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MSC SUSTAINABLE FISHERIES CERTIFICATION

Surveillance Visit - Report for CVO Sole Gillnet Fishery



3rd Annual Surveillance

December 2012

Prepared For: **Coöperatieve Visserij Organisatie (CVO) (Formerly Stichting van de Nederlandse Visserij)**

Prepared By: **Food Certification International Ltd**



Assessment Data Sheet

Certified Fishery	CVO Sole Gillnet Fishery
Fishery Management Agency	Coöperatieve Visserij Organisatie (CVO) (Formerly Stichting van de Nederlandse Visserij) email: secretariaat@cvo-visserij.nl
Species	Common Sole (<i>Solea solea</i>)
Fishing Method	Sole Gill Net
Certificate Code	F-FCI-0005
Certification Date	24 November 2009
Certification Expiration Date	23 November 2014
Certification Body	FOOD CERTIFICATION INTERNATIONAL Ltd Findhorn House, Dochfour Business Centre Dochgarroch, Inverness, IV3 8GY, Scotland, UK Tel: +44(0)1463 223 039 MSC Fisheries Department Email: fisheries@foodcertint.com Web: www.foodcertint.com
Surveillance Stage:	3rd Annual Surveillance
Surveillance Date:	12 November 2012

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1. Introduction

The purpose of the annual Surveillance Report is fourfold:

1. to establish and report on whether or not there have been any material changes to the circumstances and practices affecting the original complying assessment of the fishery;
2. to monitor the progress made to improve those practices that have been scored as below “good practice” (a score of 80 or above) but above “minimum acceptable practice” (a score of 60 or above) – as captured in any “conditions” raised and described in the Public Report and in the corresponding Action Plan drawn up by the client;
3. to monitor any actions taken in response to any (non-binding) “recommendations” made in the Public Report;
4. to re-score any Performance Indicators (PIs) where practice or circumstances have materially changed during the intervening year, focusing on those PIs that form the basis of any “conditions” raised.

Please note: The primary focus of this surveillance audit is assess changes made in the previous year. For a complete picture, this report should be read in conjunction with the Public Certification Report for this fishery assessment.

2. General Information

2.1 Certificate Holder details

Certificate holder: Coöperatieve Visserij Organisatie (CVO) (Formerly Stichting van de Nederlandse Visserij)

Address: Postbus 64, 8300 AA Emmeloord, The Netherlands

Contact Name: Mr Derk-Jan Berends
Operational Secretary

Tel: 00 31 527 698 151

Email: djtberends@vissersbond.nl

2.2 General Background about the fishery

2.2.1 Area Under Evaluation

This evaluation relates to North Sea Sole (*Solea solea*), managed by the EU in accordance with EU Council regulation No 676/ 2007 on the long term management of Plaice and sole. All fishing takes place within EU waters and all landings to EU ports. All vessels are Dutch registered and members of the client group and signatories to the Clients own code of conduct. A vessel list is maintained at: <http://cvo-visserij.nl/gecertificeerde-vis/welke-schepen-zijn-gecertificeerd-voor-welke-soort/>

The fishery under evaluation is a seasonal bottom set gill net fishery with fishing typically taking place during April to September. The certified vessels are specially designed for static gear operations, with a net hauler on the forward starboard quarter and sufficient deck space for sorting and storing the catch and the nets. The net consists of a single netting wall kept more or less vertical by a float line and a weighted ground line. Each net is approximately 1m high (from the seabed) and 50m long with a **monofilament mesh size of 92mm**. However, fishing with 96mm mesh is very common to reduce catch of non-target fish. Typically lengths of nets are joined together, making long nets sometimes up to several kilometres in length. Vessels in this fleet typically carry between 100 and 300 nets. The Dutch regulations allow vessels to fish with a maximum of 500 nets. Nets are typically shot in the late afternoon, and hauled at around dawn, taking advantage of the sole's diurnal and nocturnal feeding behaviour. All nets are hauled each day, and brought ashore when vessels are not fishing.

2.2.2 Fishery Ownership & Organisational Structure

The client for this certification is The Coöperatieve Visserij Organisatie (CVO)¹ - a collaboration of EU Producer Organisations (POs) representing a range of vessels operating in the North Sea, Wadden Sea and coastal waters, Skagerrak and the English Channel. Further details about the organizational aims and structures are available at the newly launched website: <http://cvo-visserij.nl/>. All vessels covered by this certificate are members of one of the following Dutch POs: PO Nederlandse Vissersbond, PO Wieringen, PO Delta-Zuid, and PO Urk. These Producer Organisations have signed an undertaking to cooperate within a grouping called the GPO (Gezamenlijke Producenten Organisatie or Joint Producers Organisation), which manages and evaluates the management plan for this fishery, which all signatories of this certification must adhere to.

¹ August 25th 2011 The Dutch Fisheries Organisation became part of the Coöperatieve Visserij Organisatie.

2.2.3 History of the Fishery

Sole fisheries have a long history in the North Sea – initially more regarded as a bycatch species in the southern North Sea demersal fisheries since the early 1900s. The traditional sole fisheries of the North Sea were seasonal and relied on static gears catching the fish during night time feeding (much like the fishery under evaluation here) beginning in spring as sole moved inshore to spawn and continuing until autumn when the fish moved offshore to overwinter.

As the sole market and so price developed a more commercial targeted North Sea sole fishery emerged in the 1960s and expanded with introduction of large beam trawls specifically designed to catch flat demersal species such as sole. These allowed fishing to move further offshore and enabled catches to be taken at any time of day and during any season. The peak of sole landings occurred in the late 1960s but was followed by a decline in spawning stock biomass and landings. A total allowable catch was introduced in 1987 and quickly expanded with a further peak in landings occurring in the early 1990s but this was again followed by a decline in spawning stock biomass.

More recently a long term management plan for plaice and sole was introduced by the EC in 2007 which has lead to a gradual decline in fishing mortality and a gradual increase in spawning stock biomass. Today the majority of sole landings are still taken by the beam trawl fleet, working an 80mm mesh, although some of these vessels are now switching to sumwing or pulse trawls. However static gear inshore fisheries (such as the one under evaluation here) do however remain an important coastal fishery.

3. Assessment Process

3.1 Scope & History of the Assessment

The fishery entered the MSC assessment process in 8th November 2008 and was certified on 24 **November 2009** and the certificate is therefore due to expire on 23 November 2014. The original assessment team comprised Paul Medley, Tristan Southall and Bert Keus and the original assessment process included site visits in February 2009 to Ijmuiden and Scheveningen in The Netherlands. This enabled a scheduled programme of consultations to take place with key stakeholders in the fishery – including skippers, scientists, fishery protection officers, NGOs, fishery managers and technical support staff.

Fig. 1 - Allocation of weighted scores at Sub-criteria, Criteria and Principle levels

Principle 1 – Stock Status / Harvest Control Rules			
1.1.1	Outcome (status)	Stock status	75
1.1.2		Reference Points	80
1.1.3		Stock Rebuilding	75
1.2.1	Management	Harvest Strategy	90
1.2.2		Harvest control rules & tools	80
1.2.3		Information & monitoring	90
1.2.4		Assessment of stock status	80

Principle 2 – Wider Ecosystem Impacts			
2.1.1	Retained Species	Outcome (status)	85
2.1.2		Management	85
2.1.3		Information	75
2.2.1	By-catch	Outcome (status)	80
2.2.2		Management	80
2.2.3		Information	75
2.3.1	ETP Species	Outcome (status)	80
2.3.2		Management	80
2.3.3		Information	75
2.4.1	Habitats	Outcome (status)	95
2.4.2		Management	80
2.4.3		Information	85
2.5.1	Ecosystem	Outcome (status)	90
2.5.2		Management	85
2.5.3		Information	85

Principle 3 – Management / Governance			
3.1.1	Governance & Policy	Legal & customary framework	90
3.1.2		Consultation, roles & responsibilities	90
3.1.3		Long term objectives	90
3.1.4		Incentives for sustainable fishing	80
3.2.1	Fishery-specific Management System	Fishery specific objectives	80
3.2.2		Decision making processes	85
3.2.3		Compliance & enforcement	80
3.2.4		Research plan	85

Principle 3 – Management / Governance			
3.2.5		Management performance evaluation	90

Sourced from original assessment

As a result of the assessment, scores were awarded as detailed in fig. 1 (above), this resulted in 3 conditions of certification being raised by the assessment team, and maintenance of the MSC certificate is contingent on the fishery client moving to comply with these conditions within the time-scales set at the time the certificate was issued. In addition, 6 recommendations were made which, whilst not obligatory, the client is encouraged to act upon within the spirit of the certification. These conditions and recommendations are detailed in **Section 4.2.1** of this report.

3.2 Details of 3rd Surveillance Audit Process

3.2.1 Determination of surveillance level

Please see **Appendix 2**

3.2.2 Surveillance team details

The assessment team for this fishery assessment comprised of Tristan Southall, who acted as team leader and primary Principle 2 specialist; Paul Medley who was primarily responsible for evaluation of Principle 1 and Bert Keus who was primarily responsible for evaluation of Principle 3, Paul Macintyre was responsible for traceability / chain of custody considerations.

3.2.3 Date & Location of surveillance audit

Following a variation request submitted to the MSC this 3rd surveillance audit was carried out remotely. Further detail on this is provided in Appendix 2.

3.2.4 Stakeholder consultation & meetings

A conference call was held with the 12th November 2012, chaired by FCI with all members of the original assessment team taking part in the call. In addition a total of 76 stakeholder organisations and individuals having relevant interest in the assessment were identified as stakeholders and alerted to the surveillance audit process and invited to submit comments or information for consideration by the assessment team. This invitation to submit comment was also posted on the MSC website.

As a result, 2 stakeholders submitted information for consideration by the team. These are provided in Appendix 1 of this report, along with the assessment team's response.

Documents referred to

See **Appendix 4**.

3.3 Surveillance Standards

3.3.1 MSC Standards, Requirements and Guidance used

This surveillance audit was carried out according to the MSC Fisheries Certification Methodology (FCM) v6.1 and the MSC's Fisheries Assessment Methodology (FAM) v2.1.

3.3.2 Destructive fishing practices / controversial unilateral exemptions

No indication was given or suggested during the surveillance audit to suggest that either of these practices is in evidence for this fishery.

4. Results, Conclusions and Recommendations

4.1 Discussion of Findings

4.1.1 Changes in fleet structure or operation

There have been no changes in fleet operational practices. The number of vessels in the client group has however reduced and now stands at 30, with possible further sales of vessels anticipated in the near future. In spite of not being significantly restricted by quota or days at sea (effort control) the operational economics of the fishery under certification remain tight, and efforts to secure an increase in price by selling certified catches from small scale inshore fisheries to local retail chains has proved challenging because of the demands for a constant supply and consistent quality. In spite of this many of the vessels and fishermen covered by this assessment remain committed to the cause of sustainability and continue to take steps, over and above simple regulatory requirements to demonstrate the sustainable nature of their activity.

4.1.2 Changes in stock status and exploitation patterns

SSB has increased slowly in recent years, and fishing mortality has declined, although it remains above the target level. The fishing mortality was estimated to be 0.295 in 2011 compared to the target 0.22. The spawning stock biomass (SSB) and landings have recently been dominated by the 2005 year class, but this effect is now starting to decline. The 2009 year class, which will enter into the SSB in 2012, is above average and should lead to an increase in SSB.

A multiannual plan for plaice and sole in the North Sea was adopted by the EU Council in 2007 (EC regulation 676/2007) which describes two stages: to be deemed a recovery plan during its first stage and a management plan during its second stage. ICES considers this plan to be precautionary. The sole stock has been within safe biological limits in terms of fishing mortality since 2008, while SSB has been slightly fluctuating around the biomass trigger (Bpa=35 kt) since 2008, but is expected to increase well above this trigger level in 2013. It appears that the objectives of stage 1 have been met and therefore the fishery is in a transition to stage 2.

Currently the mixed sole and plaice fishery is dominated by bottom trawls, and there have been changes in this technology which may well change selectivity (“SumWing” and electric “Pulse trawls”). The change in fishing mortality in the mid-2000s was most likely the result of a reduction in the beam-trawl fleet capacity, as well as high fuel prices. Although effort controls are in operation, within the last 3 years effort limitations have not been restrictive. However, due to other limitations, fishing effort has shifted to the southern part of the stock which may affect selectivity.

4.1.3 Changes in ecosystem interaction or management

Since the time of the last surveillance restrictions of fishing in Dutch European Marine sites (Natura 2000) have been implemented. In the main these restrictions apply to mobile gears, such as trawl and beam trawl, but it does include some zones in which all fishing activity is prohibited – effectively no take zones. Consequently the area of seabed available to the certified fleet to fish in is slightly reduced since the time of assessment, although the fleet report that the impact on earnings of this additional restriction is – for them at least – minimal.

4.1.4 Changes in management

No significant changes in the management structure.

4.1.5 Catch data

See **Appendix 5**.

4.2 Reporting on Conditions & Recommendations

4.2.1 Condition 1

Condition 1: Target Stock Status / Rebuilding	
Performance Indicators:	1.1.1 & 1.1.3
Timelines	Within the 5 year lifespan of the certificate [formerly was within 2 years of certification]
Summary of issues	It is not currently possible to state with a high degree of certainty that the recently agreed rebuilding strategy in place for the fishery is effective. Once it can be demonstrated that the stock is being rebuilt, and the rebuilding strategy has been effective then 1.1.3 will be rescored above 80.
Suggested Action	The rebuilding strategy (which includes the harvest control rule) should be re-evaluated, followed by an appropriate management response.

Source original assessment 2010

Progress against interim milestones

At the 2nd surveillance audit, the timeline was extended from 2 to 5 years to close this condition. This was justified on the basis that a 5 year timeline was still consistent with PI 1.1.3 SG80 and allowed for uncertainty and difficulties in the rebuilding schedule (e.g. variations in recruitment).

There is a B_{MSY} trigger (35000t), which the SSB is to be maintained above, and therefore the lower boundary for the B_{MSY} region. F_{MSY} (0.22 year⁻¹) is the current target for the fishing mortality, but has not yet been attained.

The TAC advice from ICES has implemented the current management plan since 2009. In general, the TAC agreed by the EU Council of Ministers has followed this advice, with the exception of 2012 where it was set slightly higher (Table 1). No justification has been found for this higher setting. Catches fell short of the TAC in 2010 and 2011, and fishing mortality has decreased. SSB has not climbed above the B_{MSY} trigger since 2009, but has remained slightly below. However, a stronger recruitment is expected to enter the fishery in 2012, which should also result in a further decrease in fishing mortality.

Table 1 - Summary of recent management performance in the North Sea sole fishery. The TAC Advice is provided by ICES and defined by the Multi-annual Management Plan. The TAC agreed is the actual catch limit applied. The Catch is the actual catch estimated by ICES working group. The realized fishing mortality (F) and spawning stock biomass (SSB) were estimated in the 2012 stock assessment, and can be compared to the current targets of 0.22 and >35.0 respectively.

Year	TAC Advice	TAC Agreed	Catch	F	SSB
2009	<14.0	14.0	14.0	0.364	33.1
2010	<14.1	14.1	12.6	0.355	33.5
2011	-	14.1	11.5	0.296	34.7
2012	<15.7	16.2			46.7
2013	<14.0				

TAC, Catch and SSB in '000 t. F in year⁻¹

Changes to condition

None

Updated status

In practice, the stock is rebuilding to levels meeting the PI 1.1.1 SG80, and the stock should meet the criteria by the end of certification. In particular, it seems likely the $SSB > B_{MSY}$ trigger. Maintaining catches around the 2011 level (14 000 t) should lead to fishing mortality close to the target level (0.22). Therefore, as far as can be ascertained, the condition is on target, but this will need verified through future surveillance audits.

There are two worrying issues remaining in the management of this fishery. Firstly, there appears to be no justification for setting TACs above the agreed management plan in 2012, although the difference was small. The departure from the agreed plan seems unnecessary, and does not appear precautionary given the retrospective bias in the stock assessment among other uncertainties. Secondly, the fishery should move to Stage 2, where a long term management plan is agreed. The management system appears slow in making this change, although we note that the client and others have pressed for this transition to Stage 2 to be completed, and have raised this issue with the European Commission and at the North Sea RAC.

For this condition to be closed we will need to see fishing mortality below 0.25 (the upper range for F_{MSY}), SSB sustained above 35 000 t and evidence that a long term management plan is being developed and/or implemented.

4.2.2 Condition 2

Condition 2 related to the differentiation of catches retained by different types of gill nets to be implemented in the national landings database (VIRIS). This was concluded to be done, and therefore the condition was closed out at the time of the 1st surveillance audit. No further comment on this condition is therefore required.

4.2.3 Condition 3

Condition 3: Discarding & ETP Information	
Performance Indicators:	2.2.3, 3.3.3
Timelines	By the 3 rd surveillance visit
Summary of issues	Although it is anticipated that discarding level is low, there is no independent corroboration of this available to assessors. Discard levels (both species and quantity) should be independently assessed by research project(s). Any such on-board observations should also take the opportunity to record interactions with ETP species. IMARES and other national environmental groups with relevant expertise should be consulted in the design of any such program.
Suggested Action	Analysis of focused research on discard levels and interaction with ETP species in the Dutch sole gill net fishery should be made available to MSC assessors.

Source original assessment 2010

Progress against interim milestones

No government funded observer trips in the Dutch Sole Gillnet Fishing have taken place under the EU data collection framework (DCF). Although The Netherlands are obliged to sample ten gill net fishing trips under the DCF, observer work has been focused on board gill net trips in which cod was targeted.

However, prior to this 3rd surveillance audit the assessors were provided with 2 papers reviewing bycatch sampling initiated by the client and carried out in the certified fishery in the last 12 months.

The first of these was a report of independent bycatch survey work carried out by Willem Ment den Heijer and the 2nd was analysis of the results of the fleets own self sampling of bycatch carried out by IMARES. This enabled the results of the self sampling of bycatch to be compared with a more independent on board sampling programme.

In the work carried out by Willem Ment den Heijer sampling trips were undertaken on board KW-2 'Astrid' and SCH-10 'Drie Gebroeders'. The sampling counted quantities of sized (i.e. retained) and undersized (i.e. discarded) fish, but the paper highlights some of the practical difficulties in carrying out on board sampling on board relatively small static gear vessels.

The results show that Dab – both sized and under sized is the main bycatch species, at times exceeding the catch of sole, although the report does note that sampling took place during a period of abundant juvenile Dab in Dutch coastal waters. In addition the report notes that the variation between one catch and another in a slightly different location can be significant. Fishermen reported that dab catches are increased if nets are left in the water too long after dawn, and that they can usually move to reduce unwanted catches of dab.

The results suggest that the main bycatch species is Dab, with other species such as plaice, turbot, brill, seabass and mackerel, although occasionally retained – not making up less than 5% of landings therefore not considered to be main. Just a single cod was caught from the 15 samples and this was retained.

These findings can be contrasted with the fleets own self sampling programme, which has been analysed by IMARES (who previously advised on the self-sampling protocol). In the period April-September 2012, seven fishermen sampled their catch during in total 114 fishing trips. On average, sole is the most abundant species in the landings of these gill net fishers with dab being the most abundant bycatch species – typically discarded. Other common discard species include flying crab and green shore crab. Again, this survey work has highlighted the variation between different fishing trips.

IMARES welcome the fact that the gillnet fishermen have initiated this sampling programme and highlight that prior to 2011, hardly any discard data were available both due to the cost and the practical difficulties of sampling from small vessels. Self-sampling is a worthy alternative, although IMARES highlight some difficulties with the approach and make the following recommendations:

- » participants ensure they all carry out the sampling protocol in the same way. The person analysing the data should be present as well;
- » participants are instructed to register all required information, including soaking time, total net length and length of the sampled net;
- » the unit of discards is standardised to numbers per hour and 1000 meters net.
- » results from the self-sampling are cross-checked with other sources of information on discarding, preferably based on monitoring data from independent observers or onboard cameras.

Remedial actions

None

Changes to condition

None

Updated status

Clearly this has been a challenging condition for the client to fulfill, having previously been scored as 'behind target'. Both the independent surveyor (Willem Ment den Heijer) and Floor Quirijns (IMARES) highlight weaknesses in the data and point to difficulties in drawing statistically robust conclusions from such a varying data set with perhaps different interpretations of the sampling protocol. That said the assessment team have also taken note that IMARES have welcomed the development of the sampling as a big step forward.

The client has paid for sampling and analysis and several of the client group skippers and crew have clearly put in considerable effort to collect this data. This is commendable and provides the assessors with a far stronger indication of the catch composition of the certified fleet than was available at the time of the original assessment.

The results largely support the original conclusions of the assessment which indicated that dab (including occasionally in very large quantities) are the main bycatch species along with flounder and plaice. The results also support the comment at the time of the original assessment that the bycatch of cod is low and bycatch of ETP is zero.

The client has indicated that they intend to continue with the self sampling programme in 2013, in doing so seeking to address the IMARES recommendations. The assessment team would encourage the client to indeed continue this in order to provide a fuller and more statistically robust set of information. In addition, it should be noted that some 12 member vessels of the client group have so far signed up to a pilot scheme for on board CCTV which is expected to roll out in 2013. Although this particular pilot is focused on ETP interactions, there may also be scope to use the results for discard verification.

The assessment team has concluded that although there are some weaknesses in the data presented and coverage is not comprehensive, the level of information provided is now sufficient to meet the SG 80 guidepost for all scoring issues under 2.2.3 and 3.3.3 enabling these to be rescored to 80 and this condition is therefore closed out.

4.2.4 Recommendations

Recommendation 1 Stock Assessment includes wider uncertainties

This recommendation was considered to be fully implemented at the time of the last (2nd) surveillance audit in 2011, therefore no further comment is required.

Recommendation 2 Recording fishing gear loss

The client has provided a summary of gear conflicts for the previous year. This shows just a single recorded incident (20.6.2012) of conflict between a beamer (300 hp) and two Gill netters around Scheveningen. In the event no nets were lost but from both sides good communication seemed to be lacking. That was the only incident that was recorded this year.

It is interesting to note that a stakeholder raises gear loss and ghost fishing as an issue. Although the assessors are satisfied that this ghost fishing in question is not the result of this fishery, or this gear (instead it seems to be the result of wreck fishing), the very fact that anecdotal comment still circulates supports the case for keeping a good log of any gear loss events, so that any future discussions can be supported by a better factual base.

Recommendation 3 Stakeholder engagement on spatial Issues

There are reports that some of the conflict with recreational netters is now reduced following the closure of the recreational fishery and the subsequent re-opening under licence. As noted earlier,

the Dutch Marine Site zonation process is now complete, which includes areas where all fishing gears are banned. The fishermen have been represented in this process. The DFO is encouraged to engage stakeholders on these matters and provide updates at next audit.

Recommendation 4 Incentives

The Dutch fishing fleet capacity is capped at current levels by nation Dutch regulations. All under 10 metres vessels are limited to a maximum of 500 nets. The certified fleet is limited to a maximum of 300 nets. The client pointed out that other gill net fisheries in the southern North Sea, including some MSC certified fisheries are not restricted in the number of nets therefore the Dutch position is a clear commitment to avoiding a negative incentive. In this context it is unlikely that there will be a further reduction in the near future.

Recommendation 5 Enforcement

This recommendation was considered to be fully implemented at the time of the last (2nd) surveillance audit in 2011, therefore no further comment is required.

Recommendation 6 ETP Interactions

It is noted that perhaps as many as 12 vessels in the client group have voluntarily signed up for a CCTV pilot in 2013, focusing on gill net interactions with ETP. The enthusiasm for this initiative is seen as an indication that fishermen are keen to demonstrate their 'clean' fishery, as there is no other incentive (as in the case in some other CCTV programmes), such as increased quota. The assessors look forward to hearing an update on this project at the time of the 4th surveillance visit.

4.3 New Conditions & Recommendations

None

4.4 Conclusions

Table 1 – Summary of progress on conditions

Binding Conditions / Recommendations	Descriptions	Status of Progress
Condition 1	The target stock status and rebuilding	On target
Condition 2	Retained species information	Closed out 2010
Condition 3	Discarding and ETP information	Closed out 2012

Sourced from original assessment

4.5 Status of Certification

As a result of this 3rd surveillance audit, the Dutch Sole Gill net fishery continues to be CERTIFIED.

5. Catch Data

Table 2 - Catch Data

Total TAC for most recent fishing year (2011):	14,100t
Dutch share of overall TAC (2011)	10,517t
Unit of Certification share of the total TAC established for the fishery in most recent fishing year*	
	UoC 1 n/a
Client share of the total TAC established for the fishery in most recent fishing year (2011):	76 t ²
Total Dutch greenweight catch taken all vessels in the two most recent calendar years:	8770 t (2010)
	8133 t (2011)
Total greenweight catch taken by the client group in the two most recent calendar years:	109 t (2010)
	76 t (2011)

* To be added into MSC database for each Unit of Certification

Source: Fishery client

² Sole quota is not currently limiting – the overall Dutch quota is not fully taken up, therefore the client vessels are able to carefully buy / trade quota to cover their landings.

Appendix 1 – Written Submissions from Stakeholders

Comments - Dutch Organisation of Professional Rod & Line Fishermen

12th November 2012

Dear Assessor,

My name is Imre Schep, chairman of the Dutch Organization of Professional Rod and Line Fishermen (VBHL). I would like to make some remarks concerning the DFO Gill Net Sole Fisheries, even though we are colleague fisheries in Holland. My comments are related to P2, retained/discarded species and ecosystem impact. See below for further details.

Comments regarding to P2, retained and discarded species:

- » Checking catch data on PEFA show some discrepancies. At Ijmuiden fish auction the IJM368 is labeled as MSC certified but this number is not on your client list. The IJM369 is. Is your client aware of this mix-up and in the light of traceability, what are the consequences of this mix-up and how is your client going to prevent such mix-up in the future?
- » Condition 2 in your clients final certification report states that accurate and verifiable data on retained species should be provided to the assessors at this moment. Are these data available and do they match with data provided by for example PEFA? PEFA shows some remarkable data, where at some days one fishery is only landing sole and his/her colleague at that very same day is landing a mixture of species. Is this consistent with your clients administration? Is the mixture of species a result of another gear type or are these species retained while fishing with the certified gill net? If the mixture is a result of the use of another gear type, how is mixing of certified sole and non-certified sole prevented on board of the vessels?
- » Based on PEFA it seems some of your client fisheries do catch more other species than certified sole, so the impression arises that not all fisheries do have sole as their target species. What does your client's administration say about that? And if the impression based on PEFA is correct, what are your client's intentions with these specific fisheries? Does your client have a set of rules or standards by which they can score a single fishery to make up whether a fishery has sole as a target species or not? And what if a fishery does not meet that standard?
- » Some screen dumps of PEFA are attached to this mail, grouped in a PDF document. Specific comments by each screen dump is given within this document.

Comments regarding to P2, ecosystem impacts:

- » During the main assessment the impact on ecosystem was said to be low, so no further conditions were formulated on this issue. The problem of ghost fishing was stated at low risk. In this matter I would like to point to the result of the project Duik de Noordzee Schoon, DDNZS (<http://www.duikdenoordzeeschoon.nl>). Divers visited several shipwrecks in the North Sea and everywhere they came: nets, both from beamtrawlers and gill net fisheries. On some locations they found hundreds of meters gill net, stuck to the underwater structures. Several thousands of euro's are spend to clean these shipwrecks from nets, fishing lines that got stuck to them and to free the animals that got tangled up in those nets. Recently a new European project got started to preserve the cultural heritage of shipwrecks: SASMAP (<http://sasmapp.eu>). Any harm to shipwrecks must be prevented. Is your client aware of the impact of its fishery on the ecosystem (shipwrecks as a habitat in specific) and the scale of ghost fishing by nets stuck to shipwrecks? Is your client aware of the

developments such as DDNZS and SASMAP and are measures in place to prevent further future damage to shipwrecks?

- » Our main interest is sea bass and cod as retained and probably discarded species by your client's fisheries. The VBHL is MSC certified for its rod and line fishery for sea bass and therefore is highly interested in your client's measures to prevent retaining and discarding large quantities of this specie. The VBHL is depending on the presence of enough and relative clean shipwrecks. Not only to be able to catch sea bass, but also to maintain our status of sustainable fishery with relative low ecosystem impact. Lost nets of your client's fisheries are causing an enlarged risk of gear loss for our fishery. This is also a problem for recreational anglers fishing for cod, causing the loss of tons of lead every year. These aspects, together with the social aspect and preservation of shipwrecks as cultural heritage, should be reasons enough for your client to take measures on this subject.

I know that I am rather late with this comment, but I hope it is still in time for you to look into it.

Kind regards,

Imre Schep (Chairman)

Dutch Organization of Professional Rod and Line Fishermen

Comments - Marine Stewardship Council (MSC)

2nd November 2012

(Dear FCI),

I have been asked to share some details of potential issues so they can be investigated and answered as part of the upcoming surveillance audit.

1. The MSC believes that the Dover sole gill nets used at the wrecks are different nets from the ones that are used in the certified gill net fishery.
 - a. If this is correct, the scoring of P2 does not currently consider the associated issues (e.g., ghost fishing, increased bycatch)
 - b. If the intent is for this wreck fishing to be kept outside the UoC and thus not MSC certified, issues of separation, traceability, etc. need to be considered.

(In follow up communication)

The (data provided) shows the landing of one of the MSC certified sole fishermen, vessel Aletta, on the 24th of October. This vessel had a sole catch while it was fishing with its Wreck gear targeting Seabass and Cod. This is no exception and some other vessels in the certified group have targeted bass, but also landed a bycatch of sole. At the auction this is marked as an MSC certified vessel.

This does not appear to be merely a CoC issue, as seems to be one of monitoring as well. FCI should be in a position to know what gears are used, what bycatch is generated, etc. Obviously, MSC-certified sole and non-MSC-certified sole should not be mixed, and potential mixing should be monitored with a system to ensure that different gears are not used by the fishermen during the same trip.

2. Reports on PEFA show possible challenges for either both or one of both conditions to the fishery's certification. Catch compositions show substantial bycatch percentages, but not for all, so how can the fishery come to truly reliable bycatch estimations (condition) if a part of the fleet doesn't land the bycatch (or at least not always)? In addition, if the fishery has discards, what is being done about this and how accurate are the estimates they are developing for the other condition? Since bycatch (and potentially discards) levels are potentially significant, the question is if P2 has been accurately scored in the first place.

(In follow up communication)

(The data) show that some fishermen are discarding and some have high bycatch rates. Condor has mixed catches, and Art jan lands a clean sole catch, which seems a bit odd since these two vessels operated similar gears in similar areas and landed in the same auction on the same day.

The MSC can share landings data on PEFA with you, as long as you do not show the fishery the full set of information displayed on the screen. I realise the MSC granted a variation to hold this audit as offsite. However, if these issues cannot be addressed fully without an onsite visit, one will need to be done.

Please contact me with any questions.

Regards,

Jodi Bostrom

MSC

Client Response

The following comments from the clients are taken from e-mail correspondence in relation to the issue outlined by the 2 stakeholders above:

In relation to wreck fishing

The gillnets used by our fishermen are totally different to wreck fishing nets, which are used to catch cod and seabass. Vessel could use both 90-100 mm (Sole) and 140-160 mm (Cod on wrecks) nets on board but they've to fill in two different EU logbooks during that trip. But it's not common practice to work with both at the same time.

Wreck fishing is not part of our UoC.

In relation to discarding

Undersized fish in the catch have to be discarded. Discarding only occurs at certain times and certain locations during the season, especially Dab discards. These discards (unwanted bycatch) are a nuisance and fishermen will do anything they can to prevent these. This means, for instance, that they will shorten the soaking time during the summer nights so that the nets are lifted before Dab swim into the nets. But also they refrain from fishing certain hotspots.

Auction Response

13/11/2012

Derk Jan,

ik heb de verkoop uitdraai van de IJM368 dd 24102012 even nagekeken en de tong is niet onder MSC label verkocht, ook de zeebaars is niet onder MSC label verkocht, dus mijn inziens is het allemaal correct, met vriendelijke groet

Martin Nieuwenhoff

PS op pefa staat GILNET met tussen haakjes MSC dus dat is misschien het misverstand

Translation:

Derk Jan,

I have checked the sale print of the IJM 368 from 24-10-2012 and the sole is not sold under the MSC label, also the seabass is not sold under the MSC label, so in my opinion everything is correct.

Best regards Martin Nieuwenhoff

PS on pefa it says GILNET with between brackets MSC so that has maybe caused the misunderstanding.

FCI Response - Dutch Organisation of Professional Rod & Line Fishermen

From: Lesley Hamilton

Sent: Tue 11/12/2012 09.32

To: Imre Schep (VBHL)

Subject: Response to comments re DFO Gill Net Sole Fisheries - DutSGTN

Dear Mr Schep

Further to the issues you raised for discussion at the recent surveillance audit for the CVO Sole Gillnet Fishery, note that these have been discussed and addressed with the assessment team and the client and please see the response below. This has been included in the report which will be published on the MSC website in due course.

The FCI assessment team have reviewed the stakeholder submissions, and the client's response to these. At our request, the client has also chased up the issue with the auction house in question for clarification, which we have also been included above.

There seem to be 2 key issues:

1. Are sole caught as a bycatch in the wreck fishery for cod and bass being sold as MSC certified – if so is this permitted / intended? If so, has the ecosystem impact, including ghost fishing of gill nets stuck to wrecks been considered?
2. Different vessels in the targeted sole fishery appear to have very different catch profiles – does this suggest discarding, or perhaps that sole is not even the target species?

Below we address each of these in turn, outlining the assessment team's actions and conclusions.

Wreck fishing

The assessment team can clarify that any sole caught as a bycatch in a wreck fishery targeting cod and bass is not covered by this assessment and is therefore not certified. To the best of our knowledge no Dutch gillnet wreck fishery for bass or cod (or any bycatch) is MSC certified. Even if one of the certified vessels in this assessment was using wreck gear to target cod and bass at wrecks and had a small bycatch of sole, this would not be covered by this assessment and should therefore not be sold as MSC certified.

The 2 different gears in question are very different. Although vessels are legally allowed to carry both gears at the same time, they rarely would and logbooks are clearly able to (and there is a requirement to) differentiate between the 2 gears. This should mean landings of one gear should not be confused with landings of a different gear. Any attempt to land sole from one gear as sole from another gear would therefore be a logbook infringement, which is illegal and lead to sanction.

In the particular case reported by the stakeholder, the vessel carrying out the wreck fishing is not one of the client group of vessels and has never been covered by this certificate. It is clear that any sole caught in that case should not have been MSC certified. However, according to the auction themselves, having checked their records, the sole was not sold as MSC certified and that the confusion probably arose due to the screen grab – either a misinterpretation of the data presented or a mistaken data entry – we are not sure which.

We are therefore satisfied that the client, or any of the client group of vessels, have not tried to sell sole caught in a different fishery as MSC certified. The response of the auction, at least initially, indicates that there has not been a mis-selling of MSC sole, however the FCI fishery assessment

team have raised this issue with the Chain of Custody Inspectors to follow up on their next inspection.

As it is clear that wreck fisheries are not covered by this assessment, it has not been necessary to consider the question of ghost fishing or other ecosystem impacts of the wreck fishery.

Retained / bycatch

The evidence presented by the stakeholder suggests that some vessels land a clean sole catch whilst others land sole with a significant bycatch, in particular of Dab. The assertion is that this either implies inaccurate data, or that one vessel is discarding.

It should be made clear that discarding of undersized fish is not illegal and at no point does the MSC assessment suggest that there is no discarding. Instead the assessment seeks to quantify and consider the impact on any bycaught species. Due to weaknesses identified at the time of the original assessment, conditions were raised which sought to focus on getting accurate gear specific *landings* data and on getting an improved profile of *catches* and discarding. The evidence presented by the stakeholder suggests that there are differences in the catches (or bycatches) of one vessel to another. However this is supported by the description of local hotspots of bycatch of dab, and also mirrors the bycatch profiling evidence presented in response to condition 3. The assessors are therefore of the view that this does not present a contradictory piece of evidence and the response to condition 3 should be seen as the up to date conclusion on this issue.

Kind regards

Lesley Hamilton

Scheme Administrator – MSC Fisheries

FCI Response - Marine Stewardship Council (MSC)

From: Lesley Hamilton

Sent: Tue 11/12/2012 09.16

To: Jodi Bostrom (MSC)

Subject: Response to issues raised – DutSGTN

Dear Jodi

Further to the issues you raised for discussion at the recent surveillance audit for the CVO Sole Gillnet Fishery, note that these have been discussed and addressed with the assessment team and the client and please see the response below. This has been included in the report which will be published on the MSC website in due course.

The FCI assessment team have reviewed the stakeholder submissions, and the client's response to these. At our request, the client has also chased up the issue with the auction house in question for clarification, which we have also been included above.

There seem to be 2 key issues:

3. Are sole caught as a bycatch in the wreck fishery for cod and bass being sold as MSC certified – if so is this permitted / intended? If so, has the ecosystem impact, including ghost fishing of gill nets stuck to wrecks been considered?

4. Different vessels in the targeted sole fishery appear to have very different catch profiles – does this suggest discarding, or perhaps that sole is not even the target species?

Below we address each of these in turn, outlining the assessment team's actions and conclusions.

Wreck fishing

The assessment team can clarify that any sole caught as a bycatch in a wreck fishery targeting cod and bass is not covered by this assessment and is therefore not certified. To the best of our knowledge no Dutch gillnet wreck fishery for bass or cod (or any bycatch) is MSC certified. Even if one of the certified vessels in this assessment was using wreck gear to target cod and bass at wrecks and had a small bycatch of sole, this would not be covered by this assessment and should therefore not be sold as MSC certified.

The 2 different gears in question are very different. Although vessels are legally allowed to carry both gears at the same time, they rarely would and logbooks are clearly able to (and there is a requirement to) differentiate between the 2 gears. This should mean landings of one gear should not be confused with landings of a different gear. Any attempt to land sole from one gear as sole from another gear would therefore be a logbook infringement, which is illegal and lead to sanction.

In the particular case reported by the stakeholder, the vessel carrying out the wreck fishing is not one of the client group of vessels and has never been covered by this certificate. It is clear that any sole caught in that case should not have been MSC certified. However, according to the auction themselves, having checked their records, the sole was not sold as MSC certified and that the confusion probably arose due to the screen grab – either a misinterpretation of the data presented or a mistaken data entry – we are not sure which.

We are therefore satisfied that the client, or any of the client group of vessels, have not tried to sell sole caught in a different fishery as MSC certified. The response of the auction, at least initially, indicates that there has not been a mis-selling of MSC sole, however the FCI fishery assessment team have raised this issue with the Chain of Custody Inspectors to follow up on their next inspection.

As it is clear that wreck fisheries are not covered by this assessment, it has not been necessary to consider the question of ghost fishing or other ecosystem impacts of the wreck fishery.

Retained / bycatch

The evidence presented by the stakeholder suggests that some vessels land a clean sole catch whilst others land sole with a significant bycatch, in particular of Dab. The assertion is that this either implies inaccurate data, or that one vessel is discarding.

It should be made clear that discarding of undersized fish is not illegal and at no point does the MSC assessment suggest that there is no discarding. Instead the assessment seeks to quantify and consider the impact on any bycaught species. Due to weaknesses identified at the time of the original assessment, conditions were raised which sought to focus on getting accurate gear specific *landings* data and on getting an improved profile of *catches* and discarding. The evidence presented by the stakeholder suggests that there are differences in the catches (or bycatches) of one vessel to another. However this is supported by the description of local hotspots of bycatch of dab, and also mirrors the bycatch profiling evidence presented in response to condition 3. The assessors are therefore of the view that this does not present a contradictory piece of evidence and the response to condition 3 should be seen as the up to date conclusion on this issue.

Kind regards

Lesley Hamilton

Scheme Administrator – MSC Fisheries

Appendix 2 - Surveillance Plan

Table A2.1: Fishery Surveillance Plan

Score from CR Table C3	Surveillance Category	Year 1	Year 2	Year 3	Year 4
2 or more	Normal Surveillance	On-site surveillance audit <i>Completed</i>	On-site surveillance audit <i>Completed</i>	Off-site surveillance audit completed (Variation granted)	On-site surveillance audit & recertification site visit

Appendix 2.1 Rationale for determining surveillance score

Undertaking annual surveillance audits to provide an update on progress made against conditions or to report on any changes in status or circumstance in a fishery has been a routine part of the MSC certification scheme since its inception. In more recent certification requirements stipulated by the MSC, there is recognition that the level of the original scoring and the number of the original conditions should be used to determine the frequency and rigor of a fisheries surveillance programme and the MSC provide guidance on how to determine an appropriate level of surveillance.

In the case of the Dutch sole gill net fishery, as a result of the 3 conditions and principle level scores below 85, it is determined that a normal level of surveillance is necessary, meaning an annual on site visit is required.

At the time of this 3rd surveillance audit a request was submitted for a variation from the above methodological requirements. This was submitted by FCI in August 2012 following a request from our Client, Coöperatieve Visserij Organisatie (CVO) Co-operative Fishery Organization (Formerly Stichting van de Nederlandse Visserij) and consultation between the Client and MSC.

The grounds for this variation were that there had been no significant changes to operational practices in this fishery – in terms of gear or area of fishing. The fleet is small and only takes a very small proportion of even the Dutch national quota allocation. Key information to carry out the surveillance including updated management advice is available remotely and interpretation is not compromised by being carried out remotely. For example, for condition 1 updated advice and ICES working group reports provide all information needed to update progress on the condition. For condition 3, the last surveillance audit clearly highlighted a need for assessors to see research analysis, results and outputs – in short this is another documentary check, so again it is not compromised by being done remotely. This information was provided prior to the surveillance and an indication of content of these research findings used to inform the variation request.

The variation request to carry out remote surveillance was duly granted by MSC.

Appendix 3 - Changes to Client Action Plan

None.

Appendix 4 - References

- » ICES (2012). Sole in Subarea IV (North Sea). Advice June 2012. 6.4.10
- » Ment den Heijer, W. (2012). By catch sampling in the Dutch gill-net fishery for North Sea Sole. Coöperatieve Visserij Organisatie (CVO) (unpublished).
- » Quirijns, F. (2012). Discards monitoring in the Gillnet Sole Fishery. IMARES (unpublished).