

Marine Stewardship Council

MSC Objection Process



Version 2.0, 27 February 2025

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The official language of these requirements is English. The definitive version is maintained on the MSC website (msc.org). Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

The MSC prohibits any modification of part or all of the contents in any form.

Marine Stewardship Council

Marine House

1 Snow Hill

London EC1A 2DH

UK

Phone: + 44 (0) 20 7246 8900

Fax: + 44 (0) 20 7246 8901

Email: standards@msc.org

Responsibility for these requirements

The Marine Stewardship Council (MSC) is responsible for these requirements.

Readers should verify that they are using the latest copy of this and other documents. Updated documents, together with a master list of all available MSC documents, can be found on the MSC website ([msc.org](https://www.msc.org)).

Versions published

Version no.	Date	Description of amendment
1.0	25 March 2020	First version issued for application by Conformity Assessment Bodies (CABs). The MSC Disputes Process incorporates the Objection Procedure which was formerly an Annex to the Fisheries Certification Process.
1.01	26 October 2022	References to FCP, and link to Vocabulary document updated.
1.1	12 February 2024	Clarifying the appointment of IAs including the lead IA, as well as the handling of particularly complex objections.
2.0	27 February 2025	Renamed the 'MSC Disputes Process' as 'MSC Objections Process'. Introduction of ASI technical review of objections.

Introduction to this document

The MSC Objection Process defines the process when a stakeholder wishes to challenge the CAB's Determination in a fishery assessment, for example from certified to fail, or to add or modify conditions. The Objection Process is the only mechanism that delays certification until the process is concluded.

CABs shall use this document in conjunction with the [MSC Fisheries Certification Process \(FCP\)](#).

The [MSC Complaints Page](#) shows the full range of mechanisms for stakeholders to complain about CABs or the MSC.

Nothing in the Objection Process prevents stakeholders from also raising a complaint with the CAB or reporting an incident with ASI, but the Objection Process will not be affected by the outcome of the incident or complaint (see [7.5.13](#)).

Confidentiality and Data Protection

The MSC Objection Process is designed to be transparent, ensuring that all parties can engage in a fair, open, and accountable manner. Parties to an objection must understand that information shared may be included in public facing reports. In any case where confidential information is used (e.g. sensitive business, scientific, or personal data require protection), the submitting Party should consider whether any confidentiality provisions are required while also considering FCP section 4.3 requirements on information used in an assessment.

Review

The MSC welcomes comments on the MSC Objections Process. Comments will be considered as part of the next review process. Reviews will take place at least every 5 years. Please submit comments to standards@msc.org.

More information about the MSC policy development process and MSC Standard Setting Procedure can be found on the MSC website (msc.org).

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1 Scope

The MSC Objection Process sets out an orderly, structured, transparent and independent process to be undertaken by the MSC and Parties involved in an objection to the Final Draft Report and Determination of a CAB in a fisheries assessment. The scope of the Objection Process is to determine whether a CAB incorrectly applied MSC requirements in a way that has a material impact on the CAB's Determination.

The MSC Objection Process is open only to Parties that contributed to the assessment process.

2 Normative Documents

The documents listed below contain provisions that, through reference in this text, become part of the MSC Objection Process.

For documents listed, the latest published edition of the document applies.

The documents are:

- a) MSC Notice of Objection Template
- b) MSC Notice of Objection Fee Waiver Template
- c) MSC Fisheries Standard Toolbox
- d) MSC Fisheries Standard and Guidance
- e) MSC Fisheries Certification Process (FCP)

3 Terms and Definitions

The Objector, the fishery client(s), CAB, ASI, and the Independent Adjudicators (IAs) involved in an objection shall be referenced collectively throughout this document as the Parties.

Definitions of relevant terms or phrases can be found in the MSC-MSCI Vocabulary. If terms or phrases used in the MSC Objection Process have different or multiple definitions, these are defined within the text where such terms or phrases appear.

4 Effective Date

Parties to an MSC Objection shall use the version of the MSC Objection Process that is effective at the date of the objection.

Version 2.0 is effective as of 27th February 2025.

5 General provisions relating to the MSC Objection Process

- 5.1.1 The Objection Process may be halted at any time due to agreement being reached between the Parties.
 - a. The Objector Fee may be returned partially or in full at the discretion of the MSC.
- 5.1.2 ASI may pursue any issues raised as part of regular assurance activities.
- 5.1.3 The following provisions shall be applied to any deadline stated in the Objection Process:

- a. Any references to time shall be, unless it is otherwise specifically stated, Coordinated Universal Time (UTC).
 - b. Any references to “days” shall mean English working days unless otherwise indicated.
 - c. Except where otherwise required, Independent Adjudicators (IAs) and ASI shall specify a deadline for the receipt of stakeholder input of 17:00 UTC on the last day of the stated deadline.
 - i. A document served after 17:00 UTC, or at any time on a Saturday, Sunday or a UK public holiday will be treated as being served on the next business day.
 - d. The IA or ASI may, at any point, request input from Parties throughout the Objection Process.
 - e. The IA or ASI, dependent on the stage of the objection, may at their discretion grant an extension to any of the time limits set out in this Process.
 - i. Any deviations granted to the Objection Process’s timelines shall be confirmed in writing to all Parties and the MSC.
- 5.1.4 Documents may be submitted electronically or physically if they meet the stated deadline.
- 5.1.4.1 An electronic submission is considered delivered at the time of receipt. In the case of technical issues, this may be evidenced with proof of intent to send in a timely manner.
 - 5.1.4.2 Physical submission shall be effective upon delivery.
- 5.1.5 The working language of the MSC is English. Documents shall be submitted in English, or with an accompanying full English translation at the cost of the submitting party.
- 5.1.6 All notices or documents issued, or published on the MSC website shall bear the date upon which it was issued or posted and shall also specify the date upon which any subsequent notice, response, submission, or document is required to be submitted in accordance with these procedures.
- 5.1.7 Any documentation submitted by the MSC or any party to an objection, except for documentation relating to costs under 5.2, shall be available to any other party and the MSC.
- 5.1.8 The MSC reserves the right to publish documents issued by the IA, subject to confidentiality.
- ## 5.2 Fees
- 5.2.1 The MSC shall not bear the costs of any parties to an objection. The Fees for the Objection Process are defined in the MSC Notice of Objection Template.
- 5.2.2 An objection shall not be processed until the Objector formally acknowledges receipt of a fee invoice from the MSC or has a fee waiver accepted by the IA.
- 5.2.2.1 The Fee shall be borne by the Objector, in equal shares if there is more than 1 Objector, or in proportions agreed between Objectors.
- 5.2.3 An Objector may apply to the IA for the Fee to be waived (in whole or in part) when submitting an objection using the application form in the ‘MSC Notice of Objection Fee Waiver’ template (hereinafter ‘Waiver’, or ‘Fee Waiver’).
- 5.2.3.1 The application shall provide justification as to why a Waiver is sought and shall be accompanied by evidence to demonstrate exceptional circumstances, including, where available, the Objector's most recent audited financial report.
- 5.2.4 The IA shall decide within 5 days of receiving any Waiver application whether to refuse the application or to waive the whole or part of the Fees that would otherwise be attributed to the Objector.

- 5.2.4.1 A Waiver shall only be granted if the IA is satisfied that there are exceptional circumstances justifying such a Waiver. The onus is on the Objector to demonstrate that there are such exceptional circumstances. In determining whether there are exceptional circumstances, the IA shall consider:
- a. Any evidence relating to the financial ability of the Objector to meet the Fees of the Objection Process.
 - b. The impact on the Objector's other activities of paying the Fees for the Objection Process.
 - c. The ability of the Objector to raise funds from external sources, including support from other participants in the assessment process, for the purposes of meeting the Fees for the objection process.
- 5.2.5 If the application is refused or where only a partial Waiver is granted, the MSC shall issue a Fee invoice, and the Objector shall formally acknowledge receipt of the Fee invoice and its terms and conditions within 5 days.
- 5.2.6 If an Objector fails to confirm receipt of the Fee invoice and its terms and conditions within 5 days as per 5.2.2 and 5.2.5, the Objector shall not be entitled to participate in the rest of the Objection Process.
- a. The IA shall dismiss the MSC Notice of Objection of any Objector who fails to meet 5.2.2 or 5.2.5.
 - b. Any Fees remaining shall be borne by the remaining Objector(s)
- 5.2.7 Any Objector shall be removed from the Objection Process if the payment terms of any invoices issued are not met without sufficient justification.
- a. In cases where there is only one Objector, non-payment shall result in the end of the Objection Process

6 Objection Process

6.1 ASI

- 6.1.1 ASI, as MSC's appointed Assurance Provider, shall act as an appraiser and investigator of Objections.

6.2 The Independent Adjudicator (IA)

- 6.2.1 The MSC Board of Trustees shall appoint IAs to handle objections raised against a CAB's Determination in a Fisheries Assessment.
- 6.2.2 An IA shall be appointed for a period of 3 years and may be reappointed.
- 6.2.3 The decision of the MSC Board of Trustees in appointing or reappointing an IA is final.
- 6.2.4 The IAs shall agree between them that one of them is to act as lead IA, whose role is to allocate objections to individual IAs and to undertake such other tasks regarding the administration of the objection as may be required by the MSC.
- 6.2.5 A challenge by any party to the appointment of the IA (e.g. conflict of interest) shall be escalated to the MSC Board of Trustees for a decision, if required.
- 6.2.6 The IA allocated to an objection may, in consultation with the other IAs, decide that a panel of up to three IAs ("Panel") shall oversee the objections together if:
- a. an IA has directed that two or more Objections are to be handled together, and/or
 - b. the elements in the Objections are rendered more complex on account of the number of parties or the scale and intensity of the fishery or fisheries.

- 6.2.7 Objections overseen by a Panel shall be undertaken in such a way that if the Objection Process refers to an IA it shall be read as a Panel (excluding 6.2.8)
- 6.2.8 If a Panel is convened per 6.2.6
- a. IA for the objection shall take any decisions on procedural and preliminary matters unless the Panel decides otherwise.
 - b. only the Panel may take decisions at and after the adjudication.
 - c. The Panel's decisions, if not unanimous, shall be taken by a majority of the IAs on the Panel.
- 6.2.9 The IA may be removed by the MSC Board of Trustees for good cause, including incompetence, bias or impropriety.
- 6.2.10 The IA shall be independent of the MSC, but the MSC may provide them with appropriate administrative and logistic support, including sending and receiving notices and correspondence.
- 6.2.11 The IA may, at their discretion, use the independent paralegal for any logistical and administrative support relating to the Objections Process, including correspondence with the parties and issuing of IA decisions.

6.3 Notice of Objection

- 6.3.1 A 15-day objection period begins with the publication of the CAB's Final Draft Report in the fisheries assessment.
- 6.3.2 For a Notice of Objection to be admissible:
- a. The Notice of Objection shall be filed no later than 16:00 UCT, 15 days after the date on which the Final Draft Report and Determination is published on the MSC website.
 - b. The Objector must be:
 - i. The fishery client(s); or
 - ii. A stakeholder in the assessment process that made written submissions to the CAB during the assessment process or attended stakeholder meetings; or
 - iii. Any Party that can establish that the CAB failed to follow procedures and prevented or substantially impaired the party's participation in the assessment process.
 - c. The Notice of Objection shall be addressed to the MSC and sent to the MSC objections email, objections@msc.org.
 - d. The Notice of Objection shall be filed using the MSC Notice of Objection template.
 - e. Each Element of the Notice of Objection must meet all the following criteria:
 - i. It is not solely a challenge to MSC Policy
 - ii. It relates to the assessment process
 - iii. If proven, it would have a material impact, individually or cumulatively, on the determination of the assessment process resulting in additional conditions, or preventing certification
 - iv. It is reliant on information that was submitted to the CAB during the assessment up to the publication of the Public Certification Draft Report (PCDR) or added by the CAB to the Final Draft Report in response to Public Comment Draft Report comments.
 - A. If it is determined that a stakeholder was excluded from the process due to CAB error as per 6.3.2b.iii, any new information they provide shall be considered within scope as long it conforms with the MSC's information eligibility

requirements detailed in FCP v3.0 7.20.2.1/FCP v2.3 7.20.2.1/FCP v3.1 7.20.2.1

- a. The Notice of Objection shall:
 - i. Identify the perceived errors in the assessment procedure or Final Draft Report and Determination
 - ii. Explain in sufficient detail why the perceived errors were material to the Determination of the assessment
 - iii. Include a summary of any evidence to be relied upon in support of the objection
 - iv. Confirm that any evidence cited in the Notice of Objection was submitted to the CAB, per the FCP, during stakeholder consultation opportunities throughout the assessment or referenced in the Assessment Reports (unless 6.3.2b.iii is applicable)
 - v. Confirm that information used in the Notice of Objection was publicly available in final (not draft) form on or before the last day of the site visit or agreed in writing between the CAB and any participant to the site visit to be published after the site visit as set out in the FCP.

6.4 Procedure on receipt of a Notice of Objection

6.4.1 Within 1 day of a Notice of Objection being received, the MSC shall:

- a. Forward a copy of the Notice of Objection to ASI, the lead IA and the CAB.
- b. Publish a statement on the MSC website indicating that a Notice of Objection has been received and that the fishery certification process has been paused until the Objection has been resolved.

6.4.2 The Lead IA shall allocate an IA for the Objection Process and confirm to all Parties and the MSC which IA is allocated within 3 days of receipt from the MSC.

6.4.3 ASI shall formally acknowledge receipt of the Notice of Objection to all Parties within 1 day of receipt from the MSC.

6.5 CAB Right to Reply to the Notice of Objection (optional)

6.5.1 CABs shall have 5 days from the MSC's notification in 6.4.1a to submit an optional right to reply to all Parties

- a. The right to reply should be limited to a short rebuttal highlighting inaccuracies or errors in the content of the Notice of Objection to inform ASI's appraisal investigation.

6.5.2 Right to Reply shall be directed to all Parties to the objection.

6.5.3 Right to Reply shall be limited to Errors of Fact, objective and demonstrable factual errors.

6.5.4 ASI shall consider any Right to Reply as part of their appraisal.

6.6 IA Admissibility Review

6.6.1 Within 5 days of the IA being confirmed, the IA shall complete a review to determine whether any element of the Notice of Objection has a reasonable prospect of success, were it to proceed to adjudication.

6.6.2 Any Element of objection that does not succeed on 6.6.1 shall be dismissed.

6.6.3 If at any time during the IA Admissibility Review it is determined that any Element of the Notice of Objection doesn't meet all criteria of the requirements in 6.3.2, it shall be returned to the Objector, copying all Parties, with request for clarification or correction.

- 6.6.3.1 Requests from the IA to the Objector shall be submitted in writing specifying the reason for the request and providing 5 days for the Objector to respond.

- 6.6.3.2 Objector responses shall be sent to all Parties.
- 6.6.3.3 If no response is received within the specified time, the IA shall dismiss the Notice of Objection.
- 6.6.3.4 Only one opportunity for clarification or correction shall be granted (see sec. 6.7 below).
- 6.6.3.5 The IA shall accept or dismiss the Notice of Objection in full or in part within 2 days
- 6.6.3.6 If the IA accepts a Notice of Objection it will proceed to ASI Appraisal under section 6.7 and:
 - a. The IA shall notify all Parties to the objection including the latest version of the Notice of Objection if there have been any changes as per 6.6.3.
 - b. The MSC shall establish a dedicated email inbox for all Parties to communicate and submit required information during the objection.
 - c. The MSC shall publish the Notice of Objection and the IAs notice of acceptance within one day.
- 6.6.3.7 If the IA dismisses a Notice of Objection as not eligible for appraisal:
 - a. The IA shall inform all Parties in writing including confirming that the CAB may proceed to certification.

6.7 ASI Appraisal

- 6.7.1 ASI shall proceed with the appraisal after the MSC confirms that the objector has formally acknowledged receipt of the Fee invoice and its terms and conditions.
 - a. ASI shall confirm commencement of the appraisal process to all Parties.
 - b. ASI shall provide the projected end date of the Appraisal to all Parties.
 - c. The Appraisal shall be conducted over a period of up to 20 days following completion of the Admissibility Review.
- 6.7.2 Appraisals shall be documented using the ASI Objection Appraisal Template.
- 6.7.3 During the Appraisal, ASI shall develop a response plan and confirm:
 - a. which Elements of the Notice of Objection are entirely within the scope of ASI Investigation,
 - b. which Elements of the Notice of Objection are within the scope of the Objection Process but out of the Scope of ASI may require adjudication to be made by an IA, and
 - c. which elements of the Notice of Objection may be dismissed without Investigation.
 - i. Elements which are dismissed as being solely related to MSC Requirements (6.3.2e) shall be directed in the Appraisal report to the MSC for a response and/or consideration for policy development
 - ii. Elements which are dismissed as not resulting in a material change (6.3.2e.iii) may be incorporated into ASI's regular Assessment activities and shall be indicated in the Appraisal report.
 - iii. Elements which are dismissed as being based on information not previously submitted to the CAB in the life of the assessment (6.3.2e.iv) shall be referred in the Appraisal report to the CAB for consideration at Surveillance Audit or Expedited Audit, as necessary.
- 6.7.4 The completed ASI Appraisal shall be shared with all Parties and shall include:
 - a. Details of the ASI team allocated;
 - b. Outcomes per 6.7.3 for each Element;

- c. The proposed timeline for an investigation.
- 6.7.5 Accepted Objection Elements shall be investigated by ASI.
- 6.7.6 The IA shall review any Elements recommended for adjudication by ASI and confirm to all Parties within 3 days the decision to proceed
 - a. Any Elements accepted for adjudication shall proceed to 'Independent Adjudication'.
 - 6.7.6.1 The IA shall consider whether they require the participation of a Technical Expert as per 7.3.7.
 - 6.7.6.2 ASI shall determine whether any investigation of any accepted Elements will occur in parallel to an adjudication or may be delayed pending the outcome of the adjudication.
- 6.7.7 If ASI determines that all Objection Elements are not eligible for investigation nor Adjudication, the Notice of Objection shall be dismissed by ASI, and the Objection Process ends.

6.8 ASI Investigation

- 6.8.1 ASI shall investigate all accepted elements of the Notice of Objection.
- 6.8.2 ASI shall confirm all accepted and rejected elements of the notice of objection to all Parties.
 - a. ASI shall confirm commencement of their investigation.
 - b. ASI shall confirm the projected end date to all Parties.
 - c. The ASI Investigation shall take up to 20 days after 6.7.4.
- 6.8.3 Investigations shall be documented using the ASI Objection Report Template.
- 6.8.4 The scope of the Investigation shall be limited to those elements accepted in the Notice of Objection.
 - 6.8.4.1 Any new instances of non-conformity identified during the Investigation shall not be added to the scope of the Objection but may be incorporated into ASI's regular assessment activities outside of the Objections Process.
 - 6.8.4.2 Depending on the materiality, ASI may follow up using existing ASI oversight mechanisms.
- 6.8.5 The ASI Investigation may include (but is not limited to):
 - a. Document review;
 - b. Consultation with all Parties;
 - c. Site Visit
- 6.8.6 The ASI Investigation shall focus on the assessment process pertaining to accepted elements in the Notice of Objection. The key points include:
 - a. The executive summary of the report
 - b. Stakeholder consultation periods
 - c. Stakeholder list / stakeholders consulted
 - d. Team composition
 - e. Site visit
 - f. Scoring the fishery

- g. Acceptance of the Client Action Plan
 - h. Response to Peer review
 - i. Response to feedback on the Public Comment Draft Report (PCDR).
- 6.8.7 If ASI determines that a Certification Requirement has not been met and/or any part of the fishery assessment process has not been followed correctly, an Objection Finding shall be raised including:
- a. The specific normative Certification Requirement that the CAB was not able to demonstrate conformity with.
 - b. A description of how the CAB has failed to demonstrate conformity with the normative Certification Requirement cited.
 - c. Objective evidence that supports 6.8.7b above.
- 6.8.8 A draft ASI Investigation Report shall be shared with all parties, including any Objection Findings.
- 6.8.9 All parties shall be given 5 days to submit Errors of Fact regarding the outcomes presented.
- 6.8.9.1 ASI shall review any Errors of Fact within 5 days and correct if necessary.
 - 6.8.9.2 ASI's decision regarding the validity of Errors of Fact is final.
- 6.8.10 The ASI final draft Investigation Report shall be shared with all parties within 5 days of 6.8.8.

6.9 Objection Findings

- 6.9.1 Objection Findings shall only be raised against MSC Certification and Accreditation Requirements.
- 6.9.2 All Objection Findings shall be closed before certification may proceed.
- 6.9.3 If adjudication is recommended in the ASI Appraisal or the ASI final draft Investigation Report, the CAB may choose to address Objection Findings immediately or wait for the outcomes of adjudication.
- 6.9.4 The CAB shall respond to all Objection Findings directly to ASI with a correction using the ASI Final Draft Investigation Report as the template.
- 6.9.5 ASI shall evaluate CAB responses to Objection Findings within 5 days of their receipt.
- 6.9.6 If ASI does not consider the correction to be appropriate for the Objection Finding, ASI shall justify its conclusion to the CAB.
- 6.9.6.1 The CAB shall revise its response accordingly until their proposed Correction is accepted or a decision is made that no correction is possible.
 - a. No possible correction may result in the CAB not being able to certify or may result in a judgement from ASI that the Objection Finding may be closed with proposed follow-up actions (e.g. at a CAB's next Surveillance audit)
- 6.9.7 The CAB shall provide a revised Final Draft Report and Determination for ASI to verify implementation of CAB corrections.
- 6.9.8 ASI shall review the revised Final Draft Report and Determination and verify corrections to Objection Findings based only on evidence of effective implementation of CAB Corrections.
- 6.9.9 ASI shall produce, and share with all parties, the ASI Final Investigation Report including:
- a. CAB Response to Objection Findings
 - b. Confirmation that the Objection Findings have been closed

- c. An overview of the key stages of the Objection Process.
 - d. A final summary and conclusions of ASI's part in the Objection Process
- 6.9.10 The MSC shall publish the ASI Final Investigation Report within 2 days of ASI sharing it.

7 Independent Adjudication

7.1 Consultation between parties

- 7.1.1 The IA shall confirm receipt of ASI's referral for adjudication within two days
- 7.1.2 The Objector(s), the CAB, and the fishery client(s), have a period of 15 days from the date in 7.1.1 to consult with each other to reach agreement on any elements.
- a. Parties shall declare if they intend to engage in consultation within 2 days of the IA's confirmation in 7.1.1.
 - b. If parties don't declare their intent to consult, the IA shall proceed per 7.1.7
- 7.1.3 The IA may extend the period for consultation if satisfied there is a real and imminent prospect of agreement being reached on at least 1 Element in the Notice of Objection.
- 7.1.3.1 At any time, if any party considers there is no real and imminent prospect of reaching an agreement on any items raised in the Notice Of Objection, they shall notify the IA
- 7.1.4 If all elements of the Notice of Objection can be resolved through consultation, the parties shall notify their agreement to the IA.
- 7.1.4.1 The CAB shall make any agreed changes and revisions to the Final Draft Report and Determination and shall proceed to prepare a Public Certification Report as per FCP Section 7.24.
 - 7.1.4.2 The IA shall issue a Notice of Cessation.
 - 7.1.4.3 No further appeal or objection shall be permitted.
- 7.1.5 If some but not all elements in the Notice of Objection are resolved, the parties shall notify the IA of the items and the nature of their agreement.
- 7.1.6 Where the period for consultation has expired, or as notified under 7.1.2a or 7.1.3.1, the IA shall continue with the proceedings as per 7.1.7.
- 7.1.7 The IA shall notify all parties that the objection will proceed to written representations.
- 7.1.7.1 The date on which the IA notifies all parties that the objection will proceed to written representations shall be the "Written Representations Start Date".
 - 7.1.7.2 The MSC shall ensure that the IA's decision including the Written Representations Start Date and, if applicable, any agreement during consultation on elements brought to Adjudication (as per 6.7.3b) is published on the MSC website.

7.2 Written representations and reconsideration by the CAB

- 7.2.1 The fishery client(s), or any stakeholder that participated in the assessment process (other than the Objector(s)) may, within 15 days of the Written Representations Start Date, submit written representations on the items raised in the Notice of Objection that remain unresolved further to any notification made under 7.1.7.2.
- 7.2.1.1 All written representations shall be submitted through the IA and shall be published on the MSC website.
- 7.2.2 The CAB shall reconsider its Final Draft Report and Determination considering the items brought to adjudication that remain unresolved further to any notification made under 7.1.7.2.

- 7.2.2.1 The CAB shall, within 20 days of the Written Representations Start Date, provide a written response to unresolved Objection Elements.
- 7.2.2.2 The CAB shall provide appropriate information indicating the extent to which those Elements were considered in the fishery assessment and the impact thereof on the Determination.
- 7.2.2.3 The CAB shall consider any written representations received in accordance with 7.2.1 in formulating its response.
- 7.2.2.4 The CAB shall indicate and give reasons for any proposed changes to its Final Draft Report and Determination as a result of the reconsideration.
- 7.2.2.5 The CAB shall send their Written Representations to all parties.
- 7.2.3 The MSC shall publish the CAB's Written Representations on the MSC website
- 7.2.4 Upon receipt of the response by the CAB, the IA shall consult with all parties to determine whether the response of the CAB, including any proposed changes to the Final Draft Report and Determination, adequately address the Elements brought to adjudication that remain unresolved further to any notification made under 7.1.7.2.
 - 7.2.4.1 The IA shall aim to conclude the consultations of 7.2.4 within a period of 10 days but may, at their discretion after consultation with the parties, extend this period if deemed there is a real and imminent prospect of reaching a solution that is acceptable to all parties.
 - 7.2.4.2 If the Elements brought to adjudication that remain unresolved further to any notification made under 7.2.4 are resolved through consultations, the CAB, in consultation with the IA, shall amend the Final Draft Report and Determination and shall proceed to prepare a Public Certification Report. No further appeal or objection shall be permitted.
 - 7.2.4.3 If any of those Elements have not been resolved through consultations, the IA shall notify all parties that the adjudication phase will commence immediately as set out in Section 7.3.

7.3 Adjudication

- 7.3.1 The IA shall, within 20 days of the date upon which the Parties were notified of the intention to proceed to adjudication, convene an oral hearing of the objection.
 - 7.3.1.1 At the IA's discretion, and if the Parties agree, there may be a decision on the papers without an oral hearing.
- 7.3.2 The oral hearing is intended to provide an opportunity for the CAB, the Objector(s), and the fishery client(s) (if not the objecting party) to present their positions in person, including by videoconference or teleconference at the discretion of the IA.
- 7.3.3 The IA shall conduct the hearing in accordance with the provisions of this section but may also promulgate additional rules of procedure, including time limits on oral presentations, page limits for written submissions, and rules as to representation.
 - 7.3.3.1 The IA shall normally aim to complete the hearing during 1 session but may, where necessary, adjourn to continue the hearing using electronic communications or other means.
- 7.3.4 The fishery client(s), the Objector(s), and the CAB may submit additional written representations on outstanding Elements brought to adjudication or in response to written representations submitted by other Parties under 7.2.1.
 - 7.3.4.1 All written representations shall be submitted to all Parties and the MSC and shall be received no later than 5 days before the date set for an oral hearing or as set out by the IA in directions.

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- 7.3.4.2 A list of the persons whom the Parties wish to attend the oral hearing, and their representation shall be submitted to the IA for circulation to all hearing Parties and shall be received no later than 5 days before the date set for hearing.
- 7.3.4.3 The MSC shall attend if required and provide administrative support. Additionally, the MSC may attend as observers on request and if there is no disagreement from any Parties.
- 7.3.4.4 All such written representations pursuant to 7.2.1 and/or 7.3.4 shall be published on the MSC website.
- 7.3.5 The IA shall evaluate objections solely based on:
- a. The applicable MSC Fishery Standard
 - b. The applicable MSC Fishery Certification Process (FCP) effective at the announcement of the assessment in question, together with Guidance to the FCP.
 - c. The MSC General Certification Requirements
 - d. Any interpretations or derogations to 7.3.5 a-c.
 - e. The record, which includes and shall be limited to:
 - i. The Final Draft Report and Determination and the record on which the Final Draft Report and Determination was based, including written submissions and reports provided to the CAB during the assessment process, the written record of oral, written, or documentary evidence submitted in the assessment process, and any other evidence referenced or cited in the Final Draft Report and Determination.
 - A. Stakeholders may object based on any new information introduced into the Final Draft Report and Determination.
 - ii. The Notice of Objection.
 - iii. Any written representations submitted pursuant to 7.2.1 and/or 7.3.4 as long conforming with the MSC's information eligibility requirements detailed in FCP v3.0 7.20.2.1/FCP v2.3 7.20.2.1/FCP v3.1 7.20.2.c.
 - iv. Any representations made by any party at an oral hearing pursuant to these procedures as long as in line with FCP v3.0 7.20.2.1/FCP v2.3 7.20.2.1/FCP v3.1 7.20.2.c.
 - A. Clarifications required by the IA relating to oral representations, including documents or evidence admitted into proceedings as deemed necessary by the IA. Such representations shall conform with 6.3.2e.iv
 - i. ASI's Final Investigation Report
 - 7.3.5.1 Documents and presentations that form part of the record but are not written representations pursuant to 7.2.1 and/or 7.3.4 shall remain confidential to parties to the objection and shall not be published on the MSC website unless instructed by the IA.
- 7.3.6 The IA shall only consider items raised in the Objection Submission that remain unresolved further to any notification made under 7.2.1.
- 7.3.6.1 In no case shall the IA substitute his or her own views or findings of fact for those of the CAB.
- 7.3.7 The IA may solicit from the MSC technical support in the form Technical Experts, including ASI.
- 7.3.7.1 Technical experts shall provide input only for the specific technical areas requested by the IA.
 - 7.3.7.2 Any written reports or advice tendered by the technical experts shall be attached to the IA's written decision.

- 7.3.8 The experts selected to provide advice in relation to any objection shall not be involved in any activity that constitutes a conflict of interest. Such conflicts include, but are not limited to, the following criteria:
- a. Experts shall not be members of the MSC Board of Trustees, Technical Advisory Board, Stakeholder Advisory Council or the MSC.
 - b. Experts shall not have commercial involvement with the CAB, the subject fishery or the Objector(s).
 - c. Individual experts shall not be involved in management or lobbying for or against the fishery or be involved with an organisation that has indicated its opposition to the certification of the fishery under objection.
 - d. Individual experts shall not have been involved in any part of the current assessment process for the fishery under objection.
- 7.3.9 To facilitate the Objection Process, MSC may maintain a public register of suitably qualified persons willing and available to act as technical experts.
- 7.3.9.1 Experts who are not on the register may be selected.
- 7.3.10 During the Objections Process, any party to an objection may, by notification in writing, call the attention of the IA to an alleged Error of Fact, procedural issue or unfairness on their part with respect to the Objections Process and the IA shall respond as soon as practicable.

7.4 Powers of the Independent Adjudicator

- 7.4.1 The IA shall issue a decision in writing either:
- a. Confirming the Determination by the CAB, or
 - b. Remanding the Determination to the CAB.
- 7.4.2 The IA may at any stage of an objection give directions in relation to the conduct or disposal of the proceedings.

7.5 Remand

- 7.5.1 After adjudication, the IA shall remand the Determination to the CAB if they determine there was a serious procedural or other irregularity in the assessment process that was material to the fairness of the assessment, and/or a scoring issue that was arbitrary or irrational
- 7.5.1.1 In such a case, the remand shall be limited to a request to the CAB to consider the impact of the additional information on its original Determination.
- 7.5.2 If a Determination is remanded, the IA shall state, in writing, the reasons for which the objection has been remanded, the specific items that the CAB shall consider in the remand and the relationship of these items to the MSC Fisheries Standard or procedural requirements.
- 7.5.2.1 Copies of the remand shall be sent to the CAB, the client, the Objector(s), and the MSC to be published on the MSC website.
- 7.5.3 Within 10 days of receipt of the remand instructions, the CAB shall respond in writing to the items specified in the remand, with copies sent to all parties to the objection, and the MSC for publication on the MSC website.
- 7.5.3.1 The response of the CAB shall either:
- a. Include a statement of “no change” in relation to the scoring of PIs and include their reasons, or

- b. Indicate any proposed changes to the rationale for a score or indicate a change in the score in relation to any of the PIs
- 7.5.4 Any party to the objection may make written submissions on the items specified in the remand or on the response thereto by the CAB under 7.5.3. Such submissions shall be provided to the IA no later than 5 days following the publication of the CAB response on the MSC website.
 - 7.5.4.1 The IA shall determine what actions are necessary following submissions, if any.
- 7.5.5 The IA shall, within 10 days of the CAB's response, either:
 - a. Accept the response as adequately addressing the findings raised in the remand and confirm the original or amended Final Draft Report and Determination by the CAB, or
 - b. Determine that the objection shall be upheld on 1 or more of the Elements specified in 7.5.1 after reviewing the response of the CAB.
- 7.5.6 If the CAB does not respond to the remand within the time limits specified in 7.5.3 the IA shall proceed to 7.5.5 as if the CAB had made a "no change" response to the remand.
- 7.5.7 The IA shall include in the final decision a summary of conclusions from previous decisions, to provide a complete record of items raised in the 'Notice of Objection' including, for example, items that are rejected, dismissed or closed prior to the final decision.
- 7.5.8 A decision by the IA under 7.5.5 is final. No additional objections may be lodged under this process in respect of such a decision.
- 7.5.9 The certification decision of the CAB shall be made with reference to the decision of the IA.
- 7.5.10 If the IA confirms the revised Determination, the CAB shall make any necessary amendments to the Final Draft Report and Determination and shall proceed to prepare a Public Certification Report in accordance with FCP Section 7.24, which shall be assessed for adequacy by the IA.
 - 7.5.10.1 The IA shall determine whether the amendments to the Final Draft Report and Determination made by the CAB adequately address the findings of the IA.
- 7.5.11 If the IA determines that the amendments adequately address the remand(s) of the IA, the MSC shall publish the Public Certification Report once it's uploaded by the CAB.
- 7.5.12 If the IA determines that the amendments do not adequately address the findings of the IA, the Public Certification Report shall not be published, and the IA shall send the Public Certification Report back to the CAB for further amendments to be made and then to be considered by the IA.
- 7.5.13 Nothing in the Objection Procedure shall prevent any party to a fishery assessment from submitting a complaint relating to the CAB to the MSC-appointed assurance provider in accordance with that provider's procedures.
 - 7.5.13.1 No such complaint to the MSC-appointed assurance provider shall affect the outcome under the Objections Process.

8 Final Documentation of an Objection on the MSC Website

- 8.1.1 In accordance with FCP v3.0 7.24.1/FCP v2.3 7.24.1/ FCP v3.1 7.24.1, the Public Certification Report shall include a summary of changes made as a result of the objection process, including an extract of Objection Findings and CAB closing actions from the ASI Investigation Report, or Final Decisions made by an IA.

- 8.1.2 All objections-related documents, except the Public Certification Report, will be removed from the MSC website 6 months after the completion of the assessment.

-----End of Objections Process-----