

Guidance for MSC Chain of Custody CABs relating to the Covid-19 Derogation

This document is guidance to the derogation and is not directly auditable. It is, however, expected that the guidance included in this document will be applied by CABs, where applicable, unless there is a justification for not doing so.

Please note that this document is subject to updates to incorporate additional information as needed.

Following the publication of the recent update to the derogation, which allows deviations from the existing requirements for on-site audits (MSC CoC CR v3.1 - 7.1.6) and extensions to certificates (MSC CoC CR v3.1 - 11.4), issued by the MSC in response to Coronavirus pandemic and, based on questions we have received from CABs, the MSC have developed some questions and answers which will hopefully help with consistency and interpretation of this derogation. CABs should continue to send questions in to supplychain@msc.org and we will respond as quickly as we can. The Supply Chain Standards team will also look to host a more detailed question and answer document on the [interpretations log](#) and/or CAB extranet, and will let you know when this is available.

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Version 1.1: 17 April 2020

Version	Effective date	Description of amendment	Affected section/page
1.0	8 April 2020	N/A – new document	N/A
1.1	17 April 2020	Clarification on the auditability of the guidance Updated existing answers and added new questions have been marked with “(New)”	Inclusion of definition of guidance in introductory paragraph Introduction of contents Q.2 – 3 rd paragraph is new Q.4 – 2 nd paragraph is new Q.5 – 2 nd paragraph is new

1. Question – How do I decide whether to conduct a remote audit or extend a certificate?

Answer – The MSC expects remote audits to be conducted where feasible in this period to maintain the certification programme and ensure integrity and credibility of the programme. This includes conducting initial audits and other audit related activities where normally an auditor would be expected to go on site (clauses detailed in the additional CAB guidance on the [CAB extranet](#)), as aligned with requirements in the derogation allowing for remote audits. The MSC have provided additional guidance on how to conduct remote audits on the CAB extranet. Certificate extensions are to be allowed where remote audits are not feasible e.g. closure of operations or based on CAB judgement. The final decision rests with the CAB in both situations.

2. Question - What timelines are impacted by this derogation?

Answer – This derogation allows for

- Surveillance and re-certification audits to be delayed by up to 6 months/180 days (currently clause 11.3.1.d in the Certification requirements allows 90 days) and
- Certificates to be extended by up to 6 months/180 days as well (currently clause 11.4.2.1 allows extensions up to 90 days).

This 6-month extension also applies to certificate holders that have already had a 3-month extension approved **prior** to the derogation being issued.

The derogation allows for an extension of up to 6 months and it is at the discretion of the CAB whether the extension needs the entire 6 months or can be shorter.

It is expected that all other timelines listed in the Standards, Certification Requirements and General Certification Requirements (CoC related) will be respected and certificate holders maintain conformity with these documents during the period of the derogation issued on the 27th March 2020.

3. Question – Does the extension for surveillance audits apply in addition to the 90 days allowed by 11.3.1.d in the MSC CoC Certification Requirements? (New)

Answer – Yes, this derogation allows for an additional 6 months in addition to the 90 days currently allowed

4. Question – What is the validity date of this derogation?

Answer – Currently this derogation is valid until 27th September 2020. That means that any certificate due to expire up until the 27th September can be extended by up to 6 months and that any audit due up until this date can also be delayed by up to 6 months.

Please note that, if a re-certification audit is due in the period of the derogation but the certificate expiry date is due outside the derogation, both the audit and associated certificate can be extended.

5. Question – If a 6-month extension is granted will the next certificate issued after this extension be based on the original expiry date as per 11.4.2.1 of the MSC CoC Certification Requirements?

Answer – No, new certificates issued after the extension can be issued with an expiry date based on the extension of the previous certificate. This is to avoid a backlog of audits for CABs post the derogation period and to ensure that certificate holders don't need to have their next surveillance very soon after their recent re-certification audit.

However, the decisions remain at the discretion of the CAB, so this does not mean that the extension has to remain in place.

6. Question – Will I need to submit a variation to cover each of these extensions?

Answer – No, the terms of the derogation means that individual variations do not need to be submitted. The decision to accept these extensions/delays is made by the CAB. It is expected that CABs request certificate extensions on Ecert. CABs shall maintain a log of certificate holders that have been impacted by the derogation and the rationale for why an audit was conducted remotely, a certificate was extended, or an audit was delayed.

7. Question – How do I submit a certificate extension request on Ecert?

Answer - To apply for an extension to an existing certificate, click 'Apply for extension of certificate'. A pop-up window will open with the certificate dates editable added to the expiry date. Please add the reason as **'Delayed due to Coronavirus Pandemic/Covid-19'**. No files need to be added to support the application. Click 'Perform action' to submit the application for extension. The MSC will then approve the extension request. If a certificate holder has already had an extension approved and wishes to extend further, please contact supplychain@msc.org to arrange for this to be amended in Ecert. Full details on how to extend certificates can be found in the [MSC Ecert database user manual for CABs Chain of Custody v12.0](#)

The same process will also need to be completed on the ASC Ecert portal for those certificate holders that have ASC Chain of Custody certificates.

8. Question – Can CABs still conduct onsite audits in this period, including initial audits?

Answer – Yes, if agreed by the CAB and the client, then there is still the possibility to conduct audits on-site.

9. Question - What do we do about unannounced audits in this period and target 1% as per 11.3.2 of the MSC CoC CR? (New)

Answer - As per our remote audit guidance document, which is available on the CAB extranet, we accept that unannounced audits will not be possible in this period. The MSC have agreed with ASI



that with regard to the 1% target we will accept that 0.5% of audits are conducted unannounced this year. For CABs with less than 30 certificate holders none will be needed this year.