

Approved by: Managing Director



PSA

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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;

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- 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.

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4.3 Conformity to ISO 17065 and MSC requirements.

- 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 31st 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 31st 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 31st 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.

- 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

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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, 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).

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- 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.

- 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:
 - 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.

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- 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),

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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.

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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 MSCI within 7 days via 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:

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- 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.

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- 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.

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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):
- The expiry date of the succeeding CAB's certificate shall be the same as the expiry date of the preceding CAB's certificate.
 - 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.
 - 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.
 - 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:
- Managing conditions that coincide with a fishery re-assessment date (i.e., the end of the 5 year fishery certification period).
 - Fishery conditions and associated corrective actions that extend beyond the 5 year certification period.

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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:
- 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
 - 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:
- Review the reasons for the requested transfer;
 - Conduct a desk-based pre-transfer review to confirm that:
 - The client's activities are within the scope of the succeeding CAB's accreditation.
 - It has all the information that it expected to find.
 - 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;
 - Take account of the information that has been provided by the client based on work carried out by the applicant CAB;

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- 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:
- To decline the new client; or
 - Treat the certificate holder as a new client and conduct a full assessment or audit; or
 - Conduct a partial on-site or remote assessment/audit, concentrating on identified problem areas and/or on areas where information is deficient; or
 - 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:
- Advise the client they must transfer to a new CAB in order to continue with the certification process;
 - 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.

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- 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.

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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.