

## MARINE STEWARDSHIP COUNCIL – TECHNICAL ADVISORY BOARD

### TAB DIRECTIVE SERIES

TAB Directive Number	Title	Date of Issue
TAB D-007 v1.1	Effect on Fish or Fish Products if a Fishery Certificate is Suspended or Withdrawn	1 May 2010
Decision Date: January 2005 Effective Date: 1 March 2005		

#### Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 007 v1	Superseded

#### Background

The MSC has received a number of questions from stakeholders about the effect on chain of custody certificate holders and the fish or fish products they might hold should a fishery certificate be suspended or withdrawn by a certification body. In reviewing these questions the TAB has taken into consideration the fact that up until a fishery certificate is suspended or withdrawn all stakeholders should have confidence that fish or fish products are from a fishery that meets the MSC's Principles and Criteria for Sustainable Fishing.

This Directive clarifies the effect on the fishery and chain of custody certificate holders and the fish or fish products they might hold should the fishery certificate be suspended or withdrawn and how product that is already in the supply chain must be treated under these circumstances.

#### Directive

The TAB directs at the time of fishery certificate suspension, fish that have not yet entered chains of custody (beyond the joint fishery/chain of custody point), should not be allowed to be sold as certified or enter further chains of custody as certified fish.

Any fish that are caught during the legitimate life of the fishery certificate, i.e., before suspension or withdrawal has taken place, may be sold under the following circumstances:

1. If the fish can be traced back to the day of capture and they have already passed into the custody/ownership of an entity beyond the joint fishery/chain of custody point.
2. If the certification body that awarded the chain of custody certificate is satisfied there is a robust and justifiable way of separating fish based upon date of capture, subject to 1. above.
3. That the burden of proof falls to the certificate holder or logo licensee.
4. If no-one can provide proof, the MSC has the authority to make a default ruling that the product may not enter further supply chains and thus may not be sold as certified.

The relevant certification body shall notify the MSC, within 24 hours, and its chain of custody certificate holders of suspension and/or withdrawal of the fishery certificate.

MSC International shall notify relevant MSC Logo license holders within one working day of receipt of notification.

MSC shall notify other certification bodies and make the suspension and/or withdrawal public knowledge within one working day of receipt of notification.

ENDS