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To:

Control Union UK Ltd

CM des pêcheurs de Sète Môle – OP SATHOAN

Marine Stewardship Council

Rome, October 21st 2020

Re: WWF public letter of objection to the MSC certification of the SATHOAN French Mediterranean bluefin tuna artisanal longline and handline fishery

WWF is submitting this public letter of objection to the determination by Control Union to certify the SATHOAN French Mediterranean Bluefin tuna artisanal longline and handline fishery to all engaged parties in lieu a formal objection. While WWF is refraining from lodging a formal objection under Annex PD of the MSC Fisheries Standard, this does not in any way mean that we agree with the outcome of the SATHOAN assessment. WWF and The Pew Charitable Trusts provided a detailed account of the issues that are problematic with the certification of Eastern Atlantic Bluefin tuna fisheries in the Usufuku Honten fishery objection and WWF still does not believe that these issues have been adequately addressed in the SATHOAN final report and determination. As a result WWF strongly questions whether the MSC objections process provides an objective science-based process to fully address these concerns. In summary, WWF continues to firmly believe that the history of overfishing and illegal fishing still occurring, in addition to the high level of uncertainty surrounding the current status of the Eastern Atlantic and Mediterranean Bluefin tuna stock should prevent MSC certification of this fishery as sustainable at this time.

WWF Primary concerns underscored by the ICCAT 2020 EBFT stock assessment

The CAB has not included any evaluation or updated analysis related to the new EBFT stock assessment that was released in early August, 2020. Specifically, our concern is whether this information would have changed the certification outcome. WWF believes that there was ample time to consider the latest findings of the SCRS prior to issuing the SATHOAN final report. However we note that there are inconsistencies between the requirements for new information between the MSC Fisheries Certification Process requirements and the Objections procedure and it is ambiguous as to whether the new information in the SCRS advice should be considered. Ultimately, given the delay in the SATHOAN assessment due to both the Usufuku Honten objection and the global pandemic, WWF believes that it

would have been appropriate for the CAB to consider this critical new information and evaluate the findings in regards to the scoring and conclusions of the Final Report.

The unresolved concerns on the part of WWF regarding MSC certification of EBFT fisheries as sustainable include, but are not limited to the following points that are part of the 2020 SCRS advice to the ICCAT Commission:

- The uncertainty about the magnitude of the recent SSB increase estimated by the VPA is even higher than for the 2017 assessment due to considerable instability in the recruitment estimates. Recruitment estimates for 2008 onwards are noticeably higher than for the 2017 assessment, showing a reverse of the trend of those estimated in the 2017 assessment. This was seen to be of concern when projecting the VPA forward to provide advice based on short-term projections, as well as leading to concern that the model results were very sensitive to adding one additional year of data (i.e. they led to an estimate of a substantial overall increase in biomass with the addition of only the last year of data).
- The current perception of the stock status depends on recruitment estimates which are highly unstable and is also closely related to the assumptions made about stock structure and migratory behaviour, which remain poorly known. Nonetheless, compared to 2017, the extra data now available confirm a recent stock biomass increase, although the magnitude of the increase remains difficult to quantify.
- The Committee considers that recent recruitment estimates from the updated VPA assessment are highly uncertain and any short term catch advice based on F0.1 from the updated assessment would not be robust. Consequently, the Committee is not presenting new short-term projections. Due to the limited possibilities for improving the quality of the data, the Committee does not expect to be able to provide further clarity regarding future recruitment in 2021.
- The Committee noted that reported catches are in line with recent TACs. However, the Committee has been informed of the existence of unquantified illegal catches of unknown magnitude.

For the reasons stated above, which are underscored by the 2020 SCRS report, WWF cannot in principle accept the Principle 1 conclusions of the SATHOAN assessment and thereby WWF cannot endorse this fishery as sustainable.

Calculation of Generation Time remains unresolved

The MSC has had more than six months to clarify the guidance around the equations used to calculate the Generation Time (GT) since the issue was first raised in the objection to the certification of the Usufuku Honten fishery. The importance of resolving this issue was highlighted in the final decision of the Independent Adjudicator in the Usufuku Honten objection.¹ WWF also notes that Control Union went back to the MSC seeking resolution of this issue during the period between the release of the Usufuku Honten Public Certification Report and the SATHOAN Final Report, but the MSC has been unwilling or

¹ IA Decision in the Usufuku Honten objection, note 19 on p. 11: *“¹⁹Subsequent to the institution of these proceedings, on February 6, 2020, CUP did approach the MSC to seek its guidance. Because the matter was in adjudication, however, the MSC replied that as a matter of policy, it could not provide interpretations on an issue subject to an ongoing objections process. When these proceedings are complete, so that future misunderstandings do not arise, it would seem appropriate for the MSC to reexamine the Guidance and provide clarification of the apparent discrepancy between the current Guidance and the source equation.”*

unable to provide further clarification to resolve this issue. It must therefore be acknowledged in regards to the GT issue that the objections process does not provide an avenue for objection based on failings of the MSC to address critical issues with the MSC Standard that persist across certifications. The MSC must urgently address this issue as a matter of priority. The MSC intransigence on this issue does not ensure confidence in the MSC objections process such that WWF trusts the process enough to engage in another objection around this stock. The MSC must transparently and completely clarify the guidance about calculating GT before any additional bluefin tuna fisheries are put forward for certification.

Incomplete harmonisation of conditions

WWF would like to point out that the CAB has not included key phrases in the condition for PI 1.2.2 HCRs that were negotiated during the Usufuku Honten objection. The CAB has omitted two key phrases on "well-defined" HCRs and "as determined through simulation modelling or other appropriate methods." There are two clauses in the Annex PB harmonisation requirements (PB3.2.2 and PB3.3.2) stating that CAB's must ensure that the conclusions must be consistent between the two (or more) fisheries, with respect to evaluation, scoring and conditions. This should be addressed as a harmonisation issue before the release of the final Public Certification Report for the SATHOAN fishery.

SATHOAN Client Action Plan is overly ambitious

WWF understands and appreciates that the fishery has proposed an ambitious action plan to address Principle 2 bycatch issues. However it must be acknowledged that the equally ambitious Client Action Plan for Principle 1 is unlikely to be met during the certification period due to the minimal leverage that fishery client groups have in the RFMO decision making process.

Although the fishery is poised to make substantial improvements on Principle 2 bycatch issues, it must be acknowledged that some fundamental issues are not clearly addressed in the Client Action Plan (CAP). In particular, the current CAP does not specifically meet the requirements for the Principle 2 Information Conditions (PI 2.1.3, 2.2.3, 2.3.3). Specifically, under SA3.6.3.2 "*That in determining the adequacy of the methods used for data collection, the team shall consider: (b) The extent to which the data are verifiable (on their own or in combination with other data sources); and (c) Potential bias in estimates and data collection methods*" WWF contends that the CAP should directly state that they will compare fishery dependent data on bycatch collected by the fleet through their EchoSea app with fishery independent data (e.g. Observer-like observer sampling or alternative methods such as remote electronic monitoring) provided with higher levels of coverage and collected in an unbiased and representative manner. This not explicitly stated – WWF believes that the CAP should be modified to take this into account. SATHOAN has acknowledged this issue in consultation with WWF-France and expressed openness to work with WWF and other stakeholders to address this issue. WWF has accepted this proposition and is committed to continue working with SATHOAN in this regard.

The MSC Objections Process is not fit for purpose

WWF can no longer consider that the MSC Objections Procedure is fit for purpose. In our extensive experience with MSC objections, they are ineffective at preventing premature or inappropriate

certification of fisheries as sustainable against the MSC Standard. WWF has had limited success when we object with the aim of changing rationales to adequately justify scores, setting new conditions, harmonising fisheries assessments and strengthening client action plans. However, in our view the process as it currently exists does not allow for an objective scientific decision on the overall sustainability of the fishery. This is due in part to the deference to the expertise of the CAB expressed as a guiding principle of the objection process through the 'standard of review' applied by Independent Adjudicators² – rather than an objective, science-based review and consideration of facts concerning the performance of the fishery. In the case of the Usufuku Honten and SATHOAN fisheries, the CAB may have followed the process, but the WWF views the MSC assessment process as flawed and the current subjectivity of the MSC Standard allows for partiality on the part of CABs. However, the failure of the MSC to reform elements of the Standard is outside the scope of a single objection process and WWF is committed to pursuing immediate and significant reform of the MSC Disputes Process that would support credible certifications.

Conclusion

In summary, WWF believes that given the profound uncertainty in scientific data used for assessing the East Atlantic and Mediterranean stock of bluefin tuna (EBFT), it is premature at this time to certify this stock as sustainable under the MSC Standard. The CAB disagrees and maintains that under the MSC requirements EBFT fisheries should be certified as sustainable and therefore is proceeding to certify the SATHOAN fishery on these grounds. It is clear from the 2020 bluefin tuna Stock Assessment that the SCRS has thus far been unable to resolve this uncertainty and if anything uncertainty is even worse in the 2020 assessment. Therefore, WWF concludes that the current MSC requirements, in particular the objections process, are not fit for purpose to address the relevant issues regarding sustainability of the East Atlantic and Mediterranean stock of bluefin tuna. In accordance with this position WWF refrained from lodging a formal objection to the SATHOAN French Mediterranean bluefin tuna artisanal longline and handline fishery and instead is issuing a public objection with this letter confirming that WWF does not support certification of Eastern Atlantic Bluefin tuna fisheries based on the available scientific data.

Thank you for your consideration.

Sincerely,

Giuseppe Di Carlo

Director

WWF Mediterranean Marine Initiative

² See e.g. Greenberg 2020. [MSC-Usufuku Honten Decision to Remand](#) (p. 4 Paragraph 10).