

Requirements for groups wishing to become certified to
MSC's Chain of Custody Standard

Extracted from the Chain of Custody Certification Methodology v7

This document is an extract from an MSC scheme requirement and is provided for the information of groups seeking Chain of Custody certification. This document is not a scheme requirement and actual group certification requirements remain those formally implemented as MSC scheme requirements. The content of this document do not replace those requirements.

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APPENDIX C: REQUIREMENTS FOR GROUPS WISHING TO BECOME CERTIFIED TO MSC'S CHAIN OF CUSTODY STANDARD

Introduction

This document sets out mandatory requirements for the operations of businesses operating over multiple sites that seek certification ("group certification"). It has been developed in order to assist both groups of individual enterprises and multiple site companies ("organisations") achieve certification in an effective and cost efficient manner while providing stakeholders with an appropriate level of assurance of compliance.

The basis of group certification is that each location at which MSC certified fish or fish products are handled complies with all MSC's requirements, which are primarily contained in the MSC Chain of Custody Standard. A central site or coordinating entity (the "group entity") may perform some of the activities on behalf of individual sites ("Sites"), and verifies that the activities undertaken at each site comply with the MSC Chain of Custody Standard and all other relevant MSC requirements. To do this the group entity is required to undertake at minimum an annual audit of every site – an audit that may be combined with existing internal audit programs.

A CB then undertakes an audit of the group entity's activities, concentrating on their competency to determine each site's conformity with all MSC requirements. To evaluate the level of competency of the group entity, a sample of sites is audited by the CB to check that the assurance of conformity provided by the group entity is in fact correct.

When a group entity is a membership organisation, such as an association of small businesses or a cooperative, membership of the organisation does not mean automatic inclusion on the group certificate. An individual or business may choose not to join, or may be removed from, the group certification scheme, but may remain a member of the organisation.

The objectives of this document are:

to define and communicate clear requirements for group entities that wish to achieve certification to the MSC COC Standard;

to provide the transparency that is required for certificates issued to have credibility with stakeholders, including governments, international governmental bodies (e.g. regulatory bodies, fishery managers), CBs, the fishing industry and associated supply chains, non-governmental organisations and consumers; and,

to provide documentation designed to assure long-term continuity and consistency of the delivery of Chain of Custody group certification.

An organisation's compliance with this document will be audited by a CB following the mandatory requirements to be followed by CBs when performing certification audits of organisations.

REQUIREMENTS FOR GROUP ENTITIES AND SITES

1. SCOPE

This document prescribes the requirements for an organisation in the supply chain with more than one site (either wholly owned, franchised or independently owned and coordinated by a central organisation) that wishes to be certified against the MSC Chain of Custody Standard.

Groups can only be comprised of operators who are legal entities undertaking similar activities¹, in the same geographic region², with common language³.

2. REFERENCES

MSC Chain of Custody Standard V2

ISO 19011: 2002 Guidelines for quality and/or environmental management systems auditing

MSC Guidance to application of "Requirements for certification of Group Certification V1"

¹ See Appendix B, Annex 2. Activity Scope Definitions – a group should ideally be comprised of one of the following activities or sets of activities. If more than one activity or set of activities is covered by the group the group shall be stratified for sampling by the CB (see Appendix B clause 6.1).

Activity	Description
1 to 5	Trading fish (buying/selling), Transportation, Storage, Distribution and Wholesale
6	Harvest
7	Packing or repacking
8	Processing
9	Contract processing
10 and 11	Retail to consumer and Restaurant / take away to consumer
12	Other

² Geographic region is generally one country, unless there is a history of cooperation across national boundaries, e.g. Benelux countries.

³ Same written language is used at all sites and can be read by all site managers or, if translations are provided, how document control procedures address the method of ensuring that versions are kept synchronized and consistently implemented.

3. DEFINITIONS

Term	Definition
CB	A body which is an applicant for accreditation or is accredited to undertake audits against MSC's requirements for CBs by the MSC's appointed accreditation body.
Day(s)	Working days in the country in which the CB's operations are based.
Group	A group entity and its associated individual sites which collectively apply for certification to the MSC Chain of Custody Standard.
Group entity	The central function that manages the group that is applying for and/or that has obtained certification to the MSC Chain of Custody Standard and ensures its compliance with the MSC requirements. It may be any form as defined in 'legal entity' and may employ or contract individuals to carry out the required activities.
Legal entity	Any individual, partnership, proprietorship, corporation, association or other organisation that has, in the eyes of the law, the capacity to make a contract or an agreement and the abilities to assume an obligation and to pay off its debts. A legal entity, under the law, is responsible for its actions and can be sued for damages.
MSC representative	The one person who, irrespective of other duties, has the responsibility to ensure the group's conformity with all MSC requirements. Appointed by the group entity.
Nonconforming product	Fish or fish products that are claimed to be MSC certified (including, but not limited to, being labelled with the MSC ecolabel) and the certified organisation is unable to positively prove that the product is from a MSC certified source.
Site	An individual location that is part of the group that is applying for and/or that has obtained certification to the MSC Chain of Custody Standard.

4. MANAGEMENT RESPONSIBILITY

The group entity shall establish, implement and maintain management systems that provide the group entity with an assurance that there are effective internal controls in place over all activities which are required for conformity with the MSC Chain of Custody Standard, Appendix C of these Group Certification requirements and all other relevant MSC requirements.

4.1. Policy Manual

The group entity shall document how it will comply with MSC requirements in a manual⁴ containing the following:

- 4.1.1. the group entity's stated commitment to conformity with MSC requirements and with internal rules relating to the operation of the group certification program;
- 4.1.2. a description of the relationship (i.e. wholly owned, franchised, bound by contract) between the group entity and each of the sites;
- 4.1.3. a description of how responsibilities to comply with MSC requirements will be divided between the group entity and individual sites;
- 4.1.4. a description of how MSC and CB requirements are communicated to sites and how changes in requirements are implemented at group entity and site level;
- 4.1.5. a commitment to provide the necessary resources (qualified personnel, financial, legal and physical resources) to undertake the group entity's duties, and a description of how those resources will be provided and funded;
- 4.1.6. an organisational chart or similar of the group entity's organisation showing relevant positions, and their interrelationship;
- 4.1.7. for each relevant position shown in the organisational chart a short description of their key responsibilities and authorities with regard to ensuring conformity with MSC requirements; and,
- 4.1.8. a description of how personnel at all levels undertaking activities related to the MSC program will be trained about the MSC's objectives and requirements.

4.2. MSC Representative

The group entity shall appoint one person who, irrespective of other duties, has the responsibility to ensure the group's conformity with all MSC requirements.

4.3. Agreement between group entity and each site

The group entity shall enter into a written agreement with each site, which will set out as a minimum the following MSC requirements (4.3.1 – 4.3.5).

- 4.3.1. A commitment by the site's manager to comply with MSC requirements and with all group procedures, policies and other requirements regarding conformity with MSC requirements, including those relating to use of the MSC ecolabel.
- 4.3.2. The authority, responsibilities and obligations of each site and of the site's manager with respect to MSC requirements.

⁴ As with all documents, the policy manual does not have to be created just for the MSC programme. Existing documents can be used to demonstrate compliance.

4.3.3. That the site agrees to:

- a) being listed as a site in the group's application for MSC Chain of Custody certification;
- b) conform to the terms of the contract between the group entity and its CB, including the release of certain information into the public domain, for example through the MSC's website;
- c) allow the group entity, CB, the MSC's accreditation body and the MSC access for purposes of conformity audits to the site's premises, records and approval to speak to personnel; and,
- d) allow the CB to make irregularly timed short notice audits.

4.3.4. The site accepts the sanctions that will be applied to the site by the group entity in cases of nonconformity.

4.3.5. An agreement regarding sharing of all costs, unless costs are all to be paid by the group entity.

In the case of sites, which are not part of the same legal entity as the group entity, the agreement shall contain the name and / or legal identity of each party, contact name and addresses and be legally binding on the group entity and the site's owner⁵.

4.4. Register of Sites

The group entity shall maintain a register of sites, which are part of the group. The register shall be in a form that is simple to search, and shall contain, at minimum, the following information:

- 4.4.1. the postal and physical address of each site;
- 4.4.2. the name of each site's key contact person;
- 4.4.3. the telephone, facsimile and email contacts for each site;
- 4.4.4. the scope for each site, if these differ from the Group entity;
- 4.4.5. the current site status within the group (current, suspended or withdrawn); and,
- 4.4.6. the date on which any sites joined the group, and if applicable left the group, with an explanation of the reasons for their leaving.

The Register of Sites shall be kept up to date, no more than 10 days in arrears.

The provisions of Section 8 below and Section 10 of Appendix B apply to the addition of new sites to the group.

⁵ It is recommended that the group entity obtains legal advice regarding the responsibilities and liabilities it is incurring on behalf of all sites.

5. INTERNAL CONTROL SYSTEM REQUIREMENTS

5.1. Internal control system

The group entity shall ensure that an internal control system complying with section 5 is documented and maintained, such that all sites and the group entity comply with all MSC requirements. Responsibilities for action shall be clearly divided between the group entity and each site, as required in 4.1.3.

In addition to meeting the MSC CoC standard requirements the internal control system shall include the elements identified in Sections 5.2 – 5.9.

5.2. Purchasing, receiving and storage

Processes for purchasing and receiving delivery of MSC certified product shall be documented, implemented and maintained, including:

- 5.2.1. the division of responsibility between the group entity and the sites;
- 5.2.2. the purchasing procedures to be used centrally and / or at each site, noting requirement to verify the supplier is MSC certified for correct fish species, activity and product, if any;
- 5.2.3. how product delivered will be verified as meeting the requirements of the MSC Chain of Custody Standard; and,
- 5.2.4. how product will be quarantined or otherwise managed to prevent its use as MSC certified product if the MSC status is not known at time of delivery.

5.3. Traceability

Processes by which MSC certified inputs and outputs are traced back to the immediate supplier, and forwarded to the immediate customer shall be documented, implemented and maintained.

- 5.3.1. If the site is a retail or foodservice site dealing with final consumers forward traceability to each consumer is not required, however total volumes of certified products sold must be recorded to enable an input and output reconciliation (see 6.6).
- 5.3.2. Where product is transformed or repacked, in-process traceability shall be established so that all MSC certified product will be identified and segregated during all handling and storage operations.

5.4. Personnel Management

Processes for personnel management shall be documented, implemented and maintained, including:

- 5.4.1. how staff will be trained about MSC's requirements;
- 5.4.2. how conformity with minimum qualification criteria set in clause 6.4 for internal auditors will be achieved; and,
- 5.4.3. how staff will be informed about ecolabel licensing procedures.

5.5. Document Control

Processes for control of group scheme documentation shall be documented, implemented and maintained, including how:

- 5.5.1. how documents will be uniquely identified with a version number or date;

- 5.5.2. how current copies of documents will be made available at all places where they are required, and how users will be prevented from using obsolete documents;
- 5.5.3. how documents will be reviewed and approved by authorized personnel within the group prior to their issue;
- 5.5.4. how documents will be updated following issue of new MSC, MSC accreditation body or CB requirements;
- 5.5.5. how documents will be periodically reviewed, and if changed are re-approved by authorized personnel prior to their issue;
- 5.5.6. how changes to documents will be identified to readers; and,
- 5.5.7. how, in cases where languages used are different between sites, will translations be provided and how will document control procedures address the method of ensuring that all versions are kept synchronized and consistently implemented.

5.6. Control of nonconforming product

Processes for the control of nonconforming product, including processes for withdrawal and/or recall of product shall be documented, implemented and maintained as set out in Sections 5.6.1 – 5.6.6.

- 5.6.1. Nonconforming product shall be identified, isolated and prevented from being shipped as soon as site management or the group entity becomes aware of its nonconformity.
- 5.6.2. If the nonconforming product is first identified at a site, the MSC Representative (see 4.2) shall be informed within two days and they shall undertake corrective action for all sites (as specified in clause 5.7).
- 5.6.3. A review of the cause and extent of nonconformity shall be undertaken by the group entity, and if there is a risk that non MSC certified product may have been shipped as MSC certified product then:
 - e) a trade withdrawal or trade recall shall be instituted to recall nonconforming product from trade customers; and,
 - f) the CB and MSC shall be notified within one day of the group entity becoming aware of the problem.
- 5.6.4. As an alternative to recall, nonconforming product may be reworked or relabelled so it is not identified as MSC certified. If this solution is proposed, the procedures that will be used to control nonconforming product must be submitted to the CB for their review and approval before reworking or relabeling occurs.
- 5.6.5. The procedures in 5.6.3 and 5.6.4 above shall follow best practice, and shall be tested at least annually with a realistic exercise.
- 5.6.6. Records shall be kept detailing the disposal, rework or relabeling performed on the nonconforming product.

5.7. Corrective and Preventive action

The processes by which corrective and preventive action occur shall be in place in advance of certification.

- 5.7.1. Within two days of an actual or potential nonconformity being identified at any site, the group entity's MSC Representative shall be informed of the fact by that site's management or by the internal auditor. The group entity's staff shall review the nonconformity, and determine if this is a one off problem limited to that site, or if it is a potentially a systematic problem. If a systematic problem the group entity shall commence corrective action processes for all sites. If not systematic, the group entity shall commence corrective action processes for the site.
- 5.7.2. Corrective and preventive action processes shall address all actual or identified potential nonconformity, whether identified at internal or external audit, from complaints or by other means. The process shall include the following steps:
- g) determine the root cause of the problem or potential problem;
 - h) evaluate what changes are required to ensure that the problem cannot re-occur, and to correct all actual or potential nonconformities arising from the problem;
 - i) evaluate if the root cause of the problem identified may have caused any problems at other sites that need to be addressed, and determine what should be done to correct those problems;
 - j) identify and implement changes to policies, procedures, forms, or practices to ensure that the problem is prevented from re-occurring (corrective action) or occurring at all sites (preventive action), and that all other potential issues arising from the root cause are addressed;
 - k) record all actions taken; and,
 - l) verify that the corrective or preventive action has been effective in solving the problem identified.

5.8. Records

The group entity shall define what records shall be created for both group entity and site operations to demonstrate effective control of all processes (including for the group entity the processes for verification of site conformity) and conformity with all MSC requirements, and for each record shall define:

- m) the retention times, which shall be a minimum of three years;
- n) how records are to be stored to ensure they remain in good condition, legible and accessible as required; and,
- o) how electronic records will be backed up.

Secure and backed up electronic records are acceptable. If a signature is required, this can be a password or electronic signature providing it is unique to the person signing.

5.9. Management review

A review of the effectiveness of the internal control process and system in meeting MSC requirements on a minimum annual basis⁶ shall be documented, implemented and maintained and shall include:

- 5.9.1. who will be involved in the review;
- 5.9.2. results of all verification activities, both internal and external;
- 5.9.3. any internal or external nonconformities raised, and the corrective and preventive actions taken to address them;

⁶ There shall have been at least one management review prior to certification

- 5.9.4. any complaints relating to the operation of the MSC program; and,
- 5.9.5. how actions will be recorded and followed up on.

6. VERIFICATION OF SITE AND INTERNAL CONTROL SYSTEMS COMPLIANCE

6.1. Verification system

The group entity shall ensure that a system to verify that:

- 6.1.1. all sites comply with MSC's and the group's internal requirements; and,
- 6.1.2. that the group entity complies with MSC's and the group's internal requirements;
- 6.1.3. is established, documented, implemented and maintained.

6.2. Internal Audit planning and scheduling

Internal audits of every site and of the group entity shall take place at minimum once per year (or more often as required by the status and nature of the activity performed on each site). There shall be an annual plan and schedule for internal audits which, where necessary, shall be adjusted to reflect the results of previous internal audits. The internal audit plan and schedule shall include information on each site covering:

- 6.2.1. the proposed date of the next internal audit;
- 6.2.2. the date and results of the last internal audit;
- 6.2.3. the type of internal audit (initial, annual, follow-up, unannounced);
- 6.2.4. the name of the internal auditor who performed the last internal audit;
- 6.2.5. any open nonconformities and the dates by which they must be closed,
- 6.2.6. the site's current status (e.g. current, suspended or withdrawn); and
- 6.2.7. any other details felt important.

Internal audits to satisfy MSC requirements may take place at the same time as other internal audit or verification activities.

6.3. Internal audits in advance of initial CB audit

Prior to the initial certification audit taking place, all sites in the group shall have been internally audited by the group entity, and shall have no outstanding critical or major nonconformities. There shall have been an internal audit of the group entity's systems, and there shall be no outstanding critical or major nonconformities.

The internal audit may have been undertaken for other reasons. Any internal audit, which has been performed within the past 12 months that confirms site conformance with requirements set out, shall be acceptable.

If the audits were not undertaken specifically for MSC:

- 6.3.1. the internal audit plan and schedule shall include information on each site covering the proposed date of the internal audit;
- 6.3.2. the group entity must be able to demonstrate through other audit records (e.g. food safety or quality audits) that all sites in the group can comply with requirements;
- 6.3.3. the group entity must have evidence that each site has acknowledged receipt of information regarding MSC requirements specifically; and

- 6.3.4. the group entity must note that the sites may be audited by the CB auditor and that the group will be rejected if sites with non-conformances exceed the reject number.

6.4. Internal auditor qualification criteria

Internal auditors shall comply with qualification criteria as follows.

- 6.4.1. All internal auditors shall be able to demonstrate knowledge of the MSC requirements for Chain of Custody, and of the requirements for group certification.
- 6.4.2. Internal auditors of activities performed at site level shall have a minimum of two years experience in fishing industry supply chain activity at the point in the supply chain that the group activities occur (or can justify to their CB why other experience is relevant) and shall be able to demonstrate that they understand audit processes, and undertake internal audits in accordance with Appendix C, Section 6.5.2.

Where more than one auditor is used to conduct internal audits of sites, there shall be at least one internal audit each year where each auditor is “shadowed” by another auditor to provide feedback aimed at ensuring consistency of interpretation of requirements and of decisions. Records of shadow audits shall be kept.

6.5. Internal audit process

The internal audit process shall be defined by way of procedures, checklists, report formats or similar tools, and shall include:

- 6.5.1. direction on what elements of the internal control system shall be audited at each site;
- 6.5.2. what processes the internal audit itself will follow which shall be in general agreement with the guidance provided by ISO 19011’s guidelines for auditing, that is; audit preparation, an informal opening meeting, collection of evidence of conformity and nonconformity, a closing meeting where audit findings are reported to and accepted by site representatives and a written report;
- 6.5.3. how the internal audit will be reported, with emphasis on reporting of actual nonconformities or areas for system improvement;
- 6.5.4. how nonconformities will be verified as being addressed following corrective action by the site or group entity; and,
- 6.5.5. records of verification shall include evidence of actions taken, and of the effectiveness of those actions in addressing the root cause of the nonconformity.

6.6. Input and output reconciliation

The group entity shall keep records of a reconciliation of inputs and outputs (by each species) for each site within the group over the previous 12 months at least once each year. The reconciliation for each site shall be in the form:

- 6.6.1. opening stocks of MSC certified fish
- 6.6.2. plus purchases of MSC certified fish
- 6.6.3. less sales of MSC certified fish sold as MSC certified fish
- 6.6.4. less sales of MSC certified fish not sold as MSC certified fish

- 6.6.5. less waste and other losses
- 6.6.6. equals closing stocks of MSC certified fish.

6.7. Decision on site conformity

The decision on whether a site is in conformity with all MSC and group requirements shall be made by a person or a committee who has not been involved in the site audit (a “decision maker”), and shall be based on the objective evidence provided by the site audit and all other evidence that may be available to the decision maker. If the group entity does not have a person that was not involved in the site audit, a committee of some of the site managers may make the decision for each site, extracting themselves from the decision regarding their site as per 6.8 below.

6.8. Impartiality

Impartiality shall be maintained at all stages of verification processes, including a check to ensure that site auditors and decision makers have no significant conflicts of interest⁷. Where a possible significant conflict of interest is identified, the individual or committee member concerned shall recuse⁸ herself or himself from the verification activity or decision-making.

7. SANCTIONS

7.1. Grading of nonconformities

The internal auditor who raises nonconformities shall analyse and grade them into one of three categories:

- 7.1.1. Critical – where product is found which is labelled as MSC certified but is shown not to be MSC certified; and
- 7.1.2. Major – where there is a breakdown which could result in non MSC certified being sold as MSC certified products;
- 7.1.3. Minor – where there is a breakdown which is unlikely to result in non MSC certified product being sold as MSC certified product and all other nonconformities.

7.2. Timing and corrective actions for site nonconformities

Nonconformities found in individual sites shall be addressed as set out in Sections 7.2.1 – 7.2.3.

- 7.2.1. Site Critical nonconformities shall result in immediate suspension of the site from the group. In addition, the group entity shall, within 20 days, undertake corrective and preventive action as specified in 5.7.2 to verify that the nonconformity does not pose a risk to operations at other sites.

⁷ Examples of significant conflict of interest include the internal auditor owning the site audited, or the site manager having a close family relationships or similar.

⁸ Recuse – declare oneself unqualified to act, to refuse to undertake the activity

- 7.2.2. Site Major nonconformities shall be corrected (following corrective action as specified in 5.7.2) within two months of their identification. If not corrected within this time frame, the nonconformity shall be reclassified as critical and the site shall be immediately suspended from the group.
- 7.2.3. Site Minor nonconformities shall be corrected (following corrective action as specified in 5.7.2) within twelve months of their identification. If not corrected within this time frame, the nonconformity shall be reclassified as major and there shall be two months given to correct it.
- 7.2.4. Timeframes given in 7.2.2 and 7.2.3 above may only be varied if the site at which the nonconformity was raised is not handling MSC certified fish during the extended period.

7.3. Timing and corrective actions for group entity nonconformities

Nonconformities found in the group entity as identified by an internal audit shall be addressed as set out in Sections 7.3.1 – 7.3.4.

- 7.3.1. Critical nonconformities shall result in the group entity immediately instructing all sites to immediately stop packaging and cease making any claim about MSC certification for affected product(s). The group entity shall inform its MSC accredited CB within 24 hours of finding the nonconformity. The CB may prescribe further actions.
- 7.3.2. Major nonconformities shall be corrected within two months of their identification. If not corrected within this time frame, the nonconformity shall be immediately re-graded as Critical.
- 7.3.3. Minor nonconformities shall be corrected within twelve months of their identification. If not corrected within this time frame, the nonconformity shall be immediately re-graded as Major.
- 7.3.4. Timeframes given above may only be varied if the entire group concerned is not handling MSC certified fish during the extended period.

7.4. Suspension of individual sites

Suspension of individual sites shall be for a period of:

- 7.4.1. a minimum of six months if the integrity of the certified supply chain has intentionally and/or systematically been compromised; or,
- 7.4.2. for a period of time sufficient to ensure that the nonconformity and its causes have been satisfactorily addressed if the integrity of the certified supply chain has not systematically and/or intentionally been compromised.

Following these time periods, if the nonconformity has been satisfactorily addressed, suspension may be lifted. During suspension no claim relating to MSC certified product shall be made. The group's CB shall be notified of all suspensions within 10 days.

7.5. Withdrawal

If the reasons for suspension are not addressed within the timeframe allowed in clause 7.4, the site shall be removed from the group, and cannot reapply for entry for a minimum period of 24 months.

8. SITES JOINING AND LEAVING THE GROUP AFTER INITIAL CERTIFICATION

8.1. Internal audit required prior to entry of new sites after certification

Prior to new sites being added to the group, applicant sites shall be internally audited by the group entity, and shall have no outstanding critical or major nonconformities with the requirements of the group and this document.

8.2. Approval of the Certification Body

The CB shall be advised of the intention to add new sites to the group, provided with a copy of audit records for that site, and be notified of all site details as required for the Register of Sites (Clause 4.4).

8.2.1. If the number of sites added to the group since the last CB audit is less than or equal to 10% of the number of sites at the time of that audit, and if the additional sites do not add new activities to the scope of the certificate, sites may be added with no CB activity required, but the group entity shall note that the CB may decide to perform an additional audit.

8.2.2. If the number of sites added to the group since the last CB audit is in excess of 10% of the number of sites at the time of that audit, or if the additional sites add new activities to the scope of the certificate, sites shall not be added to the group without the written consent of the CB, who may be required to perform additional audits prior to granting consent.

8.3. New sites added to Register

Once approval to add new sites to the group has been granted by the decision maker or the CB as appropriate, the new sites shall be added to the group, and their details included in the Register of Sites.

8.4. Sites withdrawing for any reason

Sites who withdraw from the group for whatever reason shall:

8.4.1. be removed from the register of sites;

8.4.2. be required to sign an acknowledgement that they are no longer part of the group, and may not continue to use the MSC ecolabel or trade name; and,

8.4.3. have their names advised to the CB within 10 days of withdrawal.

9. ECOLABEL LICENCING REQUIREMENTS

9.1. Responsibility

The group entity is responsible for ensuring all matters relating to licensing of the use of the MSC ecolabel within the group are managed or coordinated as set out in this section.

9.1.1. If the group entity and all sites are part of the same legal entity and MSC's trademarks are to be used, the group entity shall sign the ecolabel licence on behalf of the group.

9.1.2. If the group entity and sites are not all part of the same legal entity and MSC's trademarks are to be used by individual sites then each site shall sign an ecolabel licence. The group entity shall coordinate their required applications for approval, sales returns and fee payments.

9.2. Ecolabel use Procedure

There shall be a documented procedure setting out how the group as a whole and / or how individual sites may use the ecolabel, including processes for:

- p) communicating the rules for the use of the MSC trademarks to all sites;
- q) applying to Marine Stewardship Council International Ltd (MSCI) for approval to use the ecolabel;
- r) providing required information on sales returns; and,
- s) collection of funds owing to MSCI for royalty payments.

9.3. Application for approval to use the ecolabel on products

All requests from sites and / or the group entity for use of the MSC ecolabel for consumer facing, non consumer facing or menu use (as required by the ecolabel licensing agreement) shall be presented to MSCI by the group entity, who shall also communicate MSCI's decisions to the relevant individual site(s).

9.4. Ecolabel license fees

The group entity is ultimately responsible for collating data covering sales of MSC-labelled products made by each site and providing this information to MSCI.

- 9.4.1. If the group is compliant with 9.1.1 and the group entity and all sites are part of the same legal entity, the group entity will be invoiced for the royalties owed by each site within the group. It is liable for payment of all fees to MSCI.
- 9.4.2. If the group is compliant with 9.1.2 and the group entity and sites are not all part of the same legal entity, each site will be invoiced separately for the royalties owed by the site. The site is liable for payment of all fees to MSCI, and lack of compliance shall lead to notification of the group entity to audit the site and if necessary, issue a nonconformity.

9.5. Certificate number

In accordance with ecolabel licensing rules, each site shall use the certificate number allocated to the group, and the sub-code allocated to it when referring to its certified status.

10. RESPONSIBILITY TO THE CERTIFICATION BODY

10.1. Relationship with the CB

The group entity shall sign the certification contract with the CB, and shall be responsible to the CB for the group's conformity with all MSC requirements, and fulfilment of any conditions raised by the CB. It is responsible to the CB for all payments for certification costs.

10.2. Communication

The group entity shall be responsible for all communications between the group and the CB other than those related to any unannounced CB audit of individual sites.