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Author: Kirsty Koral

FOR INFORMATION

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5 **Purpose**

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7 To provide an update on the 'medium' changes to the MSC Certification Requirements  
8 (CR) and Guidance to MSC Certification Requirements (GCR) that will be incorporated into  
9 the CR V1.4 for parts A and B (to be released in January 2014)

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11 **Background**

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13 Proposed changes to the CR are classified as 'minor', 'medium' and 'major' (TAB) as  
14 follows:

15 **Minor:** These changes do not involve changes to the requirements. Minor changes could  
16 be needed to amend wrong references, typos, changes in format, etc. Changes to address  
17 minor issues do not go through the full MSC policy development process and are not  
18 tracked in the CR.

19 **Medium:** These changes may require either clarification to the current requirements,  
20 development of guidance, or changes to the requirements, but as a result of accidentally  
21 changing the requirement when transitioning to the new CR.

22 There are four categories to medium changes:

- 23 1. **Clarification:** These involve clarifications to existing requirements rather than a  
24 change to requirements  
25 2. **Transition:** In the new CR the expectation of the old requirements was changed  
26 3. **New:** Small requirements added, as a result of the Credibility Working Group or  
27 TAB Working Group Meetings  
28 4. **Deletion:** Requirements/diagrams are deleted from the CR/GCR entirely

29 Only the 'new' changes are tracked in the CR

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31 **Major (TAB changes):** These issues almost always involve substantive changes to the  
32 requirements or are issues with high stakeholder attention.  
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36 Detailed information about medium issues can be found:

- 37 1. [Medium changes relating to the General Requirements Issues](#)  
38 2. [Medium changes relating to the CoC Issues](#)

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**Table 1: Medium changes relating to the General Requirements Issues**

Issue number`	Section	Issue Description	Proposed Change	Type of Change
1	Contract	Clause inserted that allows for a CAB to suspend or withdraw a certificate due to non-payment of the certificate charge fee.	4.8.4 The CAB's contract for chain of custody certification shall specify that if <b>MSC or MSCI</b> suspends or withdraws a certificate holder's license <b>or other agreement to use the MSC trademarks</b> and the certificate holder does not comply with <b>MSC or MSCI</b> instruction within stated timeframes, the CAB shall suspend or withdraw certification	Clarification
2	Control of MSC ecolabel and CAB logo claims	Clause needs amendment to make it clear that materials with any of the MSC's trademarks seen by consumers or business customers need a licence agreement	<u>UPDATE as follows:</u> 4.9.2 Any party wishing to use any of these three trademarks on materials that will be seen by consumers <b>or business customers for promotional purposes</b> must hold a license to do so from MSCI	Clarification
3	Control of MSC ecolabel and CAB logo claims	Stating that certificate holders can use the MSC trademarks in a business to business context is misleading and can lead to companies highlighting their fish is "MSC" or "Marine Stewardship Council" in B2B promotional materials e.g. at trade shows or in catalogues without a licence.	<u>UPDATE as follows:</u> 4.9.2.1.a <b>The acronym "MSC"</b> can be used on business to business materials without a license from MSCI, for identification and training purposes only. <del>that will not be seen by consumers (i.e. business to business communications, called "Non-consumer facing" by the MSC) without a licence from MSCI.</del>	Clarification
4	Transfer of certificates between CABs	There is no option for continuing with the existing surveillance frequency even though this is referred to in 4.11.4.10 b iii A	<u>ADD new clause:</u> 4.11.4.2.d. Continue with the existing surveillance programme if no risks identified during the pre-transfer review.	Clarification
5	Transfer of	To change	<u>UPDATE as follows:</u>	Clarification

	an existing certificate from an accredited CAB	references of Audit Schedule to Audit Plan	4.11.4.10.b.iii The surveillance audit <b>plan</b> <del>schedule</del> set by the current CAB shall be followed, or following documentation of justification for change, revised and agreed with the client by the succeeding CAB.	
6	Suspension or Withdrawal of Certification	A CAB used this clause to allow a fishery to give 90 days' notice to deliver one of the conditions in a surveillance audit when in fact they should have been suspended for being 'behind target' on this issue two years in a row. It is not the MSC's intent to use the clause this way but there is no clear guidance or requirement to prevent CABs from doing so.	<p><u>UPDATE Part A 7.4.1 &amp; 7.4.2:</u> (additions in <b>bold</b>, deletions in <del>strike through</del>)</p> <p>7.4.1 A CAB may suspend or withdraw a certificate for a contractual or administrative reason. ■</p> <p>7.4.1.1 In these cases clauses <del>7.4.2 to</del> 7.4.13 shall not apply.</p> <p><del>7.4.2 A CAB shall suspend the certificate if a certificate holder does not agree to allow the CAB to hold a scheduled surveillance audit within ninety days of due date.</del></p> <p>7.4.2 A CAB shall suspend a fishery certificate if a certificate holder:■</p> <p>7.4.2.1 No longer conforms to the MSC <del>Principles and Criteria</del> <b>Fisheries Standard.</b></p> <p>7.4.2.2 Has not made adequate progress towards addressing conditions;.</p> <p>7.4.2.3 Does not provide information to allow verification that conditions are being addressed;.</p> <p>7.4.2.4 Does not provide information requested by the CAB within ninety days of being requested to do so;.- ■</p> <p><b>7.4.2.5 Does not agree to allow the CAB to hold a scheduled surveillance audit as required in 27.22.</b></p>	Clarification
7	Vocabulary	Definition of 'Actual Eligibility Date' in MSC Vocabulary (Annex AA) is outdated.	<p><u>UPDATE:</u></p> <p>The date from which product <b>harvested</b> from a certified fishery <b>may be eligible to be identified as MSC, and</b> may be permitted to bear the MSC Ecolabel, <b>subject to Under-MSC-Assessment</b></p>	Clarification

			<b>Fish requirements.</b> This date is confirmed when the Public Certification Report is issued for the fishery.	
8	Vocabulary	The 'Annual fees' definition in MSC Vocabulary (Annex AA). is outdated	<u>UPDATE definition of Annual Fees as follows:</u> Specified in the Ecolabel Licensing Agreement and <del>Annex 2 Annual Fee table</del>	Clarification
9	Vocabulary /Assessment and Audit Planning	The use of the term 'audit schedule' is inconsistent with the other reference to 'audit plan'	<u>ADD to Annex AA:</u> Audit Plan/ Planning: The proposed timing activities and timings of these were relevant to ensure continual evidence and evaluation to determine the extent to which certification criteria is fulfilled.  Update 7.2.2.2 as follows: 7.2.2.2 Draft <del>work schedule</del> <b>audit plan.</b>	Clarification
10	Vocabulary	The definition of 'intended changes are occurring', does not make sense and does not belong in the MSC Vocabulary (Annex AA).	<u>DELETE from Annex AA:</u> Intended changes are occurring from Glossary	Deletion
11	Vocabulary	Definition of 'Licence' in MSC Vocabulary (Annex AA) is outdated.	<u>UPDATE definition of Licence as follows:</u> The "Licence", which when signed incorporates the Terms & Conditions of <b>the Agreement</b> and its Annexes and which together with MSC I approval constitute the Agreement.	Clarification
12	Vocabulary	In the MSC Vocabulary (Annex AA) the definition of 'Non Consumer Facing' must include the use of the ecolabel on websites when not associated with a specific product	<u>UPDATE definition of Non-Consumer Facing as follows:</u> A Licensed Product or material that is not available directly to consumers (including bulk package products, or the <b>use of the ecolabel on websites not associated with any particular product, supplier price lists, or business-to-business catalogues).</b>	Clarification

13	Vocabulary	Definition of 'Rules' in MSC Vocabulary (Annex AA) is outdated.	<u>UPDATE definition of Rules as follows:</u> The rules contained in the document entitled " <b>Ecolabel User Guide</b> " <del>Rules for the display of the MSC ecolabel (consumer facing use)</del> including any amendments or additions notified by MSC I to the Licensee in writing from time to time.	Clarification
14	Vocabulary	Definition of 'Target Eligibility Date' in MSC Vocabulary (Annex AA) is outdated.	<u>UPDATE:</u> The date from which product <b>harvested</b> from a fishery under assessment <b>may be eligible to be identified as Under-MS-C-Assessment Fish subject to Under-MS-C-Assessment Fish requirements.</b> <b>The Target Eligibility Date is defined in the latest Public Comment Draft Report, and may be altered as the fishery's assessment progresses.</b>	Clarification

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**Table 2: Medium changes relating to the CoC Issues**

	Section	Issue Description	Proposed Change	Type of Change
15	Part B – Chain of Custody Certification Requirements	The flow diagram at the beginning of Part B of the GCR is no longer relevant. It makes reference to "clearly identified during storage and transportation, with Chain of Custody Certificate Registration Codes" in the second box.	<u>DELETE:</u> Entire flow chart as it is no longer up-to-date and not necessary	Deletion
16	Process Requirements	17.1.1.2 Duplicates the wording of 17.2.9	<u>DELETE clause 17.1.1.2</u> <del>The applicant's proposed scope of certification (see section 17.2)</del>	Deletion
17	Evaluation	17.4.1 currently makes no reference to auditing against Annex BC or Annex BB	<u>UPDATE as follows:</u> 17.4.1 For each of the activities listed in the proposed scope, the CAB shall collect and review	Clarification

			evidence that the client's management system procedures as implemented meet the requirements of the MSC CoC standard and <b>relevant Annexes Annex BD</b> :	
18	Evaluation	The text at present suggests measures should address segregation/ differentiation between just non-MSC and UMAF or MSC. It should address MSC, UMAF <b>and</b> non-MSC.	<u>UPDATE as follows:</u> 17.4.3.2 Establish that appropriate measures are being or could be taken by the client to segregate and/or clearly differentiate MSC-certified <b>products from</b> <del>or</del> under-MSC-assessment fish products <b>and</b> from not MSC certified fish products.	Clarification
19	Audit Findings	The term "addressed" is unclear and wording should be included to give the options for 'addressing' major non-conformities.	<u>UPDATE as follows:</u> 17.5.1.2.a The CAB shall require that major non-conformities shall be <del>satisfactorily addressed</del> <b>closed or down-graded</b> by an applicant:	Clarification
20	Audit Findings	Major non-conformities to be "addressed" ' is unclear- options for 'addressing' are either to downgrade or close, so change wording the give those options	<u>UPDATE as follows:</u> 17.5.1.2.b The CAB shall give a certificate holder a maximum of one month to <del>satisfactorily address</del> <b>close or down-grade</b> a major non-conformity.	Clarification
21	Surveillance	If processors and transport have been subcontracted it is not clear if CABs should add up all risks in TABLE B4 or take the combined score from the highest scoring row.	<u>UPDATE as follows: Table B4</u> add statement under 2.Handing of Products- <b>"When more than one situation is relevant, use the score from the highest scoring row"</b>	Clarification
22	Group Chain of Custody	There is confusing use of the word "multiple" in association with "group" CoC - due to the fact "multi-site" certificates also exist	<u>UPDATE Annex BB Introduction as follows:</u> This document sets out mandatory requirements to be followed by CABs engaged in assessing businesses operating over <del>multiple</del> <b>numerous sites</b> ("group certification")...	Clarification

23	Audit timing and Frequency	This should relate to Non RRGs only. The text at present may lead to assumption that the clause is relevant for all groups	<u>UPDATE as follows:</u> BB3.1.1.1 <b>For non-Reduced Risk Groups,</b> <b>a</b> All sites put forward for certification have received an internal audit against all MSC requirements and group procedures (Annex <b>BC3.1.1 BC3.3</b> ) and have no outstanding critical or major non-conformities	Clarification
24	Audit timing and Frequency	Update to reflect last year's changes (should have been done last year)	<u>UPDATE as follows:</u> Annex BB3.1.1.2 There has been one <b>internal group entity management</b> review (Annex <b>BC3.3 BC2.9</b> ).	Clarification
25	Audit timing and Frequency	This should have been updated last year and needs to be deleted	<del><u>DELETE:</u> BB3.1.1.2 The group entity has had an internal audit of its quality management system and has no outstanding critical or major non-conformities. (Annex BC3.2)</del>	Deletion
26	Minimum annual audit frequency	BB3.2.1. is not clear about which clauses relate to 'reduced frequency'	<u>UPDATE CLAUSE to:</u> BB3.2.1 At a minimum there shall be an annual audit for group certification; the reduced surveillance frequency allowed in MSC Certification Requirements Part B 17.8 does not apply to group certification. At each annual audit the group entity and a sample of sites shall be audited. BB3.2.1.1 <b>All other requirements in Part B 17.8 apply.</b>	Clarification
27	Timing of Audits	BB3.4.1 is a duplicate of 17.8.1.3.	<u>UPDATE CLAUSE to:</u> BB3.4.1 To accommodate the provisions of BB3.3 above, the annual audit's timing may be advanced or delayed by up to three months <b>as per 17.8.1.3.</b>	Clarification
28	Additions to parts A and B of the MSC CR when assessing ASC scope	Table B4 is referenced in annex BE (for single), but table BB1 is not mentioned.	<u>Add new clause BE7.2.4</u> 'In Table BB1 (Part B) an additional row in the Activities section for aquaculture as below: <u>Add copy of table BB1</u> <u>Sample plan allocation with added factor</u>	Clarification

			<u>j: Aquaculture (Activity 13)</u> <u>Score- 4</u>	
29	Group chain of custody	Table BB1's Factor 5 (Number of staff) differs to table B4 factor 7 on number of staff. It misses the option of "no labels are placed on products"	<u>UPDATE as follows:</u> BB1 add to factor 5 a 4th option <b>d: No labels are placed on products</b> -score zero	Clarification
30	Grading of non-conformities found on sites	BB6.1.3 and BB6.1.3 are not clear on how many non-conformities need to be raised and whether the wording is different between the group and sites.	<u>UPDATE CLAUSE:</u> BB6.1.3 Where major and minor non-conformities are identified by CABs during site audits, the CAB shall raise a further non-conformity (with the same grading) against the group entity's internal control system (Annex BC2), and where there has been a failure to detect the non-conformity during annual <b>internal</b> audits, against the group entity's verification system (Annex BC3).	Clarification
31	Non-Conformities	The wording in clause 6.3.2 is not clear, and translators found it difficult to understand the meaning	<u>UPDATE as follows:</u> Annex BB6.3.2 Where a stratified sample is audited (i.e. two or more sub-groups are sampled), the number of sites with non-conformities from each sub-group shall be added together and the number of sites sampled from each subgroup shall be added together. The total number of <b>sites with major</b> non-conformities and the total number of sites <b>sampled</b> shall be used for clause BB6.3.1	Clarification
32	Certification Decisions	To change references of 'Audit Schedule' to 'Audit Plan'	<u>UPDATE as follows:</u> BB7.1.1.5 Proposed audit <b>plan</b> <del>schedule</del> is appropriate	Clarification
33	Non-Conformities	The annex referred to doesn't exist	<u>UPDATE Annex BB 8.1.1to:</u> The CAB shall require the group entity to seek CAB approval in the following circumstances: a. prior to adding more	Clarification

			<p>than 10% of the number of sites present at the last certification audit to the group in any one year, or</p> <p>b. prior to adding sites with new activities to the group.-(See Annex BC5.2.1.2).</p>	
34	Adding new sites to the group	There is inconsistency with Annex BC as BB8 was not updated in accordance with BC when v1.3 was released.	<u>UPDATE as follows:</u> BB 8.2.1.1 a. If new activities are added, the CAB <del>shall</del> <b>may</b> conduct an audit of the new activities <b>if deemed necessary</b> , following the requirements in BB 8.1	Clarification
35	Adding new sites to the group	BB8.2.1.2 references a clause that no longer exists and is no longer relevant	<u>UPDATE as follows:</u> BB8.2.1.2 The CAB may at its discretion require additional audit work to be undertaken ( <del>see Annex BB5.2.1.1</del> )	Clarification
36	Group Chain of Custody - Table	There is a small typo. The text currently states: Initial sample multiplied by 0.	<u>UPDATE FORMATING as follows:</u> Table BB9 lowest right field to display: " <b>Initial sample multiplied by 0.3</b> "	Clarification
37	Checklist for Group CoC	Outreach expressed concerns that many catering or education clients have training records maintained at site or group level and that these should be available to the CAB before or during the audit if requested	<u>UPDATE as follows:</u> BC2.4.3 The Group Entity <b>or sites</b> shall maintain a record of MSC training completed and shall be able to demonstrate that <del>all</del> key personnel receive training at a frequency as required to maintain knowledge of current MSC requirements. <b>BC 2.4.3.1 Training records covering all sites shall be accessible by the Group Entity when requested by the CAB, MSC, or ASI.</b>	Clarification
38	Additional CoC Requirements	The current text does not make it clear when a company is required to update CABs on changes to their contact person.	<u>UPDATE as follows:</u> BD1.2.4 The certificate holder shall report to the CAB any changes in their contact person for MSC audits <b>before their next audit.</b>	Clarification