



**Title:** Derogation 3: COVID-19 Fishery and Chain of Custody Remote Auditing/Assessment

**MSC program document(s) and clause reference(s):** Fisheries Certification Process and Chain of Custody Certification Requirements, clauses affecting remote audits and others specified in the document.

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**To:** MSC Applicant or Accredited Conformity Assessment Bodies

**Cc:** Assurance Services International

### Versions published

Version no.	Date published	Description of amendments
1	2 September 2020	N/A
2	13 October 2020	Additional guidance added to FAQ (questions 15, 16, 17 22, 23, 24).
3	26 February 2021	Extension of application, amendments to Chain of Custody.
4	21 March 2022	Extension of application, amendments to initial audit requirements and clarifications for Chain of Custody, including addition of 1.5.b-c, 1.7, 1.14.a and 1.19.
5	23 March 2023	6 months extension of application with no other changes in scheme documents

## 1 Normative Requirements

For fisheries and CoC:

- 1.1 The CAB shall determine whether any of the following COVID-19 related factors prevent an on-site audit/assessment:
  - a. International, national, or local travel restrictions that impact the assessment team or auditor or certificate holder.
  - b. Health risks of conducting an in-person audit/assessment to anyone involved in the audit process.
  - c. Certificate holder or CAB company policies.

### Guidance 1.1

International, national or local travel restrictions can refer to guidance or legislation that has been issued by a governmental or regulatory body at either national, regional, or local level. This can be where travel is banned completely or where there are quarantine rules in place that make travelling and conducting audits/assessments impractical. Travel restrictions can be relevant to the location of the audit/assessment, the locations where audit/assessment team members or certificate holders reside and would be travelling to and from to attend the audit, locations where audit/assessment team members or certificate holders would transit through to reach the audit location. The health and welfare of those involved in the audit/assessment process is paramount so if risks are identified or policies mean that on-site audits/assessments are not allowed then these can be included as reasons not to conduct on-site audits/assessments.

- 1.2 The CAB shall conduct audits/assessments according to requirements in the Fisheries Certification Process (FCP) and Chain of Custody Certification Requirements (CoCCR) where the factors listed in 1.1 do not prevent an on-site audit/assessment.

### For fisheries:

- 1.3 Where any of the factors from 1.1 are identified, the CAB shall:
  - a. Conduct surveillance audits, expedited audits, scope extension assessments or reassessments remotely.
  - b. Submit a variation request (as per [GCR 4.12](#)) to the MSC to conduct initial assessments remotely.
    - i. Include information relating to the factors listed in 1.1 which prevent an on-site initial assessment in the variation request.
    - ii. Include a comprehensive risk assessment for conducting the initial assessment remotely in the variation request, including, as a minimum, the risks listed in Table 1 and how identified risks will be mitigated.
- 1.4 If the MSC accepts the variation request, the CAB may conduct the initial assessment remotely.
  - 1.4.1 The CAB shall request an additional peer reviewer from the Peer Review College when implementing [FCP 7.14](#).

Table 1: Areas of risk to be included in risk assessment (1.3.b.ii)

Risk areas	Key risks
<p>Sufficient information to enable an effective and robust fishery assessment process and comprehensive assessment against the MSC Fisheries Standard</p>	<p>Ability to verify information remotely – please refer to Table G1 for more information.</p>
	<p>Ability to engage with stakeholders, deliver a robust stakeholder consultation process and conduct interviews with stakeholder. Please refer to FCP 4.2, GFCP 4.2, and 7.16.</p>
	<p>Ability to gather information and carry out stakeholder consultations if the Risk Based Framework (annex PF) is being used to assess data-deficient PIs. Please refer to PF2.3, PF3.2, PF3.3.2, PF4.1.5.b.ii, PF4.2, PF7.2, PF8.2, PF8.4.1, PF8.5.1, PF8.6.1 and PF8.7.1.</p> <p>Other relevant references: FCP 7.10.2.m.</p>
	<p>Availability of information - FCP 7.10.2.h requires CABs to indicate the availability of information used to score each PI and to highlight potential information gaps. If the CAB identifies a large number of information gaps in the ACDR the CAB should consider if a remote site visit will be sufficient to obtain the necessary information.</p>
	<p>Please refer to the interpretation '<a href="#">Clarifications relating to the Announcement Comment Draft</a>' which provides the MSC's intent behind draft scoring ranges, identification of information gaps to inform site visits and stakeholders consultation: "The MSC's intent is that the ACDR provides indicative scoring and rationales, and identifies where more information is needed. One of the objectives of the ACDR is to assist the site visit by facilitating stakeholder input to the assessment prior to the site visit, and to ensure the CAB, the client and stakeholders are better informed and prepared for the site visit..."</p> <p>CABs should consider the risk of an off-site initial fishery assessment if any Performance Indicator has a draft scoring range of &lt;60 reported in the ACDR.</p>
	<p>Ability to understand the context, scale, and intensity of the fishery operations.</p>
<p>Sufficient communication capability to effectively plan, conduct interviews and facilitate information sharing as per <a href="#">IAF MD 4: 2018</a><sup>1</sup>.</p>	<p>Availability of information and communication technology (ICT). Competency of assessment teams, auditees, and stakeholders in using ICT. Please refer to <a href="#">IAF MD 4:2018</a></p>

<sup>1</sup> International Accreditation Forum (IAF) Mandatory Document for the Use of Information and Communication Technology (ICT) for Auditing/Assessment Purposes. Issue 2, IAF MD 4: 2018.

	Ability to clearly exchange information between the assessment team, prospective fishery client and stakeholders and to be understood by all parties when parties speak different languages.
	Ability to schedule remote site visit activities at reasonable mutually convenient times when parties are located across different time zones.

### Guidance to Table G1

Table G1 provides guidance on assessing information availability and ability to verify information remotely. Table G1 is adapted from Table G10 in FCP v2.2/v2.3/v3.0.

Table G1: guidance on assessing information availability and ability to verify information remotely

	Ability to verify remotely is low (high risk)	Ability to verify remotely is high (low risk)
Client and stakeholder input	Electronic forms of communication and other mechanisms to engage with clients and stakeholders (such as video conferencing, phone conferencing, email, phone) are absent, limited, or inefficient and ineffective in providing the information required for an audit in the particular circumstances of the fishery.	There are ample opportunities and mechanisms to engage with clients and stakeholders including electronic forms of communication, such as videoconferencing, phone conferencing, email, and phone. The mechanisms are effective in the particular circumstances of the fishery.
Fishery reports, government documents, stock assessment reports and/or other relevant reports	Fishery reports and other types of reports required for the assessment against the MSC Fisheries Standard are not available publicly and cannot be transmitted electronically. There is no remote access to the information and there are no, or very limited, other sources available to triangulate and confirm status of the fishery with respect to the MSC Standard.	Fishery reports and other documented evidence that can be used to assess performance against the MSC Fisheries Standard can be easily and transparently checked remotely, due to such information being available publicly, such as being available on a website or having been widely distributed and made publicly available to several stakeholders. The reports can be transmitted electronically, and veracity easily confirmed.
Information appropriate to determination of Principle 1 and Principle 2 information requirements (see Guidance to the MSC Fisheries Standard)	Information from electronic monitoring of position, observer data, logbooks, fisher interviews, dockside monitoring etc. is required but cannot be easily transmitted to a remote auditor in a form that can be easily interpreted.	Where information from electronic monitoring of position, observer data, logbooks, fisher interviews, dockside monitoring etc. is required to verify performance against the MSC Fisheries Standard, this information is available to be transmitted electronically to

		auditors in a form that can be easily interpreted.
Transparency of the management system	Level of transparency of information by management is low such that information about performance of the fishery is generally not easily nor widely available.	There is a high level of transparency in management, such that information on the fishery is widely and publicly available or known to the wider group of stakeholders. Any information provided on the fishery can be easily verified.
Vessels, gear or other physical aspect of the fishery	The assessment requires inspection of vessels or other physical aspects of the fishery during the audit and there are no reliable mechanisms for verifying these aspects of the fishery from a remote location.	The assessment does not require investigation of physical aspects of the fishery or there are reliable mechanisms to enable verification of these aspects from a remote location.

**For CoC:**

1.5 Where any of the factors from 1.1 are identified, the CAB shall:

*Remote auditing*

- a. Conduct all surveillance audits, expedited audits, scope extension audits, CFO follow up visits, subcontractor visits, new site additions to a multi-site certificate, transfer audits, new scope activity or recertification audits remotely without need for variation.
- b. Confirm if there are any changes to the previously completed risk assessment prior to holding a third consecutive remote audit, without need for a variation.
  - i. Clause 1.5.b only applies if the audit would have been on-site under normal circumstances.
  - ii. The risk assessment shall only be uploaded to the scheme database with the finalised CoC checklist if there are changes to the risk assessment.
- c. Conduct initial audits remotely if 1.1.a national travel restrictions apply due to COVID-19, without need for a variation.
  - i. The CAB shall complete a risk assessment considering the entire certificate scope covering, as a minimum, the risks listed in Tables 2 and 3 and how risks identified will be mitigated.
  - ii. The CAB shall confirm the relevant national travel restriction and upload the completed risk assessment on to the scheme database.

**Guidance 1.5.c**

1.5.c relates to restrictions set at a national level, and not to restrictions set locally or internationally. This can be where travel is banned completely or where there are quarantine rules in place that make travelling and conducting audits/assessments

impractical. Travel restrictions can be relevant to the location of the audit/assessment, the locations where audit/assessment team members or certificate holders reside and would be travelling to and from to attend the audit, locations where audit/assessment team members or certificate holders would transit through to reach the audit location.

- d. Submit a variation request to the MSC (as per [GCR 4.12](#)) to conduct initial audits remotely if they are either not eligible for initial remote audit (as per [CoCCR 7.1.6.1 and 1.5.c above](#)) or have subcontractors which require an on-site visit as part of the initial audit (as per [CoCCR 8.4.2](#)).
    - i. The CAB shall complete a risk assessment considering the entire certificate scope covering, as a minimum, the risks listed in [Table 2](#) and [Table 3](#) and how risks identified will be mitigated.
- 1.6 Where the risks are high and not possible to mitigate, and/or the infrastructure is not available for remote auditing, the CAB shall not conduct the audit remotely, and:
- a. Initial audits shall be delayed.
  - b. Additions to certificates which require an on-site audit shall be delayed (e.g. subcontractors, scope extensions, or additional sites).
  - c. Audits shall be extended as per 1.9, or certificates cancelled as per 1.10.1.
- 1.7 Audits with a facilitator on-site shall not be considered remote audits.

#### **Guidance 1.7**

A facilitator is a local employee or contractor of the CAB who is not fully qualified as an MSC auditor but supports and is directed by the audit team joining throughout remotely. They are independent to the client.

- 1.8 Where the CABs and/or clients are affected by the factors listed in 1.1, adherence to the following clauses is not required:
- a. [CoCCR 11.3.2](#) on unannounced audits.
  - b. [CoCCR 7.2.8](#) on short notice audits for CFO clients.
  - c. Group CoC Standard 6.2.3 on on-site internal audits to add new sites to the group certification.

#### **Guidance 1.8.c**

For on-site internal audits of sites required prior to group certification as per Group CoC Standard 6.4.1 the CAB may apply for a variation for the internal audits to be conducted remotely if the factors in 1.1 apply, and the CAB considers the risks to be effectively mitigated.

#### *Audit extensions*

- 1.9 Audits may be delayed as necessary by up to 180 days if any of the following apply:
- a. Sites are temporarily closed due to COVID-19.

- b. Sites are significantly impacted by absences due to COVID-19, including key site representatives.
- c. As determined in 1.6.
  - i. This is 90 days in addition to the 90 days allowed in [CoCCR 11.3.1](#).
  - ii. Audits shall be conducted within 3 months of the site re-opening.
  - iii. The ongoing audit date shall be aligned to certification as per [CoCCR 11.3.1.d](#) or may be extended by up to 90 days if related to a short-term closure.

1.10 If an audit has already been delayed by 180 days prior to the publication of this derogation, 1.9 does not allow for a further delay, and 1.10.1 applies.

#### **Guidance 1.10**

If an audit has already been delayed by less than 180 days, it can be delayed by a number of days to make a total of 180 days. If the last audit date was extended by up to 180 days and the next audit has been brought forward to realign with the certification date in accordance with [CoCCR 11.3.1.d](#) (i.e. scheduled for 6 months later for a 12 month audit frequency) then the 180-day extension may be applied to this audit.

- 1.10.1 Where it is not possible to conduct an audit following a delay, the certificate shall be cancelled.

#### **Guidance 1.10.1**

In the case of temporary site closures which prevent an audit taking place, following the certificate cancellation, the CAB is recommended to apply for an interim certificate as per [CoCCR 6.2.4–7](#) at the time the site(s) reopen.

- 1.10.2 In the case of an unforeseen circumstance (e.g. COVID-19 outbreak at the site), the CAB may apply for a variation to further extend the certificate in accordance with 1.17.

#### *Certificate extensions*

1.11 Certificates may be extended by up to 180 days where:

- a. Sites are temporarily closed due to COVID-19.
- b. Sites are significantly impacted by absences due to COVID-19, including key site representatives.
- c. Alignment is needed with an audit delay triggered by 1.6.

1.11.1 If certificates are extended as per 1.11, this is 90 days in addition to the 90 days allowed within [CoCCR 11.4.2](#).

1.11.2 The extended time shall be taken off the next certificate in accordance with [CoCCR 11.4.2.1](#) or may be extended by up to 90 days if related to a short-term closure.

#### **Guidance 1.11**

Where a certificate is extended for up to 180 days the validity of the new certificate will be based on the original certificate expiration date, not on the extended expiration date. For

example, a certificate issued after a 180-day extension, will be valid for 2 years 6 months from the date of issue.

If related to a temporary closure of up to 90 days, the validity of the new certificate will be based on the extended expiration date. For example, a certificate issued after a 90-day temporary closure, will be valid for 3 years from the date of issue.

1.12 If a certificate has already been extended by 180 days prior to the publication of this derogation, 1.9 does not allow for the further extension, and 10.12.1 applies.

**Guidance 1.12**

If a certificate has already been extended by less than 180 days (e.g. 100 days), it can be extended by up to an additional 80 days to make a total of 180 days.

1.12.1 Where it is not possible to conduct an audit following a certificate extension, the certificate shall be cancelled.

**Guidance 1.12.2**

In the case of temporary site closures which prevent an audit taking place, following a certificate cancellation, the CAB is recommended to apply for an interim certificate as per [CoCCR 6.2.4–7](#) at the time the site(s) reopen.

1.12.2 In the case of an unforeseen circumstance (e.g. COVID-19 outbreak at the site), the CAB may apply for a variation to further extend the certificate in accordance with 1.18.

Table 2: Feasibility of remote CoC audit

Area	Guidance
<b>Does the applicant/CoC holder have an adequate infrastructure for remote audits?</b>	If the applicant/CoC holder has good internet connectivity as well as access to software, this makes a remote audit more accessible.
<b>Does the applicant/ CoC holder have an electronic based quality management system?</b>	An electronic based quality management system makes it easier to access details remotely, i.e. procedures and records are saved on a computer/server and can be emailed.
<b>Has the applicant/CoC holder submitted pre-audit documentation?</b>	A key element of remote auditing is preparation. If the applicant/CoC holder has submitted documentation prior to the audit, this would assist with conducting the audit remotely.
<b>Does the auditor scheduled for the audit speak the same language as the applicant/CoC holder?</b>	Language barriers could increase risk to the audit. Where an interpreter/translator is used, additional time may be needed for this and how to practically use them remotely considered.
<b>Are the appropriate confidentiality, security, and data protection systems in place?</b>	If the CAB and/or the applicant/CoC holder does not have the appropriate systems to ensure these elements, the audit cannot take place remotely.



Table 3: Risk of remote CoC audit

Area	Guidance
<b>Is the applicant/ CoC holder certified to other accredited standards?</b>	If the applicant/CoC holder is certified to other accredited standards, especially those with elements of traceability, it provides greater confidence in their ability to meet the requirements in the CoC Standard.
<b>Is the applicant/CoC holder a processor and/or packer?</b>	If the applicant/CoC holder is a processor and/or packer, this should be considered to be higher risk than a trader or a storage company due to the number of steps where errors could occur.
<b>Does the applicant/ CoC holder proposed scope include fishing and/ or carrier vessels at sea?</b>	If the applicant/CoC holder's scope includes vessels operating at sea that cannot be audited on-site onboard the vessels, there is an increased risk. Good connectivity, access to crew members, onboard and on-landing operations and electronic records (e.g. catch data, logbooks, monitoring, control and surveillance system, observer data) are key in providing greater confidence in auditor ability to verify CoC Standard conformance.
<b>Does the applicant/CoC holder handle certified and non-certified species?</b>	If the applicant/CoC holder handles certified and non-certified (especially similar-looking) species, there is an increased risk of errors. As the auditor is not on-site there is less opportunity to identify the mixing risks. For traders and other organisations that do not change the product form, this risk factor is lower.
<b>Does the applicant/CoC holder use non-certified packing or processing subcontractors?</b>	If the applicant/CoC holder uses non-certified (packing or processing) subcontractors that cannot be audited on-site, there is an increased risk of errors and failure to meet the requirements of the Standard.
<b>Is there a high number of staff are employed by the applicant/CoC holder?</b>	If the applicant/CoC holder has a high number of staff, especially those physically selecting a label, bag, carton, or similar bearing the ecolabel or logo from amongst other labels or packaging materials, there is an increased risk of errors. It also means that more staff need to be interviewed as per <a href="#">CoCCR 8.2.6.1</a> , which can be challenging in a remote audit.
<b>Does the applicant/CoC holder have an internal audit programme?</b>	This is not a part of the MSC Default or CFO CoC standard, but if the applicant/CoC holder has an internal audit programme, this is an indicator that the applicant/CoC holder will be more likely to meet the requirements of the Standard.

**For fisheries and CoC:**

1.13 The CAB shall maintain and follow a procedure for remote auditing.

- 1.13.1 This procedure shall demonstrate alignment with requirements in [IAF MD 4:2018](#) (IAF Mandatory Document for the Use of Information and Communication Technology for Auditing/Assessment Purposes, considering security/confidentiality and process requirements).
- 1.13.2 For remote audits that do not require a variation request to be completed, the procedure should demonstrate how risks are assessed and mitigated.

### **Guidance 1.13.2**

For remote audits that are not initial it is also relevant to consider previous conformance as part of the risk assessment prior to the conducting the audit, and [Table 1](#), [Table 2](#), and [Table 3](#) can be used as guidance for the risk assessment.

- 1.14 The CAB shall ensure that remote audits/assessments replicate on-site audits/assessments as far as practicably possible.
- a. For CoC audits, the CAB shall conduct a video site tour if there is Wi-Fi or phone connectivity.
    - i. Clients with only trading in scope are exempt.

### **Guidance 1.14**

The CAB should plan audits/assessments to ensure that the remote audit/assessment does not result in a drop of quality and thoroughness in comparison with an on-site audit/assessment. For example, by requesting as many relevant documents prior to the audit/assessment, being able to conduct a factory tour, interviewing sufficient staff in production, etc. The remote site visit should allow an equivalent number of samples to be taken and documents to be reviewed. If there is no Wi-Fi or phone connectivity, an auditor will need to find a way to replicate the video tour such as requesting specific areas or products known to be available on that day be photographed. All photos should be received by the auditor before the end of the audit. A review of documentation only, or historic images, is not sufficient.

- 1.15 The CAB shall document in the assessment announcement and the assessment/audit report the information relating to the factors listed in 1.1 which have prevented an on-site audit.

### **Guidance 1.15**

For CoC, this should be entered in the 'General' tab of the excel CoC audit checklist under 'Audit type' and then 'Other – please specify' section. For fisheries, this should be entered in the site visit sections of the announcement template and the reporting template.

- 1.16 The CAB shall document in the assessment/audit report how the remote audit was held.

### **Guidance 1.16**

For CoC, the information and communication technologies used can be included in either the additional information tab or the evidence column in the questions tab in the CoC checklist in accordance with [IAF 2.4.6](#). Please also note in the checklist under audit type 'remote audit – COVID derogation'.

- 1.17 The CAB shall maintain a list of certificate holders where this derogation has been applied, which shall be made available for MSC or ASI on request using the MSC derogations log template, when provided.
- 1.18 The CAB shall request a variation (as per [GCR 4.12](#)) for any situation that differs from the requirements listed in this derogation.

- 1.19 CABs and certificate holders shall cooperate with all requests from MSC or its designated agents, or the CAB to maintain product integrity as a condition of applying this derogation. This applies to both Fishery and Chain of Custody Certificate holders.

### **FAQs and further guidance**

#### **CoC and Fisheries:**

- 1. Will the justification on remote auditing be auditable by ASI? E.g. if a CAB justifies a restriction is in place and then audits remotely, can ASI say that it wasn't sufficient and raise an NC?**

Justification must be provided, but this will be checked by ASI for completion, rather than findings being raised on the content (e.g. on-site audit conducted due to health risks).

- 2. What types of information on travel restrictions, health risks and CAB/certificate holder policies need to be documented?**

Examples of information on travel restrictions can include links to government websites or company policies. As fishery assessment/audit announcements and reports are publicly available, specific details on health risks do not need to be, and should not be, included in the report.

- 3. What happens if travel restrictions and/or health risks change between announcing the audit/assessment and conducting the audit/assessment?**

In consideration of travel restrictions changing rapidly in response to increasing cases of COVID-19, if the Fishery or CoC audit is announced or planned to be conducted remotely due to restrictions in listed in 1.1, the audit can still be done remotely, even if travel restrictions and/or health risks change. For fisheries, if the audit has been announced as on-site, but will instead be conducted remotely, an announcement should be made to inform stakeholders as appropriate.

However, if an initial audit is planned to be completed on-site, and closer to the date, travel restrictions prevent this from happening, CABs shall complete a variation request to alternatively complete the audit remotely.

**CoC:**

**4. What is the process for certification and licensing for consumer serving businesses that have temporary closures due to COVID-19 resulting in certificate cancellations per the derogation?**

**STEP 1 – CAB confirms certificate cancellation to consumer serving business.**

**The derogation requires companies with extended temporary closures to cancel their CoC certification. Where the CAB becomes aware that an audit will not be possible before the extended deadline, they need to cancel the certificate at the deadline and advise the consumer serving business to:**

- **Not sell product as certified** whilst CoC certification is cancelled as per [GCR 7.4.1.1](#) (unless received and sold in retail pack)
- **Inform their CAB prior to sites re-opening** if they wish to make MSC or ASC product claims on any products which are not received and sold on in the same retail pack (so these can be covered by an interim certificate)
- **Ask MSCI whether their license agreement can be maintained**, and if so what materials and claims relating to MSC or ASC can be maintained. MSCI will contact the business directly at the time of cancellation, or the business may also contact MSCI in advance of this.

**STEP 2 – MSCI confirms licensing status to consumer serving business.**

MSCI will confirm whether the license agreement can be maintained and if so what materials and claims relating to MSC and ASC can be used. Where the license agreement is maintained, it may, for example, allow the cancelled CoC certificate holder to:

- Communicate their participation in the MSC or ASC program
- Keep the MSC or ASC claims on materials (e.g., menus) which are not currently in use (for the sites temporarily closed).
- In some cases, the license may also cover point of sale MSC or ASC claims relating to products received and sold on by the business in retail packs.

The license holder is responsible for assuring no claims are misleading.

**STEP 3 – Consumer serving business informs CABs of opening dates.**

The consumer serving business will need to give their CAB advance notice of site opening dates if they wish to make the MSC or ASC claims on products (excluding those received and sold in retail pack) when the business re-opens. They should give as much notice as they possibly can, to help the CAB effectively arrange an audit soon after re-opening. The CAB can then apply through the scheme database for an interim certificate beginning on the sites re-opening date and lasting up to 90 days (according to CoCCR 6.2.4-6.2.7). The CAB will need to arrange the audit within these 90 days and with sufficient time to allow for non-conformity, close out and decision before the interim certificate expires.

**STEP 4 – CAB conducts audit and issues a new 3-year certificate if successful.**

This audit to re-join the program following a temporary closure due to COVID can be considered within the derogation clause 1.5.a. and does not need to apply the additional measures for initial audits in 1.5c. Where the audit is successfully passed a new 3-year certificate can be issued.

## **5. What should CABs do if an audit is still not possible after an extension, even remotely?**

MSC sympathise with organisations in this position and understand the difficulties being faced in these circumstances and we have allowed a 180-day extension. However, it is not desirable to have continued valid certificates without CAB oversight, and certificates must be cancelled after the extended period. In these circumstances, CABs must include the reason in Ecert as 'Cancelled (client's decision)' along with comments that this is due to being unable to arrange an audit for COVID-19 factors.

Once a CoC holder has decided when to reopen their business and notifies the CAB, the CAB can apply for interim certification to allow time to arrange the initial audit. MSC will consider variations for Group or CFO CoC holders to re-join with the site sampling number be based on surveillance instead of initial audit calculation.

MSC has updated the wording on the [MSC Find a Supplier](#) webpage to clarify that temporary closures due to COVID-19 are resulting in certificate cancellations which may also be temporary.

## **6. How are CFO and Group certificates controls impacted by this derogation?**

CFO and Group certificate holders will need to adhere to the existing requirements in the Standard for all sites listed on their certificate. This includes, but not limited to, annual internal audits (relevant to Group certificate holder) as per 6.4.5 of the [MSC Group Standard v2.0](#). Where sites are temporarily closed due to COVID-19 they may be removed from the site list and would not be subject to internal audit, or site sampling by the CAB until they reopen.

## **7. What should CABs do where certificate holders have stated that financial reasons/lack of orders are preventing them from having or paying for an audit?**

The pandemic has been a challenging situation for everyone, and we have a lot of sympathy for the struggles that companies are facing. However, the MSC does not consider this to be a valid reason for extending certificate or audit timings as per the conditions of the derogation. It is not possible for a CAB to assess the financial circumstances of a certificate holder and determine what is an appropriate financial reason for not having an audit. For lack of orders, the Standard allows audits to be conducted where MSC/ASC products are not available by assessing an equivalent or similar product so would not be seen as a valid reason for not having the audit.

If a company has no current MSC/ASC orders or cannot in the short term financially continue their certification, the company has the option to cancel their certificate and re-join when they see the potential for new MSC/ASC business and/or financial security.

Where clients have failed to pay for their audit, they can be suspended as per [GCR 7.4.1](#). The MSC would recommend that either the certificate holder remains suspended indefinitely until payment has been received or that the certificate be cancelled. Withdrawing a certificate will result in the business being unable to re-join the program 2 years which is a penalty intended for integrity issues.

## **8. What requirements are in place for remote audits?**

CABs shall follow the requirements of [IAF MD4:2018](#): “The use of information and communication technology (ICT) for auditing/assessment purposes” as a minimum. The MSC will also be reviewing whether additional guidance is needed to support the existing documents provided on the CAB extranet and MSC website ([msc.org](#)).

### **9. Will remote audits still be allowed for new auditor sign off and ongoing maintenance?**

Remote audits can be considered as part of the ongoing observations as per [CoCCR Section 6, Table 1](#). However, for any new auditors, remote audits will only be considered by variation. For MSC to consider these variations to all or part of CoCCR Table 1 section 4.b.i and 4.b.ii to be achieved remotely, the following information is required:

- Evidence of which factor in 1.1 applies
- The types of audits intended to be included for qualifying the auditor (e.g. it would be sufficient to select sites which would normally be audited remotely such as traders, as the aspects of audit such as site tour could not be observed and reviewed)
- Any other mitigation measures e.g. annual auditor training, calibration, relevant experience
- If the variation is for all audits in section 4.b.i and 4.b.ii to be achieved remotely, please also provide an audit log for each requested auditor.

Where both the audits in 4.b.ii are planned to be conducted remotely the variation approval will be conditional upon the auditor leading an audit with an on-site observer as soon as restrictions are lifted.

If the trainee auditor is onsite, but the auditor training them is remote, we also ask that a variation be submitted.

### **10. What are the rules around certificate transfers in this period?**

There are no limitations to certificate transfers and the rules in the GCR will need to be met. The MSC will monitor the number of transfers to ensure that certificate holders are not moving to CABs who are only offering remote audits as an option.

### **11. How are non-conformity close-outs to be handled under the derogation?**

Non-conformities are to be closed out within the timeframes defined in the CoCCR. Where confirmation of implementation of major or critical non-conformity cannot be confirmed effectively remotely, a CAB may submit a variation to [supplychain@msc.org](mailto:supplychain@msc.org) to be considered.

### **12. Is a full audit expected to be conducted remotely?**

As in the derogation the remote audit is expected to replicate an on-site audit as far as possible. All the requirements in the CoC audit checklist are to be audited. [CoCCR 8.2.10.a](#) defines that the record verification exercises are selected by the auditor, requested and completed on the day of the audit.

For Group and CFO audits, the full number of sites, as determined by the requirements of the CoCCR, need to be included in the audit. Noting that where sites are temporarily closed they can be removed from the site list and the number of sites to visit calculated from the remaining sites.

**13. Does a remote audit replace the on-site audit in the audit cycle?**

Yes, the intention is that the remote audit replaces the on-site audit in the audit cycle.

**14. Does this derogation affect how incidents will be managed?**

The MSC will continue to notify CABs of incidents using the request for action, which CABs need to evaluate and respond to. MSC recognises that on-site follow-ups or unannounced audits will not be possible where the factors defined in 1.1 are in place.

**15. How far in advance should CABs submit variation requests to conduct initial audits remotely?**

[GCR 4.12](#) sets out the process for submitting variation requests. CABs should submit variation requests as far in advance as possible. The MSC has up to 14 days to review and respond to variation requests, which includes an internal sign-off process.

**16. How can auditors use the MSC CoC checklist to meet IAF requirement 4.2.6?**

As per the IAF requirement the CAB shall record in the checklist the information and communication technologies used for the remote audit. The MSC has not created a specific section in the checklist template for this so the auditor may choose to record this on aggregate in the 'additional information' tab or in the evidence column of the 'questions' tab. MSC and ASI will review CoC audit reports to assure compliance with the IAF requirement. Please get in contact if it is unclear how or where to meet this.

## Fisheries:

### 17. Which FCP requirements are impacted by this derogation?

During the effective period of Derogation 3: Fishery and Chain of Custody Remote Auditing, the following Fisheries Certification Process (FCP v2.2/v2.3/v3.0) requirements which relate to on-site audits do not apply if the factors listed in clause 1.1 of the derogation prevent an on-site surveillance audit, expedited audit, scope extension assessment or reassessment.

Clause (FCP v2.2/v2.3&v3.0)	Text	Comment
7.28.3.a/7.29.3.a	The following types of surveillance audit are available: a. On-site audit. The audit involves face-to-face engagement with the client, conducting stakeholder interviews and a review of changes in management and science in the fishery.	CABs can conduct off-site surveillance audits.
7.29.3/7.30.3	An expedited audit can be an off-site audit or on-site audit, based on what the CAB determines necessary.	CABs can conduct off-site expedited audits.
PE1.2.4.2/PD1.2.4.2	The CAB shall conduct the scope extension either during an on-site assessment or during a regular on-site surveillance audit.	CABs can conduct scope extensions as off-site assessments or during regular off-site surveillance audits.
7.30.3/7.31.1	When undertaking a reassessment of a certified fishery, the CAB shall apply all the steps of the FCP version effective at the time of the announcement of the reassessment.	7.16 (full assessment site visits) is implicitly referred to by 7.30.3. CABs can conduct off-site reassessments.
7.30.13/7.31.13	A reduced reassessment shall follow the full reassessment requirements, except that: <input checked="" type="checkbox"/> a. The CAB may undertake the assessment with 1 team member on-site and other team member(s) working from 1 or more remote location(s).	CABs can conduct remote/off-site reassessments.

### 18. Can CABs conduct remote site visits for surveillance audits, expedited audits, scope extensions and reassessments?

If any of the factors listed in clause 1.1 are identified, CABs can conduct remote site visits for surveillance audits, expedited audits, scope extensions and reassessments in accordance with the derogation.

### 19. Can CABs conduct remote site visits for initial assessments?

If any of the factors listed in clause 1.1 are identified, CABs can submit a variation request to conduct a remote site visit in accordance with the derogation. The MSC will review variation requests on a case-by-case basis.



**20. What should a CAB do if a remote initial site visit was announced and conducted prior to the COVID-19 pandemic derogation, September 2020 becoming effective (28 September 2020)?**

Due to the increased risk of conducting remote initial assessments, the MSC's intent is that assessment reports are reviewed by an additional peer reviewer. This is stated in 1.4.1. The MSC's intent applies when CABs have announced and conducted a remote initial assessment under the previous derogation prior to the effective date of superseding COVID-19 pandemic derogation (28 September). If the Client and Peer Review Draft Report has not yet been submitted for Peer Review ([FCP 7.19.3](#)), the CAB should contact the Peer Review College and request an additional peer reviewer.

**21. If a CAB announced a remote initial site visit prior to the COVID-19 pandemic derogation, September 2020 becoming effective (28 September 2020) but it has not yet been conducted, does the CAB need to submit a variation request to conduct the initial assessment remotely?**

No, if a remote initial assessment was announced under the previous derogation prior to the effective date of superseding COVID-19 pandemic derogation (28 September) the CAB does not have submit a variation request to conduct the site visit remotely.

Due to the increased risk of conducting remote initial assessments, the MSC's intent is that assessment reports are reviewed by an additional peer reviewer. This is stated in 1.4.1. The MSC's intent applies when CABs have announced a remote initial assessment under the previous derogation prior to the effective date of superseding COVID-19 pandemic derogation (28 September). The CAB should contact the Peer Review College and request an additional peer reviewer.

**22. How will the costs of the additional peer reviewer be covered?**

The Peer Review College will provide a peer reviewer with either 'Level 1' or 'Level 2' MSC experience, but with the best possible local/regional knowledge of the fishery in assessment, regardless of the size of the fishery (number of Units of Assessment). The CAB/client will only be expected to cover the cost of the additional peer reviewer at the lower 'Level 1' rate, regardless of whether a Level 1 or Level 2 peer reviewer is assigned. Where Level 2 peer reviewers are assigned the MSC will subsidise the additional costs of the Level 2 peer reviewer.

**23. Does the entire team need to attend an on-site audit for initial assessment?**

CABs must submit a variation request if an initial assessment cannot be conducted on-site due to COVID-19 restrictions (1.3.b). This also applies if some members of the assessment team cannot attend the initial assessment site visit (FCP v2.3/v3.0 7.14.1.1 - for FCP v2.2 [this interpretation](#) covers the MSC intent).

An additional peer reviewer is required when a variation request is granted for initial audits (as per 1.4.1), if part of the assessment team will attend the site visit on-site, then an additional peer reviewer is needed when:

- The majority of the assessment team is off-site (i.e. the number of assessment team members off-site is greater than the number of assessment team members on-site) an additional peer reviewer is needed.
- There are an equal number of assessment team members on-site and off-site and the team leader is off-site an additional peer reviewer is needed. (If the team leader is on-site additional peer review is not needed).

**24. How far in advance should CABs submit variation requests to conduct initial assessment site visits remotely?**

[GCR 4.12](#) sets out the process for submitting variation requests. CABs should submit variation requests as far in advance as possible. The MSC has up to 14 days to review and respond to variation requests, which includes an internal sign-off process.

**25. Can audit and assessment activities and timelines be extended under the new derogation?**

No. If there are delays to audit and assessment activities and timelines due to the impacts of COVID-19, CABs may submit a variation request (as per [GCR 4.12](#)) to request extensions. The MSC considers variation requests on a case by case basis.

**26. What information/evidence should be submitted to justify variation requests to delay and/or extend audit and assessment activities and timelines?**

The MSC expects CABs to provide a clear description of the cause of delays, with supporting evidence where possible. For example, if there are delays in obtaining information from fishery clients or stakeholders, the CAB should identify the information impacted by the delay, the parties involved in providing that information and, if possible, an indication of when that information might become available.

**27. How far in advance should CABs submit variation requests relating to delays/extensions to audit and assessment activities and timelines?**

[GCR 4.12](#) sets out the process for submitting variation requests. CABs should submit variation requests as far in advance as possible. The MSC has up to 14 days to review and respond to variation requests, which includes an internal sign-off process.

**28. Are the timelines that were extended under the derogation effective 27 March 2020 to 27 September 2020 still applicable?**

The audit and assessment activities and timelines that were extended during the COVID-19 derogation from 27 March to 27 September 2020 are unaffected by this derogation.

**29. Can CABs still suspend fishery certificates?**

Yes, GCR 7.4 still applies during the 6-month derogation period (28 September 2020 – 27 March 2021).

**30. How are 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. There is a possibility that the adjudication hearing will be held remotely.

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

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

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End of document

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