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

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.

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

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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.

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.

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.

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.

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?

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Answer – No, new certificates issued after the extension will 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.

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, as well as maintaining 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.

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’. 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.

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.