

MARINE STEWARDSHIP COUNCIL - TECHNICAL ADVISORY BOARD

TAB DIRECTIVE SERIES

TAB Directive Number	Title	Date of issue
TAB D-021 v1.1	Eligibility for the Use of Logo on Fishery Products Caught Before the Eventual Fishery Certificate Date	1 May 2010
Decision Date: 15 January 2009 Effective Date: 5 September 2008 ¹		

Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 021 v1	Superseded by v1.1

Background

Users of the MSC programme require clarification regarding when the logo can be applied to product caught before the date of certification in a fishery that eventually becomes certified. Previous practice has varied and the date from which product from a certified fishery is potentially eligible to bear the label (the eligibility date) has been inconsistently set in the past. The MSC has developed this Directive to clarify the date of eligibility for the use of logo on fishery products caught before the eventual fishery certificate date and to promote consistency of approach across fisheries in this regard.

Intent

The intent of this Directive is to:

- outline the situations under which fishery products caught before the date of certification of a fishery may be considered to have come from a sustainable fishery and thus be eligible for use of the logo;
- allow fisheries to use the MSC logo and make claims for fish products that are sold after the fishery certificate is awarded, but that are caught before this date; and
- ensure that MSC's Chain of Custody is maintained and ensure that only products from certified fisheries use the MSC label.

Directive

1. The content of this Directive is only applicable:
 - a. to fisheries entering assessment after the 5th of September 2008; and
 - b. if the fishery in question demonstrates compliance with the MSC Principles and Criteria for Sustainable Fishing and is eventually awarded an MSC fishery certificate.

¹ The content of this Directive implements scheme requirements stemming from an earlier decision of the MSC Board that were previously implemented by way of a 'Policy Advisory'. The 'Effective Date' of this TAB Directive therefore reflect the date from which the requirements in this Directive were formally implemented.

2. The date from which product from a certified fishery is eligible to bear the label (the eligibility date) could be:
 - a. the date of the certification of the fishery²; or
 - b. any date prior to the certification of the fishery back to a maximum of six months prior to the publication³ of the most recent Public Comment Draft Report. This date should be considered and linked to:
 - i. the beginning of the fishery management year in which the Public Comment Draft Report is published; or,
 - ii. the start of the fishing season in which the Public Comment Draft Report is published; or
 - iii. any other logical date with regard to the client fishery.
3. The target eligibility date shall be specified by the fishery CB after consultation with the client fishery. The target eligibility date shall first be noted in the full assessment announcement. If at any stage during the assessment process it becomes apparent that the specified target eligibility date is inaccurate, then a revised target eligibility date shall be communicated to the MSC for publishing to the MSC website.
4. The fishery CB shall document their rationale for the date specified and include an assessment regarding how the risks to the traceability system in the fishery are adequately addressed by the client to give confidence in this date. The target eligibility date, rationale and assessment shall be included in the traceability section of the 'Preliminary Draft Report', the 'Public Comment Draft Report' and the 'Final Report'.
5. The actual eligibility date shall be specified in the Public Certification Report in the section regarding traceability.
6. Fish caught after the actual eligibility date but before the date of the certification of the fishery may be eligible to use the MSC logo, provided that:
 - a. product is not sold beyond the first point of sale after landing;
 - b. any company buying such product has COC issued in accordance with Paragraph 7 below; and
 - c. the Public Certification Report for the fishery clearly states that fish and fish products from the fishery may enter into further chains of custody, and be eligible to carry the logo.
7. The company that is the first point of sale after landing may be issued COC certification (or relevant scope extension) for fish from a fishery that eventually becomes certified, provided that:
 - a. an on-site audit is conducted prior to the company buying fish that it intends to eventually sell as MSC fish, and the documented outcome of this audit is that the company be recommended for COC certification (or relevant scope extension) if the fishery is certified;
 - b. the CB for the potential COC certification (or relevant scope extension) conducts a risk assessment based on the site visit and any other available information and concludes that there is an acceptable level of risk and that it is being managed effectively by the client;

² The date of certification established by the Fishery Certificate.

³ Publication of the Public Comment Draft Report is determined as the date that the Public Comment Draft Report is first made available for comment by stakeholders as required by Paragraph 3.8.1 of the MSC Fisheries Certification Methodology v6.

- c. the certificate (or relevant scope extension) is not awarded until the fishery certificate has been awarded to the fishery;
 - d. fish may be processed, but not sold, by that company before they receive their COC certificate (or relevant scope extension); and
 - e. the date on the COC certificate (or relevant scope extension) is shown as one day before the company first purchases product that it intends to use the MSC label on.
8. The date of award of the fishery certificate remains the time from which the duration of the fishery certification and the timing of annual audits is measured⁴.

⁴ As established in Paragraph 5.3.1 of the MSC Fisheries Certification Methodology v6.

Summary of Key Deliverables

Fisheries Assessments

- i. Full Assessment Announcement: Target eligibility date (determined after consultation with the client fishery) to be noted as part of the fishery assessment announcement (see Paragraph 3).
- ii. Preliminary Draft Report: The target eligibility date shall be noted in the section regarding traceability. The fishery CB shall document their rationale for the date specified and an assessment regarding how the risks to the traceability system in the fishery are adequately addressed by the client to give confidence in this date (see Paragraph 4).
- iii. Public Comment Draft Report: The target eligibility date shall be noted in the section regarding traceability. The fishery CB shall document their rationale for the date specified and an assessment regarding how the risks to the traceability system in the fishery are adequately addressed by the client to give confidence in this date (see Paragraph 4).
- iv. Final Report: The target eligibility date shall be noted in the section regarding traceability. The fishery CB shall document their rationale for the date specified and an assessment regarding how the risks to the traceability system in the fishery are adequately addressed by the client to give confidence in this date (see Paragraph 4).
- v. Public Certification Report: The actual eligibility date shall be specified in the section regarding traceability. The fishery CB shall document their rationale for the date specified and an assessment regarding how the risks to the traceability system in the fishery are adequately addressed by the client to give confidence in this date (see Paragraphs 4 and 5).

COC Assessments

- i. Chain of Custody Certification Report: A report in the format outlined in Appendix D of the COC Certification Methodology v6, demonstrating how the requirements of this TAB Directive have been met.

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