

**MARINE STEWARDSHIP COUNCIL – TECHNICAL ADVISORY BOARD
TAB DIRECTIVE SERIES**

TAB Directive Number	Title	Date of Issue
TAB D-024 v1.1	Re-Entry of Fisheries that Fail Assessment	1 May 2010
Decision Date: 16 June 2009 Effective Date: 1 August 2009		

Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 024 v1	Superseded
Fishery Certification Methodology (FCM v6)	Section 5.1 revised

Background

The MSC's Fishery Certification Methodology (FCM v6) does not include any specific requirements pertaining to the re-entry of fisheries that fail assessment against the MSC standard. Accordingly, any fishery that fails an initial assessment against the MSC standard and chooses to subsequently re-enter assessment would be required to complete all steps required by the FCM v6. Such a process may involve the repetition of certain steps which need not necessarily be completed for a second time if there have been no material changes since the original assessment, with resulting implications for the duration and cost of the re-assessment.

Accordingly, scheme requirements regarding the re-entry of fisheries that fail an initial MSC assessment have been developed that parallel the existing certification and assessment methodologies while allowing appropriate flexibility in certain parts of the assessment process to provide efficiencies while ensuring a robust and rigorous assessment.

Intent

Provide a route to certification for fisheries that fail an initial assessment against the MSC standard that ensures:

- A thorough, accurate and up to date assessment of a fishery's performance against the MSC Standard;
- Appropriate opportunity for stakeholder engagement and review of the assessment; and
- Efficiency gains through the avoidance of repeating unnecessary steps in the assessment process.

Directive

1. The requirements specified in this TAB Directive shall come into immediate effect on the 1st of August 2009 for all fisheries that subsequently enter assessment¹ against the MSC standard and for all fisheries currently under assessment or undergoing recertification.

Requirements during Initial Assessment

2. The contents of Annex 1 of this TAB Directive revoke and replace the existing Section 5.1 (page 30) of the Fisheries Certification Methodology (FCM v6).

¹ Having signed a contract with a certification body for a full assessment.

3. In circumstances where a fishery is not recommended for certification pursuant to the requirements of paragraph 3.8.1 of the FCM v6, all subsequent assessment steps shall be followed.
4. Where the decision is taken not to award certification and fail the fishery, the Public Certification Report released to the public:
 - a. shall not specify any mandatory pre-conditions or defined actions that would need to be undertaken before the fishery could be reconsidered for certification in the future;
 - b. shall outline draft and non-binding conditions for any performance indicators that score more than 60 but less than 80, clearly specifying within the report that the conditions outlined are non-binding and serve to provide an indication of the actions that may have been required should the fishery have been certified;
 - c. shall not include an agreement from the client pursuant to paragraph 3.4.7 of the Fisheries Certification Methodology v6; and
 - d. may include non-binding recommendations pursuant to Appendix 1 of the Fisheries Certification Methodology v6.

Requirements Pertaining to Re-Entry to Assessment of Fisheries that Fail Assessment

5. Where a fishery fails² assessment against the MSC standard, a fishery may subsequently re-enter assessment³ on the basis of the requirements established in this TAB Directive provided that it re-enters assessment within 2 years of the completion of the initial assessment⁴. Fisheries re-entering assessment after this period would be considered a new assessment and not be eligible to the provisions established in this TAB Directive.

Scheme Requirements

6. Re-assessment of the fishery will be bound by scheme requirements in place at the time of the re-assessment, not those in place when the fishery was originally assessed.

Re-Assessment Announcement

7. Where a fishery chooses to re-enter assessment, an announcement regarding the assessment and public involvement shall be made pursuant to Section 2.1 Fisheries Certification Methodology v6.

Assessment Team

8. If the same assessment team is to be used in the subsequent assessment, the certification body need not consult on the composition of the assessment team..

Assessment Tree

9. If the same assessment tree is to be used in the subsequent assessment, the requirements of Section 2.3 of the Fisheries Certification Methodology v6 and TAB Directive 017 v2 do not apply.
10. Where the initial fishery assessment was conducted using an assessment tree developed pursuant to the requirements contained in Section 2.3 of the Fisheries Certification Methodology v6, re-assessment of that fishery may use the previous assessment tree as a

² Having published a Public Certification Report making a clear determination that the fishery does not meet the standard and is not certified.

³ Having signed a contract with a certification body for a full assessment.

⁴ Calculated from the date that the previous Public Certification Report is published on the MSC website.

basis for re-assessment only if it enters re-assessment prior to the 21st of July 2010. Fisheries re-entering assessment after this date are required to use the FAM Assessment Tree.

Reporting Requirements

11. Certification reports⁵ prepared during the assessment process shall be provided in full as per scheme requirements and shall not be shortened or abbreviated reports pertaining solely to elements revised between the initial and subsequent assessment of the fishery. Within the certification reports prepared, the certification body shall clearly:
 - a. specify that the fishery is being re-assessed;
 - b. summarise the details of the initial assessment, including the results of the initial assessment and the date of the original determination not to certify; and
 - c. identify those performance indicators for which scoring and/or the rationale for scoring has changed from the original assessment.

⁵ Including the Preliminary Draft Report, Peer Review Draft Report, Public Comment Draft Report; Final Report and Public Certification Report.

Annex 1: Revised Section 5.1 of the Fisheries Certification Methodology v6

5.1 Certification awarded/fishery failed

- 5.1.1 At the end of the full assessment process outlined in Sections 2 to 4, the certification body shall finalise a Public Certification Report which shall incorporate the Final Report (Section 4.1) and, if relevant, any written decisions arising from Section 4.2. The Public Certification Report shall be released to the public identifying an intention to certify or fail the fishery.
- 5.1.2 The certification body shall ensure that the final decision to award certification or fail the fishery is made by a person or persons independent of the audit team and incorporates actions taken by the certification body as a consequence of corrective action requests or directions, if relevant, issued under Section 4 of the FCM v6.
- 5.1.3 Where the decision is taken to award certification, the formal award of the certificate will not take place unless the Public Certification Report has been accepted by the client and published on the MSC website.
 - 5.1.3.1 The certificate shall be prepared in accordance with the content described in the Accreditation Manual (Clauses 1.17 and 2.4 refer). In addition to requirements set out in the Accreditation Manual, the fishery certificate shall identify the scope of the certified fishery certificate, including the unit of certification, the point at which fish and fish products may enter chains of custody, and if relevant, the entities that may be entitled to use the certificate.

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