

**MARINE STEWARDSHIP COUNCIL – TECHNICAL ADVISORY BOARD  
TAB DIRECTIVE SERIES**

<b>TAB Directive Number</b>	<b>Title</b>	<b>Date of Issue</b>
TAB D-012 v1.1	Clients Transferring their Certification to a New Certification Body	1 May 2010
Decision Date: 10 June 2008 Effective Date: 21 July 2008		

**Documents Supplemented or Modified by this Directive**

<b>MSC Scheme Document</b>	<b>Status Change</b>
TAB Directive 012 v1	Superseded

**Background**

The MSC does not encourage the movement of clients between certification bodies (CBs), but recognises that there may be circumstances in which such movement is legitimate and appropriate or necessary.

This Directive sets out minimum requirements to be implemented in such circumstances. It provides for a period of up to 90 days from the time at which the client notifies the current CB of its intent to transfer its certification contract, or from the time the current CB ceases trading or has its MSC accreditation withdrawn or cancelled, to allow the succeeding CB to satisfy itself that all the requirements of certification are being met and to issue a new certificate.

**Intent**

The intent of this Directive is:

- To ensure that clients are treated fairly and objectively by all CBs, whilst ensuring that movement (or the threat of movement) or opportunity for re-assessment cannot become a tool by which clients can evade or avoid their obligations to commit to, and/or comply with MSC requirements.
- To ensure the integrity of all fishery and chain of custody certificates.

**Definitions**

<b>Client</b>	Certification applicant or certificate holder.
<b>Current CB</b>	The certification body (CB) to which the client is currently contracted.
<b>Succeeding CB</b>	The certification body (CB) to which the client wishes to move.
<b>MSC accreditation</b>	Accreditation by MSC's accreditation body to allow CBs to issue certificates of conformity with MSC requirements.
<b>MSC accreditation body</b>	The accreditation body contracted by MSC to undertake accreditation of certification bodies to determine ability to assess clients against MSC requirements.
<b>MSC accredited certification body</b>	A certification body accredited by the MSC accreditation body to issue certificates of conformity with MSC requirements.
<b>MSC certification</b>	Issue of certificate of conformity with MSC requirements by an MSC accredited certification body.
<b>Transfer Notice Date</b>	The date on which the client provided written notice to the Current CB of their wish to transfer certification bodies.

## Directive

### 1. Scope

- 1.1 There is a range of circumstances in which clients may wish or need to move their MSC certification contract from one MSC applicant or accredited CB to another. Examples of such situations include the following:
- a. A client with a current, valid fishery or chain of custody certificate granted by one CB wishes to move its certification to another CB during the normal period of validity of the certificate;
  - b. A fishery client undergoing full-assessment wishes to move from one CB to another (during the assessment process and prior to the issue of a certificate).
  - c. A CB ceases trading, and its clients have to move to another CB in order to maintain their certified status;
  - d. A CB loses its MSC accreditation (either voluntarily, or as a result of de-accreditation), and its clients have to move to another CB in order to maintain their MSC certified status.
  - e. An applicant CB that does not achieve MSC accreditation and its clients have to move to another CB in order to continue the assessment process.
- 1.2 This Directive specifies the requirements for clients and CBs in circumstances 1.1.a and 1.1.b. In circumstances 1.1.c and 1.1.d, D-019 shall apply. In circumstance 1.1.e D-020 shall apply.
- 1.3 Clients may wish or need to transfer their certification contract in circumstances not explicitly described by this or other Directives. In such cases the client should contact MSC for advice.

### 2. General provisions

- 2.1 In order to supply and/or make claims about MSC certified fish a client must be in possession of a current, valid certificate issued by an MSC accredited CB.
- 2.2 When a client transfers its contract from one CB to another, the certificate issued by the current CB shall be cancelled either 90 days from the transfer notice date, or on the date of certificate expiry, or when a new certificate is issued by the succeeding CB, whichever is earliest.
- 2.3 The succeeding CB shall only issue an MSC certificate when it is satisfied that the client meets all the requirements for certification.

### 3. Obligations on the client

- 3.1 A client which wishes to transfer its contract to a new CB shall inform MSC in writing of this intent at the earliest opportunity, shall provide MSC with the name of the intended succeeding CB, and shall authorise MSC and the MSC accreditation body in writing to make any reports, records or other information that MSC or the MSC accreditation body considers are relevant to the client's compliance with the requirements for MSC certification<sup>1</sup> available to the succeeding CB.

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<sup>1</sup> Confidentiality of 3<sup>rd</sup> parties shall be considered.

3.2 The client shall authorise and instruct its current CB in writing to provide the succeeding CB with all reports, records or other information<sup>2</sup> that the current CB considers are relevant to the client's compliance with the requirements for MSC certification<sup>3</sup>.

#### **4. Obligations on the current certification body**

4.1 Following the client's authorisation, the current CB shall disclose, in a timely<sup>4</sup> manner, any and all information to the succeeding CB that it holds that has, or may have, a bearing on the client's compliance with the requirements for MSC certification<sup>5</sup>.

4.2 Unless there are outstanding non-compliances or other specific reasons that would result in the suspension, withdrawal or cancellation of the certificate or if the certificate would expire within a period of 90 days, the current CB's certificate shall remain valid for up to 90 days from the transfer notice date, in order to allow the succeeding CB to carry out its desk based pre-transfer review (see below) and determine whether or not to issue its own certificate to replace that of the current CB.

4.3 When the succeeding CB has issued a new certificate the current CB shall immediately withdraw its own certificate, and shall notify the MSC of this fact.

#### **5. Obligations on the succeeding certification body**

5.1 On accepting an application from a client who holds a valid MSC certificate, but wishes to transfer their certification contract to them, the succeeding CB shall review the reasons for transfer and shall conduct, at a minimum, a desk-based pre-transfer review to confirm: that the client's activities fall within the scope of the succeeding CB's accreditation; that the certificate is valid (authenticity, duration, scope); the status of outstanding non-conformances, corrective actions or conditions; consideration of assessment and surveillance reports and any non-conformances arising from them; any other relevant documentation; complaints received and action taken; and the stage in the current certification cycle.

5.2 If doubt exists as to the adequacy of a certificate the succeeding CB shall, depending on the extent of the doubt, either:

5.2.1 Treat the applicant as a new client, and conduct a full assessment in accordance with the relevant certification methodology; OR

5.2.2 Conduct an on-site assessment concentrating on identified problem areas; OR

5.2.3 Decline to continue with the evaluation.

5.3 The decision as to the action required will depend on the nature of the problems identified and shall be explained to the client.

5.4 Except where a new full assessment has been completed, the expiry date of the succeeding certificate shall be the same as the expiry date of the preceding certificate.

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<sup>2</sup> Confidentiality of 3<sup>rd</sup> parties may need to be considered.

<sup>3</sup> The objective is to ensure that information that might preclude certification is not withheld from the succeeding CB. It is not the intention that the current CB should be required to copy and transfer all its files and supporting documentation to the succeeding CB.

<sup>4</sup> To not exceed a period of 30 days following the client's authorisation or other longer period as may be agreed by the client or the MSC.

<sup>5</sup> The current certification body may make a reasonable charge to recover the costs of transferring the information.

- 5.5 All conditions and/or non-conformances that are applicable to the current certificate shall remain applicable to the succeeding certificate, unless they are revised as a result of an on-site evaluation by the succeeding CB and are justified and documented.
- 5.6 The current CB and the succeeding CB shall agree with the client a transfer date on which all rights and obligations for maintaining the certificate shall be passed from the current to the succeeding CB, and shall inform the MSC of that date at least ten (10) days in advance of the date. On the date of transfer the succeeding CB shall issue a new certificate that will be recorded in the MSC records.
- 5.7 The succeeding CB shall ensure the client promptly notifies all customers and relevant parties of any change to the fishery or chain of custody certificate number.
- 5.8 The succeeding CB shall carry out surveillance audits in accordance with the surveillance schedule set by the current CB, or as revised and agreed with the client by the succeeding CB. Any changes to the surveillance schedule shall be justified, documented and communicated to the MSC at least ten (10) days in advance of a scheduled surveillance audit.

## **6. Switching certification bodies during the assessment process**

- 6.1 If a client switches CBs during the assessment process the succeeding CB shall implement its normal evaluation and certification procedures. All of the intellectual property owned by the client shall be transferred to the succeeding CB. As there would have been no certificate issued, the clauses referring to the conditions of a certificate, the expiry of the certificate and certificate number in sections 2.2, 4.2, 4.3, 5 and 8 do not apply.
- 6.2 If a client switches CBs during the assessment process and the succeeding CB is an applicant for accreditation, the instructions in D-020 shall apply.

## **7. Fishery re-assessment**

- 7.1 With respect to managing conditions that coincide with a fishery re-assessment date (i.e. the end of the five year fishery certification period) the requirements of the Fisheries Certification Methodology and associated TAB Directives in force at the time of the transfer apply.
- 7.2 Fishery conditions and associated corrective actions that extend beyond the five year certification period shall be treated in accordance with the Fisheries Certification Methodology and associated TAB Directives in force at the time of re-assessment.

## **8. Certificate code on packaging**

- 8.1 The code used on packaging bearing the MSC label shall comply with the requirements of the logo licence agreement between the client and MSC. If the code uses a reference to the current CB, the code on approved packaging must be changed to refer to the certificate issued by the succeeding CB [1], as per instruction from MSC.
- 8.2 The client may continue to use packaging that bears a code referencing the current CB that was printed before the date that the succeeding CB issued a new certificate. The number on the packaging will be referenced on the MSC website to ensure that it will be clear to any viewer that the client's certificate is now issued by the succeeding CB. Any code bearing a reference to the current CB shall not be used by the client on new packaging printed after the succeeding CB has issued a new certificate.

ENDS