

MARINE STEWARDSHIP COUNCIL - TECHNICAL ADVISORY BOARD

TAB DIRECTIVE SERIES

TAB Directive Number	Title	Date of Issue
TAB D-010 v2	Certificate Sharing (Exclusivity of Fishery Certificates)	1 May 2010
Decision Date: 15 January 2009 Effective Date: 12 February 2009		

Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 010 v2	Superseded

Background

The MSC's policy goal is to develop its programme requirements to maximise the amount of MSC labelled product widely available in the marketplace from fisheries that have been certified as being sustainable and well managed. This goal is an essential element of meeting MSC's mission to provide for consumer demand for sustainably sourced fish products, reward sustainable fisheries for their investments and increase incentive for unsustainable fisheries to improve their performance.

Intent

The MSC has the following intent regarding its certificate program and certificate sharing:

- To minimise the number of overlapping assessments requiring harmonisation under D-015 V2
- to encourage the largest proportion of fishers to enter at the start of the full assessment process, but when only a select group of fishers within a fishery wants to undertake MSC assessment, to allow them to proceed so as not to delay certification;

Direction

1. The following actions are required during and after the assessment process. Such actions shall be followed in the order given below to provide an open and transparent certificate sharing process.

Announcement regarding the full assessment

- 2.1 In addition to the requirements of the Fisheries Certification Methodology for the submission of the formal Notification Report (FCM Section 2.1.1.1), the CB shall clearly and unambiguously identify the following as defined in Appendix 1 of this Directive:

- the unit of certification;
- the client;
- the client group; and
- other eligible fishers.

- 2.2 Where other eligible fishers are identified the CB shall follow the procedures outlined in paragraphs 2.4 – 3.2.
- 2.3 Where no other eligible fishers are identified, no further action need be taken in respect of this Directive.
- 2.4 The formal Notification Report shall identify any specific actions taken by the client group members to justify their eligibility as members, and shall include specification of any actions that would be required by other eligible fishers in order to join the client group and share the certificate.
 - 2.4.1 Where other eligible fishers are identified in the unit of certification a statement from the client expressing their understanding and willingness for reasonable sharing arrangements shall be made publicly available on the MSC website when the announcement of full assessment is made. The CB shall inform other eligible fishers of the public statement made available and of the opportunity to share the certificate during relevant interactions with such eligible fishers and other stakeholders as practical.
- 2.5 The fishery assessment contract between the client and the CB shall clearly specify the steps that will need to be taken for the members of the client group to be able to use the logo. For example, it shall state that the CB will consider, as part of the assessment process, whether the fishing vessels will be required to be separately certified for chain of custody.
- 2.6 Any changes to the client group and the other eligible fishers during the assessment shall be reflected immediately with an appropriate advisory from the CB on the MSC website. It should be noted that the unit of certification is to be determined at the start of the assessment. Fishers not identified as part of the unit of certification at the start of the assessment shall be ineligible to enter the certification at a later date.

Steps to be taken Post Certification

- 3.1 If the fishery is certified, the CB shall ensure that, immediately following the release of the Public Certification Report:
 - a statement describing the certificate sharing mechanism is submitted for public posting on the MSC web site;
 - within 30 days of receiving a request to share, the client and other eligible fishers shall, facilitated by the CB, engage in good faith efforts on both sides to enter into a certificate sharing agreement.
- 3.2 The CB shall ensure that the certificate, MSC Executive and stakeholders (through the MSC website) are kept up to date of any changes to the client group and other eligible fishers.

ENDS

Appendix 1 - Definitions

Unit of certification	TAB Directive D-003 defines the unit of certification (i.e. the potential unit entitled to receive an MSC certificate) as ‘The fishery or fish stock(s) (= biologically distinct unit(s)) combined with the fishing method/gear and practice (= vessel/s ¹) pursuing that stock. At its simplest, a single vessel could be the unit of certification, more likely, a number of vessels in the same fishery will probably be assessed.’ This is what the Certification Body (CB) and expert team assess during the assessment. This is set at the beginning of the assessment; anything outside this unit will not be eligible to enter the certification at a later date. In practical terms, it should be noted that the unit of certification may be thought of as the ‘unit of assessment’ or the ‘unit of <i>potential</i> certification’. As described below, prior to any certificate sharing, a certificate may initially be issued to the vessels of a client group which are only part of the full potential ‘unit of certification’.
Client	<p>A client² is an individual, organisation or group of organisations that makes a formal application for a fishery to be assessed against the standard set by the MSC’s Principles and Criteria for Sustainable Fishing and thereby enters into a contract with a CB for this purpose.</p> <p>A successful assessment results in the CB issuing a fishery certificate to the client for use as specified in the contract, and by extension to fishers who have been identified by the CB as being members of the client group.</p>
Client group	<p>The client group includes those fishers within the Unit of Certification that the client identifies as being covered by the certificate. The client group may also include other entities³ that the client extends use of the certificate to. The client group is wholly and exclusively covered by the certificate.</p> <p>It remains the responsibility of the CB to determine who should or should not be allowed to use the fishery certificate they have issued. Only fish caught by those fishers that are identified by reference to or on a valid fishery certificate by the CB shall be eligible for chain of custody certification and subsequent use of the logo.</p>
Other eligible fishers	Those operators who have been fully assessed against the MSC’s Principles and Criteria for Sustainable Fishing as part of the Unit of Certification; and are not currently part of the client group but may become eligible to join the client group under a certificate sharing arrangement. This group will be defined by the CB and would normally comprise fishers targeting the same stock using the same methods/gear and operating under the same management regime as the fishers included in the client group. It might also include other situations, for instance the catches of a stock defined in the unit of certification that are taken as incidental catch in another certified fishery.
Certificate sharing mechanism	The proposed agreement between the client group and other eligible fishers detailing the cost sharing mechanism to be used and any other requirements to enable the other eligible fishers to join the fishery certificate.

¹ TAB Directive D-003 is hereby amended to include specific reference to not only vessels/s but also individual/s. This amendment reflects that not all fishing is conducted from vessels and that other practices including the hand gathering of fish or the catching of fish from the shore are also covered.

² The MSC does not specify who may or may not be the client. We do emphasize the importance, however, of the client having some influence over the management of the fishery, or the ability to be able to implement any conditions raised by the certification body after certification. Fishery clients have included government agencies, fishing industry associations, processing companies and producer organisations and local management authorities. Fishing industry associations and NGOs, or different government agencies have also worked together as co-clients in some cases to achieve certification.

³ Entities in this case may include any processing companies or producer organisations or other bodies, that the client wishes to make the certificate available to, at the exclusion of other non client group members.