

ANNEX BD

Extracted from the MSC Certification Requirements version 1.2

This document is an extract from the MSC Certification Requirements and is provided for the distribution to any individual or organisation interested in MSC Group Certification.

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ANNEX BD: Additional Chain of Custody requirements – Normative⁵⁹

Introduction

This document sets out requirements for certificate holders and applicants for MSC Chain of Custody certification. The cases in which each of these requirements applies are described in Table BD1.

This Annex contains requirements for certificate holders that are additional to the MSC Chain of Custody (CoC) Standard version 3.

Table BD1: Summary of Requirements and to whom they apply

Section	Requirement	Applies to
BD1	Reporting change	All certificate holders that undergo changes that effect their certification.
BD2	Request for records of certified product in the event of a traceback carried out by the MSC	All certificate holders that receive a request from MSC as part of a traceback.
BD3	Handling or selling under-MSC-assessment fish	All applicants and certificate holders handling or selling under-MSC-assessment fish.
BD4	Use of subcontractors	All applicants and certificate holders that use subcontractors.
BD5	Use of non-certified ingredients	All certificate holders using non-certified ingredients in MSC-labelled products.
BD6	Group certification	All applicants and certificate holders for MSC group chain of custody certification.

⁵⁹ TAB 19, date of application 14 November 2011

BD1 Requirements for reporting change

BD1.1 Applicability

BD1.1.1 Requirements in this section apply to certificate holders in the event of a change to their circumstances.

BD1.2 Requirements

BD1.2.1 The certificate holder shall inform their certification body of their intention to add a site to their certificate prior to using the new site.

BD1.2.2 Whenever the certificate holder seeks to extend its scope of certification, be this a new fishery, species, activity, product form, type of storage or product presentation, it shall apply for a scope extension to the certification body prior to the change occurring.

BD1.2.3 All new suppliers shall be listed.

BD1.2.3.1 The certificate holder shall communicate the use of a new supplier's name and CoC or fishery certificate code to their certification body no later than ten days after receiving its first delivery.

BD2 Request for records of certified product in the event of a traceback carried out by the MSC

BD2.1 Applicability

BD2.1.1 Requirements in this section apply to all certificate holders that MSC requests to provide data to assist with a traceback exercise.

BD2.1.2 To provide greater assurance to all stakeholders, the MSC conducts tracebacks on a regular basis. A traceback exercise traces MSC labelled products back to the certified fishery of origin by seeking supporting documentary evidence.

BD2.2 Requirements

BD2.2.1 Certificate holders shall cooperate with the MSC to undertake tracebacks, including:

BD2.2.1.1 Submitting requested records of certified material within seven calendar days of receiving the request, or in exceptional circumstances a shorter period as specified by the MSC.

- a. Financial details may be removed if so desired but records shall be otherwise unaltered.

- b. Records shall be submitted in English if so requested by the MSC.

BD2.2.1.2 Requesting an extension of time in writing to the MSC traceback evaluator if the seven day period in BD2.2.1.1 above cannot be met.

- a. This shall include a justification for the requested⁶⁰ extension.
- b. If the request for extension of time is not accepted, the original seven calendar day deadline shall be met.

BD2.2.2 Certificate holders shall include the requirements in BD2.2.1.1 above in contracts they have with subcontractors who may hold this data.

BD2.2.3 If the MSC traceback evaluator's requests are not met within required timeframes the MSC traceback evaluator may request that action be taken by the certification body.

BD3 Requirements for handling or selling under-MSC-assessment fish

BD3.1 Applicability

BD3.1.1 Under-MSC-assessment fish is fish or fish products that are, or are derived from, any aquatic organisms harvested in a fishery under full assessment for certification and caught on or after the 'target eligibility date' specified on the MSC-website for that fishery.

BD3.1.2 Requirements in this section apply to applicants and certificate holders that wish to include under-MSC-assessment fish in their scope of certification. Handling or selling under-MSC-assessment fish is only possible when the certification body responsible for the fishery assessment has defined the 'target eligibility date' and when the applicant or certificate holder fulfils requirement BD3.2.1.

BD3.1.3 The 'target eligibility date' is the date from which a product from a certified fishery may be permitted to bear the MSC Ecolabel.

BD3.2 Requirements

BD3.2.1 To be permitted to have under-MSC-assessment fish included in their scope of certification, applicants and certificate holders shall either:

⁶⁰ Standards Director, 24 October 2011, date of application immediate, corrects typo

- a. Take ownership of the fish before it is preserved, or
- b. Be the first company that preserves the fish, or
- c. Buy product directly from the first company that preserves the fish, or
- d. Be the first link in the chain of custody in which the fish is preserved by a company that is part of the unit of certification of the under-**MSC**-assessment fishery.

BD3.2.1.1 To be permitted to sell under-**MSC**-assessment fish, the certificate holder shall be described in **BD3.2.1 a.** or **b.** and shall have a system to ensure that any product it sells as under-**MSC**-assessment was caught on or after the target eligibility date as specified on the **MSC** website for that fishery.

BD3.2.1.2 Certificate holders described in **BD3.2.1 c.** and **d.** shall have a system to ensure that all references to its under-**MSC**-assessment status are removed if the product is sold before the fishery is certified.

BD3.2.2 For each batch of under-**MSC**-assessment fish purchased, the certificate holder shall maintain the following records and label the products with:

BD3.2.2.1 The name of the fishery, or name and **MSC** CoC certificate code of the supplier;

BD3.2.2.2 The date of capture, and;

BD3.2.2.3 Sufficient other details to allow the tracing of those inputs back to their suppliers.

BD3.2.3 The certificate holder shall refer to under-**MSC**-assessment status on invoices but not on products.

BD3.2.4 The certificate holder shall have a system to ensure that any product it eventually sells as **MSC**-certified was caught on or after the actual eligibility date⁶¹ as specified on the **MSC** website for that fishery.

BD3.2.5 The certificate holder may only sell under-**MSC**-assessment fish as **MSC**-certified once it has been confirmed that the fishery has been listed as certified on the **MSC** website.

BD4 Requirements for the use of subcontractors

⁶¹The 'actual eligibility date' is the date from which a product from a certified fishery is permitted to bear the **MSC** ecolabel.

BD4.1 Applicability

BD4.1.1 Requirements in this section apply to applicants and certificate holders that use subcontractors.

BD4.2 Requirements

BD4.2.1 The certificate holder shall apply to their certification body prior to use of a new subcontractor. This requirement is not applicable to certificate holders subcontracting transport companies or cold storage facilities.

BD4.2.2 If an applicant or a certificate holder uses subcontractors (except transport companies) the applicant or certificate holder shall have a signed contract with all those subcontractors that require the subcontractor to:

BD4.2.2.1 Conform to all relevant requirements of the MSC CoC standard.

BD4.2.2.2 Allow the certification body and the MSC's accreditation body access to the subcontractor's site and to all relevant documentation.

BD4.2.2.3 Acknowledge that they will conform to all reasonable requests for information from their client (the applicant or certificate holder), the certification body and the MSC's accreditation body.

BD4.2.2.4 Allow the certification body to undertake further audit if a subcontractor is not independently certified for MSC CoC.

BD4.2.3 The applicant or certificate holder shall:

BD4.2.3.1 Record the use of subcontractors, including their name and address, the nature and conditions of the contract and all relevant records of certified product associated with the subcontractor.

BD4.2.4 If the applicant or certificate holder subcontracts its processing activities to contract processors the applicant or certificate holder shall:

BD4.2.4.1 Inform the contract processor that it will be audited onsite by the applicant's or certificate holder's certification body prior to the use of the contract processor if the contract processor is not certified independently.

BD4.2.4.2 Provide a mass balance for each non-certified contract processor.

BD4.2.4.3 Require the contract processor to keep records to allow the certification body to cross check with the applicant's or certificate holder's records.

BD4.2.4.4 Provide details of all packaging produced, received and/or sent to contract processors.

BD4.2.4.5 Be able to conduct a reconciliation for the certification body to demonstrate that the total packaging produced and used is consistent with the amount of MSC-certified fish purchased and sold.

BD4.2.5 If transport companies are used, the transport company shall:

BD4.2.5.1 Not knowingly ship or receive product transported on vessels listed on RFMO blacklists.

BD4.2.5.2 Transport product in sealed containers if practicable.

BD5 Requirements for using non-certified seafood ingredients

BD5.1 Applicability

BD5.1.1 Requirements in this section apply to certificate holders that wish to use non-certified ingredients in an MSC ecolabelled product.

BD5.2 Requirements

BD5.2.1 The certificate holder shall apply to MSC (ecolabel@msc.org) if it wishes to use non-certified seafood ingredients on a product bearing the MSC ecolabel.

BD5.2.2 The non-certified seafood ingredients shall not exceed 5% of the total seafood ingredients in the final product.

BD5.2.3 The percentage of non-certified seafood ingredients in a product carrying the MSC ecolabel shall be calculated by:

- a. Dividing the total net weight (excluding water and added salt) of non-certified seafood ingredients by the total weight (excluding water and added salt) of the combined certified and non-certified seafood ingredients in the finished product; or
- b. Dividing the fluid volume of all non-certified seafood ingredients (excluding water and added salt) by the fluid volume of the combined certified non-certified seafood ingredients in the finished product (excluding water and added salt) if the product and ingredients are liquid. If the liquid product is identified as being reconstituted from concentrates, the calculation should be made based on single-strength concentrations of the ingredients and finished product;
- c. For products containing non-certified seafood ingredients in both solid and liquid form, dividing the combined weight of the non-certified seafood solid ingredients and the weight of the liquid ingredients (excluding water and added salt) by the total weight (excluding water and added salt) of the combined certified and

non-certified seafood in the finished product;

- d. The percentage of all non-certified seafood ingredients shall be rounded up to the nearest whole number;**
- e. The percentage shall be determined by the organisation who affixes the MSC ecolabel on the consumer package. The organisation may use information provided by other suppliers in determining the percentage.**

BD6 Group requirements

BD6.1 Applicability

BD6.1.1 Requirements in this section apply to all applicants and certificate holders that apply or are certified against the MSC group chain of custody certification requirements.

BD6.2 Requirements

BD6.2.1 Applicants and certificate holders that seek or hold certification for MSC's group chain of custody certification shall conform to the requirements in Annex BC–Checklist for Group Chain of Custody - Normative.

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