

Title: Derogation 10: Extension to implementation timeframes for MSC Fisheries Standard v3.0

MSC program document(s) and clause reference(s):

This derogation replaces the requirements set out in:

- Fisheries Standard v3.0 under the section 'Effective dates of the MSC Fisheries Standard v3.0
- Fisheries Certification Process v3.0 under the section 'Effective date of the Fisheries Certification Process v3.0'

The revised dates set out in the derogation also apply to:

- The Fisheries Certification Process v2.3 and v3.0:
 - Section 7.32
 - Section 7.26.7
- The Fisheries Standard Toolbox v1.1 under Section 'Effective date of the MSC Fisheries Standard Toolbox v1.1'
- The In-Transition to MSC (ITM) Program Requirements and Guidance under Section 'Effective Date of the ITM Program Requirements and Guidance – Pilot v2.0'

Effective date: 1 February 2024 (Updated 22 July 2024)

Expiration date: 1 November 2030

Issuing authority and date: MSC Board of Trustees, 22 July 2024

To: MSC Accredited Conformity Assessment Bodies

Cc: Assurance Services International

~~Strikethrough~~ = Edit to original Standard text

~~Red-Strikethrough~~ = Edit to previous Derogation text

Bold = New text

1. Objective of the derogation

- This derogation extends the period of time under which v2.01 of the MSC Fisheries Standard (“the Standard”) may continue to be used, providing additional time for:
 - Fisheries engaged in the MSC program to remain on v2.01 of the Standard
 - New fisheries to enter the MSC program on v2.01 of the Standard
- The extended timelines allow time for amendments to be made to v3.0 of the Standard and for a review of the Fisheries Standard Toolbox v1.2 to be undertaken.

2. Revised timelines

The following changes are made to implementation timeframes set out in Fisheries Standard v3.0:

*CABs shall conduct any initial assessment that is announced on or after ~~1 May 2023~~ **1 February 2026** **1 July 2026 or whenever the Review of the Fisheries Standard Toolbox is concluded, whichever is later**, in conformity with the MSC Fisheries Standard v3.1.*

~~CABs shall conduct any reassessment that is announced on or after 1 November 2025 in conformity with the MSC Fisheries Standard v3.0.~~

*CABs may elect to use the MSC Fisheries Standard v3.1 as of the publication date (~~26 October 2022~~) **22 July 2024**.*

*For fisheries that are certified against a version of the MSC Fisheries Standard published before the MSC Fisheries Standard v3.0, CABs shall apply the MSC Fisheries Standard v3.01 by ~~1 November 2028~~ **1 November 2030** as per the MSC Fisheries Certification Process v3.01 7.32.*

These dates should be applied wherever implementation timeframes are stated in the Fisheries Standard v3.0 and Fisheries Certification Process v3.0.

With regard to the ITM program:

- Existing ITM fisheries may continue to work towards and conduct initial MSC full assessments using v2.01 of the MSC Fisheries Standard after **1 February 2026** **1 July 2026 or whenever the Review of the Fisheries Standard Toolbox is concluded, whichever is later**, noting that the 1 November 2030 deadline still applies to these fisheries.
 - The only exception to this is for fisheries targeting stocks that have been assessed under the early application of Section SE (see below).
- Fisheries may continue to enter the ITM program to work towards and conduct initial MSC full assessments using v2.01 of the Fisheries Standard after **1 February 2026** **1 July 2026 or whenever the Review of the Fisheries Standard Toolbox is concluded, whichever is later**, again noting that the 1 November 2030 deadline still applies to these fisheries.

With regard to the early application of Section SE:

- Currently certified fisheries targeting stocks that have been assessed under the early application of Section SE shall use v3.0 or the amended version of the Standard (as available at the date of announcement) at their next assessment.
- New fisheries targeting stocks that have been assessed under the early application of Section SE shall use v3.0 or the amended version of the Standard (as available at the date of announcement) at initial assessment. This includes fisheries that have entered via the ITM program.
- Early application of Section SE is reopened to fisheries until **1 February 2026** **1 July 2026 or whenever the Review of the Fisheries Standard Toolbox is concluded, whichever is later**, in line with the extension of the effective date of v3.0 of the Standard for new fisheries.

3. FAQs

Can fisheries still choose to use v3.0 of the Standard?

CABs, in consultation with fishery clients, may continue to elect to use v3.0/v3.1 of the Standard as of the original publication date (26 October 2022) up to the time this version has been superseded by a newer version of the Standard.

For example, where a fishery already has a favourable preassessment against v3.0/v3.1 of the Standard they may choose to continue as planned into full assessment against v3.1.

Which version of the Fisheries Certification Process should be used against each version of the Standard?

The Fisheries Certification Process v2.3 shall continue to be used for any new assessments or audits carried out against the Fisheries Standard v2.01.

The Fisheries Certification Process v3.1 shall only be used for any new assessments or audits carried out against the Fisheries Standard v3.1.

What will happen to fisheries that have not yet transitioned away from v2.01 of the Standard after 1 November 2030?

CABs shall immediately suspend any fishery still certified against v2.01 of the Standard on 1 November 2030 until it is certified against either v3.0/v3.1 or an applicable version of the Standard which supersedes v3.0/v3.1.

CABs shall plan accordingly if they expect a fishery to be suspended or withdrawn on 1 November 2030, including following existing requirements on publishing notices of suspensions and withdrawals.

If a suspended fishery has not been certified against an applicable version of the Standard by the time its certificate expires, the CAB shall withdraw the fishery from the program.

What should a CAB do if a fishery certificate against v2.01 of the Standard is due to expire after 1 November 2030?

If a certificate is due to expire after 1 November 2030, the CAB shall either:

- Undertake a Transition Assessment as per FCP v3.1 Annex PE by 1 November 2030, or
- Announce the reassessment of the fishery against v3.1 or an applicable version of the Standard which supersedes v3.0/1 (as available at the time of announcement) no later than 9 months before 1 November 2030.

Is there a deadline for when reassessments must be announced against v3.0/v3.1 of the Standard?

The only deadline for reassessments is that CABs shall announce the reassessment of certified UoAs against v3.0/v3.1 or an applicable version of the Standard which supersedes v3.0/v3.1 (as available at the time of announcement) no later than 9 months before 1 November 2030.

Will v3.0 of the Standard continue to be an option once an amended version is published?

Once the amended version of the Standard (v3.1) is published, v3.0 will no longer be an option for fisheries starting new initial or reassessments.

Fisheries already in assessment or certified against v3.0 of the Standard will be able to continue on that version until their next reassessment.

Will fisheries in assessment or certified against v3.0 of the Standard be required to transition to the amended version?

Fisheries in assessment or certified against v3.0 will not be required to transition to the amended version (v3.1) until their next reassessment. That said, fisheries will be able to transfer from v3.0 to v3.1 during their assessment and/or surveillance audits using a stakeholder announcement.

If a fishery changes or splits, will it need to abide by the 2026 deadline for new fisheries?

The 2026 deadline does not apply for fisheries currently certified under v2.01 (or earlier versions) of the Standard or engaged in ITM v2.0. This includes if they are looking to enter (re)assessment under a different name or configuration (i.e. only some of the UoAs are moving forward with full assessments).

If a fishery is certified against v3.0 or a later version and is later withdrawn, can they re-enter against v2.01 of the Standard?

No, once a fishery has achieved certification against v3.0/1 of the Standard they are no longer able to enter against an earlier version.

Can a withdrawn fishery enter on v2.01?

Withdrawn fisheries can enter against v2.01 of the Standard as long as they announce before 1 July 2026. After this date, any fishery not certified or in the ITM program will need to announce full assessments against v3.0 or an amended version of the Standard (as available at the date of announcement).

Fisheries in transition to MSC

Can new fisheries enter ITM to work towards certification against v2.01 of the Standard after 1 July 2026 (or whenever the Review of the Fisheries Standard Toolbox is concluded)?

Yes, however this is a business decision that fishery clients will need to make in consultation with CABs. CABs should ensure fishery clients are fully aware of the 1 November 2030 deadline after which any fishery certified against v2.01 of the Standard will be suspended until they are certified against v3.0 or v3.1 (as available at the time of announcement). The cost and timing of a transition assessment or early reassessment may factor into a fishery clients decision as to work towards v2.01 or a later version of the Standard.

Does it make sense for ITM fisheries to announce full assessments on v2.01 of the Standard after 1 July 2026 (or whenever the Review of the Fisheries Standard Toolbox is concluded)?

As above, this is a business decision that fishery clients will need to make in consultation with CABs. CABs should ensure fishery clients are fully aware of the 1 November 2030 deadline after which any fishery certified against v2.01 of the Standard will be suspended until they are certified against v3.0/v3.1 or an applicable

version of the Standard which supersedes v3.0/v3.1). The cost and timing of a transition assessment or early reassessment may factor into a fishery clients decision as to whether to enter on v2.01 or a later version of the Standard.

What happens to fisheries in the ITM program still working towards v2.01 of the Standard after 1 November 2030?

The CAB shall withdraw from the ITM program any fishery still working on a Standard v2.01 Improvement Action Plan after 1 November 2030.