

MARINE STEWARDSHIP COUNCIL - TECHNICAL ADVISORY BOARD

TAB DIRECTIVE SERIES

TAB Directive Number	Title	Date of Issue
TAB D-019 v1.1	Implications for MSC Certificate Holders in the Event that their Certification Body's Accreditation is Suspended, Withdrawn or Cancelled.	1 May 2010
Decision Date: 10 June 2008 Effective Date: 21 July 2008		

Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 019 v1	Superseded

Background

An organisation requires a valid fishery or chain of custody certificate issued by an MSC accredited Certification Body (CB) to be able to sell products as coming from certified fisheries and/or to use the MSC logo such products. The CB's MSC accreditation status may be suspended, withdrawn or cancelled for a variety of reasons. This directive describes MSC's policy and its implications in relation to the CB's MSC certificate holders in such an event.

Intent

The two main intents of this Directive are as follows:

- to ensure the consistent treatment of certificate holders when their CB's MSC accreditation is withdrawn, suspended or cancelled.
- to allow MSC certificate holders to continue to make legitimate claims that a fishery is certified or trading MSC certified products when the accreditation of the certificate holder's CB has been suspended, withdrawn or cancelled, but where there is no reason to doubt that the certificate holder otherwise meets all the requirements for certification.

Definitions

Accreditation	Third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks (ISO/IEC 17011:2004 (E)).
MSC accreditation	Accreditation by MSC's accreditation body to allow CBs to issue certificates of conformity with MSC requirements.
MSC accreditation body	The accreditation body contracted by MSC to undertake accreditation of certification bodies to determine ability to assess clients against MSC requirements.
MSC accredited certification body	A certification body accredited by the MSC accreditation body to issue certificates of conformity with MSC requirements.
Suspension of MSC accreditation	Process of temporarily making accreditation invalid, in full or for part of the scope of accreditation (ISO/IEC 17011:2004 (E)).
Withdrawing accreditation	Process of cancelling accreditation in full (ISO/IEC 17011: 2004 (E)).
Cancellation of accreditation:	Voluntary cancellation of the accreditation contract by either party according to the contractual arrangements.
Certificate holder	An entity which holds a certificate of conformity with MSC standards issued by an MSC accredited certification body.
Client	Certification applicant or certificate holder.

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Current CB	The certification body (CB) to which the client is currently contracted
Succeeding CB	The certification body (CB) to which the client wishes to move.

Directive

1. General provisions

- 1.1 The decision to suspend or withdraw a CB's accreditation is taken by MSC's appointed accreditation body. The procedures for taking this decision and any appeal against this decision are specified by the accreditation body.
- 1.2 The decision to cancel a CB's accreditation may be taken voluntarily by the CB or its accreditation body according to the terms of the contract between the accreditation body and the CB.

2. Implications for the certification body's clients when MSC accreditation is suspended

2.1 Applicants for MSC certification

When a CB's MSC accreditation is suspended it may not sign new MSC certification contracts or conduct main audits in the area under suspension. If a CB's client that is in the process of assessment at the time of the suspension wishes to transfer to a different CB it may do so under the terms and conditions of its contract with the CB, and in compliance with the applicable requirements of TAB D012 for transfer of clients between CBs.

2.2 Certificate holders: general provisions in case of suspension of MSC accreditation

- 2.2.1 The validity of certificates issued by a suspended CB is not affected unless specified explicitly by the CB or the accreditation body. The CB continues to undertake surveillance audits with the permission of accreditation body, which is responsible for ensuring that adequate resources are provided by the CB such that the surveillance process is not compromised.
- 2.2.2 In the event of suspension MSC will consult with the accreditation body in relation to the reasons for the suspension, to determine whether there are any reasons to doubt the integrity of any certificates issued by the CB.
- 2.2.3 If there is no reason to doubt the integrity of a certificate issued by the CB it shall remain valid during the period of the suspension, subject to the normal requirements for continued certification. The certificate holder may continue to make claims and to supply certified fish under the normal conditions and obligations for certification. CBs should make clients aware, however, that the CB may be required to take corrective action in relation to its accreditation, and that this may result in changes to its certification procedures or requirements which may subsequently affect certificate holders. Certificate holders would be required to comply with any such changes if they wish to maintain their certificates with that CB.
- 2.2.4 If the accreditation body, in consultation with MSC, lacks confidence in the integrity of any certificate(s) previously issued by the CB it shall document the reasons for this and shall take appropriate corrective action to ensure that the certificate is suspended or withdrawn by the CB, with immediate effect. The accreditation body shall report the reasons for the action and the action that has been taken to MSC. The usual provisions for MSC logo use, claims, etc in the case that a certificate is suspended or withdrawn shall apply. The continued use of the MSC logo and other claims of compliance with MSC standards shall not be permitted, and the client's name will be removed from the MSC website or their status will be updated as appropriate. MSC shall ensure that the certificate holder is informed of the implications for them.
- 2.2.5 Suspension does not otherwise affect the validity of certificates.
- #### 2.3 Certificate holders changing certification bodies when a certification body's MSC accreditation is suspended
- 2.3.1 If a certificate holder wishes to transfer to a different CB when its current CB has its accreditation suspended it may do so under the terms and conditions of its contract with the

CB, and in compliance with the applicable requirements of TAB D012 for transfer of clients between CBs.

3. Implications for the certification body's clients when MSC accreditation is withdrawn

3.1 Applicants for MSC certification

3.1.1 When a CB's MSC accreditation is withdrawn it immediately loses all privileges of MSC accreditation. It may not sign new MSC certification contracts, conduct main audits or issue MSC certificates. If a client is in the process of evaluation at the time of the withdrawal of accreditation and it wishes to continue with the certification process the client must sign a new contract with a new CB and follow the provisions outlined in TAB D012.

3.2 Certificate holders: general provisions in case of withdrawal of MSC accreditation

3.2.1 All MSC certificates issued by a CB whose MSC accreditation has been withdrawn shall expire a maximum of 90 days after the withdrawal of accreditation. MSC provides the grace period of up to 90 days to allow certificate holders to transfer their certification to a new (succeeding) CB whilst continuing to use the MSC logo and make related claims of compliance with MSC requirements unless there is a specific reason to doubt the integrity of the particular certificate. The provisions for certificate transfer are specified in TAB D012.

3.2.2 In the event of withdrawal of MSC accreditation, MSC will consult with the accreditation body in relation to the reasons for the withdrawal, to determine whether there are any reasons to doubt the integrity of particular certificates.

3.2.3 If there is no reason to doubt the integrity of a certificate issued by the CB it shall remain valid for a maximum 90 day period, during which time the certificate holder may transfer its certification to a new CB in accordance with the provisions specified in TAB Directive D012. During the period of transfer the certificate holder may continue to make claims and to supply certified fish under the normal conditions and obligations for certification. The succeeding CBs should make their clients aware of their procedures to confirm conformity with MSC requirements, and the certificate holder may be required to take corrective actions in order to maintain their MSC certification.

3.2.4 If the accreditation body, in consultation with MSC, lacks confidence in the integrity of any certificate(s) previously issued by the CB it shall document the reasons for this and the accreditation body shall instruct the CB to withdraw the certificate with immediate effect. The provisions in the Logo License Agreement for MSC logo use, claims, etc in the case that a certificate is withdrawn shall apply. The continued use of the MSC logo and other claims of compliance with MSC standards shall not be permitted, and the client's name will be removed from the MSC website or their status will be updated as appropriate. MSC shall ensure that the certificate holder is informed of the implications for them.

4. Cancellation of MSC accreditation by the certification body

4.1 In the event that a CB voluntarily cancels its MSC accreditation MSC and its accreditation body shall make the same provisions for certificate review and transfer as if the CB had had its accreditation withdrawn.

5. Business failure of the certification body

5.1 In the event that a CB cannot meet the requirements of MSC accreditation, for example because of financial failure, its accreditation shall be withdrawn by MSC's accreditation body. The provisions of section 3 of this Directive shall then apply to its clients and certificate holders.

ENDS