ASC-MSC
Seaweed Certification and Accreditation Requirements

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The official language of this standard is English. The definitive version is maintained on the ASC-MSC website [hyperlink]. Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

The ASC and MSC prohibit any modification of part or all of the contents in any form.
Responsibility for these requirements

The Seaweed Standard Committee (SSC) of the Marine Stewardship Council and Aquaculture Stewardship Council advises the ASC and MSC Boards (MSC Board of Trustees and ASC Supervisory Board) on this document’s content. The ASC and MSC Boards hold responsibility for this document.

About this document

This document specifies the mandatory requirements that Conformity Assessment Bodies (CABs) must follow when carrying out audits of fisheries/farms or supply chain organisations who wish to make a claim that the seaweed product(s) they produce are from well-managed and sustainable source(s), as defined by the ASC-MSC Seaweed Standard.

Part A provides general requirements relating to CABs offering certifications against the ASC-MSC Seaweed Standard, while Part B provides specific operational requirements for CABs conducting seaweed audits. The numbering of the sections follows the ISO 17065 approach.

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Part A – General requirements for CABs

1 Scope

Consultation note
Requirements relating to label use, are still in consideration, pending research on business model and market claims associated with this joint ASC-MSC standard.

1.1 Part A of the ASC-MSC Seaweed Certification and Accreditation Requirements includes requirements for CABs carrying out certification audits of operations that wish to make a claim that the seaweed they are selling is certified to the ASC-MSC Seaweed Standard, and where desired to use the MSC/ASC label/s to promote a product.

2 Normative references

2.1 The latest versions of the documents listed below, by reference in this text, become part of the ASC-MSC Seaweed Certification and Accreditation Requirements.

Guidance
CABs are encouraged to review the most recent editions of the documents and any guidance documents available to gain further insight about the requirements they need to comply with.

a. ASC-MSC Seaweed Standard
b. ASC-MSC Seaweed Vocabulary
c. MSC Chain of Custody Certification Requirements (CoC CR)
d. MSC Chain of Custody Default Standard and the two variants: the Group and Consumer-Facing Organisation (CFO) versions
e. ISO 17065: Conformity assessment – Requirements for bodies certifying products, processes and services
f. ISO 19011: Guidelines for auditing management systems
g. The accreditation procedures and rules of the accreditation body
h. Client Application Checklist
i. Templates applicable to seaweed certification:
   i. ASC-MSC Seaweed Pre-Audit Reporting Template
   ii. ASC-MSC Seaweed Initial Audit Reporting Template
   iii. ASC-MSC Seaweed Surveillance Reporting Template
   iv. ASC-MSC Seaweed Re-certification Audit Reporting Template
   v. Variation Request Template
   vi. Interpretation Request Template
   vii. Audit Announcement Template
   viii. Request for Documentation of Conditions Template
   ix. Critical Condition Reporting Template
ix. Cancellation, Suspension or Withdrawal Template
x. Stakeholder Input Template
xi. Notice of Objection Template
xii. Complaints and Appeals Template
j. IT Platform Guidance Manual

Guidance 2.1.j
The IT Platform currently used is Ecert.

3 Terms and definitions
3.1 All definitions are provided in the ASC-MSC Seaweed Vocabulary available at [ ].

Consultation note
The ASC-MSC Seaweed Vocabulary is available at

4 General requirements
4.1 Requirements of accreditation
4.1.1 The CAB shall have its application for accreditation approved by the ASC-MSC's seaweed accreditation body prior to selling certification services for the scope of this standard.

Guidance 4.1.1.1
The accreditation body will treat seaweed as a new species sub-scope as currently occurs when new ASC species are added to a CAB’s scope. Where this happens, the accreditation body will undertake a risk assessment to decide whether the first seaweed audit undertaken by the CAB should be witnessed by the accreditation body, as currently occurs with new ASC species sub-scope extensions.

4.1.2 The CAB shall only award certificates once it is accredited and only within the scope of its accreditation.
4.1.3 The CAB shall recognise that certificate holders that have been certified by other accredited CABS conform to the ASC-MSC seaweed standard.

Guidance 4.1.3.1
If a CAB believes that the recognition of certificates issued by another CAB is not warranted, they should write to the accreditation body detailing their concerns.

4.1.4 The CAB shall authorise the accreditation body to publish on its website, the CAB’s company name, full address and contact persons’ details.
4.1.5 The CAB shall authorise the accreditation body to publish, including on its website, witness assessment and desk review reports.
4.2 Conformity to ISO 17065 and the ASC-MSC seaweed requirements

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

4.2.2 The CAB shall conform to the ASC-MSC requirements specified in this document in the case of a conflict with ISO 17065.

4.2.3 In line with ISO 17065 on Public information, the CAB shall make available on request the following information on the fees charged to clients:

a. An indicative average man day rate,

Guidance 4.2.3a
For example, the CAB could calculate this using all seaweed audits carried out over the past year

b. The criteria used for determining the cost of a seaweed initial, surveillance or re-certification audit such as fishery/farm size, complexity of units of certification, number of target species, location

c. Likely additional costs of predictable elements like report production, and

d. An explanation of how subsistence and travel expenses and auditor rates are calculated on a per project basis.

Guidance 4.2.3d
Ways in which these rates might be explained are:

a. Expenses charged at actual cost without overheads, and unless otherwise specified by the client, the least expensive means of travel practicable should be used wherever possible.

b. The daily audit fees charged to the client are based on the rates charged by subcontracted auditors and these rates vary regionally. When using subcontracted auditors, every effort is made to use auditors geographically proximate to the location of the audit to minimise excess travel costs and cost of living discrepancies between the auditors’ home location and the location of the audit. Often, assessors from the developing world or areas distant from North America and Europe have lower rates, which can help to reduce audit costs in those areas.

4.2.4 The CAB shall have processes in place to:

a. Calculate individual quotes for specific seaweed clients in line with these criteria, and

b. State all costs clearly in advance of the client signing the seaweed audit contract.

Guidance 4.2.4
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 clause 4.2.3. This includes day rates for any additional work that may be needed.

4.3 Normative appendices

4.3.1 The CAB shall follow in full all normative appendices of the ASC-MSC Certification Requirements if they are used.
4.4 ISO 19011
4.4.1 The CAB audit personnel shall 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 they operate.
4.5.2 Key personnel shall show understanding of applicable legislation and regulations.

4.6 Certification decision-making entity
4.6.1 In addition to the requirements of ISO 17065 7.6, the CAB’s decision-making entity shall authorise any changes to the status of certification including changes to conditions.

Guidance 4.6.1
ISO 17065 section 7.6 confirms that it is the CAB decision-making entity that decides whether to certify the fishery/farm

4.7 Communication with ASC-MSC
4.7.1 All CAB communication with ASC-MSC shall be in English.
4.7.2 The CAB shall communicate with ASC-MSC using the:
   a. Formats specified in this document,
   b. Forms supplied in this document, or
   c. Using online templates on ASC-MSC websites.
4.7.3 The CAB shall use the:
   a. Interpretation Request Template on the website, to request any interpretations of the ASC-MSC Seaweed Standard or the Seaweed Certification and Accreditation Requirements, and
   b. Variation Request Template on the website to request any variations to these normative requirements.
4.7.4 The CAB shall be responsible for control of all confidential information submitted to ASC-MSC as specified in any confidential annexes (see 17.9.4).
4.7.5 The CAB shall be responsible for keeping their data entries on the ASC-MSC database up to date.
4.7.6 Until the ASC-MSC database is live, the CAB shall submit all required information in PDF format unless otherwise instructed.

4.8 Contract
4.8.1 The CAB shall have a written contract with the fishery/farm client seeking certification.
4.8.2 Prior to signing a contract, the CAB shall verify:
   a. That the applicant is not already certified, and
      i. If the applicant is currently certified the CAB shall follow the certificate transfer requirements in Section 4.12.
b. That the applicant has not had a certificate suspended or withdrawn, or has failed a certification audit within the previous 12 months.

Consultation question
Is this an appropriate timeframe? Should a fishery/farm be allowed to re-enter the audit process within 12 months of having a certificate suspended, withdrawn or of failing a previous audit? This requirement is intended to prevent a client from quickly reappointing a different CAB who they believe might provide a different determination to their fishery/farm. Are there better ways of preventing such repeated audits, noting that this mechanism may cause an unnecessary delay in cases where a critical issue has genuinely been resolved?

4.8.3 The contract shall be signed prior to the commencement of the audit.

4.8.4 The contract shall specify:

a. The deliverables that the CAB will produce,

b. The expected certification timeline,

c. That ASC-MSC retains the right to change the Seaweed Standard and Seaweed Certification and Accreditation Requirements and that certification is conditional on conforming to any new or revised standards and new or revised requirements within the timeframes established by ASC-MSC,

d. That ASC-MSC shall have full access to all audit products including audit evidence, audit findings, audit reports and confidential information,

e. That ASC and MSC shall have the right to observe audits conducted by the CAB,

f. That the accreditation body shall have the right to conduct audits of the applicant/certificate holder, including unannounced audits, for the purpose of monitoring CAB conformity,

g. That the CAB should be informed of any previous MSC and/or ASC audits conducted within the previous 12 months,

i. The CAB shall be provided with any such audit reports.

h. The complaint procedures of the CAB by including a copy or by reference to publicly available documents,

i. An explanation shall be provided of when and how the accreditation body and ASC-MSC may be engaged in case the complaint process escalates beyond the CAB authority.

i. That the applicant has the right to raise their concerns or object to any of the proposed audit team members,

j. That the CAB shall not conduct an audit until the client has completed and the CAB accepted the client’s application checklist,

k. That it is the CAB’s responsibility to make known to the public any upcoming site visit at their premises (e.g. for initial, surveillance or recertification audits) to allow for interested parties and stakeholders to provide their input to and comment during the audit process, and

l. That the applicant has the responsibility to inform the CAB if any changes are made in the operation that may require oversight from the CAB. This can include but is not limited to:

i. Changes in species harvested or farmed (regarding any impact this may have on the seaweed UoA),

ii. Changes in the number of sites (unless using the group/multi-site approaches),
iii. Changes that may affect the scoring of the fishery/farm (such as administration of new/different medication at some or all sites), and

iv. Changes that may impact the start of the chain of custody.

4.9 Content of certificates

4.9.1 An ASC-MSC seaweed certificate shall only include species certified against the ASC-MSC Seaweed Standard.

4.9.2 The CAB shall register the certificate in the ASC-MSC database.

4.9.2.1 Registration shall not be complete until all information specified on the ASC-MSC database has been posted on the ASC-MSC database.

4.9.2.2 In the case of a malfunction of the on-line registration service, ASC-MSC shall be informed that a certificate has been issued or re-issued within 10 days of its issue or re-issue.

4.9.2.3 Certificates, which are not registered with ASC-MSC, shall not be valid.

4.9.3 The CAB shall issue an English language certificate, which in addition to the requirements in ISO 17065 7.7, shall contain:

a. The MSC/ASC label/s, which shall be no smaller than the logo of the CAB,

b. A unique certificate number (as provided by the ASC-MSC database system),

c. An issue number (for re-issued or renewed certificates),

d. The point at which certified products may enter the Chain of Custody,

e. The date of issue,

i. The date of issue shall be the date the certificate was registered on the ASC-MSC database.

f. The date of expiry of the certificate together with the disclaimer “The validity of this certificate shall be verified on [specific URL to be announced]”,

g. The name and address of the CAB,

h. The legal name and registered address of the certificate holder,

i. Any trade names and other addresses that will be used for sales invoices,

j. The name and physical address of any additional sites included in the unit of certification,

k. A description of the scope of the certificate, including the Unit of Certification covered by the certificate, a reference to the specific standard (and version) against which the certificate holder has been evaluated, and confirmation of certification,

l. A reference to the ASC-MSC database of registered certificates [specific URL to be confirmed],

m. A clear statement to the effect that the certificate shall remain the property of the CAB that issued it, and that the certificate and all copies or reproductions of the certificate shall be returned or destroyed if requested by the CAB,

n. The signature of the individual(s) that the CAB assigned this responsibility, and

o. A disclaimer stating: "This certificate itself does not constitute evidence that a particular product supplied by the certificate holder is ASC-MSC-certified. Products offered, shipped or sold by the certificate holder can only be considered covered by the scope of this certificate when the required ASC-MSC claim is clearly stated on invoices and shipping documents".
4.9.4 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.

4.10 Information for certificate holders

4.10.1 The CAB shall inform the certificate holder that it has the right to claim that, subject to the scope of its certificate, its operation is certified in accordance with the ASC-MSC Seaweed standard.

4.10.2 The CAB shall inform the certificate holder that:

a. It may claim that its seaweed products are the result of “Responsible Aquaculture Farming” and/or Certified Sustainable Seafood,

Guidance 4.10.2a

Further detailed guidance for certificate-holders on joint messaging relating to ASC-MSC-certified seaweed products is available from ASC-MSC.

b. It is eligible to apply for an MSC/ASC label licensing agreement, and

c. It shall not make any claim about ASC-MSC certification on consumer facing products without a valid MSC/ASC label licence.

4.11 Use of the MSC, ASC and CAB trademarks

Consultation question

Requirements relating to label use, are still in consideration, pending research on business model and market claims associated with this joint ASC-MSC standard. Comments are invited from stakeholders, on the current proposal to have co-labelling by default for all certified seaweed products, i.e.: to put both the MSC and ASC labels on the same certified product package where a claim of certification is to be used in the marketplace. A fishery/ farm may, however, also voluntarily choose to use only one of the two labels, with the following rules:

• ASC logo can be used alone for aquaculture or enhanced operations (i.e., not purely wild)

• MSC ecolabel can be used alone for wild or enhanced operations (i.e. not purely farmed).

The decision on which label/s would be used should be made at the start of the chain, i.e. by the fishery/farm client. Downstream in the supply chain, normal mixing and co-labelling rules will apply (CoC Default standard 3.3).

4.11.1 All uses of the MSC, ASC trademark(s) by a CAB shall be subject to a MSC/ASC label licence agreement.

4.11.2 The CAB shall have documented procedures for the issue and use of any label or trademark of the CAB for the MSC and/or ASC programs, including procedures for pre-publication review and authorisation by the CAB of all uses of the CAB's logo by MSC and/or ASC certificate holders.
4.12 Transfer of certificates

**Guidance 4.12**

A decision to transfer CABs is voluntary by the certificate holder/applicant, unless the CAB issuing the current certificate no longer offers seaweed certification services for whatever reason. In this case, the client must transfer to another CAB to keep the certification.

**Principles for transfers of certificates between CABs**

4.12.1 A CAB shall only accept a transfer of a certificate holder/applicant if:

a. The certificate holder has not transferred CABs previously within the period of validity of a certificate,

b. The certificate is not suspended (if already certified), withdrawn, or cancelled, and

c. All critical conditions have been closed.

4.12.2 If any of the conditions in 4.12.1 are not met, the succeeding CABs shall treat the certificate holder/applicant as a new client and repeat the full ASC-MSC initial audit.

**Procedure for transferring a certificate - Pre-transfer review**

4.12.3 On receiving an application for transfer from a certificate holder/applicant, the succeeding CAB shall:

a. Work together where practicable to exchange information about the audit and certification,

i. The preceding CAB shall share all the documentation about the certificate holder/applicant (records, including reports and history of conditions, confidential information and annexes) with the succeeding CAB, unless it is provided by the certificate holder.

b. Review the reasons for the requested transfer, and

c. Conduct a desk-based pre-transfer review to:

i. Confirm that the certificate holders’ activities are within the scope of the succeeding CAB’s accreditation,

ii. Confirm that the certificate is valid (authenticity, duration, scope),

iii. Confirm that the certificate holder is not suspended,

iv. Consider any audit and surveillance reports, including any certification conditions,

v. Become aware of any complaints received and actions taken to address complaints,

vi. Review any other relevant documentation.

4.12.4 Depending on the findings from the pre-transfer review, the succeeding CAB shall decline the contract or accept the contract.

**Procedure for transferring a certificate**

4.12.5 If the succeeding CAB accepts the contract as per 4.12.4, the succeeding CAB shall:

a. Agree on a transfer date with the preceding CAB and the certificate holder/applicant on which all rights and obligations for maintaining the certificate shall be passed from the preceding to the succeeding CAB.
i. The expiry date of the succeeding certificate shall be the same as the expiry date of the preceding certificate.

ii. Both CABs shall keep a record of the agreed transfer date.

4.12.6 The preceding CAB shall:

a. Before the transfer date, ensure that all the client's records are up-to-date, including those held on the scheme database, and

b. On the transfer date, cancel the certificate.

i. All obligations of the preceding CAB shall end after the transfer date.

4.12.7 The succeeding CAB shall:

a. At least 5 days in advance of the transfer date, inform the MSC/ASC of the agreed transfer date,

b. On the agreed transfer date, issue the new certificate (if relevant) in the scheme database,

c. Continue with the certificate holder's existing surveillance or audit program,

d. Not change the status of certification including any certification condition, until the next surveillance audit following the requirement in section 17.23.

i. For applicants, that have not published the PCDR at the time of the transfer, clause d. above does not apply.

4.12.8 The results of any accreditation body assessment regarding the compliance of the certificate holder to the scheme requirements shall be applicable to the succeeding CAB

4.12.9 If the succeeding CAB considers that a change of certification status and/or conditions should be made before the surveillance audit, the CAB shall treat the certificate holder as a new client and conduct an initial audit.

Guidance 4.12.8.3

This is to encourage the client to consider timing issue for the decision to transfer to another CAB. The initial site visit may be combined with the surveillance site visit if well planned.

5 Structural requirements

5.1 Mechanism for safeguarding impartiality

5.1.1 The CAB shall have a documented impartiality structure which safeguards impartiality within the CAB and its operations.

5.1.1.1 The structure shall be described in the documents that establish the CAB’s legal status or by some other means that prevents change which could compromise the function of the structure to safeguard impartiality.

5.1.1.2 This may be through vesting authority to the impartiality structure for approval of policies and some significant procedures such as the rules of procedure for the operation of the impartiality structure itself.

5.1.1.3 The impartiality structure may be an impartiality committee or equivalent structure.

5.1.1.4 The structure may be independent of management or combined with management function.

5.1.2 The CAB shall be responsible for:
a. The adequacy of the process for identifying and involving the relevant interested parties,
b. The impartiality structure itself to demonstrate the adequacy of their participation, and
c. Providing all the information required for the impartiality structure to perform their job, including, but not limited to, the reasons for:
   i. All significant decisions and actions, and
   ii. The selection of persons responsible for particular activities in respect to certification.

5.1.3 The impartiality structure shall involve all parties concerned with the development of principles and policies for the functioning of the CAB certification system.

5.1.3.1 This shall include interested and affected parties throughout the supply chain.
   a. These may include, but not be limited to, the CAB itself, regulatory authorities, NGOs, consultants, academics, primary producers, processors, wholesalers, retailers, food service providers, restaurants and consumers.

5.1.3.2 This should be a high-level group with the responsibility for ensuring impartiality and not predominantly a technical or sector based group.

5.1.3.3 The membership shall not be selected to reflect the technical expertise of the CAB.
   a. When necessary it may be supported by technical experts as required.
   b. No single interest shall predominate.

5.1.4 Documentation for the mechanism for safeguarding impartiality shall include:
   a. Rules of procedure that establish the duties and rights of members (e.g. rules for attendance, quorum and voting), and
      i. Members shall sign declarations of confidentiality.
      ii. Members shall sign annual declarations of the absence of conflicts of interest.
   b. The principle that impartiality shall be established at three (3) levels within the CAB:
      i. Strategies and policies,
      ii. Decisions on certification, and
      iii. Auditing.

5.1.5 The impartiality structure shall conduct annual reviews that include:
   a. The current and intended activities of the CAB,
   b. The competence of key personnel, and
   c. The potential risks associated to the CAB’s operation.

5.1.6 The function of the structure shall ensure that:
   a. Commercial and other considerations do not prevent the objective provision of certification services,
   b. The period of time specified by the CAB for which personnel shall not be used to review or make a certification decision for a product for which they have provided consultancy time shall be no less than two (2) years, and
   c. No audit or certification services shall be provided to clients if any of the products or services provided by the CAB, related bodies or the CAB’s personnel are still in use by the client.
5.2 Confidentiality

5.2.1 In addition to ISO 17065 clause 4.5, specific requirements on confidentiality are detailed in the following Seaweed CAR clauses: Part A (4.8.4 and 5.1.4), Part B (17.1.4, 17.9.4 and 17.6.8).

Guidance 5.2.1

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

a. ensure the CAB considers all aspects of confidentiality; and,

b. allow the accreditation body to review the policy and subsequent procedures for completeness.

6 Resource requirements

6.1 CAB personnel

6.1.1 The CAB shall:

a. Register all auditors working with the ASC-MSC seaweed scheme with ASC and MSC and the accreditation body,

b. Ensure that all auditors carrying out ASC-MSC seaweed certification audits have demonstrated the required competencies for their role as described in Annex A,

c. Ensure that all personnel involved in ASC-MSC seaweed certification services understand the aims and objectives of the ASC-MSC seaweed programme, and

d. Ensure that all technical reviewers and certification decision makers are 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 6.1.1d

For reviewers and decision makers, CABs are reminded that the criteria of ISO 17065 clause. 6.1.2.1 will apply. CABs will still have to demonstrate 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 ASC MSC lead auditors.

Maintenance of Competency

6.1.2 The CAB shall have a written procedure to confirm annually that every auditor and all CAB personnel involved in the audit are qualified and competent as described in Annex A and registered with ASC-MSC as required.

a. This procedure shall include:

i. Regular performance evaluation of CAB personnel involved in the ASC-MSC seaweed audit activities, and

ii. Regular calibration sessions to ensure consistent practice among auditors and other CAB personnel.

Guidance 6.1.2.a.ii

This may include calibration sessions organised by ASC and/or MSC.
b. The CAB shall implement its procedure and keep records of all training and calibration sessions including a record of the individuals that participated.

7 Process requirements

7.1 Information for applicants

7.1.1 The CAB shall send the following to applicants:

7.1.1.1 The current versions of ASC-MSC Seaweed Standard and other requirements relevant to the seaweed audit.

   a. The CAB shall maintain a record identifying the document(s), including the version(s), sent to each applicant and certificate holder.

7.1.2 The CAB shall send the following to applicants in a language appropriate to the applicant:

   a. A copy of the CAB’s standard audit and certification contract, and
   b. Information about the use of the MSC/ASC label/s, including:

      i. The website where the rules for the MSC/ASC label/s may be found, and
      ii. An explanation that a MSC/ASC label licence agreement will be required with the MSC and/or ASC prior to the use of the label/s.

7.1.3 In cases where documents are translated for the convenience of the client, if any differences between the original English documents and translated versions are found then the original English version shall prevail.

7.2 Suspension, withdrawal and cancellation

Guidance 7.2

A seaweed certificate may be 'suspended' by a CAB for the reasons outlined in this section. If the terms of the suspension are not met within the allowed response time, the certificate may be subsequently 'withdrawn' by the CAB. While a suspension may be lifted by the CAB if the issues are resolved, a withdrawn certificate is permanently withdrawn. A certificate or audit process may also be 'cancelled' voluntarily by the client at any time (reflecting the terms in their contract with the CAB) if they decide to leave the programme for any reason.

Consultation questions (this section will be revised as appropriate following feedback on these questions)

a. Should a certificate be immediately suspended if any critical condition is awarded during the period of the certificate validity? Or should a critical condition be given a three-month period (up to a maximum 6 months if out of the client’s control) for corrective actions and only then be suspended if not closed within the allowed response time?

b. Should a certificate be immediately suspended if any critical conditions is not met for specific PIs? In this case, which are the specific PIs which should be associated with immediate suspensions? Should different response timelines also be allowed for suspensions arising in different principles?

c. Should a certificate be immediately suspended if a new condition is assigned such that the allowed number per principle is exceeded?

d. Should certificate holders be allowed to be suspended more than once within a three-year certification period?

e. Should the maximum duration of a suspension be limited to six months? Or could a suspended fishery/farm stay in suspension until the end of the certificate or the issue is resolved?
Suspension of a certified fishery/farm

7.2.1 A CAB may suspend or withdraw a certificate for contractual or administration reasons.

7.2.2 A CAB shall suspend a certificate:
   a. If a critical condition is raised during the validity of the certificate, or
   b. If the number of conditions becomes more than the maximum number of conditions allowed in each Principle given in Table 4 of the Seaweed Standard, or
   c. If progress against a condition is not back ‘on target’ within 12 months of falling ‘behind target’, or
   d. If the fishery/farm no longer conforms with the ASC-MSC Seaweed Standard.

7.2.3 A certificate shall not be suspended more than once in a three-year certification cycle.

7.2.4 The maximum duration of a suspension shall be six (6) months.

Withdrawal of a certified fishery/farm

7.2.5 The CAB shall withdraw a certificate if:
   a. Suspension is required by the requirements in 7.2.2 but the fishery/farm has already been suspended once within the current certification cycle, or
   b. A suspension is not lifted within the allowed six (6) months.

7.2.6 The CAB shall not reinstate the certificate after it is withdrawn.

Withdrawal of a fishery/farm while in initial audit

7.2.7 The CAB shall withdraw a fishery/farm applicant where:
   a. The client does not provide an action plan as per 17.2.4, or
   b. Critical conditions are not closed within the allowed three (3) or six (6) months.

Steps for suspension, withdrawal or cancellation

7.2.8 The CAB shall inform ASC-MSC of any suspension, withdrawal or cancellation of certificates or audit process within five (5) days of the decision using the Cancellation, Suspension, or Withdrawal Template, for posting on the ASC-MSC seaweed website.

7.2.8.1 The CAB shall specify the date of suspension/withdrawal as the date when the CAB made the decision of suspension/withdrawal.

7.2.8.2 The CAB shall specify the date of cancellation as the date that the certificate holder or applicant informed the CAB and/or ASC/MSC of its decision on cancellation.

7.2.9 Once a certificate is suspended, withdrawn or cancelled, the CAB shall immediately instruct the certificate holder:
   a. Not to sell any product harvested from the date of suspension, withdrawal or cancellation as ASC/MSC certified or with the ASC/MSC label/s, and
   b. To advise existing or potential customers in writing of the suspension, withdrawal or cancellation within four (4) calendar days of the suspension or withdrawal or cancellation date.
7.3 **Complaints and appeals**

7.3.1 The CAB shall have a documented procedure for dealing with an applicant’s concern about a member of the team proposed to carry out the audit; this procedure shall include the following elements:

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, and

c. Maintaining records of the justification for its action(s).

7.3.2 The CAB shall have a documented procedure for handling complaints and appeals that in addition to the requirements of ISO 17065 section 7.13.1 includes:

a. A description of the complainant’s option to complain to the accreditation body if they are not satisfied with the CAB’s response to their complaint and also their option to complain to ASC-MSC if they are not satisfied with the accreditation body’s response,

b. A reference to the accreditation body’s dispute mechanisms, including the incidents, complaints and appeals handling processes,

c. The appointment of an independent member of the CAB management who shall report the outcome of the complaint or appeal to the top management of the CAB, and

d. Encouragement for the complainants to submit copies of their complaints directly to ASC-MSC at:

   i. Email: certification@asc-aqua.org and seaweedstandard@msc.org

   ii. Mailing address: P.O. Box 19107, 3501 DC Utrecht, The Netherlands

7.3.3 The CAB shall report all complaints and appeals to the accreditation body, using the Complaints and Appeals Template, annually no less than 30 days prior to the annual accreditation body surveillance visit copies sent to ASC-MSC and the accreditation body.

7.3.3.1 In the case of suspension or withdrawal of the accreditation of the CAB, all logged issues shall be sent to the accreditation body and ASC-MSC as part of the suspension or withdrawal process using the Complaints and Appeals Template no later than the final date of accreditation.

8 **Management system requirements for the CAB**

8.1 **Internal audits**

8.1.1 CABs shall comply with section 8.6 of ISO 17065 but may choose to perform their internal audits once every 12 months (+/- three (3) months from the previous audit).

8.1.2 Internal audits shall cover all ASC-MSC seaweed requirements included in this document in a planned and systemic manner.

9 **Heading not used at this time**

10 **Heading not used at this time**
Part B – Operational certification requirements

11 Scope

11.1 Part B of the ASC-MSC Seaweed Certification and Accreditation Requirements defines the specific procedures for CABs to follow when carrying out audits of fisheries/farms against the ASC-MSC Seaweed Standard.

12 Normative references

12.1 The normative documents in Section 2 of Part A also apply to Part B.

13 Terms and definitions

13.1 No additional requirements to Part A and the ASC-MSC Seaweed Vocabulary available at [].

**Consultation note**

The ASC-MSC Seaweed Vocabulary is available at


14 General requirements

14.1 No additional requirements to Part A.

15 Structural requirements

15.1 No additional requirements to Part A.

16 Resource requirements

16.1 Audit teams

16.1.1 Teams shall include a lead auditor and should include additional team member(s).

**Guidance 16.1.1**

The number of auditors in the team may vary depending on the size and nature of the Unit of Assessment. In most cases, 2-3 auditors, that meet the competencies specified in this document, will be needed to form a team. However, for small units of assessment in production categories A, Bii or Cii in Table 2 of the Seaweed Standard, if an auditor meets all the competencies requirements, the team may be composed of only one auditor.

16.1.2 Teams shall include member(s) that have the experience and expertise outlined in Annex A.

16.1.3 When translation services are needed, the CAB shall retain translators that are independent of the client and skilled in translation from the national or local language into the operating language of the audit team.
17 Process requirements

Guidance Section 17

Certification is a multi-step process that includes four major steps:

1. Pre-audit: A confidential report tells a fishery/farm if it is likely to achieve certification. The report may also be used by the client as a guide to preparing for the initial audit.

2. Preparation: The client prepares for the initial audit in response to pre-audit findings and other relevant information, including completion of the client application checklist.

3. Initial audit: This stage includes multiple sub-steps leading to a determination of whether the fishery/farm conforms to the seaweed standard. The process is led by an appointed CAB and its expert team. It involves consulting with stakeholders, reviewing PIs, evaluating the fishery/farm, identifying areas where the fishery/farm should strengthen its performance (if needed), and making a draft and then final determination about whether the fishery/farm meets the seaweed standard. This is an intensive process that calls for a high level of information to be provided by the client and other stakeholders.

4. Post-audit: Surveillance audits are conducted by the appointed CAB. Fisheries/farms are encouraged to make the most of certification using the MSC Chain of Custody Standard for seafood traceability (See Chain of Custody Certification Requirements).

17.1 Pre-audit

17.1.1 The objectives of the pre-audit stage are to identify the strengths and weaknesses of the fishery/farm and assess the likelihood of achieving certification.

17.1.2 The pre-audit stage is optional.

Guidance 17.1.2

Pre-audit can identify potential issues, the likelihood of the fishery/farm in question meeting the Seaweed Standard, and/or highlight major barriers to achieving certification. It can also assist the team with its planning of the initial audit. Fisheries/farms may undertake Pre-audits themselves or use CABs, independent consultants or another relevant qualified organisation.

17.1.3 The Pre-Audit Reporting Template can be found on the ASC-MSC seaweed website.

17.1.4 The process and outcomes of the pre-audit are confidential unless otherwise directed by the client.

17.1.5 The CAB shall give ASC-MSC a copy of any Pre-Audit Report(s) it has written for the fishery/farm.

17.1.6 If the CAB is aware of any other Pre-Audit Report(s) written by other parties, it shall inform ASC-MSC of the report’s author.

17.2 Initial audit timelines

17.2.1 The period from the announcement of the initial audit to the receipt of the Final Report shall be no more than 12 months.

17.2.1.1 The CAB shall withdraw the applicant from the audit process if 17.2.1 is not met.
17.3 Confirmation of scope

17.3.1 When receiving the application, the CAB shall confirm that the fishery/farm is within scope of the Seaweed Standard and verify that it is eligible for certification by reference to the scope criteria in Section 2 of the Seaweed Standard.

17.3.2 During the audit, the CAB shall withdraw the fishery/farm from the audit process if it does not continue to meet the scope requirements in Section 2 of the Seaweed Standard.

17.3.3 During any periods of certification, the CAB shall suspend the fishery/farm it does not continue to meet the scope requirements in Section 2 of the Seaweed Standard.

17.4 Unit of Assessment and Unit of Certification

Consultation note
ASC is currently developing its requirements for group and multi-site certification, which will be taken into consideration in the final requirements here. More information can be found at: http://www.asc-aqua.org/index.cfm?act=tekst.item&iid=311&iids=312&lng=1

17.4.1 The team shall define the Unit of Assessment (UoA) and the Unit of Certification (UoC) based on information provided by the client and as otherwise available, following the requirements in Section 3 of the Seaweed Standard.

17.4.2 The team shall define if the client will be assessed as a single, multi-site or group arrangement, as defined in Section 4 of the Seaweed Standard.

17.5 Preparation for initial audit

17.5.1 The CAB shall ensure that before the initial audit is announced, the applicant receives the following written information:

a. Expected scope of audit,

b. Whether the applicant is required to obtain a chain of custody certificate in addition to a fishery/farm certificate,

c. Draft work schedule,

d. Names and affiliations of proposed team members,

e. An explanation of the requirement(s) for and process of stakeholder consultation, and

f. Sufficient information about the audit process so that the applicant can make proper preparations for the audit.

i. This shall include the Client Application Checklist, including actual performance data that will be required by the team prior to the audit.

Guidance 17.5.1.5.a
The intent of this checklist is that the client and the CAB are sure that all the information needed for an audit is currently available, and that the fishery/farm is fully prepared to proceed with the audit. To that end, the checklist will identify the type and extent of data and information that will be made available for the audit, and any actions that have been taken by the fishery/farm to address critical issues raised in a pre-audit.
17.6  Notice of initial audit

17.6.1 The CAB shall not announce the fishery/farm audit until the CAB has received from the client the completed Client Application Checklist.

Guidance 17.6.1
The team should review and consider the information submitted by clients in the Client Application Checklist prior to going on site for the audit.

17.6.2 The CAB shall formally announce the fishery/farm audit by submitting the Audit Announcement Template for posting on the ASC-MSC website at least 30 days prior to the site visit.

Guidance 17.6.2
In order to ensure all information required at the outset of an audit is provided and to promote consistency across the programme, ASC-MSC have developed a template and guidance for the provision of information at the outset of a fishery/farm audit.

17.6.3 The announcement shall be in the most commonly used local language(s) and English.

17.6.4 If any changes to the announcement are to occur before a planned site visit, the changes shall be made to the published Audit Announcement Template and communicated no less than 10 days before the site visit is scheduled to begin.

17.6.4.1 All changes shall be clearly identified on the Audit Announcement Template.

17.6.5 The CAB shall notify potential stakeholders of the announcement, and invite their participation within five (5) days of the announcement being published.

17.6.5.1 Stakeholders shall be informed that if they do not wish or are not able to be interviewed, they may send written information to the team.

17.7 Site visit timing

17.7.1 The initial site visit should be conducted during the harvesting of the principle product included for certification.

17.8 Stakeholder engagement

17.8.1 The CAB shall keep a list of all stakeholders that are relevant to the Unit of Assessment and invited to submit comments on the initial audit.

17.8.2 The CAB shall have a mechanism that allows comments to be submitted at any time during the validity of the certificate, and that specifies how those comments are to be taken into consideration for the next coming audit.

17.8.2.1 The CAB shall make sure to highlight this at least once, by stating it verbally during interviews, or including the relevant information when acknowledging written comments.

17.8.3 The CAB shall acknowledge receipt of all written submissions within five (5) days of receipt.

17.9 Audit evidence

17.9.1 Only information that is verifiable may be used as audit evidence.
17.9.2 The CAB shall record all audit evidence in the audit report.
17.9.3 Audit evidence shall include the latest information currently available for each PI.
17.9.4 Confidential annexes may be included with audit reports for any commercially sensitive information.

17.9.4.1 The CAB shall agree the content of any such commercially sensitive information with the applicant, which must be accessible by ASC-MSC and the accreditation body upon request as stipulated in the certification contract.

17.9.4.2 If the audit reports include confidential annexes, the CAB shall include an overview of the items which are in the confidential annexes in the public part of the report.

17.10 Site visit: Stakeholder consultation and information collection

17.10.1 The team shall carry out the site visit as announced.
17.10.2 The site visit shall include visits to both production sites and management locations as necessary to review the impacts and management of the fishery/farm.
17.10.3 If more than one production system is used (as defined in Table 2 of the Seaweed Standard), the CAB shall plan and execute the site visit so that each production system is fully assessed.
17.10.4 The team shall:
   a. Conduct stakeholder interviews to make sure that the CAB is aware of any concerns or information that stakeholders may have,
   b. Allow private interviews with the team for stakeholders who request one,
   c. Use any information provided in private in conformity with the confidentiality requirements in 5.2, and
   d. If stakeholders do not wish or are not able to be interviewed, the team shall inform them that they may send written information to the team.

Guidance 17.10
The team may require further site visits by one or more team members where information is not available or assembled by the client or stakeholders in time for the first site visit in order to score the fishery/farm.

17.11 Audit Findings

Consultation note
The standard has two levels (minimum and target). Failing to meet the minimum level triggers a critical condition, and meeting the minimum, but failing to meet the target level triggers a condition. In order to achieve certification, any critical conditions must be closed out during the audit process, such that all PIs meet at least the minimum level and there shall not be more than the maximum number of conditions allowed in each Principle given in Table 4 of the Seaweed Standard.

17.11.1 After the team has compiled and analysed all relevant evidence, they shall assess the conformance of the UoA against the Performance Indicators (PIs) of the ASC-MSC Seaweed Standard.
17.11.2 The team shall follow the requirements in Section 6 of the Seaweed Standard to determine which PIs are to be scored.

17.11.3 For each PI the team shall:
   a. Discuss evidence together, either in person or remotely,
   b. Evaluate the balance of evidence,
   c. Use their judgement to agree the performance level assigned following the requirements in this section, and
   d. Assign conditions or critical conditions as per 17.10 and 17.11 below.

Guidance 17.11.3
The intent is that the evidence is discussed by the full team appointed by the CAB. Although individual team members may lead on the scoring of a principle (P1, P2, P3, P4 or P5), their conclusions should be agreed in discussion with the team as a whole. Discussions on audit findings may begin at the site visit but may often not be completed until after the team has dispersed, when virtual interactions may be needed (e.g., by teleconference and exchange of emails).

Consultation question
MSC requires that all auditors (even with different expertise) discuss the evidence and agree the scores together. ASC has a different approach and social auditors are not required to discuss with environmental auditors the evidence and agree a score. Should it be required that the whole team discuss the evidence and score the fishery/farm together, or should it be allowed for social auditors to score P4 and P5 without consulting with the other auditor(s)?

17.11.4 The team shall assess all individual PIs against each of the scoring issues at the minimum and target levels.

Guidance 17.11.4
In order to achieve the minimum level for a PI, all of the minimum levels for all scoring issues must be met.

17.11.5 If the target level of the scoring issues are all met, the PI meets the target level and no further action is required.

17.11.6 If one or more of the target level of the scoring issues is not met, the PI shall be assigned a condition(s) as per 17.10.

17.11.7 If one or more of the minimum level of the scoring issues is not met, the PI shall be assigned a critical condition(s) as per 17.11.

17.11.8 The team shall provide a rationale to support the team’s conclusion.
   17.11.8.1 The rationale shall make direct reference to every scoring issue and whether it is fully met.

17.11.9 In Principle 1 or 2, the team shall score all scoring elements (species or habitats) that comprise part of a component affected by the UoA.
   17.11.9.1 If any single scoring element fails to meet the minimum level, a critical condition shall be raised, regardless of the situation with regard to other scoring elements, some of which may be at the minimum or target performance levels.
   17.11.9.2 If any single scoring element meets the minimum level, but fails to meet one or more scoring issue at the target performance level, the PI will be assigned the
minimum level, so that a condition is raised, regardless of the situation with regard to other scoring elements, some of which may be at the target performance level.

17.11.10 The CAB shall not certify a UoA if any individual scoring issue is not met at least at the minimum performance level.

17.11.11 The CAB shall not certify a UoA if it has more than the number of conditions allowed in each Principle given in Table 4 of the Seaweed Standard.

17.12 Setting conditions

17.12.1 The team shall set one or more auditable conditions for continuing certification for each individual PI that achieves the minimum level, but not the target level.

17.12.2 The team shall draft conditions to follow the narrative of the scoring issue/s that is/are not met.

17.12.3 The team shall draft conditions to result in improved performance to at least the target performance level within not more than one (1) year.

17.12.3.1 The timeframe may be extended if the CAB determines that achieving the target level may take longer than one year even if the best possible actions are taken.

Consultation questions

a. Should limits be specified on the maximum length of extensions that may be granted by CABs for condition timelines? Should the limits be different for wild or farm production systems; or for conditions on social PIs in Principle 4 or community PIs in Principle 5?

b. Should CABs also be allowed to require some conditions to be closed within a shorter period than 12 months, so that actions are taken quickly where this is feasible rather than waiting right until the deadline? Which situations might this apply to? Some form of verification of evidence would be required in this case, but this could be minimised to reduce costs.

17.12.4 The team shall create a schedule of conditions stating the specific requirements that are to be met within a specified timeframe.

17.12.4.1 The schedule shall confirm which scoring issues need to be met at the target level in each PI, and for which scoring elements, as applicable.

17.12.5 The team shall require the client to prepare a “client action plan” that includes:

a. A description of the root cause(s) of the condition,

b. The corrective action(s) to be taken and how these will address the condition to meet the target level,

c. Who will undertake the actions in the plan to meet the conditions,

d. The specified time period within which the conditions will be addressed,

e. How progress to meeting conditions will be shown to the CAB, and

f. Funding and/or resources of other entities needed to close the condition.

17.12.6 The team shall not accept a client action plan if the client is relying upon the involvement, funding and/or resources of other entities without consulting with those entities when setting conditions.

17.12.7 If the team cannot find evidence to show that funding and/or resources are, or will be, in place to address conditions, the UoA shall not be certified.
Guidance 17.27.7

The involvement of external ‘entities’ in delivering conditions is commonly required in the MSC scheme, such as where management agencies need to be involved in developing harvest control rules with stakeholders. Such external involvement would not normally be needed by clients developing action plans for conditions relating only to their own farms, but could still be needed for some PIs.

17.13 Critical conditions

17.13.1 If a scoring issue does not meet the minimum performance level, the team shall:

a. Issue a critical condition,
   i. Critical conditions shall be issued using the Critical Condition Reporting Template.
   ii. Critical conditions shall be issued to the client not more than 10 days after the site visit.

b. Require that at least the minimum level is met within three (3) months from the date that the Critical Condition Report is sent to the client, and

c. Decide if another site visit is needed to close the critical condition.

17.13.2 The team may extend the timeline for a critical condition to a maximum of six (6) months if it determines that achieving the target level may take longer than three (3) months even if the best possible actions are taken.

Guidance 17.13.2

Situations which could justify extending the timeline to the maximum six-month duration would be those where something is outside the client’s control, such as natural disasters, disease, etc.

17.14 Determining the start of the chain of custody

17.14.1 The team shall determine if a separate chain of custody certification is required for the unit of assessment.

17.14.2 For the following risk factors, the CAB shall document whether each risk is currently or potentially applicable. This shall include:

a. The possibility of mixing or substitution of certified and non-certified product, including product of the same or similar appearance or species, produced within the same operation,

b. The possibility of mixing or substitution of certified and non-certified product, type of production/ harvest, including product of the same or similar appearance or species, present during production, harvest, transport, storage, or processing activities,

c. The possibility of subcontractors being used to handle, transport, store, or process certified products, and

d. Any other opportunities where certified product could potentially be mixed, substituted, or mislabelled with non-certified product before the point where product enters the chain of custody.

17.14.3 For each applicable risk, the CAB shall:

a. Clearly document the risk, and

b. Describe any traceability, segregation, or other systems in place to manage and minimise the risk.
17.14.4 The CAB shall review and document, in detail, the flow of certified product within the operation and the associated traceability system which allows product to be traced from final sale back to the unit of certification.

17.14.5 This shall include the traceability documentation at each stage of handling certified product and how product can be linked from each document (e.g. through batch codes, lot codes, etc.).

17.14.6 This shall also include a detailed description of the systems used to segregate and identify certified product at each stage of handling.

17.14.7 Based on the results found in 17.4.2 above, the CAB shall determine whether:

a. The traceability and segregation systems in the operation are sufficient to ensure all products identified and sold as certified by the operation originate from the unit of certification, or

b. The traceability and segregation systems are not sufficient and a separate chain of custody certification is required for the operation before products can be sold as certified or can be eligible to carry the ASC and/or MSC labels.

17.14.8 This determination shall remain in force until revised by the CAB in a subsequent audit or until a valid CoC certification is in place.

17.14.8.1 The CAB shall inform the client if any separate CoC certification for the operation required, the client shall be subject to an audit by the same CAB that carried out the fishery/ farm certification.

17.14.9 If the CAB has determined that any risk factors in 17.12.1 are applicable, a separate chain of custody certification shall be required.

17.14.9.1 A separate chain of custody may be determined to be unnecessary if the CAB determines that the traceability and segregations systems in place are sufficient to address the risks.

17.14.9.2 The reason for a determination that a separate chain of custody certification is unnecessary shall be clearly documented in the audit report.

17.14.10 The CAB shall clearly document in the audit report the determination, including a statement confirming whether products are eligible to enter further chains of custody.

17.14.11 If the CAB has determined that the traceability systems are sufficient to allow products to enter chain of custody, the CAB shall document:

a. The intended point of first sale, and

b. The point from which chain of custody is required to begin.

17.15 Setting the Eligibility Date for under-assessment product

Consultation question
Should under-assessment product be allowed for seaweed? Is this necessary or desired for seaweed producers? It causes traceability complexity and can be more difficult for CABs (considering audit timelines, production cycle length and seasonality).

17.15.1 During the audit the CAB shall determine the specific date (Eligibility Date) from which product from the operation is eligible to be sold as ASC-MSC-certified or with the MSC and/or ASC labels.

17.15.2 The Eligibility Date can be set as either:

a. The date of the certification of the fishery/farm as specified on the certificate, or
b. The publication date of the PCDR.

17.15.3 The Eligibility Date shall be set as the date of farm/fishery certification for applicants where a determination has been made that the operation requires a separate Chain of Custody certification. The CAB shall:
   a. Record this Eligibility Date clearly in the audit report, and
   b. Communicate this date to the client and ASC-MSC within five (5) days of the determination being made.

17.15.4 If the Eligibility Date is set before the certification date, the CAB shall inform the applicant of the requirements for under-assessment products in Section 5.5 of the ASC-MSC Seaweed Standard.

17.16 Client Draft Report

17.16.1 The audit team shall issue a Client Draft Report to the client once the fishery/farm has been scored and any conditions and the point at which fishery/farm may enter further chains of custody have been determined.

17.16.2 The CAB shall use the ASC-MSC Seaweed Initial Audit Reporting Template to create the report.

17.16.3 The report shall include:
   a. All written submissions from stakeholders (if any) received during the audit and a summary of verbal submissions received during the site visit,
   b. Explicit responses from the team to these submissions, stating how stakeholder feedback has been taken into consideration, and
   c. Any conditions raised.

17.16.4 The CAB shall give the client 30 days to:
   a. Provide comments and any objective evidence that would lead to a change in the outcome of the audit and/or conditions raised, and
   b. Develop and submit the client action plan to address any conditions raised.

17.16.5 If no submission is received in this time, the fishery/ farm shall be withdrawn from audit.

17.16.6 In the situation that any critical conditions are issued to the fishery/farm, the client response time allowed in 17.16.4 shall be increased to the time allowed for the resolution of the critical conditions (in section 17.13).

17.16.6.1 All critical conditions shall be closed out before the Public Comment Draft Report (PCDR) is published.

17.16.7 Any comments made by the client and the team shall be documented and retained by the CAB and shall be available upon request to any party.

17.16.8 The CAB is solely responsible for the content of all reports, including the content of any confidential annexes.

Consultation note

A Quality Assurance System will be adopted. It will be managed by ASC and MSC but will use independent scientists to review audit reports, similar to the Peer Review College from MSC and Quality Assurance System from ASC. It will take place at the same time as the Stakeholder Comments to the Draft Report.
17.17 Public Comment Draft Report

17.17.1 Following the submission of client comments and client action plan where appropriate, and the closure of any critical conditions, the team shall prepare the PCDR.

17.17.2 The PCDR shall include, in addition to the 17.16:
   a. The corrective action plan by the client to address the conditions raised (if any), and
   b. The draft determination on whether the applicant will be recommended for certification.

17.17.3 The CAB shall use the ASC-MSC Seaweed Initial Audit Reporting Template to create the report.

17.17.4 The CAB shall submit the PCDR to ASC-MSC for publishing on the website.

17.17.5 The CAB shall submit the PCDR in English and in the national or most common language spoken in the area where the fishery/farm is located.

17.17.6 The PCDR shall be made available for comment by stakeholders and Quality Assurance Team for a period of at least 30 days.

17.17.7 The CAB shall:
   a. Notify stakeholders once the PCDR is published on the website, and
   b. Inform stakeholders that they should provide objective evidence in support of any additional claims or any claimed errors of fact.

17.18 Final report

17.18.1 The team shall review the PCDR taking account of the stakeholder and Quality Assurance Team comments received during the consultation period and revise the report as appropriate to create a Final Report.

17.18.1.1 Changes to scoring shall only be made where:
   a. Justified by stakeholder and/or Quality Assurance Team comments received during the consultation, and
   b. The information presented to justify scoring changes was available at the time of publication of the PCDR.

17.18.2 The CAB shall use the ASC-MSC Seaweed Initial Audit Reporting Template to create the report.

17.18.3 The team shall include in the Final Report:
   a. All written submissions received during the consultation phase as an annex, and
   b. Explicit responses from the team to each submission.

17.18.4 The team shall identify specifically:
   a. What (if any) changes to scoring, rationales, conditions, or determination have been made, and
   b. Where changes are suggested but no change is made, including a substantiated justification.

17.18.5 The CAB shall give the client up to 20 days to make any amendments to their action plan if changes to scores from resulted in conditions being added or removed.

17.18.5.1 If the updated client action plan is not received within 20 days, the CAB shall request that the client submits this within 10 days.
17.18.5.2 If no submission is received in this time, the fishery/farm shall be withdrawn from audit.

17.18.5.3 Once the amended client action plan is complete, it shall be added into the Final Report.

17.18.6 The team shall consider the changes made in the Final Report and shall confirm or amend their draft determination to certify or not the fishery/farm.

17.18.7 The CAB shall submit the Final Report to ASC-MSC for posting on the website.

17.18.8 The CAB shall actively notify stakeholders involved in the initial audit process of the existence of the Final Report.

17.19 Objections

17.19.1 A Notice of Objection may be lodged with ASC-MSC in conformity with the Objections Procedure found in Annex C during a period of 10 working days from the posting of the Final Report on the ASC-MSC website.

17.19.2 The CAB shall not make a certification decision until:

   a. The 10-day period for objection is completed and no objections have been received, or

   b. Until the mediation procedure or the full objections procedure have finished in conformity with Annex C.

17.20 Public Certification Report

17.20.1 At the end of the audit process, the CAB shall finalise a Public Certification Report that shall incorporate the Final Report and, if relevant, any written decisions arising from any objection/s.

17.20.2 The CAB shall use the ASC-MSC Seaweed Initial Audit Reporting Template to create the report.

17.20.3 The Public Certification Report shall confirm the CAB’s determination to either certify or fail each UoA in the fishery/farm.

17.20.4 The Public Certification Report shall state which entities should or should not be allowed to use the certificate that is issued to the client.

   17.20.4.1 Only seaweed harvest by those operations that are identified by reference to or on a valid certificate by the CAB shall be eligible for chain of custody certification and subsequent use of the ASC and/or MSC labels.

17.21 Certification decision and certificate issue

17.21.1 The CAB shall submit the Public Certification Report to ASC-MSC for posting on the website.

17.21.2 After the Public Certification Report and certification decision has been posted on the website, the CAB shall:

   a. Issue the certificate as per section 4.9 with a maximum duration of three (3) years from the date of issue.

17.21.3 The CAB shall provide a statement for MSC/ASC to post on their website defining:

   a. Which parties (vessels, fleets and/or any other client group members, including named companies) are currently eligible to access the certificate, and
b. Which points of landing or other transfer may be used for the sale of seaweed from the
certified fishery/farm into further chains of custody.

17.21.4 The CAB shall make sure that when changes to the information contained on a fishery/farm
certificate are made that they provide the updated copy of the certificate to ASC-MSC for
posting on their website within 10 days of changes occurring.

17.22 Fisheries/farms that fail the audit

17.22.1 Where the CAB makes a decision not to award certification and fail the fishery/farm, the
Public Certification Report released to the public:

a. Shall not specify any mandatory conditions or defined actions that would need to be
   undertaken before the fishery/farm could be reconsidered for certification in the future,

b. Shall outline draft and non-binding conditions for any PIs that score less than the target
   level,

c. Shall clearly specify that the conditions outlined are non-binding and serve to provide
   an indication of the actions that may have been required would the fishery/farm have
   been certified, and

d. Shall not include an agreement from the client to address the condition.

17.22.2 In the event that a failed fishery/farm re-enters initial audit, the CAB shall repeat the normal
initial audit process, including preparing full versions of the Draft Report, Public Comment

Guidance 17.22.2

Such reports shall be provided in full and shall not report only on elements revised between the
initial and subsequent audits of the fishery/farm.

17.22.3 The CAB shall specify in the reports that:

a. The fishery/farm has re-entered initial audit, and

b. Summarise the details of the initial audit, including:
   i. The results of the original audit,
   ii. The date of the original determination not to certify, and
   iii. Identify those PIs for which scoring and/or the rationale for scoring has changed
      from the original audit

17.22.4 In the event that the client and the CAB make the decision at any time not to proceed with
the audit, the fishery/farm shall be withdrawn from audit and will be removed from the
website.

17.23 Surveillance

Surveillance audit timing

17.23.1 The CAB shall carry out a surveillance audit, which includes a site visit, to monitor the
certificate holder’s continued conformity with ASC-MSC Seaweed Standard at least annually
from the date of certificate issuance.
Guidance 17.23.1

The site visit can take place at the location where the fishery/farm takes place but it can also be where the client is based. Either location is sufficient as long as the necessary information can be collected through face-to-face meetings with stakeholders, including scientists, managers, client employees and community members.

17.23.2 The CAB shall not conduct the annual surveillance audit earlier or later than six (6) months from the anniversary date of the certificate issuance.

Preparing for a surveillance audit

17.23.3 The CAB shall submit a public notice of an upcoming surveillance audit for posting on the ASC-MSC website.

17.23.3.1 The notice shall be posted at least 30 days before the date of the site visit.

17.23.3.2 The notice shall be prepared using the ASC-MSC Seaweed Audit Announcement Template.

17.23.4 During the three (3)-year term of the certificate the CAB shall plan and conduct the surveillance audits in such a way that all requirements of the standard are audited.

17.23.5 The CAB shall appoint an audit team with expertise that is comparable to the original audit team when conducting surveillance audits.

17.23.5.1 If team members are different to the original team, the selection shall be justified in writing in the Surveillance Notice and their relevant skills and/or expertise documented.

Surveillance audit activities

17.23.6 During each surveillance site visit, the team shall engage face to face with the client and stakeholders.

17.23.7 During each surveillance site visit, the team shall assess:

a. Changes, if any, to the management system,

b. The capacity of the management system to manage any change in scope, size or complexity within the certified unit,

c. Legal and regulatory compliance, including any changes that have occurred in legislation or regulations,

d. Changes in science relevant to the fishery,

e. Any complaints or allegations of non-conformity with ASC-MSC seaweed requirements,

f. A sample of sites and records to verify that the management systems are effective and consistent allowing for any high risk areas or personnel changes, and

g. Any changes affecting the operation’s traceability, chain of custody, or the ability to trace certified products back to the unit of certification.

h. Progress and performance against outstanding conditions.

17.23.8 The team shall:

a. Examine relevant objective evidence relating to each condition, including the clients’ delivery of its Client Action Plan,

b. Close out the condition only if the PI is found to fully meet the target level, and
c. Provide a rationale for re-scoring the PI and closing out the condition in the Surveillance Report.

17.23.9 In cases where conditions are not closed out within the specified timeline and are considered behind target, the team should either:

a. Approve an extension of condition timelines (beyond the normal one-year limit)
   i. The team should only approve an extension of condition timelines in cases where it is satisfied based on objective evidence that all efforts have been made or are being made by the client to demonstrate conformity.
   ii. The team shall record the justification in the Surveillance Report

or

b. Not approve an extension of condition timelines
   i. In the event that the team determines that condition timelines should not be changed, the team shall specify the remedial actions including any milestones that are required to bring the condition back on track within 12 months.
   ii. In the event that the team determines that progress against a condition is not back ‘on target’ within 12 months of falling ‘behind target’, the team shall apply the requirements related to suspension and withdrawal in Section 7.2.

17.23.10 In the event that the requirements of any condition are changed, and/or a score changed, the team shall provide written justification for this in the Surveillance Report.

Surveillance Audit Report

17.23.11 Within 60 days of the completing of the site visit the CAB shall submit to ASC-MSC a Surveillance Report using the Surveillance Reporting Template.

17.23.12 The report shall be in English and the national or most common language spoken in the area where the operation is located.

17.23.13 The CAB shall send the surveillance report to the client along with any requests or conditions that may arise from surveillance activities.

Expedited audits

Guidance

Additional ‘expedited’ audits may be held in the special situations outlined in this section. They can take the form of a desk review or include a site visit and can be either announced or unannounced depending on the situation.

17.23.14 The CAB shall conduct an expedited surveillance audit for one or more of the following reasons:

a. The CAB becomes aware of major changes in relation to the fishery/farm that may cause a change in the certification status, and/or
b. Significant new information becomes available in relation to the circumstances of the fishery including during the period between the initial audit site visit and the issue of a certificate which is likely to be material to the certification status.

17.23.15 The CAB may decide to undertake expedited audits, for one or more of the following reasons:

c. The number, nature and timing of conditions, and/or
d. The number and nature of complaints raised or additional information provided by ASC-MSC, another CAB, a stakeholder or other interested party, and/or

e. The number and nature of other issues that the CAB determines must be investigated.

17.23.16 CABs shall ensure that an onsite audit is only triggered when the information available supports the conclusion that an actual material change has taken place in the status or management of the fishery/farm.

17.23.17 The CAB may notify ASC-MSC by submitting the Announcement Template prior to the audit for posting on MSC website.

a. For expedited audits that are to be announced, the CAB may submit the Announcement Template to ASC-MSC fewer than 30 days prior to the audit.

b. No announcement shall be published prior to an unannounced audit.

17.23.18 The CAB may choose to notify none, some, or all potential stakeholders and interested parties prior to an unannounced audit.

17.24 Re-certification audit

17.24.1 The CAB shall start the re-certification audit of a certified operation before the expiry of the existing certificate.

17.24.2 The exact timing and planning of the re-certification audit shall remain the responsibility of the CAB, in consultation with the client.

17.24.3 When conducting a re-certification audit of a certified fishery/farm, the CAB shall:

a. Apply all the steps specified for an initial audit in the CAR that is in force at the time of the start of the re-certification audit process,

b. Apply interpretations of the relevant standard that are current at the time of the audit,

c. Take into account all Surveillance Reports, outcomes, progress against conditions, and inputs from stakeholders and interested parties, and

d. Verify that corrective actions taken allows for the closure of open conditions.

17.25 Extension of certificate validity

17.25.1 The CAB may extend the validity of a certificate, by up to three (3) months in cases where:

a. The certificate holder has applied to the CAB for recertification and the application has been accepted by the CAB not later than five days before the end of the period of validity of the certificate,

b. There would be no product present at the time when the recertification site visit would otherwise be due,

c. The CAB issued the previous certificate.

17.25.2 The CAB shall update the ASC-MSC database not later than five (5) days before the expiry of the existing certificate, if certificate validity will be extended.
Annex A – Auditor Qualifications and Competencies

Consultation note
MSC competency requirements have been placed alongside the ASC ones, to try to ensure that there is sufficient availability of appropriately qualified assessors to undertake seaweed audits. This has however highlighted discrepancies between the two sets of competencies for: team member education and work experience requirements; the lead auditor audit experience requirements and the lead auditor training requirements. Stakeholders comments are invited on the proposals.

Table A – All Auditor and Technical Expert qualifications and competencies

A.1 All auditors and technical experts shall possess the following qualifications and competencies.
<table>
<thead>
<tr>
<th>Qualification/Competency</th>
<th>Requirement</th>
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| A.1.1 Knowledge of national and local laws | The team shall have relevant knowledge of national and local laws\(^1\) that apply to the organisation being audited that includes but is not limited to:  
  a. Environmental laws  
  b. Workplace safety laws  
  c. Labour laws  
  d. Health and safety laws  
  e. Laws governing ownership and use of land and water  
  f. Licenses and permits |

\(^1\) Note to CAB: This text is taken directly from the ASC requirements, and differs from the approach in MSC where an auditor could determine such knowledge while on site. This is a very common practice for many schemes that the audit team must know such details before going to the site for the audit. Reasons being:

1. If that is investigated on-site, it increases costs for clients.

2. Advanced knowledge helps plan an audit in an efficient way. If the auditor going to an audit in Saudi Arabia not knowing that the country prohibits freedom of association, the auditor would not know how to audit the client in that country against this social requirement of the standard.
### A.1.2 Environmental management knowledge

The team shall have relevant knowledge of environmental science and technology, environmental management methods and aspects of operations that includes but is not limited to:

- a. The seaweed species or other subject of the standard being audited
- b. Environmental issues in the area of the operation
- c. The management of natural resources
- d. Environmental protection
- e. Environmental monitoring tools and technologies
- f. The interaction of the activities, products, services, and operations with the environment
- g. Sector specific terminology
- h. Environmental aspects and impacts
- i. Methods for evaluating the significance of environmental aspects
- j. Critical aspects of operational processes, products and services
- k. Monitoring and measurement techniques
- l. Technologies and methods for the prevention of pollution
- m. Social aspects of applicant operations and their surrounding communities
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<tr>
<th>Qualification/Competency</th>
<th>Requirement</th>
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</table>
| **A.1.3 Auditor training** | a. All team members shall:  
  i. Have knowledge of the purpose and procedure of conducting audits.  
  ii. Have knowledge of the Seaweed Standard and Certification Requirements through passing the MSC ASC team member training course every three years.  
  iii. Pass training on updates to the Seaweed Standard and Certification Requirements prior to undertaking audits against the new requirements  
  iv. Be trained and competent in accordance with the CAB procedures as needed for the role that is to be undertaken by the team member.  
 b. At least one team member shall:  
  i. Undertake additional training on changes to legislation, specific standards, codes or conventions as appropriate.  
  ii. Successfully complete the ASC / MSC Traceability training course every three (3) years. |
| **A.1.4 Language** | The team shall be able to read and communicate in the language(s) used by managers, administrators and workers of the organisation being audited. If an interpreter is needed, s/he shall be independent from (not provided by) the organisation being audited. |
| **A.1.5 Management systems and reference documents** | The team shall have a general knowledge of management systems standards (such as ISO 9001), applicable procedures or other management systems documents used as audit criteria. |
### A.1.6 Education and work experience

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<td>a.</td>
<td>For audits involving farmed seaweed only (Production Categories Bi, Ci in Seaweed Standard Table 2), the environmental auditor shall have at least a post-high school diploma or equivalent (minimum course duration of two (2) years) in a discipline related to the scope of certification; or,</td>
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<td>Consultation note</td>
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<td>The reason for the discrepancy between the education level required for audits involving farmed seaweed in a) and wild seaweed in c) is that they derive from the ASC CAR and MSC FCR respectively. To maximise the pool of potential auditors available to the CAB, no attempt has been made to merge these requirements.</td>
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<td>b.</td>
<td>The environmental auditor shall have at least two (2) years of experience relevant to the operation.</td>
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<td>c.</td>
<td>For audits involving wild seaweed only, the environmental auditor shall have a university degree in fisheries or marine conservation biology, or natural resources or environmental management or relevant field e.g., economics, mathematics, statistics; or</td>
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<td>d.</td>
<td>Five (5) years management or research experience in a marine conservation biology or fisheries, natural resources or environmental management position.</td>
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<td>e.</td>
<td>In addition, for audits involving wild seaweed only, the audit team shall have:</td>
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<td>i.</td>
<td>Five (5) years or more experience applying relevant stock assessment techniques being used by the seaweed organisation under audit, or</td>
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<td>ii.</td>
<td>Primary authorship of two peer reviewed stock assessments of a type used by the seaweed organisation under audit, and</td>
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<td>iii.</td>
<td>Five (5) years or more experience working with the biology and population dynamics of the target or species with similar biology, and</td>
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<td>iv.</td>
<td>Five (5) years or more experience in research into, policy analysis for, or management of, fisheries impacts on aquatic ecosystems to show an ability to interpret scientific data relating to fishery impacts on the ecosystems, and</td>
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<td>v.</td>
<td>Five (5) years or more experience as a practicing fishery manager and/or fishery/ policy analyst which shows an ability to identify likely problems for the fishery under P1 and P2 that would arise from poor management and a good understanding of the types of management system(s) and laws applicable to the fishery under audit.</td>
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<td>f.</td>
<td>For audits involving both farmed and wild seaweed (Production Categories Bi, Bi, Ci, Cii in Seaweed Standard Table 2), the audit team shall meet all the education and work experience requirements.</td>
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<tr>
<td>Qualification/Competency</td>
<td>Requirement</td>
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| A.1.7 Use of the RBF (for wild only, when applicable) | a. One of the team shall pass MSC’s RBF training course every three years, and  
   b. One of the team shall pass MSC’s RBF training on updates to the RBF requirements prior to undertaking audits against new requirements. The individual shall be able to demonstrate an understanding of:  
      i. When the RBF can be used,  
      ii. How to implement RBF components,  
      iii. How to engage stakeholders effectively when the RBF is used,  
      iv. How Performance Indicators are scored when the RBF is used, and  
      v. The reporting of the RBF process and outcomes. |
### Table B – Team Leader qualifications and competencies

A.2 In addition to the requirements for the overall team in Table A, team leaders shall possess the following qualifications and competencies.

<table>
<thead>
<tr>
<th>Qualification/Competency</th>
<th>Requirement</th>
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| A.1.8 Audit experience   | a. The individual shall initially have completed a minimum of 25 days of site visit experience in conducting audits (either for social or environmental compliance).  
                          b. For farmed seaweed audits (Production Categories Bi, Bii, Ci, Cii in Seaweed Standard Table 2), the individual shall have:
                             i. Undertaken at least two satisfactory audits as an acting audit team leader, shadowed by and under the supervision of a competent team leader, and
                             ii. Conducted at least five (5) ASC audits or have been a member of an audit team for 10 audit days, for equivalent aquaculture audits at more than one (1) production facility.
                          c. For wild seaweed audits, the individual shall have undertaken at least two (2) fishery audit or surveillance site visits in the last 5 years.
                             i. Such site visits may have been conducted for assessments against the MSC Fishery Standard or the ASC-MSC Seaweed Standard.
                          d. For audits involving both farmed and wild seaweed (Production Categories Bi, Ci in Seaweed Standard Table 2):
                             i. The Lead Auditor shall meet the ASC audit experience requirements, and the other team members the MSC audit experience requirements detailed in Table A Row A6 Education and Work Experience, or
                             ii. The Lead Auditor shall meet the MSC audit experience requirements, and the other team members the ASC audit experience requirements detailed in Table A Row A6 Education and Work Experience.
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<tr>
<th>Qualification/Competency</th>
<th>Requirement</th>
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| A.1.9 Education and work experience | a. For wild seaweed audits only, the individual shall have:  
  i. Degree of equivalent in business economics, science or technical subject e.g. supply chain and logistics management, food/seafood science and fisheries science, or  
  ii. Five (5) years’ experience in the fisheries sector related to the tasks under the responsibility of the team leader |
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<th>Qualification/Competency</th>
<th>Requirement</th>
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| **A.1.10  Lead auditor training** | **a.** The individual shall have successfully completed a Lead Assessor training course based on ISO 19011 principles that has a minimum duration of 37 hours,  
   i.  The certificate must specify the course content and duration.  
   ii. Successful completion must be indicated on the certificate.  
   iii. The Lead Assessor training course must cover: applicable standards on quality auditing; auditing techniques; focus on the audits (psychological aspects and communication) and reporting; and it must also include a practical case study.  
   b. The individual shall have knowledge of the Seaweed Standard and Certification Requirements through passing the MSC ASC lead auditor training course every three (3) years, and  
   c. The individual shall pass lead auditor training on updates to the seaweed requirements within three (3) months of the effective date of new requirements and prior to undertaking audits against new requirements.  
   d. For farmed seaweed audits (Production Categories Bi, Bii, Ci, Cii in Seaweed Standard Table 2) the individual shall:  
   | **Consultation note**  
   This is not currently part of the MSC fisheries competencies, and would be likely to create difficulties in finding a sufficient number of qualified and competent MSC auditors to undertake wild seaweed audits. Therefore, this requirement has been restricted to farmed seaweed audits only at this stage.  
   i. Have an audit peer witnessed by a qualified ASC lead auditor no less than once in each three (3) year period, and  
   ii. Lead no less than two (2) ASC audits per year to maintain lead auditor qualification. |
Table C – Social auditor qualifications and competencies

In addition to the requirements of Table A, social auditors conducting audits of social requirements in ASC farm audits shall possess the following qualifications and competencies.

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<thead>
<tr>
<th>Qualification/Competency</th>
<th>Requirement</th>
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<tr>
<td><strong>A.1.11 Social auditing qualification</strong></td>
<td>a. The individual shall have undertaken and successful completed an ASC/MSC approved social auditor training course or courses in relation to specific standards, as required by the ASC/MSC, and</td>
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<td>b. The individual shall have one or more of the following qualifications:</td>
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<td>i. Has completed an SA8000 four or five (5) day auditor course that is formally approved by SAAS plus continuing professional development courses as required by SAAS and has successfully completed a 3-day SAAS approved course within two (2) years of having taken the four or five (5) day basic course</td>
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<td>ii. Has completed the Verité five day “EICC Labor &amp; Ethics Lead Auditor Course” or the “Lead Auditor Accreditation Training: Investigative Skills Workshop” or the five days “Agricultural Labor Practices Social Auditor Training (APL)”</td>
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<td>iii. Is recognised as a lead auditor for FI (Fairtrade International) audits for Trade and Hired Labour Standards by FLOCERT</td>
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<td>iv. Has completed the Worldwide Responsible Apparel Producers (WRAP) five (5) day “Auditor/Lead Auditor Social System Training Course”</td>
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<td>v. Has been trained and approved for auditing GSCP-benchmarked schemes</td>
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<td>Qualification/Competency</td>
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| **A.1.12 Social auditing experience** | a. The individual shall have participated in at least two (2) audits in agriculture or aquaculture, and  
b. The individual has participated in at least two audits for one or more of the following schemes within the past 12 months:  
i. Business Social Compliance Initiative (BSCI)  
ii. Electronic Industry Citizenship Coalition (EICC) Electronic Industry Code of Conduct  
iii. Ethical Trading Initiative (ETI) Base Code  
iv. Fair Trade USA  
v. Fairtrade International (FI)  
vi. Goodweave (Rugmark)  
vii. International Council of Toy Industries (ICTI) – Code of Business Practice  
viii. Social Accountability International (SAI) SA 8000  
ix. Worldwide Responsible Apparel Producers (WRAP) – Code of Conduct  
x. Any schemes that are GSCP-benchmarked (publicly available on GSCP website) for reference code, auditing process and methodology and audit competence  
xii. The individual shall conduct at least two (2) ASC social audits per year to maintain his/her qualification |
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<th>Qualification/Competency</th>
<th>Requirement</th>
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| **A.1.13  ASC Auditor Training** | a. The individual shall have knowledge of the Seaweed Standard and Certification Requirements through passing the MSC ASC training course every three (3) years.  
b. The individual shall undertake additional training on changes to legislation, specific standards, codes or conventions as appropriate. |
| **A.1.14  Competencies** | a. The individual shall have knowledge of local labour and human rights legislation.  
b. The individual shall have familiarity with local customs.  
c. The individual shall speak and read the primary local language.  
d. The individual shall be able to manage relationships with workers and managers. |
Annex B – Audit Reporting Templates

Consultation note
In the MSC, actual reporting templates are provided separately from the main Certification Requirements documents. This allows them to be changed occasionally as needed (and with appropriate version control), without waiting for the next full revision of the main scheme documents.

Forms and templates will be developed after consultation to include:

- Pre-Audit Reporting Template
- Initial Audit Reporting Template
- Surveillance Audit Reporting Template
- Re-Certification Audit Reporting Template
- Variation Request Template
- Interpretation Request Template
- Audit Announcement Template
- Request for Documentation of Conditions Template
- Critical Condition Reporting Template
- Cancellation Suspension or Withdrawal Template
- Stakeholder Input Template
- Notice of Objection Template
- Complaints and Appeals Template
Annex C – Objection Procedure

Consultation question
This section is revised from the standard objections procedure used by MSC similar to the version currently being tested in the Simplification Project pilot testing. Both versions adopt a stronger process for mediation early in the procedure. This version for the joint ASC-MSC seaweed standard also proposes that the final adjudication stage would be performed by the Accreditation Body, ASI, instead of the MSC's Independent Adjudicator. Comments are invited on any implications of this proposal for the credibility, or third party independence of the system. Feedback is also invited on who should pay of the costs of the objection depending on the different possible outcomes that are reached.

Guidance Annex C - Objection Procedure
The objection procedure consists of two distinct stages: Mediation and Adjudication. The overall process is triggered by the submission of a Notice of Objection. The purpose of mediation is to allow negotiation between the stakeholder raising the issue and the CAB and client with assistance of a third party, without triggering the more formal adjudication process. The final decision on any changes is made by the CAB. The purpose of adjudication is to have the accreditation body determine whether the CAB made an error of procedure, scoring or condition setting that is material to the determination or the fairness of the audit.

C.1 Purpose
C.1.1 The parties to the objection shall use this Objections Procedure (OP).
C.1.2 The purpose of the OP is to provide an orderly, structured, transparent and independent process by which objections to the Final Report and Determination of a Conformity Assessment Body (CAB) can be resolved.

C.2 Notice of Objection
C.2.1 A Notice of Objection to a Final Report and Determination may be submitted by:
   a. The fishery/farm client(s), or
   b. Any party to the audit process that made written submissions to the CAB during the fishery/farm audit process or attended stakeholder meetings, or
   c. Any other party that can establish that the failure of the CAB to follow procedures prevented or substantially impaired the objecting party’s participation in the fishery/farm audit process.
C.2.2 A Notice of Objection (NoO) must be submitted no later than 10 days after the date on which the Final Report and Determination is posted on the ASC and MSC websites.
C.2.3 A Notice of Objection must be submitted to objections@msc.org and disputes@asc-aqua.org using the ‘Notice of Objection Template’.
C.2.4 The Notice of Objection must set out clearly and precisely the basis of the objection. It must:
   a. Identify the alleged errors in the Final Report and Determination,
      i. Only topics that were raised by stakeholders in the written feedback submitted during the announcement of fishery/farm audit phase or at site visit can be the subject of an objection. This is to ensure that stakeholders provide all evidence/information to the team at the outset of the audit.
b. Explain in sufficient detail why it is claimed that the alleged errors were material to the determination or the fairness of the audit,

c. Include a summary of the evidence to be relied on in support of the objection, and

d. Include only information that existed in final (not draft) form in the public domain at the time the stakeholder feedback was published on the ASC and MSC websites.

C.2.5 Information that came into existence after that date cannot be used as a basis for objection.

C.2.6 If it is asserted that the determination should be remanded in order to enable the CAB to consider additional information, the Notice of Objection must specify, in sufficient detail, the:

a. Nature of the additional information that it is asserted should reasonably have been made available to the CAB, and

b. Reasons why it is considered that the information, if considered, could have been material to the determination or the fairness of the audit.

C.2.7 Upon receipt of a Notice of Objection, the ASC and MSC shall determine if the Notice of Objection is in the form required and whether it covers topics outside those raised during the announcement.

C.2.8 A Notice of Objection that is not in the correct format, shall be returned to the objector requesting that they re-submit in the correct format within five (5) days.

C.2.9 A Notice of Objection that covers topics outside those raised during the announcement or site visit period, shall be returned to the objector requesting that they re-submit within five (5) days with only those topics raised during one of these periods (see also Annex C.2.4.1.1).

C.3 Procedure on initial receipt of Notice of Objection (mediation)

C.3.1 A Notice of Objection in the correct format and covering topics raised during announcement or site visit period (either in original or revised submission) shall be sent by the ASC and MSC to the CAB and posted on the ASC and MSC websites within two (2) days of its receipt.

C.3.2 The CAB shall have five (5) days from the posting of Notice of Objection from ASC and MSC (hereafter posting date) to contact the stakeholder and start arranging for a mediator.

C.3.3 Other stakeholders that participated in the audit, the CAB or the client shall have 10 days from the posting date to submit any responses to the Notice of Objection. These shall be published on the ASC and MSC websites.

C.3.4 The CAB and/or party submitting the objection shall appoint a mediator within 10 working days of the posting date. The CAB may request ASC and MSC assistance in finding an appropriate mediator.

C.3.5 The mediator selected must meet the following criteria:

a. Independent from the MSC, ASC, CAB, client and objector,

b. Experience with mediating disputes,

c. Has passed the online training modules for seaweed audits OR has attended in-person training on seaweed audits, and

d. The mediator must meet the conflict of interest requirements set out for technical experts in this Procedure.

C.3.6 Once the mediator has been appointed, he/she shall have 10 working days to mediate a solution between the CAB, stakeholder and client. If more than one topic has been raised, up to 30 days may be allowed for mediation.
C.3.6.1 At no point, the mediator shall substitute its own views or findings of fact for those of the CAB.

C.3.7 If agreement is reached through mediation, the CAB, in consultation with the mediator shall make such changes and revisions to the Final Report and determination as may be agreed and shall proceed to prepare a Public Certification Report.

C.3.7.1 The PCR shall indicate what has been changed as a result of the mediation.

C.3.8 If agreement is not reached through mediation, or the objecting party is not satisfied with the outcome, they shall indicate this by re-submitting the NoO with any updates (if necessary) by the end of the period specified in C.3.6.

C.3.8.1 The ASC and MSC shall pass on the updated Notice of Objection to accreditation body.

C.4 Procedure on moving to adjudication

C.4.1 If the accreditation body, in its discretion, determines that the Notice of Objection is not in the form required by these procedures or has no reasonable prospect of success, the accreditation body may either:

a. Dismiss all or part of the objection, giving written reasons, or

b. Request further clarification from the objector on all or part of the objection.

C.4.2 For the purposes of this section, an objection has a “reasonable prospect of success” if, in the view of the accreditation body:

a. It is not spurious or vexatious, and

b. Some evidence is presented on the basis of which the independent adjudicator could reasonably expect to determine that one or more of the conditions set forth in C.6.2 are satisfied.

C.4.3 In the event that the accreditation body requests further clarification from the objector, the accreditation body shall notify the objector in writing of the clarification sought and the time limit for responding (which, in the absence of special circumstances to justify a longer time, should normally be not more than five [5] days).

C.4.3.1 If the objector fails to respond within the time specified, it shall be assumed that the objector does not wish to proceed further and the accreditation body shall thereupon issue a notice in writing dismissing the objection.

C.4.4 If the accreditation body, in its discretion, determines that the amended Notice of Objection submitted does not disclose any of the grounds set out in this procedure, is not in the form required by these procedures, has no reasonable prospect of success or is spurious or vexatious, the accreditation body shall dismiss the objection, giving written reasons therefore.

C.4.5 If a Notice of Objection is received in the correct format and by a person entitled to make an objection, as per C2, but dismissed on other grounds by the accreditation body, the ASC and MSC shall ensure the Notice of Objection and accreditation body notice of dismissal are posted on the ASC and MSC websites.

C.4.6 Where a Notice of Objection is accepted, the accreditation body shall promptly notify the CAB, the fishery/farm client(s) and the objectors.

C.4.7 The ASC and MSC shall ensure the announcement of the accreditation body’s acceptance of the Notice of Objection is posted on the ASC and MSC websites.

C.4.7.1 The date upon which the Notice of Objection is posted shall be the “date of acceptance”.
C.5 Adjudication

C.5.1 Subject to costs, the accreditation body shall, within 30 days of the date upon which the parties were notified of the intention to proceed to adjudication, convene an oral hearing of the objection, unless the parties to the objection agree otherwise.

C.5.1.1 A written hearing shall be undertaken if the parties agree that an oral hearing is not wanted.

C.5.2 The oral hearing is intended to provide an opportunity for the CAB, the objector(s) and the fishery client(s) (if not the objecting party) to present their respective cases in person, including by video or teleconference.

C.5.3 The accreditation body shall conduct the hearing in accordance with the provisions of this section but may also promulgate additional rules of procedure, including time limits on oral presentations and rules as to representation.

C.5.3.1 The accreditation body shall normally aim to complete the hearing during one session but may, where necessary, adjourn to continue the hearing using electronic communications or other means.

C.5.4 The fishery/farm client(s), the objector(s), and the CAB may submit additional or supplementary written representations on the matters raised in the Notice of Objection or in

C.5.4.1 All such written representations shall be submitted through the accreditation body and must be received no later than five (5) days before the date set for an oral hearing or as set out by the accreditation body in the case of a written hearing.

C.5.4.2 A list of the persons whom the parties would wish to attend the hearing shall be submitted to the accreditation body for circulation to all hearing parties and must be received no later than 5 days before the date set for hearing.

C.5.5 The accreditation body shall evaluate objections solely on the basis of:

a. The record, which shall include and be limited to:
   i. The Final Report of the CAB and the record on which the Final Report was based, including written submissions and reports provided to the CAB during the audit process, the written record of oral, written or documentary evidence submitted in the audit process, as well as any other evidence referenced or cited in the Final Report,
   ii. The Notice of Objection,
   iii. Any written representations submitted,
   iv. Any representations made by any party at an oral hearing pursuant to these procedures, and
   v. Other clarifications required by the accreditation body.

b. Any additional information, not forming part of the record, that was in existence prior to the posting of the Public Comment Draft Report and is relevant to issues raised in the Notice of Objection that:
   i. Was known or should reasonably have been known to any party to the audit process,
   ii. Should reasonably have been made available to the CAB, and
   iii. If considered, could have been material to the determination or the fairness of the audit.

c. The ASC-MSC Seaweed Standard, and

d. The ASC-MSC Accreditation and Certification Requirements.
C.5.6 The accreditation body may not consider issues not raised in the Notice of Objection, even if the accreditation body is of the view that a particular issue should have been raised.

C.5.6.1 In no case shall the accreditation body substitute its own views or findings of fact for those of the CAB.

C.5.7 The accreditation body may solicit external advice on technical matters from, and for this purpose may sit with and receive technical advice from, qualified experts.

C.5.7.1 Such technical experts shall not take part in decision making.

C.5.7.2 Any written reports or advice tendered by the technical experts shall be attached to the accreditation body’s written decision.

C.5.8 The experts selected by the accreditation body to provide advice in relation to any particular objection shall not be involved in any activity that constitutes a conflict of interest. Such conflicts include, but are not limited to, the following criteria:

a. Experts shall not be members of the MSC Board of Trustees, Technical Advisory Board, Stakeholder Council, MSC or ASC,

b. Experts shall not have commercial involvement with the CAB, the subject fishery/farm or the objector(s),

c. Experts shall not be involved in management or lobbying for or against the fishery/farm or be involved with an organisation that has indicated its opposition to the certification of the fishery/farm under objection, and

d. Experts shall not have been involved in any part of the current audit process for the fishery/farm under objection.

C.5.9 In order to facilitate the Objections Procedure, the ASC and MSC may maintain a public register of suitably qualified persons willing and available to act as independent experts. Experts may, however, be selected who are not on the register.

C.5.10 At any stage of the objections process, any party to an objection may, by notification in writing, call the attention of the accreditation body to an alleged error of fact, procedural error or unfairness on his or her part with respect to the objections process and the accreditation body shall respond as soon practicable.

C.6 Powers of the accreditation body

C.6.1 The accreditation body shall issue a decision in writing either:

a. Confirming the determination by the CAB, or

b. Remanding the determination to the CAB.

C.6.2 The accreditation body shall remand the determination to the CAB if it determines either:

C.6.2.1 there was a serious procedural or other irregularity in the fishery/farm audit process that was material to the fairness of the audit; or,

C.6.2.2 the setting of conditions by the CAB in relation to one or more performance indicators cannot be justified because the conditions fundamentally cannot be fulfilled, or the condition setting decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it; or,

C.6.2.3 the score given by the CAB in relation to one or more performance indicators cannot be justified, and the effect of the score in relation to one or more of the particular performance indicators in question was material to the determination because either:

a. The CAB made a mistake as to a material fact, or
b. The CAB failed to consider material information put forward in the audit process by the fishery/farm or a stakeholder, or

c. The CAB failed to consider material information put forward by the peer reviewer(s), or

d. The scoring decision was arbitrary or unreasonable in the sense that no reasonable CAB could have reached such a decision on the evidence available to it.

C.6.3 It is necessary to remand the determination in order to enable the CAB to consider additional information described in C.5.5.b and described in the Notice of Objection.

C.6.3.1 In such a case, the remand shall be limited to a request to the CAB to consider the impact of the additional information on its original determination and to provide a response in accordance with 3.3.

C.7 Remand

C.7.1 In the event that a determination is remanded, the accreditation body shall state, in writing, the grounds upon which the objection has been remanded, the specific matters that the CAB must consider in the remand and the relationship of these matters to the ASC-MSC Seaweed Standard or procedural rules.

C.7.1.1 Copies of the remand shall be sent to the ASC and MSC, the client(s) and the objecting party.

C.7.2 Within 10 days after receipt of the remand instructions, unless the accreditation body has granted the CAB a specific amount of additional time, the CAB shall respond in writing to the matters specified in the remand, with copies sent to the ASC and MSC, the client(s) and the objecting party. The response of the CAB shall either:

C.7.2.1 include a statement of “no change” in relation to the scoring of performance indicators; or,

C.7.2.2 indicate any proposed changes to the justification for a score or indicate a change in the score in relation to any of the performance indicators; or,

C.7.2.3 give reasons for its decision.

C.7.3 Any party to the objection may make written submissions on the matters specified in the remand or on the response thereto by the CAB.

C.7.3.1 Such submissions must be received by the accreditation body no later than five (5) days following the response by the CAB.

C.7.4 The accreditation body shall, within 10 days of the response by the CAB, either:

C.7.4.1 accept the response as adequately addressing the findings raised in the remand and confirm the original or amended Final Report and Determination by the CAB; or,

C.7.4.2 after reviewing the response of the CAB, determine that the objection shall be upheld on one or more of the grounds specified in C.6.2.

C.7.5 If the CAB does not respond to the remand within the time limits specified, the accreditation body shall proceed as if the CAB had made a “no change” response to the remand.

C.7.6 The accreditation body shall include in the final decision a summary of conclusions from previous decisions, in order to provide a complete record of issues, including for example issues that are rejected, dismissed or closed prior to the final decision.

C.7.7 A decision by the accreditation body under C.7.4 is final. No additional objections may be lodged under these procedures in respect of such decision. The certification decision of the CAB shall be made with reference to the decision of the accreditation body.

C.7.8 In the event that the accreditation body confirms the amended determination, the CAB shall make such amendments to the Final Report and Determination as may be necessary in the
light of the findings of the accreditation body and shall proceed to issue a Public Certification Report in accordance with FCR 7.19.1, which shall be assessed for adequacy by the accreditation body as per C.7.4.

C.7.9 The accreditation body shall, prior to the issue of the Public Certification Report, determine whether the amendments to the Final Report and Determination made by the CAB adequately address the findings of the accreditation body.

C.8 Costs

C.8.1 The costs of the adjudication process shall be borne by the objector or, if there is more than one objector, the objectors in equal shares.

C.8.1.1 In exceptional circumstances, the accreditation body may decide to waive the costs in respect of an objector in whole or in part in accordance with C.8.4.

C.8.1.2 The ASC and MSC shall provide information relating to the costs agreement and waiver application to the objector(s) at the earliest opportunity after the acceptance of the Notice of Objection and in any case no later than five (5) days from when the Notice of Objection is accepted.

C.8.2 Notwithstanding the provisions of C.8.4, an objection shall not proceed to adjudication unless, within 10 days after the date on which the independent adjudicator notifies the parties that the adjudication phase will commence, the objector(s) has either:

C.8.2.1 signed a costs agreement with the ASC and MSC; or,

C.8.2.2 obtained a waiver from the accreditation body in accordance with C.8.4.

C.8.3 An application for a waiver shall be made in writing to the accreditation body by a duly authorised representative of the objector within 15 days from when the Notice of Objection is accepted.

C.8.3.1 Such an application should provide the justification as to why a waiver is sought and must be accompanied by appropriate evidence to demonstrate exceptional circumstances, including, where available, the objector's most recent audited financial report.

C.8.4 The accreditation body shall decide within five (5) days, whether to refuse the application or to waive the whole or part of the costs that would otherwise be attributed to the objector.

C.8.4.1 A waiver shall only be granted if the accreditation body is satisfied that there are exceptional circumstances justifying such a waiver. The onus is on the objector to demonstrate that there are such exceptional circumstances. In determining whether there are exceptional circumstances, the accreditation body shall take into account:

C.8.4.1.1 any evidence relating to the financial ability of the objector to meet the costs of the adjudication process;

C.8.4.1.1 the impact on the objector's other activities of paying the costs of the adjudication process; and,

C.8.4.1.1 the ability of the objector to raise funds from external sources, including support from other participants in the audit process, for the purposes of meeting the costs of the adjudication process.

C.8.5 Where the application is refused or where a partial waiver is granted, the objector must sign a costs agreement with the ASC and MSC in order for the objection to proceed further.

C.8.6 In the event that, 10 days after the date on which the accreditation body notified the parties that the adjudication phase will commence, any objector has not either signed a costs agreement with the ASC and MSC or obtained a waiver from the accreditation body in accordance with C.8.4, the objection in respect of that objector shall be considered to have been dismissed.
C.8.6.1 If there is more than one objector, the accreditation body shall nonetheless go on to consider the Notice of Objection submitted by those objectors that have either signed a costs agreement with the ASC and MSC or obtained a waiver from the accreditation body in accordance with C.8.4.

C.8.6.2 If the accreditation body fails to decide the waiver issue within the time specified by C.8.4, and such failure is attributable solely to the accreditation body, the time deadline specified in the first sentence of this subsection shall be extended for such limited period as the ASC and MSC consider appropriate under the circumstances.

C.8.7 Nothing in this section shall prevent reconsideration by the CAB and consultations pursuant to C.8.3.

C.9 General provisions relating to the objections process

C.9.1 Where these procedures require that any notice or document is to be submitted to the accreditation body or to the ASC and MSC within, or before, a specified time limit, the following provisions shall be applied in order to determine whether the notice or document was served in time:

C.9.1.1 Any references to time shall be, unless it is otherwise specifically stated, British Standard Time or, during daylight savings, British Daylight Time.

C.9.1.2 "Days" in this Objections Procedure means "working days".

C.9.1.3 A document served after 5 p.m. or at any time on a Saturday, Sunday or a United Kingdom Bank Holiday will be treated as being served on the next working day.

C.9.1.4 Where the time limits prescribed in these procedures do not account for statutory holidays in countries where involved stakeholders reside, the accreditation body may allow an extension of time limits so as to give effect to the intent of these procedures; that all parties have the nominated number of days within which to respond.

C.9.1.5 In exceptional circumstances, the accreditation body may consider and grant an extension to any of the time limits set out in these procedures.

C.9.2 Service shall be effective if made by hand, or by facsimile or by the provision of the information in an electronic document containing a digital signature.

C.9.3 Service by hand shall be effective when made. Delivery by facsimile shall be effective when the "transmit confirmation report" confirming the transmission to the recipient's published facsimile number is received by the transmitter. An electronic document is presumed to be received by the addressee when it enters an information system designated or used by the addressee for the purpose of receiving documents of the type sent and it is capable of being retrieved and processed by the addressee.

C.9.4 The working language of the ASC and MSC is English. Documents shall be submitted in English, or with an accompanying full English translation at the cost of the submitting party.

C.9.5 For the avoidance of any doubt, every notice or document issued, or posted on the ASC and MSC websites, by the accreditation body or the ASC and MSC, shall bear the date upon which it was so issued or posted and shall also specify the date upon which any subsequent notice, response, submission or document is required to be submitted in accordance with these procedures. Notwithstanding any other provision of these procedures, and regardless of whether a particular document is posted on the ASC and MSC websites or not, any documentation submitted by any party to an objection, except for documentation relating to costs under C.8, shall be available to any other party.
C.10 Final documentation of an objection on the ASC and MSC websites

C.10.1 The Public Certification Report shall include all decisions made by the accreditation body and shall indicate all the changes to the Final Report and Determination that have been made as a result of the objection.

C.10.2 All objections-related documents, except the Public Certification Report, will be removed from the ASC and MSC websites 6 months after the completion of the audit.