



Transitions Timelines Workshop

Consultation Summary Report

August 2021

Table of Contents

Purpose and scope of this report	3
Background.....	4
Participation	5
Summary of workshop discussion.....	6
Next steps.....	8
Annex I: Participation	9
Annex II: Questions	10

Glossary of abbreviations and technical terms

Effective date: the date by which all new assessments must begin against a new Standard, previously set six months after the publication of a new Standard

Implementation time: a period of at least three years given to fisheries to comply with a revised standard From clause 60 of the [FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#).

Transition deadline: The date by which all existing certificates must have moved across to a new Standard

Transition time: The time it takes for all existing certificates to move across to a new Standard

This is a working paper, and hence it represents work in progress. This report is part of ongoing policy development.

The views and opinions expressed in parts of this report are those of stakeholders and do not necessarily reflect the official policy or position of the Marine Stewardship Council.

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Purpose and scope of this report

This report documents discussions held in August 2021 to consider proposals to shorten the amount of time it takes for existing certificate holders to transition to newer versions of the MSC Fisheries Standard.

Due to the technical and administrative nature of this work the Marine Stewardship Council, (MSC) opted for consultation methods that targeted those with a direct interest in the outcome. These included existing certificate holders and conformity assessment bodies (CABs). Participants were selected to ensure diversity, allowing no more than two representatives from any given CAB. The number of participants were limited to allow room for open discussion.

This report details the following:

- Background to topic discussed
- Participation data
- Next steps in the review process

It is the goal of MSC consultations to value authenticity, fairness and inclusiveness, secure strategic insight and build consensus and credibility. Our core principle is that consultations should be useful to the MSC in achieving its mission and useful to the participants in seeing how their views are considered. To achieve this, the MSC's processes for consultation follow the [ISEAL Standard Setting Code of Good Practice](#) and the [FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#).

ISEAL requires that participation is open to all stakeholders, and that the standard setter proactively seeks contributions from disadvantaged stakeholder groups. This is to ensure that contributors represent a balance of interests in the subject matter and in the geographical scope to which the standard applies. Publishing raw consultation feedback is considered 'aspirational good practice' by ISEAL. We publish this feedback as part of our commitment to transparency in our consultation process.

Background

Every five years, the Marine Stewardship Council (MSC) initiates a [Fisheries Standard Review](#) to help ensure our assessment and certification system remains the leading measure of fisheries sustainability. The current review began in 2018 and will conclude in 2022.

Currently fisheries have certificates for one of two versions of the MSC Fisheries Standard (v1.3 and v2.0/2.01). If a new version of the MSC Fisheries Standard is approved by the MSC Board of Trustees, this will increase to three versions in 2023.

This situation has occurred as a result of existing MSC implementation policy that opted for a particular method to meet the [FAO Ecolabelling Guidelines](#). These guidelines state that certified fisheries should be given a period of at least three years to comply with a revised standard (clause 60). To this end, MSC allows fishery certificate holders to recertify against the previous version of the Standard if they commence the re-assessment process within three years of the release of a new Standard. There are 76 certificates on v1.3 which do not expire before the new Standard is expected, with some remaining on v1.3 up to 2026. It can still take up to nine and a half years for existing certificate holders to move to a newer version of the Standard¹ (Figure 1).

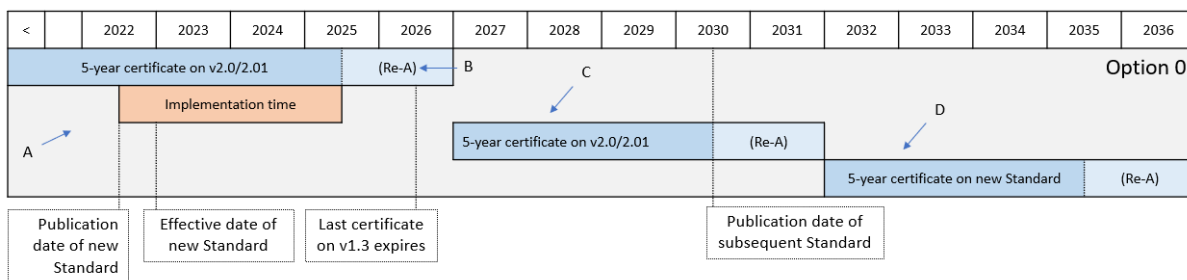


Figure 1: The maximum transition time (i.e. the time it takes for all new certificates to be against a new version of the Standard after it has been released) is currently nine and a half years, comprised of (A) an implementation time during which fishery clients can recertify against the penultimate version of the Standard (three years), (B) a reassessment time (Re-A) that can start on the final day of the implementation time so long as there is enough time left for this to be completed before the end of the current certificate (up to 18 months), (C) a certificate on the old version of the Standard, with the 18-month reassessment timeframe (Re-A) nested therein (five years) and (D) a certificate on the new version of the Standard (five years).

MSC intent at the time of the consultation

To ensure that all certificate holders are certified against the new version of the Standard within five years of it coming into effect (i.e. the date by which all new assessments must begin against the new Standard).

This should avoid a situation where more than one version of the Standard is in effect when any subsequent version of the Standard is released.

¹ There are 30 certificates that are due to expire in the twelve months leading up to the presumed effective date February 2023 of the next version of the Fisheries Standard and so would be able choose to take up to between 7.5 and 9.5 years (and up to 1.5 years beyond the release of the subsequent new Standard expected in mid 2030) to make this transition.

Proposals shown in the consultation

The MSC Executive developed a range of proposals for these consultations. For more information on these proposals and the MSC rationale for undertaking this work, please read [the consultation document](#).

As part of the review, the MSC has consulted stakeholders in online workshops. The consultation activities are detailed below.

Online workshops

Using Zoom, the MSC held three online consultation workshops on the topic of *Transition timelines*:

- 13 August, 2021, 1330-1430 (UTC) with 10 representatives from the Association of Sustainable Fisheries (ASF), including eight certificate holders.
- 25 August, 2021, 0700-0900 (UTC) with seven representatives from six conformity assessment bodies.
- 25 August, 2021, 1500-1700 (UTC) with four representatives from four conformity assessment bodies.

The aim of the discussion with certificate holders was to engage with those stakeholders most likely to perceive a loss of privilege in the event of shorter transition times.

The dual aims of the discussions with conformity assessment bodies (CABs) were to (1) engage with the CABs as affected stakeholders and to (2) test the proposals with experts on the MSC program, to ensure that the proposals are fit for purpose and work in practice.

Each event was held as an online workshop, where participants were first shown a short presentation outlining the rationale and proposal. Participants were then given an opportunity to give open comments before the MSC ran through a selection of pre-prepared questions designed to encourage conversation. These questions can be found in [Annex II: Questions](#). Participants were given [the consultation document](#) at least five working days before the event.

Participation

This section presents participation data for the consultation activities detailed above. A full breakdown of attendees and their organisation can be found in [Annex I: Participation](#).

Online consultation workshop participation

The MSC targeted stakeholders with extensive MSC experience to participate in the Transition Timelines workshops. It was important that we engaged experienced stakeholders to be able to provide knowledge based insight on this topic.

CABs were contacted through targeted communications and places given on a first come first served basis. The CABs were paid for their time, following MSC policy regarding targeted consultation with CABs.

Summary of workshop discussion

Feedback from certificate holders is annotated “CH”, while feedback from conformity assessment bodies is annotated “CAB”.

Acceptability of MSC Intent

The MSC’s intent to shorten the time it takes for existing certificate holders to move to the new version of the Standard was said to be acceptable^(CH; CAB), even if that means that some big certificates leave the program^(CH). It was noted that having three versions of the Standard in operation is unacceptable^(CH; CAB) and creates harmonisation issues, especially regarding the harmonisation of scores under Principle 2 and 3^(CAB). Fewer versions were preferred^(CAB). CABs suggested that certificate holders will want to stay on the old Standard^(CAB), though it was argued that this will depend on the individual certificate holder^(CH).

It was noted that business-as-usual allowing certificates to persist (and in some cases expand through scope extensions) on v1.3 was arguably unfair^(CH).

There appeared to be clear preference from CABs for a transition deadline over keeping the status quo, however this is dependent on how this works in practice^(CH; CAB). CABs suggested how it works is more important than when it happens, with success dependent on MSC support, for example with training, auditors and harmonisation^(CAB). The appeal of business as usual for familiarity and continuity, using the same templates, etc was acknowledged^(CAB).

Communications

It was suggested that many certificate holders do not think further ahead than their next re-assessment, and rarely look more than two years in advance financially, excepting the larger industrial fisheries^(CAB). Participants highlighted the role of communication in speeding up the transition to the new Standard^(CH; CAB). It was argued that the best incentive was for making sure that the fisheries want to move to the new Standard, and it is the responsibility of the MSC to communicate the benefits of doing so^(CH; CAB).

It was suggested that the MSC produce a table documenting all revised and new clauses in the new Standard illustrating how they relate to clauses in older versions of the Standard^(CAB). It was also noted that the MSC must be very deliberate and clear in explaining whatever policy ends up being adopted, so that certificate holders and CABs are in no doubt as to what options are available and the consequences of any choices they make^(CH; CAB).

An interest was expressed in understanding what alternative options had been considered by the MSC (and why they were dismissed^(CH)).

Use of financial incentives to encourage transition

The MSC Recertification Assistance Fund provides financial support to fisheries seeking recertification. The idea that eligibility for this fund should be contingent on migrating to the latest version of the Standard was supported^(CH; CAB). It was suggested that financial support for CABs should also be made available, where CABs are required to do additional work helping the certificate holders transition to the new Standard^(CAB).

It was suggested that certificate holders will opt for whichever option is cheapest for them^(CAB). Thus, it was acknowledged that the desire to avoid more expensive transition processes acts as a strong incentive to seek reassessment on the new Standard as soon as possible^(CH; CAB).

Certification requirements to help with the transition

Acknowledging the extra cost associated with the work, it was suggested that certificate holders be required to undergo a pre-assessment against new and revised requirements at the next surveillance audit after the new Standard becomes effective^(CH). CABs suggested that such a service could be available (in fact some certificate holders already ask for such things), but should not be mandatory^(CAB). It was noted that these pre-assessments would draw stakeholder attention to differences in performance between certificate holders on old and new versions of the Standard, without appearing to do anything when (if) poor performance is identified^(CAB).

It was suggested that the MSC remove (or suspend through a derogation) Fisheries Certification Process v2.2 requirement 7.30.1, that 'The CAB shall announce the reassessment of a certified fishery no later than 90 days after the 4th anniversary of the existing certificate', as this makes it harder for some certificate holders to wait until the new Standard is available, noting that it is the responsibility of the certificate holder, not the MSC to ensure that individual certificates do not lapse^(CAB).

Transition assessment process

It was noted that if the Standard revisions cross all three Principles of the Fisheries Standard that this process would be an additional burden, essentially constituting another assessment by a full team of assessors^(CH; CAB). However it would hard to say conclusively until the scope of the changes are known^(CAB). Furthermore, transition assessments could assist or necessitate harmonisation^(CAB). The need to keep track of timelines, general administration and update internal databases means Option 1 could actually be more work for CABs than Option 0^(CAB), with this additional burden on certificate holders meaning more billable hours for CABs^(CAB).

Certificate holders being forced on to a new Standard before the end of an existing certificate was reported to be concerning, noting that it is important that the process must ensure that all certificate holders have a means of avoiding this process^(CH; CAB). It was also suggested that any transition process that is compulsory by a certain date, should also be optionally available to those who wish to transition sooner than the expiry date of their current certificate^(CH).

There was some disagreement over whether the transition assessment should include an objective process, with certificate holders supporting opportunities for stakeholder comments and some CABs suggesting it would make the process too slow and unnecessarily expensive^(CH; CAB). Either way all workshops noted that the closest existing process is a scope extension, looking at new and revised clauses^(CH; CAB).

Other questions raised by both certificate holders and CABs about the transition process include:

- What are the legal and contractual ramifications for forcing additional assessments^(CH)?
- What happens for conditions that have not yet been closed, but are made obsolete or redundant by the revised Standard^(CH; CAB)?
- How long would certificate holders have to close new conditions resulting from the transition assessment^(CH; CAB)?

- Would CABs have the capacity to meet the demand for transition assessments in the lead up to the transition deadline^(CAB)?
- Could exemptions be given for low risk fisheries^(CAB)?
- Could the transition assessment replace a surveillance audit to reduce additional time and cost^(CAB)?

Ideal effective date (i.e. the date by which all new assessments must begin against the new Standard).

It was noted that CABs need time to update their systems^(CAB). A suggestion to have a three-month effective date (as opposed to the usual six months) was rejected as unfeasible^(CAB). It was suggested that a longer (i.e. 12 month) effective date was given, so that fisheries seeking certificate for the first time have more time to understand the new Standard^(CAB).

The role of variation requests

It was suggested that the MSC plan to approve variation requests for those whose certificates expire in the lead up to the effective date of the new Standard under the proviso that they begin reassessment against the new Standard as soon as they are able^(CAB). It was suggested that the MSC may wish to use its derogation procedure to allow these variations *en masse*^(CAB).

Next steps

We will use the information and knowledge gained through consultations to refine the options for shortening the time it takes for existing certificate holders to transition to a new Standard.

By the end of 2021 our proposals will be reviewed by our Technical Advisory Board, Stakeholder Advisory Council and Board of Trustees.

In early 2022, stakeholders will have an opportunity to review these proposals alongside any proposed changes resulting from the ongoing Fisheries Standard Review.

Any requirements related to transition times would be published alongside the new Standard, which is expected to be released later in 2022 subject to approval from our governance bodies.

If you have any questions regarding the Fisheries Standard Review, please contact standards@msc.org.

Annex I: Participation

Table 1: List of workshop attendees. For those respondents who consented to this, their names and organisations are included.

Name	Organisation	Country (Organisation)	Workshop attended
Andy Hough	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Christina Burrige	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Christine Penney	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Ian Gatt	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Ivan Lopez	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Jane Sandell	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Johann Augustyn	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Mark Fina	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Matt Tinning APA	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Tor Larsen	Association of Sustainable Fisheries (ASF)	Unknown	13 th August
Sandhya Chaudhury	DNV	Norway	25 th August (AM session)
Gemma Quilez	Bureau Veritas	Spain	25 th August (AM session)
Sascha Brand Gardner	Bio.Inspecta	Australia	25 th August (AM session)
Daume Sabine	Bio.Inspecta	Australia	25 th August (AM session)
Gillian Irvine	Lloyds Register	UK	25 th August (AM session)
Redacted at request of individual	Control Union	UK	25 th August (AM session)
Louise le Roux	Vottunarstofan Tun	Iceland	25 th August (AM session)
Gabriela Anhalzer	Scientific Certification Systems (SCS)	US	25 th August (PM session)
Amanda Stern Pirlot	MRAG	US	25 th August (PM session)
Michaelene Corlett	MRAG	US	25 th August (PM session)
Beverley O'Kane	Control Union	UK	25 th August (PM session)

Annex II: Questions

The list of questions asked of workshop participants. Where a question was not asked, it was because the issue was already discussed in response to the question ‘Any initial thoughts?’

Questions	Certificate holders	CAB 1	CAB 2
Any initial thoughts?	ASKED	ASKED	ASKED
Is the MSC’s intent to shorten the transition time acceptable?	ASKED	ASKED	ASKED
Which of business as usual and the transition deadline option is preferred?	NOT ASKED	ASKED	ASKED
Which of the two options is more fair (in your view)?	NOT ASKED	ASKED	ASKED
Are the programmatic operating costs for Option 1 (transition deadline) lower than the operating costs for Option 0 (business as usual)?	NOT ASKED	ASKED	ASKED
Are any or all of the proposed incentives acceptable?	ASKED	ASKED	ASKED
What are the key features of an ideal transition assessment?	ASKED	ASKED	ASKED
Is it acceptable that some certificate holders are arbitrarily forced to complete a transition assessment or end their existing certificate early simply because their certificate ends at the wrong time?	NOT ASKED	NOT ASKED	ASKED
Would a three month effective date be enough time to prepare for the new Standard?	NOT ASKED	ASKED	ASKED