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If you should require any further information then please do not hesitate to contact us. We will be please to help you.

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The rules and the performance descriptions regarding certification according to the MSC Chain of Custody Standard form an integral part of the offer. They supplement the General Terms and Conditions of Certification.

This performance description applies to:

- MSC Chain of Custody Standard, Default Version V5.1
- MSC Chain of Custody Standard, Group Version V2.1
- MSC Chain of Custody Standard, Consumer-Facing Organisation Version V2.1 (CFO)
- ASC Chain of Custody (CoC) Module V.1.2

The MSC requirements are also applicable to ASC certifications. For clients with ASC in scope, the client is required to conform to the ASC CoC Module. The relevant standard and other relevant documents and regulations can be found on the MSC website ([www.msc.org](http://www.msc.org)) or the ASC website ([www.asc-aqua.org](http://www.asc-aqua.org)). The MSC shares its Chain of Custody Standard with the ASC. The organisation to be certified confirms knowledge of the current MSC standard and declares that these documents were read before the contract was signed. The client is aware of his obligation to support the performance of witness audits, unannounced audits, surveillance audits and additional audits. The auditors are selected by TÜV NORD CERT based on their approval for the specific branch and their qualification.

## **1. CERTIFICATION PROCEDURE**

### **1.1. Audit preparation**

The client shall operate a system for product identification and batch traceability in accordance with the MSC Chain of Custody Standard (Default Version, Consumer Facing Organisation Version (CFO) or Group Version). If the MSC/ASC logo or the words “MSC” or “ASC” are to be used for advertising purposes, the client shall conclude a separate licence agreement on use of the logo with MSC ( [ecolabel@msc.org](mailto:ecolabel@msc.org)). The MSC and/or ASC label or the MSC seal can only be used if the client has a signed MSC/ASC certificate.

Note: The words “MSC”/ “ASC” may only be used without an agreement on the use of the logo in association with products in B2B business and may only be used for product identification or training purposes. Information regarding use of the logo, further current information and also official documents can be called up directly on the MSC website. When an order is placed, the client organisation is established as an applicant in the MSC/ASC database. This informs the MSC/ASC that the organisation has applied for MSC/ASC certification.

### **1.2. Certification audit**

The certification of the MSC/ASC Chain of Custody, is based on the following principles:

- The client fulfils the MSC Chain of Custody Standard and
- The certifier assesses this on the basis of an on-site audit.

Therefore, during the audit, your systems are inspected in order to establish that products from a certified fishery are strictly segregated from other products. After completion of the individual visits to the

site, the auditor informs the company management or the MSC/ASC of any points which could cause problems (Minors) in the future or if nonconformities (majors) are identified which could put the integrity of the supply chain at risk (this is explained in detail in Point 8). The auditor creates a report regarding the findings of the current audit with recommendations regarding certification of the corresponding section of the supply chain. The MSC/ASC has the right to amend the MSC-Standard and the certification rules. In order to maintain the certification, the certified organisation undertakes to respect and implement these amendments (new items and changes to existing items).

### **1.3. Special case: Interim authorisation**

In some exceptional cases, the normal audit cannot be carried out immediately. However, this does not necessarily have to prevent the start of the certification procedure. The MSC/ASC offers an approval for special cases, the “Interim authorisation to allow fish or fish product(s) into the chain of custody and/or to use the MSC/ASC trademark”. In such a case it is possible to demonstrate to the MSC/ASC that it is not possible to visit the site before issuance of the certificate, and that the risks to the integrity of the MSC/ASC trademark are low. The client receives official documents, which have to be completed within a specified period. If approval is received from the MSC/ASC, in the next step a remote initial audit will be performed. After successful certification TÜV NORD CERT issues interim certification to the client. The on-site follow-up audit must then take place within a maximum of 90 days following issuance of this certification.

### **1.4. Special case: Remote document audit**

Organizations which only trade (buying and/or selling) with MSC/ASC-certified fishery products and do not contract non-certified subcontractors for example for packaging, repackaging or processing and which are based in a country with a Transparency International CPI score of a least 41, can be audited with the help of a remote document audit. The certification body will evaluate if the applicant fulfills the requirements.

### **1.5. Issuance of certificate**

The certificate is issued following positive review of the certification procedure by the certification body. The certificate is generally valid for 3 years. Following successful certification, the results of the audit are entered into the MSC/ASC database (Intact Platform). The client agrees that the certifier maintains and updates the database. The MSC shares its Chain of Custody Standard with the ASC. This means that the client can receive one certificate for the ASC Chain of Custody standard and one certificate for the MSC Chain of Custody standard within the framework of one audit.

## **2. SURVEILLANCE AUDIT**

Following issuance of the MSC/ASC certification for a period of three years or following a successful recertification, the sites are visited at intervals which enable the integrity of the chain of custody to be assured. A surveillance audit takes place every 12 months.

A frequency of 18 months is possible for companies according to the MSC traceability standard default version if one of the following criteria applies:

- 100% of the seafood handled at all sites is certified seafood.

- The company only conduct "trading activities" and does not use any non-certified subcontractors for packaging, repackaging or distribution of certified products.
- Only handle certified product in sealed boxes or containers and do not repack, process or alter sealed boxes in any way.

The certification body will check whether the applicant fulfils the requirement. The application for an 18-month surveillance cycle may be rejected by the certification body in justified cases. The standard owner MSC/ASC or the accreditation body can also instruct the certification body to issue a surveillance cycle of 12 months. The surveillance audit can be carried out in a time window of 90 days before or after the date calculated in relation to the certification decision. A report is also drawn up by the auditor in the case of surveillance audits, which is entered into the MSC/ASC database (Intact Platform) following a further review by the certification body. In an audit based on the Group Version or Customer Facing Organisation (CFO) of the Standard, the central office of the organisation is included in the surveillance audit each year. If the calculated date for the audit in the case of surveillance audits is exceeded by more than +/- 90 days related to the date of certification, the certificate is suspended and the certification body informs the MSC/ASC. The suspension of the certificate is entered into the MSC/ASC database and is therefore published. If a surveillance audit is not performed, the certificate is withdrawn. The certification body informs the MSC/ASC and publishes the withdrawal in the MSC/ASC database.

### **3. RECERTIFICATION AUDIT**

A recertification audit takes place after 3 years. Following successful conclusion of the audit, the validity of the certificate is extended by a further 3 years. The date of this audit is based on the date of the certification audit. The certification body can prolong the certificate of a client by up to 90 days in order to facilitate audit planning by making an application in the MSC/ASC database. Justification shall be provided for the application. However, we recommend that the audit should be performed on the set date. So that there is enough time to close all non-conformities that were detected in the re-certification audit. The non-conformities must be closed before the new certificate can be issued (see chapter 8).

### **4. EXTENSION AUDIT AND CHANGES TO THE SCOPE**

Changes to the scope of the certificate or other changes in status shall be reported to the certification body by the client by means of an email to [lebensmittel-tncert@tuev-nord.de](mailto:lebensmittel-tncert@tuev-nord.de). The certification body shall approve of changes in writing and can require that an on-site audit or a document review be carried out before the approval is granted.

#### **4.1. Subcontractors**

Subcontractors shall be approved by the certification body before they are commissioned (does not apply for storage facilities or transportation services).

The certified organisation shall conclude agreements with all subcontractors (with the exception of transportation services) which oblige the subcontractors to fulfil all the relevant requirements of the MSC Chain of Custody Standard. The certification body and the MSC accreditation body shall have access to the subcontractor's site and to all relevant documents. The subcontractor shall also respond to all reasonable requests for information (including inquiries from the certification body or MSC accreditation

body). At each audit, an additional audit of the non-certified subcontractors takes place. All the MSC-relevant processes and activities of the subcontractor are audited which are necessary in order to maintain fulfilment of the MSC requirements. The costs for this audit are borne by the client. The subcontractor does not receive an individual certificate (It is not possible for customer facing organisations and groups to commission non-certified subcontractors).

## **5. SAMPLING, REQUEST FOR DOCUMENTS, AUDITS ANNOUNCED ON A SHORT-TERM BASIS, UNANNOUNCED AUDITS**

In order to guarantee consistent quality of the MSC audits by TÜV NORD CERT, the accreditation body ASI accompanies at least one audit per year. The ASI selects the facility to be audited. Reports can also be reviewed by the ASI. Here again, the selection is made by the ASI. The client agrees in principle to the ASI's presence at the audit. The ASI reserves the right to publish the associated test reports, which could also refer to the audit of the client, on its website. The findings of these additional audits are assessed in the same way as in a regular audit. It may be the case that these findings also lead to blocking of the certificate. TÜV NORD CERT, the MSC or the ASI may also take samples. This sample taking serves the purpose of product authentication. The analysis costs are not passed on to the client. The sampling can, as is the case with the additional audits, take place on an announced or unannounced basis.

Among other things, the CFO (Consumer Facing Organisation) standard provides for sampling as from the first surveillance audit or on a short-notice (48h) basis for a selection of facilities at selected sites. Whether a client is to be selected is newly determined before each audit and you as client organisation will be informed accordingly by the auditor. The costs for the sampling are borne by the MSC. However, additional time is needed for the sampling, and this time is charged to the client. The inspection of the products serves for product authentication. However, if a risk to food safety is identified within the framework of this product inspection, the audited organization is legally obliged to report this to the relevant authority.

In this case, evidence shall be sent to TÜV NORD CERT that the food safety risk has been reported. The results of the product inspection are naturally only communicated between the participating parties, i.e. between the client, TÜV NORD CERT, MSC and the accreditor. Communication to other parties is on an anonymised basis.

The MSC or its agents are entitled to request traceability-related documents from the client. The certified client is obliged to present the documents to the MSC or its agents within 5 days. Prolongation can be granted if a written application has been approved by the MSC or its agents. The ASC is an agent of the MSC and accordingly is entitled to request documents regarding ASC products or samples of ASC products for the purpose of product testing. If the client does not adhere to the deadline set by the MSC or its agents, the MSC can apply to the certification body for the certification body to take action. The information and any documents requested are supplied via TÜV NORD CERT in cooperation with the client. If the specified 15-day deadline is not fulfilled, TÜV NORD CERT issues a major nonconformity (as an addition to the last audit report). The client then has a further period of 15 days in order to submit information or documents to the MSC, MSI or ASI via TÜV NORD CERT. If this deadline is not fulfilled, the certificate can be suspended or withdrawn.

TÜV NORD CERT is obliged to perform unannounced audits for a proportion of its clients. The client selection is based on the random sampling principle. The unannounced audit takes place in a time window of 6 months following notice from the certification body. The unannounced audit replaces a planned audit. There are no additional costs. Additional unannounced audits can be applied for at any time by the ASI or the MSC. The ASI or MSC are not obliged to give reasons for the unannounced audits. The client is informed directly on site with regard to the unannounced audit. The costs for this additional unannounced audit are borne by the client. The client shall provide access to the applicable operating site(s) in scope within 30 minutes of the auditor's arrival. If access is denied to the auditor for an unannounced audit, the certificate is suspended with immediate effect. The certification body informs the MSC/ASC and publishes the suspension in the MSC database. Costs already incurred (e.g. travel costs) are charged to the client.

## **6. TRANSFER OF CERTIFICATIONS FROM OTHER CERTIFICATION BODIES**

If an MSC-certified organization wishes to transfer to a different certification body, the following framework conditions shall be met:

- The succeeding certification body must receive a written non-disclosure agreement (NDA) waiver from the certificate holder or have a non-disclosure agreement in place, to provide permission for the succeeding certification body to receive CoC certificate holder's data from the current certification body. For this the client and the following certification body must sign the MSC ) waiver from "Non Disclosure Agreement Template" (NDA).
- The transfer shall take place within the period of validity of the certificate
- A date for a transfer audit shall be agreed with the new certifier.
- The validity of the new certificate follows on directly from the validity of the previous certificate if the audit takes place in the specified time window.
- The current certifier shall be authorised by the certified organisation to transfer reports, certificates and other relevant audit documents to the new certifier. The status of outstanding non-conformities and corrective actions or complaints must also be communicated by the current certification body to the new certification body.

The certifier reviews the documents of the organization. If no noteworthy items can be seen in the documents from previous audits or from any correspondence with the MSC/MSCI, the normal rhythm of the surveillance and recertification audits can be retained.

## **7. CERTIFICATION OF ORGANIZATIONS WITH SEVERAL SITES**

If several sites are operated, the following options can be agreed:

An audit is conducted at each site and a separate certificate is issued for each site (multisite certification according to the MSC Chain of Custody Standard, Default Version).

An audit is conducted at each site and one joint certificate is issued to cover all sites (multisite certification according to the MSC Chain of Custody Standard, Default Version)

Here, the additional certificates that are requested are invoiced separately. The requirements for Group Certification or Customer Facing Organisation (CFO) are applied. In the case of certification of companies with several sites, the sites to be audited are selected on the basis of a specific sampling procedure. The certification body selects the sample.

## **8. MANAGEMENT OF NONCONFORMITIES, SUSPENSION, CANCELLATION OR WITHDRAWAL OF THE CERTIFICATE**

### Management of nonconformities

After completion of the individual visits to the site, the auditor informs the company management and/or the MSC/ASC representative of any points which could cause problems (Minors) in the future or if nonconformities (majors) are identified which could put the integrity of the supply chain at risk.

### Additional non-conformities CFO certification

All non-conformities must be raised against the central office for CFO clients, even if the non-conformity was detected at site level. For clients certified against the CoC CFO Standard, an incident of selling or identifying non-certified product as certified or with the trademarks at the point of sale or serving to the final consumer shall be considered:

- Examples of cases major non-conformity if the auditor determines that the cause of the mislabelling was due to an individual not following established internal procedures.
- Examples of cases where a CAB may suspend or cancel a certificate for a contractual or administrative reason include:
  - Late payment of the invoice for the certification order
  - Delay in the audit schedule due to unforeseen circumstances

### Non-conformities single, multi-site and CFO certification

- Minor Nichtkonformität: points which could be a cause of future problems, although they do not have a significant impact on the chain of custody, are handled as requiring corrective actions (e.g.: root cause analysis of non-conformity, corrective actions) which are less essential in the immediate sense, and the audited organisation shall implement these within 60 days of the last audit day. The minor non-conformities have to be closed before making any certification decision. The certification body has 30 days to make the certification decision. If these minor corrective actions are not implemented, the minor non-conformities is upgraded to a major. The client has a further 30 days to submit measures to the certification body. The certification body has a further 30 days to make the certification decision. If the measures taken by the client are not sufficient, the certificate is suspended or withdrawn and a full re-certification audit must be carried out.
- Major Nichtkonformität: Major nonconformities (majors) are those which can place the integrity of the chain of custody at risk. These majors are handled as requiring significant corrective actions and the audited organisation shall demonstrably implement these actions within 90 days.

- **Initial audit:** Major non-conformities raised during initial audits shall be closed before the certification body can grant certification. The implementation of the corrective actions shall be reviewed on site by the auditor if appropriate. If it is not possible to implement effective corrective actions within 90 days, the certificate is withdrawn and a complete new audit is necessary.
- **Surveillance or re-certification:** Major non-conformities raised during surveillance or re-certification audits (or any other time after initial certification) shall be closed or downgraded within 30 days of detection. If the major non-conformity is not closed within the 30-day maximum timeframe, suspension or withdrawal of the certificate and a full re-audit may shall be initiated. The certification body informs MSC/ASC and publishes this in the MSC database.

**Non-conformities CoC Group certification:**

The Group standard distinguishes between site non-conformities and central non-conformities.

**Explanation of the non-conformities at the sites:**

The following non-conformities can be given by the certification body at the site:

- **Critical non-conformity:** where a product is found that is labelled or has been sold as certified but is shown not to be certified.
- **Major non-conformity:** where there is a system breakdown that could result in non-certified products being sold as certified. Major non-conformities must be closed within 30 days of their identification. If the non-conformities are not closed within this timeframe, the site will be suspended from the group.
- **Minor non-conformity:** where there is a system breakdown that is unlikely to result in non-certified product being sold as certified. Site minor non-conformities shall be closed within 60 days of their identification. If not closed within this timeframe, the non-conformity shall be re-graded as site major, and 30 days given to correct close it.

Should the certification body determine that the minor and/or major non-conformity at the sites indicates a systemic and possible failure of the control or verification systems at group level and/or has the potential to affect more than one site, the certification body may also issue a non-conformity at group level. The certification body will also determine whether the number of major non-conformities at the sites exceeds the specified maximum and, if this is the case, issue a critical non-conformity at group level (see chapter 9.4.3, MSC CoC Certification Requirements).

The certification body is also authorized to give non-conformities in relation to contractual matters. Further requirements and explanations regarding the critical non-conformities can be found in the current MSC chain of custody standard requirements.

**Explanation of non-conformities Central Office of the Group:**

The following non-conformities can be given by the certification body at the group's central office.

- **Critical non-conformity:** There is a complete breakdown of the management system such that the organisation's assurances of site conformity with the CoC Group Standard cannot reasonably be relied upon or site critical non-conformities have also been raised against the central office as.



- Major non-conformity: There is a breakdown of activities related to one element of the organisation's internal management or auditing system. Group major non-conformities shall be closed within 30 days of their identification. If the majors are not closed within this timeframe, shall be raised it shall result in the immediate group suspension as per MSC General Certification Requirements (chapter 7.4.).
- Minor non-conformity: There is a partial lapse or partial breakdown of activities related to one element of the organisation's management or auditing system. If the minors are not closed within this timeframe, the non-conformity shall be re-graded as a group major non-conformity, and 30 days given to close it.
- Group suspension: According to "MSC General Certification Requirements chapter" (chapter 7.4.):
  - There is a group critical non-conformity raised
  - The number of sites, where one or more site major non-conformities raised, meets or exceeds the reject number.
  - There are more than four group major non-conformities raised during the audit.

#### Suspension, cancellation or withdrawal of the certificate

The requirements regarding withdrawal or suspension of a certificate can be found in the "MSC General Certification Requirements" in Clause 7.4 "Suspension and withdrawal of certification".

The certification body can suspend or cancel the certificate for contractual or administrative reasons. For example:

- Late payment of the invoice.
- Non-adherence to the audit cycle.
- Break in the supply chain which can be traced to an action of the certificate holder, or a failure to take action.
- Fish products were sold as certified which do not originate from a certified fishery or processing company.
- The certificate holder has not satisfactorily corrected a major nonconformity within the specified period of time.
- The certificate holder of a CoC Group has identified a nonconformity which is critical for the group.
- The certificate holder of a CoC Consumer Facing Organisation (CFO) has exceeded the permissible number of major nonconformities.
- The certificate holder of a CoC Customer Facing Organisation (CFO) group again received a major nonconformity for the same clause of the standard in the following audit.
- The certificate holder refuses to allow the certification body to perform the surveillance or recertification audits within the specified period.
- MSC I has revoked the licence or another agreement of a certificate holder for use of the label, logo or trademark. The certificate holder does not adhere to the instructions or deadlines issued by the MSC I.
- The certificate holder has failed to inform the certification body within 2 days that the certificate holder has not fulfilled the requirements of the "MSC Third-Party Labour Audit".

Further reasons for the suspension of the ASC certificate:

- If the organisation is required to have a GFSI-recognised scheme or ISO 22000 certification, and the certification becomes invalid at any time during the period of CoC certification.
- Illegal activities or products that are not consistent with applicable laws and regulations relevant to the 'scope of the CoC Standard.
- Fraudulent activities, such as forged documents or 'seafood fraud'
- Corruption or otherwise unethical behaviour
- History of repeated, persistent or systematic non-conformities
- Successful prosecution for forced labour, child labour, slavery or human trafficking

The organisation presents a reputational risk to ASC via association due to doubt about its transparency, impartiality or overall credibility

If the suspension is an intentional and/or systematic suspension, the period of suspension shall be at least six months. In the case of suspension due to non-fulfilment of the requirements of the "MSC Third-Party Labour Audit", the suspension shall be at least three months or until the nonconformity is closed. During the suspension, the certificate holder shall no longer declare or label the products as certified and shall not make other statements with regard to the MSC. The status of the certificate holder is also published. The certificate holder is obliged to present a documented action plan to correct the cause which led to the suspension within 30 days of the suspension. The action plan is reviewed by the certification body. If the certificate holder does not present an acceptable action plan to correct the nonconformity within 30 days, the certificate will be withdrawn.

If it is not possible for the certification body to review the effectiveness of the corrective action within the period of the suspension, the certificate is withdrawn by the certification body. If the certification holder establishes that there is a problem with regard to wrongly identified/marked or nonconforming product, and if the certification body was informed in good time (within two days of identification of the nonconformity), the certificate is not suspended, in so far as the certificate holder fulfils the requirements of the CoC standard with regard to nonconforming products.

If the certificate holder does not follow the procedure for handling nonconforming products or if the corrective actions are considered by the certification body to be insufficient, the certificate is withdrawn. If, within its period of validity, the certificate is withdrawn for the second time based on products which were sold as certified but subsequently proved not to be certified, the certificate is withdrawn by the certification body. From the date of this withdrawal the certificate holder shall not participate in the MSC programme for two years or be certified by the MSC.

#### Product recall and non-conforming products

The certification body shall inform the MSC/ASC and shall publish the withdrawal in the MSC database. In the case of product recall or non-conforming products, the client shall inform the certification body within 2 days and describe the details of the event. This requirement applies to recalls of all kinds, e.g. with regard to food safety and non-conforming products for example non-certified products sold as certified products or not correct labelling of the catch areas or fish species. For its part, the certification body shall take corresponding steps in order to assess the situation and its impact on the certification

and shall implement corresponding actions. The information regarding the product recall shall be sent to the following address: [tncert-food-recall@tuev-nord.de](mailto:tncert-food-recall@tuev-nord.de).

## **9. OTHER**

### **9.1. Requirements of the MSC or the MSCI:**

If contractual requirements between the MSC, MSCI and the client of TÜV NORD CERT are not fulfilled, TÜV NORD CERT is entitled to withdraw or suspend the certificate.

### **9.2. Incorrect identification of MSC or ASC products:**

The basic requirements for handling of nonconforming products is described in the MSC standards. If correct handling is not present or if no evidences can be presented, the certificate shall be suspended for at least 6 months. Following review of the corrective actions and one announced and one unannounced on-site audit, the certificate can be reinstated.

### **9.3. Non-fulfilment of the requirement “Third-Party Labour Audit”**

The standard-specific rules in the “MSC Third-Party Labour Audit Requirements” regarding Labour Audits shall be taken into account. For every initial audit, there is a risk assessment of the client by employees of TÜV NORD CERT. Following the risk assessment, the client is informed of the risk category assigned to his organisation. The client shall inform the certification body within 2 days if an infringement with regard to the “MSC Third-Party Labour Audit” is present.

### **9.4. MSC/ASC database**

The client agrees to the following:

- All the data required for participation in and operation of the MSC/ASC System is entered into the MSC/ASC database (Intact Platform) by the certification body and the data is stored and processed there.
- The MSC/ASC publishes the client on the MSC/ASC website as an organisation approved for the approved scopes. Personal and operational/business data may only be passed on to third parties with the previous permission of the client. The MSC/ASC, the accreditation body (ASI) and the service providers called upon by the MSC/ASC are placed under the obligation of secrecy and are not considered third parties in this sense.
- The certification body grants the MSC/ASC access to the audit reports which are relevant to an incident or a crisis, if these are not already stored in the MSC/ASC database.
- The requirements defined in the current standard shall be fulfilled.

### **9.5. Right to object**

If you are not in agreement with the results of the audit, you can submit an objection to TÜV NORD CERT. It may be that the response of TÜV NORD CERT to your objection is not satisfactory. In this case, TÜV NORD CERT passes on your objection to the MSC. There it is handled in accordance with the procedure for objections in connection with the MSC Chain of Custody Standard. The costs for this are charged directly by the MSC in accordance with the current fee schedule.