**Marine Stewardship Council fisheries assessments**

# [Fishery name]

# MSC Notice of Objection

*Instructions*

*The MSC Objection Procedure is included in the* [*MSC Disputes Process v1.1*](https://www.msc.org/for-business/certification-bodies/fisheries-standard-program-documents)*.*

*The MSC Objection Procedure provides an orderly, structured, transparent and independent process by which stakeholder or client objections to the Final Draft Report and determination of a certifier (or Conformity Assessment Body) can be resolved.*

*The Objection Procedure is not intended to review the fishery against the MSC Fisheries Standard, but to determine whether the certifier (CAB) made an error of procedure, scoring, or condition setting that is material to the determination or the fairness of the assessment.*

[*Learn more about MSC objections >*](https://www.msc.org/what-you-can-do/engage-with-a-fishery-assessment)

*Please complete all unshaded fields. All notes and guidance are indicated in italics, please delete and replace with your specific information where relevant.*

*The MSC Notice of Objection Template should be completed and sent to* *objections@msc.org**. Please ensure you complete Sections 1.1 and 1.2. Depending on the selected objection category in Section 1.3, complete Section(s) 1.4-1.7 accordingly.*

*Information on objection costs and a link to the MSC Notice of Objection Fee Waiver Template can be found in the appendices.*

## Marine Stewardship Council Notice of Objection

### Your details

Table 1: Contact details

|  |  |
| --- | --- |
| **1** | **Contact name** |
| First\* | Last\* |
|  |
| **2** | **Title** |
|  |

Table 2: Organisation details

|  |  |
| --- | --- |
| **1** | **Organisation\*** |
| *Please enter the legal or registered name of your organisation or company.* |
| **2** | **Department** |
|  |
| **3** | **Job title\*** |
|  |
| **4** | **Description** |
| *Please provide a short description of your organisation.* |
| **5** | **Phone** |
| + |
| **6** | **Email\*** |
|  |

Table 3: Assessment details

|  |  |
| --- | --- |
| **1** | **Fishery name\*** |
|  |
| **2** | **CAB\*** |
|  |
| **3** | **The following objection is being lodged on behalf of the above-named organisation(s) and I am authorised to make this submission on their behalf\*** |
| * *Date*
* *Signature***\***
 |

***\*****Required information*

### Objecting party’s involvement

Table 4: Prior involvement with this assessment

|  |  |
| --- | --- |
|  **Fishery client (MSC Disputes Process v1.1, 5.4.1.a)** | **Yes / No** |
|  **Written stakeholder submissions (MSC Disputes Process v1.1, 5.4.1.b)** | **Yes / No** |
|  **Meetings attended (MSC Disputes Process v1.1, 5.4.1.b)** | **Yes / No** |
|  **Participation prevented or impaired (MSC Disputes Process v1.1, 5.4.1.c)** | **Yes / No** |

Table 5: Evidence

|  |  |
| --- | --- |
| **1** | **Supporting evidence of prior involvement in the assessment** |
| *Provide evidence and/or outline details to support this classification.* |
| **2** | **Background** |
| *State here your interest in the fishery and its certification.* |

### Your objection

Table 6: Objection category

|  |
| --- |
| **Are you objecting on the basis that, in your opinion: (please select any that apply)** |
| There was a serious **procedural** or other irregularity in the fishery assessment **process** that was material to the fairness of the assessment (MSC Disputes Process v1.1, 5.9.2.a). [Complete Section 1.4](#_Procedural_Issues). | **Yes / No** |
| The **CAB review of the Client Action Plan** cannot be justified because the conditions fundamentally cannot be fulfilled within the allocated time frame (MSC Disputes Process v1.1, 5.9.2.b). [Complete Section 1.5](#_CAB_review_of). | **Yes / No** |
| The **score** given by the certifier (CAB) in relation to one or more of the Performance Indicators cannot be justified, and the effect of the **score** in relation to one or more of the particular Performance Indicators in question was material to the determination (MSC Disputes Process v1.1, 5.9.2.c). [Complete Section 1.6](#_Scoring). | **Yes / No** |
| **Additional information** not forming part of the record (MSC Disputes Process v1.1, 5.8.5.a) that is relevant to the circumstances at the date of determination has not been considered (MSC Disputes Process v1.1, 5.9.3). [Complete Section 1.7](#_Additional_information). | **Yes / No** |

### Procedural Issues

*Objection in line with MSC Disputes Process v1.1, 5.9.2.a.*

*Please ensure you have filled in your contact details (Section 1.1) and objections category (Section 1.3) before filling in this section.*

Table 7: Content

|  |  |
| --- | --- |
| **1** | **Procedural issues** |
| *State here the procedure(s) that you or your organisation believes were omitted or incorrectly followed by the certifier in the conduct of this assessment, in relation to the version of the Fisheries Certification Process used.* |
| **2** | **Other** |
| *State here any other irregularity in the fishery assessment process that you or your organisation believes was material to the fairness of the assessment.* |
| **3** | **Effect on the determination** |
| *Please state why you or your organisation believes that the failure of the CAB to follow procedures has significantly affected the result of the determination such that the determination should be altered.* |

### CAB review of Client Action Plan

*Objection in line with MSC Disputes Process v1.1, 5.9.2.b.*

*Please ensure you have filled in your contact details (Section 1.1) and objections category (Section 1.3) before filling in this section.*

*Listing the conditions placed on the relevant Performance Indicator(s) and, using the template below, please clearly identify:*

* *The reason(s) why you or your organisation believes that the condition assigned to the Performance Indicator(s) and CAB review of the Client Action Plan within the Final Draft Report cannot be justified because it cannot fundamentally be fulfilled within the allocated time frame; and*
* *Your supporting justification, making reference to the particular parts in the Client Action Plan that cannot fundamentally be fulfilled within the allocated time frame.*

*Please repeat the table below as needed for each Performance Indicator and condition to be included in the objection.*

Table 8: Conditions

|  |  |
| --- | --- |
| **1** | **Performance Indicator** |
| *For example, PI 1.1.2 – Stock rebuilding* |
| **2** | **Condition** |
| *Enter the condition, as stated in the Final Draft Report.* |
| **3** | **Reason** |
| *Enter reason(s) in line with (a) above.* |
| **4** | **Supporting justification** |
| *Please enter supporting justification for the reason(s) above.* |

### Scoring

*Objection in line with MSC Disputes Process v1.1, 5.9.2.c.*

*Please ensure you have filled in your contact details (Section 1.1) and objections category (Section 1.3) before filling in this section.*

*Listing the conditions placed on the relevant Performance Indicator(s) and, using the template below, please clearly identify:*

* *The reason(s) you or your organisation believes that the score(s) presented within the Final Draft Report cannot be justified; and,*
* *Your rationale and/or evidence in support of a different conclusion, making reference to the particular Performance Indicator in question.*

*Please repeat the table below as needed for each Performance Indicator and condition to be included in the objection.*

Table 9: Scoring

|  |  |
| --- | --- |
| **1** | **Performance Indicator** |
| *For example, PI 1.1.2 - Stock rebuilding* |
| **2** | **Reason** |
| *Enter reason(s) in line with (a) above* |
| **3** | **Supporting rationale and or evidence** |
| *Please enter here the supporting rationale for the reason(s) above* |

### Additional information

*Objection in line with MSC Disputes Process v1.1, 5.9.3.*

*Please ensure you have filled in your contact details (Section 1.1) and objections category (Section 1.3) before filling in this section.*

*Using the template below, please list all additional information not forming part of the record (MSC Disputes Process v1.1, 5.8.5.a) that is relevant to the circumstances at the date of the determination that you feel has not been considered. Be sure to provide the reasons why you or your organisation believes that the information in question:*

* *Was known or should reasonably have been known to any party to the assessment process;*
* *Should reasonably have been made available to the CAB; or,*
* *If considered, could have been material to the determination or the fairness of the assessment.*

Table 10: Additional information

|  |  |
| --- | --- |
| **1** | **Information** |
| *Please state here the additional information.* |
| **2** | **Reason why information was known or should reasonably have been known.** |
| *Enter here the reasons why information was known or should reasonably have been known and should have been made available.* |
| **3** | **Reason why information could have been material to the determination or the fairness of the assessment.** |
| *State here the reasons why information could have been material to the determination or the fairness of assessment.* |

## Appendix 1 – Costs of the adjudication process (the Fee)

*Objectors should note MSC Disputes Process v1.1 Section 5.11 in relation to the costs of the adjudication process.*

*Fee amount and payment details*

*The cost of the adjudication process is £5,000 or such lesser amount fixed by the independent adjudicator under MSC Disputes Process v1.1, 5.11.5.*

*The cost of the adjudication process shall be calculated and paid in Great British Pounds.*

*The MSC will email remittance details for the costs of the adjudication process within 5 days of the date on which the independent adjudicator notifies the parties that the adjudication phase will commence.*

*Please ensure the bank charges imposed by your own bank are not deducted from the Fee.*

*All sums, prices, costs, expenses and revenues referred to under the cost of the adjudication process are inclusive of VAT and any other taxes.*

*As per MSC Disputes Process v1.1, 5.11.3, an objection will not proceed to adjudication unless, within 15 days of the date on which the independent adjudicator notifies the parties that the adjudication phase will commence, the objector(s) has either:*

* *Paid the costs of the adjudication process to the MSC, or*
* *Obtained a waiver from the independent adjudicator in accordance with MSC Disputes Process v1.1, 5.11.4 and 5.11.5. The Notice of Objection Fee Waiver Template will need to be completed – see Appendix 2.*

## Appendix 2 - MSC Notice of Objection Fee Waiver TemplateThe MSC Notice of Objection Fee Waiver Template can be found [here](https://www.msc.org/docs/default-source/default-document-library/for-business/program-documents/chain-of-custody-supporting-documents/msc-notice-of-objection-fee-waiver-template.docx?Status=Master&sfvrsn=e47fa470_14).

## Template information and copyright

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*Please* *delete the table below:*

Table 11: Template version control

| **Version** | **Date of publication** | **Description of amendment** |
| --- | --- | --- |
| 1.0 | March 2009 | Issued with TAB Directive-023 Revised Fisheries Certification Methodology Objections Procedure |
| 1.1 | February 2010 | Updated in line with release of TAB Directive-023 Objections Procedure v2 |
| 1.2 | 26 October 2012 | Updated in line with release Certification Requirements v1.2 |
| 2.0 | 08 October 2014 | Updated in line with release of Fisheries Certification Requirements v2.0 |
| 3.0 | 17 December 2018 | Release alongside Fisheries Certification Process v2.1 |
| 3.1 | 25 March 2020 | Release alongside Fisheries Certification Process v2.2 and MSC Disputes Process v1.0 |
| 3.2 | 26 October 2022 | Release alongside Fisheries Certification Process v2.3 and 3.0 and MSC Disputes Process v1.01. |
| 3.2.1 | 12 February 2024 | Updated in line with release of MSC Disputes Process v1.1 |

A controlled document list of MSC program documents is available on the MSC website (<https://www.msc.org/for-business/certification-bodies/fisheries-standard-program-documents>).

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