F in 2020 (0.44) is much higher than the F_{MSY} estimated for this stock at $F_{MSY} = 0.32$.

As can be seen in Figure 1 (above) and Figure 2 (below). There is quite a lot of uncertainty around the terminal estimate of F and SSB in 2020. This in part due to a lack of the IBWSS 2020 survey as a result of COVID disruptions, as well as the usual uncertainty in estimating the terminal year for blue whiting. There has been a large retrospective uncertainty in these terminal estimates (Figure 2 below) but little apparent bias.

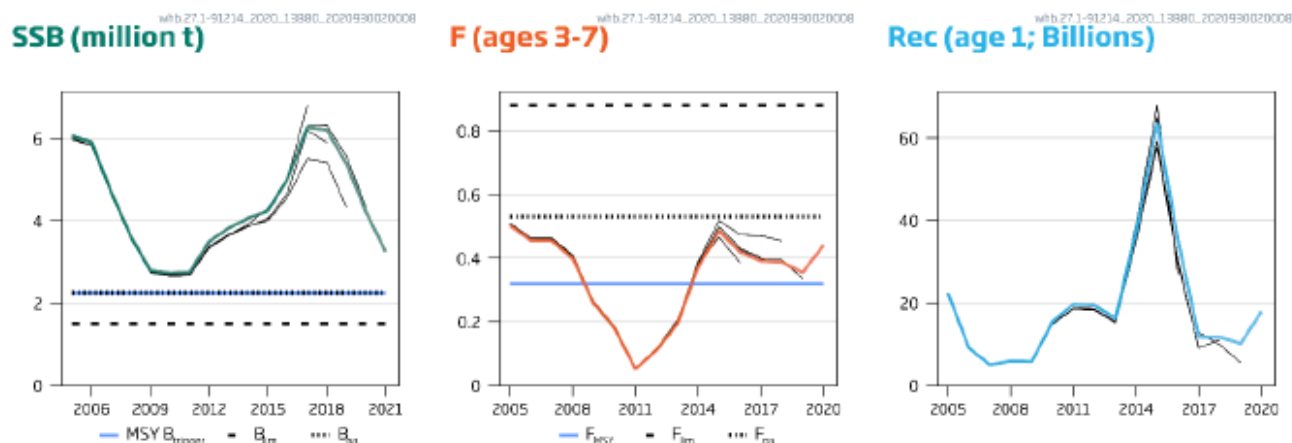


Figure 2. Blue whiting in subareas 1–9, 12, and 14. Historical assessment results. From ICES 2020a their Figure 2.

Overall, the status of the blue whiting stock remains unchanged with this most recent update. The stock is still harvested above sustainable levels, but its SSB, while continuing to decline, is above MSY $B_{trigger}$ (Table 12).

Table 12. Blue whiting in subareas 1–9, 12, and 14. State of the stock and the fishery relative to reference points. From ICES 2020a their Table 1. Source ICES 2020a.

| | Fishing pressure | | | Stock size | | | |
|---------------------------|-------------------|------|------|-------------------------|-------------------|------|------------------------------|
| | | 2018 | 2019 | 2020 | 2019 | 2020 | 2021 |
| Maximum sustainable yield | F_{MSY} | ✗ | ✗ | ✗ Above | $B_{trigger}$ | ✓ | ✓ Above trigger |
| Precautionary approach | F_{pa}, F_{lim} | ✓ | ✓ | ✓ Harvested sustainably | B_{pa}, B_{lim} | ✓ | ✓ Full reproductive capacity |
| Management plan | F_{MGT} | ✗ | ✗ | ✗ Above | B_{MGT} | ✓ | ✓ Above |

4.2.2 Management, TAC and catch information

A long-term management plan for blue whiting including as a central element a harvest control rule (HCR) was agreed by the EU, Faroe Islands, Iceland, Norway, and Russia, constituting the Coastal States. The plan (reproduced below) is based on the ICES precautionary approach and maximum sustainable yield reference points for biomass and fishing mortality. The management plan is designed to be responsive to the current status of the stock and to maintain fishing mortality and SSB at levels that constrain harvesting within safe biological limits and support the maximum sustainable yield in the long term. ICES has evaluated the plan and concluded that it is consistent with the precautionary approach. This plan includes:

- As a priority, the long-term strategy shall ensure with a high probability that the size of the stock is maintained above B_{lim} .
- In the case that the spawning biomass is forecast to be above or equal to $B_{trigger}$ ($=B_{pa}$) on 1 January of the year for which the TAC is to be set, the TAC shall be fixed to fishing mortality of F_{MSY} .
- Where the rules would lead to a TAC, which deviates by more than 20% from the TAC of the preceding year, the Parties shall fix a TAC that is no more than 20% greater or 20% less than the TAC of the preceding year.
- In the case that the spawning biomass (SSB) is forecast to be less than the precautionary biomass ($B_{trigger}$) on 1 January of the year for which the TAC is to be set, the TAC shall be fixed that is consistent with fishing mortality given by:

- Target $F = 0.05 + [(SSB - B_{lim}) * (F_{MSY} - 0.05) / (B_{trigger} - B_{lim})]$
- In the case that the spawning biomass is forecast to be less than B_{lim} on 1 January of the year for which the TAC is to be set, the TAC will be fixed corresponding to a fishing mortality $F=0.05$.
- Each Party may authorize fishing by its vessels of up to 10% beyond the quota allocated. All quantities fished beyond the allocated quota for one year shall be deducted from the Party's quota allocated for the following year.
- The inter-annual quota flexibility scheme should be suspended in the year following the TAC year if the stock is forecast to be under $B_{trigger}$ at the end of the TAC year.
- The Parties, based on ICES advice, shall review this long-term management strategy at intervals not exceeding five years.

This management plan and the associated HCR was found to be precautionary including the 20% TAC change limits (ICES 2016)

While the parties have agreed to set combined quotas in-line with the advice given, and in-line with the HCR there is a persistent disagreement on how these quotas are shared amongst the parties (Anon 2019a and 2020). This has resulted in multiple years of combined quotas exceeding ICES advice as shown in Table 13. Since 2015 catch has exceeded advice by an average of 36 % per year.

Table 13. Advised and set TACs relative to catch 2015-2020 (from ICES 2020a)

| Year | Basis for ICES advice | Catch corresponding to advice (t) | TAC (t) Sum of unilateral quotas | ICES catch (t) | ICES Catch/ Catch advice # |
|------|-----------------------------------|-----------------------------------|----------------------------------|----------------|----------------------------|
| 2015 | Follow the agreed management plan | 839,886 | 1,260,000 | 1,396,244 | 166 |
| 2016 | MSY approach | ≤ 776,391 | 1,147,000 | 1,183,187 | 152 |
| 2017 | MSY approach | ≤ 1,342,330 | 1,675,400 | 1,558,061 | 116 |
| 2018 | Long-term management strategy | ≤ 1,387,872 | 1,727,964 | 1,711,477 | 123 |
| 2019 | Long-term management strategy | ≤ 1,143,629 | 1,483,208 | 1,515,527 | 133 |
| 2020 | Long-term management strategy | ≤ 1,161,615 | 1,478,358 | 1,478,358 | 127 |
| 2021 | Long-term management strategy | 929,292 | | | |

4.2.3 UoCs landings

Landings for each of the five UoCs for the last five years are indicated in Table 14. As with previous years, each UoC landed a catch tonnage that was very close and in any case below its quota after swaps and inter-annual flexibility allowances. There was no quota overshoot.

Table 14. UoCs – Landings (tonnes) 2015 to 2019

| Year | PFA | DPPO | KFO | SPSG | CDPSM | Total |
|------|---------|--------|--------|--------|--------|---------|
| 2015 | 83,651 | 45,037 | 17,051 | 30,504 | 9,753 | 185,996 |
| 2016 | 83,909 | 39,164 | 20,054 | 36,896 | 10,407 | 190,430 |
| 2017 | 139,592 | 67,769 | 30,662 | 62,943 | 9,345 | 310,311 |
| 2018 | 185,530 | 87,302 | 33,212 | 66,494 | 10,901 | 395,483 |
| 2019 | 123,763 | 68,783 | 35,214 | 53,830 | 11,129 | 292,719 |

4.2.4 Conclusions Principle 1

The first surveillance audit introduced two conditions on Principle 1 PIs, relating to PI1.2.1b and PI 1.2.2c (Jones et al, 2017). Since the 3rd surveillance audit, F has been found to have exceeded F_{MSY} and the stock biomass (SSB) has fallen. This deterioration of stock status has been the result, at least in part, of the continual lack of agreement among the Coastal States which has resulted in the sum of

unilaterally set national quotas systematically exceeding ICES advised removals (see Table 13 and Principle 3). There has been no apparent progress against the fishery's certification conditions (see section 5.2) suitable enough to result in a rescore of these Performance Indicators.

In addition, as part of wider harmonisation discussions between CABs in 2019/2020 the CABs reevaluated the scoring of PI1.2.2. with reference to Harvest Control Rule tool effectiveness. Details of this and the rescore can be found in Sections 5.4.1 and 5.5 **Error! Reference source not found.**

4.3 Principle 2 and Principle 3

There have been no operational or regulatory changes that would affect the scoring of Principle 2 performance indicators (PIs) for this fishery in 2019. Updated information collected from each UoC are given below. Regarding Principle 3, there have been no changes in the management of the fishery in the surveillance period, and the patterns of vessels fishing activities and the landings for the five UoCs are similar to previous years. Details for each of the five (5) UoCs are given in sections 4.3.1 to 4.3.3.

The client group has continued to lobby their respective national (UK, DK, NL, SWE and IRL) and the regional (EU and Coastal States through Long Distance Fleet Advisory Council (LDAC) and NEAFC management authorities in support of its Action Plan for Condition #1 (see Table 18). However, despite numerous representations, there has been no changed outcome or progress regarding agreement among Coastal States on the distribution of the TAC or on dispute resolution mechanisms. This is evident from the agreed records of consultations and their conclusions for 2020 and 2021 (Anon 2019a, 2019b and 2020) that, despite agreeing a level of catches in agreement with the ICES advice, all official documents recall that *"establishing their respective unilateral quotas (...) would not in any way imply the acceptance of the level of these quotas by any Party"*.

National fisheries inspectorates contacted by email, by the audit team, have reported no change to the risk of non-compliance for the fishery. The European Fisheries Control Agency (EFCA) - NEAFC Joint Deployment Plan (JDP) regroups national Fisheries Control competent authorities from all EU member states represented in this fishery's UoCs. In 2019 EFCA's coordinators participated in 5 sea-going missions aboard of the patrol vessels of three Member States in NAFO and NEAFC areas and adjacent EU waters and coordinated more than 100 days of sea missions. No changes in suspected non-compliance rate (7%) were reported. In addition, EFCA attended the NEAFC Permanent Committee on Monitoring and Compliance (PECMAC) meetings and the Coastal States Monitoring Control and Surveillance Working Group (MCSWG) for pelagic stocks, under the remit of the Coastal States (CS) mackerel arrangement agreed by the EU, Faroes and Norway with fisheries control experts from Iceland and Greenland (EFCA, 2020).

4.3.1 UoC1 - PFA

The PFA published an updated analysis of its self-sampling activities in the blue whiting fishery for the period 2015-2019 (Table 15), which is meant to assist stock assessment and document the fishery's performance (Pastoors, 2020).

The PFA records show that scientific observers are regularly placed on the UoC vessels while operating in EU (and external) waters. Individual observer reports are not publicly available, but the Marine Institute in Wageningen, tasked to implement the EU Data Collection Framework Directive (DCF) for the Dutch vessels, published a summary report of the Dutch on-board observation programme of the PFA fleet (NL, GER and UK vessels) in all small pelagic fisheries between 2017 and 2018 (Overzee et al, 2020). EU Member States also collect data on incidental bycatch of all birds, mammals and reptiles and fish protected under Union legislation and international agreement through the DCF to since 2017. The relevant annual

report is available publicly and indicates no recorded bycatch of cetaceans in the Dutch pelagic fishery (no cetaceans in 185 observed days), similar to information between 2005 – 2017 (Couperus, 2019).

Table 15. Updated total catch (tonnes) by species in PFA self-sampled Blue Whiting fisheries. Source: Pastoors (2020).

| Name | Species | 2015 n=199 | 2016 n=545 | 2017 n=617 | 2018 n=1,362 | 2019 n=1,054 |
|----------------|------------------------------------|---------------|---------------|---------------|-----------------|-----------------|
| blue whiting | <i>Micromesistius poutassou</i> | 18,097 | 54,038 | 73,715 | 157,794 | 110,543 |
| argentines | <i>Argentina spp.</i> | 685 | 979 | 1,097 | 1,590 | 1,829 |
| mackerel | <i>Scomber scombrus</i> | 84 | 187 | 1,444 | 1,164 | 2,053 |
| horse mackerel | <i>Trachurus trachurus</i> | 221 | 311 | 168 | 907 | 1,025 |
| hake | <i>Merluccius merluccius</i> | 87 | 263 | 88 | 235 | 80 |
| whiting | <i>Merlangius merlangus</i> | . | 12 | . | 52 | 5 |
| saithe | <i>Pollachius virens</i> | . | 4 | 3 | 43 | 6 |
| squid | <i>Loliginidae, Ommastrephidae</i> | 5 | . | 3 | 0 | 8 |
| Others | Others | . | . | . | 11 | 16 |
| Total | Total | 19,179 | 55,795 | 76,518 | 161,819 | 115,598 |

4.3.2 UoC2 - DPPO

There was no bycatch reported for DPPO information from electronic logging (e-log) when WHB was targeted in 2019. This is similar to previous years. No observer data has been collected for these trips.

ETP species interacting with the DPPO fleet is recorded in the Danish e-log system. Within the system ETP catches are registered under miscellaneous or in some specific cases under the specific name. No ETP species reports were filed in 2019.

The DPPO published its Code of Sustainable and responsible pelagic fishing in 2019, which pledge “responsibility in relation to the fishery resource, the marine environment and climatic conditions, but also to the people who work in the industry, and the responsibility that is taken in collaboration with other societal actors outside the industry” (DPPO, 2019).

The Danish authorities (Ministry of the Environment and Food) issued a new Executive Order (BEK) no. 1462 of 15/12/2019 regarding the registration and control of information on fish landed directly and fish imported, which repeals Executive Order no. 120 of 9 February 2016 and generally strengthened the country’s fight against potential IUU landings, to enter into force 1 January 2020.

Specific requirements regarding the control of small pelagic fisheries (herring, mackerel, horse mackerel and blue whiting) have remained the same, with at least 5% of all landings (from start to finish) and at least 7.5% of the catch that must be controlled. In 2018 (latest available information¹), physical inspections were carried out on 36 pelagic landings, corresponding to 7.5% of all pelagic landings and 8.6% of the volume of landings, and no infringements (overtrædelser) were reported.

4.3.3 UoC5 – KFO

There were no observer trips on KFO vessels for the blue whiting fishery in 2018-2019. All vessels are certified under Bord Iascaigh Mhara’s (Irish Sea Fisheries Board) Responsibly Sourced Seafood (RSS) Standard, which is a product certification system assuring that catches have been fished responsibly, are of the highest quality and are traceable. Recording ETP interactions is a requirement, with the data

¹ <https://fiskeristyrelsen.dk/media/11535/aarsrapport-fiskerikontrol-2018.pdf>

independently assured by a third-party certifier (SAI Global). The RSS moved from paper records to an on-board electronic system (Verifish) from April 2019. Until then, paper records kept by the vessels have recorded visual encounters with marine mammals, but no direct contacts.

Landings from the twenty three (23) vessels operating in the WHB fishery in the 2019 season amounted to 35,214 tonnes (Table 14), with very little bycatch (65t, 0.18% of total) including 9.55t of whiting, 1.1t of Haddock and 48.18 tonnes of Boarfish (0.143%).

Potential Landing Obligation (LO) issues are dealt with by the “Quota Balancing for Pelagic Stocks” scheme piloted by the Department of Agriculture, Food and the Marine (DAFM) in 2018 and introduced in 2019 for all pelagic fisheries. The Policy aims to assist implementation of the EU Landing Obligation in all fisheries by ensuring that vessels do not catch more than their allocated quota and achieve high-value catches. Excess catches are balanced for each vessel the following season/ year, through a quota offsetting factor that increases with the quantity of the overshoot and any repeat instance. The quantity “balanced” is permanently taken away from the vessel and put into the common national pot.

Similarly to 2018, there was no WHB landings quota overshoot at vessel or national level in 2019 (Table 14). KFO vessels are regularly boarded and inspected by national and international enforcement authorities; in Irish waters by the Irish Navy or the Sea Fisheries Protection Authority (SFPA). There has been no sanction for non-compliance in the fishery in the 2018-2019 season.

In December 2019, the Irish Sea-Fisheries Protection Authority (SFPA) confirmed that a percentage of all catches of pelagic species landed in the State will be weighed upon landing from the start of the 2020 spring pelagic fisheries. The measure arises from the recommendations of an audit conducted by the European Commission in 2018. The SFPA obligation for weighing landings in tankers at the quayside as opposed to the previous weighing at the fish arrival in factories possible through an EU Derogation, is contested for its lack of accuracy by the KFO². More information will be available once the EU investigation, response by the SFPA and High Court case initiated by the KFO and others against the SFPA has been closed.

4.3.4 UoC4 - SPSG

Marine Scotland Science provided catch composition data for 2019, which shows a very similar pattern of no bycatch as in 2018. The UoC catches were within the UK WHB quota (MMO statistics).

The 2018 SPSG Standard Operating Practices (SOP) and Sustainability Policy are in use. There were no exceptional events logged by the UoC vessels in this fishery in 2019. Marine Scotland Compliance mentioned sporadic reports of bags bursting with weight of fish early in the season, but no compliance issues.

4.3.5 UoC5 - CDPSM

The de minimis exception for undersize WHB for CDPSM remains in place and in 2019 was still set at a maximum of 6 % of total catch (LegiFrance 2018). Catch records show that this was adhered to in 2019 with undersize WHB accounting for 1.52 % of the total catch. No other species comprised more than 1 % of the total catch maintaining the record of no ‘main’ species for the fishery as per the observations at the time of certification.

The French CDPSM vessel continued its programme of self-sampling of the WHB length distributions and keeps detailed records of any accidental catches (1 porbeagle sharks, *Lamna nasus* in 2019), and a bluefin tuna (220kg).

² <https://www.sfpa.ie/Who-We-Are/News/new-weighing-controls-for-pelagic-fisheries>

4.3.6 Conclusions Principle 2 and Principle 3

There is no need to rescore any of the Principle 2 Performance Indicator on the basis of the evidence collected during this audit.

There have been no changes in the management and operations of the fishery in the surveillance period. There is still no agreement among the Coastal States on the distribution of the TAC or on dispute resolution mechanisms. This is subject to a condition on PI3.1.1 for all UoAs of this fishery which had an agreed deadline of this 4th annual audit. However, the MSC released a derogation in April 2020 for [Covid 19](#) applying a 6 month extension to all condition deadlines. The revised hard deadline for the condition therefore becomes 30th April 2021 and not the 30th November 2020.

In addition, harmonisation activities with CABs which audit the other WHB fisheries has determined that PI3.2.2 can no longer meet SG60 (see Rescored PI section 5.5 and harmonisation 5.4.2), providing an additional PI for which the fishery is no longer in conformity with the MSC Standard.

4.3.7 Traceability

Each member of the client group reports that traceability in the fishery remains the same as described in the Public re-Certification Report (PCR) (Gascoigne et al. 2015).

5 Results

5.1 Surveillance results overview

5.1.1 Total Allowable Catch (TAC) and Catch Data

The overall TAC shares and landings data for the fishery are given in Table 16.

Table 16. Blue Whiting TAC and Catch Data (tonnes)

| | | | | |
|---|---------------------------|------|--------|-------------|
| TAC advice (tonnes) | Year | 2019 | Amount | ≤ 1,143,629 |
| ICES estimated Catches (tonnes) | Year | 2019 | Amount | 1,515,527 |
| UoCs share of total TAC advice | Year | 2019 | Amount | 25.60% |
| Total green weight catches by UoCs | Year (most recent) | 2018 | Amount | 395,483 |
| | Year (second most recent) | 2019 | Amount | 292,719 |

5.1.2 Summary

Several developments taking place prior and during the course of the 4th surveillance year and audit which change the perception of the MSC certification for this fishery, namely:

The re-certification audit for the ISF ASH fishery triggered harmonisation discussions between CABs, which resulted in the determination that scoring issue PI 3.2.2b and PI1.2.2c required rescoring and SG60 was determined not to be met and therefore that all blue whiting fisheries fail to conform to the MSC standard (section 5.5).

Monday 30th November 2020 is to be considered by the CABs as the hard deadline for notice of suspension for all blue whiting fisheries unless there was sufficient evidence that the conditions on PIs 3.1.1, 1.2.1 and 1.2.2 can be rescored to pass the MSC Standard at SG80 before that date.

However, the MSC released a derogation in April 2020 for [Covid 19](#) applying a 6 month extension to all condition deadlines. The revised hard deadline for the condition therefore becomes 30th April 2021 and not the 30th November 2020.

5.2 Conditions

5.2.1 Summary of conditions

After the 3rd surveillance audit, the fishery was certified with three (3) conditions (Table 17). The three conditions were all required to be closed at this 4th surveillance audit.

Table 17. Summary of conditions, existing and raised in this assessment

| # | PI | Failing Scoring Issues (see conditions in Table 18) | Status | PI original score | PI revised score by 4 th surveillance audit |
|---|---------|---|--------|-------------------|--|
| 1 | PI3.1.1 | Sl1a: There is an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2. Sl1b: The management system incorporates or is subject by law to a transparent mechanism for the resolution of legal disputes which is considered to be effective in dealing with most issues and that is appropriate to the context of the fishery. | Open | 65 | |
| 2 | PI1.2.1 | Sl1b: The harvest strategy may not have been fully tested but evidence exists that it is achieving its objectives. | Open | 70 | Behind target |
| 3 | PI1.2.2 | Sl1c: Available evidence indicates that the tools in use are appropriate and effective in achieving the exploitation levels required under the harvest control rules. | closed | 75 | <60 see section 5.5 |

5.2.2 Progress against conditions

Details of the conditions' progress established by this 4th Surveillance audit are given in Table 18 to Table 20

Table 18. Condition 1. All UoCs Raised by certification audit (DesClers et al, 2015)

| | |
|------------------------------|--|
| Performance Indicator | PI 3.1.1 The management system exists within an appropriate legal and/or customary framework which ensures that it: |
| Score | 65 |
| Rationale | SI 3.1.1a SG80: There is an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2. Currently, international co-operation does not extend to an 'agreement and delivery of management actions consistent with sustainable management advice' and therefore SG80 is not met. 3.1.1b SG 80: The management system incorporates or is subject by law to a transparent mechanism for the resolution of legal disputes which is considered to be effective in dealing with most issues and that is appropriate to the context of the fishery. The on-going disputes in relation to the Norwegian share of the WHB TAC clearly indicate that the management system does not have a mechanism to address disputes that is 'effective in dealing with most issues' and so SG80 not met. |
| Condition | The SG80 requirements for SI a) and b) above must be met. There should be evidence of organised and effective cooperation between all affected parties, which delivers outcomes consistent with meeting Principle 1. |

| | |
|--|---|
| Performance Indicator | PI 3.1.1 The management system exists within an appropriate legal and/or customary framework which ensures that it: |
| | There should also be evidence of an effective and transparent mechanism for dispute resolution between the parties (UNFSA Article 10 paragraphs a), h) and j) are particularly relevant to the meeting of this condition). |
| Milestones | <p>Year 1. Communication should have begun or continued with relevant parties to promote cooperation on delivery of outcomes consistent with meeting the requirements of Principle 1 and achieving a suitable means of dispute resolution. The Client Group shall provide documented evidence of correspondence, meetings, representations etc.</p> <p>Year 2 and Year 3. It is understood that the condition could be closed at any time. Year 2 and 3 should therefore provide information on all relevant correspondence, meetings, representations undertaken and the prevailing situation regarding cooperation between parties and dispute resolution.</p> <p>Year 4. The SG80 requirements should be met. At the time this is achieved, this PI will be rescored at 80 or more.</p> |
| Client action plan See Appendix 4 | <p>Milestone year 2: If the dispute is not resolved, continue to lobby. Demonstrate that discussions have taken place and progress has been made towards agreeing an appropriate dispute resolution system within the Coastal States Agreement. If it appears that the Coastal States cannot agree, evaluate options for development of an agreement at the level of the various fleets involved in the fishery to ensure that the TAC is not overshoot to an unsustainable level in the future, directly or via the Pelagic AC or other bodies as appropriate</p> <p>Action year 2: During negotiations for 2017 TACs and sharing arrangements, arrange meetings with other fleets in the fishery, the European Commission and other Coastal States administrations, when possible, to encourage a management solution for 2017. If no agreement has been reached, the client group will arrange meetings with other fleets in the fishery in order to seek options for a solution at industry level. The Pelagic AC will be included in this work if found appropriate.</p> <p>Outcome year 2: By March 2017, all Coastal States should have formally agreed on management and sharing arrangements for 2017 and beyond. Alternatively, options for an 'industry' level management arrangement have been analysed.</p> |
| Progress on Condition Year 1 | <p>Numerous actions have taken place, led by the Client Group of EU fishing industry representatives.</p> <p>During 2015 and 2016 the EU industry had numerous contacts with their member state administrations, with the EC, and liaised directly with the Norwegian, Faroese and Iceland fishing industry representatives on the margin of Coastal State and NEAFC meetings on the sharing and management of WHB.</p> <p>The scientific basis of the WHB stock management, which included ICES scientific advice, new benchmark and management strategy evaluation, was discussed in detail at meetings of the Pelagic Advisory Council - PELAC (where the relevant NGO's on pelagic fisheries in the Northeast Atlantic are also active). The Client Group has also contributed in kind (vessel time and dedicated fisheries scientist time) and financially to improve the WHB research cruises.</p> <p>A new agreement between Coastal States pledging explicitly to abide by ICES scientific advice was signed in December 2016.</p> <p>There is still no overall agreement on TAC shares to reduce fishing mortality to FMSY. Sustainable management for the stock has not yet been achieved. The condition remains open.</p> <p>There is still no formally agreed sharing arrangements for the WHB fishery with quotas still set unilaterally by Norway and Iceland in 2016 and 2017. There is a sign that an agreement could be reached for the 2018 TAC shares. Therefore the expected outcome is not yet entirely reached. The condition was deemed on target.</p> |
| Progress on Condition Year 2 | The client group for the WHB fishery has been quite influential in the Pelagic Advisory Council in developing a management plan and in formulating recommendations to this end. The PELAC recommendation of October 2017 regarding WHB has been as follows: |

| Performance Indicator | PI 3.1.1 The management system exists within an appropriate legal and/or customary framework which ensures that it: |
|-------------------------------------|--|
| | <p>The PELAC recommends following the ICES MSY advice and setting the TAC at 1,387,872 tonnes in 2018. The PELAC further encourages Coastal States to explore the two-tier approach to fishing mortality as originally suggested in the multiannual management strategy developed by the PELAC in 2012. The PELAC believes that working with different fishing mortality values at different SSB levels could be a key tool in securing long-term stability without sacrificing yield. Furthermore, the PELAC has established a focus group working on developing methods to manage the stock in a dynamic and sustainable manner. The PELAC encourages the EU Commission and Member States to contribute to the work of this focus group, whose key aspect is to identify methods to improve data and knowledge on stock recruitment – one of the key elements in the ICES stock advice. The Client Group has initiated outreach towards the industry groupings in the other Coastal States (CS). This has resulted in the following:</p> <p>A meeting held among the CS industries including other certified fisheries for North East Atlantic small pelagic stocks (MAC, ASH and WHB) in London in October 2017 on the 3 pelagic stocks discussed in the CS (AS herring, mackerel and WHB) (SPSG 2017).</p> <p>A letter to the chairs of the various CS for pelagic stocks of November 2017 (see Appendix 3).</p> <p>A meeting with leading persons within MSC HQ on technical questions related to the certifications and the state of affairs in the CS discussions (November 2017). I. Gatt (SPSG) and G. van Balsfoort (PFA) represented the client group.</p> <p>A Pelagic Fish Forum industry meeting each November, organised by the Norwegian industry, across all small pelagic fisheries, and a mid-term meeting of the Pelagic Fish Forum at the Brussels Seafood Show in April 2018.</p> <p>There has also been some progress with the working groups at NEAFC, adopting guidelines for Coastal States negotiations at its annual meeting at the end of 2017 (NEAFC 2017a; NEAFC 2017b; NEAFC 2017c). It also adopted a recommendation introducing catch limits on the High Seas (NEAFC Regulatory Area) for 2018 (NEAFC 2018).</p> <p>At this stage, the Coastal States have not yet formally agreed sharing arrangements.</p> <p>The Client Action Plan was somewhat optimistic, hoping for a resolved outcome by this Year 2 surveillance audit. The necessary length of negotiations was taken into account in the milestones set to lift the condition, progress is therefore on target.</p> |
| Progress on Condition Year 3 | <p>The client group for the WHB fishery has been quite influential in the Pelagic Advisory Council (PELAC) in developing a management plan and in formulating recommendations to this end. As part of Pelagic Advisory Council meeting: 2-3 October 2018 The Hague (member). The following recommendations on WHB were agreed:</p> <ul style="list-style-type: none"> • The PELAC recommends following the ICES advice based on an agreed Long Term Management Strategy and setting the TAC at 1,143,629 tons in 2019. • The PELAC encourages the EU Commission and Member States to seek rapid agreement with all Coastal States on a sustainable long-term sharing arrangement for the stock. The current situation with no agreed sharing principles is not sustainable in the long-term. <p>At the NEAFC Annual meeting: 12-16 November 2018 London (PFA attended as observer), it was noted that Coastal States consultations had resulted in an agreement on a total catch according to the Long Term Management Plan and ICES advice, and the proposal for conservation and management measures for WHB for 2019 was adopted by consensus.</p> <p>It was also noted that these measures were not fully comprehensive, as they did not include allocation among the Contracting Parties.</p> <p>Below is the list of meeting attendance (and role) of the PFA as lead of PFA-led Client Group.</p> <ul style="list-style-type: none"> • Coastal States MAC (4rd round): 21-22 November 2018 London (observer) |

| Performance Indicator | PI 3.1.1 The management system exists within an appropriate legal and/or customary framework which ensures that it: |
|-------------------------------------|--|
| | <ul style="list-style-type: none"> • EU-Norway incl. bilateral agreement WHB and ASH: 26-30 October 2018 Bergen (observer). See annexed the bilateral EU-Norway fisheries arrangements on WHB and ASH for 2019, signed on 11 December 2018. • ICES Advice Drafting Group WIDE: 12-14 September 2018 (observer) • Northern Pelagic Working Group: 1 October 2018 The Hague (chair) • Coastal States pelagic (1st round): 8-12 October 2018 London (observer) • Coastal States pelagic (2nd round): 24-26 October 2018 London (observer) • Coastal States WHB and ASH (3r round): (5-6 November 2018 London. See annexed the Coastal States agreement on the TAC and Long Term M Plan for WHB. • Coastal States MAC (3rd round): 7-9 October 2018 Clonakilty (observer) • Meeting MSC certified pelagic fleets in the NEA: 9 October 2018 London (see report meeting in annex) • Meeting with MSC staff on pelagic complex and MSC certification: 10 October 2018 London • List of actions by PFA as lead of PFA-led Client Group: • Meeting MSC certified pelagic fleets in the NEA: 9 October 2018 London (see meeting report in annex) • Meeting with MSC staff on pelagic complex and MSC certification: 10 October 2018 London develop harmonised Plan of Action for the certified WHB fisheries in the NEA to be adopted by all clients (on-going) |
| Progress on Condition Year 4 | <p>The client group for the WHB fishery has been quite influential in the Pelagic Advisory Council (PELAC) in developing a management plan and in formulating recommendations to this end. As part of Pelagic Advisory Council meeting: 2-3 October 2019 The Hague (member). The following recommendations on WHB were agreed:</p> <ul style="list-style-type: none"> • The PELAC recommends following the ICES advice based on an agreed Long-Term Management Strategy and setting the TAC at 1,161,615 tons in 2020. • Furthermore, the Pelagic AC would like to reinforce that the work commissioned by the PELAC from an external consultant to evaluate a two-tier management approach using a hindcasting exercise found that the current implementation of the -20%/+25% stabilizing bounds could be problematic for the blue whiting stock in the long term. These results from the PELAC hindcast analysis highlight an issue identified by ICES, but not concluded on, in its 2016 advice on the long-term evaluation of the Coastal States blue whiting management strategy. In light of these findings, the Pelagic AC asks that the European Commission requests that ICES revisits the ICES advice for 2016 and further analyses the effects of TAC stabilizing bounds, and bring the results to the Coastal States once available. This is especially relevant given the fact that the scientific advice for this stock has been considerably exceeded in recent years and that currently the SSB is decreasing significantly. • The PELAC encourages the EU Commission and Member States to seek rapid agreement with all Coastal States on a sustainable long-term sharing arrangement for the stock. The current situation with no agreed sharing principles is not sustainable in the long-term. <p>At the NEAFC Annual meeting 12-15 November 2019 London (Client Group attended as observer), it was noted that Coastal States consultations had resulted in an agreement on a total catch according to the Long-Term Management Plan and ICES advice, and the proposal for conservation and management measures for WHB for 2020 was adopted by consensus.</p> <p>It was also noted that these measures were not fully comprehensive, as they did not include allocation among the Contracting Parties.</p> |

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| Performance Indicator | PI 3.1.1 The management system exists within an appropriate legal and/or customary framework which ensures that it: |
| | <p>Below is the list of meeting attendance by the Client Group.</p> <ul style="list-style-type: none"> • PELAC advice released 7th October (attached) sent to Commission and Member States • Blue whiting Coastal States meeting 22-23 October • ASH Coastal States meeting 24-25 October • Client group meet other NEA pelagic industry in margins of both CS meetings • Client Group attended NEAFC AGM 12-15 November. <p>The client group has also been in continuous contact with the land-based fish industry and wholesale actors. Several letters have been sent from these later steps in the processing and distribution chain to the Coastal States members (attached letters from EUFishMeal and EuroCommerce).</p> |
| Status of condition at Year 4 SA | Behind target - The deadline to close out conditions (PI3.1.1, PI 1.2.1 and PI 1.2.2) was harmonised for all blue whiting MSC-certified fisheries as the 30 th November 2020. Following this notification the MSC released their derogation resultant from Covid 19 which applied a 6 month extension to all condition deadlines. The revised hard deadline for notice of suspension for the fishery if this condition cannot be closed therefore becomes 30 th April 2021 and not the 30 th November 2020. |

Table 19. Condition 2 all UoCs - new at 1st Surveillance audit (Jones et al, 2017). The CAP associated with this condition is aligned with that of Condition 1, and as such begun in Year 2 of the CAP.

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| Performance Indicator | PI 1.2.1: There is a robust and precautionary harvest strategy in place. |
| Score | 70 |
| Rationale | <p><u>SG 80 SI b) requirement</u>: The harvest strategy may not have been fully tested but evidence exists that it is achieving its objectives</p> <p>Finding: The current situation, where the long-term management plan implemented in 2008 has been set aside and the ICES MSY approach advice on the fishery is not being followed could lead to a situation where the status of the stock is adversely affected. Currently, the problem is only manifested in increased fishing mortality to above F_{MSY}. As evidenced by the annual catches exceeding the ICES advice and current level of fishing mortality being above F_{MSY}, the harvest strategy, based on the MSY approach and lacking an effective long-term management plan, is not achieving all its objectives and the requirements at SG 80 are not met.</p> |
| Condition | <p>The SG80 requirements for scoring issue b) must be met.</p> <p><u>SG 80 SI b):</u> 'Available evidence' may be any relevant evidence, provided through ICES or other verifiable means, that shows the implications of all available management actions (e.g. by Coastal States and/or agreements with other relevant states in controlling fishing mortality) in achieving exploitation levels consistent with the long term management strategy and that F is reduced below F_{MSY}.</p> |
| Milestones | <p><u>Year 1:</u> Communication should be progressed with the Coastal States and NEAFC to promote cooperation by all participants in the fishery to deliver outcomes consistent with meeting the requirements of Principle 1 and achieving satisfactory progress towards a reduction in fishing mortality consistent with the MSY approach and, once implemented, consistent with the agreed Long Term Management Strategy (2016).</p> <p><u>Year 2 and Year 3:</u> It is understood that the condition could be closed if ICES advice is that fishing mortality has fallen to at or below F_{MSY}, thus providing sufficient additional evidence that the harvest strategy is achieving its objectives. Years 2 and 3 should therefore provide information on all relevant actions by the Coastal States and NEAFC towards achieving the requirement for evidence that the harvest strategy is achieving its objectives in relation to both SSB and F.</p> |

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| Performance Indicator | PI 1.2.1: There is a robust and precautionary harvest strategy in place. |
| | <u>Year 4:</u> The SG80 (b) requirements should be met. At the time this is achieved, this PI will be rescored at 80 or more. |
| Client action plan | <p>Milestone year 1</p> <p>Make contact with representatives from other Coastal States, EU-Commission, NEAFC and ICES in order to secure information on management, fishing activities and scientific analysis in the respective states and transnational governing bodies. Encourage all parties to seek a joint solution to the sharing arrangements within the framework of a LTMP.</p> <p>Action year 1</p> <p>During negotiations for 2018 TACs and sharing arrangements, arrange meetings with other certified MSC UoCs in the fishery and European Commission to gather information and evidence.</p> <p>Participate in ICES advice drafting group on widely distributed stocks. Lobby all parties in seeking a joint solution within the framework of a long-term management plan.</p> <p>Outcome year 1</p> <p>By March 2018, all Coastal States have formally agreed on management and sharing arrangements for 2018 and beyond within reference to the LTMP.</p> |
| Consultation on condition | None. The actions required for meeting this condition lie with the fisheries “lobbying power” with the EU authorities and their Coastal States counterparts. |
| Progress on Condition Year 2 | <p>F is being reduced towards F_{MSY} but there is still overshoot on the TAC resultant of unilateral quotas.</p> <p>The client group have been active in lobbying activities in 2017 and 2018 (See those listed in Condition 1 above).</p> <p>There has been some progress with the working groups at NEAFC but the Coastal States have not yet formally agreed sharing arrangements.</p> |
| Progress on Condition Year 3 | <p>F continues to be reduced towards F_{MSY} but there is still overshoot on the TAC resultant of unilateral quotas (see Principle 1 background section in this report).</p> <p>The client group have been active in lobbying activities in 2017 and 2018. In particular, the PELAC further encourages Coastal States to further explore the two-tier approach to fishing mortality as originally suggested in the multiannual management strategy developed by PELAC in 2012. The PELAC believes that working with different fishing mortality values at different SSB levels could be a key tool in securing long-term stability without sacrificing yield, provided that this approach is found to be precautionary by ICES and is in line with Common Fisheries Policy, Article 2.2. The PELAC encourages further work on identifying methods to improve data and knowledge on stock recruitment – one of the key elements in the ICES stock advice.</p> |
| Progress on Condition Year 4 | <p>F has increased in the most recent assessment update and is still above F_{MSY} as a result of unilateral quotas exceeding ICES advice (see Principle 1 background section in this report).</p> <p>The client group have been active in lobbying activities in 2017, 2018 and 2019. In particular, the PELAC was encouraging Coastal States to further explore the two-tier approach to fishing mortality as originally suggested in the multiannual management strategy developed by PELAC in 2012. The PELAC believed that working with different fishing mortality values at different SSB levels could be a key tool in securing long-term stability without sacrificing yield, provided that this approach is found to be precautionary by ICES and is in line with Common Fisheries Policy, Article 2.2. This is why in 2019 PELAC commissioned a hindcasting exercise with the two-tier approach. The PELAC encourages further work on identifying methods to improve data and knowledge on stock recruitment – one of the key elements in the ICES stock advice.</p> |
| Status of Condition | Behind target - The deadline to close out conditions (PI3.1.1, PI 1.2.1 and PI 1.2.2) was harmonised for all blue whiting MSC-certified fisheries as the 30 th November 2020. Following this notification, the MSC released their derogation resultant from Covid 19 which applied a 6 month extension to all condition deadlines. The revised hard |

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| Performance Indicator | PI 1.2.1: There is a robust and precautionary harvest strategy in place. |
| | deadline for notice of suspension for the fishery if this condition cannot be closed therefore becomes 30 th April 2021 and not the 30 th November 2020. |

Table 20. Condition 3 All UoCs - new at 1st Surveillance audit (Jones et al, 2017). The CAP associated with this condition is aligned with that of Condition 1, and as such begun in Year 2 of the CAP.

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| Performance Indicator | PI 1.2.2: There are well defined and effective harvest control rules (HCRs) in place. |
| Score | 75 |
| Rationale | <p>SG 80 SI c) requirement:</p> <p>At the generic level, setting an annual TAC, based on a reliable annual estimate of stock status, backed by either a precautionary long-term Management plan or an MSY strategy, does have a reliable track record for many stocks in the NE Atlantic. The management of the WHB stock is now based on the MSY approach and will adopt a new management plan in 2017. The management is supported by rigorous surveillance, monitoring and enforcement of the national declared quotas together with technical measures. Levels of discarding in the various national fisheries are considered by ICES to be very low and total landings are considered to be a reasonable estimate of the actual catch.</p> <p>The recent history of increasing SSB and F usually below FMSY provides some evidence that the tools used to implement the HCR are effective and are appropriate methods to control exploitation: SG60 is met.</p> <p>SG80 requires evidence that the tools in use are appropriate and effective in achieving the exploitation levels required under the HCRs. Despite there being periods since 2006 when the catch exceeded the ICES advice and the agreed TAC, exploitation levels (F) were below FMSY from 2008 through 2013 when the long-term management plan was in operation. Since 2014, however, Coastal States have effectively set their own catch levels, above ICES advice, and exploitation levels have been above FMSY. The evidence indicates that the tools in use are not effective in achieving the exploitation levels required under the HCRs, and SG80 is not met.</p> |
| Condition | <p>The SG80 requirements for SI c.</p> <p><u>SG 80 SI c):</u> Available evidence' may be any relevant evidence, provided through ICES or other verifiable means, that shows the implications of all available management actions (e.g. by Coastal States and/or agreements with other relevant states in controlling fishing mortality) in achieving exploitation levels consistent with the long term management strategy to which the HCRs are set.</p> |
| Milestones | <p><u>Year 1:</u> A revised Long-term Management Strategy (LTMS) has been endorsed by ICES as consistent with the Precautionary approach and agreed by the Coastal States (with a minor amendment) This revised strategy should be used by ICES from 2017 for their advice on the fishery in 2018 and subsequent years.</p> <p><u>Year 2 and Year 3:</u> It is understood that the condition could be closed at any time. The evidence required to close the condition will be that:</p> <p>The Long-Term Management Strategy is being used by ICES as the basis for their advice:</p> <p>The Coastal States allocation of shares does not exceed the ICES advice;</p> <p>The total annual catch does not exceed the ICES advised catch (subject to clause 5 in the LTMS)</p> <p><u>Year 4:</u> The SG80 requirements should be met. At the time this is achieved, this PI will be rescored at 80 or more.</p> |
| Client action plan | <p>Milestone year 1: Make contact with other interested parties and lobby the European Commission to initiate negotiations for a mechanism for cooperation between the Coastal States which is effective in agreeing an appropriate management mechanism consistent with the management plan.</p> |

| Performance Indicator | PI 1.2.2: There are well defined and effective harvest control rules (HCRs) in place. |
|----------------------------------|--|
| | <p>Action year 1: During negotiations for 2016 TACs and sharing arrangements, arrange meetings with other fleets in the fishery, European Commission and Member States' national administrations to encourage a management solution for 2016.</p> <p>Outcome year 1: By March 2016, all Coastal States should have formally agreed on management and sharing arrangements for 2016 and beyond.</p> <p>Milestone year 2: If the dispute is not resolved, continue to lobby. Demonstrate that discussions have taken place and progress has been made towards agreeing an appropriate dispute resolution system within the Coastal States Agreement. ^[1]_{SEP} If it appears that the Coastal States cannot agree, evaluate options for development of an agreement at the level of the various fleets involved in the fishery to ensure that the TAC is not overshoot to an unsustainable level in the future, directly or via the Pelagic AC or other bodies as appropriate</p> <p>Action year 2: During negotiations for 2017 TACs and sharing arrangements, arrange meetings with other fleets in the fishery, the European Commission and other Coastal States administrations, when possible, to encourage a management solution for 2017. If no agreement has been reached, the client group will arrange meetings with other fleets in the fishery in order to seek options for a solution at industry level. The Pelagic AC will be included in this work if found appropriate.</p> <p>Outcome year 2: By March 2017, all Coastal States should have formally agreed on management and sharing arrangements for 2017 and beyond. Alternatively, options for an 'industry' level management arrangement have been analysed.</p> <p>Milestone year 3: Demonstrate that an appropriate system for Coastal States cooperation and dispute resolution is agreed. Alternatively, develop a fleet-level management plan to ensure sustainable management in the absence of international agreement, in agreement with other fleets in the fishery.</p> <p>Action year 3: If no agreement has been reached, the client group will continue to further develop an industry level management arrangement. The work will be done in agreement with other fleets in the fishery.</p> <p>Outcome year 3: By March 2018, all Coastal States should have formally agreed on management and sharing arrangements for 2018 and beyond. Alternatively, the framework for an 'industry' level management arrangement has been developed.</p> <p>Milestone year 4: Demonstrate that the effective Coastal States cooperation/dispute resolution system is in place and operational. Alternatively, validate and implement the fleet-level plan, in agreement with other fleets in the fishery.</p> <p>Action year 4: If no agreement has been reached, the client group together with other fleets in the fishery will implement the industry level management arrangement.</p> <p>Outcome year 4: By March 2019, all Coastal States should have formally agreed on management and sharing arrangements for 2019 and beyond. Alternatively, an 'industry' level management arrangement has agreed among the fleets on the fishery and implemented.</p> |
| Consultation on condition | None. The actions required for meeting this condition lie with the fisheries "lobbying power" with the EU authorities and their Coastal States counterparts. |
| Progress Condition Year 2 | The LTMP has been reviewed by ICES and found to be precautionary (ICES 2017b) subsequently it is taken into account in ICES Advice 2017 for 2018 –(ICES 2017a) |
| Progress Condition Year 3 | The LTMP is included in the Coastal States Agreed Record for 2019 (Anon 2018), however TACs are still being set independently by the Coastal States and therefore the condition cannot be closed. As per Condition No2. The client Group continues to engage and lobby at forums associated with the fishery to secure sharing agreements between CS but this as not so been successful. |
| Progress Condition Year 4 | The LTMP is included in the Coastal States Agreed Record for 2020, however TACs are still being set independently by the Coastal States and therefore the condition cannot be closed. The client Group continues to engage and lobby |

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| Performance Indicator | PI 1.2.2: There are well defined and effective harvest control rules (HCRs) in place. |
| | at forums associated with the fishery to secure sharing agreements between CS, but this as not so been successful. |
| Status of Condition | Closed - following harmonisation calls during 2020 the CABs have rescored this PI and this is provided in Section 5.5 with SIc scoring <60. |

5.3 Client Action Plan

Following the publication of this audit report and the announcement of the CABs intent to suspend the fishery against 7.4.2 a of GCR 2.41 a corrective action plan will be required by the client group within 90 days of the notice to suspend the fishery (GCR2.4.1) 7.4.3.e-h. The relevant MSC GCR2.41 text is provided below:

7.4.3. e. *Instruct the client to provide a documented corrective action plan for addressing the cause of suspension, which is acceptable to the CAB as being able to address the cause(s) for suspension, within 90 days from the date the Notice of Suspension is published on the MSC website.*

f. The corrective action plan shall include a binding timeframe.

g. If the client submits an acceptable corrective action plan within 90 days:

i. Instruct the client to implement the corrective action plan.

ii. Upload to the scheme database to be published on the MSC website:

A. A statement confirming their acceptance of the corrective action plan.

B. The client's corrective action plan.

h. If the client does not submit an acceptable corrective action plan within 90 days, the CAB shall withdraw the certificate.

The fishery client group will be informed that they cannot enter the same Unit of Certification(s), or any entity in the Unit(s) of Certification, into full assessment under either the same or an alternative name unless the cause for suspension has been addressed.

5.4 Harmonisation

The summary of key harmonisation meetings and list of participants are given in Appendix (section 8.2).

Initially, the re-scoring of Principle 3 indicator PI3.2.2 was triggered by the re-certification of Atlanto-Scandian (or Norwegian Spring-Spawning) herring (ASH) Icelandic fishery concerned all ASH MSC-certified ASH fisheries. Subsequently, the re-scoring of Principle 3 indicator PI3.2.2 was harmonised across all NEA small pelagic fisheries that shared the same international management system (four (4) Blue whiting fisheries, the four (4) ASH fisheries and the four (4) presently suspended mackerel fisheries, see list in Table 27).

5.4.1 Rescoring of PI1.2.2 in light of harmonisation with NE Mackerel

MSC mackerel fisheries which share similar Coastal States management arrangements as this fishery were suspended from the MSC program in part due to PI 1.2.2. As part of the harmonisation discussion in 2019/2020 the CABs discussed at length whether similar issues on HCR tool effectiveness were evident for the herring stock. Currently there is no agreement between Coastal States on an allocation key for the TAC. This in turn means that the actual TAC does not follow the advice and also the agreed

long-term management plan. Due to lack of agreement between Coastal States on quota sharing and in the consequence of this unilateral TAC-setting there is no evidence that tools (TAC) and arrangements for sharing TACs between participants in the fishery, including between states in shared stock fisheries are working and effective. On this basis the CABs agreed to rescore PI 1.2.2 across all NEA small pelagic shared stocks. The result for this fishery is included as part of this audit in section 5.5.

5.4.2 Harmonisation of PI3.2.2

In accordance with FCP v2.1 Annex PB, harmonisation discussions were triggered by the re-assessment of the MSC-certified [NEA ISF Norwegian & Icelandic herring trawl and seine fishery \(Norwegian herring UoA\)](#), during which, the SAI Global audit team identified a potential fail for PI3.2.2 for that ASH fishery. The final harmonisation meeting held on 1st July 2020 concluded that PI3.2.2b no longer met the SG60 scoring guidepost. The agreement was without consensus between teams (FCP v2.1 §PB1.3.4.5.a.ii) “In the event the discussions does not lead to agreement among teams, the lowest score(s) shall be adopted by all teams”). At the meeting, the possibility was raised that similarly to the condition (and likely fishery suspension see above) for PI3.1.1, the failure to reach SG60 for PI3.2.2 would apply to all NEA small pelagic stocks fisheries (ASH, blue whiting and mackerel). Given the failure of PI3.2.2 GCR7.4.2a applies for all UoAs namely that the fishery can no longer be considered to conform to the MSC Fisheries Standard and therefore the CAB shall suspend all certificates.

For the NEA blue whiting fisheries specifically, a further harmonisation meeting was held on 13th August 2020, which resulted in the same rescoring of PI3.2.2b scoring <60 and thereby requiring all WHB fisheries to undergo audits to account for this change.

The teams agreed to approach MSC with a single variation request for an alignment of dates for the Notice of Suspension for all the NEA small pelagic fisheries with a common suspension date (notice of suspension 30th November 2020, suspension date 30th December 2020) and common timeline for the required corrective action plans. In the meantime, CU UK (along with the two other CABS concerned, DNV GL Business Assurance and SAI Global), sent the [MSC variation request](#) on 1st September 2020, which was granted by the MSC to obtain a delay in the publication of both blue whiting and ASH 4th Surveillance reports to 30th November 2020 (see Table 28 in Appendix).

5.5 Rescoring Performance Indicators

Following harmonisation, two performance indicators had to be rescored (PI1.2.2 and PI3.2.2) during this audit.

Changes made to the original rationales are identified in blue. For the PI the rescoring led to failure to reach SG60 on one of the scoring issues, for all UoCs.

Table 21 Evaluation Table for PI 1.2.2 (Updated this audit, original rationale text appears in grey, new harmonised text appears in blue). As per MSC FCP v2.1, §7.17.7.2a if 1 or more of the SG60 scoring issues is not met, the UoA fails, and no further scoring is required for the PI. As SIC failed to meet SG60, therefore this PI was not rescored beyond <SG60, however previously assigned scores at SG80 for the other scoring issues are included for completeness.

| PI 1.2.2 | | There are well defined and effective harvest control rules (HCRs) in place | | |
|---------------|----------------------|--|--|---|
| Scoring Issue | | SG 60 | SG 80 | SG 100 |
| a | Guidepost | Generally understood harvest rules are in place that are consistent with the harvest strategy and which act to reduce the exploitation rate as limit reference points are approached. | Well defined harvest control rules are in place that are consistent with the harvest strategy and ensure that the exploitation rate is reduced as limit reference points are approached. | |
| | Met? | Y | Y | |
| | Justification | <p>The current strategy is to set an annual TAC in accordance with the management plan agreed by the Coastal States in 1999. This strategy is supported by technical and conservation measures such as the ban on discarding and the minimum landing size. The annual implementation of the harvest strategy is the responsibility of the Coastal States group, who meet at least annually to agree on the national quota shares in the fishery. The harvest strategy has clear rules which effectively reduce the fishing effort, and thus the resultant annual TAC, if the SSB falls below the Management plan trigger level of 2.25 million tonnes. Fishing effort is effectively reduced to zero if the SSB falls to the biomass limit level. Hence the harvest strategy includes a HCR consistent with the strategy and include an obligation to reduce the exploitation rate as limit reference points are approached. SG60 is met.</p> <p>The rules are well-defined. The management plan governing the subsequent allocation of the TAC in this fishery, both nationally and by area, through the Coastal States Agreement, are also well defined and understood. Similarly, the rules allocating shares in the quota to individual fishing enterprises at the national level are generally understood. The rules governing this type of harvest strategy are common and well understood. This clearly meets the requirements at SG 80 but misses the 100 level as the HCR does not explicitly account for Blue whiting's role in the ecosystem.</p> | | |
| b | Guidepost | | The selection of the harvest control rules takes into account the main uncertainties. | The design of the harvest control rules takes into account a wide range of uncertainties. |

| | | | | |
|-----------------|----------------------|--|---|---|
| PI 1.2.2 | | There are well defined and effective harvest control rules (HCRs) in place | | |
| | Met? | | Y | N |
| | Justification | <p>The main uncertainty affecting the harvest control rule is the reliability of the annual stock assessment in estimating current SSB and fishing mortality.</p> <p>In the past there have been small discrepancies in the official reported catch and the estimates of that catch by the ICES assessment working group. This is related to the problem of underreporting, slippage, discarding and the fishing operation. ICES (2018) notes that these although not included in the assessment are negligible. This area of potential uncertainty is kept under regular review by the assessment working group.</p> <p>Biological sampling of the landings by all countries except Greenland ensures an adequate coverage of all the landings (around 90 % of the catch is sampled in recent years). This level of coverage is supported by sampling the catch at sea on the Norwegian reference fleet. The main uncertainties which affect the harvest control rules are therefore taken into account. SG 80 is met.</p> <p>The annual stock assessment underpins the ICES advice which does take into account the uncertainty generated by the current Coastal States dispute. The dispute has led to annual catches exceeding the advised TAC by more than 10 %. Predicted catches include this uncertainty in the determination of catch levels in the subsequent fishing year.</p> <p>The recent revision of the survey data and the introduction of the XSAM model leaves some doubt if the known uncertainties have been dealt with effectively. Similarly, the large confidence limits around the terminal estimates of F and SSB give cause for concern. SG 100 is not met.</p> | | |
| c | Guidepost | There is some evidence that tools used or available to implement HCRs are appropriate and effective in controlling exploitation. | Available evidence indicates that the tools in use are appropriate and effective in achieving the exploitation levels required under the HCRs. | Evidence clearly shows that the tools in use are effective in achieving the exploitation levels required under the HCRs. |
| | Met? | N | Not scored | Not scored |
| | Justification | <p>As noted in Sla, the Blue whiting stock has a management strategy in place. This includes an HCR. The management is supported by rigorous surveillance, monitoring and enforcement of the national declared quotas together with technical measures. Levels of discarding in the various national fisheries are considered by ICES to be very low and total landings are considered to be a reasonable estimate of the actual catch.</p> <p>Responsibility for the allocation of the annual TAC is administered by a Coastal States Agreement which for this fishery involves the European Union, the Faroe Islands, Iceland and Norway. The annual ICES advice is based on the precautionary agreed Long-term Management Strategy (LTMS).</p> <p>There are tools available, i.e. annual TACs, to implement the HCR. Based on general experience with TACs this tool is appropriate in implementing HCRs. The coastal states each year agree on an overall TAC corresponding to the ICES advice. However, currently there is no agreement among</p> | | |

| PI 1.2.2 | There are well defined and effective harvest control rules (HCRs) in place | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------------------------|-----------------------------------|-------------------------------------|----------------|----------------------------|------|---------|-----------|-----------|-----|------|-----------|-----------|-----------|-----|------|-------------|-----------|-----------|-----|------|-------------|-----------|-----------|-----|------|-------------|-----------|-----------|-----|------|-------------|-----------|-----------|-----|
| | <p>Coastal States on an allocation key for the overall TAC and each Coastal State autonomously sets its national quota based on what the Party considers to be its fair share. The sum of these autonomously set quotas exceeds ICES advice which is based on the LTMS, since 2015 by an average of 36% - see table below. The Coastal States Agreement from 2018 allows each Party to fish up to 10% beyond the quota allocated provided that such quantities fished beyond the allocated quota for one year shall be deducted from the Party's quota allocated for the following year. Hence, even with this provision, the overall TAC exceeds the ICES advice and is not compliant with the agreed long-term management plan. This has additional resulted in F exceeding F_{MSY}.</p> <p>Thus, there is no evidence that the tools (overall TAC) are working and effective in controlling exploitation. SG60 not met</p> <table border="1" data-bbox="633 555 1915 927"> <thead> <tr> <th>Year</th> <th>Catch corresponding to advice (t)</th> <th>TAC (t) Sum of unilateral quotas</th> <th>ICES catch (t)</th> <th>ICES Catch/ Catch advice #</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>839,886</td> <td>1,260,000</td> <td>1,396,244</td> <td>166</td> </tr> <tr> <td>2016</td> <td>≤ 776,391</td> <td>1,147,000</td> <td>1,183,187</td> <td>152</td> </tr> <tr> <td>2017</td> <td>≤ 1,342,330</td> <td>1,675,400</td> <td>1,558,061</td> <td>116</td> </tr> <tr> <td>2018</td> <td>≤ 1,387,872</td> <td>1,727,964</td> <td>1,711,477</td> <td>123</td> </tr> <tr> <td>2019</td> <td>≤ 1,143,629</td> <td>1,483,208</td> <td>1,515,527</td> <td>133</td> </tr> <tr> <td>2020</td> <td>≤ 1,161,615</td> <td>1,478,358</td> <td>1,478,358</td> <td>127</td> </tr> </tbody> </table> | Year | Catch corresponding to advice (t) | TAC (t) Sum of unilateral quotas | ICES catch (t) | ICES Catch/ Catch advice # | 2015 | 839,886 | 1,260,000 | 1,396,244 | 166 | 2016 | ≤ 776,391 | 1,147,000 | 1,183,187 | 152 | 2017 | ≤ 1,342,330 | 1,675,400 | 1,558,061 | 116 | 2018 | ≤ 1,387,872 | 1,727,964 | 1,711,477 | 123 | 2019 | ≤ 1,143,629 | 1,483,208 | 1,515,527 | 133 | 2020 | ≤ 1,161,615 | 1,478,358 | 1,478,358 | 127 |
| Year | Catch corresponding to advice (t) | TAC (t) Sum of unilateral quotas | ICES catch (t) | ICES Catch/ Catch advice # | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2015 | 839,886 | 1,260,000 | 1,396,244 | 166 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2016 | ≤ 776,391 | 1,147,000 | 1,183,187 | 152 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2017 | ≤ 1,342,330 | 1,675,400 | 1,558,061 | 116 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2018 | ≤ 1,387,872 | 1,727,964 | 1,711,477 | 123 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2019 | ≤ 1,143,629 | 1,483,208 | 1,515,527 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2020 | ≤ 1,161,615 | 1,478,358 | 1,478,358 | 127 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| References | <p>Anon, 2019b. Agreed Record of consultations between Norway and The European Union on ad hoc Fisheries Arrangements on the Management of Blue Whiting and Norwegian Spring-Spawning (Atlanto-Scandian) Herring for 2020. 12th December 2019. https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/2019-12-12-norway-fisheries-consultations-blue-whiting-herring_en.pdf</p> <p>ICES. 2020a. Blue whiting (<i>Micromesistius poutassou</i>) in subareas 1–9, 12, and 14 (Northeast Atlantic and adjacent waters). In Report of the ICES Advisory Committee, 2020. ICES Advice 2020, whb.27.1-91214. https://doi.org/10.17895/ices.advice.5881</p> <p>ICES. 2020b. Working Group on Widely Distributed Stocks (WGWIDE). ICES Scientific Reports. 2:82. 1019 pp. http://doi.org/10.17895/ices.pub.7475</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OVERALL PERFORMANCE INDICATOR SCORE: | | All UoCs <60 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CONDITION NUMBER (if relevant): | | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Table 22 Evaluation Table for PI 3.2.2 (Updated this audit, original rationale text appears in grey, new harmonised text appears in blue). As per MSC FCP v2.1, §7.17.7.2a if 1 or more of the SG60 scoring issues is not met, the UoA fails, and no further scoring is required for the PI. As SIb failed to meet SG60, therefore this PI was not rescored beyond <SG60, however previously assigned scores at SG80 for the other scoring issues are included for completeness.

| PI 3.2.2 | | 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 under assessment. | | |
|---------------|----------------------|--|---|--------|
| Scoring Issue | | SG 60 | SG 80 | SG 100 |
| a | Guidepost | There are some decision-making processes in place that result in measures and strategies to achieve the fishery-specific objectives. | There are established decision-making processes that result in measures and strategies to achieve the fishery-specific objectives. | |
| | Met? | Y | Y | |
| | Justification | <p>Decision-making processes for the fishery are in place, with the European Council of ministers agreeing the fishery’s TAC from ICES scientific advice and previously discussed at the Pelagic Advisory Council (PELAC). TAC shares between Coastal States and ICES- recommended management plan are agreed annually at the CS meeting and then by NEAFC for its Regulatory Area. NEAFC’s recommended TAC has been in line with ICES recommended TAC since 2010, and so have total catches, which demonstrate a well-established commitment of coastal states, to follow and achieve the fishery-specific objectives, SG80 is met.</p> <p>There are some decision-making processes in place that result in measures and strategies to achieve the fishery-specific objectives.</p> <p>In accordance with GSA4.1 and GSA4.1.1 (MSC Guidance to the Fisheries Standard v2.01), the fishery-specific management system considered in this PI is, “the management system directly applied to the fishery. The focus should be on the management system of the fishery, which for some fisheries will include both national and international components” (Table GSA9). Consequently, the management system considered here consists of the wider international framework that this highly migratory species is managed under, not just that part of the decision-making process that occurs in the EU.</p> <p>In accordance with GSA4.8, “the focus of this PI is on the decision-making processes themselves, and if they actually produce measures and strategies within the fishery-specific management system. It is not an evaluation of the quality of those measures and strategies as this is covered elsewhere under P1 and P2.” However, the processes take account of the consequences of decisions on management objectives for target species on the ecosystem.</p> <p>The setting of a TAC for the Atlanto-Scandian (e.g. Norwegian-Icelandic spring-spawning) herring (ASH) fishery is based upon a Long-Term Management Strategy (LTMS) agreed between the Coastal States which has been evaluated by ICES and found to meet the requirements of the precautionary principle. The TAC is agreed annually following stock assessment and the application of the HCR set out in the LTMS. The HCR is</p> | | |

| | | | | |
|-----------------|----------------------|--|--|--|
| PI 3.2.2 | | 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 under assessment. | | |
| | | <p>designed to ensure that the objectives of the LTMS are met. Reference points used to measure stock performance have also been evaluated by ICES including through a Management Strategy Evaluation and updated in 2019 (ICES, 2020b).</p> <p>The EU landing Obligation (LO) and discard ban for commercial fisheries in Norwegian waters oblige vessels to record and land all catches of commercial fish to be recorded against quota. Gear regulations and area closures are used to realize objectives concerning bycatch, protection of juveniles and vulnerable species and habitats. There are similar measures in place in international waters administered by NEAFC where the fishery also occurs.</p> <p>Consequently, there are established decision-making processes in place designed to result in measures and strategies to achieve fishery-specific objectives. SG60 and SG80 are met.</p> | | |
| b | Guidepost | Decision-making processes respond to serious issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take some account of the wider implications of decisions. | 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. | Decision-making processes respond to all 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. |
| | Met? | N | N | N |
| | Justification | <p>The decision-making procedures established at European level identify serious and other important issues regarding the resource and ecosystem through annual research surveys and scientific working group meetings (WGWIDE ICES, 2014a). Meetings are prepared with stakeholders at the Pelagic Advisory Council (PELAC) WG1 where results are presented as they become available. Stakeholders met and contacted for this assessment agree that the process is open, transparent and timely. ICES advice is based on data from catches, stock status, wider ecosystem indicators and cooperative research activities, which estimates, monitors and evaluates the effect of management decisions, such as for the 2008 EU regulation on landing obligations effective from January 2015 in the fishery. The management system also responds to issues raised by the PELAC.</p> <p>Decision processes at NEAFC, in bilateral negotiations and the CS Agreement are based on ICES recommendations described above and consider wider implications (NEAFC 2014c, CS Agreement 2014). SG 100 is met.</p> <p>There is evidence that the national and EU decision-making processes respond to serious issues identified in relevant research, monitoring, evaluation and consultation. Management plans have analysed with authorities and scientists, and through the Long Distance Fleet Advisory Council (LDAC) and POs at national and EU levels.</p> | | |

| | | | |
|-----------------|----------------------|---|---|
| PI 3.2.2 | | 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 under assessment. | |
| | | <p>At international level, since 2013 there has been a lack of agreement on allocation of TAC shares between the Coastal States, and unilateral TAC shares have subsequently been set and altogether have significantly exceeded the agreed TAC every year since (see Table 13 section 4.2 of this report). The most recent ICES advice (ICES, 2020a) shows a marked increase in the sum of the unilateral TACs set and catches in the past five years to 2019 show a systematic overshoot. This suggests the Coastal States are not responding to this serious issue in any meaningful way. ICES advise that this is causing the SSB to decrease faster than would otherwise be expected to occur (ICES, 2020b). While the Coastal States have not been able to agree on TAC allocation, there is evidence that the EU has kept total catches (see ICES, 2020b) at or under its agreed share of the TAC (6.5%), but the overall pattern of excessive fishing mortality remains.</p> <p>The Assessment Team consider the setting of the unilateral TACs by the Coastal States to be part of the decision-making process in the fishery-specific management system, in line with the guidance set out in GSA4.1 that, <i>“Teams should note that it is the management of the wider fleet which denotes the specific “fishery” that is the subject of assessment under the fishery-specific management system PIs”</i>.</p> <p>The consequences of this unilateral TAC setting are serious, and to date there is no evidence that it is being addressed in a meaningful way. Accordingly, it cannot be said that either part of SG60 is met. Decision-making processes are not responding to serious issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner. Nor do they take some account of the wider implications of decisions. SG60 is not met.</p> | |
| c | Guidepost | | Decision-making processes use the precautionary approach and are based on best available information. |
| | Met? | | N |
| | Justification | <p>ICES scientific advice (2014a) and the Blue Whiting management plan are consistent with the precautionary approach and used by Coastal States and by NEAFC as such, SG80 is met.</p> <p>The EU and the other Coastal States have committed themselves to using the precautionary approach and to base their decisions on the best available information. The Long-Term Management Strategy agreed by the Coastal States in October 2018 has been evaluated by ICES and found to be precautionary. ICES advice is consistent with the precautionary approach and it is also based on the best available information about the stock. But the lack of agreement by the Coastal States on sharing the TAC has led to the setting of unilateral quotas, which has resulted in the total catch significantly exceeding the TAC advised by ICES. This decision is contrary to the precautionary principle. SG80 is not met.</p> | |

| | | | | |
|-------------------|----------------------|--|--|--|
| PI 3.2.2 | | 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 under assessment. | | |
| d | Guidepost | Some information on fishery performance and management action is generally available on request to stakeholders. | Information on fishery performance and management action is available on request, and explanations are provided for any actions or lack of action associated with findings and relevant recommendations emerging from research, monitoring, evaluation and review activity. | Formal reporting to all interested stakeholders provides comprehensive information on fishery performance and management actions and describes how the management system responded to findings and relevant recommendations emerging from research, monitoring, evaluation and review activity. |
| | Met? | Y | Y | N |
| | Justification | Information on fishery performance with respect to scientific advice and harvest control is available from ICES. Management Plans are discussed and endorsed by PELAC where non-EU CS are also actively involved. The European Fisheries Control Agency, in cooperation with the CS Norwegian and Faroese Coast Guard agencies, report annually and national control agencies provide information on fishing activities and compliance; information on landings from the fishery is available to stakeholders almost in real time. Management authorities provide explanations in feedback to the PELAC and CS Agreement parties, along with minutes of meetings. However, formal reporting on all these matters are not available to all interested stakeholders. SG100 is not met. | | |
| e | Guidepost | Although the management authority or fishery may be subject to continuing court challenges, it is not indicating a disrespect or defiance of the law by repeatedly violating the same law or regulation necessary for the sustainability for the fishery. | The management system or fishery is attempting to comply in a timely fashion with judicial decisions arising from any legal challenges. | The management system or fishery acts proactively to avoid legal disputes or rapidly implements judicial decisions arising from legal challenges. |
| | Met? | Y | Y | N |
| | Justification | The management authority is not subject to continuing court challenges. There is ample evidence at national (including Norwegian and Faroese), European and NEAFC level that management authorities work proactively to avoid legal disputes through strengthened consultations with stakeholders. However, although NEAFC is proactive to avoid legal disputes, this is not the case for the CS Agreement process, only SG80 is met. | | |
| References | | ICES. 2014a. Report of the Working Group on Widely Distributed Stocks (WGWIDE), 26 August - 1 September 2014, ICES Headquarters, Copenhagen, Denmark. ICES CM 2014/ACOM: 15, 938 pp. CS Agreement, 2014. Agreed record of conclusions of fisheries consultations between the European | | |

| | | |
|---|--|------------------------|
| PI 3.2.2 | 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 under assessment. | |
| | <p>Union, the Faroe Islands, Iceland and Norway on the Management of Blue Whiting in the North-East Atlantic in 2014. Oslo, 28 March 2014, 6 p. PELAC WG1 correspondence to DG MARE on stock advice and management plans (from http://www.pelagic-ac.org/correspondence/recommendations). NEAFC. 2014a. Report of the Performance Review Panel, October 2014, 136p.</p> <p>ICES, 2020a; ICES, 2020b</p> | |
| OVERALL PERFORMANCE INDICATOR SCORE: | | All UoCs <60 |
| CONDITION NUMBER (if relevant): | | |

5.6 Principle level and Performance Indicators scores

Table 23. Principle level scores

| Principle of the Fisheries Standard | UoA 1 | UoA 2 | UoA 3 | UoA 4 | UoA 5 |
|--|-------|-------|-------|-------|-------|
| Principle 1 – Stock status | FAIL | FAIL | FAIL | FAIL | FAIL |
| Principle 2 – Minimising environmental impacts | 86.0 | 89.3 | 89.3 | 89.3 | 87.7 |
| Principle 3 – Effective management | FAIL | FAIL | FAIL | FAIL | FAIL |

Table 24. Performance Indicator scores (new scores in bold). * indicates a condition deadline set against this PI that has not been met leading to a suspension of the fishery.

| Principle | Component | Weighting | PI | Performance Indicator | UoC1 | UoC2 | UoC3 | UoC4 | UoC5 |
|-----------|------------------|-----------|-------|---------------------------------|-------------|-------------|-------------|-------------|-------------|
| 1 | Outcome | 0.5 | 1.1.1 | Stock status | 90 | 90 | 90 | 90 | 90 |
| | | | 1.1.2 | Reference points | 90 | 90 | 90 | 90 | 90 |
| | | | 1.1.3 | Stock rebuilding | N/A | N/A | N/A | N/A | N/A |
| | Management | 0.5 | 1.2.1 | Harvest Strategy | 70* | 70* | 70* | 70* | 70* |
| | | | 1.2.2 | Harvest control rules and tools | Fail | Fail | Fail | Fail | Fail |
| | | | 1.2.3 | Information and monitoring | 90 | 90 | 90 | 90 | 90 |
| | | | 1.2.4 | Assessment of stock status | 95 | 95 | 95 | 95 | 95 |
| 2 | Retained species | 0.2 | 2.1.1 | Outcome | 95 | 95 | 95 | 95 | 100 |
| | | | 2.1.2 | Management | 85 | 85 | 85 | 85 | 100 |
| | | | 2.1.3 | Information | 95 | 95 | 95 | 95 | 100 |
| | Bycatch species | 0.2 | 2.2.1 | Outcome | 80 | 100 | 100 | 100 | 80 |
| | | | 2.2.2 | Management | 90 | 100 | 100 | 100 | 90 |
| | | | 2.2.3 | Information | 80 | 100 | 100 | 100 | 80 |
| | ETP species | 0.2 | 2.3.1 | Outcome | 80 | 80 | 80 | 80 | 80 |
| | | | 2.3.2 | Management | 80 | 80 | 80 | 80 | 80 |
| | | | 2.3.3 | Information | 80 | 80 | 80 | 80 | 80 |
| | Habitats | 0.2 | 2.4.1 | Outcome | 90 | 90 | 90 | 90 | 90 |
| | | | 2.4.2 | Management | 90 | 90 | 90 | 90 | 90 |
| | | | 2.4.3 | Information | 95 | 95 | 95 | 95 | 95 |
| | Ecosystem | 0.2 | 2.5.1 | Outcome | 80 | 80 | 80 | 80 | 80 |
| | | | 2.5.2 | Management | 80 | 80 | 80 | 80 | 80 |
| | | | 2.5.3 | Information | 90 | 90 | 90 | 90 | 90 |
| 3 | | 0.5 | 3.1.1 | Legal and customary framework | 65* | 65* | 65* | 65* | 65* |

| Principle | Component | Weighting | PI | Performance Indicator | UoC1 | UoC2 | UoC3 | UoC4 | UoC5 |
|-----------|------------------------------------|-----------|-------|--|-------------|-------------|-------------|-------------|-------------|
| | Governance and Policy | | 3.1.2 | Consultation, roles & responsibilities | 90 | 90 | 90 | 90 | 90 |
| | | | 3.1.3 | Long term objectives | 100 | 100 | 100 | 100 | 100 |
| | | | 3.1.4 | Incentives for sustainability | 100 | 100 | 100 | 100 | 100 |
| | Fishery-specific management system | 0.5 | 3.2.1 | Fishery specific objectives | 90 | 90 | 90 | 90 | 90 |
| | | | 3.2.2 | Decision making processes | Fail | Fail | Fail | Fail | Fail |
| | | | 3.2.3 | Compliance and enforcement | 100 | 100 | 100 | 100 | 100 |
| | | | 3.2.4 | Research plan | 90 | 90 | 90 | 90 | 90 |
| | | | 3.2.5 | Management performance evaluation | 80 | 80 | 80 | 80 | 80 |

6 Conclusion

The main findings of this surveillance is that the continued lack of agreement on TAC shares by the Coastal States has led to overall catches systematically exceeding scientific advice. This has resulted, at least in part, in F exceeding F_{MSY} and a continual erosion in the SSB. These findings were harmonized with the other blue whiting MSC certified fisheries undergoing audit at this time.

A decrease in spawning stock level, F exceeding F_{MSY} and lack of management response have resulted in the fishery being behind target on the conditions. The initial deadline for these conditions was the 30th November 2020 however, following the MSC-released derogation in April 2020 for [Covid 19](#), a 6 month extension to all condition deadlines must be applied. The revised hard deadline for these conditions therefore becomes 30th April 2021 instead of the 30th November 2020.

Harmonisation discussions between all ASH MSC-certified fisheries also took place at the initiative of the Icelandic ISF ASH fishery seeking re-certification, which has led to an agreed fail for PI3.2.2b at SG60 for all NEA fisheries. This is because the consequences of the unilateral TAC setting is a serious issue and to date there is no evidence that it is being addressed in a meaningful way. Furthermore, as part of the harmonisation discussion in 2019/2020 the CABs discussed at length whether similar issues on HCR tool effectiveness were evident for the blue whiting stock as those found in the associated mackerel fisheries. The CABs concluded that there is no agreement between Coastal States on an allocation key for the TAC. This in turn meant that the actual TAC does not follow the advice and also the agreed long-term management plan. Due to lack of agreement between Coastal States on TAC sharing and by consequence, the setting of unilateral TAC-shares, there are no evidence that tools (TAC) and arrangements for sharing TACs between participants in the fishery, including between states for these shared stock fisheries, are working or effective. On this, basis the CABs rescored PI 1.2.2c as not meeting SG60.

Given the failures of PI 1.2.2 and PI3.2.2 to reach SG60, GCR 7.4.2a applies for all UoAs: that the fisheries can no longer be considered to conform to the MSC Fisheries Standard and therefore that the CAB shall suspend all certificates.

Based on the above, this fishery no longer meets the MSC Fisheries Standard. All fishery's certificates (Table 25) will be suspended on 30th December 2020. As per MSC GCR v.2.3 7.4.3e, the certificate holders will have 90 days from the date the Notice of Suspension is published on the MSC website (30th November 2020) to provide CU UK with a documented corrective action plan for addressing the causes of the suspension, and the fishery certificates will remain suspended until the effectiveness of the corrective action plan can be verified.

7 References

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- Jones, H., Gascoigne, J., Pawson, M. & DesClers, S., 2017. Marine Stewardship Council (MSC). 2852 First annual Surveillance Audit - The SPSG, DPPO, PFA, KFO & Compagnie des Pêches St Malo Northeast Atlantic Blue Whiting pelagic trawl fishery, Marine Stewardship Council, London, UK. <https://fisheries.msc.org/en/fisheries/pfa-dppo-kfo-spsg-compagnie-des-peches-st-malo-northeast-atlantic-blue-whiting-pelagic-trawl/@@view>
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8 Appendices

8.1 Appendix 1 Evaluation processes and techniques

The fishery was certified on the 3rd February 2016 by ME Certification (now Control Union UK Ltd) under five certificates (Table 25). It was certified with a single condition with two further conditions raised at surveillance year 1.

Table 25. Certificate numbers for the five UoCs

| UoC | Client | Certificate Number |
|-----|--------|--------------------|
| 1 | PFA | MSC-F-31229 |
| 2 | DPPO | MSC-F-31227 |
| 3 | KFO | MSC-F-31226 |
| 4 | SPSG | MSC-F-31225 |
| 5 | CDPSM | MSC-F-31228 |

8.1.1 Site visit

Control Union UK (Ltd) announced the Year 4 Surveillance audit on the 30th July 2020 with stakeholders informed of the remote visit being initiated on 31st August 2020. The site visit was conducted remotely following the [MSC derogation on Covid 19](#) and associated guidance. The audit team lead Sophie DesClers (P2 and P3) and Matthew Cieri (P1) communicated by email and via conference calls on several occasions with Malin Skog, the client group representative, and with UoC representatives and other interested parties listed in Table 26. They contributed information, reports and discussions remotely for the purpose of the site visit evidence collection. Other information used came from published annual reports and referenced documents and emails.

In addition, several harmonisation meetings had to be convened with CABs in charge of the certification of other WHB and small pelagic species fisheries, which also involved contacts by email with the MSC for guidance and interpretations (see section 5.4). No written stakeholder input was received.

The purpose of the 4th surveillance audit was to review all scoring of Principle 1 against the scores published in the [Public Certification Report](#) (DesClers, Pawson & Sieben, 2015), some scores amended in the Year 1 surveillance audit report (Jones et al, 2017) and carried over in the Year 2 (Jones, Pawson and DesClers, 2018) and Year 3 (Jones and DesClers, 2019) surveillance audit reports.

Table 26. Persons contacted during the remote audit.

| Name | Organisation | Type of consultation |
|-----------------------|--|---|
| Malin Skog | Client Group, DPPO (lead client) and SPFPO client representative | Preparations emails prior to site visit; site visit call 31/08/20 and subsequent emails on UoC DPPO and SPFPO document, information and updates |
| Gerard van Balsfoort | PFA | Site visit call 31/08/20 and emails on PFA updates |
| Laurens van Balsfoort | PFA | Email 03/02/20 with documents on scientific observer trip, vessels, self-sampling results, quota. |
| Martin Pastoors | PFA | Email 20/01/20 and document on self-sampling programme and results |
| Ian Gatt | SPSG | Site visit call 31/08/20 and emails on SPSG updates |

| Name | Organisation | Type of consultation |
|-------------------------|----------------------------|---|
| Sean O'Donoghue | KFO | Site visit call 31/08/20 |
| Norah Parke | KFO | Site visit call 31/08/20 and emails with KFO documents, exceptional event log and updates |
| Claus Reedtz Sparrevohn | DPPO | Emails 31/01/20 and 02/02/20 with UoC information, documents and MCS reports |
| Thomas Robertson | Marine Scotland Compliance | Email 10/02/2020 SPSG vessels lack of issue |
| Sophie Des Clers | CU UK Team Leader | Site visit call 31/08/20, emails and team calls |
| Matthew Cieri | CU UK Team member | Site visit call 31/08/20, emails and team calls |
| Hugh Jones | CU UK Fishery manager | Site visit call 31/08/20 to update on Harmonisation, MSC VR, emails and team calls |

8.2 Appendix 2 Harmonised fishery assessments

Table 27. Harmonised small pelagic NEA fisheries (Atlanto-Scandian herring, blue whiting and mackerel) fisheries for Principle 1 and Principle 3 Performance Indicators.

| # | Fishery name | Certificate expires* | CAB | Performance Indicators to harmonise |
|----|--|----------------------|------------|-------------------------------------|
| 1 | SPSG, DPPO, PFA, SPFPO & KFO Atlanto-Scandian purse seine and pelagic trawl herring | 02-Jul-21 | CU UK | Principle 1 & Principle 3 |
| 2 | ISF Norwegian (& Icelandic) herring trawl and seine | 30-Dec-20 | SAI Global | Principle 1 & Principle 3 |
| 3 | Norway spring spawning herring (& Norway North East Atlantic blue whiting (scope extension 11-Sep-2017)) | 30-Jan-25 | DNV GL | Principle 1 |
| 4 | Faroese Pelagic Organization (FPO) Atlanto-Scandian herring | 15-Dec-21 | DNV GL | Principle 1 & Principle 3 |
| 5 | PFA, DPPO, KFO, SPSG & Compagnie des Pêches St Malo Northeast Atlantic blue whiting Pelagic Trawl | 02-Aug-21 | | Principle 3 |
| 6 | ISF Iceland NE Atlantic Blue whiting | 11-Jul-23 | SAI Global | Principle 3 |
| 7 | Norway North East Atlantic blue whiting (ASH scope extension 11-Sep-2017) | 03-Jan-26 | DNV GL | Principle 3 |
| 8 | Faroese Pelagic Organisation North East Atlantic blue whiting | 16-Dec-21 | DNV GL | Principle 3 |
| 9 | ISF Iceland mackerel | Suspended | SAI Global | Principle 3 |
| 10 | Faroese Pelagic Organisation North East Atlantic mackerel | Suspended | DNV GL | Principle 3 |
| 11 | NIPSG Atlantic mackerel (and North Sea herring) | Suspended | LR | Principle 3 |
| 12 | MINSAs North East Atlantic mackerel | Suspended | LR | Principle 3 |

*Information from <https://fisheries.msc.org/en/fisheries/> dates may not all reflect the additional 6 months COVID-19 derogation

Table 28. Overlapping fisheries harmonisation process meetings 2019 -2020

| Supporting information | | | | |
|--|-------------------------------------|---|---|--|
| <p>The harmonisation meetings in November / December 2019 and January 2020 addressed the issue of PI 3.2.2 scoring as raised by SAI Global in their recertification of the ISF herring fishery. The harmonisation meeting on 17th Jan 2020 along with emails and subsequent rationales it was agreed via PB1.3.3.4ii that PI3.2.2 no longer reached the SG60 scoring guidepost for Slb for the ASH and WHB fisheries.</p> <p>Following the harmonisation process the CABs met with the MSC at the annual tripartite meeting and discussed harmonisation outcomes for the fisheries with respect to suspension of the ASH and WHB fisheries. Following this meeting MSC were requested to provide an interpretation request on harmonised outcomes and suspensions outside of audit periods (link).</p> <p>Following the release of the MSC interpretation on 23rd June 2020, the CABs held harmonisation meetings starting on 1st July 2020: the following outcomes were noted:</p> <p>This meeting was triggered following an email from MSC sent on Tuesday 23rd June 2020 where the link to access the interpretations regarding rescoring and harmonisation of herring fisheries was provided as well as a formal request that CABs no longer pause their assessment activities with respect to these fisheries.</p> <ol style="list-style-type: none"> 1) Harmonisation meeting date and time: 1st July 2020 at 12.00 pm CET 2) Meeting attendees and fisheries covered by the harmonisation meeting | | | | |
| CAB | Participants | Atlanto-Scandian herring | NEA blue whiting | NEA mackerel |
| SAIG | Géraldine Criquet Conor Donnelly | ISF Norwegian & Icelandic herring trawl and seine | ISF Iceland NEA blue whiting | ISF Iceland mackerel |
| DNV | Sandhya Chaudhury Anna Kiseleva | 1. Norway spring spawning herring 2. Faroese Pelagic Organisation Atlanto-Scandian herring | 1. Norway NEA blue whiting 2. Faroese Pelagic Organisation NEA blue whiting | Faroese Pelagic Organisation NEA mackerel |
| CU | Hugh Jones Sophie Des Clers | SPSG, DPPO, PFA, SPFPO & KFO Atlanto-Scandian purse seine and pelagic trawl herring | PFA, DPPO, KFO, SPSG & Compagnie des Pêches St MaloSc Northeast Atlantic blue whiting Pelagic Trawl | None |
| LR | Deirdre Duggan | None | None | 1. NIPSG Atlantic mackerel and North Sea herring 2. MINSAs North East Atlantic mackerel |
| <p>3) 3.2.2 scoring for Atlanto-Scandian herring fisheries</p> <p>CABs' position in regard to the scoring of 3.2.2 has not changed since the previous harmonisation discussions [January 2020].</p> <p>SAIG shared the last version of the 3.2.2 scoring table and re-confirmed their determination that Slb SG60 is not met. CU and LR agreed with SAIG rationale and scoring, DNV did not. <u>Therefore, FCP v.2.1 PB1.3.4.5.a.ii "In the event the discussion does not lead to agreement among teams, the lowest score(s) shall be adopted by all teams" applies.</u></p> <p>CABs agreed that this meeting closes the harmonisation on 3.2.2 scoring.</p> <p>In accordance with MSC FCP v.2.1 PB1.3.4.5.b, CABs will include the <60 score for 3.2.2 in the next report for any fishery under assessment and at the subsequent surveillance audit for any certified fisheries. Moreover, fisheries for which surveillance audit is not scheduled within 30 days from today will launch and expedited audit in accordance with the MSC Covid derogation to follow FCP v.2.2 clause 7.29.1 from 17th April to 25 September 2020 and FCP v.2.1 7.29.4. The Table below summarises next course of actions for each ASH fishery.</p> | | | | |

| Supporting information | | |
|------------------------|---|---|
| CAB | Atlanto-Scandian herring | Next course of action |
| SAIG | ISF Norwegian & Icelandic herring trawl and seine | Complete the ASH Client Draft Report with the fishery failing 3.2.2. |
| DNV | 1. Norway spring spawning herring 2. Faroese Pelagic Organisation Atlanto-Scandian herring | 1. Expedited audit to be launched 2. 3 rd surveillance report to be completed with the fishery failing 3.2.2, and notice of intent to suspend |
| CU | SPSG, DPPO, PFA, SPFPO & KFO Atlanto-Scandian purse seine and pelagic trawl herring | 4 th surveillance audit to be announced within 30 days |
| LR | None | None |

4) NEA blue whiting fisheries

CABs agreed that SAIG’s team, would share his determination regarding 3.2.2 once completed. A further meeting was held on 13th August 2020 specifically for the NEA blue whiting fisheries, which resulted in the finalisation of the rescoring of PI3.2.2b scoring <60 and thereby requiring all WHB fisheries to undergo audits to account for this change.

5) NEA mackerel fisheries

CABs with relevant MAC fisheries agreed that SAIG’s team, who is currently conducting the surveillance audit, will share his determination regarding 3.2.2 once completed. Then CABs can collectively discuss to reach harmonised outcome.

6) Current conditions for all NEA Pelagic fisheries

Checking that conditions and milestones are harmonised.

Further Harmonisation discussions via email (22/07/2020) found that harmonisation with the MAC scoring of PI1.2.2 was required and suggested text was presented.

A further harmonisation meeting on 13/08/20 concluded:

PI 1.2.2 (ASH, mackerel & blue whiting)

- SAIG has updated PI 1.2.2 for blue whiting and ASH to make consistent with mackerel so that PI 1.2.2c is not met at SG60 and the fisheries fail.
- The updated PIs were provided with the agenda for the meeting.
- There was some discussion around the justification for the change now, e.g. one of the ASH certs was subject to an expedited audit last year and this PI met SG60 then. The majority of P1 experts agreed with the scoring but it was not unanimous which raised the prospect of PB 1.3.3.4 being applied (adoption of lowest score). It was proposed re-wording the justification may make it more acceptable.

PI 3.2.2 (ASH, mackerel & blue whiting)

- SAIG updated PI 3.2.2 for mackerel and blue whiting to make consistent with the scoring and rationale agreed for ASH at the previous harmonisation.
- The updated PIs for each fishery were provided with the agenda for the meeting.
- This means all fisheries now fail to meet SG60 for PI 3.2.2b.
- It was explained our P3 expert, Geir Hønneland, has slightly tweaked the justification text for Sib for blue whiting and mackerel from what was agreed for ASH on the last harmonisation. The concluding paragraph now says, “Accordingly, it cannot be said that decision-making processes are responding to serious issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner. SG60 is not met”. The sentence saying, “Nor do they take some account of the wider implications of decisions” has been removed.

| Supporting information | |
|---|--|
| <ul style="list-style-type: none"> The group was content with the updated scoring and rationales for the three species. <p>Via email 26/11/2020 the following was agreed by all CABs</p> <ol style="list-style-type: none"> 1. harmonisation of 13.08.2020 stands- fisheries (ASH & WHB) are suspended as of 30.12.2020 based on PI 1.2.2 and 3.2.2. Notice of suspension to be published, as agreed earlier, on 30.11.2020. CAP will concern these 2 PI's 2. Hard deadlines (CAB JOINT STATEMENT OF 08.01.2020) for the ASH fisheries for PI 1.2.1 and 3.1.1 get a Covid 19 extension of 6 months so the new deadlines for the 2 conditions related to these PI's will be 30.05.2021. 3. alignment the condition for PI1.2.1b and PI 3.1.1a&b with hard deadlines, harmonised with the atlanto scandian fisheries - 30.05.2021 | |
| Was either FCP v2.1 Annex PB1.3.3.4 or PB1.3.4.5 applied when harmonising? | Yes - PB1.3.3.4ii was applied for PI3.2.2 |
| Date of harmonisation meetings | 28/11/19 19/12/19 08/01/20 17/01/20 10/02/20 03/04/20 01/07/20 13/08/20 26/11/20 (email) |
| If applicable, describe the meeting outcome | |
| PB1.3.3.4ii was applied for PI3.2.2 as described above | |