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Summary of changes

Fisheries Certification Process v2.1

General Certification Requirements v2.3

The MSC has updated how we organise the Fisheries Program Documents.

The Fisheries Certification Requirements v2.0 document contained all the requirements on scope, the assessment process and the Standard. This has been split into two separate documents.

The MSC Fisheries Certification Process v2.1

The MSC Fisheries Certification Process are the requirements that Conformity Assessment Bodies follow to assess fisheries against the MSC Fisheries Standard.

The MSC Fisheries Standard v2.01

The Fisheries Standard sets out requirements that a fishery must meet to enable it to claim that its fish come from a well-managed and sustainable source.

Introduction

The Marine Stewardship Council (MSC) has made changes to the Fisheries Certification Process and the General Certification Requirements. These changes are part of a regular review cycle that incorporates feedback from stakeholders and aligns the Fisheries Certification Process and General Certification Requirements with global best practice. The MSC Fisheries Standard has not been changed.

This document provides a summary of changes to the Fisheries Certification Process and the General Certification Requirements.

What is the Fisheries Certification Process and when do these changes become effective?

The Fisheries Certification Process v2.1 is effective from 28 February 2019

The Fisheries Certification Process states the requirements that Conformity Assessment Bodies must follow to assess fisheries against the MSC Fisheries Standard, ensuring a robust, transparent and credible assessment process. The Fisheries Certification Process also sets out the types of fishing operations that can enter the MSC program. After the effective date, Conformity Assessment Bodies will use the updated Fisheries Certification Process v2.1 to conduct all new fishery assessments, as well as all reassessments, surveillance audits, scope extensions and expedited audits.

New labour requirements included in the updated Fisheries Certification Process must be complied with by 31 August 2019 for all fisheries in the MSC program. All fishery clients, or client groups, must complete and submit a *Certificate Holder Forced and Child Labour Policies, Practices and Measures template* to their Conformity Assessment Body (CAB) to be uploaded onto the MSC website by 31 August 2019. If the deadline is not met, the fishery will not be eligible for certification and existing fishery certificates will be suspended.

All fisheries must comply with labour requirements by 31 August 2019

How did the MSC review the Fisheries Certification Process?

The MSC started to review the assessment process in late 2015. The main objectives of the review were to reduce complexity and the uncertainty of a fishery assessment outcome, to increase effectiveness of stakeholder engagement and to maintain the credibility and robustness of the assessment process.

The review began in response to feedback on the complexity of the assessment process and the resources required to engage in a fishery assessment process.

For this review, the MSC considered feedback from public and targeted consultations, webinars, facilitated workshops, consultant reviews, MSC governance bodies and pilot fisheries assessments. The reviews incorporated feedback from fisheries clients, Conformity Assessment Bodies, academics, Non-Governmental Organisations, governments and industry.

The updated Fisheries Certification Process was approved by the MSC Technical Advisory Board and MSC Board of Trustees.

How we make changes to the MSC Fisheries Certification Process and the MSC Fisheries Standard

An issue is raised by a stakeholder or the MSC.

Issues are reviewed by the MSC, and some are prioritised for investigation and policy development. These issues are investigated by the MSC through research and a process of public consultation and facilitated stakeholder workshops.

The issue and potential solutions are discussed by two groups:

1. The MSC Technical Advisory Board, an independent panel of scientists and experts.
2. The Stakeholder Advisory Council, a council of MSC's stakeholder groups and independent representatives.

These two groups provide advice and make recommendations to the MSC Board of Trustees on whether to adopt the proposals.

The MSC Board of Trustees make the final decision on whether to adopt updated requirements into the MSC program documents.

Frontloading the assessment process

In the Fisheries Certification Requirements v2.0, the site visit takes place 30 days after the announcement of the assessment. There isn't much time for assessment teams to review information about the fishery and prepare for the site visit, or for stakeholders to prepare information to submit to assessment teams. As scoring occurs after the site visit, the fishery clients may not have a clear indication of likely outcome of the assessment.

What has changed

- The client provides more information to the assessment team using the updated Client Document Checklist.
- Before announcement, the assessment team draft a report (Announcement Comment Draft Report) which includes reference lists and draft scoring ranges for each Performance Indicator, which the client can use to decide whether to continue with the assessment by announcing the fishery assessment or wait and make some improvements first.
- The Announcement Comment Draft Report is written by three assessment team members so it's more comprehensive than a pre-assessment.

More meaningful stakeholder input

In the Fisheries Certification Requirements v2.0, the first time stakeholders have an opportunity to provide input on scores and reference lists is when the Public Comment Draft Report is published. This occurs late in the assessment process, after the site visit, client review, and peer review. Often at this stage, it's difficult for assessment team members to reconvene and discuss stakeholder comments on scores. Stakeholder input may be more beneficial in advance of the site visit and scoring.

What has changed

- The Announcement Comment Draft Report will be published at the same time as the fishery announces entry into MSC assessment.
- The Announcement Comment Draft Report will include draft scoring ranges and reference lists, with information gaps clearly highlighted.
- Stakeholders will have 60 days to provide input on the draft scoring ranges and reference lists, with a view to provide relevant and useful information to the assessment team before the site visit. 30 days will be allocated for reassessments.

- All stakeholder input received will be published before the site visit to ensure all stakeholders attending have access to the same information.
- Publication of the Announcement Comment Draft Report and stakeholder input before the site visit can help to focus the assessment team on key questions to ask fishery clients, government agencies and stakeholders at the site visit.

Streamlined reporting stages

After the site visit, the assessment team review all the information collected and score the fishery against the MSC Fisheries Standard. The client, peer reviewers and other interested stakeholders review the draft report separately. Generally, in an assessment process, after each review stage the assessment team must reconvene to review and respond to comments on the report, which can lead to increased costs to the client and a longer assessment timeframe.

In the Fisheries Certification Requirements v2.0, it is not clear whether fishery clients were bound to the actions in their Client Action Plan only, or whether alternative plans could be enacted to close out conditions if the first plan is unsuccessful. If clients are not bound to actions in the Client Action Plan, then reviews can run in parallel to streamline the assessment process.

In the Fisheries Certification Requirements v2.0, the cut-off point for new information to be considered in an assessment occurs at a late stage in the assessment process which can lead to delays.

What has changed

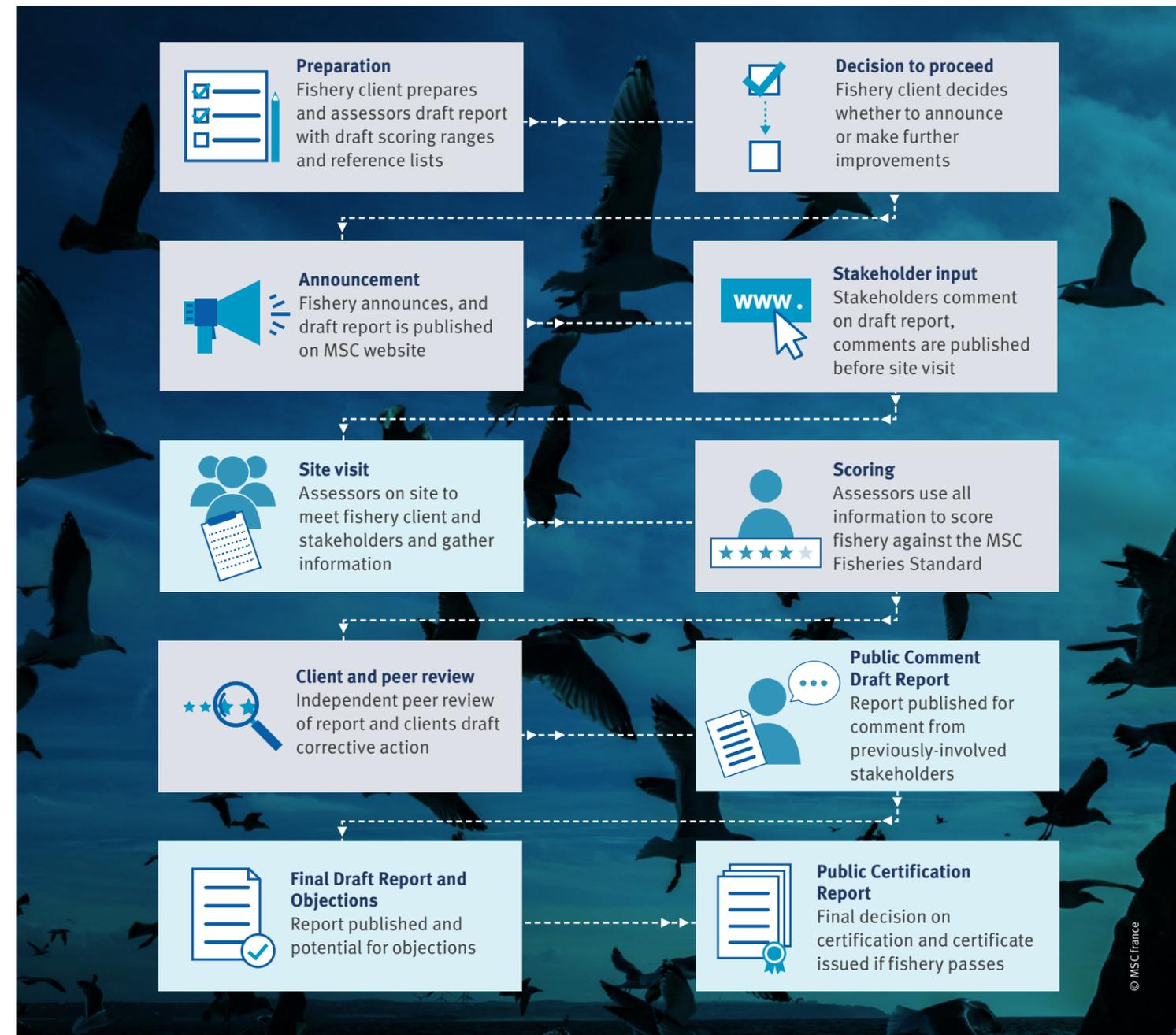
- Fishery clients are not bound to their Client Action Plans to meet conditions, to allow for alternative actions. Conditions must still be closed out within the set timeframe, otherwise the condition will fall behind target and the fishery will be suspended.
- Client and peer review takes place simultaneously because the peer reviewers no longer review Client Action Plans. Peer review focuses on scoring and the feasibility of condition and milestone timeframes.
- With the introduction of an Announcement Comment Draft Report and earlier stakeholder input period, the information cut-off for an assessment has been moved to the last day of the site visit to allow the assessment team to focus on reporting and responding to reviews. Information published in final form after the site visit will be considered in surveillance or expedited audits.
- The MSC has introduced improved templates to streamline stakeholder input and assessment team review of input.

Early consultation phase in objections

The objection procedure is a formal resolution process that can be triggered by clients or Non-Governmental Organisations (NGOs) in response to the assessment of a fishery. Fishery clients and stakeholders can submit objections when the Final Draft Report is published. The existing objection procedure includes a consultation phase that encourages parties to discuss disagreements and possible resolutions before a formal hearing with an independent adjudicator is convened. The consultation phase occurs after lengthy written responses to the Notice of Objection are drafted by the fishery client, Conformity Assessment Body, and other stakeholders involved in the assessment process. Approximately 40% of objections are resolved before the formal hearing is initiated; therefore, the objection procedure may benefit from an earlier consultation phase between parties.

What has changed

- In the updated Fisheries Certification Process, the MSC has added a consultation phase earlier in the objection procedure to encourage parties to discuss disagreements and hopefully reach a resolution before lengthy written responses are drafted.
- If parties to the objection reach a resolution in this early consultation phase, the Independent Adjudicator may close the objection.
- If parties to the objection do not reach agreement, the objection will progress to written representations, and may progress further to formal hearing.



Harmonisation – a precautionary approach

Harmonisation is a process for Conformity Assessment Bodies to align assessment outcomes for overlapping fisheries. There is an increase in the number of assessments of overlapping fisheries in the MSC program. Disagreement between assessment teams on scoring and rationales can cause delays to assessments. The MSC explored options for a mechanism to help assessment teams reach agreement faster.

What has changed

- Assessment teams review scoring and rationales and conduct harmonisation activities.
- If assessment teams do not agree on scoring and rationales harmonisation discussions will be held.
- If assessment teams do not reach agreement following discussions, the lowest score will be adopted by all overlapping fisheries.



Smaller changes that improve the assessment process

Several smaller revisions have been made throughout the Fisheries Certification Process v2.1 to improve clarity, consistency and robustness of the assessment process.

Conditions and exceptional circumstances

When a Performance Indicator is scored below 80, Conformity Assessment Bodies set a condition for the fishery and a timeframe is specified within which the fishery must meet the condition. This timeframe will be no longer than the duration of the certificate unless the Conformity Assessment Body determines that there are exceptional circumstances. Exceptional circumstances are situations that make it practically impossible, even with perfect implementation, to achieve a score of 80 within the certification timeframe (i.e. before reassessment). Exceptional circumstances usually relate to natural ecological functions and long-term research.

What has changed

- The updated Fisheries Certification Process has added clarity on when exceptional circumstances must be identified by the Conformity Assessment Body. Exceptional circumstances should be identified only when a condition is set during (re) assessment, or when a new condition is set during a surveillance or expedited audit because of a score change below 80.
- When a condition is set, and exceptional circumstances are identified, the CAB will specify what kind of exceptional circumstance apply, the improvements and score that must be achieved during and at the end of the certificate duration and what the overall outcome needs to be over a longer timeframe.

Vessel list

Effective monitoring of vessels included in MSC certificates increases the traceability and credibility of MSC certified sustainable seafood. Maintaining records of fishing vessels is compliant with UN FAO Code of Conduct for Responsible Fishing and increases transparency demonstrating efforts by fishery clients to eliminate IUU fishing.

What has changed

- In the updated Fisheries Certification Process, fishery clients are required to provide their Conformity Assessment Body with a vessel list of all vessels included in the certificate unless the entire fleet is certified. This can also be a hyperlink to a website where the fishery client maintains vessel list information.
- The fishery client should provide an updated vessel list to the Conformity Assessment Body at least once a year as part of the surveillance audit.

Grounds for objection

Stakeholders were able to use the objection procedure to object to the setting of conditions by a Conformity Assessment Body. However, Conformity Assessment Bodies no longer set conditions that include specific actions for clients to follow as they are included in a Client Action Plan, but the Fisheries Certification Requirements v2.0 did not take this into account.

What has changed

- In the updated Fisheries Certification Process, the MSC has clarified the requirements and stakeholders can file an objection to the review the Conformity Assessment Body undertakes on the Client Action Plan.
- The Conformity Assessment Body must review the Client Action Plan to ensure that it is feasible and will result in conditions being met within specified timeframes.
- If conditions are closed by raising the score above 80, conditions can be met by many different actions.

Scope Extension

A fishery client can extend their fishery certificate to include additional Principle 1 species or additional gear. Scope extension assessment timeframes are not clear in the Fisheries Certification Requirements v2.0. This has caused confusion about condition timeframes, and reporting deadlines.

What has changed

- The updated Fisheries Certification Process provides timeframes and reporting timeframes for the scope extension process, which are aligned to full assessment timeframes. The process is now clear that conditions set during a scope extension assessment must be met within five years.

Start of reassessment

When a fishery wants to be recertified, the CAB will conduct a full reassessment process before the current certificate expires. The Fisheries Certification Requirements v2.0 recommends that the Conformity Assessment Body starts the reassessment process by the 4th anniversary of the existing certificate. This would allow a year for the reassessment process to be completed and would avoid a lapse in the existing certificate. In the Fisheries Certification Requirements v2.0, this requirement was recommended but not mandatory.

What has changed

- The updated Fisheries Certification Process v2.1 introduces a mandatory requirement to ensure the reassessment process is started with sufficient time but allows up to 90 days after the 4th anniversary of the certificate for announcement to account for frontloading and preparation of the Announcement Comment Draft Report stage.

Using a Risk-Based Framework to assess secondary species

The Risk-Based Framework is used in an assessment when there is limited data available to score a fishery. In the Fisheries Certification Requirements v2.0, triggers for the Risk-Based Framework are more relevant to fish species than out-of-scope species in the MSC Fisheries Standard.

What has changed

- In the Fisheries Certification Process v2.1, triggers for the Risk-Based Framework have been clarified for out-of-scope species.



Labour

The Marine Stewardship Council condemns the use of forced or child labour and recognises the importance of social issues when considering sustainability.

Fishing and supply chain companies and their subcontractors that have been successfully prosecuted for forced labour violations in the past two years are not eligible to participate in the MSC program.

What has changed

- In the updated Fisheries Certification Process, the MSC has extended existing forced labour scope requirements to exclude entities that have been successfully prosecuted for child labour violations.
- Additionally, fishery clients and off-shore companies are now required to complete a statement on the measures, policies and practices in place to prevent forced and child labour. Self-descriptive statements are increasingly used as part of a suite of tools to address forced labour issues.
- Conformity Assessment Bodies will check that a statement has been submitted. The contents of the statement will not be audited, but anyone who is concerned about forced and child labour will be able to review the statement on the MSC website.
- Fishery clients or at-sea supply chain entities that do not submit the form will not be eligible for certification.



What are the General Certification Requirements?

The General Certification Requirements (GCR) ensure that Conformity Assessment Bodies follow internationally recognised auditing and assessment requirements for fisheries or supply chain MSC certificates.

The General Certification Requirements v2.3 is effective from 28 February 2019

The MSC General Certification Requirements v2.3 Summary of Changes

Variation request conditions

During the assessment process, Conformity Assessment Bodies (CAB) can submit a variation request to the MSC asking to vary from a requirement. If the MSC accepts the variation request, the MSC includes conditions for the CAB to meet as part of granting the variation request. Conditions are set to ensure that the intent of the requirement or the assessment process is still met.

What has changed

- In the updated General Certification Requirements, conditions the MSC has applied on accepted variation requests are mandatory. Only by following the conditions of a variation request, can the Conformity Assessment Body apply the variation to the requirement.

Fishery certificate codes

Fishery certificate codes are important for the recognition and identification of fisheries as being certified, and every fishery has its own unique code.

Until now, the codes were generated by the Conformity Assessment Bodies when a fishery was certified. When a fishery changes from one Conformity Assessment Body to another, the fishery certificate code must also change. As a result, the fishery has to change labels, paperwork and other forms of communication to show the new certificate code for continuous recognition of MSC certification by suppliers and other stakeholders.

What has changed

- From February 2019, all fishery certificate codes will change to a standardised and automatically generated code by the MSC in order to reduce administrative burden on fishery clients when changing between Conformity Assessment Bodies.
- The MSC-generated fishery certificate code will remain the same for the time the fishery remains in the MSC program unless the fishery merges with another certificate holder.
- Fishery clients will have a year to make the changes necessary to transition to their new fishery certificate codes.

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