

Marine Stewardship Council  
Fisheries Certification Methodology



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## **Committee Responsible for this Methodology**

The MSC Technical Advisory Board is the Committee responsible for this methodology.

This methodology is intended to be a living document and will be reviewed on an ongoing basis.

### Amendments Issued

Version No	Date	Description Of Amendment
1	Sept 1998	Draft Issue 1 placed in public domain
2	Oct 2000	Issue 2 published
3	Mar 2001	Issue 3, changes to requirements for monitoring of certified fisheries (Section 17). Published for use by certification bodies.
4	February 2003	Version 4. Major revision in conjunction with implementation of Objections Procedure and drafting of Guidance Manuals – not released for use by certification bodies.
5	April 2004	Version 5. TAB revisions – change title and major revisions approved for release by MSC Board of Trustees and published for use by certification bodies.
6	September 2006	Version 6. TAB revisions following consultation on setting, monitoring and evaluating certification conditions, post certification requirements, re-assessment of existing certified fisheries, incorporation of relevant TAB Directives, compliance with FAO Guidelines and minor amendments. Approved for release and published for use by certification bodies.
6.1	1 May 2010	Change to file name, insertion of copyright and document management information.

## Foreword

Marine fish resources, although renewable are not infinite and need to be properly managed. The adoption in 1982 of the United Nations Convention on the Law of the Sea provided a new framework for the management of marine resources. The new legal regime of the oceans gave coastal States rights and responsibilities for the management and use of fishery resources within their Exclusive Economic Zones, which embrace some 95 percent of the world's marine fisheries.

The *MSC's Principles and Criteria for Sustainable Fishing*, produced through an international consultation process, describe statements against which a fishery may be compared to enable its operators to make a claim that the fish sold on to retailers, processors and consumers comes from **a well-managed and sustainable source**.

Undertaking integrated (i.e. encompassing more than just stock status issues) assessments of fisheries is a relatively new phenomenon. Only a small (but increasing) number of government agencies and academic institutions have developed robust and repeatable methods for conducting such assessments. This Certification Methodology has undergone several trials and revisions and is also subject to regular oversight by the MSC's Technical Advisory Board.

Persons wishing to comment on this methodology on an ongoing basis are encouraged to do so via:

[fisheries@msc.org](mailto:fisheries@msc.org)

Chris Grieve  
Associate Director  
September 2006

## Purpose

This document is primarily written for use in evaluating accreditation conformance of certification bodies authorised to undertake assessments of organisations against the *MSC's Principles and Criteria for Sustainable Fishing*, and as the certification methodology to be used by those bodies.

The purposes of this document are: -

- To establish a consistent fisheries certification methodology to enable all MSC accredited certification bodies to operate in a consistent and controlled manner.
- Provide the transparency that is required of an international accreditation body for it to be credible with potential stakeholders, including governments, fishery managers, certification bodies, suppliers of fish and fish products, non-governmental organisations and the general public.
- To provide documentation designed to assure long-term continuity and consistency of the delivery of MSC certification.
- To specify a system that ensures the MSC Logo on fish or fish products is a credible assurance that the fish is derived from a well-managed and sustainable fishery, as defined by the *MSC's Principles and Criteria for Sustainable Fishing* and ultimately the MSC claim.

## **MSC Assessment and Certification Process Overview**

The use of this methodology is mandatory and is to be used by all applicant and accredited certification bodies for fisheries certification.

This document prescribes the methodology that a certification body will undertake in carrying out an assessment of a fishery that submits for compliance with the MSC Principles and Criteria and MSC certification.

The assessment of a fishery for compliance with the MSC Principles and Criteria (determined through the use of the Fisheries Certification Methodology) is a voluntary procedure. The fishery applies to a certification body to certify that fishery as **well managed and sustainable**.

It is the responsibility of any organisation or group of organisations that represent the fishery to present sufficient evidence to convince the Assessment Team employed by the certification body that certification of that fishery is justified. A full disclosure of all relevant information shall be required.

The term “**shall**” is used to indicate those provisions that are mandatory.

Any variation from the requirements of this document by a certification body shall be an exception. Such variations will only be permitted on a case-by-case basis after the certification body has demonstrated to the MSC that the exception meets the intent of this document in some equivalent way and that the requirements of the *MSC's Principles and Criteria for Sustainable Fishing* are not undermined in any way. Any approved variations to this methodology must be documented and retained by the certification body.

The term “**should**” is used to indicate those provisions that a certification body is expected to adopt. Any variation to provisions using the term “**should**” shall only occur where the CB has justified, documented and retained their variation.

The provisions and requirements of this certification methodology will be further explained, with examples of preferred implementation, in the accompanying guidance manuals.

### **Structure of this methodology**

This Certification Methodology has three major elements (Tiers 1 to 3) that are designed to provide increasing levels of detail for those that require it. An explanation of these Tiers is provided below.

#### **Tier 1**

Overview of the main steps and associated actions/outputs.

#### **Tier 2**

Detailed prescription of the mandatory steps to follow.

#### **Tier 3**

Additional supporting guidance and advisory documents.

## **Supporting Documents – Summary**

This methodology should be read in conjunction with the subsidiary documents that provide more details in the form of guidance and advice on how to implement the prescribed methodology and the responsibilities of a certification body. These supporting documents are:

Mandatory documents – containing mandatory requirements

These are documents for Tiers 1 and 2:

- The MSC Principles and Criteria for Sustainable Fishing.
- MSC Objections Procedure (fully incorporated into this Methodology).
- MSC Accreditation Manual, Version 5, August 2005.
- TAB Directives

Guidance and advisory documents (Tier 3 documents)

- Guidance for Certification Bodies on Stakeholder Consultation (Version 1, December 2004).
- Guidance Manual for the MSC Certification Methodology (in preparation).
- Guidelines for the Assessment of Small Scale and/or Data Deficient Fisheries (in preparation).
- Using the AHP and Expert Choice to Support the MSC Certification Process (Version 2, September 2005, available from the MSC website: [www.msc.org](http://www.msc.org)).

The MSC will periodically produce and update guidance and advisory material (documents or notes) to assist interpretation and implementation of Tier 2 mandatory documents.

The MSC has an obligation ensure that certification bodies are advised of any new requirements. Certification bodies have an obligation to inform themselves, and where relevant, their fishery certification clients, and implement relevant new procedures in accordance with MSC instructions, as also may be communicated by MSC's contract accreditation body.

## **Tier 1 – Overview of Methodology and Associated Actions and/or Outputs.**

### **A. INITIAL CONTACT: CLIENT-CERTIFICATION BODY-MSC**

#### **Guiding principles**

The aim of this section is to ensure that a potential client receives full information about the MSC, the process of fishery certification and the benefits and responsibilities of having a fishery certified. This is the responsibility of the certification body.

#### **Required actions (certification body/client)**

None.

#### **Required actions (MSC)**

The MSC will make information available to all parties or otherwise assist on request.

#### **Guidance documents**

No specific guidance items are directed at certification bodies. However, detailed guidance material prepared by the MSC for potential and actual certification clients is available to download from the MSC website ([www.msc.org](http://www.msc.org)). There is a guidance document (Version 1, October 2005) and accompanying information sheets providing information about who might be the client, how to choose a certification body, the unit of certification and possible certification costs, as well as suggesting how clients can best prepare themselves for an assessment against the *MSC's Principles and Criteria for Sustainable Fishing*. This guidance material shall not be a substitute for detailed information and advice provided by the certification body to potential or actual clients. It is the responsibility of the certification body to ensure the client is fully informed about anything relevant to the pre- and full assessment of their fishery.

#### **Additional Resources**

Promotional material available from the MSC, verbal and written advice from MSC staff.

### **B. PRE-ASSESSMENT**

The Pre-Assessment is the first formal stage of the MSC fishery assessment process. The primary aims of the Pre-Assessment are to provide a client with an evaluation of the likelihood of the fishery passing a more detailed certification assessment and if relevant, to assist the certification body with its planning for a full assessment against the *MSC's Principles and Criteria for Sustainable Fishing*.

#### **Guiding principles**

The Pre-Assessment is characterised by:

- Confidentiality unless otherwise directed by the client.
- Clarifying with the client the philosophy and expectations of the MSC.
- Identification of the strengths and weaknesses of the fishery.

#### **Major actions/outcomes (certification body/client)**

- An appropriately qualified individual or team to conduct the pre-assessment evaluation will be appointed.
- A report for the client that addresses the items/issues generated by a brief analysis of the fishery against the MSC Principles and Criteria.
- The identification of actions that should be undertaken by the client prior to any announcements regarding full assessment.

#### **Required actions (MSC)**

None.

#### **Guidance documents**

Document – Guidance for implementing the MSC Certification Methodology [in preparation].

Document - Guidance for certification bodies on stakeholder consultation in MSC fisheries certification assessments, December 2004.

#### **Additional Resources**

N/A

### **C. FULL ASSESSMENT – STEP 1**

The Full Assessment is the formal and public evaluation of the fishery against the MSC's Principles and Criteria. Step 1 is focused on information gathering and other preparatory steps required before the scoring of the fishery is undertaken. It is designed to provide assessments that are robust, repeatable and maintain the integrity of the MSC Certification Programme.

#### **Guiding principles**

Step 1 of the Full Assessment will be guided by the following:

- Ensuring relevant and adequate information is available to the certification body to aid the fishery assessment.
- Ensuring that all opportunities to participate in the assessment process are provided to interested parties.

- Ensuring that the process is clear and transparent to interested parties.

#### **Major actions/outcomes (certification body/client)**

- Advising the public and the MSC of intention to undertake the certification project.
- If appropriate, stakeholder consultation on assessment team members.
- The appointment of a team of experts.
- The determination of the Assessment Tree, including Performance Indicators and Scoring Guideposts for the fishery.

#### **Required actions (MSC)**

- The MSC will advise the public of the assessment by placing appropriate information on the MSC website.
- The MSC will place a draft copy of the Assessment Tree (Performance Indicators and Scoring Guideposts) on the website for public comment to the certification body.
- The MSC will provide comment on the Assessment Tree (Performance Indicators and Scoring Guideposts) to the certification body.
- The MSC will place the final version of the Assessment Tree on the website after the public consultation period and determination by the certification body and its Assessment Team of the content of the final Tree.

#### **Guidance documents**

Document - Guidance for certification bodies on stakeholder consultation in MSC fisheries certification assessments, December 2004.

Document - Guidance for implementing the MSC Certification Methodology [in preparation].

Document - Using AHP and Expert Choice to Support the MSC Certification Process, Version 2, September 2005.

#### **Additional Resources**

N/A

### **D. FULL ASSESSMENT – STEP 2**

Step 2 of the Full Assessment is the stage at which formal assessment occurs and determinations are made about fishery certification.

#### **Guiding principles**

Step 2 is guided by the following:

- Objective, science-based fishery evaluation.
- Transparency and consistency of evaluation process.
- External review and scrutiny.

#### **Major actions/outcomes (certification body/client)**

- An evaluation of the fishery against the *MSC's Principles and Criteria for Sustainable Fishing*, including, if relevant, the drafting of measurable, outcome oriented and time-bounded conditions of certification.
- Stakeholders provided the opportunity to input to the evaluation process.
- Client given the opportunity to respond to the preliminary draft report, including any conditions, with the client's responses taken into consideration, along with the actions agreed between the client and certification body to address improvements required for continued certification.
- Stakeholders given the opportunity to comment upon the selection of peer reviewers.
- Peer review of a draft report of the fishery assessment and conditions.
- Stakeholders given the opportunity to comment upon the public comment draft report.

#### **Required actions (MSC)**

- The MSC shall place the names and short CVs of the peer reviewers on the MSC website for 10 days with invitation for comment to the certification body.
- The MSC shall place the public comment draft report on its website for a minimum of 30 days with invitation for comment to the certification body.

#### **Guidance documents**

Document - Guidance for certification bodies on stakeholder consultation in MSC fisheries certification assessments, December 2004.

Document - Guidance for implementing the MSC Certification Methodology [in preparation].

Document - Using AHP and Expert Choice to Support the MSC Certification Process, Version 2, September 2005.

#### **Additional Resources**

N/A

## **E. FULL ASSESSMENT – STEP 3**

Step 3 continues the emphasis on public involvement and offers an opportunity for those concerned about a certification to trigger a review of a certification body's determination about whether or not a fishery should be certified and, if relevant, any special conditions placed on the fishery.

### **Guiding principles**

This step is characterised by:

- An ongoing commitment to stakeholder consultation.
- Hearing and resolution of filed objections by an independent panel concerning the certification body's determination.

### **Major actions/outcomes (certification body/client)**

- The final report (incorporating the assessment team's draft report, a summary of peer review comments, stakeholder comments and a determination about whether or not the fishery should be certified) is provided to the MSC for publication on the MSC website.
- Stakeholders are given the opportunity to lodge a statement of their intent to object and then lodge an objection to the certification body's determination first with the certification body and then the MSC.
- The certification body will respond in detail to any objection to the objecting party, with a copy sent to the MSC Chief Executive, in accordance with the MSC Objections Procedure.

### **Required actions (MSC)**

- The MSC shall place the final report (incorporating the assessment team's draft report, peer review comments and stakeholder comments, along with a determination about whether the fishery should or should not be certified) on the MSC website for 21 days.
- The MSC shall actively distribute to the public a statement that explains the meaning of the determination and the process to follow.
- The MSC shall process any objection lodged with the MSC in accordance with the MSC Objections Procedure.

### **Guidance documents**

Document - Guidance for certification bodies on stakeholder consultation in MSC fisheries certification assessments, December 2004.

Document - Guidance for implementing the MSC Certification Methodology [in preparation].

Document - Using AHP and Expert Choice to Support the MSC Certification Process, Version 2, September 2005.

### **Additional Resources**

MSC Objections Procedure and application form.

## **F. CERTIFICATE ISSUED AND PUBLIC REPORT – STEP 4**

For a successful certification assessment the issuing of the certificate marks the end of the fishery assessment process.

### **Guiding principles**

Certainty for all parties in terms of final decision.

### **Major actions/outcomes (certification body/client)**

- The preparation of a final report for placement on the MSC's website.
- The issuing of a certificate with a unique registration number and expiration date that specifies which species and, if relevant, which parts of the fishery or fisheries the certificate applies to and those who may be entitled to use the certificate to enter fish or fish products into chains of custody.
- Notification from the certification body to the MSC of the issuance of a certificate.

### **Required actions (MSC)**

- The MSC will place the completed report on its website. If relevant, this will include the written decision of an Objections Panel, in accordance with the MSC Objections Procedure.
- In consultation with both the client and the certification body the MSC will prepare easily understood information about the fishery to aid public knowledge about the fishery.

### **Guidance documents**

Document - Guidance for certification bodies on stakeholder consultation in MSC fisheries certification assessments, December 2004.

Document - Guidance for implementing the MSC Certification Methodology [in preparation].

## **G. POST CERTIFICATION**

This step of the process provides for the surveillance and enforcement of the conditions of certification and the opportunity for any changes in the fishery to be evaluated for continued consistency with the MSC Principles and Criteria.

### **Guiding principles**

This step is characterised by the following:

- Thorough and independent audit of the performance of a certified fishery in relation to any conditions placed on the certificate, as well as for continued compliance with the *MSC's Principles and Criteria for Sustainable Fishing*.

### **Required actions**

- A surveillance audit is required within the first 12 months following the award of a certificate and annually thereafter.
- The results of the audits are required to be made public via the MSC web site.

### **Guidance documents**

Document - Guidance for certification bodies on stakeholder consultation in MSC fisheries certification assessments, December 2004.

Document - Guidance for implementing the MSC Certification Methodology [in preparation].

### **Additional Resources**

Audit visits.

## Tier 2 – Detailed Prescription of the Mandatory Steps to Follow

### Section 1 – Pre-Assessment Evaluation

- 1.1 The objective of the Pre-Assessment is to provide a focus for certification body planning the full assessment, should a client move forward, by gaining an understanding of the fishery in the context of the MSC Principles and Criteria for Sustainable Fishing, and to inform the client of the likelihood of achieving certification of their fishery.
- 1.2 The Pre-Assessment evaluation is conducted after bi-lateral discussions between a certification body and client, and the existence, process and outcomes of the Pre-Assessment remains confidential to the client and the certification body (unless otherwise directed by the client).
- 1.3 The client's intention to proceed to certification shall remain confidential until the client confirms their intention to proceed to the full assessment stage and signs (or confirms) an assessment contract.
- 1.4 The Pre-Assessment shall consist of the following, as a minimum:
  - 1.4.1 A substantive meeting with the client.
  - 1.4.2 Decisions with respect to potential field site visits.
  - 1.4.3 An assessment of the extent to which the fishery is consistent with the MSC Principles and Criteria for Sustainable Fishing.
  - 1.4.4 An evaluation of the fishery's state of preparedness for assessment.
  - 1.4.5 A review of the availability of data in the various categories (Section 1.5).
  - 1.4.6 A determination of the overall scope of the full certification assessment.
  - 1.4.7 A description of potential obstacles or problems that may be a barrier to certification.
  - 1.4.8 A report to the Client covering each of these matters as a minimum.
- 1.5 The Pre-Assessment evaluation shall be based on, but not restricted to reviewing documentation. The certification body and the client shall determine what documentation and data they review but the following issues shall be addressed, documented and retained by the certification body:
  - 1.5.1 General historical background information on the area of the fishery.
  - 1.5.2 Governance & political stability issues.
  - 1.5.3 Fishery sector - domestic consumption and export information.

- 1.5.4 Overview of the fishery to be certified including management practices and a clear definition of the unit of certification being proposed.
- 1.5.5 Other fisheries in the vicinity not subject to certification but that may interact with the fishery being assessed.
- 1.5.6 External factors (such as environmental issues) that may affect the fishery and its management.
- 1.5.7 A list of key stakeholders in the fishery and their special interests, where relevant.
- 1.5.8 If relevant, information for any subsequent Chain of Custody certification.
- 1.5.9 The fishery's management policy objectives and/or relevant regulations.
- 1.6 The Certification Body shall ensure that the client is fully informed of the requirements and implications of a decision to proceed to a full assessment. These include (but are not limited to) the need to:
  - 1.6.1 Liaise with management agencies, environment groups, post-harvest sectors, relevant commercial and non-commercial fishing groups to ensure their understanding of the MSC process and the implications (including costs and benefits) of certification.
  - 1.6.2 Address issues that may be a barrier to certification.
  - 1.6.3 Identify the type and extent of data and information that should be made available by the client to the certification body's assessment team in the event of a full assessment.
  - 1.6.4 Identify the location, timing and form of any public or limited announcements to be made about the client's intention to proceed to certification.

## **Section 2 – Full Assessment, Step 1 – Prior to Assessing the Fishery**

### **2.1 Announcement regarding the full certification and public involvement**

2.1.1 After a contract for full assessment has been signed, or the client has formally confirmed its intention to proceed, the certification body shall within 5 days:

2.1.1.1 Inform the MSC in writing about the intent to seek certification, provide the MSC with an indicative timetable for publication on the MSC website and a formal Notification Report (not for publication) containing the following:

- general historical background information on the area of the fishery;
- governance & political stability issues;
- fishery sector - domestic consumption and export information;
- overview of the fishery to be certified including management practices
- clear description of the unit of certification;
- other fisheries in the vicinity not subject to certification but that may interact with the fishery being assessed;
- external factors (such as environmental issues) that may affect the fishery and its management;
- a list of key stakeholders in the fishery and their special interests, where relevant;
- information for any subsequent Chain of Custody certification including an indication about the point in the chain at which the certification body and its fishery assessment team can ensure chain of custody; and
- the fishery's management policy objectives and regulations.

2.1.1.2 Announce the assessment in at least two media outlets which the Certification Body determines are the best means to inform identified stakeholders and shall justify in its final report. The announcement shall be made at least 30 days prior to consultation closing and shall invite stakeholder participation.

2.1.1.3 Actively invite the stakeholders including those identified in Section 1.5.7 to participate in the assessment process.

### **2.2 Assessment Team Selection**

2.2.1. After the assessment contract is signed (or formally confirmed), the certification body shall assemble an assessment team with expertise in relevant technical disciplines that is of sufficient standing and experience to assess the fishery against the MSC Principles and Criteria.

2.2.2 Each assessment team shall include a Team Leader who shall be responsible, for the certification body, for the carriage of the assessment and satisfactory conduct of the assessment in conformance with the MSC Accreditation Manual and the terms of this Methodology.

2.2.3 The assessment team shall have appropriate demonstrated technical expertise in each of the following areas, although any one team member may be expert in more than one area:

- Fish stock assessment - must have experience as a leader in the production of peer reviewed stock assessment(s) for relevant fishery(ies), and stock assessment technique(s) being used in the fishery under assessment.
- Fish stock biology/ecology – must have at least five years research expertise in the biology and ecology of the target or similar species.
- Fishing impacts on aquatic ecosystems - at least five years experience in research into, policy analysis for, or management of, fisheries impacts on aquatic ecosystems, and/or marine conservation biology.
- Fishery management and operations - must have at least ten years experience as a practicing fishery/aquatic natural resource manager and/or fishery/aquatic natural resource management policy analyst. Must also have a good understanding of the management system(s) used in the fishery under assessment.
- Current knowledge of the country, language and local fishery context that is sufficient to support meaningful assessment of the fishery.
- Third-party product and management system conformity assessment auditing techniques – must have experience and relevant qualifications as lead auditor. Must have a good understanding of the MSC Principles and Criteria for Sustainable Fishing, MSC Fisheries Certification Methodology and MSC Chain of Custody Standard and Methodology.

2.2.4 The certification body shall ensure that the combined expertise of the team members covers each aspect of the MSC Principles and Criteria and meets the prescribed requirements of this Methodology.

2.2.5 The certification body shall be responsible for ensuring that the team members have a thorough and sufficient understanding of the MSC Principles and Criteria and the MSC Fisheries Certification Methodology.

### **2.3 Determining Sub-criteria, Performance Indicators and Scoring Guideposts and their weighting prior to the assessment visit**

2.3.1 The assessment team shall determine a draft 'assessment tree', including a set of sub-criteria, performance indicators and scoring guideposts specific to the fishery being evaluated. The assessment tree shall be comprised of the following:

- Principles (from Airlie House<sup>1</sup>).
- Criteria (from Airlie House).

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<sup>1</sup> Issue 1, October 1998 or updated version from November 2002 which fixed two typographical errors.  
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- Sub-criteria as necessary (operational interpretations of the criteria developed as sub-set of the level above).
- Performance indicators (the lowest level of the 'tree', where scoring is conducted; developed operationally for each fishery).
- Scoring guideposts (describe the main thresholds in the scoring system), scoring guideposts shall be written for each performance indicator.

2.3.2 The scoring guideposts shall be determined based on:

- 100 – defines the upper boundary of the scoring and represents the level of performance on an individual performance indicator that would be expected in a theoretically 'perfect' fishery.
- 80 – defines the unconditional pass mark for a performance indicator for that type of fishery. Weighted scores for Criteria under each MSC Principle must average to 80 or higher.
- 60 – defines the minimum, conditional pass mark at the Criterion level for that type of fishery. Any score below 60 represents a performance level that is unsatisfactory.

2.3.3 The assessment team shall define, for the fishery being assessed, the scoring guideposts for each performance indicator (60, 80 and 100 as per 2.3.2).

2.3.4 The draft assessment tree (including Principles, Criteria, any Sub-criteria, Performance Indicators and Scoring Guideposts) shall be publicly available and provided to stakeholders for at least 30 days prior to the on-site assessment visit to enable any stakeholder who wishes to comment a chance to do so.

2.3.5 The draft assessment tree shall also be submitted to the MSC for discussion and comment 30 days prior to the first on-site assessment visit by the assessment team.

2.3.6 Any comments or changes to the assessment tree suggested by the MSC, the client or any stakeholder shall be considered by the assessment team, and if appropriate, a revised assessment tree will be prepared by the assessment team for use in the following stages of the assessment.

2.3.7 The certification body shall document and retain a record of the assessment team's rationale for any decisions about the assessment tree. A summarised rationale for each of the performance indicators and scoring guideposts shall be required in the Preliminary and subsequent Draft Reports (Sections 3.6 – 3.8).

2.3.8 If the assessment tree is revised, it shall be provided to the MSC, who shall place it on the MSC website for the remainder of the assessment process.

2.3.9 The assessment team shall determine the weighting to be assigned to each performance indicator prior to the assessment visit and scoring session.

## **Section 3 – Full Assessment, Step 2 – Assessing the Fishery & Preparing Reports**

### **3.1 Assessment visits and information collection**

- 3.1.1 The client and stakeholders shall be advised at least 30 days in advance of the first on-site assessment visit. The client shall be provided with a summary list of anticipated objective evidence that may be required by the assessment team.
- 3.1.2 Stakeholder interviews shall be conducted to ensure that the assessment team is aware of any and all concerns of relevant stakeholders. Where stakeholders do not wish to be interviewed they shall be advised that they may submit written information to the assessment team.
- 3.1.3 The assessment team shall ensure that all relevant information (including technical, written and anecdotal sources) is analysed prior to scoring the fishery. Where such information is not available or assembled by the client or stakeholders in time for the first assessment visit, the assessment team may require further assessment visits in order to adequately assess and analyse the evidence.

### **3.2 Scoring the fishery**

- 3.2.1 After the evidence is compiled and assessed by the certification body's team, the assessment team shall score the fishery against the Principles and Criteria in the final assessment tree (including Principles, Criteria, any Sub-criteria, Performance Indicators and Scoring Guideposts).
- 3.2.2 In scoring the fishery's performance, the assessment team shall use the methodology set out in the guidance document entitled "Using the AHP and Expert Choice to Support the MSC Certification Process".

### **3.3 Interpreting the scores**

- 3.3.1 The scoring requirements in 3.3.2 constitute the Marine Stewardship Council's minimum threshold for a sustainable fishery. However, in order to be granted a fishery certificate, the client shall also agree to meet the requirements set out in Section 3.4.
- 3.3.2 The certification body shall interpret the scores allocated to the fishery as follows:
- It is required that the fishery obtains a score of 80 or more, based on the weighted average score for all Criteria scored under that Principle, for each of the three Principles in order to be certified. If a fishery achieves a score of less than 80 on any Principle, certification will not be awarded.
  - It is required that the fishery obtains a score of 60 or more for each Performance Indicator and Criterion in order to be certified. If a fishery achieves a score of less than 60 on any Performance Indicator or Criterion, certification will not be awarded.

- 3.3.3 The assessment team shall document the rationale for the scores for each Performance Indicator for inclusion in the Preliminary and subsequent Draft Reports.

### **3.4 Conditions**

- 3.4.1 Conditions provide for agreed further improvement in the fishery and provide one of the bases for subsequent audit. They are intended to improve performance against the MSC Principles (target species status; maintenance of ecological function; and management system performance), and may include among other things, reducing uncertainty; improving processes; improving implementation; reducing risk; or improving outcomes.
- 3.4.2 Where the fishery achieves a score of less than 80, but of at least 60 for any individual Performance Indicator, the certification body shall set one or more conditions for continuing certification. The condition(s) shall improve performance to at least the 80 level within a period set by the certification body but no longer than the term of the certification, subject to Sections 3.4.2.1. and 3.4.2.2.
- 3.4.2.1 The certification body may recognise that achieving a performance level of 80 may take longer than the period of certification under “exceptional circumstances”. “*Exceptional circumstances*” refers to situations in which even with perfect implementation, achieving the 80 level of performance may take longer than the certification period. For example, in relation to natural ecological functions and response times or time required for relevant research.
- 3.4.2.2 In such exceptional circumstances, the certification body shall specify conditions in the Draft and Final Reports (see Sections 3.6 to 4.1) that spell out the significant and measurable improvements (in terms of milestones or outcomes) that must be achieved and the score that must be reached during the certification period and at the end of the certification period, as well as what constitutes a successful overall outcome to achieve the 80 performance level over a longer, specified time period.
- 3.4.3 In the event that the scoring of the fishery determines the need for conditions to be set, the certification body shall advise the client that mandatory action will need to be taken to increase the score and that a condition(s) will be attached to the certificate to ensure that the action(s) is taken within a specified timeframe.
- 3.4.4 The certification body shall specify conditions that are auditable and verifiable. Where possible, quantitative metrics should be specified.
- 3.4.5 The certification body shall specify conditions that closely follow the narrative or metric form of the performance indicators and scoring guideposts used in the assessment tree (see Section 2.3), and also specify conditions in terms of measurable outcomes or results expected, the specific timeframe over which the condition must be met, and if interim milestones are specified, the outcome and score that shall be achieved at each milestone. These shall be included in the Draft and Final Reports (Sections 3.6 - 3.8, 4.1).
- 3.4.6 If the condition is related to reducing uncertainty or improving processes, the certification body shall include in its Draft and Final Reports narrative about the

ultimate ecological or management outcome the condition is aimed at achieving over the longer term.

- 3.4.7 The certification body shall seek a detailed agreement from the client as to how the conditions will be addressed, by whom and the specified time period, how the action(s) is expected to improve the performance of the fishery and how the outcome will be assessed in audits by the certification body. Where the client and the certification body are unable to agree on the terms of conditions that will achieve the required increase in the score in question, certification shall not be awarded.
- 3.4.8 The certification body shall consult with all relevant entities<sup>2</sup> when setting conditions, if those conditions are likely to require investment of time or money by these entities, or changes to management arrangements or regulations, or re-arrangement of research priorities by these entities, in order to satisfy the certification body that the conditions are both achievable by the certification client and realistic in the time frame specified.
- 3.4.9 Consultation on setting conditions should be complete prior to the release of the Public Comment Draft Report (see Section 3.8).
- 3.4.10 The certification body shall not accept a 'detailed agreement' to address conditions from a client if the client is relying upon the involvement, funding and or resources of other entities (see footnote 2) without evidence that funding and/or resources are, or will be, in place. If no such evidence is available, certification shall not be awarded.

### **3.5 Determination of the point at which fish and fish products enter further Chains of Custody**

- 3.5.1 If the certification body is satisfied that the system of tracking and tracing in the fishery is sufficient to ensure all fish and fish products identified as such by the fishery originate from the evaluated fishery, then the certification body shall clearly state within its certification report that fish and fish products from the fishery may enter into further chains of custody, and be eligible to carry the MSC logo. This is the scope of the Fishery Certificate after which Chain of Custody Certificates apply.
- 3.5.2 If the certification body is dissatisfied that the system of tracking and tracing in the fishery or that there is some other risk element and if the certification body cannot ensure all fish and fish products identified as such by the fishery originate from the evaluated fishery or might claim to be from the evaluated fishery<sup>3</sup>, then the certification body shall clearly state within its certification report that fish and fish products from the fishery may not enter into further chains of custody, and are not eligible to carry the MSC logo. This non-eligibility shall remain in force until the decision is reviewed and revised by a subsequent chain of custody assessment.

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<sup>2</sup> Entities means all fisheries management or research agencies, authorities or regulating bodies that might have authority, power or control over management arrangements, research budgets and/or priorities.

<sup>3</sup> The certification body shall also consider the opportunity of fraudulent claims from within and outside the certified fishery and how robust management and enforcement systems are.

### **3.6 Preliminary Draft Report – client review**

- 3.6.1 The certification body shall issue a draft written report (The Preliminary Draft Report) to the client at the completion of the assessment activity.
- 3.6.2 The Preliminary Draft Report shall contain all intended conditions as set out in Section 3.4.1.
- 3.6.3 The Preliminary Draft Report to the client shall contain the scores, weightings and certification outcome.
- 3.6.4 Where there is concern by the client that insufficient information is available to support the assessment team's decisions, or that a decision has been taken in error, the client shall be provided with an opportunity to question the assessment team and have the issue re-examined. However, the assessment team is not obligated to accept client requests for changes in the report, but must provide justifications for whatever responses are made to client comments.
- 3.6.5 Any comments made by the client and the assessment team shall be documented and retained by the certification body and shall be available upon request to any party.
- 3.6.6 In response to the Preliminary Draft Report, the client will provide objective evidence in support of any additional claims or any claimed errors of fact.
- 3.6.7. A period of up to 30 days shall be made available after receipt of the draft report for the client to consider and fully respond.

### **3.7 External peer review and Peer Review Draft Report**

- 3.7.1 The certification body shall arrange for the Peer Review Draft Report to be reviewed by a group of experts considered to be, at a minimum, the peers of the experts comprising the assessment team. The Peer Review Draft Report shall incorporate client response and conditions (if applicable), scores, weightings and certification outcomes,
- 3.7.2 There shall be a minimum of two people retained as peer reviewers.
- 3.7.3 The certification body shall notify the MSC and stakeholders of the proposed peer reviewers and allow 10 days for stakeholders and the MSC to submit written comments and/or objections as to the selection of a proposed member of the peer review panel. The MSC shall publish the names and short CVs of the peer reviewers on the MSC website for 10 days. The certification body's decision on the choice of peer reviewers is final.
- 3.7.4 As a minimum, the peer reviewers shall satisfy the key requirements of Section 2.2.3, particularly as they relate to the fishery under assessment.

- 3.7.5 The certification body shall specify a timeframe for the peer review process and notify the MSC for publication of the timeframe on the MSC website.
- 3.7.6 Upon receipt of the peer reviewers' written comments the Assessment Team shall explicitly address the issues raised and incorporate any appropriate changes into the Public Comment Draft Report and, if appropriate, into any special conditions contained therein.

### **3.8 Public Comment Draft Report – review by stakeholders**

- 3.8.1 Following review by the client and peer reviewers, the certification body shall make the Public Comment Draft Report available for comment by stakeholders for a period of 30 days. The Draft Report made available to stakeholders shall include the scores and weightings, and will include the recommended Determination and any conditions.
- 3.8.2 The Public Comment Draft Report shall contain the full comments from the unidentified peer reviewers.
- 3.8.3 Any comments made by stakeholders shall be documented and forwarded by the certification body to its certification decision-making entity.
- 3.8.4 In response to the Public Comment Draft Report, stakeholders shall be advised that they are to provide objective evidence in support of any additional claims or any claimed errors of fact.

## **Section 4 – Full Assessment, Step 3 – Final Report, Determination & Objections**

### **4.1 Final Report**

- 4.1.1 The assessment team shall review the report taking account of the stakeholder comments and revise the report as appropriate. The Public Comment Draft Report of the certification body's appointed assessment team, all written comments by the unidentified peer reviewers, all written comments by stakeholders and relevant responses to stakeholder comments will be submitted to the certification body's decision-making entity.
- 4.1.2 The certification body will make a Determination and release a Final Report incorporating the Public Comment Draft Report (including scores, weightings and conditions), written comments by the peer reviewers, all written comments by stakeholders and relevant responses to stakeholder comments and the Determination.
- 4.1.3 The form and content of the Final Report shall be in accordance with Appendix 1.
- 4.1.4 The Final Report will be posted on the MSC website and the MSC will actively distribute to the public a statement that explains the meaning of the Determination and the process to follow for raising an objection to a Determination.
- 4.1.5 The certification body and the MSC will actively notify stakeholders involved in the fishery's certification assessment process of the existence of the Final Report.

### **4.2 Objections**

- 4.2.1 No formal certificate or logo licensing agreements may be issued or entered into relating to any fishery product until the objections procedure has run its course in accordance with Section 4.2 and the MSC Objections Procedure, and the Determination is finalised.

#### **4.2.2 Grounds for objection to a Determination**

- 4.2.2.1 An objection may be lodged on the basis that the MSC's procedures for the conduct of a fishery assessment have not been followed – a Procedural Objection.
- 4.2.2.2 An objection may be lodged on the merits of the Determination – a Merits Objection.
- 4.2.2.3 An objection may be lodged under either or both of the categories set out in Sections 4.2.2.1 and 4.2.2.2.

#### **4.2.3 Objections procedure – objection to the certification body**

- 4.2.3.1 Within a period of 21 days following the publication of the Final Report (with its Determination) on the MSC website, any party that meets the conditions set out in Section 4.2.3.4 (a) and (b) may send a written statement of intent to lodge an objection.
- 4.2.3.2 The written statement of intent to file an objection should be addressed to the certification body and copied to the MSC Chief Executive, who will in turn advise the MSC Board of Trustees.
- 4.2.3.3 The certification body and the MSC shall acknowledge receipt of the written statement of intent to lodge an objection within five (5) working days.
- 4.2.3.4 Any party wishing to object through the objections procedures may only do so if either: (a) the objection is a Merit Objection and that party lodged written submissions to the certification body during the fishery assessment process, and/or attended stakeholder meetings to which they were invited; or (b) the objection is a Procedural Objection such that the failure of the certification body to follow procedures prevented or impaired the objecting party's earlier participation.
- 4.2.3.5 Any party (regardless of prior participation in the certification process) may file briefs in support of another party's permitted Merits Objection. The MSC will make available upon request a list of objecting parties.
- 4.2.3.6 Within 30 days of the statement of intent referred to in Section 4.2.3.1 being acknowledged by the certification body and the MSC in accordance with Section 4.2.3.3, the objecting party shall send a detailed objection to the certification body, with a copy also sent to the independent Objections Panel Chair and MSC Chief Executive.
- 4.2.3.7 The detailed objection must be provided in the form of a completed MSC Objection Form.
- 4.2.3.8 The certification body shall respond to the objecting party in detail to the objection within 30 days of its submission, with a copy to the independent Objections Panel Chair and the MSC Chief Executive. The response shall provide appropriate information indicating the extent to which the matters set forth in the objection were considered in the fishery assessment and Determination and the impact thereof on the Determination.

#### **4.2.4 Objections procedure – objection to the MSC**

- 4.2.4.1 If an objecting party is dissatisfied with the certification body's response, it may, within 14 working days of the date of receiving the certification body's reply to its previous objection, lodge a further objection to the Determination addressed to the independent Objections Panel Chair with a copy to the MSC Chief Executive.

- 4.2.4.2 This second objection shall be accompanied by an MSC Objections Form<sup>4</sup> and must detail the original objection, grounds for continuing the objection and the basis for considering the certification body's response inadequate.
- 4.2.4.3 Within 5 working days, the Objections Panel Chair shall formally respond to the objecting party by either dismissing the objection if he/she determines it to be patently frivolous or otherwise spurious, or state that an Objections Panel will formally review and respond to the objection.
- 4.2.4.4 Notification of an allowed further objection to the MSC will be placed on the MSC website.
- 4.2.4.5 Within 30 working days of the formal notification in Section 4.2.4.3, if the Objections Panel Chair responds that s/he will officially consider the objection, the Objections Panel Chair shall establish an independent Objections Panel.
- 4.2.4.6 Independent Objections Panel processes shall adhere to 'Standards of Review Guidelines' and 'Generic Terms of Reference' established by the MSC.
- 4.2.4.7 The Objections Panel's appointed administrators shall, on behalf of the Objections Panel Chair, formally notify the objecting party promptly, usually within 5 working days of the establishment of an independent Objections Panel, the membership of the Panel and a proposed date of convening.
- 4.2.4.8 Membership and procedures relating to the composition of the Objections Panel shall be in accordance with Section 4.2.5.
- 4.2.4.9 A single Objections Panel will consider all objections to a Determination lodged within the allowed time and not dismissed by the Objections Panel Chair as frivolous or spurious, or resolved by the certification body.
- 4.2.4.10 The Objections Panel reserves the right to request that the certification body, the subject fishery or objecting party(ies) present their respective cases orally to the Objections Panel to clarify issues under examination.
- 4.2.4.11 The Objections Panel will (a) allow the Determination to stand; or (b) remand the Determination to the certification body with instructions to consider significant procedural issues or information omitted or inadequately considered in the assessment. The Objections Panel will elaborate, in writing, the specific matters which the certification body must consider in the remand and the relationship of these matters to one or more of the MSC's Principles and Criteria for Sustainable Fishing or procedural rules.
- 4.2.4.12 Copies of the remand shall be sent to the MSC Chief Executive, the subject fishery and the objecting party.

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<sup>4</sup> The MSC Objections Form is available from the MSC website ([www.msc.org](http://www.msc.org)) or by contacting the Policy Team in the MSC London office by telephone on +44 (0)20 7811 3300.

- 4.2.4.13 Within 30 days after receipt of the remand instructions, unless the Objections Panel has granted the certification body a specific amount of additional time, the certification body shall respond to the Objections Panel Chair in writing in full detail to the matters specified in the remand, with copies sent to the MSC Chief Executive, the subject fishery and the objecting party.
- 4.2.4.14 Within 15 days after the receipt by the Objections Panel of the response by the certification body to the remand, the Objections Panel shall either (a) accept the response as adequate to meet the matters raised in the remand and allow the Determination to become final; or (b) determine that the response by the certification body inadequately addresses the specific issues raised in the remand and requirements set out in Section 4.2.4.11.
- 4.2.4.15 If the Objections Panel finds that the response from the certification body to the remand is not adequate, it will so advise the certification body and after discussing it with the certification body, set a time within which the certification body must address the inadequacy and respond to the Objections Panel.
- 4.2.4.16 Upon receipt of the response from the certification body specified in Section 4.2.4.13, the Objections Panel shall reassess the situation and make a final decision in accordance with Sections 4.2.4.14 and 4.2.4.17.
- 4.2.4.17 The Objections Panel decision will be based on the record of the information submitted by the certification body, subject fishery and/or objecting party and the Final Report required by Section 4.1, as well as the responses of the certification body to any remand of the Objections Panel as outlined in Sections 4.2.3.11 to 4.2.3.16.
- 4.2.4.18 The Objections Panel makes its decisions by majority vote.
- 4.2.4.19 The decision of the Objections Panel shall be a written decision detailing how the certification body's response under Section 4.2.4.13 meets or fails to meet one or more of the MSC's Principles and Criteria for Sustainable Fishing or procedural rules and as appropriate, the MSC or its appointed accreditation body will issue corrective action requests to the certification body. The certification decision of the certification body shall be made with reference to the decision of the Objections Panel.
- 4.2.4.20 A decision by the Objections Panel is final. No additional appeals or objections may be lodged to the decision.

#### **4.2.5 Membership and procedures for the composition of the Objections Panel**

- 4.2.5.1 The Objections Panel shall be comprised of an odd number of members totalling no less than three members, including the Chair, who also has a vote.
- 4.2.5.2 The MSC Board of Trustees shall appoint an external, independent Chair for a term of three years to preside over all objections during the period of the Chair's appointment.

- 4.2.5.3 The decision of the MSC Board of Trustees in appointing the Objections Panel Chair shall be final.
- 4.2.5.4 Additional experts may be appointed by the Objections Panel Chair to serve on any Objections Panel convened to rule on specific objections.
- 4.2.5.5 All members of the Objections Panel shall be independent and shall not be involved in activities that constitute a conflict of interest. Such conflicts shall include, but are not limited to: no member shall have commercial involvement with the fishery under objection or businesses handling products from the fishery. No member shall be involved in management, research or lobbying for or against the fishery, or be involved with an organisation that has indicated its opposition to the certification of the fishery, or for any other reason be deemed by the Objections Panel Chair to have a potential conflict of interest. No member shall have been involved in any part of the assessment process for the fishery under objection.
- 4.2.5.6 The additional external members of the Objections Panel appointed by the Chair of the Objections Panel shall satisfy the requirements set out in Section 2.2 regarding the scientific and technical background to assess a fishery against the MSC's Principles and Criteria.
- 4.2.5.7 At least one member of the Objections Panel shall have served on a fishery assessment team appointed by an MSC accredited certification body or as a peer reviewer appointed by an MSC accredited certification body of a fishery certification assessment report.
- 4.2.5.8 The MSC Executive may recommend potential Objections Panel members to the Objections Panel Chair.
- 4.2.5.9 The Objections Panel Chair shall seek out and take into consideration comments from the objecting party, the certification body and the subject fishery regarding conflicts of interest of potential members of the Objections Panel before its formation.
- 4.2.5.10 The decision of the Objections Panel Chair in appointing the members of the Objections Panel shall be final.
- 4.2.5.11 The Objections Panel may solicit external advice in making its deliberations.

## **Section 5 – Certificate Issued and Public Certification Report**

### **5.1 Certification awarded**

- 5.1.1 If at the end of the full assessment process outlined in Sections 2 to 4 the fishery has passed the assessment process, the certification body shall finalise a Public Certification Report which shall incorporate the Final Report (Section 4.1) and, if relevant, any written decisions arising from Section 4.2. The Public Certification Report shall be released to the public identifying an intention to certify the fishery.
- 5.1.2 The certification body shall ensure that the final decision to award certification is made by a person or persons independent of the audit team and incorporates actions taken by the certification body as a consequence of corrective action requests or directions, if relevant, issued under Section 4.2.4.19.
- 5.1.3 The formal award of the certificate will not take place unless the Public Certification Report has been accepted by the client and published on the MSC website.
- 5.1.4 The certificate shall be prepared in accordance with the content described in the Accreditation Manual (Clauses 1.17 and 2.4 refer). In addition to requirements set out in the Accreditation Manual, the fishery certificate shall identify the scope of the certified fishery certificate, including the unit of certification, the point at which fish and fish products may enter chains of custody, and if relevant, the entities that may be entitled to use the certificate.

### **5.2 Public certification report**

- 5.2.1 The form and content of the Public Certification Report shall be in accordance with Appendix 1.
- 5.2.2 Information kept confidential shall be restricted to the financial transactions relating to certification and/or the financial affairs of individual companies or information that may lead to this information being derived. Subject to Section 5.2.3, the only other information that may be kept confidential is that which is the subject of relevant national privacy or data protection legislation in the client's country.
- 5.2.3 The MSC shall be consulted if the client wishes to expand the range of information to be kept confidential, and prior approval of the MSC is required if the client requests other matters obtained by the certification body in the course of the full assessment not be included in the Public Certification Report.

### **5.3 Duration of certification**

- 5.3.1 Certification shall be valid for a maximum period of five years from the time of the award of the certificate.

5.3.2 A full re-assessment shall occur before the end of this five-year period, to be concluded within the period of validity of the MSC certificate if the client wishes to maintain uninterrupted certification.

#### **5.4 Public claims**

5.4.1 Upon the issue of a certificate the client shall have the right to claim the fishery as a “Well Managed and Sustainable Fishery”, in accordance with the MSC Principles and Criteria for Sustainable Fishing.

5.4.2 Claims made about the fishery shall be in accordance with rules established by the MSC.

5.4.3 The certification body shall audit public claims made by the client regarding its certified status (including but not restricted to those made on printed material such as brochures) at its surveillance audits.

5.4.4 All material produced by or for the fishery upon which the MSC logo is sought to be displayed (including material to be displayed on fishery products) shall be submitted by the fishery to Marine Stewardship Council International Ltd for approval.

## **Section 6 – Post Certification Requirements**

- 6.1 The certification body and the client shall establish an agreed surveillance program for the certified fishery, incorporating the agreement set out in Section 3.4.3. Annual (at a minimum) surveillance audits shall occur throughout the period of the certification. Short notice monitoring may also be indicated and may be carried out by the certification body.
- 6.2 The certification body shall arrange for an annual (at a minimum) on-site visit by the certification body. Among other things, arranging the audit shall include notifying stakeholders and the MSC of the time, place and scope of the audit and who will conduct it.
- 6.3 Members from the original assessment team or comparably qualified and experienced individuals shall conduct the surveillance audit. If different from the original assessment team, the selection of individuals to conduct audits shall be justified in writing and their relevant skills and/or expertise documented.
- 6.4 The certification body shall actively seek the views of the client and stakeholders (including managers, scientists, industry and environmental NGOs) about the fishery and its performance in relation to any relevant conditions of certification and issues relevant to the MSC's Principles and Criteria for Sustainable Fishing prior to the completion of the surveillance audit.
- 6.5 If a major change occurs in the fishery since the completion of the full assessment step referred to in Section 4.1, the client has a responsibility to disclose this to the certification body as soon as practicably possible. Important changes in relation to the circumstances of the fishery (e.g. major changes in management or new information describing a major impact of the fishery) shall trigger an audit of the certification status.
- 6.5.1 If significant new information becomes available, including between the original assessment and the issue of a certificate, an expedited audit is indicated.

### **6.6 Audit requirements**

- 6.6.1 In addition to focusing on compliance with, and progress on, stipulated conditions and any issues raised in prior assessments, the certification body shall select areas to inspect within the fishery for current or recent management activity for continued compliance with the MSC's Principles and Criteria for Sustainable Fishing, such as:
- Review any potential or actual changes in management systems.
  - Review any changes or additions/deletions to regulations.
  - Review any personnel changes in science, management or industry to evaluate impact on the management of the fishery.

- Review any potential changes to the scientific base of information, including stock assessments.

6.6.2 If, during an audit, the certification body identifies an issue requiring further investigation then the certification body shall either:

- Report and record the existence of the issue, and/or
- Immediately conduct a limited assessment to determine if a full re-assessment of the fishery is warranted to continue the certification status, and/or
- Raise further conditions.

## **6.7 Evaluating progress against conditions**

6.7.1 The certification body shall audit compliance with, and progress and performance against, certification conditions.

6.7.2 In accordance with Section 3.4.5, the certification body shall document compliance with, and progress and performance against, certification conditions using the narrative or metric form of the original condition, and if interim milestones are specified, the certification body shall document whether progress is 'on target', 'ahead of target' or 'behind target', as well as its justification for such a judgement.

6.7.3 If progress against an interim milestone is judged to be behind target, the certification body shall specify the remedial action required, and if relevant, further milestones and scores to be achieved, and the time frame by which the milestone shall be achieved.

6.7.4 Certification bodies shall be guided by TAB Directive D-013 '*Evaluating fishery client progress on meeting certification conditions*' when judging and reporting the adequacy of client progress against conditions.

6.7.5 In the event that the certification body determines that progress against conditions is inadequate Section 6.9.1 shall be applied.

6.7.6 In the event that the requirements of any condition are changed, the certification body shall provide written justification for this in the Surveillance Report.

6.7.7 To verify that conditions have been met and outcomes have been achieved, the certification body shall examine relevant objective evidence, and following that examination, shall re-score all relevant performance indicators and scoring guideposts relating to that condition and only if the score is raised above 80 or the level identified in Section 3.4.2.2 as the level required by the end of the certification period for all relevant performance indicators relating to the condition, shall the condition be closed out. In doing this:

6.7.7.1 Those involved in the re-scoring shall have the relevant expertise (as set out in Section 2.2.3); and

6.7.7.2 The rationale for the re-scoring and closing out of the condition shall be documented fully in the Surveillance Report.

## **6.8 Surveillance Report**

6.8.1 The certification body shall convey a Surveillance Report to the client along with any requests or conditions that may arise from the assessors' findings.

6.8.2 The certification body shall also prepare a Public Surveillance Report and this shall be forwarded to the MSC within 30 days of completing an audit, for publication on the MSC website following agreement by the MSC that it is acceptable for publication.

6.8.3 The form and content of the Public Surveillance Report shall be as set out in Appendix 2.

## **6.9 Suspension or withdrawal of fishery certificate**

6.9.1 If the certification body determines that the fishery no longer meets the requirements specified in Sections 6.6 and 6.7, the certification body shall initiate suspension or withdrawal of the fishery certificate.

6.9.2 In the event the certification body determines that it intends to withdraw or restrict the use of a fishery certificate, the certification body shall provide the client with written justification for its intention 90 days in advance of the intended suspension or withdrawal, subject to the outcome of action taken under Section 6.9.6.

6.9.3 If at any time during the certification period, a fishery has its certificate suspended or withdrawn the change in certification status will be publicly advertised by the certification body in the same manner as in Section 2.1.1.2.

6.9.4 The client shall be instructed by the certification body that in the event that the certificate is withdrawn, or at the end of the certification period, the client shall be given 30 days notice by the certification body of the intention to withdraw certification by public advertisement. Before the time of public advertisement the client must contact the Marine Stewardship Council International Ltd Logo Licensing Manager regarding the rules about relinquishing all labels and other material that could be construed as identifying a fishery product as certified to comply with the MSC Principles and Criteria.

6.9.5 The fishery shall be considered to have failed audit requirements if the client fails to provide the certification body with sufficient information to evaluate conformance with conditions, or failure to allow the certification body to successfully conduct audits required by Sections 6.5 and 6.5.1. In these circumstances, the certification body should suspend the certification in accordance with the procedures set out in Section 6.9. The client shall have 90 days to comply with the requirements of Section 6.9.5. If at the end of 90 days the annual on-site surveillance audit has not been completed or progressed satisfactorily, the certification body may withdraw the certificate in accordance with the procedures set out in Section 6.9.

## **6.9.6 Appeal provisions available to fishery clients relating to withdrawal of a fishery certificate or restriction of a fishery certificate's use**

- 6.9.6.1 Within 15 days of the written notification of the intention to withdraw or restrict the use of the fishery certificate given in accordance with Section 6.9.2, the client may lodge an objection with the certification body, setting out its reasons for objecting, with a copy also sent to the MSC Chief Executive and the Objections Panel Chair.
- 6.9.6.2 The certification body shall respond to the objection to the withdrawal or restriction of use of the fishery certificate within 15 days of submission by the fishery client. Copies of the response and relevant background material shall be forwarded to the MSC Chief Executive and the Objections Panel Chair (see Section 4.2).
- 6.9.6.3 If dissatisfied with the certification body's response, the fishery client may lodge a further objection with the Objections Panel Chair within 7 days of notification by the certification body.
- 6.9.6.4 The Objections Panel Chair shall decide within 7 days whether the objection will be formally heard in accordance with the provisions set out in Section 4.2.4.3.
- 6.9.6.5 The Objections Panel Chair will independently adjudicate the objection unless s/he determines that additional expertise is required, in which case the Chair may seek additional technical advice.
- 6.9.6.6 The Objections Panel Chair may convene the parties to the objection to attempt informal resolution and short of accomplishing such resolution will render an objections decision within 15 days.
- 6.9.6.7 .The decision of the Objections Panel shall be a written decision detailing how the certification body's response under Section 6.9.6.2 meets or fails to meet one or more of the MSC's Principles and Criteria for Sustainable Fishing and as appropriate, the MSC or its appointed accreditation body shall issue corrective action requests to the certification body. The certification decision of the certification body shall be made with reference to the decision of the Objections Panel.
- 6.9.6.8 The written explanation of the Objections Panel Chair shall be published on the MSC website.
- 6.9.6.9 If the outcome of the further objections process concludes that the fishery certificate should still be withdrawn or its use restricted, the certification body shall provide 30 days written notification to the client of its intention to suspend or withdraw the fishery certification.
- 6.9.6.10 A decision by the Objections Panel Chair is final. No additional appeals or objections may be lodged against the decision.

## **Section 7 – Re-assessment of Certified Fisheries Prior to Expiration of an Existing Fishery Certificate**

- 7.1 In order to allow continuous certification, if warranted, the certification body shall commence the re-assessment of the certified fishery at the fourth anniversary of the existing certificate. Exact timing and planning of the re-assessment shall remain the responsibility of the certification body, in consultation with the client.
- 7.2 The certification body shall apply the Fisheries Certification Methodology and TAB Directives that are in force at the time of the re-assessment. As well as interpretations of the MSC's Principles and Criteria for Sustainable Fishing that are current at the time of the re-assessment and with reference to the way similar<sup>5</sup> fisheries have been assessed.
- 7.3 The certification body, when conducting a re-assessment of a certified fishery, shall take into account all annual audit reports and outcomes and progress on certification conditions. The fishery should have met all conditions and milestones. In the event that there are unmet conditions, the certification body shall apply Section 6.7.4 in determining the adequacy of progress against those conditions and milestones. The certification body may conclude that inadequate progress has been made and in such cases a new fishery certificate shall not be granted.
- 7.4 The certification body and its assessment team shall carefully consider the relevance of the original unit of certification and assessment tree and if necessary, shall create modified or new units of certification and/or assessment trees.
- 7.5 The certification body shall document all consideration of issues under Sections 7.2 to 7.4, as well as any rationale for decisions made relating to these issues.

### **7.6 Objections procedure for re-assessment of fisheries**

- 7.6.1 The objections procedure under Section 4.2 applies to re-assessment of fisheries prior to the expiration of an existing certificate, except that a fishery may remain certified for a maximum period of up to six months after the fifth anniversary date to allow an objections process to be completed. The certification body may extend the expiry date of the existing fishery certificate by up to a maximum of six months.

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<sup>5</sup> 'Like' or 'similar' fisheries means, for example, lobster compared with lobster fisheries, salmon with salmon, or small pelagic with small pelagic fisheries, etc.

## Glossary

The table below contains a glossary of terms used throughout this manual

Accreditation	The process by which the MSC's contract accreditation body examines and determines the fitness of a certifying body to be a MSC Certifier authorised and designated as competent to conduct a fishery assessment according to the MSC Principles and Criteria
AHP	Analytic Hierarchy Process: a methodology that provides decision-makers with the ability to incorporate both qualitative (judgmental) and quantitative factors into a decision making process; based on a hierarchical decision model comprising a goal, decision criteria, perhaps several levels of sub-criteria
Assessment	The process of implementing the MSC methodology for assessing and certifying a fishery according to the MSC Principles and Criteria
Assessment Contract	A contract specifying the terms and obligations for both the certification body and the Client according to MSC requirements that is signed by both parties
Assessment Team Leader	A person qualified to manage and perform assessment activities against the MSC Principles and Criteria
Assessment Team Member	A person qualified to perform assessment activities against the MSC Principles and Criteria
Assessment tree	The hierarchy of Principles, Criteria, sub-criteria and performance indicators that is used as the basis for assessment of the fishery for compliance with the MSC Principles and Criteria
Certificate	The formal document that is issued to a Client as evidence that a fishery is currently certified and complies with the MSC Principles and Criteria
Certification Body	A legally constituted entity that conducts certification of conformity; the legal entity responsible for conducting the fishery assessment; the Certifier
Certification System	A System that has its own rules of procedure and management for carrying out certification of conformity.
Certified fishery	The unit of certification for the MSC process
Certifier	The certification body authorised and accredited by the MSC's contract accreditation body to conduct fishery assessments
Chain of Custody	The procedures implemented by a fishery and subsequent handlers to ensure that products from a certified fishery are not mixed with products from any other fishery during processing or distribution for retail sale
Client	The legal entity applying for the fishery to be assessed
Condition	A requirement to achieve outcomes in order to achieve a score of 80 or above
Criterion (Criteria)	A means of judging whether or not a Principle has been fulfilled
Determination	Recommended certification outcome
Expert Choice	The software used to support the development of the decision tree, and to assemble the scores of the fishery determined during the assessment

Final Report	The final report of the assessment of the fishery prepared by the Assessment Team and the Certification Body, after public comment, peer review and the Determination of the certification body. Includes scores, weightings and special conditions
Notification Report	Report from the Certification Body formally notifying the MSC of a fishery client's intent to undergo a full assessment
Objective evidence	Evidence supported by independent witnesses, resulting from quality peer-reviewed scientific research, or otherwise verifiable and credible
Objections Panel	Independent panel of experts established by the MSC's Objection Panel Chair to hear an allowed further objection against a Determination and/or elements of a Final Report
Peer Review Draft Report	The draft report of the assessment of the fishery prepared by the Assessment Team and the Certification Body submitted to peer reviewers. Follows Preliminary Draft Report, precedes Public Comment Draft Report
Performance Indicator	The lowest level of sub-criterion of a MSC Criterion in the decision tree; the level at which the performance of the fishery is scored by the Assessment Team
Pre-Assessment Report	Report to client from the Certification Body following a pre-assessment
Preliminary Draft Report	The draft report of the assessment of the fishery prepared by the Assessment Team and the Certification Body provided to the client prior to peer review. Precedes Peer Review Draft Report.
Principle	A fundamental element, in the MSC's case, used as the basis for defining a well-managed and sustainable fishery
Public Certification Report	The report of the fishery assessment accepted by the MSC for publication on the MSC website; includes the Final Report and any written decisions by the certification body and/or independent Objections Panel arising from any objections raised about the fishery assessment outcome or process
Public Comment Draft Report	The draft report of the assessment of the fishery prepared by the Assessment Team and the Certification Body released for public comment. Follows Peer Review Draft Report. Precedes Final Report
Public Surveillance Report	The report of a surveillance accepted by the MSC for publication on the MSC website; this report is the same as the Surveillance Report
Re-assessment	Assessment of a fishery prior to the expiration of an existing fishery certificate to ensure, if the fishery passes the MSC standard, continued certification.
Scoring elements	A list of matters that are to be taken into account when determining the performance score on an indicator; also the matters used in determining a guidepost benchmark
Scoring Guidepost	The benchmark level of performance established by the Assessment Team in respect of each numeric score or rating for each indicator sub-criterion
Stakeholder	Any person, group or organisation that has an interest in, or could be affected by, the assessment; this may include fishery managers, fishers, fishing industry organisations, recreational groups, public

	interest and community groups, indigenous communities, research communities, and government agencies
Sub-criterion	A criterion below the level of the MSC Criteria; the assessment tree may contain any number of levels of sub-criteria
Surveillance audit	The annual or random periodic review and assessment of the certified fishery in order to determine compliance with performance identified in special conditions or in the original assessment
Surveillance Report	The report of a Surveillance Audit
TAB Directive	An interpretation or direction from the Technical Advisory Board in relation to the Principles and Criteria and related assessment methodological documents. May be mandatory or advisory in nature
Team Leader	A person qualified to <u>manage and perform</u> assessment activities against the MSC Principles and Criteria
Team Member	A person qualified to <u>perform</u> assessment activities against the MSC Principles and Criteria
The MSC Claim	<i>"This product comes from a fishery which has been certified to the Marine Stewardship Council's environmental standard for a well-managed and sustainable fishery."</i>
Unit Of Certification	The fishery or fish stock (=biologically distinct population unit) combined with the fishing method/gear and practice (=vessel(s) pursuing the fish of that stock).

## **Certification Body Final Report and Public Certification Report – format and contents**

The main assessment report produced by the Assessment Team should contain the following components:

### **1. Summary**

The summary shall describe who the assessors were and include a brief explanation of the process that was pursued and the events that occurred, the main strengths and weaknesses of the client operation, the recommendation reached with supporting rationale, and any conditions attached to the certification and the time-scale for compliance. Optionally, the summary may include additional, non-binding management recommendations.

### **2. Background to the Report**

#### *2.1 Authors/Reviewers*

Names, qualifications and affiliations of the assessment team and names of peer reviewers.

#### *2.2 Previous Assessments*

Summary of any previous assessments of the client operation, conclusions reached and past compliance with specified conditions.

#### *2.3 Field Inspections*

Itinerary of field activities with dates. Description of main activities and locales that were inspected.

Names of individuals contacted during field inspections.

#### *2.4 Consultations*

People interviewed: local residents, representatives of stakeholder organisations including contacts with any regional MSC representatives. A summary of information obtained.

### **3. The Fishery Management Operation**

*The Management Enterprise and Management Area.*

The following shall be provided:

- A concise summary of basic information as to the management operation (e.g. any ownership, history and organisational structure) and the sea/freshwater area that was evaluated.
- Species types, management history, fishing practices, historical fishing levels, other resource attributes and constraints.

- User rights (both legal and customary), the legal/administrative status of the operation and involvement of other entities including responsible government agencies.

### *3.2 The Management Plan (or Management Strategy/Regime)*

The report shall include a summary of the fishery based on the following topics, cross referencing to electronic or other documents which contain formal management plans/strategies/regimes. This section of the report should include an elaboration of the requirements set out in Section 2 for the Notification Report submitted to the MSC when the fishery entered full assessment.

- Area of operation of the fishery and under which jurisdiction it falls
- History of fishing and management
- Particulars of the recognised groups with interests in the fishery
- Details of consultations leading to formulation of the management plan
- Arrangements for on-going consultations with interest groups
- Details of the decision-making process or processes, including the recognised participants
- Objectives for the fishery (referring to any or all of the following if relevant):
  - resource
  - environmental
  - biodiversity and ecological
  - technological
  - social
  - economic
- Outline of the fishery resources including particulars of life histories as appropriate
- Outline of fleet types or fishing categories participating in the fishery
- Outline of status of the stocks as indicated by stock assessments, including a description of the assessment methods, standards, and stock indicators, biological limits, etc.
- Description of the aquatic ecosystem, its status and any particularly sensitive areas or features influencing or affected by the fishery
- Details of non-fishery users or activities, which could impact on the fishery, and arrangements for liaison and co-ordination.
- Details of those individuals or groups granted rights of access to the fishery, and particulars of the nature of those rights
- Description of the measures agreed upon for the regulation of fishing in order to meet the objectives within a specified time frame. These may include general and specific measures, precautionary measures, contingency plans, mechanisms for emergency decisions, etc.
- Specific constraints, e.g. details of any undesirable bycatch species, their conservation status and measures taken to reduce this as appropriate
- Details of any critical environments or sources of concern and actions required to address them
- Particulars of arrangements and responsibilities for monitoring, control and surveillance and enforcement
- Details of any planned education and training for interest groups
- Date and nature of next review and audit of the management plan

**Note:**

Some of the above may be of a generic nature and hence be dealt with in the general rules of fishing (e.g. a national fishery legislation), in which case these can be referred to in the plan, without repeating all the details. However, specific points or detail may be required for specific fisheries.

**4. Evaluation Procedure***4.1 Unit of certification*

The report shall describe in detail the unit of certification for the assessment and provide a rationale for choosing the unit of certification.

*4.2 Assessment Criteria*

The report shall describe the fishery management system elements, the MSC Principles and Criteria associated with each of those elements, the scoring guideposts and indicators associated with each criterion and the weights of relative importance assigned to each criterion. The report shall summarise the rationale for each of the performance indicators and scoring guideposts used in the assessment, as well as the weight assigned to each.

*4.3 Evaluation Techniques*

The report shall describe the methodology used, including sample-based means of acquiring a working knowledge of the management operation and sea base; describe the scoring process (e.g., group consensus process) and the decision rule for reaching the final recommendation (e.g., aggregate category-level scores must all exceed 80). The report shall also describe where the team visited during the field assessment.

*4.4 Documentation of the basis of decisions*

Each indicator shall contain commentary about the basis for the decision. This commentary shall make direct reference to the relevant indicator or scoring guidepost. For each indicator used in the evaluation the report shall contain a reference to the source of the information used to make a judgment about that indicator.

**5. Evaluation Results***5.1 Determination*

The report shall enumerate and provide a detailed rationale which justifies the scores assigned to each of the performance indicators, and include a formal statement as to the final recommendation reached by the Assessment Team and any conditions attached to a positive recommendation.

It shall also summarise the main strengths and weaknesses encountered and distinguish recommendations from conditions. The balance of strengths and weaknesses should be consistent with the Determination about certification.

*5.2 Tracking and tracing fish and fish products*

In accordance with Section 3.5 of this methodology the report shall describe the system of tracking and tracing of fish and fish products in the fishery. The report shall set out

the scope of the fishery assessment in the context of the assurances the certification body can make about the point to which products from the fishery can be traced and describe known risk factors prior to or after the point of first landing that may influence subsequent chain of custody assessments. The report shall specifically state whether products may or may not enter further chains of custody and whether products are or are not eligible to carry the MSC logo.

#### *5.3 Response of client*

Where the certification body identifies aspects of the fishery that require action by the client, the report shall identify both the area requiring action and the remedies proposed by the client (Section 3.4.3 refers).

#### *5.4 Peer review*

The reports of the peer reviewers (un-attributed) and shall be incorporated as Appendices to the report.

#### *5.5 Stakeholder comments*

The comments made by stakeholders about the Public Comment Draft Report shall be incorporated into the report in accordance with Section 4.1.2.

#### *5.6. Objections process*

If relevant, the reports, responses and decisions arising from any objections process shall be incorporated into the report in accordance with Section 5.1.1.

## **6. Formal Conclusion and Agreement**

6.1 There shall be an appendix to the team's report that shall include a formal statement as to the certification action taken by the certification bodies' officials in response to the recommendation.

## Certification Body Surveillance Report – format and contents

### 1. Title and heading information

Title ("Surveillance Visit - Report for XYZ Fishery")  
Certificate Number  
Name and Address of Certification Body  
Date of Summary

### 2. General information

Name and contact information for the certified fishery: Source name, contact person, address, telephone/fax/email.  
General background about the fishery

### 3. The certification/assessment process

Date(s) of the Surveillance Visit  
Member(s) of the Assessment team.  
Assessment process: describe general context, scope and history of assessment(s), if applicable; generally outline activities, e.g., what was inspected, who was given the opportunity to provide information, stakeholder consultation.  
Methodologies: Reference the methodologies and guidelines used.

### 4. Results, conclusions and recommendations

General discussion of findings and statement confirming the status of the Certification.

Status of previously raised conditions:

All reporting on conditions shall use the same narrative or metric form as the original condition. Progress against interim milestones, any changes to conditions or closing out of conditions must be documented in accordance with this methodology.

The progress being made by the fishery client organisation to address any conditions that were placed on the certification from previous assessment visit(s) shall be detailed.

Any conditions that have not been closed out within previously agreed timescales shall be detailed together with the reasons. The report shall detail what actions are required by the fishery, including revised timescales, and what the implications are for continued certification.

Any conditions that have been closed out to the satisfaction of the Certifier shall be detailed.

Surveillance visit results: Specifically or generally describe any new conditions and recommendations and agreed timescales for implementation and timeframes for achievement. Quote the actual conditions raised in accordance with the requirements of this methodology.