Approved by: Managing Director

PSA

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#1	First edit	April

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:

a. The website address where the Ecolabel User Guidelines may be found.

b. 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:

a. Prior to evaluation;

b. 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.

.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 Reinstate 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

'.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 MSCI, 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 MSCI.

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.