

## Guidance for MSC Fisheries CABs relating to the Covid-19 Derogation

### Contents

How to use this document.....	3
<b>Part 1 – normative requirements (new)</b> .....	3
1 Updating certificates .....	3
2 Triggering expedited audits.....	4
<b>Part 2: Guidance to the Covid-19 derogation</b> .....	5
1 Why has this derogation been issued?.....	5
2 Will all fishery certificate be extended by 6 months? .....	5
3 Will fishery certificates that are issued between 27 March 2020 and 27 September 2020 (i.e. the duration of the derogation) be extended by 6 months? .....	5
4 How will the automatic 6-month fishery certificate extension be implemented in ECert? .....	5
5 Do CABs need to submit variation requests to extend certificates, associated timelines and audit and assessment timelines? .....	5
6 What does the MSC mean by “associated timelines”? .....	6
7 Can recently drafted conditions and milestones be extended by 6-months? (new) .....	6
8 How will the automatic 6-month extension to ‘associated timelines’ be implemented? .....	6
9 Which audit and assessment activities are affected by the derogation and what does the MSC mean by “audit and assessment timelines”? .....	6
10 How should CABs record and communicate assessment and surveillance audit timeline extensions? (updated) .....	8
11 Where variation requests to extend deadlines and timelines have been submitted and accepted, does the 6-month extension apply to ‘new’ deadlines and timelines granted by variation requests? .....	9
12 Can CABs conduct assessments or surveillance audits in the next 6-months? (updated) .....	9
13 If a CAB is conducting an initial assessment, and the site visit is conducted remotely before 27 September 2020 should CABs also conduct an in-person site visit when the derogation has been lifted? (new) .....	10
14 If the fishery certificate holder decides to proceed with ongoing and/or planned assessment and surveillance audit activities, do they still get a 6-month extension on their certificate and associated deadlines? .....	10
15 Can assessment and surveillance audit activities that are planned for beyond 6-months (i.e. after 27 <sup>th</sup> September 2020) be delayed? .....	11
16 Can CABs start an assessment or surveillance audit in the next 6-months and then delay the assessment or surveillance audit activities? .....	11
17 Can CABs extend fishery certificates, associated timelines and audit and assessment timelines by more than 6-months? .....	11
18 Are all surveillance audits affected by the derogation? .....	11

19	The FCP already allows for a 6-month deviation for surveillance audits. How is the derogation implemented with respect to FCP v2.1 7.28.8.1? .....	11
20	Can CABs conduct surveillance audits in the next 6 months? (new).....	12
21	If a CAB proceeds with the next surveillance audit as planned, are condition milestones still extended? If so, how should CABs evaluate progress against a condition? (new) .....	12
22	If a CAB proceeds with the next surveillance audit as planned, but condition milestones are extended by 6-months, what is the scope of the surveillance audit? (new) .....	12
23	If a CAB proceeds with the next surveillance audit as planned, but condition milestones are extended by 6-months, how should the CAB align surveillance audits and condition milestones for the remainder of the certificate? (new).....	12
24	Are four surveillance audits still needed before a fishery certificate expires?.....	13
25	If a surveillance audit is delayed for 6 months, can the CAB carry out some activities remotely now and complete the audit with the onsite activities later after the derogation for remote audits has been lifted? (new) .....	13
26	Can CABs still suspend fishery certificates?.....	13
27	How does the derogation affect harmonised fisheries and harmonisation activities? .....	14
28	How are ongoing objections affected by the derogation?.....	14
29	How has the MSC communicated to fishery certificate holders and stakeholders about the derogation.....	14
30	Will the effective dates for the Fisheries Certification Process v2.2 be delayed? (new) .....	14
31	Will the participation of fishery auditors-in-training in remote assessments be accepted as the fulfilment of the qualification requirements for new auditors? (new) .....	14
<b>32</b>	<b>NEW: How does the derogation affect the anniversary date of the existing certificate in FCP 7.25.1 and 7.30.1 (new)? .....</b>	<b>15</b>
<b>33</b>	<b>NEW: If CABs and clients proceeded with reassessments and the PCR is ready for publication months in advance of the certificate expiry date when should the PCR be published and when should the new certificate be issued? .....</b>	<b>15</b>
	Appendix 1: Temporary amendment to the Ecert Fisheries Manual .....	16

## Version control

Version	Date of publication	Description of amendment(s)
1.0	2 April 2020	N/A – new document
2.0	17 April 2020	Normative requirements added relating to expedited audits. Clarification on the auditability of the guidance. Additional information on surveillance audits. New questions have been marked with “(new)”. Updated questions have been marked with “(updated)”. Edits for clarification are not marked.
3.0	13 October	New questions have been marked with <b>NEW</b> (questions 32 and 33).

## How to use this document

**Part 1** is normative and is directly auditable by ASI.

**Part 2** is guidance provided to help CABs interpret and implement the Covid-19 Derogation. The guidance should be followed by CABs, but it is not directly auditable.

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

## Part 1 – normative requirements (new)

### 1 Updating certificates

1.1 CABs shall update fishery certificate expiry dates:

- 1.1.1 CABs shall follow [Appendix 1](#) of this guidance document (a temporary amendment to the [Ecert Fisheries Manual](#)) to update all fishery certificates and their expiry dates.
- 1.1.2 CABs shall update all fishery certificate that are due to expire prior to 27 September 2020 by Wednesday 15 April 2020.
- 1.1.3 CABs shall ensure that all certificates and their expiry dates are updated by Monday 29 June 2020.
- 1.1.4 For fisheries with all UoCs suspended, the CAB shall update the expiry date in Ecert under the “Certification” and “Certificate files” tabs, but it is not necessary to upload the updated certificate file at the same time. The CAB shall upload the updated certificate file when the certificate is reinstated (GCR 7.4.6).
- 1.1.5 For fisheries with some, but not all, UoCs suspended, **the CAB shall follow [Appendix 1](#)** for all UoCs, uploading the updated certificate(s) for the UoCs that are not suspended.

1.2 CAB shall extend fishery certificates that are issued between 27 March 2020 and 27 September 2020 (i.e. the duration of the derogation) by 6 months.

CABs can use this [date calculator tool](#) to calculate new certificate expiry dates.

## 2 Triggering expedited audits

2.1 CABs shall follow FCP v2.2 clause 7.29.1 (Box 1) to trigger an expedited audit from 17 April 2020 until 25 September 2020.

2.1.1 CABs shall not trigger an expedited audit using FCP v2.1 7.29.1

2.2 CABs shall follow all other requirements under FCP v2.1 7.29 when conducting an expedited audit.

2.3 If the fishery certificate holder cannot allocate resources to participate in an expedited audit the CAB shall inform the MSC and submit a variation request against FCP v2.2 7.29.1.

### Box 1: FCP v2.2

7.29.1 - The CAB shall complete an expedited audit if the CAB becomes aware of changes to the circumstances of the fishery and/or of new information that may cause: ■

- a. A PI score falling below 60.
- b. A Principle score falling below an aggregate 80 score due to the changes to the score for 1 or more PIs.
- c. A change in scope (as per 7.4, 7.5.2 or 7.5.3).

G7.29.1 New information ▲

Examples of 'significant new information' are:

- Major changes in management.
- New information describing a major impact of the fishery.

However, as the FCP, states there must be good reason to think that these are actual material differences, and not a likely temporary change in indicated status that might arise, for instance, from the introduction of a new, not yet validated, stock assessment model.

## Part 2: Guidance to the Covid-19 derogation

### 1 Why has this derogation been issued?

The Covid-19 derogation is issued in response to the Covid-19 pandemic and its potential impacts on CABs and fishery certificate holders' ability to execute audits and assessments in a safe and timely manner. Challenges may include travel restrictions, access to information, and the availability of scientists, managers and other stakeholders. An 'automatic extension' ensures clarity in communication, consistent application and alignment of timelines for harmonised fisheries. The guidance below is provided to support the implementation of the derogation.

Questions can be submitted to [fisheries@msc.org](mailto:fisheries@msc.org).

Thank you for your cooperation during this challenging time.

### 2 Will all fishery certificate be extended by 6 months?

Yes. All fishery certificates issued prior to 27 March 2020 will be extended by 6 months. This includes certificates that are currently suspended.

### 3 Will fishery certificates that are issued between 27 March 2020 and 27 September 2020 (i.e. the duration of the derogation) be extended by 6 months?

Yes. Fishery certificates that are issued with the date of certification between 27 March 2020 and 27 September 2020 (i.e. the duration of the derogation) are subject to the 6-month extension. This is because fishery certificate holders of certificates issued in the next 6 months are likely to be affected by the Covid-19 outbreak.

### 4 How will the automatic 6-month fishery certificate extension be implemented in ECert?

Unfortunately, there is no way to automatically apply this extension in ECert. Please refer to section 1 in Part 1 of this document for information on updating certificates.

### 5 Do CABs need to submit variation requests to extend certificates, associated timelines and audit and assessment timelines?

No. CABs do not need to submit variation requests to extend fishery certificates, associated timelines and audit and assessment timelines by 6-months in accordance with the derogation.

Usually, a certificate can only be extended if the CAB submits a variation request against GCR clause 7.5.6 and the MSC accepts the variation request. This derogation supersedes the need for a CAB to submit a variation request. All fishery certificates will be extended by 6-months.

## 6 What does the MSC mean by “associated timelines”?

The derogation is a six-month extension which applies to the fishery certificate and associated timelines. Associated timelines refer to condition deadlines, condition milestones and Client Action Plan timelines - all of which are extended by 6-months.

The timelines associated with certificates issued between 27 March 2020 and 27 September 2020 (i.e. the duration of the derogation) will be extended by 6 months. This is because conditions, milestones and client action plans associated with certificates issued in the next 6 months are likely to be affected by the Covid-19 outbreak.

## 7 Can recently drafted conditions and milestones be extended by 6-months? (new)

Yes, the derogation applies to recently drafted conditions and milestones – i.e. the fishery is currently (at the time the derogation was published) in an assessment. If the 6-month extension means that condition timeline will be longer than the duration of the certificate and will be carried over into a subsequent certificate, the CAB should follow the requirements on exceptional circumstances (FCP 7.18.1.5).

## 8 How will the automatic 6-month extension to ‘associated timelines’ be implemented?

Unfortunately, there is no way to automatically apply this extension to condition deadlines, condition milestones and Client Action Plan timelines.

Therefore, CABs should update condition deadlines and condition milestones in the next Surveillance Report. CABs should include the following text as justification for the 6-month extension:

The condition deadline/condition milestone [delete as appropriate] is subject to a 6-month extension in accordance with Covid-19 Derogation 27 March 2020

## 9 Which audit and assessment activities are affected by the derogation and what does the MSC mean by “audit and assessment timelines”?

Where the MSC refers to assessments it is referring to initial assessments, reassessments and scope extension assessments. Where the MSC refers to audits it is referring to surveillance audits.

The derogation means that assessment and surveillance audit activities associated with an existing certificate or an ongoing assessment or surveillance audit are delayed by 6-months (Table 1), unless the fishery certificate holder (or prospective certificate holder) opts to proceed with remote audit and assessment activities.

Please note that it is **not** the MSC’s intent that the 6-month extension applies to additively to each timeline requirement in the Fisheries Certification Process. The MSC’s intent is that if there is an ongoing assessment or surveillance audit, the 6-month extension applies to the subsequent timeline requirement to allow an effective pause in the assessment or surveillance audit process for 6-months

Guidance for MSC Fisheries CABs relating to the Covid-19 Derogation v3.0

(unless the fishery certificate holder or prospective certificate holder is able to proceed as planned). The only exception to this is the 9-month deadline (7.20.1) and the 18-month deadline (7.22.1). The 9-month deadline and the 18-month deadlines are extended by 6-months in addition to any other delay.

Table 1: Audit and assessment timelines affected by the derogation (this is not an exhaustive list)

FCP v2.1 clause (FCR 2.0 clause)	
7.12.3	<p>The announcement of the fishery assessment shall include the announcement of the site visit, including the date and location of the site visit.</p> <p><b>Note to CABs:</b> Where the CAB has announced a fishery assessment, the 6-month extension applies to date of the site visit stated in the announcement.</p>
7.16.1	<p>The team shall carry out the site visit as planned. ■</p> <p><b>Note to CABs:</b> The 6-month extension applies to the planned dates of site visits.</p>
7.19.6 (7.13.2.3 – reworded)	<p>The CAB should allow 60 days after receipt of the Client and Peer Review Draft Report for the client to: ■</p> <ol style="list-style-type: none"> <li>a. Provide information on items that would lead to a ‘material difference’, as defined in 7.20.6.c, in the outcome of the assessment.</li> <li>b. Develop a Client Action Plan using the ‘MSC Client Action Plan Template’.</li> </ol>
7.20.1 (7.3.4)	<p>If the period from full assessment announcement to the receipt of the Public Comment Draft Report by the MSC exceeds 9 months, the CAB shall:</p> <ol style="list-style-type: none"> <li>a. Within 5 days of the 9-month deadline, upload a statement to the MSC database for publication on the MSC website requesting, for a period of 30 days, stakeholder submissions of any new information relating to the fishery that the team should consider in the assessment of the fishery.</li> <li>b. Directly notify stakeholders participating in the fishery assessment of the opportunity to submit new information relating to the fishery that the team should consider in the assessment of the fishery.</li> <li>c. Following the 30-day period within which stakeholders may submit new information: <ol style="list-style-type: none"> <li>i. Review any new information provided.</li> <li>ii. Ensure that the team incorporate any changes to the scoring based on new information provided, if the team consider changes are necessary.</li> </ol> </li> </ol> <p><b>Note to CABs:</b> the 6-month extension applies only to the 9-month deadline. Once the deadline is reached (9 months + 6 months) the 5-day and 30-day timelines in subclauses a-c apply.</p>
7.22.1 (7.3.2)	<p>If the period from the full assessment announcement to the publication of the Final Draft Report by the MSC is more than 18 months, the CAB shall withdraw the fishery from the MSC assessment process.</p>
7.24.1	<p>If no ‘Notice of Objection’ is filed or a ‘Notice of Objection’ is filed and dismissed by an independent adjudicator after the Final Draft Report stage, the CAB should publish the Public Certification Report within 60</p>



	days after the closing date of the consultation period on the Final Draft Report.
7.28.14.5 (7.23.11.4)	The CAB shall use the 'MSC Surveillance Announcement Template' to notify stakeholders and the MSC of: a. Time, dates and location of the surveillance activities. <b>Note to CABs:</b> Where the CAB has announced a surveillance audit, the 6-month extension applies to date of the site visit stated in the announcement.
7.28.14.6 (7.23.11.5)	The CAB shall upload the Surveillance Announcement to the MSC database for publication on the MSC website at least 30 days before the surveillance audit activities are carried out. <b>Note to CABs:</b> Where the CAB has announced a surveillance audit, the 6-month extension applies to timeframe between announcing the audit and conducting the site visit.
7.28.8	The CAB shall undertake surveillance audits within 30 days prior to the anniversary date of the certificate unless the following applies.
7.28.8.1 (7.23.6.1)	The CAB may elect to undertake surveillance audits up to 6 months earlier or later than the anniversary date, where this deviation is appropriate given the circumstances of the fishery.
7.28.20.1 (7.23.17.1)	Where new conditions are identified, the CAB should allow a period of up to 30 days after receipt of the Surveillance Report for the client to prepare a Client Action Plan.
7.28.23 (7.23.18)	The CAB shall upload the Surveillance Report to the MSC database within 60 days of completing the audit for publication on the MSC website.
7.28.23.1	If the client has revised the Client Action Plan following surveillance, the CAB shall upload the Surveillance Report to the MSC database within 90 days of completing the audit for publication on the MSC website.
7.30.1 (7.24.1 – reworded)	The CAB shall announce the reassessment of a certified fishery no later than the date 90 days after the fourth anniversary of the existing certificate. Exact timing and planning of the reassessment shall remain the responsibility of the CAB, in consultation with the client.

## 10 How should CABs record and communicate assessment and surveillance audit timeline extensions? (updated)

The MSC recognises the administrative burden that could result from the derogation. Therefore, CABs do not have to announce delays to assessment and audit activities for individual fisheries, and CABs do not have to upload updated timelines if reports are delayed (FCP 7.13.1.1).



The Track a Fishery website will house a banner informing all stakeholders about the derogation and the 6-month extension to fishery certificates, condition deadlines and fishery assessment/audit activities:

**Due the Covid-19 outbreak the MSC has issued a derogation that allows a 6-month extension for all fishery certificates, condition deadlines and fishery assessment/audit activities. Timelines on the Track a Fishery website are not currently up-to-date.**

However, CABs should keep a log of all assessment and surveillance audit activities that are delayed under this derogation using the 'Derogation Log Template' that has been provided to all CABs. This will ensure that data is provided in a consistent and systematic manner. CABs should submit this log to MSC via [standards@msc.org](mailto:standards@msc.org) by Monday 29 May 2020. This will enable the MSC to maintain a database to track and monitor the implications of the derogation. CABs shall submit an updated log by 27 September 2020 where necessary (i.e. where changes have occurred after 29 May 2020).

CABs should include a statement in the next assessment or audit document (e.g. Surveillance Announcement Template) or report (e.g. Public Certification Report) that is uploaded to Ecert which documents the delays in the assessment or surveillance audit activities and timelines. CABs should include a reference to the Covid-19 derogation 27 March 2020 as justification for the delay.

### **11 Where variation requests to extend deadlines and timelines have been submitted and accepted, does the 6-month extension apply to 'new' deadlines and timelines granted by variation requests?**

Yes. If a CAB has been granted an extension to a deadline or timeline via a variation request, the 6-month extension under the derogation applies to the new deadline or timeline as per the variation request.

### **12 Can CABs conduct assessments or surveillance audits in the next 6-months? (updated)**

Yes. The derogation states that 'Fishery clients can opt to proceed with remote audit or assessment activities during this extension period, i.e. to work to existing or revised timelines, with their CABs, should they so choose'. This means that fishery certificate holders or prospective certificate holders may decide to proceed with assessments and surveillance audits as planned. Where this is the case, the derogation allows CABs to conduct assessment site visits as off-site site visits and off-site surveillance audits for the duration of the 6-month derogation period (27<sup>th</sup> March 2020 – 27<sup>th</sup> September 2020). The requirements for in-person site visits and on-site surveillance audits (clauses 7.16.1 and 7.28.2) do not apply during the period of this derogation.

(Update) Where CABs proceed with assessment and surveillance audit activities as planned, CABs are not required to submit additional justification or communications to ASI or the MSC. ASI, MSC and other stakeholders will be informed of assessment and audit activities that are proceeding as planned via announcements uploaded to Ecert and published on Track A fishery, as per FCP requirements.

If CABs proceed with assessments and surveillance audits they are expected to conduct activities as per the FCP requirements. Many stakeholders will also be impacted by the Covid-19 outbreak, therefore CABs should consider allowing stakeholders additional time to provide input during stakeholder consultation opportunities (i.e. consultation on the ACDR and PCDR and the timeframe during which a stakeholder can submit a Notice of Objection – Table 2).

Table 2: FCP requirements on stakeholder consultation opportunities

FCP v2.1 clause	
7.15.1	<p>The CAB shall publish the Announcement Comment Draft Report for stakeholder input.</p> <p>7.15.1.1 If an initial assessment, the CAB shall allow 60 days for stakeholder input.</p> <p>7.15.1.2 If a reassessment, the CAB shall allow 30 days for stakeholder input.</p>
7.20.8 (7.15.3.1)	The CAB shall make the Public Comment Draft Report available for stakeholder input for at least 30 days.
7.23.1 (7.18.1)	CABs shall note that a 'Notice of Objection' may be filed with an MSC independent adjudicator in conformity with the MSC Objection Procedure found in Annex PD during a period of 15 United Kingdom working days from the posting of the Final Report and Determination on the MSC website.
7.28.14.6 (7.23.11.5)	The CAB shall upload the Surveillance Announcement to the MSC database for publication on the MSC website at least 30 days before the surveillance audit activities are carried out.

**13 If a CAB is conducting an initial assessment, and the site visit is conducted remotely before 27 September 2020 should CABs also conduct an in-person site visit when the derogation has been lifted? (new)**

It is up to the CAB to determine whether the remote site visit for the initial assessment was effective to gather sufficient information from the client or stakeholders so that the CAB could adequately assess and analyse the evidence. As per G7.16.1 CABs may require further site visits. A certification decision can be made based on a remote site visit.

**14 If the fishery certificate holder decides to proceed with ongoing and/or planned assessment and surveillance audit activities, do they still get a 6-month extension on their certificate and associated deadlines?**

Yes. The 6-month fishery certificate extension and extension to associated timelines applies regardless of whether the fishery certificate holder or prospective certificate holder decides to proceed with ongoing and/or planned assessment and surveillance audit activities.

### **15 Can assessment and surveillance audit activities that are planned for beyond 6-months (i.e. after 27<sup>th</sup> September 2020) be delayed?**

Yes. All assessment and surveillance audit activities associated with an existing certificate or an ongoing assessment or surveillance audit are delayed by 6-months.

For example, a surveillance audit that is due by 1<sup>st</sup> November 2020 is delayed until 1<sup>st</sup> April 2021. A reassessment that is due to start (i.e. be announced) on 1<sup>st</sup> December 2020 is delayed until 1<sup>st</sup> May 2021.

### **16 Can CABs start an assessment or surveillance audit in the next 6-months and then delay the assessment or surveillance audit activities?**

Yes. A fishery certificate holder (or a fishery engaged in an initial assessment) and CAB may decide to continue with an ongoing assessment or surveillance audit (i.e. the assessment/audit was announced before the Covid-19 derogation), or to proceed with surveillance audits or start full assessments (either initial- or reassessments) as planned.

However, the MSC recognises that there may be delays due to the impact of the Covid-19 outbreak and the derogation seeks to provide flexibility. CABs may extend timelines by 6-months mid assessment or audit where there are Covid-19 related delays.

### **17 Can CABs extend fishery certificates, associated timelines and audit and assessment timelines by more than 6-months?**

No. The MSC will review the derogation on a monthly basis, and it may be extended if the Covid-19 disruption continues or intensifies.

If CABs need to extend fishery certificates, associated timelines and audit and assessment timelines by more than 6 months the MSC expects CABs to submit a variation request as per GCR 4.12. The CABs should wait until the end of the derogation period before submitting variation requests to extend timelines further.

### **18 Are all surveillance audits affected by the derogation?**

Yes, all surveillance audits are delayed by 6 months, unless the fishery certificate holder opts to proceed with remote audit and assessment activities.

Surveillance audit schedules are published in the Public Certification Report (7.28.11.1) and updated in Surveillance Reports if changes are made (7.28.12.1). The timing of surveillance audits documented in the surveillance schedules are delayed by 6-months under the derogation.

### **19 The FCP already allows for a 6-month deviation for surveillance audits. How is the derogation implemented with respect to FCP v2.1 7.28.8.1?**

7.28.8.1 states that the CAB may elect to undertake surveillance audits up to 6 months earlier or later than the anniversary date, where this deviation is appropriate given the circumstances of the fishery.

CABs may still apply 7.28.8.1, CABs should consider the 6-month deviation to apply to a recalculated anniversary date – ‘anniversary date + 6 months’. For example, if the anniversary date is 1<sup>st</sup> January, the CAB may apply the 6-month deviation to 1<sup>st</sup> June. Therefore, the CAB could conduct the surveillance audit 6 months before or after 1<sup>st</sup> June.

## **20 Can CABs conduct surveillance audits in the next 6 months? (new)**

The derogation states that ‘Fishery clients can opt to proceed with remote audit or assessment activities during this extension period, i.e. to work to existing or revised timelines, with their CABs, should they so choose’. This means that fishery certificate holders may decide to proceed with surveillance audits as planned. Where this is the case, the derogation allows CABs to conduct off-site surveillance audits for the duration of the 6-month derogation period (27th March 2020 – 27th September 2020). The requirements for on-site surveillance audits (FCP 7.28.2) do not apply during the period of this derogation.

## **21 If a CAB proceeds with the next surveillance audit as planned, are condition milestones still extended? If so, how should CABs evaluate progress against a condition? (new)**

If a CAB conducts a surveillance audit as planned the CAB should update condition deadlines and condition milestones in the Surveillance Report. The CAB should include the following text as justification for the 6-month extension:

The condition deadline/condition milestone [delete as appropriate] is subject to a 6-month extension in accordance with Covid-19 Derogation 27 March 2020

When evaluating progress against conditions (FCP 7.28.16) the CAB should determine progress and performance using the extended milestones and condition deadlines. If the fishery certificate holder has met the relevant milestone, despite it recently being extended due to the Covid-19 derogation, the CAB should document progress as ‘ahead of target’ (FCP 7.28.16.1.b).

## **22 If a CAB proceeds with the next surveillance audit as planned, but condition milestones are extended by 6-months, what is the scope of the surveillance audit? (new)**

If a CAB conducts a surveillance audit as planned, the surveillance audit activities set out in FCP 7.28.15 and 7.28.16 still apply.

## **23 If a CAB proceeds with the next surveillance audit as planned, but condition milestones are extended by 6-months, how should the CAB align surveillance audits and condition milestones for the remainder of the certificate? (new)**

Milestones and conditions deadlines are often tied to surveillance audits, therefore if a CAB conducts a surveillance audit as planned it may result in milestones, conditions deadlines and surveillance

audits being misaligned. This is because milestones and condition deadlines are extended by 6 months. CABs should realign milestones and condition deadlines with surveillance audits by conducting the subsequent surveillance audit 18 months after the surveillance audit being conducted as planned (Figure 1).

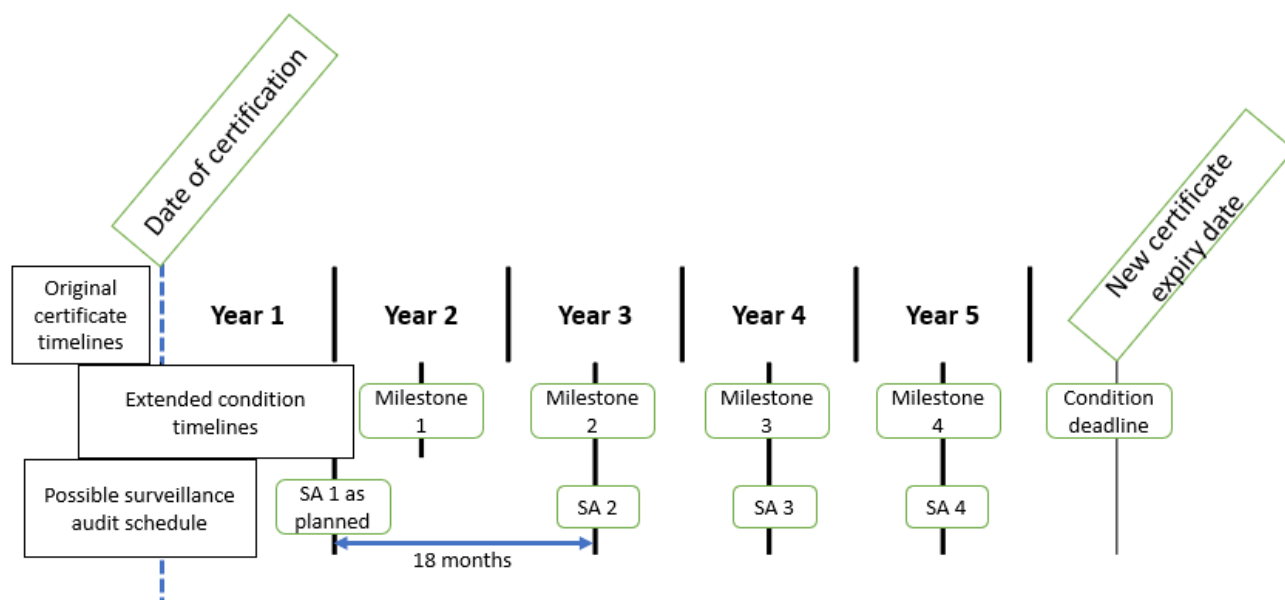


Figure 1: Possible approach to align milestones, condition deadlines and surveillance audits.

## 24 Are four surveillance audits still needed before a fishery certificate expires?

Yes. FCP v2.1 clause 7.28.9 still applies.

## 25 If a surveillance audit is delayed for 6 months, can the CAB carry out some activities remotely now and complete the audit with the onsite activities later after the derogation for remote audits has been lifted? (new)

Yes, this is possible if agreed with the fishery certificate holder. The CAB and fishery certificate holder should decide when surveillance audit activities are conducted with respect to the Covid-19 derogation. CABs should ensure surveillance audit announcements contain all relevant information about the timings and activities and are uploaded to Ecert 30-day before surveillance audit activities are conducted as per FCP 7.28.14.5 and 7.28.14.6.

## 26 Can CABs still suspend fishery certificates?

Yes, GCR 7.4 still applies during the 6-month derogation period (27 March 2020 – 27 September 2020).

## **27 How does the derogation affect harmonised fisheries and harmonisation activities?**

The derogation means that all assessment and surveillance audit timelines are extended by 6-months. However, some fishery certificate holders may be in a position to continue with an ongoing assessment or surveillance audit (i.e. the assessment/audit was announced before the Covid-19 derogation), or to proceed with surveillance audits or start full assessments (either initial- or re-assessments) as planned.

Where there are overlapping and harmonised fisheries the MSC requests CABs, in discussion with fishery certificate holders, to take a coordinated approach. CABs should avoid the situation where some fishery assessments and audits continue as planned and others apply the 6-month extension to audit and assessment timelines. A reason for allowing an automatic extension is to ensure alignment where practicable.

## **28 How are ongoing objections affected by the derogation?**

The independent adjudicator will consult with the parties to the objection to determine the best way to proceed in light of the Covid-19 outbreak.

## **29 How has the MSC communicated to fishery certificate holders and stakeholders about the derogation.**

The Track a Fishery website will house a banner informing all stakeholders about the derogation and the 6-month extension to fishery certificates, condition deadlines and fishery assessment/audit activities:

**Due the Covid-19 outbreak the MSC has issued a derogation that allows a 6-month extension for all fishery certificates, condition deadlines and fishery assessment/audit activities. Timelines on the Track a Fishery website are not currently up-to-date.**

All fishery certificate holders were sent a letter about the derogation and a press release has been published on the [MSC website](#).

## **30 Will the effective dates for the Fisheries Certification Process v2.2 be delayed? (new)**

No. The effective date for FCP v2.2 remains 25 September 2020. The implementation date for the UoA definition remains 25 March 2023.

## **31 Will the participation of fishery auditors-in-training in remote assessments be accepted as the fulfilment of the qualification requirements for new auditors? (new)**

Yes, unless it is not possible to verify competencies during a remote audit.



### 32 NEW: How does the derogation affect the anniversary date of the existing certificate in FCP 7.25.1 and 7.30.1 (new)?

The relevant clauses here are:

FCP clause	
7.25.1	If the CAB makes a decision to award certification, the CAB shall determine that the date of certification is the date the Public Certification Report is published on the MSC website or, for reassessments, the 5th anniversary date of the existing certificate, whichever is later.
7.30.1	The CAB shall announce the reassessment of a certified fishery no later than 90 days after the 4th anniversary of the existing certificate.

Where certificates have been extended by 6 months due to the March 2020 derogation, CABs should apply the 6-month deviation certificate anniversary dates in FCP 7.25.1 and 7.30.1. The recalculated certificate anniversary date would be 'anniversary date + 6 months'. For example, if the anniversary date of the existing certificate originally was 1 January, the 4<sup>th</sup> or the 5<sup>th</sup> anniversary date of the existing certificate would be 1 July.

### 33 NEW: If CABs and clients proceeded with reassessments and the PCR is ready for publication months in advance of the certificate expiry date when should the PCR be published and when should the new certificate be issued?

There will be situations where certificates were extended by 6 months under the derogation and CABs/clients proceeded with reassessments without using the 6-month delay. In these situations, the PCR may be ready for publication months in advance of the new certificate expiry date and the recalculated 5<sup>th</sup> anniversary date of the existing certificate (7.25.1) (see question 32).

The CAB should publish the Public Certification Report within 60 days after the closing date of the consultation period on the Final Draft Report if no objection was filed or accepted, as per MSC Disputes Process 5.2.4 (FCP v2.1 7.24.1). However, the date of certification is not until the 5<sup>th</sup> anniversary date of the existing certificate as per FCP 7.25.1.

If new information becomes available between the PCR publication and certification date FCP v2.2 7.29.12 applies.

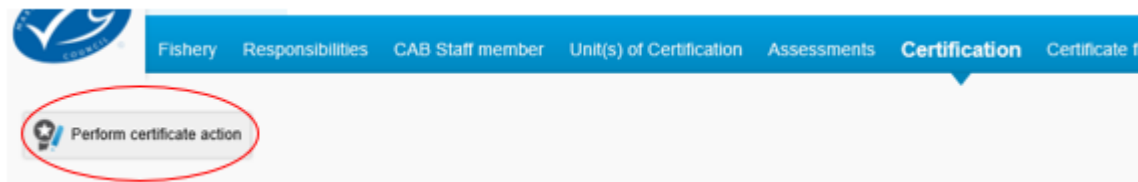
CABs should also consider how best to organise surveillance schedules so that there is not an unreasonable length of time between the date of the PCR publication and the 1st surveillance audit, regardless of the recalculated 5<sup>th</sup> anniversary date of the certificate and the certification date. Unreasonable would be more than 18-months.



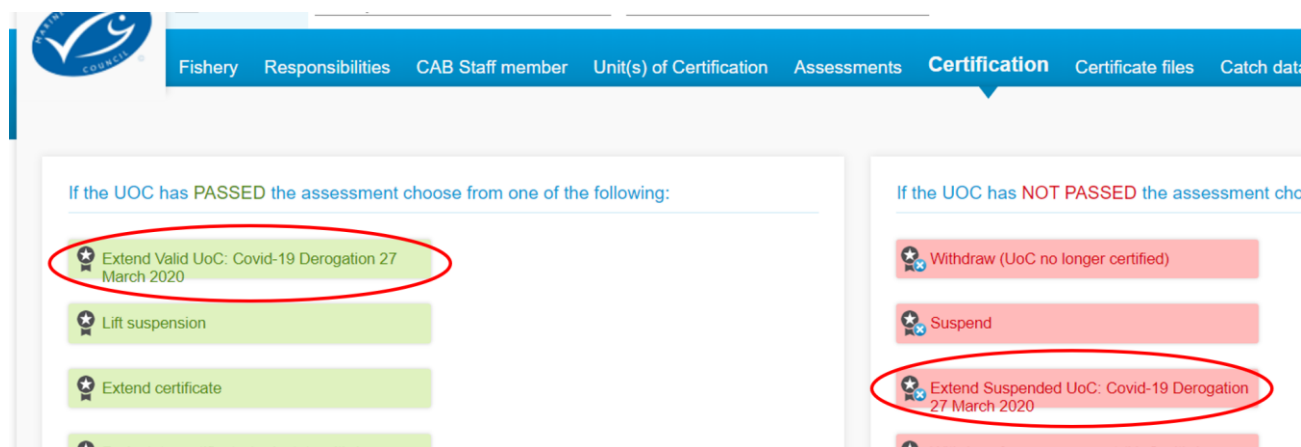
## Appendix 1: Temporary amendment to the Ecert Fisheries Manual

### 1) Extending a Fishery certificate for the Covid-19 Derogation 27 March 2020

The Covid-19 Derogation extension must be reflected in the *Certification* tab in Ecert with correct dates and certificate files to cover exact validity dates. To update the Unit of Certification (UoC) dates, open the *Certification* tab and select 'Perform certificate action'.



**Step 1:** Choose the appropriate Covid-19 Derogation extension action to extend valid and suspended Units of Certification. Valid and suspended UoCs need to be extended separately. Use “Extend Valid UoC: Covid-19 Derogation 27 March 2020” to extend the expiry of valid UoCs, or “Extend Suspended UoC: Covid-19 Derogation 27 March 2020” to extend the expiry of suspended UoCs.



**Step 2:** Make sure correct UoCs are selected, then click 'Continue'.

The screenshot shows the 'Extend Valid UoC: Covid-19 Derogation 27 March 2020' form. The 'Certification' tab is active. Below the navigation bar, there are 'Back' and 'Continue' buttons. The main content area displays 'Step 1 - Please select the Unit of Certifications you want to include in this action.' A table lists the selected units of certification, with the first three rows circled in red:

<input checked="" type="checkbox"/>	Unit of Certification	UoC number	Gear type	Species	Status
<input checked="" type="checkbox"/>	Pacific Ocean Perch	UoC-0000001949	Falling Gear	Pacific ocean perch (Sebastes alutus)	Valid
<input checked="" type="checkbox"/>	One mo UoC	UoC-0000002316	Gear not know or not specified	Aborichthys elongatus (Aborichthys elongatus)	Valid

**Step 3:** Enter the new expiry date, and then press 'Save and close'.

The screenshot shows the 'Extend Valid UoC: Covid-19 Derogation 27 March 2020' form. The 'Certification' tab is active. Below the navigation bar, there are 'Save and Close' and 'Back' buttons. The main content area displays 'Step 2 - Please verify the certification status and dates before saving.' A table lists the units of certification, with the 'Certificate expiry' column circled in red:

Unit of Certification	UoC Number	Gear Type	Species	Status *	Certificate issue	Certificate expiry
Pacific Ocean Perch	UoC-0000001949	Falling Gear	Pacific ocean perch (Sebastes alutus)	Valid	19/09/2019	19/09/2024
One mo UoC	UoC-0000002316	Gear not know or not specified	Aborichthys elongatus (Aborichthys elongatus)	Valid	04/03/2020	04/03/2025

## 2) Create a new Fishery certificate version

It is important to note that the *Certificate files* and *Certification* data are independent and need to be updated separately.

**Step 1:** To update a certificate and create a new certificate version with the same certificate number, first open the *Certificate Files* tab.

**Step 2:** Click on the certificate number you would like to revise. Then, click 'Create new certificate version'. The new certificate version will automatically open, which you can verify with the new 'Version' number.

### Note


New certificate versions can only be created for active certificates.


The screenshot shows the 'Certificate files' tab in the system. The 'Create new certificate version' button is circled in red. Below the navigation bar, the 'Certificate details' section is visible, containing fields for Certificate No., Issue date, Expiry date, and Comment, along with metadata like Version, Created by, and Set inactive by.

Field	Value
Certificate No.	MSC-F-31277
Issue date *	10/04/2020
Expiry date *	10/04/2025
Version	3
Created by	Test Demo
Set inactive by	
Set inactive on	
Active/visible on website	<input checked="" type="checkbox"/>

**Step 3:** In the new version, confirm the 'Certificate no.' is correct, add the 'Issue date' and new 'Expiry date'. Add the following text to the 'Comment' section:

6-month certificate extension – Covid-19 Derogation 27 March 2020

**Step 4:** Click  to upload the revised certificate file.

**Step 5:** To finish revising the new version and publish the certificate to the website, click 'Finish and publish on website'. The earlier version will be automatically disabled and only viewable by clicking  in the 'History' column.

Alternatively, to save the revised version as an unpublished draft, click 'Save' or 'Save and close'. The draft will appear in grey in the *Certificate files* tab with no icon in the 'Status' column until it is finished and published as above.