



# **Certification Rules for the MSC-Marine Stewardship Council Standard**

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## CHAPTER 1 – GENERAL

### 1.1 SCOPE

This document defines the procedures applied by RINA Services (RINA) for certification against the MSC Chain of Custody standard, including processes for requesting, obtaining, maintaining and using, the certification and management of any suspension and revocation.

Certification processes are performed by RINA according to the relevant certification requirements against the current version of the following standards:

- MSC Chain of Custody Standard Default Version
- MSC Chain of Custody Standard: Consumer-Facing Organisation Version.

Access to certification is open to all organisations and is not affected by their membership or lack thereof to any association or group.

RINA can legitimately not accept certification requests concerning organisations subjected to, or whose production or activities are subjected, to restrictive, suspensive or interdictory measures by a public authority.

For the certification activity, RINA applies its current tariffs, guaranteeing fairness and uniformity of application.

The list of schemes for which RINA is accredited is available on the website [www.rina.org](http://www.rina.org).

### 1.2 DEFINITIONS

Certificate of conformity: certification issued by an independent third party, which declares that, with reasonable reliability, a given product conforms to one or more regulatory documents and / or technical specifications.

Certified product: any product covered by MSC or ASC certification, originated by sources certified against the MSC Fisheries standard or the ASC standard.

Regulatory document: the document that specifies the requirements to be met by a product, process or service; the document may be in various forms such as: rule, technical standard, law of the State, Ministerial circular, code of good practice, etc.

Technical document: It constitutes the voluntary normative reference (voluntary technical disciplinary) elaborated with the consent of all the interested parties and on procedures adapted to the characteristics of the object of the certification and to the expectations of the market. As a rule, they are drawn up by competent bodies and submitted for approval to the Certification Body which evaluates them, in consultation with the interested parties.

Organisation: company, operator, factory, firm, body or association, legally recognised or not, public or private, which has its own functions and administration.

Applicant: Organisation that requires RINA to issue the Certificate of Conformity.

RINA: RINA Services S.p.A.



Traceability of supply chain: Ability to reconstruct the history and to follow the use of a product through documented identifications (regarding material flows and supply chain operators).

Finding: any deviation of the Organization's system from the Standard requirements

For any other term used in these Regulations, the definitions of the Standards ISO 9000, UNI CEI EN ISO / IEC 17000 and MSC Certification Requirements are applied, in the current editions.

### **1.3 APPLICABILITY**

Activities described in the present document apply to any company in the seafood supply chain, considering that certification is required by MSC for any organization taking legal ownership of certified product, wishing to sell it as certified, until the point in the supply chain in which the certified product is packed in consumer ready tamper proof packaging, labelled as certified.

Organizations could still be required to obtain certification if the consumer ready tamper proof packed product is opened later in the supply chain.

Moreover, the Aquaculture Stewardship Council (ASC) has elected to use the MSC CoC Standard for all certified seafood products originating from ASC certified farms. This allows supply chain organisations to handle both MSC certified and ASC certified seafood.

The certification issued by RINA refers exclusively to the single organisation, where an organisation means a group, company, subsidiary, factory, corporation or institution, or parts or combinations thereof, whether associated or not, public or private, that has its own functional and administrative structure.

As part of the application of these Regulations, RINA does not provide consulting services to the Organisations, for any matters regarding the subjects of MSC certification.

### **1.4 ELIGIBILITY REQUIREMENTS**

The MSC requirements do not allow companies, or any associated entity, to enter or remain in the certification process if they have been successfully prosecuted for violations of laws on forced or child labour in the previous 2 years.

Any association to entities (organisations, their sites, and subcontracted parties) who have been successfully prosecuted for violations of laws on forced or child labour in the last 2 years will cause the ineligibility for certification, meaning cease of certification in case such prosecution occurs within a valid certification cycle.

Applicants or certificate holders operating at sea are required to provide, before the audit, the relevant "MSC At Sea Labour Eligibility Requirements Reporting Template" fully compiled.

The MSC At Sea Labour Eligibility Requirements Reporting Template can be requested to RINA or can be found on the MSC website.

Besides organizations operating at sea, all other applicants or certificate holders with land operations are required to comply to the MSC Labour requirements if they perform at least one of the following activities:

- Contract processing
- Manual off-loading



- Packing or repacking
- Processing primary
- Processing secondary
- Processing preservation
- Processing other
- Use of subcontractor performing one of the above activities

If the Client, performs any of the above listed activities shall declare and conform to one of the possible options:

OPTION 1: self-assessment in accordance to the applicable MSC requirements and commitment to complete a labour audit as defined in option 2 ONLY if required by MSC.

OPTION 2: successful completion of an on-site labour audit against one of the standard recognised by the MSC (amfori BSCI audit, or SMETA Audit, SA8000 Certification, BRCGS ETRS, Programs for manufacturing and processing recognised by the SSCI)

Relevant guidance and documents on labour requirements can be found on the MSC website: [MSC WEBSITE LABOUR DOCUMENTS](#)

## 1.5 INTERVENTION OF ACCREDITATION BODIES/ STANDARD OWNERS

### 1.5.1 WITNESS AUDITS

The Standard owner MSC, Standard owner ASC, the Accreditation Body or ASI – Assurance Services International, may request the participation of their observers, assessors or their designated agents in the audits carried out by RINA itself, in order to ascertain that the evaluation procedures adopted by RINA comply with the rules applicable.

The participation of these observers is previously agreed between RINA and the Organisation. If the Organisation does not grant its approval to the aforementioned participation, the validity of the certificate may be suspended.

### 1.5.2 PRODUCT AUTHENTICATION TESTING

The Client agrees to allow samples of seafood to be taken from their operation by MSC - Marine Stewardship Council or its designated agents, ASI - Assurance Services International or its designated agents, ASC – Aquaculture Stewardship Council or its designated agents, Accreditation bodies or their designated agents, and/or RINA whenever requested by any of the previously listed bodies, for the purposes of product authentication testing.

Where a product authenticity test identifies the product as a different species or as originating from a different catch area, the Client will investigate the potential source of the issue and will submit to RINA the results and the related corrective action plan to address eventual non-conformances found and will cooperate in case that further samplings and investigations are necessary.

All the information and test results concerned with the above have to be strictly confidential among the certificate holder, RINA, MSC, ASC and ASI and shall only be communicated to other parties in anonymous terms and in aggregate figures.



### **1.5.3 TRACEBACKS OR SUPPLY CHAIN RECONCILIATION**

Certificate holders agree to provide the information requested to assist in tracebacks or supply chain reconciliation conducted by the MSC, ASC, ASI or their designated agents.

If the MSC, ASC, ASI or their designated agent's request to the client to submit records of certified material are not met within the specified timeframe, a request for action may be sent to RINA by the MSC.

A. Within 15 days of receiving the request, RINA shall work with the client, at the client's expense, to verify that the information is present and send a copy of the requested information to the MSC or its designated agents. If the information has not been provided to the MSC or its designated agents within the 15-day period, a major non-conformity will be raised, and, if this is not closed out within a further 15 days, suspension and/or withdrawal of certification shall follow.

RINA will then undertake a risk analysis, which may lead to additional auditing, to be charged at the client.

In the event that inconsistencies in records need to be verified, the client shall provide to the ASC, MSC, ASI or their designated agents, upon request, purchase and/or sale records for certified products that will be shared with RINA, of their immediate supplier or customer.

## **CHAPTER 2 – CONTRACT REVIEW**

### **2.1 REQUEST**

Organisations wishing to obtain a Certificate of Conformity against one version of the MSC CoC Standard for one or more specific product and / or site must provide RINA with the essential data of their Organisation and related activities, and the location of the Site(s) by sending the appropriate form "Informative Questionnaire" compiled in its entirety, available on the website [www.rina.org](http://www.rina.org) on the basis of which an economic offer is formulated by RINA.

In particular, the Organisation must provide to RINA:

- formal confirmation about compliance with Labour Eligibility Requirements and specification of the option chosen with regards to on land operations, as applicable;
- a description of the activities proposed for certification, with regard with the ASC/MSC products;
- a description of the product/s subject to certification, detailing the scientific name of the species involved;
- a description of the certified raw material and the list of certified suppliers;
- a description of activities related to the MSC and / or ASC product(s);
- a list of the sites to be included in the certification process, detailing the activity performed at each site, their location, the species and certified product(s) handled;
- number of sites subject to certification and the related activities carried out with respect to the certified product(s);
- number, type and geographical location of any sites of other organisations involved in the certified product handling, detailing the activity performed at each site, the species and certified product handled.



This information is requested in order to define with the applicant the MSC CoC Standard version and option which is most suitable for the applicant, and to prepare an appropriate economic offer(s).

During the initial audit or recertification process, the correctness of the information provided by the Organisation will be verified through an up to date informative questionnaire.

## **2.3 CONTRACT**

The Organisations, in case of acceptance of the economic offer, formalize the certification request by sending to RINA the offer signed, which contractually formalize the relationship between RINA and the Organisation and the applicability of these Regulations.

Once the contract is signed RINA will create the applicant profile on the standard owners' databases registering all relevant information pertaining the certification process. At this time the public profile for the applicant is not visible on the ASC and/or MSC website.

The contract stipulated between RINA and the Organisation includes the services detailed in the offer, generally:

- initial audit, independent technical review and decision making activities, certificate issuance, MSC and/or ASC database update;
- periodical surveillances, independent technical review and decision making activities, MSC and/or ASC database update;
- recertification audit, independent technical review and decision making activities, certificate reissuance, MSC and/or ASC database update;
- eventual unannounced audit and relevant independent technical review and decision making activities, certificate reissuance, MSC and/or ASC database update;
- any additional services specified in the offer.

The MSC CoC Standard version against which the company is assessed for is clearly detailed in the Offer.

In case of differences among data initially provided and data verified at any later stage of the certification process, including any information leading to modification to the defined MSC CoC Standard version against which the company is seeking certification, may require quotations, timelines and allocated resources to be reconsidered by RINA in order to comply with the relevant requirements set by the Marine Stewardship Council, the relevant Accreditation Body or RINA reference documentation.

Specific communication on the required modifications will be given to the customer, in case the Organisation does not accept them it could be required to correspond RINA with the fees previously agreed for the audit, provide adequate justification and accept the possible interruption of the certification process. In the absence of a response from the Organisation to the specific communication, necessary revisions are tacitly accepted as based on data verified by the audit team and transparently presented and discussed during the final audit meeting.

## **CHAPTER 3 - SELECTION AND COMMUNICATION OF THE TEAM**

RINA selects the team that performs the audit activities and the personnel who will carry out the independent technical review/certification decision, based on the knowledge, skills and





competences necessary, taking into account the criteria/requirements of the agreed MSC CoC standard version and each additional element indicated by the relevant standard owners or by the accreditation body.

The personnel appointed for the audit and the independent technical review/certification decision is independent of all aspects concerning the verification and has not participated in any way to the design of any part of it, in accordance with the procedures approved by RINA Committee for the Safeguarding of Impartiality.

Personnel performing independent technical review/certification decision is also appointed to be independent from the audit activities, in order to ensure an independent evaluation and apply a stronger control on processes.

RINA communicates to the Organisation the name of the technical staff responsible for carrying out the audit activities, the Organisation can object to the appointment of such technicians, justifying the reasons, as detailed in the audit plan.

## **CHAPTER 4 - INITIAL CERTIFICATION**

### **4.1 GENERAL**

To obtain certification from RINA, the product/s and the related management system, as applicable, must meet initially and in time, the requirements of the Marine Stewardship Council normative documents and technical specification of reference and those indicated to in the following points of this Chapter, in addition to any additional elements provided by the Accreditation Body.

All current versions of the documents applicable to the MSC CoC certification can be requested to RINA or may be found at:

<https://www.msc.org/for-business/certification-bodies/chain-of-custody-program-documents>

<https://asc-aqua.org/business/chain-of-custody-standard/>

Briefly, the certification process consists in an audit to assess compliance with requirements, followed by an independent technical review/certification decision which leads to the certificate issuance. Certificates and reports are then uploaded in the MSC and/or ASC database, and the relevant information related to the Organization and the audit are updated in the MSC and/or ASC database.

### **4.2 INITIAL AUDIT**

The initial certification audit consists of assessing the Organization compliance to requirements of the applicable MSC CoC standard version, and the effective implementation of the management system involving the certified product.

The audit is performed at the Organisation's site, and/or the production site(s) involved and/or any other site or subcontractor involved, as per the requirement of the applicable MSC CoC standard version.



These checks are carried out in accordance with the relevant MSC CoC standard version applicable, as well as any additional element required by the Accreditation Body and the Marine Stewardship Council.

The Organisation must adopt, in the site/s of production and, where applicable, at any other sites/subcontractor involved, a system which ensure compliance with the normative documents, the relevant MSC CoC standard version, and the relevant specifications of reference.

During the initial audit the Organisation must demonstrate, with significant evidence, that the system implemented to comply with the requirements of the applicable MSC CoC standard version is operative and that the Organization effectively applies the system and related documented procedures for the products subject to certification.

The audit is based on a process of sampling the available information, verifying the processes / aspects defined by the organisation and the requirements of the reference MSC CoC standard version. The absence of findings does not guarantee the total absence of anomalies in the areas verified and / or in other areas.

Audit results and eventual deviation of the Organization's system from the MSC CoC standard requirements (findings) are discussed at the closing meeting with the Organisation.

#### **4.4 MANAGEMENT OF INITIAL AUDIT FINDINGS**

Any deviation from the MSC CoC standard requirements found during the audit is classified depending on the severity of the disclosure from the requirement and detailed in the specific section of the audit report, which is signed at the audit closing meeting time by the Organization's responsible.

The non-conformities resulting from the assessment are classified as follows:

Minor non-conformity: the Organization does not comply with the MSC CoC Standard, but those issues do not jeopardize the integrity of the chain of custody.

Major non-conformity: where the integrity of the CoC Standard is potentially jeopardised, or in cases where the organisation has not complied with specific requirements on forced and child labour, and therefore certification cannot be granted.

Suspension: selling non-certified product as certified is a cause for suspension.

For initial certification the client may be recommended for certification once an action plan to implement suitable corrective action to resolve the minor non-conformities has been accepted by RINA Audit Team.

Minor non-conformities shall be satisfactorily corrected within 60 days: an appropriate action plan to implement suitable corrective action to resolve the minor non-conformities shall be accepted by RINA Audit Team, and positive implementation of the corrective action shall be verified by the RINA Audit Team, in order to confirm the minor non-conformity closure. If not corrected within this timeframe, the non-conformity shall be re-graded as a major non-conformity.

Major non-conformities shall be corrected within 30 days : an appropriate action plan to implement suitable corrective action to resolve the major non-conformities shall be accepted by RINA Audit Team, together with a root cause analysis identifying the cause of the non-conformity occurrence. Positive implementation of the corrective action shall be verified by the RINA Audit Team, in order to confirm the major non-conformity closure.



If within 90 days of the date of the initial audit major non-conformities cannot be closed , a full re-audit shall be required.

In general, the Organisation must provide RINA, within the deadlines indicated, and in line with the requirement defined by the Marine Stewardship Council, the required management input for any finding, as well as the expected timelines and root cause analysis, depending on the grading of the finding.

The acceptance of these proposals and of the timelines required for implementation are communicated in writing by RINA to the Organisation, defining also if an additional audit is required for the purpose of assessing the effective implementation of the action proposed to resolve the non-conformity.

Once the above periods have elapsed without a positive conclusion of the evaluation, RINA can consider the certification file closed, charging the time and expenses incurred up to that time without issuing a certificate or suspending the current one. In such cases the organization that wishes to continue with the RINA certification must present a new request and repeat the certification process.

All costs relating to any additional audits resulting from deficiencies to comply with the relevant MSC CoC Standard version are to be considered at the Organization's expenses.

#### **4.5 INDEPENDENT TECHNICAL REVIEW**

In case of positive outcome of the verification, the complete audit documentation is subject to an independent technical verification/certification decision within 30 working days from the audit closure or from the official closure of the eventual non-conformities.

The technician in charge of carrying out this final check on the certification process documentation may raise further requests for clarification, eventually modify the classification of one or more finding or eventually rise findings which may have not been identified by the team and shall be addressed by the Organization, according to the modalities and timeframe detailed in CHAPTER 4.4, before the certification process continues.

The certificate of conformity is issued by RINA following the positive outcome of the independent technical review/certification decision process. Confirmation about the consequent issue of the certificate is sent in writing to the Organisation.

Once payments are registered, the certificates become available on RINA Clients member area: <https://clients.rina.org/#/homepage>.

Once an organization is certified, all relevant information about certification (company address, contacts, certificate scope, species, sites covered by certification, certificate issue and expiry date, certificate status) are made public on the relevant section of the ASC and/or MSC website.

For details on the management and validity of the certificates of conformity issued by RINA, see the following CHAPTER 7.

In the event of any decision not to issue the certificate, RINA shall notify the organisation in writing, detailing the relevant reasons.

The Organisation is required to pay for the activities performed by RINA, as defined and detailed in the contract, even in the event of a negative outcome of the certification process.



Whether the certification process is successfully completed or not, the applicant/organization's profile on the standard owners' databases is updated with all relevant information and reports, and are accessible only by the relevant certification body for management, and by MSC and ASC personnel and by ASI assessors for integrity assessments or accreditation assessments.

## **CHAPTER 5 - MAINTENANCE OF CERTIFICATION**

### **5.1 GENERAL**

Certificates are valid for three years, depending on the conformity of the Organization to the relevant MSC CoC Standard version. Any change occurred in the Organization which may impact the certificates validity shall be communicated to RINA for evaluation of the needed actions.

Moreover, any changes to the Organization name, address, scope, suppliers, subcontractors, product certified to another certification scheme (MSC or ASC), or contact details, shall be notified to RINA according to the MSC CoC Standard.

### **5.2 SURVEILLANCE PROCESS**

During the three years certificate validity periodical surveillance audits are required to confirm continuous conformity of the Organization to the relevant MSC CoC Standard version.

The surveillance frequency is defined after each certification, surveillance and re-certification audit by the team leader, in general annual surveillance audits are required for all Organizations.

18 months surveillance frequency can be applied only for Organization certified against the MSC CoC Standard, Default version, if:

- 100% certified seafood is handled, or
- only trading activities are performed, or
- only certified seafood packed in sealed containers is handled, with no repacking or processing.

Additional audits and unannounced audits may be performed as required by the normative document and detailed in the offer and later in the present rules.

Remote surveillance audits can be performed only on Organization that performs only trading activities and are located in a country with a Transparency International CPI score of 41 or above.

Surveillance audits shall be carried out according to the duration defined in the contract, if no change is occurred since the contract stipulation regarding audit duration, following the same processes defined for initial certification (please refer to CHAPTER 3 and CHAPTER 4): Team selection, Audit, Independent technical revision/certification decision.

The certificate will not be reissued at surveillance audits, if no relevant change has occurred, such as changes in the Organization name, address, scope, subcontractors, products certified to another certification scheme (MSC or ASC).

The date by which the audit must be carried out is reported on the three-year audits program drafted at the end of the initial certification and recertification process.



The dates of execution of the surveillance audits are agreed with the Organisation with adequate advance, can be set with an anticipation or delay of a 90 days on the date defined in the three-year audit program, and are officially confirmed by a written communication.

Any deviations of the surveillance audit execution beyond the above detailed timeframes may lead to suspension of the certificate and subsequent withdrawal.

### **5.3 MANAGEMENT OF SURVEILLANCE AUDIT FINDINGS**

For the classification of findings refer to CHAPTER 4.4.

For Minor non-conformities raised during surveillance or recertification audits shall submit a corrective action plan defining suitable timelines for implementation: an appropriate action plan to implement suitable corrective action to resolve the minor non-conformities shall be accepted by RINA Audit Team and positive implementation of the corrective action shall be verified by the RINA Audit Team, in order to confirm the minor non-conformity closure. Minor non-conformities shall be satisfactorily corrected no later than 60 days, otherwise the non-conformity shall be re-graded as a major non-conformity, and 30 days is given to correct it.

Major non-conformities raised during surveillance or recertification audits shall be corrected within 30 days of detection: an appropriate action plan to implement suitable corrective action to resolve the major non-conformities shall be accepted by RINA Audit Team, together with a root cause analysis identifying the cause of the non-conformity occurrence. Positive implementation of the corrective action shall be verified by the RINA Audit Team, in order to confirm the major non-conformity closure.

If the major non-conformities are not addressed within the 30-day maximum timeframe, suspension or withdrawal of the certificate and a full re-audit may be initiated.

In general, the Organisation must provide RINA, within the deadlines, , and in line with the requirement defined by the Marine Stewardship Council, the required management input for any finding, as well as the expected timelines and root cause analysis, depending on the grading of the finding.

### **5.4 ADDITIONAL AND UNANNOUNCED AUDITS**

#### **5.4.1 ADDITIONAL AUDITS**

RINA also reserves the right to carry out additional audits and/or checks, compared to those foreseen by the three-year program, announced or not announced, at the Organisation:

- to assess corrective actions applied to resolve findings detected during a scheduled audit;
- if RINA receives complaints or reports, deemed to be particularly significant, concerning the compliance of the certified product with the requirements of the reference standard/s and the present Regulations;
- in relation to significant changes occurred in the Organisation;
- in certain case of certification suspension in order to reinstate the certification validity.

Also, in case of additional audit a qualified team will be selected for the audit execution following the normative regulation and communicated to the Organization.

In case of refusal, without valid reasons, by the Organisation, RINA can start the process of suspension/withdrawal of certification.



If the complaints and reports are considered justified by RINA, the cost of carrying out the additional audit is borne by the Organisation.

For the classification and management of findings and timeframes, refer to CHAPTER 5.3

#### **5.4.2 - UNANNOUNCED AUDITS**

The Marine Stewardship Council requires unannounced audits to be performed on a sample of certified organizations, prioritizing clients that have been identified as high risk for product substitution by the MSC, the MSC's accreditation body, or through receipt of a complaint, otherwise RINA own risk assessment is applied to select Organizations for unannounced audits.

RINA may inform the Organization of a 6-month surveillance window in which the audit can occur but will not provide notice of the actual date. Entry must be granted to the RINA Audit Team within 30 minutes of their arrival. Entry cannot be refused on the basis of a responsible person not being available, or another audit being conducted on the same day.

Unannounced audits are performed without significant advance warning to the certified Organization, by a qualified team selected in accordance to the normative regulation.

The Organization must allow the team to perform the audit, if access at the Organization's site/s is not granted, suspension process may be initiated, and the audit price would be charged to the Organization.

For the classification and management of findings and timeframes, refer to CHAPTER 5.3

#### **5.4.3 – ADDITIONAL UNANNOUNCED AUDITS FOR CLIENTS HANDLING ASC PRODUCTS**

For the classification and management of findings and timeframes, refer to CHAPTER 5.3

ASC CoC certificate holders shall be selected for additional unannounced audits on a risk basis as determined by the ASC unannounced audit risk calculator.

Up to 100 ASC CoC clients, one additional high risk ASC CoC client shall be selected for an unannounced audit, over 100, two additional high risk ASC CoC clients shall be selected.

Those unannounced audits are additional to regular annual audits, do not need to be carried out on-site, moreover it is required the performance of product sampling for testing only if determined necessary by RINA or ASC.

### **CHAPTER 6 – RECERTIFICATION**

On the occasion of the conclusion of the three year certificate validity period the Organisation must contact RINA about six months before the certificate expiration date, submitting an updated Informative Questionnaire, in order to allow the correct recertification process to be initiated, following the same process detailed in CHAPTER 2, CHAPTER 3 and CHAPTER 4 of the present rules, in brief: Contract review, Team selection, Audit, Independent technical revision/certification decision and Certificate issue.



The date of execution of the recertification audit, agreed with the Organisation with adequate advance, is officially confirmed by a written communication.

The recertification process must necessarily end, with a positive result, before the expiry date indicated on the certificate.

Consequently, the recertification audit must be concluded in good time in order to allow RINA to approve the recertification proposal and to reissue the certificate by the aforementioned date (at least one month before the expiry date indicated on the certificate/or according to the indications of the normative document and/or applicable technical reference specification).

If an organisation does not comply with the aforementioned deadlines and therefore does not obtain the re-issuance of the certificate within the deadline, the certification must be considered expired starting from the day following the expiry date indicated on the certificate (unless otherwise indicated in the regulatory document and/or applicable technical reference specification).

RINA may extend a client's certificate by up to 90 days in order to accommodate audit scheduling.

The extension of a certificate shall not have an impact on the overall validity duration of a certificate (i.e. the new certificate shall be issued on the original certificate expiration date, not on the extended expiration date).

Following the positive outcome of the recertification process, the audit team presents to RINA the recertification proposal of the Organisation for the purpose of re-issuing the certificate of conformity.

For the classification and management of findings and timeframes, refer to CHAPTER 5.3

## **CHAPTER 7 - ADDITIONAL REQUIREMENTS FOR CLIENTS HANDLING ASC PRODUCTS**

In addition to MSC CoC requirements, for those certificate holders handling ASC products, a Fraud Vulnerability Assessment (FVA) to mitigate fraud risk shall be implemented, being this appropriate to the scale of business, covering farmed seafood products and including an up-to-date intervention plan.

In addition, those sites performing processing, contract processing, packing or repacking on ASC products, a valid certification against a GFSI recognized scheme or ISO 22000 is required.

Only exception on this requirement are certificate holder with less than EUR 2 million annual turnover or less than 200 MT annual volume of seafood traded or less than 50 seafood-business staff.

Prior to each audit, the auditor shall confirm that organisations whose activities include processing, contract processing, packing or repacking are certified by a Global Food Safety Initiative (recognised scheme or ISO 22000 covering the scope of their supply chain activities throughout the entire time period of their ASC CoC certification (unless the organisation is exempt based on size).

### **7.1 ADDITION TO MSC COC STANDARD PRINCIPLES**

For certificate holders handling ASC products, the following additional requirements are applicable with respect to the principles of the MSC CoC Standard





*Principle 1: The organisation shall have a process in place to ensure that all certified products are purchased from certified suppliers, fisheries, or farms.*

Organisations that buy directly from ASC farms, including when a new farm supplier is added, shall check the starting point of CoC and confirm there is no gap in CoC certification coverage between the point where the farm certification ends and their point of purchase as first buyer in the supply chain.

If such a gap is identified and left unaddressed, the certified chain of custody is broken and the organisation shall not sell affected products as certified.

Organisations that buy directly from ASC farms, including when a new farm supplier is added, shall check factors that may affect eligibility of product to be sold as certified. The ASC website provides the relevant list of factors that may affect eligibility of product to be sold as certified and certificate holders, as well as auditors during the audit activities, should refer to this list to determine if any factors affect product they handle: [www.asc-aqua.org](http://www.asc-aqua.org)

*Principle 4. Certified products are traceable and volumes are recorded*

Certificate holders certified against the CFO Version of the MSC CoC Standard shall submit to ASC the data requested at the frequency and in the format specified by ASC. Data required to be submitted includes purchase and sales volumes, species, buyers and suppliers, and may cover consumer facing and non-consumer facing products. Data on products from certified origins but not sold as certified may be requested when necessary to verify conformance with ASC requirements, for example in an investigation.

Certificate holders certified against the Default Version or the Group Version of the MSC CoC Standard shall provide access to records also for seafood purchased as ASC certified but then converted to a non-certified status and never sold as certified, as needed for investigations. Access to such records may need to be provided to ASC, the CAB or the accreditation body.

*Principle 5. The organisation's management system addresses the requirements of the MSC CoC Standard*

Certificate holders shall have an effective process to inform their CAB within two days when any of the following apply:

- a) their GFSI recognised or ISO 22000 certification becomes invalid if the organisation is a processor or packer and they are not exempt based on size;
- b) if a court case or other legal action related to the scope of the CoC Standard arises;
- c) of becoming aware that they or their products, are not in conformance with any relevant applicable laws, regulations, ASC standards and/ or requirements.

If products are non-conforming, the non-conforming product process shall be followed.

Certificate holders shall allow MSC or its designated agents, ASC or its designated agents, the CAB and/ or the accreditation body to collect samples of seafood from certified sources or other substances for the purposes of product authentication testing or verification of conformity. Samples from certified sources include seafood that is not sold or dispatched as certified. Collection of samples not sold or dispatched as certified will be conducted only as needed for investigations and for ASC development of new product authentication tools and not on a regular basis. If samples for testing are required by ASC, and the results show conformance, the cost is charged to ASC. CABs may also





decide to collect samples for testing, in which case the cost is charged to the client Sampling agents should refer to the ASC sampling procedure.

RINA shall comply with any request from ASC to collect samples of seafood from certified sources or other substances for the purposes of product authentication testing or verification of conformity. Sampling agents should refer to the ASC sampling procedure. Requests for samples are based on an ASC risk assessment and are requested to CABs primarily when ASC staff or their agents are not available to collect the samples.

The organisation shall maintain a food fraud vulnerability assessment procedure that covers farmed seafood products including an up to date intervention plan. To increase awareness and attention to areas of potential risk for seafood fraud, and to continually improve the process over time The aim of the FVA is to understand potential vulnerabilities affecting a food product or ingredient and provide a framework to prioritise strategies for prevention and mitigation of food fraud

The intervention plan should identify controls and/or interventions needed to reduce vulnerabilities identified, and how these measures will be implemented. The FVA procedure and intervention plan may be the same as required by the GFSI recognized food safety scheme that the organisation is certified with, provided it covers farmed seafood products.

FVAs are required for all ASC CoC certificate holders, even if the GFSI recognized scheme certification requirement in this ASC CoC Module does not apply to them The FVA may encompass existing elements of an organisation's Vulnerability Assessment Critical Control Points (VACCP or Threat Assessment Critical Control Points (TACCP) plans.

The assessment procedure can be done at the appropriate timing for the organisation as part of the normal internal management cycle, provided it is completed at least once per year. The intervention plan can follow the same cycle, provided it is up to date in reflecting the latest risks and actual cases the organisation faces and is able to effectively address relevant risks of food fraud.

### **7.3 INELIGIBILITY FOR CERTIFICATION**

An applicant or certificate holder shall not be certified or continue to be certified when meeting the ineligibility criteria defined by ASC, related to activities involving an organisation's beneficial owners, leadership, staff or other connected persons or other entities under the organisation's control.

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

There must be objective evidence that a criterion applies. Relevant information and evidence may come from ASC, RINA or other parties. If in doubt of whether an organisation should be certified, caution shall be applied and certifications denied until evidence demonstrates the organisation's conformance with ASC requirements.



Companies may become eligible for certification after 24 months provided there is sufficient evidence of an adequate root cause analysis and proven effective implementation of corrective actions.

Regarding the criterion on illegal activities or products, below a list of applicable types of laws:

- Permits and licenses to operate, including for site and Equipments
- Record-keeping and reporting laws, and others affecting traceability
- Labelling, packaging and product-related laws
- Food safety and public health laws
- Business and corporate laws (related to management system)
- Social and labour laws (child labour, forced labour, slavery, human trafficking, civil rights, immigration law)

An applicant or certificate holder shall not be certified or continue to be certified if any ongoing or concluded court cases or other legal action related to the scope of the CoC Standard that have occurred in the previous 24 months.

### **7.3 NON CONFORMITIES AND NOTIFICATIONS**

Where becoming aware of objective evidence of a certificate holders' non conformity at any point during the certificate cycle, in a timely manner and based on objective evidence a non-conformity shall be raised and properly classified following the current version of the certification requirements applicable, and an adequate decision on the certification maintenance, suspension or withdrawal shall be taken depending on the severity of the issue and the evidence available.

RINA shall determine timelines and actions to be taken to verify conformance with relevant items in the CoC Standard within seven days of becoming aware of either one of the following:

- a) the ASC Logo License Agreement has been suspended or terminated due to conformance issues as notified by ASC,
- b) a court case or other legal action related to the scope of the CoC Standard
- c) information from the organisation that it or its products are not in compliance with relevant applicable laws regulations, ASC standards and/ or requirements

If RINA becomes aware that requirements of the ASC Logo License Agreement are not met, it shall notify ASC within five days.

## **CHAPTER 7 – CERTIFICATES**

### **7.1 CERTIFICATE ISSUE**

The certificate of conformity issued by RINA has a three year validity according to the normative document, normally starting from the date of approval of the initial certification proposal or recertification by RINA.



From the moment the certificate is issued by RINA, the original copy of the certificate and the related three-year audit program, if the payment conditions are met, will be made available to the Organisation on the "Member Area" of the RINA website ([www.rina.org](http://www.rina.org)). The Organisation, therefore, can access and download the document, directly from this area of the RINA site.

In case of inability to access the Internet, the Organisation may request a copy of the certificate from the RINA Office of relevance.

Certificates and audit documentation will be uploaded in the MSC and / or ASC databases, as defined by the normative document ruling the standard.

## **7.2 MANAGEMENT OF CHANGES**

### **7.2.1 CHANGES REQUESTED BY THE ORGANIZATION**

The Organisation in possession of the RINA certification can request a modification or extension of the same certification by contacting the relevant RINA office, for the extension/modification process to be initiated.

Changes to a certificate may occur due to:

- New sites being added.
- New subcontractors being used.
- Scope extension for a new species.
- Scope extension for a new activity.
- Purchasing certified products from a new supplier.
- Purchasing from a new under-assessment fishery.
- Scope extension to handle products certified against recognised certification schemes that share the CoC Standard

RINA reserves the right to examine the requests on a case-by-case basis and to decide the evaluation procedures for the issue of a new certification, in compliance with the " General contract conditions for conformity assessment activities" and to the regulatory document and/or applicable technical reference specification.

The Organisation must promptly notify RINA of any changes in aspects that may affect the conformity of the product, the process and/or the ability of the applicable Standard to continue to comply with the requirements of the applicable regulatory document and/or technical specification used for certification.

These provisions concern, for example, relative variations:

- to the legal, commercial, Organisational or property status;
- Organisation and management (e.g. key managers or technical personnel, decision-making process);
- contact addresses and sites;
- the scope of activities covered by the certified management system;
- significant changes to the system, processes, product, species.

RINA reserves the right to carry out additional audits at the Organisation if the changes communicated are deemed to be particularly significant for the purposes of evaluation the



conformity of the Organization to the applicable requirements of the reference standard and this regulation or to revise the economic conditions for any modification of the contract.

### **7.2.2 MODIFICATION OF THE NORMATIVE DOCUMENTS AND/OR REFERENCE TECHNICAL SPECIFICATIONS**

RINA will notify the Organisation of any changes made to the normative documents and/or technical specifications by the Marine Stewardship Council and its own regulations that are applicable to the products subject of the certification, making the Organization aware of the entrance into force of said documents.

### **7.3 CERTIFICATES TRANSFER**

The MSC will only recognise 1 certificate for the stated scope (combination of fishery and CoC activity) for the client at any one time. The certificate code that is assigned to the client via the MSC or ASC database will remain the same regardless of changing Conformity Assessment Body.

If an Organisation with certification currently in force issued by another Conformity Assessment Body accredited by the MSC Accreditation Body, applies for certification, RINA carries out a check that includes:

- document analysis of the Organization;
- review of the reports of previous audits (including test reports on the product subject to certification, where applicable) conducted by the accredited body that issued the previous certification, if available;
- assessment audit at the Organisation, whose extent of extension depends on the status of conformity and validity of the certification previously issued.

The Organisation must also communicate to RINA the reasons for the request for transfer of the certification.

The contract between RINA and the applicant is managed in the same way as described in paragraph 2.2, depending on the extent of the verification activity.

Upon completion with a favourable outcome of the above-mentioned activity, and after validation by the appropriate person in charge of the independent technical review, certification can be issued.

In general, the planning already established by the Certification Body that issued the previous certification is also maintained for the maintenance and recertification audits.

### **7.4 CERTIFICATES SUSPENSION**

The validity of the certification issued may be suspended in accordance with the " General contract conditions for conformity assessment activitiesL" and in the following specific cases:

- a) A wrong or misleading use or advertisement of the certification by the company;
- b) The company refuses or hinders the audit activities;
- c) Delay in the audit schedule due to unforeseen circumstances;
- d) The company fails to meet the financial obligations defined by the contract with RINA;
- e) The auditor detects major nonconformities which the Organization cannot resolve (e.g. stock status);



- f) The company fails to carry out corrective action for any nonconformity within the defined timeframes;
- g) Demonstrable breakdown in the Chain of Custody caused by the Organization's actions or inactions;
- h) The Organization sold products as certified which are shown not to be certified;
- i) MSCl has withdrawn a certificate holder's licence or other agreement to use the trademarks, and following that, the certificate holder does not comply with MSCl instruction within stated timeframes;
- j) The Organization failed to inform the RINA within 2 days of not meeting the MSC Third-Party Labour Audit Requirements

In the event of a suspension of certification RINA will update the certification status on the MSC and / or ASC database.

If the cause of the suspension is determined to be intentional and/or systematic, RINA will set the period of suspension at a minimum of 6 months and will monitor the activities of the suspended client.

An on-site audit will be performed to confirm that corrective action has been effective, at a later date perform a second on-site unannounced audit.

The costs of the additional audit shall be covered by the Organization.

If the cause for suspension is j) above, the period of suspension will be set to a minimum of 3 months or until the Organization is in compliance with the specific requirements on forced and child labour in the CoC Standard, whichever period is longer.

When the CoC Certificate is suspended the Organization shall:

- Not to sell any products as certified from the date of suspension;
- Advise all sites of the suspension (if relevant);
- Advise existing and potential customers in writing of the suspension within 4 days of suspension notification from RINA (Final consumers purchasing certified products do not need to be notified);
- Keep records of advice to customers;
- Not make any claims of certification from the day of suspension.

If the Organization had its certificate suspended for the second time within the validity of the certificate for having sold products as certified which are shown not to be certified RINA will withdraw the certificate, and the Organization may not re-apply for CoC certification for 2 years from the date of certificate withdrawal.

In order to have the suspension lifted, the Organization shall provide a documented corrective action plan for addressing the cause of suspension, evaluated by RINA to be adequate to address the cause(s) for suspension, within 30 days from the date of suspension. The corrective action plan shall include a binding timeframe. If the Organization does not submit an acceptable corrective action plan within 30 days, RINA will withdraw the certificate.

## **7.5 CERTIFICATES RESTORATION**

The restoration of the certification is subject to the verification of the elimination of the deficiencies that had caused the suspension itself through an in-depth audit that verifies the compliance of the Product and the applicable Standard to all the requirements of the applicable regulatory document and/or technical specification.



The certificates will be restored on the MSC and /or ASC

The Organisation is notified in writing by registered letter to the Organisation and made publicly known by RINA through the website [www.rina.org](http://www.rina.org) as provided for in point 7.1.

## **7.6 REVOCATION OF THE CERTIFICATION**

The revocation of the Certificate of Conformity can be decided in accordance with the provisions of the "General contract conditions for conformity assessment activities" and in the following specific cases:

- a) when circumstances occur, such as those mentioned in 7.4 for suspension, which are considered to be particularly serious;
- b) upon formal request of the Organisation (see point 7.6), including the case in which the Organisation itself does not want or cannot comply with the new provisions issued by RINA (see point 7.2.2);
- c) if the Organisation has misused the RINA Certificate of Conformity and has not subsequently taken the measures requested by RINA;
- d) if the Organisation does not accept the new economic conditions established by RINA for any modification of the contract;
- e) for any other serious reason, in the opinion of RINA;
- f) in any other circumstances that may be provided for by the normative documents and/or technical specifications, as well as any additional elements required by the Accreditation Body.

The revocation of the Certificate of Conformity is notified in writing to the Organisation and is made public by RINA in accordance with the provisions of paragraph 7.1, as well as registered on the MSC and or ASC databases.

The revocation notification also includes, where appropriate, the actions that the Organisation must undertake for products already in stock or on the market.

The Organisation that after the revocation intends to access certification again, must submit a new application following the whole process.

In the event of revocation, the Organisation must comply with any other measures established by RINA.

## **7.7 CERTIFICATE RENUNCIATION**

The Organisation may submit to RINA, a request to renounce certification for some or all the products for which it had obtained certification due to the termination of their production or for other reasons, including the case in which the Organisation does not want or cannot adapt to the new instructions given by RINA.

RINA, upon receiving this communication, starts the process to make the certificate status invalid.

In the case of partial renunciation, RINA will update the issued certification excluding the products subject to the same renunciation, prescribing, if necessary, also any actions that the Organisation must undertake for the products already manufactured.



In case of renunciation extended to all the products covered by certification, the contents of the previous paragraph apply.

In general, within one month from the date of the communication, RINA updates the validity status of the certificate.

## **7.8 APPEALS AND COMPLAINTS PROCEDURE**

The Company has the right to appeal the certification decision made by RINA or submit a complaint following instruction published on RINA website [www.rina.org](http://www.rina.org).

## **8 USE OF THE MSC / ASC ECOLABEL**

the MSC and/or ASC label, or other trademarks can be used by Organization only once a licence agreement has been signed with MSCl, and providing the Organization complies with the licence agreement.

Please refer to MSCl ([ecolabel@msc.org](mailto:ecolabel@msc.org)) for all enquiries regarding use of the label or trademarks.

## **9 CONTRACTUAL CONDITIONS**

For anything not provided for in this document, refer to the "GENERAL CONDITIONS OF CONTRACT FOR THE CERTIFICATION OF SYSTEMS, PRODUCTS AND PERSONNEL", available on the website [www.rina.org](http://www.rina.org).



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Technical Rules