

MSC General Certification Requirements



Version 2.5, 26 October 2022

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

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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 of publication	Description of amendment
1.0	15 August 2011	First version issued for application by Conformity Assessment Bodies (CABs).
1.1	24 October 2011	Version issued incorporating revised Group Chain of Custody requirements and correcting typos, page numbering, wrong and missing referencing and unreadable flowcharts.
1.2	10 January 2012	Version issued incorporating Technical Advisory Board 20 agreed changes regarding reassessment, objections procedure, modifications to the default assessment tree to assess bivalves, implementation timeframes and ASC requirements.
1.3	14 January 2013	Version issued incorporating Technical Advisory Board 21 and Board of Trustees agreed changes.
1.4	31 January 2014	Version issued incorporating Technical Advisory Board 22 and Board of Trustees agreed changes. Parts A and B only released in v1.4.
2.0	1 October 2014	Version issued incorporating changes to the standard as a result of the fisheries standard review and changes to CABs procedures as a result of the speed and cost review.
2.1	20 February 2015	Version issued incorporating Technical Advisory Board 24 and Board of Trustees agreed changes to certificate transfer, suspension and withdrawal, and minor document restructure.
2.2	1 March 2018	Version issued incorporating changes agreed by Technical Advisory Board (meetings 25–27) and Board of Trustees including reporting of CAB fee structures, amendments to suspension and withdrawal and auditor competency requirements and other non-substantive changes.
2.3	31 August 2018	Version issued incorporating changes agreed by Technical Advisory Board (meeting 28) and Board of Trustees, including conditions to variations and fisheries certificate codes.

MSC General Certification Requirements v2.5

Version no.	Date of publication	Description of amendment
2.4	28 March 2019	Version issued incorporating changes agreed by Technical Advisory Board (meeting 29) and Board of Trustees, including changes in line with introduction of labour requirements for on-shore supply chain organisations, and general improvements.
2.4.1	7 May 2019	Version issued incorporating a correction to clause 4.8.6.f.i.
2.5	26 October 2022	Updates to contract requirements. Inclusion of suspension requirements for Rules on Unacceptable Conduct. Inclusion of Labour clauses. Inclusion of contract clause on data sharing.

About the Marine Stewardship Council

Vision

Our vision is of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations.

Mission

Our mission is to use our ecolabel and fishery certification program to contribute to the health of the world's oceans by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood, and working with our partners to transform the seafood market to a sustainable basis.

General introduction

MSC Standards and Certification Requirements

With experts and following international consultation with stakeholders, the Marine Stewardship Council (MSC) has developed standards for sustainable fishing and seafood traceability. The Standards ensure that MSC labelled seafood comes from, and can be traced back to, a sustainable fishery.

The MSC Standards and Certification Requirements meet global best practice guidelines for certification and ecolabelling programs.

Fisheries certification

The MSC 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.

Throughout the world fisheries are using good management practices to safeguard jobs, secure fish stocks for the future and help protect the marine environment. The science-based MSC environmental standard for sustainable fishing offers fisheries a way to confirm sustainability, using a credible, independent third-party assessment process. It means sustainable fisheries can be recognised and rewarded in the marketplace, and gives an assurance to consumers that their seafood comes from a well-managed and sustainable source.

The [MSC Fisheries Standard](#) applies to wild-capture fisheries that meet the scope requirements provided in Fisheries Certification Process (FCP) v2.3 Section 7.4/Fisheries Standard v3.0.

The MSC Fisheries Standard is comprised of three core principles:

Principle 1: Sustainable target fish stocks

A fishery must be conducted in a manner that does not lead to over-fishing or depletion of exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

Principle 2: Environmental impact of fishing

Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the fishery depends.

Principle 3: Effective management

The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.

Chain of Custody certification

Before the MSC ecolabel can be used on seafood, or any claim about the MSC can be made, an assessment must take place at each preceding step in the process that confirms the product originates from a fishery certified to the MSC Fisheries Standard.

Chain of Custody (CoC) certification provides credible assurance that products sold with the certification program trademarks can be traced through the supply chain to a certified source. To achieve this, organisations in the supply chain are subject to certification against the MSC Chain of Custody Standard for seafood traceability.

The MSC owns the [MSC Chain of Custody Standard: Default Version](#) and two variants: the [MSC Chain of Custody Standard: Group Version](#) and the [MSC Chain of Custody Standard: Consumer-Facing Organisation Version](#). Further information on eligibility for each version of the CoC Standard

can be found in the CoC Certification Requirements (CoCCR) [Section 6.2](#) and in the introduction to each document.

The MSC CoC Standard is comprised of five core principles:

Principle 1: Certified products are purchased from certified suppliers

Principle 2: Certified products are identifiable

Principle 3: Certified products are segregated

Principle 4: Certified products are traceable and volumes are recorded

Principle 5: The organisation has a management system

Use of MSC Chain of Custody by other standard setters

The Aquaculture Stewardship Council (ASC) uses the MSC Chain of Custody Program to assure the traceability of ASC certified aquaculture products through their supply chains. Although this is an important collaboration, the ASC remains a separate organisation that uses a different logo. All requirements are the same for ASC certificate holders except where stated. If in the future, additional standard setters also use the MSC CoC requirements, this information will be published on the MSC website.

The jointly owned ASC-MSC Seaweed Standard also uses the MSC CoC Program. With the exception of requirements included in the ASC-MSC Seaweed (Algae) Supplementary Requirements, all requirements in this document apply to CABs undertaking CoC audits and certification for the ASC-MSC Seaweed (Algae) Standard.

Effective dates

The effective date for version 2.5 of the GCR is 1 of May, 2023. All Conformity Assessment Bodies (CABs) shall apply this version on this date.

For GCR requirements relating specifically to fishery assessments and CoC audits, GCR v2.5 shall be applied to assessments and audits that start on or after 1 of May 2023.

CABs may elect to use the GCR v2.5 as of the publication date (26 October 2022) if they are ready to do so.

For fisheries, the start date is the announcement date.

Review

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

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

About this document

The General Certification Requirements (GCR) for Conformity Assessment Bodies (CABs) contain mandatory requirements for all CABs that carry out assessments and audits of fisheries or supply chain organisations who wish to make a claim that products they are selling are from well-managed and sustainable sources.

The following documents contain the mandatory requirements for CABs undertaking fisheries and/or Chain of Custody assessments and audits.

Document	Conformity
MSC General Certification Requirements	Mandatory for all CABs
MSC Chain of Custody Certification Requirements	Mandatory for CABs auditing supply chain organisations
MSC Fisheries Certification Process	Mandatory for CABs assessing fisheries
MSC Labour Eligibility Requirements	Mandatory for all CABs

General Certification Requirements

The purposes of the MSC General Certification Requirements are to:

- Establish a defined process that enables all CABs to operate in a consistent and controlled manner.
- Provide transparency to maintain credibility with stakeholders.

Guidance

Guidance to the MSC General Certification Requirements has been produced to help CABs interpret the GCR.

Guidance that relates to a section, or relates to the content of a specific clause, appears in a box at the end of the section or clause.

The guidance is not directly auditable. However, it is expected that the guidance included in this document will be applied by CABs where applicable unless there is a justification for not doing so.

Derogations

A derogation indicates a measure which allows for all or part of a requirement to be applied differently, or not at all, to certain applicants or certificate holders.

Derogations are indicated by a footnote including:

- The authority who made the decision on the derogation.
- The date or meeting number of the decision.
- The date on which the derogation comes into force or expires.
- A short description of the derogation.

Table of Contents

1	Scope	10
2	Normative documents.....	10
3	Terms and definitions	11
4	General requirements.....	11
4.1	Requirements of accreditation	11
4.2	Implications of suspension, withdrawal, or cancellation of CAB accreditation	11
4.3	Conformity with ISO 17065 and MSC requirements.....	12
4.4	Conformity with ISO 19011	14
4.5	Compliance with legal requirements	14
4.6	Certification decision-making entity	14
4.7	Communication with the MSC.....	14
4.8	Contract.....	14
4.9	Control of certified trademarks and CAB logo claims	16
4.10	Language	17
4.11	Transfer of certificate between CABs	17
4.12	Variation requests	22
5	Structural requirements	23
5.1	Mechanism for safeguarding impartiality	23
5.2	Confidentiality.....	24
6	Resource requirements	24
6.1	Personnel	24
6.2	Contract with personnel	28
7	Process requirements.....	28
7.1	Information for applicants.....	28
7.2	Assessment and audit planning	28
7.3	Changes affecting certification.....	29
7.4	Suspension or withdrawal of certification.....	29
7.5	Information on certificates	36
7.6	Complaints and appeals.....	37
8	Management system requirements for CABs	38

General Certification Requirements for CABs

1 Scope

The MSC General Certification Requirements (GCR) for Conformity Assessment Bodies (CABs) set out the activities that all CABs shall undertake when carrying out certification of organisations in fisheries and supply chains that wish to:

- Make a claim that the fish and/or fish product they are selling are from well-managed and sustainable sources that have been certified to the [MSC Fisheries Standard](#), and/or
- Use the certification program trademarks on product.

2 Normative documents

The following documents contain provisions which, through reference in this text, become part of the GCR.

For documents that specify a date or version number, later amendments or revisions of that document do not apply as a normative requirement but can be used as further guidance.

For documents without dates or version numbers, the latest published edition of the document applies.

- a. MSC Fisheries Certification Process (FCP).
- b. MSC Fisheries Standard.
- c. MSC Chain of Custody Certification Requirements (CoCCR).
- d. MSC Chain of Custody Default Standard and the two variants: the MSC Chain of Custody Standard: Group version, and the MSC Chain of Custody Standard: Consumer-Facing Organisation (CFO) version.
- e. MSC Chain of Custody Program – Supplementary Requirements for the ASC-MSC Seaweed (Algae) Program.
- f. MSC Labour Eligibility Requirements.
- g. ISO/IEC 17065:2012: Conformity assessment -- Requirements for bodies certifying products, processes and services (ISO17065).
- h. ISO 19011: 2018 - Guidelines for auditing management systems.
- i. Accreditation Audit Practice Group (AAPG) Guidance Documents.
 - i. ISO / IAF AAPG Auditing the CAB Impartiality Committee.
 - ii. ISO / IAF AAPG Key Criteria for assessing the competency of CRBs and their ability to deliver credible results.
- j. MSC-MSCI Vocabulary.
- k. MSC Audit Personnel Code of Conduct.
- l. MSC Variation Request Form.
- m. MSC Notice of Suspension Template.
- n. MSC database user manual for CABs: Chain of Custody.
- o. MSC database user manual for CABs: Fisheries.
- p. MSC Rules on Unacceptable Conduct

3 Terms and definitions

Concepts, terms, and phrases used are defined in the [MSC-MSCI Vocabulary](#).

Concepts, terms or phrases used in the GCR that have more than one definition are defined within the text where such terms or phrases appear.

4 General requirements

4.1 Requirements of accreditation

- 4.1.1 The CAB shall have had their application to the accreditation body for accreditation, to the scope of the certification they wish to provide, accepted before starting to provide certification services.
- 4.1.2 The CAB shall only award certificates once they are accredited and only within the scope of their accreditation.
- 4.1.3 The CAB shall recognise that certificate holders that have been certified by other accredited CABs conform to relevant MSC Standards.
 - 4.1.3.1 If the CAB believes a certificate issued by another CAB is not warranted, they should write to the accreditation body detailing the case-specific circumstances.

4.2 Implications of suspension, withdrawal, or cancellation of CAB accreditation

- 4.2.1 The CAB shall not sign new certification contracts or conduct assessments or audits if all or part of its scope of accreditation is suspended and if those activities are under the suspended scope.
- 4.2.2 The validity of certificates issued prior to the date of suspension by a suspended CAB is not affected, unless specified by the CAB or the accreditation body. The CAB shall:
 - a. Discuss with the accreditation body the resources (personnel and procedures) it requires to continue to provide surveillance audits during suspension and any conditions that may be placed upon its activities during this time.
 - b. Ensure those resources are put into place.
 - c. Request the written approval of the accreditation body to continue to undertake surveillance audits.
 - d. Undertake the surveillance audits in conformity with these requirements and any requirements or other conditions raised in 4.2.2.a.
- 4.2.3 In the event of suspension of accreditation, the CAB shall cooperate with the MSC and the accreditation body to define the reasons for the suspension, so that the accreditation body can determine if there are any reasons to doubt the integrity of any certificates issued by the CAB.
- 4.2.4 If there is no reason for the accreditation body to doubt the integrity of certificates issued by the CAB, the suspended CAB shall inform certificate holders within the scope of suspension that:
 - a. The CAB's accreditation has been suspended.
 - b. Their certificate shall remain valid during the period of the suspension, subject to requirements for continued certification.
 - c. The certificate holder may continue to make claims and to supply certified fish under the normal conditions and obligations for certification.
 - d. The CAB is required to take corrective action to reinstate its suspended accreditation.

- e. The corrective action taken may result in changes to the CAB's certification procedures or requirements.
- f. This may require a certificate holder to be involved in an ongoing partial or full re-audit if this is part of the CAB's corrective actions.

Guidance 4.2.4.f

"Partial audits" refer to audits that are specifically focused on the area of CAB non-conformance which resulted in the suspension. For example, if the CAB non-conformance related to a lack of competency on management system auditing, the partial audit might focus on the management system of the certificate holder.

- 4.2.4.1 The suspended CAB may inform their certificate holders of the actual impact that the corrective action agreed with the accreditation body will have on each certificate holder, in which case the requirement in 4.2.4.d is waived.
- 4.2.5 The CAB shall suspend or withdraw any certificate with immediate effect as instructed by the accreditation body.
- 4.2.6 If 4.2.5 is applied, the suspended CAB shall advise the suspended certificate holders, in addition to the advice required to be provided by the CAB on suspension of a certificate (see 7.4), that:
 - a. The CAB's accreditation has been suspended.
 - b. They may no longer use the ecolabel, logo, or other trademarks or make claims of certification.
 - c. The CAB is required to take corrective action in relation to its accreditation.
 - d. The corrective action taken may result in changes to the CAB's certification procedures or requirements.
 - e. This may require a certificate holder to be involved in an ongoing partial or full re-audit if this is part of the CAB's corrective actions.
- 4.2.7 The CAB may inform their suspended certificate holders of the actual impact that corrective action agreed with the accreditation body will have on each certificate holder.
 - 4.2.7.1 If 4.2.7 applies, the requirement in 4.2.6.c is waived.
- 4.2.8 When a CAB's accreditation is withdrawn or cancelled it shall not:
 - a. Sign new certification contracts.
 - b. Issue certificates.

Guidance 4.2.8.b

Section 4.11 contains more information on what to do when a CAB's accreditation is withdrawn or cancelled. For instance, if a certificate holder's CAB has its accreditation withdrawn, they can transfer to another CAB as per 4.11.26–27.

4.3 Conformity with ISO 17065 and MSC requirements

- 4.3.1 The CAB shall conform to the requirements of ISO 17065 and all other MSC requirements relevant to the scope of accreditation applied for or held.

Guidance 4.3.1

Accreditation Auditing Practices Group (AAPG) documents, while written for accreditation body use, may be read by the CAB to ensure that its systems and personnel are capable of withstanding the accreditation body's scrutiny.

- 4.3.2 The CAB shall conform to MSC requirements in the case of a conflict with ISO 17065.

- 4.3.3 The CAB should note that the accreditation body will apply the requirements of the following Accreditation Auditing Practices Group (AAPG) documents when undertaking accreditation assessments:
- a. Auditing the CAB Impartiality Committee.
 - b. Key criteria for assessing the competency of CRBs and their ability to deliver credible results.
- 4.3.4 The CAB shall have a policy showing its support for the aims and objectives of the MSC.
- 4.3.4.1 The CAB's actions shall conform to the policy.
- 4.3.5 In line with ISO 17065 4.6 b), the CAB shall make available on request the following information on the fees charged to clients:
- a. For CoC audits:
 - i. The audit fee charged for single site audits.
 - ii. Additional auditor time (applicable when the total audit time exceeds 1 day).
 - iii. The certificate fee (for when any new certificates are issued).
 - iv. Travel time to and from the audit.
 - v. Travel expenses to and from the audit.
 - vi. An additional note that group and CFO audits will be quoted on an individual basis.
 - b. For fisheries assessments:
 - i. An indicative average assessment personnel day rate.

Guidance 4.3.5.b.i

For example, the CAB could calculate this using all fishery assessments carried out over the past year.

Per the [MSC-MSCI Vocabulary](#), "day" is defined as "calendar day" in this document unless otherwise stated.

- ii. The criteria used for determining the cost of a fishery assessment, surveillance audit or re-assessment such as fishery size, complexity, number of Units of Certification, number of target species, location, etc.
- iii. Likely additional costs of predictable elements such as report production and peer review.
- iv. An explanation of how subsistence and travel expenses and assessor rates are calculated on a per project basis.

Guidance 4.3.5.b.iv

Examples of how these rates might be calculated are:

- Expenses charged at actual cost without overheads, and unless otherwise specified by the client.
- The least expensive means of travel practicable should be used.
- The daily assessment fees charged to the client are based on the rates charged by subcontracted assessors/auditors, and these rates vary regionally. When using subcontracted assessors, every effort is made to use assessors/auditors geographically proximate to the location of the assessment to minimise excess travel costs and cost of living discrepancies between the assessors' home location and the location of the assessment. Often, assessors from the developing world or areas distant from North America and Europe have lower rates, which can help to reduce assessment costs in those areas.

- 4.3.6 The CAB shall have processes in place to:
- a. Calculate individual quotes for specific CoC and fisheries clients in line with the criteria in 4.3.5.
 - b. Clearly state all costs in advance of the client signing the fishery assessment or CoC audit contract.

Guidance 4.3.6

The intent of this requirement is that all costs are laid out as clearly as possible in advance of the client signing the contract, in line with the criteria listed in 4.3.5. This includes day rates for any additional work that may be needed.

4.4 Conformity with ISO 19011

- 4.4.1 CAB audit and assessment personnel should follow guidance on auditing provided in ISO 19011.

4.5 Compliance with legal requirements

- 4.5.1 The CAB shall comply with the legal requirements in the countries in which it operates.
- 4.5.2 Key personnel shall show understanding of applicable legislation and regulations.

4.6 Certification decision-making entity

- 4.6.1 The CAB's decision-making entity shall authorise any changes to the conditions of certification.

4.7 Communication with the MSC

- 4.7.1 The CAB shall use the forms and methods of submission of information and data as specified in this document.

4.8 Contract

- 4.8.1 The CAB shall have a written legally-enforceable agreement for provision of assessment/audit activities to its clients, which may include the application form (ISO 17065 4.1.2).
- 4.8.1.1 If the client is a different legal entity to the certificate holder, the CAB shall have a written assessment/audit agreement with both parties.
- 4.8.2 Prior to entering into a contract, the CAB shall check the MSC website or check with the applicant to verify that the applicant is not already certified.
- 4.8.2.1 If the applicant is already certified, the CAB shall not enter into a contract for certification without following certificate transfer requirements set out in Section 4.11.
- 4.8.3 The CAB's contract shall specify a description of the steps that shall be taken by the client before it can be authorised by MSCI to use the trademarks.

Guidance 4.8.3

The CAB may inform clients that if they have any questions concerning the ecolabel, logo, or other trademarks, they should contact MSCI: ecolabel@msc.org.

- 4.8.4 The CAB shall have procedures in place to ensure that applicants for certification are fully informed of, and have contractually agreed in writing to, the accreditation body's right to publish on their website CAB witness audit reports.
- 4.8.5 The CAB's contract shall specify that data and information regarding applicants and certificate holders shall be shared with the MSC and made public, as indicated in the applicable MSC Certification Program Documents.

Contract with CoC clients

- 4.8.6 Where 2 or more legal entities apply for a certificate, the CAB shall sign a contract with all legal entities.
- 4.8.7 The CAB's contract with CoC clients shall specify the following:
- a. The client is required to conform to the relevant MSC CoC Standard.
 - b. To be eligible to be audited and certified to the MSC's CoC standard the client must meet the eligibility requirements prescribed in MSC Labour Eligibility Requirements
 - c. The CAB shall suspend or withdraw certification if the CAB finds reason for suspension or withdrawal as per Section 7.4.
 - d. The client shall provide information requested to assist in a traceback or supply chain reconciliation conducted by the MSC or its designated agents.

Guidance 4.8.7.d

A traceback exercise aims to trace certified products through the supply chain back to the certified fishery or farm of origin by reviewing traceability documents from the full supply chain.

Designated agents may include representatives from other scheme owners such as the ASC or from the MSC's accreditation body.

- i. If the MSC or its designated agent's request to the client to submit records of certified material are not met within the specified timeframe, a request for action may be sent to the CAB by the MSC.
 - A. Within 15 days of receiving the request, the CAB shall work with the client, at the client's expense, to verify that the information is present and send a copy of the requested information to the MSC or its designated agents.
 - B. If the information has not been provided to the MSC or its designated agents within the 15-day period, the CAB shall raise a major non-conformity and, if this is not closed out within a further 15 days, suspension and/or withdrawal of certification shall follow as per Section 7.4.
 - C. Following any actions by the CAB regarding non-provision of information for tracebacks or supply chain reconciliations, the CAB shall undertake a risk analysis, which may lead to additional auditing.
- e. In the event that inconsistencies in records need to be verified, the client shall provide to the MSC or its designated agents, upon request, purchase and/or sale records for certified products that will be shared with the CAB of their immediate supplier or customer.

Guidance 4.8.7.e

Financial information can be removed and these records will remain confidential to the client's CAB, the MSC, the supplier or customer's CAB, and the accreditation body. Records of sales to the final consumer will not be requested.

"Designated agents" may include representatives from other scheme owners such as ASC or from MSC's accreditation body.

- f. The client shall accept expedited audits, including unannounced audits, from their CAB and accreditation body.

- i. In the case of an unannounced audit, the client shall provide access to its site within 30 minutes of the auditor's arrival.
- g. The client agrees to allow samples of seafood to be taken from their operation by the MSC or its designated agents, or the CAB, when requested for the purposes of product authentication or conformity testing.
 - i. All individual product authentication test results relating to samples taken at a client site are confidential between the client, the CAB, and the MSC and its designated agents, and shall only be communicated to other parties in anonymised and aggregated form.

Guidance 4.8.7.g.i

The amount of product required for the sample is very small (generally less than 100g) and may in many cases only be a swab from the fish. However, it is recognised that if a small business is handling high value products and these are damaged by sampling, the loss may need to be reimbursed. For ASC sampling, the amount may be more, such as 500g, for which payment would be made as appropriate.

The CAB should contact the MSC if it considers that a client should be compensated by the MSC for sample collection, with a justification based on the relative value of the sample to the client, taking into account both client size and lost product value.

Where a product authentication test indicates that the seafood presents a food safety risk (e.g. it is a species not fit for human consumption or contains banned substances), then there is a legal obligation to inform the authorities. In this case the CAB could request the certificate holder to inform the authorities and provide evidence to them of having done this.

Designated agents may include representatives from other scheme owners such as ASC or from MSC's accreditation body.

Contract with fisheries clients

- 4.8.8 The CAB's contract with fishery clients shall state that:
- a. If a fishery certificate is to be shared, the fishery client shall specify the steps that shall be taken for members of the client group to be able to sell the product as certified.
 - b. To be eligible to be assessed and certified to the MSC's fishery standard the client must meet the eligibility requirements prescribed in MSC Labour Eligibility Requirements
 - c. The CAB shall assess if Chain of Custody begins on board fishing vessels.

Guidance 4.8.8.c

The intent of this clause is to make clear that the CAB may require that vessels are separately certified for Chain of Custody. Inserting this clause into the certification contract removes any doubt that may arise at a later stage that vessel CoC would automatically be included under the fishery certificate.

- d. The client shall provide traceability records requested to assist in tracebacks or supply chain reconciliations as conducted by the MSC.

4.9 Control of certified trademarks and CAB logo claims

- 4.9.1 The MSC ecolabel, the name "Marine Stewardship Council" and the acronym "MSC" are trademarks that are owned by the Marine Stewardship Council.
- 4.9.2 The ASC logo, the name "Aquaculture Stewardship Council" and the acronym "ASC" are trademarks that are owned the by Aquaculture Stewardship Council.

- 4.9.3 Any party wishing to use any of these trademarks on any materials that will be seen by consumers (or business customers for promotional purposes) shall hold a licence to do so from MSCI.
- 4.9.3.1 The acronyms “MSC” and “ASC” and names “Marine Stewardship Council” and “Aquaculture Stewardship Council” may be used without a licence from MSCI only in a business-to-business context and only for product identification or employee training purposes.
- 4.9.3.2 Applicants for certification may use the name “Marine Stewardship Council” or “Aquaculture Stewardship Council” and the acronym “MSC” or “ASC” to inform stakeholders about the assessment or audit process and invite participation, without having a licence agreement.
- 4.9.3.3 If there is any doubt about whether a licence is required, the CAB shall refer to MSCI for advice.
- 4.9.4 The CAB shall verify if an applicant has used the trademarks without a licence or sold products as certified prior to being certified.
- 4.9.4.1 If the applicant has used the trademarks without a licence agreement or sold products as certified prior to being certified, the CAB shall raise a non-conformity, and instruct the applicant to immediately cease use of the trademarks and selling products as certified.
- 4.9.4.2 A copy of the non-conformity shall be sent to MSCI within 7 days via ecolabel@msc.org.
- 4.9.5 The CAB shall have documented procedures for the issue and use of any logo or trademark of the CAB (ISO 17065 4.1.3, 7.9.3 and 7.9.4) for the certification program, including procedures for pre-publication review and authorisation by the CAB of:
- All uses of the CAB's logo by certificate holders.
 - All public claims made by certificate holders referring to their certification.

4.10 Language

- 4.10.1 The official language of the MSC is English.
- 4.10.2 The CAB shall note that the MSC may request that all reports and annexes to reports be translated into English.
- 4.10.3 The CAB shall allow for the time and costs of translations that may be required.

4.11 Transfer of certificate between CABs

Guidance 4.11

A client may request to change CABs due to:

- The client's choice, or
- The failure of an applicant CAB to gain accreditation for the scope of the certification and hence not being able to issue a certificate, or
- A CAB ceasing to offer accredited certification services for any reason.

The MSC will only recognise 1 certificate for the stated scope (combination of fishery and CoC activity) for the client at any one time. The certificate code that is assigned to the client per Section 7.5 will remain the same regardless of changing CABs.

- 4.11.1 CABs shall respect a client's request to change their CAB, either prior to or after issue of a certificate.

- 4.11.1.1 The current CAB shall inform the client that the MSC will only recognise the current certificate and its status of valid, cancelled, suspended, or withdrawn until such time as the current CAB changes the certification status in the scheme database.
- 4.11.2 If a certificate holder wishes to change CABs, the succeeding CAB and the current CAB shall work together where practicable, and as required throughout this section, to exchange information about the certification.

Transfer of an existing certificate from an accredited CAB

- 4.11.3 When an application for transfer from a certificate holder who holds a certificate with an accredited CAB is received, the succeeding CAB shall:

For CoC

- a. For a CoC client, request from the current CAB:
 - i. The latest audit report.
 - ii. Any other relevant information related to the certificate holder's conformity with MSC requirements.

For Fisheries and CoC

- b. Review the reasons for the requested transfer.
 - c. Conduct a desk-based pre-transfer review to confirm that:
 - i. The certificate holder's activities are within the scope of the succeeding CAB's accreditation.
 - ii. The certificate is valid (authenticity, duration, scope).
 - iii. The status of outstanding non-conformities and corrective actions or conditions is known.
 - iv. All information on a client's active suspension is known, if applicable.
 - v. Consideration is given to assessment, audit and surveillance reports and any non-conformities or conditions arising from them.
 - vi. Any complaints received and actions taken to address complaints are known.
 - vii. The stage in the current certification cycle is known.
 - viii. Any other relevant documentation is reviewed.
 - ix. The succeeding CAB has received all information that it expected to receive.
- 4.11.4 Depending on the findings from the pre-transfer review, the succeeding CAB shall:
- a. Decline the contract, or
 - b. Propose to accept the contract, and
 - i. Where the certificate is suspended, follow any remaining suspension requirements for the certificate holder, as in 7.4.4–9 for fishery clients and 7.4.16–19 for CoC clients, and
 - A. Treat the certificate holder as a new client and conduct a full assessment or audit, or
 - B. Conduct a partial on-site or remote assessment/audit, concentrating on identified problem areas and/or on areas where information is deficient, or
 - C. Continue with the certificate holder's existing surveillance program if no risks are identified during the pre-transfer review.
- 4.11.5 Any action(s) proposed in 4.11.4 and the reasons for taking them shall be explained to the certificate holder, who shall be given an option to accept or reject the proposed action(s) and to decide whether to proceed with the transfer.

- 4.11.6 If the certificate holder accepts the proposed actions, the succeeding CAB shall instruct the certificate holder to write to their current CAB to confirm the intent to transfer.
- 4.11.7 The succeeding CAB shall undertake the actions as proposed in 4.11.4 and as agreed with the certificate holder.
- 4.11.8 The succeeding CAB shall contact the current CAB and client to agree on the transfer date (the “agreed transfer date”) on which all rights and obligations for maintaining the certificate will pass from the current CAB to the succeeding CAB.
- 4.11.8.1 This date shall be recorded by the succeeding CAB and shared with the client and the current CAB.
- 4.11.8.2 For a fishery certificate, the succeeding CAB shall inform the MSC of the agreed transfer date at least 10 days in advance of the agreed transfer date.

For CoC

- 4.11.9 Before the agreed transfer date, the succeeding CAB shall:
- Request the transfer through the scheme database, following the instructions in the scheme database manual.
 - Request from the current CAB any remaining reports, records or other information that they consider relevant to the client’s conformity with the requirements to MSC certification, subject to restraints of confidentiality.
- 4.11.10 On the agreed transfer date, the current CAB shall:
- Ensure that all client’s records are up to date, including those held on the scheme database.
 - Provide the requested reports, records or other information.
 - Accept the transfer in the scheme database, following the instructions in the scheme database manual.

Guidance 4.11.9–10

The MSC provides two scheme database manuals, which can be found on the MSC website:

- MSC Ecert database user manual for CABs: CoC.
- MSC Ecert database user manual for CABs: Fisheries.

For Fisheries

- 4.11.11 On the agreed transfer date, the current CAB shall:
- Cancel the certificate in the scheme database.
 - Ensure that all the client’s records are up-to-date, including those held on the scheme database.

Guidance 4.11.11

The certificate is not to be cancelled by the current CAB before the agreed transfer date, as this can leave the client without a valid certificate.

- 4.11.12 The succeeding CAB shall issue the new certificate in the scheme database before or on the agreed transfer date.
- 4.11.13 The succeeding CAB shall request from the preceding CAB and the MSC any remaining reports, records, or other information that they consider relevant to the client’s conformity with the requirements for MSC certification, subject to restraints of confidentiality.
- 4.11.14 The preceding CAB shall provide the requested information within 10 days of receiving the request, including all information that has, or may have, a bearing on determining the client’s conformity with the relevant MSC Standard(s).

For Fisheries and CoC

- 4.11.15 If, following the release of information, the succeeding CAB determines that a different course of action is required from that determined by 4.11.4, the succeeding CAB shall inform the client of these actions and the rationale.

Guidance 4.11.15

This different course of action may be a suspension, expedited audit, or other activity that provides the succeeding CAB with the information it requires.

- 4.11.16 If the client:
- Agrees to proceed, the proposed actions shall be implemented.
 - Does not agree to proceed, the succeeding CAB shall cancel the certificate in the scheme database and inform the client.

Guidance 4.11.16.b

If the succeeding CAB cancels the certificate at this point in the process, after the agreed transfer date, the client will not be able to make any claims of certification until they are re-certified by a different CAB.

- 4.11.17 If any course of action described in 4.11.4 has been followed except for option a. (whereby the succeeding CAB declines to take on the new client), then:
- The expiry date of the succeeding CAB's certificate shall be the same as the expiry date of the preceding CAB's certificate.
 - All conditions and/or non-conformities raised by the preceding CAB shall remain applicable, unless they are closed or revised as a result of an on-site assessment or audit by the succeeding CAB, and the actions taken are justified and documented, and in conformity with the [FCP](#) or [CoCCR](#).
 - The surveillance audit plan set by the preceding CAB shall be followed, or following documentation of justification for change, revised and agreed with the client by the succeeding CAB, and in conformity with the [FCP](#) or [CoCCR](#).
 - Any changes to a fishery's surveillance schedule shall be communicated to the MSC at least 30 days in advance of a scheduled surveillance audit.

Transfer from an accredited CAB during an initial assessment or audit process

- 4.11.18 If a client switches CABs during the initial assessment or audit process prior to the issue of a certificate, the succeeding CAB shall follow 4.11.3–17, except for 4.11.11.a, 4.11.16.b and 4.11.17.a.

Transfer from an accredited CAB during a fishery re-assessment process

- 4.11.19 In addition to 4.11.3–17, the CAB shall follow the FCP for:
- Managing conditions that coincide with a fishery re-assessment date (i.e. the end of the 5-year fishery certification period).
 - Fishery conditions that extend beyond the 5-year certification period.

Transfer from an applicant CAB

Guidance 4.11.20–24

Prior to gaining accreditation, applicant CABs are required to demonstrate their competence by carrying out a full audit and/or assessment of a client under the observation of the accreditation body. The CAB cannot issue a certificate until the accreditation process is completed. The

applicant CAB may, for whatever reason(s), fail to gain accreditation. In this instance, in order to gain a certificate, an applicant client will need to transfer to another CAB.

Applicant clients may also decide they need to achieve certification more quickly than an applicant CAB can guarantee. The intent of this clause is to help a client transfer from an applicant CAB to a new, accredited CAB as fairly as possible.

- 4.11.20 If the client requests to transfer to another CAB, the current applicant CAB shall instruct the client to write to:
- a. The current applicant CAB, authorising and instructing them to provide the succeeding CAB with all reports, records, or other information that the current CAB considers relevant to the client's conformity with the requirements for MSC certification, and
 - b. The MSC, authorising them to make any reports, records or other information that these parties consider relevant to the client's conformity with the requirements for MSC certification available to the succeeding CAB, subject to restraints of confidentiality.
- 4.11.21 Following a client's authorisation under 4.11.20, the applicant CAB shall disclose, within 10 days unless otherwise agreed with the client and succeeding CAB, any and all information to the succeeding CAB that it holds that has, or may have, a bearing on the client's conformity to the requirements for MSC certification.

Guidance 4.11.21

This clause ensures that information that would support or might preclude certification is not withheld from the succeeding CAB. Confidentiality of third parties may need to be considered by all parties.

- 4.11.22 On receiving an application from a client, the succeeding CAB shall:
- a. Review the reasons for the requested transfer.
 - b. Conduct a desk-based pre-transfer review to confirm that:
 - i. The client's activities are within the scope of the succeeding CAB's accreditation.
 - ii. It has received all the information that it expected to receive.
 - c. Consider the assessment or audit reports (including any conditions or non-conformities arising from them identified by the applicant CAB) and any other relevant documentation, complaints received, and action taken.
 - d. Take account of the information that has been provided by the client based on work carried out by the applicant CAB.
 - e. Propose an assessment or audit process that would provide the same level of assurance in relation to conformity with MSC requirements as it would require from a new client that had not been under assessment or audit with an applicant CAB.
- 4.11.23 Depending on the extent and quality of the available information, and the stage in the assessment or audit process, the succeeding CAB shall propose 1 of the following:
- a. Decline the new client, or
 - b. Treat the certificate holder as a new client and conduct a full assessment or audit, or
 - c. Conduct a partial on-site or remote assessment/audit, concentrating on identified problem areas and/or on areas where information is deficient, or
 - d. If no risks are identified during the pre-transfer review, continue in the certification process where the applicant CAB left off.
- 4.11.24 Where any course of action described in 4.11.23 is followed, except for option a. (whereby the succeeding CAB declines to take on the new client), the succeeding CAB shall discuss the actions needed to complete the proposed assessment or audit process with the client and gain the client's approval for this.

Transfer from a CAB whose accreditation has been suspended

- 4.11.25 If a client is certified or in the process of assessment or audit at the time their CAB's accreditation is suspended, the client may transfer to a different CAB under the terms and conditions of its contract with the CAB and in conformity with 4.11.3–17.

Transfer from a CAB whose accreditation has been withdrawn by the accreditation body or voluntarily ceases to be accredited (cancellation)

- 4.11.26 If a client is in the process of assessment at the time of the withdrawal or cancellation of the current CAB's accreditation, and it wishes to continue with the assessment or audit process with another CAB, the succeeding CAB shall:
- Advise the client they must transfer to a new CAB to continue with the assessment or audit process.
 - Follow the transfer requirements outlined in 4.11.3–24 as applicable.
- 4.11.27 If a client holds a certificate from a CAB whose accreditation has been withdrawn or cancelled, and it wishes to continue certification with another CAB, the succeeding CAB shall:

Guidance 4.11.27

All certificates issued by a CAB whose accreditation has been withdrawn expire a maximum of 90 days after the withdrawal of accreditation. The MSC provides a grace period of up to 90 days to allow certificate holders to transfer their certification to a new (succeeding) CAB while continuing to use the trademarks and make claims of conformity with MSC Standards, unless there is a specific reason to doubt the integrity of the particular certificate.

- Advise the client that they must transfer to a new CAB to maintain certification.
- Ask the accreditation body if the current certificate issued by the CAB whose accreditation has been withdrawn will remain valid for a period of up to 90 days or not.
 - If a 90-day period is allowed, the succeeding CAB shall:
 - Calculate the date on which the 90 days is over and the current certificate expires.
 - Advise the client that up until that date, the certificate holder may continue to make claims and to supply certified fish under the normal conditions and obligations for certification using their existing certification code.
 - Follow the transfer requirements in 4.11.3–17.
 - If a 90-day period is not allowed, the succeeding CAB shall:
 - Treat the client as if it was a new applicant and perform a complete assessment or audit.
 - Advise the client that as it no longer holds a certificate, it is no longer entitled to claim certification or use the trademarks until recertified and should contact MSC1 for more information.

4.12 Variation requests

- 4.12.1 To submit a variation request to the GCR, [CoCCR](#), [FCP](#), or any of the MSC Standards, the CAB shall apply using the 'MSC Variation Request Form' and:
- Specify which clause of the MSC requirements a variation is applied for.
 - Provide a justification for the variation that addresses each of the criteria (if any) for accepting the variation request (where specified in relevant requirement clauses).

- c. Explain how the variation request does not alter the conformity of the applicant or certificate holder with the relevant MSC standard.
 - d. Submit the 'MSC Variation Request Form' to the relevant MSC program:
 - i. CoC Program variations via email to supplychain@msc.org.
 - ii. Fisheries Program variations via the MSC database.
- 4.12.2 When submitting a variation request as allowed under these requirements, the CAB shall note that:
- a. The decision to accept or decline a variation request is usually made by the MSC within 14 days of receipt of the request.

Guidance 4.12.2.a

The MSC will consider the justification given by the CAB which explains how the variation will deliver consistency with the MSC requirements.

- b. The CAB shall ensure that conditions set by the MSC when a variation request is accepted are met.

Guidance 4.12.2.b

The MSC includes conditions that need to be met as part of granting a variation from an MSC requirement. This is to ensure that the risk of allowing a variation is limited, and the intent of the requirement or the assessment process is still met.

- c. The MSC will post variation requests and responses on the MSC website if the variation concerns a fishery in assessment or a certified fishery.
- d. The CAB shall only submit variation requests in advance of the circumstances occurring. The MSC will not accept retrospective variation requests.
 - i. If the CAB becomes aware that it has not followed any fisheries requirement(s), the CAB shall create an advisory for stakeholders regarding their proposed action.

Guidance 4.12.2.d

Where the CAB has noticed that something should have been changed for a fishery client, but it is too late to submit a variation request, the advisory for stakeholders posted on the MSC website should include an explanation for why the deviation occurred and how it is being addressed. This should be copied to the accreditation body for information. This is only applicable to fishery clients.

- 4.12.3 The CAB shall keep records of all variation requests it has submitted and the MSC's responses.

5 Structural requirements

5.1 Mechanism for safeguarding impartiality

- 5.1.1 The CAB shall establish a committee as a mechanism for safeguarding impartiality.
- 5.1.2 The committee shall:
 - a. Include both internal and external personnel to the CAB.

Guidance 5.1.2.a

Guidance on the composition of the committee is provided in ISO 17065, which states that there should be a balance of interests represented "such that no one interest predominates" and that the CAB shall identify and invite "significantly interested parties" to be a part of this. ISO 17065 also

provides guidance on the types of organisation that these interested parties might include (see ISO 17065 5.2.4 Note 1).

- b. Conduct a thorough and detailed review of the impartiality of the assessment, audit, certification, and decision-making processes of the CAB at least annually.
- 5.1.3 The committee's review, their communication to the CAB's top management, and the CAB top management's reasoning behind any subsequent decision relating to the committee's activities, shall be documented and made available for review by the accreditation body.

Guidance 5.1.3

The CAB is required to manage impartiality on an ongoing basis through adherence to ISO 17065 (Sections 4.2 and 5.2), which should pick up instances where an assessment team was not impartial. Where this occurs, the impartiality committee should be notified as specified in ISO 17065 4.2.2 and provide inputs on these issues (ISO 17065 5.2.1 c). On occasion, it may be that the committee finds that an assessment team is not impartial where this has not been identified by the CAB's own impartiality review processes, in which case the MSC would expect to see this information provided to the CAB and appropriate follow-up action taken as part of the management review, as required in ISO 17065 8.5.2 and 8.5.3. While this may occur sometime after the assessment has taken place, such a finding by the impartiality committee will allow the CAB to take corrective actions to ensure there is no repeat in the future.

- 5.1.4 For a CAB accredited for MSC Fisheries certification, the committee shall, as part of the impartiality review, consider all instances where the CAB has undertaken both the MSC fishery pre-assessment and full assessment of an individual fishery.

Guidance 5.1.4

The intent of this requirement is to ensure that the CAB's impartiality procedures are robust where the CAB has undertaken both the MSC fishery pre-assessment and full assessment of the same fishery. It is particularly important to ensure that there are no conflicts of interest involved between the personnel involved in the pre- and full assessments, in line with the requirements of ISO 17065. The CAB impartiality committee is therefore required to satisfy themselves that both the pre-assessment and full assessment were carried out in an appropriate impartial and objective way.

5.2 Confidentiality

- 5.2.1 In addition to ISO 17065, specific requirements on confidentiality are detailed in the FCP (4.3 and 4.5) and in the CoCCR (8.2.2.g and 8.3.1.g).

Guidance 5.2.1

When undertaking its work, the CAB has access to commercially-sensitive information. The MSC believes that a policy and instruction on confidentiality needs to be documented to:

- Ensure the CAB considers all aspects of confidentiality.
- Allow the accreditation body to review the policy and subsequent procedures for completeness.

6 Resource requirements

6.1 Personnel

- 6.1.1 The CAB shall ensure that all CoC auditors, Group CoC central office auditors, fishery team leaders, and assessment team members:

- a. Have signed the 'MSC Audit Personnel Code of Conduct' (available on the MSC website) confirming that they will comply with the Code.
 - b. Conform to the competency and qualification criteria listed in [CoCCR Section 5](#) and FCP Annex PC, as appropriate for CoC audits, Group CoC audits, and fishery assessments.
- 6.1.2 The CAB shall use one or more of the verification mechanisms in each qualification and competency criterion listed in Tables 1 and 2 of the CoCCR and Tables PC1, PC2, and PC3 of the [FCP](#) to verify that all CoC auditors, fishery team leaders, and team members comply with the qualification and competency criteria.
- 6.1.2.1 For the MSC training courses, the pass mark in examinations shall be 70% for new and existing CoC auditors and fishery team leaders and members.
 - 6.1.2.2 CoC auditors and fishery team leaders and members shall have a maximum of 3 attempts to obtain the pass mark.
 - 6.1.2.3 The CAB shall provide a contact to the MSC to whom the results of the examination will be sent.
 - 6.1.2.4 If any CoC auditors, fishery team leaders or members fail to obtain the pass mark for a training course after 3 attempts, the CAB shall contact the MSC to agree on a training action plan for these individuals.
 - a. The auditor, team leader, or team member shall not conduct MSC CoC audits or fishery assessments until the auditor, team leader, or team member has completed the plan and successfully passed the previously failed module.
- 6.1.3 The CAB shall ensure that:
- a. All CoC auditors have the qualifications and competencies detailed in Table 1 below in addition to those listed in [Table 1](#) in the CoCCR.
 - b. All fishery team leaders have the qualifications and competencies detailed in Table 1 below in addition to those listed in Table PC1 in the [FCP](#).
 - c. Fishery team leaders mentor and/or train all fisheries team members in their assessment teams to ensure they are familiar with third-party management system conformity assessment auditing techniques.

Guidance 6.1.3.c

Fishery team leader activities for mentoring and/or training of their fishery team members should ensure that all such team members are familiar with the key concepts of third-party auditing techniques in advance of conducting any fishery assessments. Evidence will be expected to show how the CAB has actively ensured such familiarity on a timely basis, as needed for each team member. This should involve:

- Initial training inputs from the team leader on auditing techniques for new auditors, based on ISO 19011, particularly Section 6 (Performing an audit) and Annex B (Additional guidance for auditors planning and conducting audits).
- The opportunity for the team leader to review and provide feedback on the performance of their team members.

Table 1: CoC auditor and Fishery Team Leader qualification and competency criteria

Third-party product and management system conformity assessment auditing techniques	
Qualifications	<p>CoC auditors and fishery team leaders shall have at least one of the following qualifications:</p> <ol style="list-style-type: none"> a. Pass one of the following Chartered Quality Institute/International Register of Certificated Auditors' (CQI/IRCA)- or Exemplar Global-recognised lead assessor training courses: <ol style="list-style-type: none"> i. Environmental Management Systems (EMS). ii. Quality Management Systems (QMS). iii. Global Food Safety Initiative (GFSI)-approved standards. iv. Hazard Analysis Critical Control Point (HACCP). b. Registration as an EMS/QMS auditor with CQI/IRCA or Exemplar Global. c. Pass a course on auditing based upon ISO 19011 with a minimum duration of 3 days.¹ <ol style="list-style-type: none"> i. The course shall be delivered by a training provider recognised by CQI/IRCA or Exemplar Global. ii. The content of the course shall include: <ul style="list-style-type: none"> • Principles of auditing. • Managing an audit programme. • Audit programme objectives and extent. • Audit programme implementation. • Audit programme records. • Audit programme monitoring and reviewing. • Audit activities. <ul style="list-style-type: none"> ○ Initiating the audit. ○ Conducting document review. ○ Preparing for the on-site audit activities. ○ Conducting on-site audit activities. ○ Preparing, approving and distributing the audit report. ○ Completing the audit. ○ Conducting audit follow-up. • Practical audit examples from the MSC context.

¹ **Derogation:** TAB 28, expires 28 February 2021

Qualification c) in Table 1 may alternatively be met by passing an ISO 19011-based course with all the following specifications: minimum duration of 14 hours; online and/or in-person; course provider recognised by IRCA/CQI or Exemplar Global; and, all of the elements listed in c.ii. except “practical audit examples from the MSC”.

Third-party product and management system conformity assessment auditing techniques	
Competencies	<p>a. The ability to apply appropriate audit principles, procedures, and techniques to the planning and execution of different fishery assessments and CoC audits so that they are conducted in a consistent and systematic manner.</p> <p>b. The ability to verify the accuracy of collected information and be aware of the significance and appropriateness of assessment evidence to support assessment findings and conclusions.</p> <p>c. The ability to understand and assess those factors that can affect the reliability of the assessment findings and conclusions.</p> <p>d. The ability to manage a fisheries assessment or CoC audit team in accordance with MSC requirements.</p>
Verification mechanisms	<p>a. Certificate of passing auditor training course delivered by a provider recognised by a reputable auditor registration organisation (e.g. CQI/IRCA, Exemplar Global).</p> <p>Guidance</p> <p>Additional verification evidence may include:</p> <ul style="list-style-type: none"> • Fisheries assessment and/or CoC audit reports. • Witness or office audits by an MSC-appointed accreditation body, CAB on-site observations, review of fishery assessment, and/or feedback from clients.

6.1.4 Personnel appointed as reviewers or decision makers by the CAB shall be sufficiently experienced and qualified to evaluate the verification processes, working papers and associated evidence and recommendations made by the assessment/audit team (ISO 17065 7.5).

Guidance 6.1.4

For fishery reviewers and decision-makers, the CAB is reminded that the criteria of ISO 17065 6.1.2.1 will apply. The CAB will still have to demonstrate that the reviewer and/or decision-maker is competent. One way of demonstrating this competence would be for the reviewer and/or decision-maker to pass the online training module for fishery team leaders.

- 6.1.4.1 For CoC audits against the CoC Default Standard or the CoC CFO Standard, the reviewer shall be a qualified CoC auditor (see 6.1.2 of this document and [CoCCR Section 5.1](#)).
- 6.1.4.2 For Group CoC audits, the reviewer shall be a qualified Group CoC auditor (see 6.1.2 of this document and [CoCCR Section 5.1](#)).
- 6.1.5 The CAB shall ensure the satisfactory performance of all personnel involved in the audit and certification activities.
 - 6.1.5.1 The CAB shall have documented procedures and criteria for monitoring and measuring the performance of all persons involved, based on the frequency of their usage and the level of risk linked to their activities.
 - 6.1.5.2 The CAB shall review the competence of its personnel in light of their performance, in order to identify training needs.

6.2 Contract with personnel

- 6.2.1 The CAB shall have documented procedures for reviewing and determining a timely and appropriate response to any declaration of potential conflict of interest made under 2.2 of the 'MSC Audit Personnel Code of Conduct' (see 6.1.1.a).
- 6.2.1.1 These procedures shall ensure that the declared actual or potential conflict of interest neither influences, nor is perceived to influence, the evaluations, actions, and decisions of the CAB.
- 6.2.2 The CAB shall retain records of its reasoning behind any decisions, including all actions which have been taken to resolve either the possible or actual conflict of interest.

7 Process requirements

7.1 Information for applicants

- 7.1.1 The CAB shall ensure that applicants and certificate holders are issued current versions of all MSC Standards and other requirements relevant to their scope of certification.
- 7.1.1.1 The CAB shall maintain a list or equivalent identifying the certification program document and its version sent to applicants and certificate holders.
- 7.1.2 The CAB shall send the following to applicants:
- a. A copy of the CAB's standard contract for certification.
 - b. Information on use of the certification program's trademarks, including:
 - i. The website address where the MSC Ecolabel User Guide may be found.
 - ii. An explanation that a licence agreement will be required prior to use of the ecolabel, logo or other trademarks for promotional or consumer-facing use.
 - c. The website address where applicants can find information relevant to certification.
 - d. Information on the MSC's right to change program documents and that certification is conditional on conforming to new or revised standards or the consequence of changed certification requirements within stated timeframes.
 - e. Guidance on the information about the applicant that shall be made public as a requirement of certification.

7.2 Assessment and audit planning

- 7.2.1 The CAB shall provide a plan for each fishery or CoC assessment or audit (ISO 17065 7.4.1) to all personnel involved in the assessment or audit prior to commencing work. The plan shall:
- a. For fishery assessments, be individually tailored to each assessment.
 - b. Specify division of responsibilities between team members, where relevant.
 - c. Nominate a team leader responsible for conducting the assessment or audit in conformity to MSC requirements and good audit practice, where relevant.
 - d. Set out processes to be undertaken by team members, where relevant:
 - i. Prior to the assessment or audit.
 - ii. During the assessment or audit (including consultations with stakeholders, where undertaken).
- 7.2.2 To ensure that an applicant has sufficient information to reach a common understanding with the CAB prior to commencing the assessment or audit (ISO 17065 7.3.1 b), the CAB shall ensure that before the end of the planning phase the applicant receives the following written information:

- a. Expected scope of the assessment or audit.
 - b. Draft work schedule.
 - c. Nature of any stakeholder consultation, if any.
 - d. Names and affiliations of proposed team members and/or auditor(s).
 - e. Sufficient information about the assessment or audit process for the applicant to make proper preparations for the assessment or audit.
 - i. This shall include a summary list of the objective evidence that may be required by the team and/or auditor(s).
- 7.2.3 The CAB shall have a documented procedure for dealing with an applicant's concerns about a member of the team proposed to carry out the assessment or audit, which includes:
- a. Considering the merits of each concern raised by an applicant.
 - b. Taking appropriate action(s), which may include leaving the team unchanged if warranted.
 - c. Maintaining records of the justification for its action(s).

Guidance 7.2.3.c

Refer to [CoCCR Section 7](#) for additional requirements on planning CoC audits.

7.3 Changes affecting certification

- 7.3.1 The CAB shall note that the MSC may issue amendments to the MSC program documents.
- 7.3.1.1 The timescales for applicants and certificate holders to conform to and be assessed against the relevant MSC program documents shall be specified.
 - 7.3.1.2 Amended program documents shall take precedence over any previous version unless otherwise specified.
 - 7.3.1.3 The MSC will not be liable for any costs or loss of accreditation or certification arising from changes to program documents.
- 7.3.2 Where there is an amendment to MSC program documents, the CAB shall communicate this to all certificate holders within 60 days of the amended version being published.
- 7.3.2.1 The CAB shall include the summary of changes provided by the MSC in this communication.

7.4 Suspension or withdrawal of certification

- 7.4.1 A CAB may suspend or cancel a certificate for a contractual or administrative reason.

Guidance 7.4.1

Examples of cases where a CAB may suspend or cancel a certificate for a contractual or administrative reason include:

- Late payment of CAB invoices.
- Delay in the audit schedule due to unforeseen circumstances.

- 7.4.1.1 In these cases, only 7.4.4, 7.4.5.a, 7.4.6, and 7.4.7 shall apply for fishery clients, and only 7.4.16b and 7.4.17a shall apply for CoC clients.

- 7.4.2 A CAB shall, if notified by the MSC, suspend a certificate, or reject an applicant, following the process and timeline set out in the MSC Rules on Unacceptable Conduct.

Fishery certificate suspension

- 7.4.3 A CAB shall suspend a fishery certificate if a client:
- a. No longer conforms to the MSC Fisheries Standard, or
 - b. Has not made adequate progress towards meeting conditions, or
 - c. Does not provide information to allow verification that conditions are being addressed, or
 - d. Does not agree to allow the CAB to hold a surveillance audit as required in FCP v2.2 7.28/FCP v3.0 7.29, or
 - e. Does not provide information requested by the CAB within 90 days of being requested to do so, or

Guidance 7.4.3.e

The certificate holder may be notified of the 90-day notice period in reports, requests for action or other documents provided by the CAB to the certificate holder.

- f. Requests to enter a period of self-suspension, or
 - g. Includes an entity that does not meet MSC's labour eligibility requirements.
- 7.4.3.1 In the case of self-suspension, 7.4.4.e does not apply.
- 7.4.4 If a fishery certificate is suspended, the CAB shall set the effective date for the fishery certificate suspension 30 days after the CAB's decision to suspend, and:
- a. Inform the client and the MSC of the suspension.
 - b. Announce the suspension by completing and uploading the MSC Notice of Suspension Template to the scheme database, to be published on the MSC website.

Guidance 7.4.4.b

The Notice of Suspension contains the date of suspension (30 days from the CAB's decision to suspend), the clause(s) against which the suspension is based (i.e. includes the information reviewed), and the performance indicators affected.

The intention of introducing a 30-day notice period is to allow time for supply chains to prepare before a suspension comes into effect. The Notice of Suspension should be published on the MSC website as soon as the CAB confirms there is cause for suspension.

- c. Confirm the client's ability to segregate fish based on date of capture.

Guidance 7.4.4.c

The client should have a system in place to segregate fish based on date of capture. The system could be a physical labelling on product stating the date of capture or other record showing date of capture of fish.

- d. Instruct the client:
 - i. Not to sell any fish caught on or after the date of suspension as MSC certified. Fish caught prior to the date of suspension may continue to be sold after the date of suspension as MSC certified if the CAB confirms the client's ability to segregate fish based on date of capture in conformance with 7.4.3.c.

Guidance 7.4.4.d.i

There needs to be a difference in treatment of fish captured before and after the date of suspension.

The burden of proof that fish can be separated by capture date falls to the certificate holder or logo licensee. If there is no objective evidence of the ability to separate fish by capture date, the fish cannot be sold as certified.

- ii. To advise client group members of the suspension (if relevant).
- iii. To advise existing customers in writing of the suspension within 4 days of the Notice of Suspension.
- iv. To keep records of advice to customers.
- v. Not to make any claims of MSC certification on or after the date of suspension.

Guidance 7.4.4.d.v

If a certificate is suspended, the provisions for MSC ecolabel use, claims, etc. in the case that a certificate is suspended or withdrawn shall apply. The continued use of the MSC ecolabel and other claims of conformity with the MSC Standards is not permitted, and the client's name will be removed from the MSC website or their status will be updated as appropriate.

- e. Instruct the client to provide a documented corrective action plan for addressing the cause of suspension, which is acceptable to the CAB as being able to address the cause(s) for suspension, within 90 days from the date the Notice of Suspension is published on the MSC website.
- f. The corrective action plan shall include a binding timeframe.
- g. If the client submits an acceptable corrective action plan within 90 days:
 - i. Instruct the client to implement the corrective action plan.
 - ii. Upload to the scheme database to be published on the MSC website:
 - A. A statement confirming their acceptance of the corrective action plan.
 - B. The client's corrective action plan.
- h. If the client does not submit an acceptable corrective action plan within 90 days, the CAB shall withdraw the certificate.

7.4.5 On the date of suspension, the CAB shall:

- a. Record the decision on the scheme database.
- b. Suspend the certificate until the cause of the suspension has been fully addressed.
- c. Verify the effectiveness of the corrective action, once informed by the client of its completion.

Guidance 7.4.5.c

Verification activities could form part of the annual surveillance audit, an expedited audit or a review of information.

7.4.6 When the CAB has verified that the fishery client has addressed the reason for suspension, the CAB shall:

- a. Reinstate the certificate.
- b. Produce a report documenting the following:
 - i. Evidence that describes how the cause of suspension has been satisfactorily addressed.
 - ii. A statement confirming the reinstatement of the certificate.

Guidance 7.4.6.b.ii

Prior to reinstating a fishery certificate, the CAB should ensure the fishery client remains in compliance with surveillance audit timing and progress on conditions. In such cases, the certificate duration remains 5 years (i.e. no extension is added for suspension).

For example, in the case of a self-suspension, a fishery client is certified in August 2010. In August 2012 (second year) the client requests to suspend the fishery certificate. In August 2013 (third year) the client requests to reinstate the fishery certificate. At this time the CAB would hold a surveillance audit in compliance with FCP v2.2 7.28/FCP v3.0 7.29 (or an expedited audit if at another time of year) to assess the client's progress against both the second and third annual audit milestones. The CAB would then produce a surveillance report that conforms to both GCR 7.4.6.b and FCP v2.2 7.28.19–23/FCP v3.0 7.28.19–23. The certificate expiration date remains 5 years from the certification date, August 2015.

- 7.4.7 If a suspended fishery certificate is reinstated, the CAB shall:
- a. Record the decision on the scheme database.
 - b. Upload a report in conformance with 7.4.6.b to the scheme database to be published on the MSC website.
- 7.4.8 The CAB shall withdraw the certificate if verification of the effectiveness of the corrective actions to address the reason(s) for suspension in the required timeframe cannot be conducted.

Guidance 7.4.8

Suspension should normally precede withdrawal of a certificate. When a certificate is withdrawn, the CAB may no longer be in a contractual agreement with the client.

A suspension preceding withdrawal is not required in the case when a fishery client elects to withdraw the certificate.

- 7.4.9 If a certificate is withdrawn, the CAB shall record its decision on the scheme database on the date of withdrawal, and:
- a. Upload an announcement of withdrawal to the scheme database to be published on the MSC website.
 - b. Instruct the client to advise existing customers in writing of the certificate withdrawal within 4 days of the withdrawal.
 - c. Instruct the client not to sell any fish caught on or after the date of withdrawal as MSC certified.
 - d. Fish caught prior to the date of withdrawal may continue to be sold after the date of withdrawal as MSC certified if the CAB confirms the client's ability to segregate fish based on date of capture in conformance with 7.4.4.c.
 - e. Instruct the client not to make any claims of MSC certification on or after the date of withdrawal.

Guidance 7.4.9

If a fishery certificate is withdrawn, the client may re-apply for certification as per the FCP.

CoC certificate suspension

- 7.4.10 The CAB shall suspend a CoC certificate if any of the following occur:
- a. There has been a demonstrable breakdown in the Chain of Custody caused by the client's actions or inaction.

Guidance 7.4.10.a

Examples of a demonstrable breakdown in the Chain of Custody are:

- Significant discrepancies in records supplied at different points in time by the client.
- Significant omissions in the client's traceability records for certified products.

- b. The client has sold products as certified (or under-assessment) which are shown not to be certified (or under-assessment), except for the following cases:
 - i. The CAB shall not suspend a CoC CFO certificate if the conditions of [CoCCR 9.2.2.a](#) are met.
 - ii. The CAB shall not suspend an entire CoC Group certificate if the requirements in [CoCCR 9.4.4.a](#) or [9.4.6.1.a](#) are met.

Guidance 7.4.10.b

The labelling or identification of fish products as “certified” which in fact did not originate from a certified fishery or farm is a serious breach of the Chain of Custody. Evidence suggesting mislabelling of certified products can come from the CAB, the MSC or the accreditation body but will need to be substantiated by the CAB. The MSC requires positive evidence of compliance in cases where mislabelling is suspected; the absence of evidence is not sufficient to maintain certification.

The only instances where a certificate would not be automatically suspended due to a case of non-certified product sold as certified are specific cases relating to self-reported mislabelling or non-conforming product (7.4.14.2) and for CFO clients and group clients, as per 7.4.10b.i–ii.

- c. The client cannot demonstrate that products labelled or sold as certified are in fact certified.
- d. The client has not satisfactorily addressed any major non-conformity within the specified timeframe.
- e. For CoC Group clients, the client has had a group critical non-conformity raised.
- f. For CoC CFO clients, the client has exceeded the reject number of major non-conformities as described in [CoCCR 9.3.1](#).

Guidance 7.4.10.e-f

For CoC Group and multi-site CFO, a stratum or entire certificate suspension is triggered as soon as the first reason for suspension is detected. For example, at a surveillance audit, the CAB makes a judgement whether to suspend the stratum or the entire certificate when reason for suspension is found at a specific site before completing the full audit sample.

- g. For CoC CFO clients, the client has an additional major non-conformity raised against the same clause in the [CoC CFO Standard](#) at a follow-up site visit as described in [CoCCR 9.3.2.3](#).
- h. The client does not agree to allow the CAB to hold an audit within the required timeframe specified in the [CoCCR 11.3.1](#) for surveillance and [CoCCR 11.4.1](#) for recertification.

Guidance 7.4.10.h

This could be due to lack of response from the client.

- i. MSC has withdrawn a certificate holder's licence or other agreement to use the trademarks, and following that, the certificate holder does not comply with MSC instruction within stated timeframes.

Guidance 7.4.10.i

The CoC certificate may be suspended if the CAB obtains its own evidence that the client has not followed MSCCI instructions after the withdrawal of the licence agreement.

- j. The client does not meet the MSC's labour eligibility requirements
- 7.4.11 Where the CAB suspends a client for the reasons defined in 7.4.10.g or 7.4.10.h, the CAB shall follow 7.4.16 onwards.
- 7.4.12 The CAB shall suspend a stratum of a CoC certificate as per [CoCCR 9.4.6.1.a](#) for Group Certificates.
- 7.4.13 The CAB shall suspend an individual site of a CoC Default Standard multi-site certificate if the CAB determines the reason for suspension to be site-specific without an impact on the other certified sites.
- 7.4.14 Where the CAB finds cause for suspension against any of the reasons described in 7.4.10.a-g, the CAB shall determine if the integrity of the certified supply chain has been broken intentionally and/or systematically.

Guidance 7.4.14

“Systematically” refers to cases where the issue is due to a failure of the organisation’s management system, rather than an isolated occurrence.

For example, if the organisation did not develop or implement adequate procedures to ensure conformity with the CoC Standard and this has led to numerous non-conformities, this may indicate a systematic breach of the Chain of Custody. Or, if the client was aware of non-conformities but repeatedly did not take action to address the issues, this could also indicate a systematic breach.

- 7.4.14.1 If the cause of the suspension is determined to be intentional and/or systematic, the CAB:
 - a. Shall set the period of suspension at a minimum of 6 months.
 - b. Should in verification activities include monitoring the activities of the suspended client.

Guidance 7.4.14.1.b

For example, verification activities could include submission and review of all purchasing and sales documents, conducting unannounced audits, or interviews with the client to verify their understanding of CoC requirements and ability to train other members of staff.

- c. Shall, prior to accepting that corrective action has been effective, perform an on-site verification audit and at a later date perform a second on-site unannounced audit.

Guidance 7.4.14.1.c

The first on-site verification audit happens prior to the CAB accepting the client's corrective action. If the CAB verifies that the client has successfully addressed the reason for suspension, the CAB will action 7.4.18.

After the reinstatement of the certificate the CAB undertakes an on-site surveillance audit. The unannounced on-site surveillance audit can replace the annual surveillance audit, and the client can be notified of the 6-month window it will take place within, but the CAB provides no notice of the actual date.

- 7.4.14.2 If the client identifies and reports an issue of mislabelling or non-conforming product (as in 7.4.10.b and 7.4.10.c), the certificate shall not be suspended subject to the client having followed the non-conforming product procedure in the CoC Standard.

- a. The CAB shall verify the effectiveness of these corrective actions within 30 days of first notification about the issue.

Guidance 7.4.14.2.a

The corrective actions are effective when the identified causes for occurrence of non-conforming product have been addressed satisfactorily by implementing measures to prevent their re-occurrence following the non-conforming product procedure in the CoC Standard.

- 7.4.14.3 If any relevant requirements on non-conforming product in the CoC Standard have not been followed, or the corrective actions are not determined to be effective, the CAB shall suspend the certificate and follow 7.4.16 onwards.
- 7.4.15 Where the CAB finds cause for suspension against 7.4.10.j, the CAB shall set the period of suspension for a minimum of 3 months or until the client is in compliance with the specific requirements on forced and child labour in MSC Labour Eligibility Requirements whichever period is longer.
- 7.4.16 If a CoC certificate is suspended, the CAB shall, on the date of suspension:
 - a. Inform the MSC of any potential impacts of the suspension on relevant Chains of Custody of which it is aware.
 - b. Inform the client of the suspension and instruct them:
 - i. Not to sell any products as certified from the date of suspension.
 - ii. To advise all sites of the suspension (if relevant).
 - iii. To advise existing and potential customers in writing of the suspension within 4 days of the CAB's instruction to do so.
 - A. Final consumers purchasing certified products do not need to be notified.
 - iv. To keep records of advice to customers.
 - v. Not to make any claims of certification from the day of suspension.

Guidance 7.4.16.b.v

During suspension, the continued use of trademarks and other claims of conformity with the relevant Standard is not permitted. The client's status will be updated as appropriate on publicly-available sources of information controlled by the CAB and/or certification scheme.

- c. Determine whether the client has had their certificate suspended under 7.4.10.b for a second time within the period of validity of the certificate, in which case the CAB shall:
 - i. Withdraw the certificate on the scheme database within 4 days and record the cause of certificate withdrawal in the comment box.
 - ii. Instruct the client that they may not reapply for CoC certification for 2 years from the date of certificate withdrawal.

Guidance 7.4.16.c

The CAB could record the information in a comment box, using text such as: "CoC certificate suspended for a second time under 7.4.10.b therefore certificate withdrawn". Client excluded from reapplying for CoC certification until [insert date]".

If the client wishes to reapply for certification, the CAB could conduct the audit shortly before the 2-year period to enable the certificate to be issued after 2 years.

- 7.4.17 When a CoC certificate is suspended, the CAB shall also:
 - a. Record the suspension on the scheme database within 4 days of the suspension.
 - b. Suspend the certificate until such time that the cause of the suspension has been fully addressed, or for a 6-month minimum period if relevant as in 7.4.14.1.a.

- c. Instruct the client to provide a documented corrective action plan for addressing the cause of suspension, which is acceptable to the CAB as being able to address the cause(s) for suspension, within 30 days from the date of suspension.
 - i. The corrective action plan shall include a binding timeframe.
 - A. If the client submits an acceptable corrective action plan within 30 days, instruct the client to implement the corrective action plan.
 - B. If the certificate holder does not submit an acceptable corrective action plan within 30 days, withdraw the certificate.
- d. Verify the effectiveness of the corrective action once informed by the client of its completion.

Guidance 7.4.17.d

Verification activities can include the CAB requesting traceability or purchase/sale records for review or conducting short-notice or unannounced audits.

- 7.4.18 When the CAB has verified that the CoC client has addressed the reason for suspension, the CAB shall:
- a. Reinstate the certificate.
 - b. Produce a report documenting the following and upload on the scheme database:
 - i. Evidence that describes how the cause of suspension has been satisfactorily addressed.
 - ii. A statement confirming the reinstatement of the certificate.
- 7.4.19 If the verification of the effectiveness of the corrective actions to address the reason for suspension in the required timeframe cannot be concluded, the CAB shall withdraw the certificate and follow 7.4.16.c.i-ii.

Guidance 7.4.19

Suspension always needs to precede withdrawal of a certificate. When a certificate is withdrawn the CAB may no longer be in a contractual agreement with the client.

7.5 Information on certificates

- 7.5.1 The CAB shall issue a certificate in English which, in addition to requirements in ISO 17065 7.7, contains:
- a. The latest published version of the ecolabel or logo.
 - b. For fishery certificates, a unique fishery certificate code that is automatically generated by the certification scheme database.
 - c. For CoC certificates, a unique CoC certificate code that is automatically generated by the certification scheme database.
- 7.5.2 The CAB may issue certificates in other languages as well as the English version, providing they bear a disclaimer in at least 10-point font that the certificate is an unverified translation of the English certificate, and in case of differences the English version shall take precedence.

Guidance 7.5.2

The CAB's CoC certificates may include the address of the client's other office(s) if these differ from the site where the main audit activity took place. If additional addresses are listed, the main activity performed at these addresses needs to be noted on the certificate to avoid confusion with the main audit activity taking place.

Chain of Custody certificates

- 7.5.3 The CAB shall issue CoC certificates with a maximum validity period of 3 years from the issue date on the scheme database.
- 7.5.4 The CAB's CoC certificates shall include:
- A statement confirming that the organisation conforms to the requirements of the relevant MSC CoC Standard with the version number specified.
 - A statement to the effect that the buyer of the fish or fish products sold as certified may, after gaining approval to do so from MSC I, apply the trademarks to certified products within their scope of certification.
 - A statement referencing the certification scheme's website as the authoritative source of information on the validity of the certificate as well as its scope.
 - The date of expiry.
- 7.5.5 If the CAB issues a certificate covering CoC Group certification:
- The central office shall be issued a certificate under the name of the group.
 - A list of the sites or a website link to the current list of sites shall be included on the group certificate or on a schedule attached to it.

Fishery certificates

- 7.5.6 The CAB shall issue fishery certificates with a maximum validity period of 5 years from the issue date.
- 7.5.7 The fishery certificate shall contain:
- A statement confirming that the fishery conforms to the MSC Fisheries Standard and that the fishery is well managed and sustainable.
 - The scope of the certified fishery, including:
 - The Unit(s) of Certification.
 - The point at which fish and fish products may enter a Chain of Custody.
 - The entities or categories of entities that are entitled to use the certificate to enter fish from the certified fishery into certified Chains of Custody.
 - Alternatively, the certificate may specify where this information is included in the Fishery Certificate Statement or the Public Certification Report.
 - The details of inseparable or practicably inseparable (IPI) catches eligible to enter further certified Chains of Custody.
 - The date of expiry.
- 7.5.8 The CAB shall inform the certified fishery that it has the right to claim the fishery is a "well managed and sustainable fishery", in accordance with the [MSC Fisheries Standard](#).
- 7.5.8.1 Further claims made about the fishery shall be in accordance with rules established by MSC I.

7.6 Complaints and appeals

- 7.6.1 Information about procedures for handling complaints and appeals shall be available to clients and stakeholders.

Guidance 7.6.1

Examples of how this information could be made available include:

- A direct link on the CAB home webpage.

- A hyperlink provided on the application documentation.
- A hard copy of the information at the application stage.
- As part of the certification agreement with the client.

7.6.2 The CAB shall:

- a. Within 10 working days of receiving a complaint or an appeal, provide an initial response to the complainant or appellant, including an outline of the CAB's proposed course of action to follow up on the complaint or appeal.
- b. Keep the complainant or appellant informed of progress in evaluating the complaint or appeal until it is closed.
- c. Provide evidence to the complainant or appellant if resolution of the complaint requires the involvement of the scheme owner or other bodies.

7.6.3 The CAB should investigate the allegations and specify all proposed actions in response to the complainant or appellant within 3 months of receiving the complaint or appeal.

- 7.6.3.1 In cases where the subject of the complaint or appeal is also being considered through an objections process, this 3-month timeline may be deferred until completion of the objection process.

8 Management system requirements for CABs

No requirements additional to ISO 17065.

9 Heading not used at this time

10 Heading not used at this time

End of document
