

Minutes: Channel scallop principle 3 meeting

Meeting Date: 26 January 2021

Location: Teams

Attendees	Organisation
AB: Andrew Brown	Macduff Shellfish
ABO: Andy Boulton	Waitrose
AL: Andy Lawler	Centre for Environment, Fisheries and Aquaculture Science
CB: Coco Bagley	Department for Environment, Food and Rural Affairs
CN: Chloe North	Western Fish Producers Organisation
FN: Fiona Nimmo	Poseidon
GC: Gus Caslake	Seafish
HG: Hubert Gieschen	Marine Management Organisation
HH: Helen Hunter	Department for Environment, Food and Rural Affairs
HS: Hayley Swanlund	WWF-UK
JP: Jo Pollett	Marine Stewardship Council
JPo: Jim Portus	South Western Fish Producers Organisation
KK: Katie Keay	Marine Stewardship Council
LP: Lauren Parkhouse	Devon and Severn Inshore Fisheries and Conservation Authority
MP: Mike Park	Scottish White Fish Producers Association
MS: Matt Spencer	Marine Stewardship Council
NdR: Nathan de Rozarieux	Falfish
RW: Rob Whiteley	Natural England

Purpose of the meeting

This call was an opportunity for the Steering Group to consider whether any changes need to be made to the Channel scallop Fishery Improvement Project (FIP) timeline; present the MSC fishery certification process; discuss labour requirements; and review progress made under Principle 3 in the action plan, including the status of the Fishery Management Plan (FMP).

Agenda Item 1: FIP timeline

The action plan for this FIP culminates in April 2022, but some Steering Group members have asked whether this timeline can be extended by six months to account for the disruptions caused by Brexit and Covid. The Secretariat informed the group that any extension beyond the April 2022 deadline would mean additional funding would need to be secured to cover consultancy fees, arranging meetings and addressing any outstanding actions.

KK invited FN to update on what she thought could be accomplished between now and April 2022, and whether an extension would even be necessary. FN said that there were still a lot of actions that needed closing off and noted that some are achievable within the Steering Group, whereas other

actions the group have no control over. FN noted that it will be key to document action and progress over the next year in the fishery management plan (FMP).

Group discussion

JPo noted that since 1 January, for species without a total allowable catch (TAC), EU vessels in UK waters have catching limits set by tonnage based on a vessel's 2012-2016 average (this also applies to UK vessels in EU waters). It will be possible to quantify exploitation rates for EU vessels in the Channel but the additional complexity may have an impact on the FIP timeline. FN noted that knowing volumes removed from the fishery by non-FIP vessels (i.e. EU vessels) will be significant for the harvest strategy. HG said he would follow up in MMO and provide an update to the Steering Group on the new arrangement between the UK and EU regarding scallop access.

KK asked whether Steering Group members wanted an extension and if so, how could the Secretariat manage funding to cover the extended timeline. JPo recommended the Steering Group plans for a six-month extension but still aims to address all the actions prior to April 2022. AB agreed and said the past year has been a difficult period for the scallop industry, with Covid and Brexit taking away resources that otherwise could have been used to focus on the FIP. AB said the FIP might not necessarily require a full six-month addition. HH suggested the Steering Group prioritises actions that are already funded over the next year and ensure those aren't delayed beyond the original FIP timelines. JP added the importance of finalising any outstanding actions ahead of the annual review in April 2021. After the annual review it will be clearer where the FIP is against its action plan. The Steering Group agreed to focus on Channel specific actions within its control, and review the timeline, and cpst implications, at the next meetings.

FN suggested that if there is a significant delay to actions that are out of the control of the Steering Group, perhaps they could be covered by the Round 2 UK scallops FIP for the additional months. Merging the two FIPs could save on costs if both fisheries went to full certification.

Actions from Item 1:

1. HG to provide the Steering Group with an update on the new arrangement between the UK and EU regarding scallop access in the Channel.
2. Secretariat to add timeline and funding extension to the agenda for the next meeting.

Agenda Item 2: MSC fishery certification process

The FIP is coming up to the end of Year 4 in its five-year timeline, and the Steering Group needs to consider whether to form a client group to take responsibility for entering into the MSC programme. The MSC can provide information about the process but cannot provide advice on how to meet the certification requirements. JP presented the MSC fishery certification process (FCP) to the Steering Group to help inform their discussion.

Presentation from MSC

The client group is responsible for providing all relevant research and reports to the Conformity Assessment Body (CAB) assessment team, including a mandatory client document checklist, which is a guide to the documentation needed to provide an assessor. The CAB uses this information to undertake an initial assessment of the fishery against the MSC Standard and produce the announcement comment draft report (ACDR). The ACDR is a report that gives the client an indication of how the fishery is doing, scoring the fishery against each performance indicator in the MSC

Standard, and guides next steps. This report is confidential and, based on the results, the client group can decide whether they wish to proceed further with the full assessment.

If the client group wishes to continue the assessment process, the ACDR is published by the CAB and becomes publicly available for public stakeholder consultation. At this stage it is important to identify key stakeholders, who may wish to comment or submit evidence to the assessment team. There is a 60-day consultation period between the ACDR becoming publicly available and the site visit from the CAB, which is where additional information about the fishery is gathered by the CAB.

After the site visit the CAB produces the client and peer review draft report, an internal document which allows 60 days for the client group to flag any additional information that might support their application and to draft an action plan for any conditions identified by the CAB. At this stage, the client and peer review draft report is peer reviewed by a panel of three independent experts to check the information gathered to date, the process of the CAB and that the scores for each performance indicator is accurate.

Feedback received through the client and peer review process is incorporated into the assessment and the CAB publishes the public comment draft report (PCDR). The PCDR is open for further stakeholder consultation for 30 days and for peer review follow-up. At this stage, the assessment may also be reviewed by the MSC Technical Oversight team, to independently review the certification process and raise any irregularities or concerns with Assurance Services International (ASI), an independent organisation that acts as a 'watchdog' to ensure due process and relevant rigour has been implemented to the assessment process.

After addressing the consultation and peer review feedback, the CAB delivers the Final Draft Report (FDR). This report is open to a notice of objection for 15 working days upon which the report is deemed final and is published as the Public Certification Report (PCR) if the fishery meets the MSC Standard.

In the UK, client groups have been formed through Producer Organisations, local governments, or specific fishery focussed associations. Many successful client groups have a member or consultant who's specifically responsible for the MSC certification process, including documentation, audits, CAB liaison and costs.

When deciding upon a specific CAB to support the client group through the certification process, key things to consider are:

- what expertise the CAB has e.g. experience of working in the Channel region or particular expertise in scallop fisheries.
- the timeline for the CAB and their capacity.
- Cost, which can range from £10,000 - £100,000 and is dependent on: complexity and size of fishery; availability of information, level of stakeholder involvement.

Prior to entering MSC assessment, the client group will need to decide on the Unit of Assessment (UoA). The UoA defines what is being assessed during the certification process and includes: the target stock(s); the fishing method or gear; the fleets, vessels, individual fishing operators and other eligible fishers pursuing that stock.

Group discussion

AB asked whether the Secretariat could provide examples of other client groups in the UK and whose responsibility things like annual audits would be. JP confirmed the client group is responsible to take the fishery through certification and maintain any requirements, such as conditions and costs. Examples of client groups include Inshore Fisheries and Conservation Authorities (IFCAs), Producer Organisations (POs) or groups of POs, associations of fishermen, and groups that employ a consultant to act as the main point of contact. JP said she would share the Fishery Certification Process presentation with the Steering Group after the meeting.

CN pointed out the difficulty this fishery faces by having distinct inshore and offshore components. She questioned whether the IFCAs would want to sit as the representatives of the inshore fleet and be the client for them, which LP said she could not answer without consulting other IFAC representatives. JP cautioned that despite their expert knowledge, the IFCAs and MMO are fisheries enforcement rather than fisheries managers, the management of the fishery within the MSC requirements will be the remit of the client group.

KK read out a supporting letter from Helena Delgado-Nordmann, Responsible Sourcing Manager at Tesco. This statement highlighted Tesco's public commitment to achieve 100% sustainable seafood by 2030, its support of the Project UK FIPs, and a keen interest to see these fisheries move into MSC full assessment. She noted that pressure and awareness from NGOs and customers has never been greater and that we need to continue to work together to deliver healthy, sustainable, and affordable diets for a growing population.

Actions from Item 2:

1. Secretariat to share the FCP presentation with the Steering Group.

Agenda Item 3: Labour requirements

The action plan has a recommendation to 'ensure the fishery remains in scope of the MSC with regard any future labour requirements and the current scope requirements. No vessels shall be eligible that has had a conviction in the last five years.'

JP asked whether the group wanted to discuss this or add any information. There have been recent examples of non-compliance and arrests in the UK. The MSC also introduced new requirements in 2019 around vessels demonstrating they are complying with any labour regulations.

JPo noted we should be clearer in the recommendation that it is the skipper, not the vessel, that get prosecuted. If a skipper committed an offence they could have sold the vessel to a more responsible person. There are difficulties around corporate responsibilities which JPo suggested could be built into the FMP. A lot of vessels are now owned by corporations, and it would be the most senior person in the corporation that would be responsible in this case.

CN asked what is needed to prove compliance with the labour requirements. JP said there needs to be a written statement that no skippers under the MSC certificate had been prosecuted for breaching labour requirements. She also noted that the MSC is updating its requirements and by the time this FIP is able to move into full assessment there are likely to be more stringent requirements.

Agenda Item 4: Fishery management plan (FMP) update

AB ran through the action tracker of the FMP as follows:

Section 1: identification and description of the fishery

The name of the Unit of Assessment has been updated to align with fishery progress and MS still need to add maps. The text in description of fishery more specific to the Channel region. RW confirmed Natural England had agreed to lead on drafting text for section 1.2.2 ecosystem and habitat. AB had received a report from Seafish and will add key headlines and a link to the whole report into section 1.2.3 (economic and social characteristics of the fishery).

Section 2: goals and objectives

AB had drafted sections 2.1 (governance and policy) and 2.2 (fisheries specific management objectives). Jenny Murray (ex-Defra) had not been able to provide information before leaving her post last autumn. Since Brexit the governance situation had changed for the Channel which may need reflecting in the FMP.

Section 3: fisheries management structure

AB had covered section 3.1 (legal framework) and was in the FMP as was LP's IFCA management document. Section 3.3. had been partially addressed and AB said he would continue to lead on it and extend it to include consultation on co-management arrangements with the EU.

Section 4: harvest strategy and harvest control rules

This section had not progressed due to the uncertainty around Brexit negotiations. The Trade and Corporation Agreement (TCA) provides detail about non-quota stocks and could form the basis of a harvest strategy, but this is unlikely to emerge quickly.

HH confirmed that while there is an agreement with the EU, Defra is still establishing what it means in practice and how it might be implemented, which would have a direct effect on what is included in this FMP. Defra was still reviewing the SICG working group proposals. HH said it would be helpful if the Steering Group could be clear with what it needed from Defra to ensure there is no duplication of effort and noted that CB is also supporting this section and input into higher level objectives. These will also need to align with the requirements under the Fisheries Act. AB confirmed the aims and objectives section does have a summary of the Fisheries Act's high-level priorities but is missing detail on specific controls. AB noted that the delay in writing the harvest strategy and control rules might mean there is a necessary gap between the end of the FIP timeline and the start of full assessment.

FN said entering the full assessment process without core components needed in an FMP, such as harvest control rules (HCRs), creates a high risk of an assessment team failing the fishery early on. FN said it would be better to have all the information before starting the certification process. The group agreed this section would be updated later in the year once critical decisions have been made.

Section 5: ecosystem management strategies

AB said there was previous discussion whether Natural England or Cefas should lead on this section, but Cefas had been named as the lead across the section. FN believed this section could be completed within the timeline of the FIP and AB said he would send FN the comments from his fleet on the ETP list. JPo had not yet been able to look at the list but said he will.

Section 6: stock assessment, fishery monitoring and research

AL had drafted this section and asked FN for her comments, particularly on sections 6.3 and 6.4. She said she would review and provide guidance on each of the sub-sections. FN said that to complete some of the milestones in the action plan it was important to add any information that was available as soon as possible. AL confirmed he would send the draft for Section 6 to FN that evening.

AL noted that the results for the latest assessment for scallops would be available in the first week of April – pending sign off from the SICG project steering board (PSB)– and he would notify the group when they are public. FN confirmed this section could be updated easily once new information is available.

Section 7: compliance and monitoring

Like section 4, drafting had not begun due to the uncertainties around Brexit. When management – and its subsequent monitoring process - becomes clearer, AB had identified MMO, Defra and the IFCAs to lead this section. FN said there was information at a UK level for all vessels, not just scallopers, that could be inserted and updated when the management is clearer.

AB suggested inserting basic licensing structure and scallop permit information, as that was the current management used in the fishery. AB said MMO information on how they monitor days and sea and scallop permits would be useful to have here; which, HG said MS had been in touch about and the relevant team at the MMO would provide more information to this section.

Section 8: fishery performance evaluation

This section relates to the benchmarking and tracking tool to show how the FIP is progressing. In a certified fishery, conditions would be housed in this section of the FMP. FN said this section had a lot of positive information such as well-defined performance indicators. MS said he would update this section after next annual review.

FN noted that the ICES scallop working group could review the FMP and this would be considered an external review. JP had been in contact with Lynda Blackadder - who chairs that group – who clarified the process to request a review by the working group. When the FMP is further along the Secretariat can begin the process.

Section 9: resources required to implement the plan

AB said this was ongoing and he and JPo were discussing where financial support for the scallop surveys could come from, including whether the industry is able to contribute this year. The scallop survey work is usually around £110,000 and this year there had not been sufficient industry funds available given the difficulties they faced in 2020. Fortunately, Defra stepped in and the survey went ahead but this was an ad hoc solution and future funding still needed to be considered. JPo added that he was talking to Seafish about where other funds might be sourced, or project funding that could be accessed to support any scallop certification.

AB also noted that many in the industry had supported a mandatory levy on scallop sales to support the stock surveys, but that this would be complicated and slow to implement. HH confirmed this would be a longer-term solution that has been fed back to the Defra Evidence Team.

FN said section 9 was around transparency of the client group and is not something that is specifically required under the MSC Standard. FN confirmed Section 9 could focus on a process to achieve a funding model rather than describing the particular funding model in detail.

Actions from Item 4:

1. AB to continue drafting Sections 1.2.3 and 3, and share the ETP list with FN.
2. AL to send FN the draft for Section 6 and share the latest Channel stock assessment report when available with the Steering Group.
3. FN to review AB's ETP list (Section 5) and AL's draft (Section 6).
4. JPo to review the ETP list (Section 6).
5. HG to provide the Secretariat information on monitoring for Section 7.
6. RW to provide the Secretariat information on Section 1.2.2.
7. Secretariat to add map and edit the text to make specific to the Channel region (Section 1), and update the BMT tracker after the annual review (Section 8).

Agenda Item 5: Defra FMP update

CB noted that much of the update had already been covered in the meeting and she wanted to add that Defra's contribution to the FMP is tied to the joint fisheries statement which needs to reflect what is required under fishery objectives in the Fisheries Act.

HH noted that Defra is working with various Project UK FIPs. The high-level objectives set out in the Fisheries Act apply to all shellfisheries, regardless of the species, so Project UK members should consider whether they want to use the same text from Defra across all FMPs. AB agreed that a standard text might be useful for all FIPs, as the Fisheries Act and any national FMP would be standard text. FN supported this as harmonisation would happen across relevant fisheries in a full assessment, so doing that in advance is a good idea.

Any Other Business

KK asked if the Steering group is happy to share the draft FMP with other Project UK FIPs. Feedback from across the FIPs suggested sharing FMPs would help as guidance. AB confirmed he would find it useful to see other FMPs. The Steering Group is happy for the Channel scallop FMP to be shared.

Meeting Closes

16.00hr

Actions Arising		Responsibility
1	<i>Actions from Item 1:</i> <ol style="list-style-type: none"> 1. HG to provide the Steering Group with an update on the new arrangement between the UK and EU regarding scallop access in the Channel. 2. Secretariat to add timeline and funding extension to the agenda for the next meeting. 	HG Secretariat

2	<i>Actions from Item 2:</i> <ol style="list-style-type: none"> 1. Secretariat to share the FCP presentation with the Steering Group. 	Secretariat
3	<i>Actions from Item 4:</i> <ol style="list-style-type: none"> 1. AB to continue drafting Sections 1.2.3 and 3, and share the ETP list with FN. 2. AL to send FN the draft for Section 6 and share the latest Channel stock assessment report when available with the Steering Group. 3. FN to review AB's ETP list (Section 5) and AL's draft (Section 6). 4. JPo to review the ETP list (Section 6). 5. HG to provide the Secretariat information on monitoring for Section 7. 6. RW to provide the Secretariat information on Section 1.2.2. 7. Secretariat to add map and edit the text to make specific to the Channel region (Section 1); and update the BMT tracker after the annual review (Section 8). 	AB AL FN JPo HG RW Secretariat