

**Marine Stewardship Council**

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## **MSC General Certification Requirements**



**Version 2.1, 20<sup>th</sup> February 2015**

## About the Marine Stewardship Council

### Vision

Our vision is of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations.

### Mission

Our mission is to use our ecolabel and fishery certification program to contribute to the health of the world's oceans by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood, and working with our partners to transform the seafood market to a sustainable basis.

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The official language of this standard is English. The definitive version is maintained on the MSC's website [www.msc.org](http://www.msc.org). Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

The MSC prohibits any modification of part or all of the contents in any form

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## Introduction

### A. Responsibility for these requirements

Responsibility for these requirements is held by the Marine Stewardship Council. Readers should verify that they are using the latest copy of this (and other related documents). The definitive version of the requirements is maintained on the MSC's website at [www.msc.org](http://www.msc.org).

#### Versions issued

Version No.	Date	Description Of Amendment
Consultation Draft	17 January 2011	First publication of consolidated MSC scheme requirements, released for consultation.
0.0	7 March 2011	First draft of revisions following MSC and CAB consultations.
0.8	19 May 2011	Draft issued to the MSC Technical Advisory Board for final review and sign-off.
1.0	15 August 2011	First version issued for application by Conformity Assessment Bodies.
1.1	24 October 2011	Version issued incorporating revised Group CoC requirements and correcting typos, page numbering, wrong and missing referencing and unreadable flowcharts.
1.2	10 January 2012	Version issued incorporating TAB 20 agreed changes regarding reassessment, objections procedure, modifications to the default assessment tree to assess bivalves, implementation timeframes and ASC requirements. Minor edits, wrong and missing referencing, typos and unreadable Figures were corrected.
1.3	14 January 2013	Version issued incorporating TAB 21 and BoT agreed changes. Minor edits and clarifications were also incorporated.
1.4	31 January 2014	Version issued incorporating TAB 22 and BoT agreed changes (see Table 1 below). Parts A and B only released in v1.4
2.0	1 October 2014	Version issued incorporating changes to the standard as a result of the fisheries standard review and changes to CABs procedures as a result of the speed and cost review.
2.1	20 February 2015	Version issued incorporating TAB 24 and BoT agreed changes to certificate transfer, suspension and withdrawal, and minor document restructure.

### B. About this document

The General Certification Requirements (GCR) for Conformity Assessment Bodies (CABs) contain mandatory requirements for all CABs that carry out audits of fisheries or supply chain organisations who wish to make a claim that product(s) they are selling are from a well-managed and sustainable source(s).

In the following documents you will find the mandatory requirements for CABs undertaking Chain of Custody and/or fisheries audits.

Document	Conformity
MSC General Certification Requirements	Mandatory for all CABs
MSC Chain of Custody Certification Requirements	Mandatory for all CABs
MSC Fisheries Certification Requirements	Mandatory for CABs certifying fisheries

## General Certification Requirements

The purposes of the MSC General Certification Requirements are:

- To establish consistent certification requirements to enable all CABs to operate in a consistent and controlled manner;
- To provide the transparency that is required of an international certification scheme for it to have credibility with potential stakeholders, including governments, international governmental bodies (e.g., regulatory bodies, fishery managers), CABs, suppliers of fish and fish products, non-governmental organisations and consumers;
- To provide documentation designed to assure long-term continuity and consistency in the delivery of MSC certification.

## Guidance

The Guidance to the MSC General Certification Requirements has been produced to:

- Help CABs interpret this document;
- Provide clarification on questions asked by CABs;
- Address areas of concern to the MSC;
- Act as a training aid for both MSC and CAB staff,
- Detail process that should be followed in special cases.

Guidance that relates to a section, or relates to the content of a specific clause, appears in a box at the end of section or clause.

## Auditability

The guidance is not directly auditable. It is, however, expected that the guidance included in this document will be applied by CABs where applicable unless there is a justification for not doing so.

## Derogations

A derogation indicates a measure which allows for all or part of the requirement to be applied differently, or not at all, to certain applicants or certificate holders.

Derogations are indicated by a footnote including:

- The authority who made the decision on the derogation;
- The date or meeting number of the decision;
- The date on which the derogation came into force or expires; and
- A short description of the derogation.

## C. General introduction

### MSC Standards and Certification Requirements

With experts and following international consultation with stakeholders, the MSC has developed standards for sustainable fishing and seafood traceability. The standards ensure that MSC-labelled seafood comes from, and can be traced back to, a sustainable fishery.

MSC Standards and requirements meet global best practice guidelines for certification and ecolabelling programs.

### Fisheries certification

The MSC Fisheries Standard sets out requirements that a fishery must meet to enable it to claim that its fish come from a well-managed and sustainable source.

Throughout the world fisheries are using good management practices to safeguard jobs, secure fish stocks for the future and help protect the marine environment. The science-based MSC environmental standard for sustainable fishing offers fisheries a way to confirm sustainability, using a credible, independent third-party assessment process. It means sustainable fisheries can be recognised and rewarded in the marketplace, and gives an assurance to consumers that their seafood comes from a well-managed and sustainable source.

The MSC Standard applies to wild-capture fisheries that meet the scope requirements provided in section 7.4 of the Fisheries Certification Requirements (FCR).

The MSC Fisheries Standard comprises three core principles:

#### **Principle 1: Sustainable target fish stocks**

A fishery must be conducted in a manner that does not lead to over-fishing or depletion of exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

#### **Principle 2: Environmental impact of fishing**

Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the fishery depends.

#### **Principle 3: Effective management**

The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.

### Chain of custody certification

Before the MSC ecolabel can be used on seafood, or any claim about the MSC can be made, an assessment must take place at each preceding step in the process that confirms the product originates from a fishery certified to the MSC Fisheries Standard.

Chain of Custody (CoC) certification provides credible assurance that products sold with the certification scheme trademarks can be traced throughout the supply chain to a certified source. To achieve this, organisations in the supply chain are subject to certification against the MSC Chain of Custody Standard for seafood traceability.

The MSC has one Default Chain of Custody Standard and two variants: one version for Group organisations and one version for Consumer-Facing Organisations (CFOs). Further information on eligibility for each version of the CoC Standard can be found in the CoC Certification Requirements (CR) (section 6.2) and in the introduction to each document.

Five core principles form the MSC CoC Standard:

**Principle 1: Certified products are purchased from certified suppliers**

**Principle 2: Certified products are identifiable**

**Principle 3: Certified products are segregated**

**Principle 4: Certified products are traceable and volumes are recorded**

**Principle 5: The organisation has a management system**

### Use of MSC's Chain of Custody by other standard setters

The Aquaculture Stewardship Council (ASC) uses the MSC Chain of Custody requirements to assure the traceability of ASC-certified aquaculture products through their supply chains. Although this is an important collaboration, the ASC remains a separate organisation that uses a different logo. All requirements are the same for ASC certificate holders except where stated. If in the future, additional standard setters also use the MSC CoC requirements, this information will be published on the MSC website.

## D. Effective dates

The effective date for version 2.1 of the GCR is 1<sup>st</sup> September 2015. All CABs must use this version from this date.

## E. Review

Changes may be made to this document periodically following the MSC Policy Development cycle.

More information about the MSC policy development process and MSC Standard Setting Procedure can be found on the [MSC Policy website](#) and [MSC website](#).



# General Certification Requirements for CABs

## 1 Scope

The General Certification Requirements for CABs set out the activities that all CABs shall undertake in carrying out certification of organisations in fisheries and supply chains that wish to:

- Make a claim that the fish and/or fish product(s) they are selling are from a well-managed and sustainable source that has been certified to the [MSC Fisheries Standard](#); and/or
- Use the certification scheme trademarks on product.

## 2 Normative Documents

The following documents contain provisions which, through reference in this text, become part of the General Certification Requirements for CABs (GCR).

For documents listed below which specify a date or version number, later amendments or revisions of that document do not apply as a normative requirement. CABs are encouraged to review the most recent editions and any associated guidance documents made available to gain further insight into how a particular document has changed, and to consider whether or not to implement the latest changes.

For documents without dates or version numbers, the latest published edition of the document applies.

- a. MSC Fisheries Certification Requirements (FCR);
- b. MSC Fisheries Standard (FCR Annex SA-SD);
- c. MSC Chain of Custody Certification Requirements (CoC CR);
- d. MSC Chain of Custody Default Standard and the two variants: the Group version and Consumer-Facing Organisation (CFO) version;
- e. ISO/IEC 17065:2012: Conformity assessment — Requirements for bodies certifying products, processes and services (ISO17065);
- f. ISO 19011: 2011 Guidelines for auditing management systems;
- g. Accreditation Audit Practice Group (AAPG) Guidance Documents:
  - i. ISO / IAF AAPG Auditing the CAB Impartiality Committee
  - ii. ISO / IAF AAPG Key Criteria for assessing the competency of CRBs and their ability to deliver credible results;
- h. MSC –MSCI Vocabulary.

## 3 Terms and Definitions

Concepts, terms and phrases used are defined in the [MSC-MSCI Vocabulary](#).

Concepts, terms or phrases used in the GCR that have more than one definition are defined within the text where such terms or phrases appear.

## 4 General Requirements

### 4.1 Requirement of accreditation

- 4.1.1 A CAB shall have had their application to the accreditation body for accreditation, to the scope of the certification they wish to provide, accepted before starting to sell certification services.
- 4.1.2 A CAB shall only award certificates once they are accredited and only within the scope of their accreditation.
- 4.1.3 A CAB shall recognise that certificate holders that have been certified by other accredited CABs conform to relevant MSC Standards.
  - 4.1.3.1 If a CAB believes that recognition of certificates issued by another CAB is not warranted, they should write to the accreditation body detailing the case-specific circumstances.

### 4.2 Implications of suspension, withdrawal or cancellation of CAB accreditation

- 4.2.1 The CAB shall not sign new certification contracts or conduct assessments or audits if all or part of a CAB's scope of accreditation is suspended and if those activities are under the suspended scope.
- 4.2.2 The validity of certificates issued prior to the date of suspension by a suspended CAB is not affected unless specified by the CAB or the accreditation body. The CAB shall:
  - 4.2.2.1 Discuss with the accreditation body the resources (personnel and procedures) it requires to continue to provide surveillance audits during suspension and any conditions that may be placed upon its activities during this time;
  - 4.2.2.2 Ensure those resources are put into place;
  - 4.2.2.3 Request the written approval of the accreditation body to continue to undertake surveillance audits;
  - 4.2.2.4 Undertake the surveillance audits in conformity with these requirements and any requirements or other conditions raised in [4.2.2.1](#).
- 4.2.3 In the event of suspension of accreditation, the CAB shall cooperate with the MSC and the accreditation body to define the reasons for the suspension, so that the accreditation body can determine if there are any reasons to doubt the integrity of any certificates issued by the CAB.
- 4.2.4 If there is no reason for the accreditation body to doubt the integrity of certificates issued by the CAB:
  - 4.2.4.1 The suspended CAB shall inform certificate holders within the scope of suspension that:
    - a. The CAB's accreditation has been suspended;

- b. Their certificate shall remain valid during the period of the suspension, subject to requirements for continued certification;
- c. The certificate holder may continue to make claims and to supply certified fish under the normal conditions and obligations for certification;
- d. The CAB is required to take corrective action to reinstate its suspended accreditation;
- e. The corrective action taken may result in changes to the CAB's certification procedures or requirements;
- f. This may require a certificate holder to be involved in an on-going partial or full re-audit if this is part of the CAB's corrective actions.

**Guidance 4.2.4.1.f**

Partial audits refer to audits that are specifically focused on the area of CAB non-conformance which resulted in the suspension. For example, if the CAB non-conformance related to a lack of competency on management system auditing, the partial audit might focus on the management system of the certificate holder.

- 4.2.4.2 The suspended CAB may inform their certificate holders of the actual impact that the corrective action agreed with the accreditation body will have on each certificate holder. If this is done the requirement in [4.2.4.1.d](#) is waived.
- 4.2.5 The CAB shall suspend or withdraw any certificate(s) with immediate effect as instructed by the accreditation body.
- 4.2.6 If clause [4.2.5](#) is applied, a suspended CAB shall:
  - 4.2.6.1 Suspend the certificates indicated by the accreditation body.
  - 4.2.6.2 Advise the suspended certificate holders, in addition to the advice required to be provided by the CAB on suspension of a certificate (see [7.4](#)), that:
    - a. The CAB's accreditation has been suspended;
    - b. They may no longer use the ecolabel, logo, or other trademarks or make claims of certification;
    - c. The CAB is required to take corrective action in relation to its accreditation;
    - d. The corrective action taken may result in changes to the CAB's certification procedures or requirements;
    - e. This may require a certificate holder to be involved in an on-going partial or full re-audit if this is part of the CAB's corrective actions.
- 4.2.7 The CAB may inform their suspended certificate holders of the actual impact that corrective action agreed with the accreditation body will have on each certificate holder.
  - 4.2.7.1 If [4.2.7](#) applies, the requirement in [4.2.6.2.c](#) is waived.
- 4.2.8 When a CAB's accreditation is withdrawn or cancelled it shall not:
  - 4.2.8.1 Sign new certification contracts; or
  - 4.2.8.2 Issue certificates.

**Guidance 4.2.8.2**

[Section 4.11](#) contains more information on what to do when a CAB's accreditation is withdrawn or cancelled. For instance, if a certificate holder's CAB has its accreditation withdrawn, they can transfer to another CAB as outlined in [4.11.8](#).

## 4.3 Conformity to ISO 17065 and MSC requirements<sup>1</sup>

- 4.3.1 All CABs shall conform to the requirements of ISO 17065 and all other MSC requirements relevant to the scope of accreditation applied for or held.

### Guidance 4.3.1

ISO 17065 was published in September 2012 and supersedes ISO Guide 65. The implementation timelines for transition from ISO Guide 65 to ISO 17065 for the MSC requirements are detailed in this section. Requirements over and above those in ISO 17065 have been added to strengthen impartiality, competencies for reviewers and decision makers and the appeals and complaints process.

Whilst the deadline for compliance with the ISO 17065 requirements is the 31<sup>st</sup> August 2015, CABs may choose to switch to ISO 17065 at any time prior to this date.

The numbering of the GCR follows that of CD 2 of ISO 17065.

Accreditation Auditing Practices Group (AAPG) documents, while written for accreditation body use, may be read by CABs to ensure that their systems and personnel are capable of withstanding the accreditation body scrutiny.

- 4.3.2 CABs shall conform to MSC requirements in the case of a conflict with ISO 17065.
- 4.3.3 CABs shall close all major non-conformities raised against compliance with ISO 17065 by the accreditation body prior to 31<sup>st</sup> August 2015.

### Guidance 4.3.3

If required, the accreditation body will conduct additional head office assessments and/or desk studies if a CAB cannot demonstrate conformity at the last surveillance before 31<sup>st</sup> August 2015.

- 4.3.3.1 Failure to demonstrate conformity may result in suspension of accreditation until such time that the CAB has taken corrective action and can demonstrate satisfactory conformity.
- 4.3.4 CABs should note that the accreditation body shall apply the requirements of the following AAPG documents when undertaking accreditation assessments:
- 4.3.4.1 Auditing the CAB impartiality committee;
- 4.3.4.2 Key criteria for assessing the competency of CABs and their ability to deliver credible results.

<sup>1</sup> All CABs shall demonstrate conformity to this clause by 31<sup>st</sup> August 2015. For CABs where re-accreditation is due before 31<sup>st</sup> August 2015 they shall demonstrate conformity to section 4.3 of the General Certification Requirements at the re-accreditation assessment. For all other CABs conformity to section 4.3 of the General Certification Requirements shall be demonstrated at their last surveillance audit before 31<sup>st</sup> August 2015.

4.3.5 All CABs shall have a policy showing their support for the aims and objectives of the MSC.

4.3.5.1 The CAB's actions shall conform to the policy.

4.3.6 Normative annexes to the MSC Certification Requirements shall be followed in full if they are applicable.

## 4.4 Conformity to ISO 19011

4.4.1 CAB audit personnel should follow guidance on auditing provided in ISO 19011.

## 4.5 Compliance with legal requirements

4.5.1 CABs shall comply with the legal requirements in the countries in which they operate.

4.5.2 Key personnel shall show understanding of applicable legislation and regulations.

## 4.6 Certification decision-making entity

4.6.1 The CAB's decision-making entity shall authorise any changes to the conditions of certification.

## 4.7 Communication with the MSC

4.7.1 CABs shall use the forms and methods of submission of information and data as specified in this document.

4.7.2 CABs shall submit to the MSC a copy of the contact details for all participating fishery clients and stakeholders within 10 days from the date the fishery certificate is issued.

4.7.2.1 For fishery clients and stakeholders, the CAB should use the Contact Details Submission form found on the [MSC website](#).

### Guidance 4.7.2.1

Within 10 days of the date the certificate is issued, CABs need to send the completed form to [surveys@msc.org](mailto:surveys@msc.org), placing their specific fishery client name in the subject line of the email.

## 4.8 Contract

4.8.1 The CAB shall have a written legally-enforceable agreement for provision of assessment/audit activities to its clients which may include the application form (ISO 17065 clause 4.1.2).

- 4.8.1.1 If the client is a different legal entity to the certificate holder, the CAB shall have a written assessment/audit agreement with both parties.
- 4.8.2 Prior to entering into a contract, the CAB shall check the [MSC website](#) or check with the applicant to verify that the applicant is not already certified.
  - 4.8.2.1 If the applicant is already certified, the CAB shall not enter into a contract for certification without following certificate transfer requirements set out in [section 4.11](#).
- 4.8.3 The CAB's contract shall specify a description of the steps that shall be taken by the client before it can be authorised by MSCI to use the trademarks.

**Guidance 4.8.3**

The CAB may inform clients that if they have any questions concerning the ecolabel, logo or other trademarks they should contact MSCI: [ecolabel@msc.org](mailto:ecolabel@msc.org).

- 4.8.4 The CAB shall have procedures in place to ensure that applicants for certification are fully informed of, and have contractually agreed in writing to, the accreditation body's right to publish on their website CAB witness audit reports.

### Contract with CoC clients

- 4.8.5 Where 2 or more legal entities apply for a certificate, the CAB shall sign a contract with all legal entities.
- 4.8.6 The CAB's contract with CoC clients shall specify that<sup>2</sup>:
  - 4.8.6.1 The client is required to conform to the relevant [MSC CoC Standard](#).
  - 4.8.6.2 The CAB shall suspend or withdraw certification if the CAB finds reason for suspension or withdrawal as established in [section 7.4](#).
    - a. The CAB shall highlight that one of the causes for suspension or withdrawal is where the MSC or MSCI has suspended or withdrawn a certificate holder's license or other agreement to use the trademarks and the certificate holder does not comply with MSC or MSCI instruction within stated timeframes.
  - 4.8.6.3 The client shall provide information requested to assist in a traceback or supply chain reconciliation conducted by the MSC.

**Guidance 4.8.6.3**

A traceback exercise endeavours to trace certified products through the supply chain back to the certified fishery or farm of origin by reviewing traceability documents from the full supply chain.

<sup>2</sup> For existing CoC clients, the requirements under 4.8.6 shall become effective when new contracts are signed at first recertification after 1 September 2015. For new CoC clients, the requirements under 4.8.6 shall become effective by first audit after 1 September 2015.

- a. If the MSC's requests to submit records of certified material are not met within specified timeframes, a request for action may be sent to the CAB by the MSC.
  - i. Within 15 days of receiving the request, the CAB shall work with the client, at the client's expense, to verify that the information is present and send a copy of the requested information to the MSC.
  - ii. If the information has not been provided to the MSC within the 15 day period, the CAB shall raise a major non-conformity and, if this is not closed out within a further 15 days, suspension and/or withdrawal of certification shall follow, as outlined in 7.4.
  - iii. Following any actions by the CAB regarding non-provision of information for MSC tracebacks or supply chain reconciliations, the CAB shall undertake a risk analysis, which may lead to additional auditing.

- 4.8.6.4 The client shall provide to the MSC, upon request, purchase and/or sale records for certified products that will be shared with the CAB of their immediate supplier or customer, in the event that inconsistencies in records need to be verified.

**Guidance 4.8.6.4**

Financial information can be removed and these records will remain confidential to the client's CAB, the MSC, the supplier or customer's CAB and the accreditation body. Records of sales to the final consumer will not be requested.

- 4.8.6.5 The client shall accept expedited audits, including unannounced audits, from their CAB and accreditation body.

- a. In the case of an unannounced audit, clients shall provide access to their site within 30 minutes of the auditor's arrival.

- 4.8.6.6 The client agrees to allow samples of seafood to be taken from their operation by the MSC, the accreditation body or the CAB when requested for the purposes of product authentication testing.

- a. All individual product authentication test results relating to samples taken at a client site are confidential between the client, the CAB, the MSC and the accreditation body and shall only be communicated to other parties anonymised and in aggregated form.

**Guidance 4.8.6.6.a**

The amount of product required for the sample is very small (generally less than 100g) and may in many cases only be a swab from the fish. However it is recognised that if a small business is handling high value products and these are damaged by sampling there may be a need to reimburse the loss.

CABs should contact the MSC if they consider that a client should be compensated by the MSC for sample collection, with a justification based on the relative value of the sample to the client, taking into account both client size and lost product value.

Where a product authentication test indicates that the seafood presents a food safety risk (e.g., it is a species not fit for human consumption),



then there is a legal obligation to inform the authorities. In this case the CAB could request the certificate holder to inform the authorities and provide evidence to them of having done this.

## Contract with fisheries clients

4.8.7 The CAB's contract with fishery clients shall state that:

4.8.7.1 If a fishery certificate is to be shared, the CAB's contract with the fishery client shall specify the steps that shall be taken for members of the client group to be able to sell the product as certified.

4.8.7.2 The CAB will assess if chain of custody begins on board fishing vessels.

### Guidance 4.8.7.2

The intent of this clause is to make clear that the CAB may require that vessels are separately certified for chain of custody. Inserting this clause into the certification contract removes any doubt that may arise at a later stage that vessel CoC would automatically be included under the fishery certificate.

4.8.7.3 The client shall provide traceability records requested to assist in tracebacks or supply chain reconciliations as conducted by the MSC.

## 4.9 Control of certified trademarks and CAB logo claims

4.9.1 The MSC ecolabel, the name 'Marine Stewardship Council' and the initials 'MSC' are trademarks that are owned by the Marine Stewardship Council.

4.9.2 The ASC logo, the name 'Aquaculture Stewardship Council' and the initials 'ASC' are trademarks that are owned the by Aquaculture Stewardship Council.

4.9.3 Any party wishing to use any of these trademarks on any materials that will be seen by consumers (or business customers for promotional purposes) must hold a license to do so from MSC.

4.9.3.1 The acronyms "MSC" and "ASC" and names "Marine Stewardship Council" and "Aquaculture Stewardship Council" can be used without a license from MSC only in a business-to-business context and only for product identification or employee training purposes.

4.9.3.2 Applicants for certification may use the name "Marine Stewardship Council" or "Aquaculture Stewardship Council" and the letters "MSC" or "ASC" to inform stakeholders about the assessment or audit process and invite participation, without having a licence agreement.

4.9.3.3 If there is any doubt about whether a licence is required, CABs shall refer to MSC for advice.

4.9.4 The CAB shall verify if an applicant has used the trademarks without a licence or sold products as certified prior to being certified.

4.9.4.1 If the applicant has used the trademarks without a license agreement or sold products as certified prior to being certified, the CAB shall raise a non-conformity, and shall instruct the applicant to immediately cease use of the trademarks and selling products as certified.



- 4.9.4.2 A copy of the non-conformity shall be sent to MSC1 within 7 days via [ecolabel@msc.org](mailto:ecolabel@msc.org).
- 4.9.5 The CAB shall have documented procedures for the issue and use of any logo or trademark of the CAB (ISO 17065 4.1.3, 7.9.3 and 7.9.4) for the certification program, including procedures for pre-publication review and authorisation by the CAB of:
- 4.9.5.1 All uses of the CAB's logo by certificate holders; and
- 4.9.5.2 All public claims made by certificate holders referring to their certification.

## 4.10 Language

- 4.10.1 The official language of the MSC is English.
- 4.10.2 CABs shall note that the MSC may request that all reports and annexes to reports be translated into English.
- 4.10.3 CABs shall allow for the time and costs of translations that may be required.

## 4.11 Transfer of certificate between CABs

### Guidance 4.11

A client may wish to change CABs due to:

- The client's choice; or
- The failure of an applicant CAB to gain accreditation for the scope of the certification and hence not being able to issue a certificate; or
- A CAB ceasing to offer accredited certification services for any reason.

The MSC will only recognise one certificate for the stated scope (combination of fishery and CoC activity) for the client at any one time.

- 4.11.1 CABs shall respect a client's request to change their CAB, either prior to or after issue of a certificate.
- 4.11.1.1 The current CAB shall inform the client that the MSC will only recognise the current certificate and its status of valid, cancelled, suspended or withdrawn until such time as the current CAB changes the certification status in the scheme database.
- 4.11.2 If a certificate holder wishes to change CABs, the succeeding CAB and the current CAB shall work together where practicable, and as required throughout this section, to exchange information about the certification.

### 4.11.3 Transfer of an existing certificate from an accredited CAB

- 4.11.3.1 On receiving an application for transfer from a certificate holder who holds a certificate with an accredited CAB, the succeeding CAB shall:

#### For CoC

- a. For a CoC client, request from the current CAB:

- i. The latest audit report;
- ii. Any other relevant information related to the certificate holder's conformity with MSC requirements.

### For Fisheries and CoC

- b. Review the reasons for the requested transfer.
  - c. Conduct a desk-based pre-transfer review to confirm that:
    - i. The certificate holders' activities are within the scope of the succeeding CAB's accreditation;
    - ii. The certificate is valid (authenticity, duration, scope);
    - iii. The status of outstanding non-conformities and corrective actions or conditions is known;
    - iv. All information on a client's active suspension is known, if applicable;
    - v. Consideration is given to assessment, audit and surveillance reports and any non-conformities or conditions arising from them;
    - vi. Any complaints received and actions taken to address complaints are known;
    - vii. The stage in the current certification cycle is known;
    - viii. Any other relevant documentation is reviewed;
    - ix. The succeeding CAB has received all information that it expects to find.
- 4.11.3.2 Depending on the findings from the pre-transfer review, the succeeding CAB shall:
- a. Decline the contract; or
  - b. Propose to accept the contract, and:
    - i. Where the certificate is suspended, follow any remaining suspension requirements for the certificate holder, as in GCR 7.4.3 for fishery clients and GCR 7.4.11 for CoC clients, and
      - A. Treat the certificate holder as a new client and conduct a full assessment or audit; or
      - B. Conduct a partial on-site or remote assessment/audit, concentrating on identified problem areas and/or on areas where information is deficient; or
      - C. Continue with the certificate holder's existing surveillance program if no risks are identified during the pre-transfer review.
- 4.11.3.3 Any action(s) proposed in 4.11.3.2 and the reasons for taking them shall be explained to the certificate holder, who shall be given an option to accept or reject the proposed actions and to decide whether to proceed with the transfer.
- 4.11.3.4 If the certificate holder accepts the proposed actions, the succeeding CAB shall instruct the certificate holder to write to their current CAB to confirm the intent to transfer.
- 4.11.3.5 The succeeding CAB shall undertake the actions as proposed in 4.11.3.2 and as agreed with the certificate holder.
- 4.11.3.6 The succeeding CAB shall contact the current CAB and client to agree on the transfer date (the 'agreed transfer date') on which all rights and obligations for maintaining the certificate will pass from the current CAB to the succeeding CAB.

- a. This date shall be recorded by the succeeding CAB and shared with the client and the current CAB.
  - b. For a fishery certificate, the succeeding CAB shall inform the MSC of the agreed transfer date at least 10 days in advance of the transfer date.
- 4.11.3.7 On the agreed transfer date the current CAB shall:
- a. Cancel the certificate in the scheme database; and
  - b. Ensure that all the client's records are up-to-date, including those held on the scheme database.

**Guidance 4.11.3.8**

The certificate is not to be cancelled by the current CAB before the agreed transfer date, as this can leave the client without a valid certificate.

- 4.11.3.8 The succeeding CAB shall issue the new certificate in the scheme database before or on the agreed transfer date.
- 4.11.3.9 The succeeding CAB shall request from the preceding CAB and the MSC any remaining reports, records or other information that they consider relevant to the client's conformity with the requirements for MSC certification, subject to restraints of confidentiality.
- 4.11.3.10 The preceding CAB shall provide the requested information within 10 days of receiving the request, including all information that has, or may have, a bearing on determining the client's conformity with the relevant MSC Standard(s).
- 4.11.3.11 If, following the release of information, the succeeding CAB determines a different course of action is required from that determined by 4.11.3.2, the succeeding CAB shall inform the client of these actions and the rationale.

**Guidance 4.11.3.11**

This different course of action may be a suspension, expedited audit, or other activity that provides the succeeding CAB with the information it requires.

- 4.11.3.12 If the client:
- a. Agrees to proceed, the proposed actions shall be implemented.
  - b. Does not agree to proceed, the succeeding CAB shall cancel the certificate in the scheme database.

**Guidance 4.11.3.12**

If the succeeding CAB cancels the certificate at this point in the process, after the agreed transfer date, the CAB will need to inform the client that their certificate is no longer valid and they will not be able to make any claims of certification until they are recertified by a different CAB.

- 4.11.3.13 If any course of action described in 4.11.3.2 has been followed except for option a (whereby the succeeding CAB declines to take on the new client):
- a. The expiry date of the succeeding CAB's certificate shall be the same as the expiry date of the preceding CAB's certificate.

- b. All conditions and/or non-conformities raised by the preceding CAB shall remain applicable, unless they are closed or revised as a result of an on-site assessment or audit by the succeeding CAB, and the actions taken are justified and documented.
- c. The surveillance audit plan set by the preceding CAB shall be followed, or following documentation of justification for change, revised and agreed with the client by the succeeding CAB.
  - i. Any changes to a fishery's surveillance schedule shall be communicated to the MSC at least 30 days in advance of a scheduled surveillance audit.

#### 4.11.4 Transfer from an accredited CAB during an initial assessment or audit process

- 4.11.4.1 If a client switches CABs during the initial assessment or audit process prior to the issue of a certificate, the succeeding CAB shall follow the requirements of section 4.11.3, except for 4.11.3.7.a, 4.11.3.12.b and 4.11.3.13.a..

#### 4.11.5 Transfer from an accredited CAB during a fishery re-assessment process

- 4.11.5.1 In addition to the requirements in 4.11.3, CABs shall follow all MSC Fisheries Certification Requirements (FCR) for:
  - a. Managing conditions that coincide with a fishery re-assessment date (i.e., the end of the 5 year fishery certification period).
  - b. Fishery conditions and associated corrective actions that extend beyond the 5 year certification period.

#### 4.11.6 Transfer from an applicant CAB

##### Guidance 4.11.6

Prior to gaining accreditation, applicant CABs are required to demonstrate their competence by carrying out a full audit and/or assessment of a client under the observation of the accreditation body. The CAB cannot issue a certificate until the accreditation process is completed. The applicant CAB may, for whatever reasons, fail to gain accreditation. In this instance, in order to gain a certificate an applicant client will need to transfer to another CAB.

Applicant clients may also decide they need to achieve certification more quickly than an applicant CAB can guarantee. The intent of this clause is to help a client transfer from an applicant CAB to a new, accredited CAB as fairly as possible.

- 4.11.6.1 If the client advises their current applicant CAB that they wish to transfer to another CAB, the current applicant CAB shall instruct the client to write to:
  - a. The current applicant CAB authorising and instructing them to provide the succeeding CAB with all reports, records or other information that the current CAB considers relevant to the client's conformity with the requirements for MSC certification; and
  - b. The MSC, authorising them to make any reports, records or other information that these parties consider relevant to the client's conformity with the requirements for MSC certification available to the succeeding CAB, subject to restraints of confidentiality.

- 4.11.6.2 Following a client's authorisation under 4.11.6.1, the applicant CAB shall disclose, within 10 days unless otherwise agreed with the client and succeeding CAB, any and all information to the succeeding CAB that it holds that has, or may have, a bearing on the client's conformity to the requirements for MSC certification.

**Guidance 4.11.6.2**

This clause ensures that information that would support or might preclude certification is not withheld from the succeeding CAB. Confidentiality of third parties may need to be considered by all parties.

- 4.11.6.3 On receiving an application from a client, the succeeding CAB shall:
- a. Review the reasons for the requested transfer;
  - b. Conduct a desk-based pre-transfer review to confirm that:
    - i. The client's activities are within the scope of the succeeding CAB's accreditation.
    - ii. It has all the information that it expected to find.
  - c. Consider the assessment and audit reports (including any conditions or non-conformities arising from them identified by the applicant CAB) and any other relevant documentation, complaints received and action taken;
  - d. Take account of the information that has been provided by the client based on work carried out by the applicant CAB;
  - e. Propose an assessment or audit process that would provide the same level of assurance in relation to conformity with MSC requirements as it would require from a new client that had not been under assessment or audit with an applicant CAB.
- 4.11.6.4 Depending on the extent and quality of the available information, and the stage in the assessment or audit process, the succeeding CAB shall propose one of the following:
- a. To decline the new client; or
  - b. Treat the certificate holder as a new client and conduct a full assessment or audit; or
  - c. Conduct a partial on-site or remote assessment/audit, concentrating on identified problem areas and/or on areas where information is deficient; or
  - d. If no risks are identified during the pre-transfer review, continue in the certification process where the applicant CAB left off.
- 4.11.6.5 The CAB shall discuss the actions needed to complete the proposed assessment or audit process with the client and gain the client's approval for this.
- 4.11.6.6 If any course of action described in 4.11.6.4 has been followed, except for option a (whereby the succeeding CAB declines to take on the new client) the CAB shall discuss the actions needed to complete the proposed assessment or audit process with the client and gain the client's approval for this.

#### 4.11.7 Transfer from a CAB whose accreditation has been suspended

- 4.11.7.1 If a client is certified or in the process of assessment at the time their CAB's accreditation is suspended, the client may transfer to a different CAB under the terms and conditions of its contract with the CAB and in conformity with [4.11.3](#).

#### 4.11.8 Transfer from a CAB whose accreditation has been withdrawn by ASI or voluntarily ceases to be accredited (cancellation)

- 4.11.8.1 If a client is in the process of assessment at the time of the withdrawal or cancellation of the current CAB's accreditation and it wishes to continue with the certification process with another CAB, the succeeding CAB shall:
- a. Advise the client they must transfer to a new CAB in order to continue with the certification process;
  - b. Follow the transfer requirements outlined in [4.11.3](#).
- 4.11.8.2 If a client holds a certificate from a CAB whose accreditation has been withdrawn or cancelled and it wishes to continue certification with another CAB, the succeeding CAB shall:

##### **Guidance 4.11.8.2**

All certificates issued by a CAB whose accreditation has been withdrawn expire a maximum of 90 days after the withdrawal of accreditation. The MSC provides a grace period of up to 90 days to allow certificate holders to transfer their certification to a new (succeeding) CAB while continuing to use the trademarks and make claims of conformity with MSC Standards, unless there is a specific reason to doubt the integrity of the particular certificate.

- a. Advise the client they must transfer to a new CAB in order to maintain certification.
- b. Ask the accreditation body if the current certificate issued by the CAB whose accreditation has been withdrawn will remain valid for a period of up to 90 days or not.
  - i. If a 90 day period is allowed, the succeeding CAB shall:
    - A. Calculate the date on which the 90 days is over and the current certificate expires.
    - B. Advise the client that up until that date the certificate holder may continue to make claims and to supply certified fish under the normal conditions and obligations for certification using their existing certification code.
    - C. Follow the transfer requirements outlined in [4.11.3](#).
  - ii. If a 90 day period is not allowed, the succeeding CAB shall:
    - A. Treat the client as if it was a new applicant and perform a complete assessment or audit.
    - B. Advise the client that as it no longer holds a certificate, it is no longer entitled to claim certification or use the trademarks until recertified and should contact MSCI for more information.

### 4.11.9 Consequences of transferring CABs on use of certificate codes

- 4.11.9.1 Succeeding CABs shall instruct their fishery clients to communicate with MSCI regarding the consequences of transferring CABs on fishery certificate codes if being used in conjunction with the respective trademarks.

#### **Guidance 4.11.9.1**

CoC certificate codes are assigned to each client and will remain the same regardless of changing CABs.

## 4.12 Variation requests

- 4.12.1 When submitting a variation request to the MSC Certification Requirements or MSC Standards, the CAB shall apply in writing or via the scheme database and shall:
- 4.12.1.1 Specify which clause of the MSC requirements a variation is applied for.
  - 4.12.1.2 Provide a justification for the variation that addresses each of the criteria (if any) given for accepting the variation request (where specified in relevant Certification Requirement clauses).
  - 4.12.1.3 Explain how the request does not alter the conformity of the applicant or certificate holder with the relevant MSC Standard.
  - 4.12.1.4 Submit the 'MSC Variation Request Form', found at the [MSC website](#), to the relevant MSC team (Fisheries or CoC) or via the scheme database.
- 4.12.2 When submitting a variation request as allowed under these requirements, CABs shall note that:
- 4.12.2.1 The decision to accept a variation request is usually made by the MSC within 14 days of receipt of the request.

#### **Guidance 4.12.2.1**

The MSC will consider the justification given by the CAB which explains how the variation will deliver consistency with the MSC Standard and/or requirements. The MSC may accept a variation only on the basis that certain conditions are met. Where conditions are set by MSC, the CAB should ensure these can be met before proceeding with the variation.

- 4.12.2.2 The MSC will post variation requests and responses on the MSC website if the variation concerns a fishery in assessment or a certified fishery.
- 4.12.2.3 The CAB shall only submit variation requests in advance of the circumstances occurring. The MSC will not accept retrospective variation requests.
  - a. For fishery variation requests submitted retrospectively, the CAB shall create an advisory for stakeholders regarding their proposed action.



### **Guidance 4.12.2.3**

Where CABs have noticed that something should have been changed for a fishery client but it is too late to submit a variation request, the advisory for stakeholders posted on the MSC website should include an explanation for why the deviation occurred and how it is being addressed. This should be copied to the accreditation body for information. This is only applicable to fishery clients.

- 4.12.3 CABs shall keep records of all variations submitted and the MSC's responses.

## **5 Structural Requirements**

### **5.1 Mechanism for safeguarding impartiality**

- 5.1.1 CABs shall establish a committee as the mechanism for safeguarding impartiality.

- 5.1.2 The committee shall:

- a. Include both internal and external personnel to the CAB.

#### **Guidance 5.1.2.a**

Guidance on the composition of the committee is provided in ISO 17065 which states that there should be a balance of interests represented 'such that no one interest predominates' and that CABs shall identify and invite 'significantly interested parties' to be a part of this. ISO 17065 also goes on to provide guidance on who the types of organisation these interested parties might include (see ISO 17065 5.2.4 Note 1).

- b. Conduct a thorough and detailed review of the impartiality of the assessment, audit, certification and decision-making processes of the CAB at least annually.

#### **Guidance 5.1.2.b**

The requirement for the annual review by the impartiality committee was taken from ISO 17021 6.2.1 on the recommendation of the MSC Technical Advisory Board, as ISO 17065 does not stipulate a timeframe for the review to take place.

- 5.1.3 The committee's review, their communication to the CAB's top management and the CAB's top management reasoning behind any subsequent decision relating to the committee's activities, shall be documented and available for review by the accreditation body.

- 5.1.4 For CABs accredited for MSC Fishery certification, the committee shall as part of the impartiality review consider all instances where the CAB has undertaken both the MSC fishery pre-assessment and full assessment of an individual fishery.



#### Guidance 5.1.4

The intent of this requirement is to ensure that the CAB's impartiality procedures are robust where the CAB has undertaken both the MSC fishery pre-assessment and full assessment of the same fishery. It is particularly important to ensure that there are no conflicts of interest involved between the personnel involved in the pre and full assessments in line with the requirements of ISO 17065.

## 5.2 Confidentiality

5.2.1 In addition to ISO 17065, specific requirements on confidentiality are detailed in the [FCR](#) (4.3.2, 4.5, 7.9.1.1.b) and in the [CoC CR](#) (8.2.2.5 and 8.3.1.7).

#### Guidance 5.2

When undertaking their work, CABs have access to commercially-sensitive information. The MSC believes that a policy and instruction on confidentiality needs to be documented to:

- Ensure the CAB considers all aspects of confidentiality.
- Allow the accreditation body to review the policy and subsequent procedures for completeness.

## 6 Resource Requirements

### 6.1 Personnel

6.1.1 CABs shall ensure that CAB lead auditors, CoC auditors, Group CoC central office auditors, fishery team leaders and members:

6.1.1.1 Have signed the MSC's Code of Conduct (available on the [MSC website](#)) confirming that they will comply with the Code; and

6.1.1.2 Conform to the competency and qualification criteria listed in section 5 of the [CoC CR](#) and Annex PC of the [FCR](#), as appropriate for CoC audits, Group CoC audits and fishery assessments.

6.1.2 CABs shall use one or more of the verification mechanisms in each qualification and competency criterion listed in Tables 1, 2, 3 of the [CoC CR](#) and Tables PC1, PC2 and PC3 of the [FCR](#) to verify that CAB lead auditors, CoC auditors, fishery team leaders and members each comply with the qualification and competency criteria.

6.1.2.1 For examination results, the pass mark shall be 70% for new and existing CoC auditors and fishery team leaders and members.

6.1.2.2 CoC auditors and fishery team leaders and members shall have a maximum of 3 attempts to obtain the pass mark.

6.1.2.3 CABs shall provide a contact to the MSC to whom the results of the examination will be sent.

- 6.1.2.4 Should CoC auditors, fishery team leaders or members fail to obtain the pass mark after 3 attempts, the CAB shall contact the MSC to agree on a training action plan for these individuals.
- a. The auditor, team leader or team member shall be unable to conduct MSC CoC audits or fishery assessments until the MSC has approved the satisfactory completion of the plan.
- 6.1.3 Personnel appointed as reviewers or decision makers by the CAB shall be sufficiently experienced and qualified to evaluate the verification processes, working papers and associated evidence and recommendations made by the assessment / audit team (ISO 17065 7.5).

#### **Guidance 6.1.3**

For fishery reviewers and decision makers, CABs are reminded that the criteria of ISO 17065 clause 6.1.2.1 will apply. The CABs will still have to demonstrate the reviewer and/or decision maker is competent. One way of demonstrating this competence would be for the reviewer and/or decision maker to pass the online training module for fishery team leaders.

- 6.1.3.1 For CoC audits against the Default CoC Standard or the Consumer-Facing Organisation CoC Standard, the reviewer shall be a qualified CoC auditor (see section 6.1.2 of this document and section 5.1 of the [CoC CR](#)).
- 6.1.3.2 For Group CoC audits, the reviewer shall be a qualified Group CoC auditor (see section 6.1.2 of this document and section 5.1 of the [CoC CR](#)).
- 6.1.4 The CAB shall ensure the satisfactory performance of all personnel involved in the audit and certification activities.
- 6.1.4.1 There shall be documented procedures and criteria for monitoring and measurement of the performance of all persons involved, based on the frequency of their usage and the level of risk linked to their activities.
  - 6.1.4.2 The CAB shall review the competence of its personnel in light of their performance in order to identify training needs.

## **6.2 Contract with personnel**

- 6.2.1 The CAB shall have documented procedures for reviewing and determining timely and appropriate responses to any declarations of potential conflict of interest made under clause 2.2 of the MSC's Audit Personnel Code of Conduct (see 6.1.1.1).
- 6.2.1.1 These procedures shall ensure that the declared actual or potential conflict of interest neither influences, nor is perceived to influence, the evaluations, actions and decisions of the CAB.
- 6.2.2 The CAB shall retain records of its reasoning behind any decisions, including all actions which have been taken to resolve either the possible or actual conflict of interest.

## 7 Process Requirements

### 7.1 Information for applicants

- 7.1.1 The CAB shall ensure applicants and certificate holders are issued current versions of all MSC Standards and other requirements relevant to their scope of certification.
- 7.1.1.1 The CAB shall maintain a list or equivalent identifying the document and its version sent to applicants and certificate holders.
- 7.1.2 The CAB shall send the following to applicants:
- 7.1.2.1 A copy of the CAB's standard contract for certification.
- 7.1.2.2 Information on use of the certification scheme's trademarks, including:
- The website address where the [Ecolabel User Guidelines](#) may be found.
  - An explanation that a license agreement will be required prior to use of the ecolabel, logo or other trademarks for promotional or consumer-facing use.
- 7.1.2.3 The website address where applicants can find information relevant to certification.
- 7.1.2.4 Information on the MSC's right to change scheme documents and that certification is conditional on conforming to new or revised standards or the consequence of changed certification requirements within stated timeframes.
- 7.1.2.5 Guidance on the information about the applicant that shall be made public as a requirement of certification.

### 7.2 Assessment and audit planning

- 7.2.1 The CAB shall provide a plan for CoC or fishery evaluation activities (ISO 17065 7.4.1) to all personnel involved in an assessment or audit prior to commencing work. The plan shall:
- 7.2.1.1 For fishery assessments, be individually tailored to each assessment;
- 7.2.1.2 Specify division of responsibilities between team members, where relevant;
- 7.2.1.3 Nominate a team leader responsible for carrying out the assessments or audit in conformity to MSC requirements and good audit practice, where relevant;
- 7.2.1.4 Set out processes to be undertaken by team members, where relevant:
- Prior to evaluation;
  - During evaluation (including consultations with stakeholders, where undertaken).
- 7.2.2 To ensure an applicant has sufficient information to reach a common understanding with the CAB prior to commencing the evaluation, (ISO 17065 7.3.1 b), the CAB shall ensure that before the end of the planning phase the applicant receives the following written information:
- 7.2.2.1 Expected scope of evaluation;

- 7.2.2.2 Draft work schedule;
- 7.2.2.3 Nature of any stakeholder consultation, if any;
- 7.2.2.4 Names and affiliations of proposed team members and/or auditor(s);
- 7.2.2.5 Sufficient information about the evaluation process for the applicant to make proper preparations for the assessment
  - a. This shall include a summary list of the objective evidence that may be required by the team and/or auditor(s).
- 7.2.3 The CAB shall have a documented procedure for dealing with an applicant's concerns about a member of the team proposed to carry out the evaluation, which includes:
  - 7.2.3.1 Considering the merits of each concern raised by an applicant;
  - 7.2.3.2 Taking appropriate action(s), which may include leaving the team unchanged if warranted;
  - 7.2.3.3 Maintaining records of the justification for its action(s).

#### **Guidance 7.2.3.3**

Please refer to section 7 in the [CoC CR](#) for additional requirements on planning CoC audits.

### **7.3 Changes affecting certification**

- 7.3.1 CABs shall note that the MSC may issue amendments to the MSC scheme documents.
  - 7.3.1.1 The timescales for applicants and certificate holders to conform to and be assessed against the relevant MSC scheme documents will be specified.
  - 7.3.1.2 Amended scheme documents take precedence over any previous version unless otherwise specified.
  - 7.3.1.3 The MSC will not be liable for any costs or loss of accreditation or certification arising from changes to scheme documents.
- 7.3.2 Where there is an amendment to MSC scheme documents, the CAB shall communicate this to all certificate holders within 60 days of the amended version being issued.
  - 7.3.2.1 The CAB shall include the summary of changes provided by the MSC in this communication.

### **7.4 Suspension or withdrawal of certification**

- 7.4.1 A CAB may suspend or withdraw a certificate for a contractual or administrative reason.

#### Guidance 7.4.1

Some examples of cases where a CAB may suspend or withdraw a certificate for a contractual or administrative reason include:

- Late payment of CAB invoices;
- Delay in the audit schedule due to unforeseen circumstances;
- A request from the fishery certificate holder to enter a period of 'self-suspension' or withdrawal of the fishery certificate (see also [FCR 7.4.9.2b](#)).

7.4.1.1 In these cases only clause [7.4.3](#) applies for fishery clients and only clauses [7.4.11.2](#) and [7.4.12.1](#) apply for CoC clients.

### Fishery certificate suspension

7.4.2 A CAB shall suspend a fishery certificate if a certificate holder:

- 7.4.2.1 No longer conforms to the [MSC Fisheries Standard](#); or
- 7.4.2.2 Has not made adequate progress towards addressing conditions; or
- 7.4.2.3 Does not provide information to allow verification that conditions are being addressed; or
- 7.4.2.4 Does not agree to allow the CAB to hold a surveillance audit as required in [FCR 7.23](#); or
- 7.4.2.5 Does not provide information requested by the CAB within 90 days of being requested to do so.

#### Guidance 7.4.2.5

The certificate holder may be notified of the 90 day notice period in reports, requests for action or other documents provided by the certifier to the certificate holder.

7.4.3 Should a fishery certificate be suspended, the CAB shall, on the date of suspension:

- 7.4.3.1 Inform the certificate holder and MSC of the suspension;
- 7.4.3.2 Record the suspension on the scheme database; and
- 7.4.3.3 Instruct the certificate holder:
  - a. Not to sell any fish caught after the day of suspension as MSC-certified. Fish caught prior to the date of suspension may continue to be sold after the date of suspension as MSC-certified if the CAB confirms the client's ability to segregate fish based on date of capture;

#### **Guidance 7.4.3.3.a**

In the case of a fishery certificate being suspended or withdrawn, up to the time that the certificate is suspended or withdrawn all stakeholders should have confidence that fish or fish products are from a fishery that meets the [MSC Fisheries Standard](#). As a result, there needs to be a difference in treatment of fish captured before and after the date of suspension or withdrawal.

The burden of proof that fish can be separated by capture date falls to the certificate holder or logo licensee. If there is no objective evidence of the ability to separate fish by capture date, the product may not enter further supply chains and thus may not be sold as certified.

- b. To advise client group members of the suspension (if relevant);
- c. To advise existing and potential customers in writing of the suspension within 4 days of the CAB's instruction to do so;
- d. To keep records of advice to customers;
- e. Not to make any claims of MSC certification from the day of suspension.

#### **Guidance 7.4.3.3.e**

If a certificate is suspended or withdrawn, the usual provisions for MSC ecolabel use, claims, etc. in the case that a certificate is suspended or withdrawn shall apply. The continued use of the MSC ecolabel and other claims of conformity with MSC Standards is not permitted and the client's name will be removed from the MSC website or their status will be updated as appropriate.

7.4.4 When a fishery certificate is suspended, the CAB shall also:

7.4.4.1 Provide an announcement for posting on the MSC website within 4 days.

7.4.4.2 Suspend the certificate until the cause of the suspension has been fully addressed.

7.4.4.3 Instruct the certificate holder 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 of suspension.

- a. The corrective action plan shall include a binding timeframe.
- b. If the certificate holder submits an acceptable corrective action plan within 90 days:
  - i. Instruct the certificate holder to implement the corrective action plan;
  - ii. Post on the scheme database for publication on the MSC website:
    - A. A statement confirming their acceptance of the corrective action plan; and
    - B. The client's corrective action plan.
  - iii. If the certificate holder does not submit an acceptable corrective action plan within 90 days, withdraw the certificate.

7.4.4.4 Verify the effectiveness of the corrective action once informed by the certificate holder of its completion.

**Guidance 7.4.4.4**

Verification activities can include the CAB monitoring the activities of the suspended client (e.g., submission and review of all purchasing and sales documents, conducting unannounced audits, interviews with the person responsible for MSC certification to ensure understanding and the ability to train other members of staff, etc.).

7.4.5 When the CAB has verified that the fishery certificate holder has addressed the reason for suspension, the CAB shall:

7.4.5.1 Reinstatement the certificate;

7.4.5.2 Produce a report documenting the following:

- a. Evidence that describes how the cause of suspension has been satisfactorily addressed.
- b. A statement confirming the reinstatement of the certificate.

**Guidance 7.4.5.2.b**

Prior to reinstating a 'self-suspended' fishery certificate, the CAB should ensure the fishery remains in compliance with surveillance audit timing and progress on conditions. In such cases, the certificate duration remains 5 years (i.e., no extension is added for the period of self-suspension).

For example, a fishery is certified in August 2010. In August 2012 (second year) the client requests to suspend the fishery certificate. In August 2013 (third year) the client requests to reinstate the fishery certificate. At this time the CAB would hold a surveillance audit in compliance with [FCR 7.23](#) (or an expedited audit if at another time of year) to assess the fishery's progress against both the 2nd and 3rd annual audit milestones. The CAB would then produce a surveillance report that conforms to both [GCR 7.4.6.2](#) and [FCR 7.23.16](#). The certificate expiration date remains 5 years from the certification date, August 2015.

7.4.6 If a suspended fishery certificate is reinstated, the CAB shall:

7.4.6.1 Record the decision on the scheme database; and

7.4.6.2 Post a report in conformance with [7.4.5.2](#) on the scheme database for publication on the MSC website.

7.4.7 If verification of the effectiveness of the corrective actions to address the reason(s) for suspension in the required timeframe cannot be conducted, the CAB shall withdraw the certificate.

**Guidance 7.4.7**

Suspension must always precede withdrawal of a certificate. When a certificate is withdrawn the CAB may no longer be in a contractual agreement with the client.

7.4.8 Should a certificate be withdrawn the CAB shall record its decision on the scheme database within 4 days.



### Guidance 7.4.8

Should a fishery certificate be withdrawn, the client may re-apply for certification under the conditions set in [FCR 7.4.7](#).

## CoC Certificate suspension

7.4.9 A CAB shall suspend a CoC certificate if any of the following occur:

7.4.9.1 There has been a demonstrable breakdown in the Chain of Custody caused by the client's actions or inactions.

### Guidance 7.4.9.1

Examples of a demonstrable breakdown in the Chain of Custody are: significant discrepancies in records supplied at different points in time by the client or significant omissions in the client's traceability records for certified products.

7.4.9.2 The client has sold products as certified (or under-assessment) which are shown not to be certified (or under-assessment), except for the following cases:

- a. The CAB shall not suspend a CFO CoC certificate if the conditions of [CoC CR](#) clause 9.2.2.1 are met.
- b. The CAB shall not suspend a Group CoC certificate if the requirements in [CoC CR](#) clauses 9.4.4.1 or 9.4.6.1 are met.

### Guidance 7.4.9.2.b

The labelling or identification of fish products as 'certified' which in fact did not originate from a certified fishery or farm is a serious breach of the Chain of Custody. Evidence suggesting mislabelling of certified products can come from the CAB, the MSC or the accreditation body but will need to be substantiated by the CAB. The MSC requires positive evidence of compliance in cases where mislabelling is suspected; the absence of evidence is not sufficient to maintain certification.

The only instances where a certificate would not be automatically suspended due to a case of non-certified product sold as certified are very specific cases relating to self-reported mislabelling or non-conforming product (clause [7.4.10.2](#)) and for group clients and CFO clients, referenced in [7.4.9.2](#) a-b.

7.4.9.3 The client cannot demonstrate that products labelled or sold as certified are in fact certified.

7.4.9.4 The client has not satisfactorily addressed any major non-conformity within the specified timeframe.

7.4.9.5 For group CoC clients, the client has had a group critical non-conformity raised.

7.4.9.6 For CFO CoC clients, the client has exceeded the reject number of major non-conformities as described in clause 9.3.1 of the [CoC CR](#).



- 7.4.9.7 For CFO CoC clients, the client has a major non-conformity raised against the same clause in the [CFO CoC Standard](#) at a follow-up site visit as described in clause 9.3.2.3 of the [CoC CR](#).
- 7.4.9.8 The client does not agree to allow the CAB to hold an audit within the required timeframe specified in the [CoC CR](#) clauses 11.3.1.4 for surveillance and 11.4.1.1 for recertification.

**Guidance 7.4.9.8**

CoC surveillance audits are allowed a 90 day window. The due date for recertification audits can be extended (via an official extension in the scheme database) for up to 90 days, subject to MSC approval. The CAB can suspend a certificate therefore if audits cannot be held within the maximum timeframe due to, for example, no response from the client.

- 7.4.9.9 The MSC or MSCI has suspended or withdrawn a certificate holder's license or other agreement to use the trademarks and the certificate holder does not comply with MSC or MSCI instruction within stated timeframes.
- a. Where the CAB suspends a client for the reasons in [7.4.9.8](#) or [7.4.9.9](#), the CAB shall follow clauses [7.4.11](#) onwards
- 7.4.10 Where the CAB finds cause for suspension against any of the reasons described in [7.4.9.1](#) to [7.4.9.7](#), the CAB shall determine if the integrity of the certified supply chain has been broken intentionally or systematically.

**Guidance 7.4.10**

Systematically refers to cases where the issue is due to a failure of the organisation's management system, rather than an isolated occurrence.

For example, if the organisation did not develop or implement adequate procedures to ensure conformity with the [CoC Standard](#) and this has led to numerous non-conformities, this may indicate a systematic breach of the Chain of Custody. Or, if the client was aware of non-conformities but repeatedly did not take action to address the issues, this could also indicate a systematic breach.

- 7.4.10.1 If the cause of the suspension is determined to be intentional and/or systematic, the CAB:
- a. Shall set the period of suspension at a minimum of 6 months.
- b. Should in verification activities include monitoring the activities of the suspended client.

**Guidance 7.4.10.1.b**

For example, verification activities could include submission and review of all purchasing and sales documents, conducting unannounced audits, or interviews with the client to verify their understanding of CoC requirements and ability to train other members of staff.

- c. Shall, prior to accepting that corrective action has been effective, perform an on-site verification audit and at a later date perform a second on-site unannounced audit.
- 7.4.10.2 If the client identifies and reports an issue of mislabelling or non-conforming product (as in [7.4.9.2](#) and [7.4.9.3](#)), the certificate shall not be suspended

subject to the client having followed the non-conforming product procedure in the [CoC Standard](#).

- a. The CAB shall verify the effectiveness of these corrective actions within 30 days of first notification about the issue.

7.4.10.3 If any relevant clauses on non-conforming product in the [CoC Standard](#) have not been followed, or the corrective actions are not determined to be effective, then the CAB shall suspend the certificate and follow clauses 7.4.11 onwards.

7.4.11 Should a CoC certificate be suspended, the CAB shall, on the date of suspension:

7.4.11.1 Inform the MSC of any potential impacts of the suspension on relevant Chains of Custody of which it is aware.

7.4.11.2 Inform the certificate holder of the suspension and instruct them:

- a. Not to sell any products as certified from the date of suspension;
- b. To advise all sites of the suspension (if relevant);
- c. To advise existing and potential customers in writing of the suspension within 4 days of the CAB's instruction to do so
  - i. Final consumers purchasing certified products do not need to be notified;
- d. To keep records of advice to customers;
- e. Not to make any claims of certification from the day of suspension.

**Guidance 7.4.11.2.e**

During suspension, the continued use of trademarks and other claims of conformity with the relevant standard is not permitted. The client's status will be updated as appropriate on publically-available sources of information controlled by the CAB and/or certification scheme.

7.4.11.3 Determine whether the certificate holder has had their certificate suspended under [7.4.9.2](#) for a second time within the period of validity of the certificate. In this case the CAB shall:

- a. Immediately withdraw the certificate;
- b. Instruct the client that they may not reapply for Chain of Custody certification for 2 years from the date of certificate withdrawal; and
- c. Record the cause of the certificate withdrawal in the scheme database, specifically noting that the client may not reapply for 2 years from the date of withdrawal.

**Guidance 7.4.11.3.c**

The CAB could record the information on a comment box, using text such as: "CoC certificate withdrawn for a second time. Client excluded from reapplying for CoC certification until [insert date]".

7.4.12 When a CoC certificate is suspended, the CAB shall also:

7.4.12.1 Record the suspension on the scheme database within 4 days of the suspension.

- 7.4.12.2 Suspend the certificate until such time that the cause of the suspension has been fully addressed, or for a 6 month minimum period if relevant as in [7.4.10.1a](#).
- 7.4.12.3 Instruct the certificate holder 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 30 days from the date of suspension.
- a. The corrective action plan shall include a binding timeframe.
    - i. If the certificate holder submits an acceptable corrective action plan within 30 days, instruct the certificate holder to implement the corrective action plan.
    - ii. If the certificate holder does not submit an acceptable corrective action plan within 30 days, withdraw the certificate.
- 7.4.12.4 Verify the effectiveness of the corrective action once informed by the certificate holder of its completion.

**Guidance 7.4.12.4**

Verification activities can include the CAB requesting traceability or purchase/sale records for review or conducting short-notice or unannounced audits.

- 7.4.13 When the CAB has verified that the CoC certificate holder has addressed the reason for suspension, the CAB shall:
- 7.4.13.1 Reinstate the certificate.
  - 7.4.13.2 Produce a report documenting the following and upload on the scheme database:
    - a. Evidence that describes how the cause of suspension has been satisfactorily addressed.
    - b. A statement confirming the reinstatement of the certificate.
- 7.4.14 If the verification of the effectiveness of the corrective actions to address the reason for suspension in the required timeframe cannot be concluded, the CAB shall withdraw the certificate

**Guidance 7.4.14**

Suspension must always precede withdrawal of a certificate. When a certificate is withdrawn the CAB may no longer be in a contractual agreement with the client.

- 7.4.15 Should a CoC certificate be withdrawn, the CAB shall record its decision on the scheme database within 4 days.

## 7.5 Information on certificates

- 7.5.1 The CAB shall issue an English language certificate, which as well as requirements in ISO 17065, 7.7, shall contain:
- 7.5.1.1 The latest published version of the ecolabel or logo.
  - 7.5.1.2 For fishery certificates, a unique fishery certificate code in 3 parts:

- a. The first part being the letter 'F' for fishery management certificates;
  - b. The second part being the CAB's initials or name;
  - c. The third part being a unique registration number or code issued by the CAB.
- 7.5.1.3 For CoC certificates, a unique CoC certificate code that is automatically generated by the certification scheme database.
- 7.5.2 The CAB may issue certificates in other languages as well as the English version providing they bear a disclaimer in at least 10 point font that the certificate is an unverified translation of the English certificate, and in case of differences the English version shall take precedence.

#### **Guidance 7.5.2**

The CAB's CoC certificates may include the address of the client's other office(s) if these differ from the site where the main audit activity took place. If additional addresses are listed, the main activity performed at these addresses shall be noted on the certificate to avoid confusion with the main audit activity taking place.

### **Chain of Custody Certificates**

- 7.5.3 The CAB shall issue CoC certificates with a maximum validity period of 3 years from the issue date on the scheme database.
- 7.5.4 The CAB's CoC certificates shall include:
- 7.5.4.1 A statement confirming that the organisation conforms to the requirements of the relevant [MSC CoC Standard](#) with the version number specified;
  - 7.5.4.2 A statement to the effect that the buyer of the fish or fish products sold as certified may, after gaining approval to do so from MSC1, apply the trademarks to certified products within their scope of certification; and
  - 7.5.4.3 A statement referencing the certification scheme's website as the authoritative source of information on the validity of the certificate as well as its scope.
  - 7.5.4.4 The date of expiry.
- 7.5.5 If the CAB issues a certificate covering Group CoC certification:
- 7.5.5.1 The central office shall be issued a certificate under the name of the group.
  - 7.5.5.2 A list of the sites or a website link to the current list of sites shall be included on the group certificate or on a schedule attached to it.

### **Fishery Certificates**

- 7.5.6 The CAB shall issue fisheries certificates with a maximum validity period of 5 years from the issue date.
- 7.5.7 The fishery certificate shall contain:
- 7.5.7.1 A statement confirming that the fishery conforms to the [MSC Fisheries Standard](#) and that the fishery is well managed and sustainable;
  - 7.5.7.2 The scope of the certified fishery, including:
    - a. The unit (s) of certification;

- b. The point at which fish and fish products may enter a Chain of Custody;
  - c. The parties or categories of parties that are entitled to use the certificate to enter fish from the certified fishery into certified chains of custody, which shall be identified on the fishery certificate; or a schedule to the certificate; or by reference to a section of the Public Certification Report;
  - d. The details of IPI catches eligible to enter further certified chains of custody;
  - e. The date of expiry.
- 7.5.8 The CAB shall inform the certified fishery it has the right to claim the fishery is a “well managed and sustainable fishery”, in accordance with the [MSC Fisheries Standard](#).
- 7.5.8.1 Further claims made about the fishery shall be in accordance with rules established by MSC.

## 7.6 Complaints and appeals

- 7.6.1 Information about procedures for handling complaints and appeals shall be available to clients and stakeholders.

### Guidance 7.6.1

Examples of how this information could be made available include:

- A direct link on the CAB home webpage,
- A hyperlink provided on the application documentation,
- A hard copy of the information at the application stage,
- As part of the certification agreement with the client.

- 7.6.2 The CAB shall:
- 7.6.2.1 Within 10 working days of receiving a complaint or an appeal, provide an initial response to the complainant/appellant, including an outline of the CAB’s proposed course of action to follow up on the complaint or appeal.
  - 7.6.2.2 Keep the complainant/appellant informed of progress in evaluating the complaint or appeal until the complaint or appeal is closed.
  - 7.6.2.3 Provide evidence to the complainant/appellant if resolution of the complaint requires the involvement of the scheme owner or other bodies.
- 7.6.3 The CAB should investigate the allegations and specify all proposed actions in response to the complainant/appellant within 3 months of receiving the complaint or appeal.
- 7.6.3.1 In cases where the subject of the complaint or appeal is also being considered through an objections process, this 3 month timeline may be deferred until completion of the objection process.

## **8 Management System Requirements for CABs**

8.1.1 No requirements additional to ISO 17065.

## **9 Heading not used at this time**

## **10 Heading not used at this time**

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End of GCR

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