

MARINE STEWARDSHIP COUNCIL – TECHNICAL ADVISORY BOARD

TAB DIRECTIVE SERIES

TAB Directive Number	Title	Date of Issue
TAB D-025 v1.1	MSC Request for Records of Certified Material	1 May 2010
Decision Date: 16 June 2009 Effective Date: 1 August 2009		

Documents Supplemented or Modified by this Directive

MSC Scheme Document	Status Change
TAB Directive 025 v1	Superseded

Background

To provide greater assurance to all stakeholders, the MSC will conduct ongoing verification of its Chain of Custody (COC) and Logo Licensing program to guarantee the integrity of the MSC logo, the credibility of the MSC program and the validity of the MSC claim. One of the additional checks to be performed is the traceback exercise.

A traceback exercise endeavors to trace MSC labelled products back to the certified fishery of origin by seeking supporting documentary evidence. The requirements below allow the MSC to approach COC certificate holders directly for specific information about MSC transactions.

Definitions

For the purpose of this directive the following definitions shall apply:

Traceback or tracing	The activity to identify the origin of a specified unit and/or batch of product located within the supply chain by reference to records held by individuals or companies that hold MSC Chain of Custody certification. In the MSC's context a specified unit and/or batch of product are fish, fish materials or fish products from a certified fishery.
Traceback evaluator	The person or entity that carries out the traceback.
Day(s)	Working days in the country in which the certification body's operations are based.

Intent

The intent of this Directive is:

1. To ensure that Chain of Custody (COC) certificate holders are advised that from time to time the MSC will request records of certified material from them;
2. To set out time limits for provision of information by COC certificate holders;
3. To set out actions that will apply if COC certificate holders do not provide the information within time limits prescribed.

Directive

1. Scope
 - 1.1 All companies that hold a valid or suspended MSC Chain of Custody certificate. Where necessary this shall extend to their subcontractors.

2. General provisions

- 2.1 The traceback activity is a document review, which shall be carried out as a remote desktop activity.

3. Obligations of the COC certificate holder

- 3.1. COC certificate holders are required to submit requested records of certified material within 5 days to the MSC.
- 3.2. If the COC certificate holder cannot meet this deadline, it shall request an extension. The request for extension shall be in writing and provide a justification as to why the COC certificate holder cannot fulfill the requirement within the given timeframe. The traceback evaluator shall consider the request for extension and accept or reject it. If the request is rejected, the initial deadline shall apply.
- 3.3. The MSC may, in exceptional circumstances and particularly in instances where fraud is suspected, require traceback documentation within a shorter timeframe than outlined in 3.1.
- 3.4. Upon request by the MSC, the COC certificate holder shall provide for translation of all requested documents into English, the official language of the MSC.
- 3.5. There may be a charge from the certification body in the case where the requirement to provide records of certified materials within the requested time frame is not complied with. In this case, the request for action is forwarded to the COC certificate holder's certification body.
- 3.6. Financial information on records that shall be presented to the MSC for the purpose of tracing back an MSC labeled product may be removed if so wished. All other information shall be presented in original form.
- 3.7. The traceback documentation shall be submitted to the MSC in electronic form. If this is not possible, submission by fax or physical mail are also acceptable.

4. Obligations of the MSC

- 4.1 The MSC will hold all records submitted for the purpose of tracing back an MSC labeled product in strictest confidence and shall not disclose these records to any other entity unless the provisions of 4.2 are met.
- 4.2 An exception will apply in instances that may involve Chain of Custody compliance, legal compliance or food safety issues. In these instances relevant authorities, certification body or the MSC's accreditation body may be informed.
- 4.3 If the information requested is not supplied within the 5 day period, and an extension is not requested, the MSC shall forward the details of the case as a request for action to the COC certificate holder's certification body.

5. Obligations of the certification body

- 5.1 The contract between the certification body and client shall include a section that considers the obligations of the certification body in the event of a client not fulfilling the 5 day requirement.
- 5.2 If 4.3 applies, the CB shall conduct part of the traceback exercise as requested by the MSC.
- 5.3 On receipt of a notice in writing from the MSC the certification body is required to investigate and respond to the MSC within 15 days, providing any information so requested.
- 5.4 If, for whatever reason, the client is unable to respond adequately to their certification body within 15 days from the date of the request by the certification body, the certification body is directed to raise a major non-conformity against the client. The major non conformity shall be dealt with in accordance with the certification body's own procedures, and in accordance with the MSC COC Certification Methodology in force at the time of the notice in writing from the MSC.
- 5.5 If the requested information is not provided within timescales set down for closure of the major non-conformity, the certification body shall apply the provisions of TAB Directive TAB D-016 V2 or subsequent revisions of this Directive in force at the time of the notice in writing from the MSC.
- 5.6 The certification body shall conduct and document its risk assessment following its investigation to determine if the client should be re-categorized to a different risk level.

ENDS