

# MARINE STEWARDSHIP COUNCIL – TECHNICAL ADVISORY BOARD

## TAB DIRECTIVE SERIES

TAB Directive Number	Title	Date of Issue
TAB D-014 v1.1	Guidance on Setting Certification Conditions	1 May 2010
Decision Date: July 2006 Effective Date: July 2006		

### Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 008 v1	Superseded
TAB Directive 014 v1	Superseded

### Background

TAB Directive D-008 *Content of conditions* was released in March 2005 for implementation by certification bodies. It contained detailed guidance about the content and wording of certification conditions. It also set out mandatory requirements to be followed by certification bodies when setting certification conditions. Those mandatory requirements have now been incorporated into the Fisheries Certification Methodology, Version 6 (FCM).

This Directive supersedes TAB Directive D-008, which is no longer valid and provides narrative guidance to certification bodies that should be taken into account when setting certification conditions.

The former Directive, the revised requirements in the FCM Version 6 and this guidance are intended to convey the importance of setting conditions that are about time-bounded outcomes, not about inputs (i.e., the what, not the how). Certification bodies must not be prescriptive about the means of meeting conditions, although they may offer recommendations or suggested solutions. The fishery client may develop their own corrective actions and deal with a condition in their own way. The important points for the certification body are that the client must demonstrate to the certification body's satisfaction that a condition can be met, and how the outcome or result will be (or has been) achieved.

### Guidance

Analysis and examination by the TAB for consistency of certification conditions in Public Certification Reports revealed the need to clarify MSC requirements with respect to the content and wording of certification conditions raised by certification bodies.

Concerns raised by stakeholders needed to be addressed by tightening guidance and requirements on how to word conditions and their specific content. The concerns were:

- Timeliness of closing out conditions.
- How conditions are expected to achieve outcomes and measure positive improvements in certified fisheries.

The analysis by the TAB also revealed that certification bodies had not been consistently using measurable targets or specifying expected outcomes within the performance indicators and scoring guideposts within assessment trees. This meant that when certification bodies used the assessment trees, or more specifically the scoring guideposts, to specify conditions certification bodies were not including outcomes or targets for which fishery clients should aim.

In structuring assessment trees, in order to articulate a performance indicator that may lead to an appropriate time-bounded condition, quantitative performance indicators could be used, where appropriate. For example:

- PBR (potential biological removals of marine mammals) – where fishing activity does not impede the recovery rate of populations.
- MSY – the fishery is at or above MSY or  $B_{MSY}$  or some other variation of an appropriate fisheries management reference point.

When it comes to setting conditions, the TAB has confirmed that conditions can be about:

- Reducing uncertainty.
- Improving processes and/or implementation.
- Reducing risk.
- Improving outcomes.

These elements can be hierarchical and may ultimately be linked together in pursuing a longer term outcome and potential continuous improvement.

### **Section 3.4 of the Fisheries Certification Methodology, Version 6 (for reference)**

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.

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 the following two points:

- 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.
- In such exceptional circumstances, the certification body shall specify conditions in the Draft and Final Reports required by the FCM 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, and what constitutes a successful overall outcome to achieve the 80 performance level over a longer, specified time period.

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.

The certification body shall specify conditions that are auditable and verifiable. Where possible, quantitative metrics should be specified.

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 in accordance with the FCM.

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.

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.

The certification body shall consult with all relevant entities<sup>1</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.

Consultation on setting conditions should be complete prior to the release of the Public Comment Draft Report required by Section 3.8 of the FCM.

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<sup>1</sup>) without evidence that funding and/or resources are, or will be, in place. If no such evidence is available, certification shall not be awarded.

<sup>1</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.

ENDS