Wageningen, 14 March 2017

To the Global Aquaculture Alliance:

Many thanks for taking the time to provide your comments on the GSSI Benchmark Report for the Marine Stewardship Council.

GSSI is committed to a transparent benchmark process with opportunity for engagement and comments. Following the consultation, GSSI’s response to GAA’s comments raised in relation to the GSSI Benchmark of the MSC is set out below.

GAA comment 1:
By the evidence submitted in the Benchmark Report, it is the GAA expert and informed opinion that MSC is not in compliance with a series of GSSI Essential Components relating to scheme governance, operational management and fishery standards. Summaries of the most significant non-compliances are provided below for these Components.

Please see GSSI’s response to each specific comment below.

GAA comment 2:
It is the GAA opinion that MSC has failed to submit a complete application and failed to respond to all the relevant Components in the GSSI Benchmark Framework. From the MSC website it is clear that MSC has allowed the issue of certifications for mussel farms (both rope- and bottom-cultured) which are defined by GSSI and FAO as aquaculture operations*. The MSC scope, which has been extended to a ‘Catch-and-Grow’ category now, as per GSSI and FAO definitions, covers aquaculture, therefore TAB C of the GSSI Benchmark needs to be filled in as well as TAB B for a complete GSSI application. If MSC does not respond to the 87 Components of TAB C then it is not being held to the same benchmark as aquaculture certification schemes that interpret the distinction between fisheries and aquaculture in line with GSSI definitions. GSSI rightly places importance on the accurate and consistent application of certification scopes so MSC needs to rectify this anomaly to avoid undermining the whole GSSI process.

*GSSI definition of Aquaculture: “The farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. Farming implies some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies individual or corporate ownership of the stock being cultivated, the planning, development and operation of aquaculture systems, sites, facilities and practices, and the production and transport.”
GSSI response: The GSSI uses the FAO definitions for “Aquaculture”, “Fisheries”, and “Enhanced Fisheries” in its Benchmark Tool. There is a broad spectrum of seafood production methods, which include elements of both wild-capture fisheries and aquaculture. Examples of such methods include, but are not limited to, enhanced salmon fisheries, mussel cultures, and extensive tropical shrimp production.

GSSI recognizes that certain methods of production could fit within both FAO’s, and therefore GSSI’s, definitions for ‘enhanced fisheries’ and ‘aquaculture.’ Essential Component A.1.07 in the GSSI Benchmark Tool requires that a scheme clearly defines its scope for certification and performs certifications consistent within that definition. The defined scope of the standard (Aquaculture, Fisheries, or Enhanced Fisheries resp.) determines against which Components of the Benchmark Tool (Section C or D resp.) the standard will be benchmarked. The definitions of “Aquaculture”, “Fisheries” and “Enhanced Fisheries” describe which production methods are eligible for certification under each scope.

In the case of the MSC the defined scope of the standard is Fisheries and Enhanced Fisheries, therefore the MSC standard is benchmarked for alignment with the Essential Components of Section D of the GSSI Benchmark Tool. The production methods eligible for certification are defined by MSC (see https://www.msc.org/get-certified/fisheries/eligible-fisheries and https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1/) and meet the FAO’s, and therefore GSSI’s definitions of “Fishery” and “Enhanced Fishery”:

GSSI Definition of Fishery (page 301 Global Benchmark Tool):
“A unit determined by an authority or other entity that is engaged in raising and/or harvesting fish. Typically, the unit is defined in terms of some or all of the following: people involved, species or type of fish, area of water or seabed, method of fishing, class of boats and purpose of the activities.”

GSSI Definition of Enhanced Fisheries (page 299 Global Benchmark Tool):
“Fisheries that are supported by activities aimed at supplementing or sustaining the recruitment of one or more aquatic organisms and raising the total production or production of selected elements of a fishery beyond a level which is sustainable by natural processes. Enhancement may entail stocking with material originating from aquaculture installations, translocations from the wild and habitat modification.”
For more detail see the response to comments raised with respect to component A.1.07.

**GAA comment 3:**
Given the fundamental nature of the non-alignments identified by our comments and the absence of a submission for TAB C (Aquaculture), GSSI should comprehensively review the comments and should require at least one more round of public consultation to openly verify that all non-alignments have been fully resolved before finalizing the Benchmark Report and moving to any recommendation regarding recognition.

**GSSI response:** The comments received from GAA and others have been carefully reviewed by the Independent Experts and the Benchmark Committee. Comprehensive responses to each of the comments are provided in this and other letters. Based on the comments raised the Independent Experts asked MSC to provide further evidence. Updates, changes and additions to the conclusions and evidence based on the comments raised are highlighted in this letter (in blue). After careful deliberations the Benchmark Committee concluded the comments had been sufficiently addressed and recommends GSSI recognition of the MSC program. Following the recommendation of the Benchmark Committee the GSSI Steering Board did not deem a second round of public consultation necessary.

Please find below a detailed response to each GAA comment by component number:

**Section A.1 Scheme Governance**

**Essential Component A.1.02**
The Scheme Owner is not directly engaged in the operational affairs (auditing or certification) of the certification or accreditation program. Note: This does not include complaint resolution or performance review.

**GAA comment:** MSC does get involved with the interpretation of findings from Fishery Assessments prior to certification by the Certification Body as does the Accreditation Board ASI. Evidence could be gained from interviews with the MSC CAB’s and email communications between CAB’s and MSC and ASI. This would bring the impartiality of MSC and ASI into question.

**GSSI response:** Direct involvement in the auditing and final decisions relating to the scoring of fisheries of either MSC or ASI would constitute a Conflict of Interest. The Conflict Of Interest (COI) and impartiality procedures for CABs to carry out assessments
are defined in section 4 of the MSC General Certification Requirements (MSC GCR) document. ASI also carries out checks on COI for assessment team members and has its own COI procedures in place, which apply to their staff. The ASI COI procedures are detailed in section 12 of the ASI Quality Manual (confidential), which has been reviewed as part of the benchmark process.

The MSC does provide Technical Oversight of selected fishery assessments as part of its process to ensure the consistent application of the standard. The procedures for implementing Technical Oversight are included in the internal document on the TO Strategy which has been operational since 2013. This is currently in review, but includes a process for internally categorizing the comments MSC has made during the stakeholder consultations into different levels of findings. These range from guidance and minor through to major and ‘complaint’ level findings. As noted in the conclusion to B2.05, and in the TO Strategy document (clause 4.2.1) these findings are communicated to CABs prior to the annual Tripartite meeting between CABs, ASI and MSC.

MSC’s Technical Oversight occurs as part of the normal consultation opportunities given to stakeholders to submit information about a fishery being assessed. As with all such stakeholder comments, MSC’s comments are included transparently in the draft and final fishery reports. All final decisions relating to the scoring of fisheries are taken by CABs without involvement of MSC.

The impartiality of the Accreditation Body is ensured through alignment with the GSSI Essential Components is section B.1., which requires compliance of Accreditation Bodies with ISO/IEC 17011:2004. Further, ASI’s Witness Compliance Assessments document specifically states that “ASI shall maintain a passive role by observing the CAB’s audit team” (see clause 8.2.3).

In response to GAA’s comment, additional confidential documents were provided to the Independent Expert to verify the impartiality of MSC and ASI. The confidential Technical Oversight Strategy document defines MSC’s role in the Technical Oversight process and confirms that MSC is not involved in the final decision of the assessment. The other additional confidential documents outline the steps that ASI takes when CABs are found to be non-compliant with the MSC’s impartiality requirements and the measures taken to ensure that the necessary corrective actions are taken. If stakeholders have specific issues related to a potential COI or the impartiality of the certification process they are able to make use of the complaint procedure(s) of the CABs, ASI and MSC.
Conclusion on GSSI Essential Component A.1.02

**Conclusion:** The MSC is in alignment because auditing and certification are undertaken by independent, impartial, competent and transparent certification bodies, which are recognized and accredited by an independent, impartial, competent and transparent accreditation body to conduct conformity assessments using the specific standards of the ecolabelling scheme being assessed. The General Certification Requirements, (GCR) Fisheries Certification Requirements (FCR) and Chain of Custody Certification Requirements (CoCCR) detail the procedures for certification bodies to follow; MSC has a separate agreement with Accreditation Services International (ASI) to cover the provision of accreditation services.

The MSC does provide Technical Oversight of selected fishery assessments as part of its process to ensure the consistent application of the standard. The confidential Technical Oversight Strategy document defines MSC’s role in the Technical Oversight process and confirms that MSC is not involved in the final decision of the assessment.

**References:**
GCR. Available Online at: [https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1](https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1), section 4


CoCCR. Available Online at: [https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-coc-certification-requirements-v2.0/](https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-coc-certification-requirements-v2.0/)

Section 1 ‘Scope’ of the GCR explains that CABs have to follow the requirements for fishery and supply chain certification under the MSC.

ASI/MSC Agreement 2016 (confidential document)

Sections 4.1 'Requirement of accreditation', 4.3 'Conformity to ISO17065' and 5.1 'Mechanism for safeguarding impartiality' detail the independence and impartial requirements which CABs must comply with to carry out MSC fishery assessments and supply chain audits.

ASI Impartiality Major Non-Conformity Finding (confidential document)
**Essential Component A.1.07**

The Scheme Owner has a defined scope for certification under its scheme.

**GAA comment:** The stated scope of the MSC Fisheries Certification Requirements v 2.0, covers the ‘Catch and Grow’ category that includes Rope Mussel Aquaculture e.g. as was certified in Shetland & Scottish Mainland Rope Grown Mussel Enhanced Fishery F - ACO - 090 [Preceding certificate number F - FCI – 0026] 17/MAY/2016 25/JUN/2017 F170516105. This activity constitutes aquaculture, as defined by GSSI. MSC must be required to complete TAB 'C' to be in GSSI alignment given its evident scope.

**GSSI response:** MSC defines the scope of its certification programme as including ‘enhanced fisheries’ but not other forms of aquaculture. Therefore the MSC standard is benchmarked against Section D of the GSSI Benchmark Tool (see GSSI Response to GAA comment 2). The MSC defines the criteria for ‘enhanced’ fisheries, which are eligible for certification in FCR v2.0 section 7.4.3. The MSC criteria are consistent with the GSSI definitions for “Fishery” and “Enhanced Fisheries” and include that:

- the production system relies at some point upon the capture of fish from the wild environment (Criterion Ai),
- there are natural reproductive components of the associated wild stock that maintain themselves without having to be restocked every year (Aiii), and
- the production system operates without substantial feed inputs (Bi) (see also guidance section G7.4.3 for further details).

Enhanced fisheries that are within scope of the full set of criteria are assessed using special assessment trees (e.g. the default tree for enhanced bivalves – FCR v2.0 Annex SB and the default tree for enhanced salmon – FCR v2.0 Annex SC). These trees fully take account of the special impacts associated with the enhancement activities, such as the
genetic impacts of any translocations or the impact of any limited feeding or fertilisation, as allowed by the programme. The compliance of a standard with such enhancement activities is benchmarked by the six GSSI essential components applicable to enhanced fisheries in Section D of the benchmarking framework.

Table 1 ”Scope criteria for enhanced fisheries”, from the MSC Fisheries Certification Requirement v2.0 page 25 provide evidence that the cited Shetland & Scottish Mainland Rope Grown Mussel Enhanced Fishery is eligible to be considered as enhanced fishery. The published audit reports by the accredited CB has provided evidence demonstrating that the Shetland & Scottish Mainland Rope Grown Mussel Enhanced Fishery is within scope of the MSC standard as enhanced fishery.

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<tr>
<th>Conclusion on GSSI Essential Component A.1.07</th>
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<td><strong>Conclusion:</strong> The MSC is in alignment because the scope criteria for certification is made clear in both the fisheries standard (FCR section7.4) and chain of custody standard (CoCCR sections 6.1 and 6.2). The defined scope of the standard is “Fisheries” and “Enhanced Fisheries”, therefore the MSC standard is benchmarked for alignment with the Essential Components of Section D of the GSSI Benchmark Tool. The MSC defines the criteria for ‘enhanced’ fisheries, which are eligible for certification in FCR v2.0 section 7.4.3. The MSC criteria are consistent with the GSSI definitions for “Fishery “ and “Enhanced Fisheries” and include that:</td>
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</table>

**References:**

CoCCR. Available Online at: https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-coc-certification-requirements-v2.0
Essential Component A.1.11
The Scheme Owner undertakes a fully documented annual management review of scheme performance, including its assurance program, and the performance of certification and accreditation bodies. The results of the review are used to revise its operating procedures and practices, where necessary.

GAA comment: There is no evidence shown or listed that the MSC undertakes a fully documented annual management review of scheme performance, including its assurance program, and the performance of certification and accreditation bodies. For GSSI to be consistent in its interpretation there must be evidence of a fully documented management review. There appears to be no evidence that the results of the review are used to revise its operating procedures and practices, where necessary. There is no evidence that MSC carries out performance reviews of its CB's.

GSSI response: The implementation of a fully documented annual management review of scheme performance was verified by the Independent Expert through the review of a range of confidential meeting minutes and reports. In addition to the evidence already submitted, a set of KPIs is in place against which ASI reports to MSC on an annual basis to facilitate the monitoring of their accreditation performance. The evaluation report against the KPI's has been submitted and reviewed as confidential evidence.

In addition to this, ASI produces quarterly reports on their accreditation activities related to the MSC program, highlighting any concerns about CAB performance and any issues, which may pose a serious risk to the integrity of the program.

MSC undertakes technical oversight of CABs and sends each CAB an individual confidential report of their performance annually. MSC also provides an overall performance summary of all CABs to allow individual CABs to benchmark their performance against the average performance of all other CABs. This is referenced in the confidential MSC Tripartite TO and Variations report already submitted as evidence.

The additional evidence is listed in the updated reference list below.

Conclusion on GSSI Essential Component A.1.11

Conclusion: The MSC is in alignment because management reviews take place on an ongoing basis by the MSC’s Executive Committee and Board. The Stakeholder Council at its annual meetings is also requested to provide inputs to the strategic direction of the MSC and encouraged to highlight areas of concern, which the MSC should address. These
Proposals are then fed into the policy development cycle. The annual Tripartite meeting between MSC, ASI and CABs provides a further opportunity for directly affected stakeholders to input to the review. The Technical Advisory Board reviews proposals for technical improvements to the scheme to ensure greater consistency in its application.

A set of KPIs is in place against which ASI reports to MSC on an annual basis to facilitate the monitoring of their accreditation performance. The evaluation report against the KPI’s has been submitted and reviewed as confidential evidence. In addition to this, ASI produces quarterly reports on their accreditation activities related to the MSC program, highlighting any concerns about CAB performance and any issues, which may pose a serious risk to the integrity of the program.

References:
Articles of Association. Available Online at:


TAB ToR. Available Online at: https://www.msc.org/about-us/governance/structure/technical-advisory-board/tab-terms-of-reference;

Policy development Shaping the MSC program. Available Online at:
https://improvements.msc.org/about-the-process/how-the-program-improvement-process-works

Confidential document reviewed:
Tripartite Group ToR
ASI/MSC biannual meeting minutes Feb and July 2016
ASI/MSC Biannual meeting minutes Feb 2015 to Feb 2016
MSC Tripartate TO and variations report 2015
Stakeholder council confirmed minutes 2014
Tripartite minutes and actions 2014. 2015 and 2016
TAB meeting minutes Dec 2014.
ASI Quarterly reports Q1 2015, Q3 2016 referenced in B2.18
ASI MSC KPIs Final - Evaluation 19 Dec 2016
Section B.1 Accreditation

Essential Component B.1.01
The Scheme Owner has a contractual, enforceable arrangement or formal understanding that requires accreditation bodies to be compliant with the requirements of ISO/IEC 17011:2004.

GAA comment: The GSSI Clause specifically states that the accreditation bodies must be accredited to ISO/ IEC 17011:2004. ASI is not accredited to ISO/ IEC 17011:2004. The assessor refers to 'compliant with' which is not the stated GSSI requirement. The MSC Program is not in alignment with this essential criterion. GSSI is not being consistent in its interpretations if it accepts "compliant with” as equivalent to “accredited to”.

GSSI response: The GSSI Components B.1.01 requires the Scheme Owner to have a contractual, enforceable arrangement or formal understanding that requires accreditation bodies to be compliant with the requirements of ISO/IEC 17011:2004. The mandatory part of the GSSI Benchmark Tool is the component text, the guidance provides additional explanations for the applicant schemes and Independent Experts. Therefore, to assess alignment with GSSI Component B.1.01, applicant schemes will be checked if they ensure their Accreditation Bodies are in compliance with ISO/IEC 17011:2004.

The MSC is in alignment with B.1.01, because the MSC has contractual arrangements in place with its Accreditation Body ASI to be in compliance with ISO/IEC 17011:2004 in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer review.

The last peer review of ASI for compliance with ISO/IEC 17011:2004 was carried out in December 2013 by the ISEAL accreditation body members IOAS (International Organic Accreditation Service) and SAAS (Social Accountability Accreditation Services). A public summary of the report is published on the ASI website: http://www.accreditation-services.com/resources/document-library/download-info/iséal-peer-review-summary-of-findings-report-dec-2013. The full report was reviewed confidentially by the GSSI Independent Expert to confirm a full assessment of ASI compliance with ISO/IEC 17011:2004 did take place.

In 2016 ASI has undergone its next peer review process for compliance with ISO/IEC 17011:2004, piloting the new ISEAL accreditation member peer review assessment process. A public summary of the outcomes is due to be published in 2017.
Additional note: In considering your comment, GSSI has also critically reviewed the guidance provided to Essential Component B.1.01. It was concluded that the statement “accredited to ISO/IEC 17011:2004” in the guidance of Essential Component B.1.01 is:

a. inconsistent with and taken literally, would contradict the language in the ‘GSSI Essential Component, and

The GSSI steering board has discussed this inconsistency raised by GAA in March 2016 and decided that in such a situation, the Essential Component language prevails.

GSSI will revise the guidance to Essential Component B.1.01 in the next revision of its Global Benchmark Tool to ensure clarity and consistency in its interpretation. GSSI would like to thank GAA for pointing out this opportunity for GSSI to improve its first version of the Benchmark Tool.

### Conclusion on GSSI Essential Component B.1.01

**Conclusion:** The MSC is in alignment because it has a contractual agreement with ASI which states that ASI needs to be compliant with the requirements of ISO/IEC 17011:2004 in clause 7.1.4., and further requires ASI to be peer reviewed for compliance every three years.

In December 2013 an audit against ISO 17011 was carried out by the ISEAL accreditation body members IOAS (International Organic Accreditation Service) and SAAS (Social Accountability Accreditation Services), in line with the MSC-ASI Agreement Annex 1 clause 1.16. In December 2013, a public summary was published on the ASI website. The findings were reviewed by MSC and discussed at the February 2014 bi-annual meeting between ASI and MSC. The full report was reviewed confidentially by the GSSI Independent Expert to confirm a full assessment of ASI compliance with ISO/IEC 17011:2004 did take place.

In 2016 ASI has undergone its next peer review process for compliance with ISO/IEC 17011:2004 piloting the updated ISEAL accreditation member peer review assessment process. A public summary of the outcomes is due to be published in 2017.

**References:**

ASI/MSC Agreement 2016 (confidential document)

GSSI submission email from ASI for evidence of ASI piloting the ISEAL accreditation member peer review assessments (confidential document)

Essential Component B.1.02
The Scheme Owner ensures that accreditation services are available to certifying bodies irrespective of their country of residence, size, and of the existing number of already accredited bodies, within the scope of the scheme.

GAA comment: The independent expert refers to ASI adherence with ISO 17011 without defining how this is met. ASI are not accredited to ISO/IEC 17011:2004 as per B1.01. GSSI is not being consistent or accurate in its interpretations.


The compliance of ASI with ISO/IEC 17011:2004 is required by MSC and contractually arranged in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer reviews.

The conclusions and references for B.1.02, B.1.05 and B.1.06 have been updated and strengthened with a description of how ASI’s compliance with ISO/IEC 17011:2004 is verified and ensured.

Conclusion on GSSI Essential Component B.1.02

Conclusion: The MSC is in alignment because this is covered by ASI’s adherence to ISO 17011 4.3.3.

The compliance of ASI with ISO/IEC 17011:2004 is required by MSC and contractually arranged in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer reviews.

The last peer review of ASI for compliance with ISO/IEC 17011:2004 was carried out in December 2013 by the ISEAL accreditation body members IOAS (International Organic

In 2016 ASI has undergone its next peer review process for compliance with ISO/IEC 17011:2004 piloting the updated ISEAL accreditation member peer review assessment process. A public summary of the outcomes is due to be published in 2017.

Application forms are available on the ASI website.

References:
ASI/MSC Agreement 2016 (confidential document)


List of CABs accredited to undertake MSC fisheries assessments and CoC audits. Available Online at: http://www.Accreditation-services.com/archives/standards/msc ASI website listing CABs accredited to undertake MSC assessments / audits

GSSI submission email from ASI for evidence of ASI piloting the ISEAL accreditation member peer review assessments (confidential document)

Essential Component B.1.05
The Scheme Owner only works with accreditation bodies that have personnel with the necessary education, training, technical knowledge and experience for performing accreditation functions in fisheries and aquaculture operations.

GAA comment: The independent expert refers to ASI adherence with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01. MSC Program is not in alignment.
**GSSI response:** GSSI Essential Component B.1.01 requires compliance with ISO/IEC 17011:2004, not accreditation to ISO/IEC 17011:2004. Please see response to comment on B.1.01 for detailed explanation.

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**Conclusion:** The MSC is in alignment because this is covered by ASI's adherence to ISO 17011 section 6, which they are committed to under clause 7.1.4 of the MSC-ASI Agreement.

The compliance of ASI with ISO/IEC 17011:2004 is required by MSC and contractually arranged in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer reviews.


In 2016 ASI has undergone its next peer review process for compliance with ISO/IEC 17011:2004 piloting the updated ISEAL accreditation member peer review assessment process. A public summary of the outcomes is due to be published in 2017.

**References:**


Confidential documents reviewed:
MSC-ASI Agreement 2016 (Confidential document)

ASI CV documents and the scope of ASI Lead auditors (LA Overview document)
Essential Component B.1.06
The Scheme Owner ensures that external audits are carried out on the accreditation body to assess performance.

**GAA comment:** The independent expert refers to ASI adherence with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01 IOAS and SAAS have no ability to accredit an organization to ISO/ IEC 17011:2004. GSSI is not being consistent or accurate in its interpretation.

**GSSI response:** GSSI Essential Component B.1.01 requires compliance with ISO/IEC 17011:2004, not accreditation to ISO/IEC 17011:2004. Please see response to comment on B.1.01 for detailed explanation.

The compliance of ASI with ISO/IEC 17011:2004 is required by MSC and contractually arranged in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer reviews.


**Conclusion on GSSI Essential Component B.1.06**

**Conclusion:** The MSC is in alignment because the compliance of ASI with ISO/IEC 17011:2004 is required by MSC and contractually arranged in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer reviews.

In December 2013 an audit against ISO 17011 was carried out by the ISEAL accreditation body members IOAS and SAAS, in line with the MSC-ASI Agreement Annex 1 clause 1.16. A public summary was published on the ASI website. The findings were reviewed by MSC.
and discussed at the February 2014 bi-annual meeting between ASI and MSC.

In 2016 ASI has undergone its next peer review process for compliance with ISO/IEC 17011:2004 piloting the updated ISEAL accreditation member peer review assessment process. A public summary of the outcomes is due to be published in 2017.

References:

Confidential documents reviewed:
See A1.02 MSC-ASI Agreement 2016

ASI Peer Review final pdf

Peer Review discussions extract from the February 2014 MSC-ASI bi-annual meeting for a discussion of the peer review findings

GSSI submission email from ASI for evidence of ASI piloting the ISEAL accreditation member peer review assessments

1.16 in Annex 1 of the ASI-MSC Agreement for frequency

Essential Component B.1.07
The Scheme Owner ensures that the accreditation body is transparent about its organizational structure and the financial and other kinds of support it receives from public or private entities.

GAA comment: The independent expert refers to ASI compliance with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01. MSC and ASI are inextricably linked and ASI is dependent on MSC regarding financial stability of its services.

Conformity with ISO 17011 includes provisions under section 7.1.2 for transparency about organizational structure and the financial and other kind of support the accreditation body receives from public or private entities. Furthermore, the annual report of ASI provides public information on ASI's finances, showing that revenues are mainly from accreditation services on (p.46-47). ASI provides accreditation services to five different schemes. The overviews provided demonstrate the distribution of accreditations by CBs and related working days for the different schemes under ASI (page 30-41). Most work by ASI is done in relation to FSC. No evidence is available to support the assumption that financial stability of ASI is dependent on the MSC.

### Conclusion on GSSI Essential Component B.1.07

**Conclusion:** The MSC is in alignment because the compliance of ASI with ISO/IEC 17011:2004 is required by MSC and contractually arranged in clause 7.1.4 of the MSC-ASI Agreement. Compliance of ASI with ISO/IEC 17011:2004 is verified by periodic (every 3 years) independent peer reviews.

Under the MSCI-ASI Agreement clause 7.1.4 ASI is committed to complying with ISO 17011, which has provisions under section 7.1.2 covering these items. The organizational structure and most of the items under 7.1.2 can be found in the ASI quality manual (see references).

Financial support ASI receives is separated by program activities. Currently, only FSC and MSC support CBs by subsidizing yearly and daily fees to some extent. All other income stems from accreditation activities and services offered by ASI. There is no other financial support or funding. More details regarding ASI's finances can also be found in ASI's annual report (see evidence column).

Other support from scheme owner refers to data provision (such as exert access or Technical Oversight (TO) data) and training opportunities for lead assessors.

In December 2013 an audit against ISO 17011 was carried out by the ISEAL accreditation body members IOAS and SAAS, in line with the MSC-ASI Agreement Annex 1 clause 1.16. A public summary was published on the ASI website. The findings were reviewed by MSC and discussed at the February 2014 bi-annual meeting between ASI and MSC.

In 2016 ASI has undergone its next peer review process for compliance with ISO/IEC
17011:2004 piloting the updated ISEAL accreditation member peer review assessment process. A public summary of the outcomes is due to be published in 2017.

References:


Confidential documents reviewed:

ASI-POL-10-100-ASI Quality Manual-V6.0 document section 4.3 liability and finance, section 8 organisational structure

GSSI submission email from ASI for evidence of ASI piloting the ISEAL accreditation member peer review assessments

### Section B.2 Certification

**Essential Component B.2.01**
The Scheme Owner requires that certification bodies operating in the scheme are accredited to ISO/IEC 17065:2012 for the scope of the respective standard of the scheme.

**GAA comment:** There is no GSSI assessor conclusion in the formal report. Please explain why not (1). ASI has no ability to accredit organizations to ISO/IEC 17065:2012 (2). ASI is not accredited to ISO/ IEC 17011:2004 (3). The evidence suggests intention of checking against an ISO 17065 checklist - please explain timings (4)? GSSI is not being consistent in its interpretation or accuracy if it accepts this evidence.

**GSSI response:**

(1) There was a conclusion for the component B.2.01 in the formal report. Please see the final conclusion text below.
(2) The MSC General Certification Requirement (GCR) specify in section 4.3 that “All CABs shall conform to the requirements of ISO 17065 and all other MSC requirements relevant to the scope of accreditation applied for or held.” The ASI checklist (ASI-CHK-80-100), see B.1.03, which ASI assessors use to accredit CABs for compliance with the MSC GCR includes a spreadsheet for checking conformance with ISO 17065.

In the MSC-ASI Agreement it is contractually arranged that ASI conducts accreditations against MSC GCR in compliance with ISO/IEC 17011:2004. An independent peer review process verifies compliance of ASI with ISO/IEC 17011:2004, see B.1.01.

Therefore the MSC is considered in alignment with Essential Component B.2.01 as it ensures certification bodies are conforming to ISO/IEC 17065:2012 for the scope of the respective standard of the scheme by:

a) requiring conformance with the requirement of ISO/IEC 17065:2012 for the scope of their standard within their General Certification Requirements (GCR), and

b) requiring accreditation against the requirements of the GCR by ASI in compliance with ISO/IEC 17011:2004 (see B.1.01 for more details).

Additional note:
It is noted that the term “accredited to ISO/IEC 17065:2012 for the scope of the respective standard of the scheme” in B.2.01 implies only accreditation processes conducted by National Accreditation Bodies, which are a member of the International Accreditation Forum (IAF) and a signatory of the MLA-17065, could be considered in alignment with Essential Component B.2.01. This would be inconsistent with and taken literally, would contradict with paragraph 39 of the FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries and paragraphs 63 of the FAO Technical Guidelines on Aquaculture Certification, which explicitly state Accreditation Bodies could be private, public or autonomous.

The GSSI Secretariat first raised this issue to the GSSI Steering Board in March 2016 after which the Steering Board consulted with the Chairmen and Technical Consultant of the GSSI Process Expert Working Group who reported: “that the issue had been discussed two years ago in the Process EWG. It has been agreed that benchmarking is all about achieving equivalent outcomes, because every scheme is different, so both private and public accreditation are allowed [provided
they are in alignment with the relevant GSSI components.” (GSSI Steering Board Minutes, April 2016). The GSSI steering board has discussed this inconsistency raised by GAA in April 2016 and decided that in such a situation, the FAO requirement prevails.

Following the decision of the Steering Board in April 2016, the Independent Experts were informed that within the context of the GSSI Global Benchmark Tool reference to “accreditation to ISO/IEC 17065:2012 for the scope of the respective standard of the scheme” in B.2.01 is not intended to discriminate between different types of accreditation systems or even exclude particular systems. In line with the FAO Guidelines the intent of B.2.01 is to ensure Certification Bodies are accredited to conduct certifications for the scope of the respective standard of a scheme in conformance with ISO/IEC 17065:2012.

The GSSI Steering Board also acknowledges that the current language in B.2.01 needs to be improved in order to increase clarity and ensure consistent and accurate interpretation. GSSI will revise the language of Essential Component B.2.01 in the next revision of its Global Benchmark Tool. GSSI would like to thank GAA for pointing out this opportunity for GSSI to improve its first version of the Benchmark Tool.

(3) GSSI Essential Component B.1.01 requires compliance with ISO/IEC 17011:2004, not accreditation to ISO/IEC 17011:2004. Please see response to comment on B.1.01 for detailed explanation.

(4) The accreditation requirements in section 4.3 specify that CABs have to conform to ISO 17065 for the scope of certification against the MSC standard. The MSC has a contract with ASI who accredits CBs against the MSC certification requirements, which include the requirement to conform to ISO17065. As confirmed by peer review to ISO 17011 ASI has the ability to perform this service. The checklist referenced in component B1.03: ASI-CHK-80-100 for the GCR includes a spreadsheet for checking compliance with ISO 17065, which ASI assessors use to verify compliance during CAB office audits. This checklist is already implemented. The previous language of the conclusion text implied that this was not the case, but it has been verified that the ASI-CHK-80-100 checklist is actually the current checklist used by ASI to accredit certification bodies to ISO 17065.
Conclusion on GSSI Essential Component B.2.01

**Conclusion:** The MSC is in alignment because GCR 4.3 specifies that CABs have to conform to ISO 17065 for the scope of certification, and ASI verifies this during their office accreditation audits.


The checklist referenced in B1.03 ASI-CHK-80-100 for the GCR includes a spreadsheet for checking compliance with ISO 17065 which ASI assessors use to verify compliance during CAB office audits.

There is a list of accredited CBs available on the ASI webpage.

**References:**
GCR. Available Online at: [https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1](https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1) Section 4.3

Confidential documents reviewed:
MSC-ASI Agreement 2016
ASI-CHK-80-100 for the GCR checklist

Essential Component B.2.02

The Scheme Owner requires certification bodies to maintain a written fee structure that is available on request and is adequate to support accurate and truthful assessments commensurate with the scale, size and complexity of the fishery, fish farm or chain of custody. The fee structure is non-discriminatory and takes into account the special circumstances and requirements of developing countries and countries in transition.

**GAA comment:** This Essential Criteria is not met. The evidence suggests intention of meeting this clause in late 2017. MSC Program is not in alignment until it meets this criteria.

**GSSI response:** MSC is in alignment because this clause has already been approved for inclusion in version 2.2 of the MSC General Certification Requirements, by the Technical
Advisory Board Working Group and MSC Board of trustees. Following the normal procedures of MSC, the clause will be included in GCR v2.2 when it is published in 2018.

According to the GSSI manual “New scheme versions can be used for the assessment, even if evidence supporting implementation cannot yet be available, due to the short period of application of the new version. However, it must be assured that the new version is finalized and approved and that first evidence of implementation will be available shortly (shortly: depending on the nature of the change and the normal frequency of implementation of this change).”

MSC added the link to the improvements website as additional evidence, which explains that this requirement will be published in version 2.2. of the GCR now scheduled for 2018: https://improvements.msc.org/database/cab-written-fee-structure

The implementation of the new requirements will be verified by GSSI as part of Step 7 of the GSSI Benchmark Process: Monitoring of continued alignment.

Planned work

<table>
<thead>
<tr>
<th>Date/Time</th>
<th>Consultation topic</th>
<th>Participation method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Apr - 30 Apr 2016</td>
<td>Public consultation</td>
<td>Online consultation closed - 30 days</td>
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<tr>
<td>31 Mar 2016</td>
<td>Stakeholder webinars</td>
<td>Listen back to the webinar &gt;</td>
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<tr>
<td>June 2016</td>
<td>MSC Technical Advisory Board Working Group meeting</td>
<td>London, UK</td>
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<tr>
<td>June 2016</td>
<td>MSC Board of Trustees</td>
<td>London, UK</td>
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<tr>
<td>2018</td>
<td>Issue of updated GCR v2.2, including improved requirements</td>
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</table>

**Conclusion on GSSI Essential Component B.2.02**

**Conclusion:** The MSC is in alignment because MSC is introducing requirements to clarify what is expected from CABs for both fisheries assessments and CoC audits to conform with the ISO 17065 clause 4.6 c) on making available on request "general information on the fees charged to applicants and clients."

As outlined in the public consultation document, proposals on this issue were discussed with CABs at the February 2016 Tripartite Meeting, and released for public consultation in April 2016 (no feedback received).
The Technical Advisory Board Working Group and MSC Board of trustees approved the proposed changes at their June 2016 meetings. In line with MSC's policy development processes, the new requirements are scheduled for inclusion in the next release of the GCR due in 2018.

The MSC consultation document on this is a public document and can be found here: https://improvements.msc.org/database/cab-written-fee-structure/documents/MSC-Consultation-Document-Publicising-CAB-fee-structures.pdf

References:

Improvements website: https://improvements.msc.org/database/cab-written-fee-structure

Confidential document reviewed:
TAB Working Group (WG) CAB Fee Structure document

Essential Component B.2.03
The Scheme Owner requires that the validity of a certification cycle does not exceed 5 years in the case of fishery or 3 years in the case of aquaculture certification and 3 years in the case of chain of custody certification.

GAA comment: There is evidence on the MSC website that Fishery Certificates have been extended beyond five years on a consistent basis which is contrary to the evidence recorded. https://www.msc.org/search?SearchableText=certificate+extension&facet=true&facet.field=portal_type The MSC program is therefore not in alignment.

GSSI response: The MSC is in alignment because the GCR requirements state that the validity of a certification cycle shall not exceed 5 years in the case of fishery and 3 years in the case of chain of custody certification.

In exceptional cases the MSC allows for variations to the five-year duration requirement (in GCR v2.1 7.5.6). Exceptions will always require justification and need to follow the procedures outlined in GCR v2.1 4.12.

Out of the 306 certified fisheries listed on the MSC website, 72 have received an
extension to the certificate. The reasons for granting the extensions include the following:

- The majority are for harmonization reasons with other assessments and the extensions tend to be limited to a few months. Certified fishery stocks overlap in over half of the MSC-certified fisheries, this requires harmonization, which is much easier when different teams can have simultaneous site visits/surveillances.

- Changes in the assessment team (e.g. due to unforeseen illness)

- New scientific information will shortly become available that could affect the fishery scores.

A condition of granting all such variations is that the Stakeholders have to be informed and the CAB is required to confirm that it is not aware of any factor (related to either fishery status, or performance against conditions) that could result in the fishery no longer being in compliance with the MSC Fisheries Standard. MSC’s response to these variations requests is always posted on the MSC website for all stakeholders to view.

The Independent Expert reviewed examples of such exceptions and could verify the reason and the short duration of such certificate timeline extensions.

A product certification scheme must have flexibility for verifiable justification of late certification as an exception. Where an MSC certificate renewal is late, the extension is visible, traceable and justifiable with a finite extension time. For this reason the scheme MSC is in alignment

**Conclusion on GSSI Essential Component B.2.03**

**Conclusion:** The MSC is in alignment because the fisheries standard states that the validity of a certificate is a maximum of five years and the CoC standard states that it should be three years. ASI audits of the CABs verify that this is the case. Certificates also have an expiry date of 5 or 3 years, respectively.

In exceptional cases the MSC allows for variations to the five-year duration requirement (in GCR v2.1 7.5.6). Exceptions will always require justification and need to follow the procedures outlined in GCR v2.1 4.12.

Out of the 306 certified fisheries listed on the MSC website, 72 have received an extension to the certificate. The reasons for granting the extensions include the following:
- The majority are for harmonization reasons with other assessments and the extensions tend to be limited to a few months. Certified fishery stocks overlap in over half of the MSC-certified fisheries, this requires harmonization, which is much easier when different teams can have simultaneous site visits/surveillances.

- Changes in the assessment team (e.g. due to unforeseen illness)

- New scientific information will shortly become available that could affect the fishery scores.

The Independent Expert reviewed examples of such exceptions and could verify the reason and the short duration of such certificate timeline extensions.

References:
MSC General Certification Requirements. Available Online at: https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1/ (sections 7.5.6 and 7.5.3)

GCR section 7.5.6 states that 'CABs shall issue fisheries certificates with a maximum validity period of 5 years from the issue date.'

GCR section 7.5.3 states, 'The CAB shall issue Coc certificates with a maximum validity period of 3 years from the issue date.'

MSC CoC Certificate example
MSC fisheries certificate example

Examples of certificate timeline extensions

Essential Component B.2.06
The Scheme Owner ensures that accredited certification bodies have consistent documented procedure(s) that specify the conditions under which certification may be suspended or withdrawn, partially or in total, for all or part of the scope of certification.

GAA comment: There is no conclusion in the GSSI Benchmark Report. Please explain.
**GSSI response:** In response to GAA’s comment, the conclusion of the Essential Component B.2.06 has been extended and additional evidence has been added to the reference list. Please see the final conclusion text below.

<table>
<thead>
<tr>
<th>Conclusion on GSSI Essential Component B.2.06</th>
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<tr>
<td><strong>Conclusion:</strong> The MSC is in alignment because the GCR section 7.4 details the conditions under which certification may be suspended or withdrawn, partially or in total, for all or part of the scope of certification. This is controlled through accreditation visits by ASI to each CAB, and signed contracts in place for each CAB, stating that they will at all times operate within the scope of accreditation.</td>
</tr>
<tr>
<td><strong>References:</strong></td>
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<tr>
<td>ASI MSC CAB Accreditation and License Agreement-V4 0 (Confidential document)</td>
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<tr>
<td>GCR. Available Online at: <a href="https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1">https://www.msc.org/documents/scheme-documents/msc-scheme-requirements/msc-general-certification-requirements-v2.1</a> Section 7.4</td>
</tr>
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**Section D Fishery**

**Essential Component D.1.04**
Where the stock under consideration is a transboundary fish stock, straddling fish stock, highly migratory fish stock or high seas fish stock, the standard requires the existence of a bilateral, subregional or regional fisheries organization or arrangement, as appropriate that is concerned with the management of the whole stock unit over its entire area of distribution.

**GAA comment:** The GSSI requirement is more explicit than the evidence showed here. The GSSI standard requires the existence of a bilateral, subregional or regional fisheries organization or arrangement, as appropriate that is concerned with the management of the whole stock unit over its entire area of distribution. The MSC requirement in SA4.3.3.2 talks of "UoA subject to international cooperation in management of the stock". International cooperation could mean a position of intent but without proper actions necessarily taken. The GSSI on the their hand is clear in requiring the existence of a bilateral, subregional or regional fisheries organization or arrangement. The MSC requirements must be improved to meet this element. MSC currently is not in alignment.
GSSI response: MSC’s requirements in PI3.1.1a and SA4.3.3.2 are equivalent to the GSSI expectation in this component for some sort of “organization or arrangement.” The Ross Sea toothfish fishery has been added as an example to the conclusion and references of this component to demonstrate this.

Conclusion on GSSI Essential Component D.1.04

Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, clause SA 4.1 requires that assessors state the jurisdictional categories that apply to the management system of the UoA when assessing performance of the UoA under Principle 3. FCR clause SA 4.1.3 requires that the performance of other fisheries management bodies where they are also subject to international cooperation to manage stock shall not be individually assessed except where they impact directly on P1 and P2 outcomes and/or P3 implementation. This is accompanied by following critical guidance FCR clause GSA 4.1.3 that states that 'under international law, as set out in the UNCLOS and related instruments, the States concerned, including relevant coastal States in the case of shared stocks, straddling stocks and highly migratory species are required to cooperate to ensure effective conservation and management of the resources. MSC considers UNFSA Article 10 and the UNCLOS requirements as a basis for MSC requirements relating to cooperation for UoAs that are subject to international cooperation for management of the stock. These requirements to cooperate should apply to UoA participants even if cooperation is not formally required by the RFMO/RFMA or if an RFMO/RFMA does not exist. These requirements should apply to UoAs in high seas even if the target species are not HMS or shared or straddling are not formally covered by the UNFSA requirements.'

More specifically, PI3.1.1a at SG80 requires that "There is an effective national legal system and organized and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2." SA4.3.3.2 confirms the expectations for cooperation in management for a "UoA subject to international cooperation in management of the stock". An example of such regional international cooperation is given in PI 3.1.1 scoring of the Ross Sea Toothfish fishery (see pages 97-99).

References:
Essential Component D.3.14

The Standard requires that the methodology and results of assessments of the current status and trends of the stock under consideration are made publicly available in a timely manner, respecting confidentiality where appropriate.

GAA comment: The MSC standard does not mention that confidentiality is respected where appropriate. The MSC standard should be expanded to explicitly mention confidentiality requirements of published information in order to meet this criteria. In fisheries with few operators, certain type of information can be considered confidential and can have significant effects on the operations of these fishermen. Absence of this requirement is in contravention with NOAA rules on confidentiality. See NAO 216-100: Protection of Confidential Fisheries Statistics.

SECTION 7. PENALTIES.

01 Civil and Criminal. Persons who make unauthorized disclosure of confidential data may be subject to civil penalties or criminal prosecution under:

a. Trade Secrets Act (18 U.S.C. 1905);

b. Privacy Act (5 U.S.C. 552a(i)(1));

c. Magnuson Act (16 U.S.C. 1858); and


02 Conflict of Interest. Employees are prohibited by Department of Commerce employee conduct regulations [15 CFR part 0] and by ethics regulations applicable to the Executive Branch [5 CFR 2635.703] from using nonpublic information subject to this Order for personal gain, whether or not there is a disclosure to a third party.

03 Disciplinary Action. Persons may be subject to disciplinary action, including removal, for failure to comply with this Order. Prohibited activities include, but are not limited to,
unlawful disclosure or use of the data, and failure to comply with implementing regulations or statutory prohibitions relating to the collection, maintenance, use and disclosure of data covered by this Order.

**GSSI response:** The MSC’s requirements in FCR v2.0 sections 4.3-4.5 are adequately meeting this GSSI requirement. FCR 4.5 has a specific clause on confidentiality agreements which allows owners of 'key information' to require stakeholders to sign confidentiality agreements, thereby respecting confidentiality where appropriate.

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**Conclusion on GSSI Essential Component D.3.14**

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, PI3.2.2 Slb focuses on the responsiveness of decision-making processes, requiring that at minimum (SG60) they respond to serious issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take some account of the wider implications of decisions. At the SG80 & SG100 levels, increasing levels of responsiveness (ie to all issues at SG100) are required. Additionally PI 3.2.2 (d) relates to the accountability and transparency of the management system and decision-making process, requiring that information (increasing levels of information required moving up the SGs) on the fishery's performance and management action is available on request to stakeholders (or formally reported on in SG100), and from SG80 that explanations are provided for any lack of action (or description of management response at SG100) related to findings and relevant recommendations emerging from research, monitoring, evaluation and review activity.

In addition, PI 1.2.4 requires that there is an adequate assessment of the stock status. PI 1.2.4 (d) requires that the assessment has been tested and shown to be robust. Alternative hypotheses and assessment approaches have been rigorously explored. PI 1.2.4 (e) at SG100 requires that the assessment has been internally and externally peer reviewed. At SG100 PI 3.1.2 (b) requires that the management system includes consultation processes that regularly seek and accept relevant information including local knowledge and that the management system demonstrates consideration of the information and explains how it is used or not used.

Further to the above, FCR section 4.4.1 requires that "The CAB shall ensure that unpublished key information, which is necessary for stakeholders to be able to properly review the logic used by the team to score a PI, are made available". Sub-section 4.4.1.1 further confirms that "The CAB shall make unpublished key information available before
the posting of the Public Comment Draft Report, and shall ensure that the information is available throughout the subsequent stages of the assessment process until such time as a certification decision is made." Section 4.5 provides for confidentiality agreements to be put in place, where any such information is of a sensitive nature.

References:
MSC Fisheries Certification Requirements - Annex SA: Default assessment tree - Normative - PI 1.2.4, 3.1.2, 3.2.2, and sections 4.4.1, 4.4.1.1, 4.5 Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-documents/fisheries-certification-requirements-version-2.0

Essential Component D.3.15
The Standard requires that the methodology and results of the analysis of the most probable adverse impacts of the unit of certification and any associated culture and enhancement activity on the ecosystem are made publicly available in a timely manner, respecting confidentiality where appropriate.

GAA comment: See above. The MSC standard does not mention that confidentiality is respected where appropriate. The MSC standard should be expanded to explicitly mention confidentiality requirements of published information in order to meet this criteria.

GSSI response: Please see response to Essential Component D.3.14

Conclusion on GSSI Essential Component D.3.15

Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, in Annex SB (Bivalves), Principle 3 requirements are the same as outlined in D.3.14 with the exception of catch and grow fisheries where P1 is not scored. In this case, the requirements for provision of information (PI3.2.2) still apply to the full scope of Principle 2 as normal (as confirmed in SB4.1.1 and SB4.1.2). In Annex SC (salmon) the above-mentioned requirements also apply as normal (confirmed by SC4.1.1) but are modified to say also refer in each different PI to "the fishery-specific and associated enhancement management system...". This ensures that the information on enhancement is equally available and transparent.

References:
MSC Fisheries Certification Requirements, Annex SB and Annex SC. Available Online at: https://www.msc.org/documents/scheme-documents/fisheries-certification-scheme-
Essential Component D.4.07
The standard requires that any traditional, fisher or community knowledge used within the management system can be objectively verified.

**GAA comment:** The MSC Standard does not require that any traditional, fisher or community knowledge used within the management system is objectively verified. The argument made is that fisher information is used in the Risk Assessment Frameworks, however whether the information can be or is objectively verifiable is another task altogether. The point of using the RBF and similar methods is that some information is not available/verifiable and therefore the second best available information is utilized. The MSC standard should be explicitly expanded to include this requirement in order to meet this criteria.

**GSSI response:** In response to GAA’s comment, MSC has submitted additional evidence (see SA4.1.4) demonstrating the requirements for verification of information including any traditional, fisher or community knowledge used within the management system that is objectively verified.

**Conclusion on GSSI Essential Component D.4.07**

**Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, there are clear requirements on confirmation of scope (FCR 7.4). To ensure the MSC program and its associated benefits are accessible to all fisheries, the MSC developed a set of precautionary risk-based indicators for the assessment of data-deficient fisheries - the Risk-Based Framework (RBF).

The RBF gives the assessment team a structured outline to assess the risk that a data-limited fishery is having an impact on species, habitats and the surrounding ecosystems. The RBF relies on consultation with fishery stakeholders through information-gathering workshops, as well as any data that is currently available from the fishery. There are four methods used to assess different aspects of the fishing activity:

- **Consequence Analysis (CA)** - uses any available data to assess trends in the target stocks of a fishery using any data available.
- **Productivity Susceptibility Analysis (PSA)** - assesses how likely a stock is to recover when
depleted, as well as how likely a species is to interact with fishing gear

Consequence Spatial Analysis (CSA) - aims to identify how habitats may be affected by fishing activity

Scale Intensity Consequence Analysis (SICA) - assesses the likelihood that a fishery has an effect on the wider ecosystem

The RBF has detailed clauses on what is required in the form of information-gathering exercises (PF2.2) and stakeholder consultation (PF2.3), as well as a supporting document on with best practice methods 'Toolbox for stakeholder participation in RBF assessments'. Available Online at: https://www.msc.org/documents/get-certified/stakeholders/toolbox-for-stakeholder-participation-in-rbf-assessments/view

Each of the methods above produces a score, which is then converted to allow comparison with the default assessment method. Due to the precautionary set-up of the RBF - in that high risk scores are always selected in the absence of triangulated data from fisher, stakeholder or community knowledge - the standard for this subset of fisheries is never lower than the default assessment method.

In addition to the general framework provided by the RBF, and the associated guidance, FCR v2.0 clause SA4.1.4 requires that: "When scores are based on the consideration of informal or traditional management systems, the team shall provide, in the rationale, evidence demonstrating the validity and robustness of the conclusions by:

a. Using different methods to collect information.

b. Cross checking opinions and views from different segments of the stakeholder community"

References:

Essential Component D.5.05

In the case of fisheries that are enhanced through aquaculture inputs, the standard requires that the stock assessment of the stock under consideration must consider the separate contributions from aquaculture and natural production.

GAA comment: The MSC standard or Annex SB do not have requirements to specifically consider the separate contributions from aquaculture and natural production. The only requirements present are to do with ensuring there are no impacts to the genetic structure of wild populations. This is different from accounting the specific contribution from aquaculture and natural production. The standard should be expanded in order to explicitly meet this GSSI requirement.

GSSI response: The GAA in its comments states that the MSC scheme does not have requirements to specifically consider the separate contributions from aquaculture and natural production in its stock assessments, and that the only requirements present are to do with ensuring there are no impacts to the genetic structure of wild populations. This is different from accounting the specific contribution from aquaculture and natural production. As stated in the rationale, FCR v2.0 SC2.2.2 requires that enhanced fisheries are assessed on the basis of the wild stock, not the enhanced proportion. Any artificially-produced fish may not be counted toward meeting spawning escapement goals, or other surrogate reference points. SC2.2.2 further requires that where no distinction is made between wild fish and artificially produced fish in estimates of spawning escapements or other surrogate reference points, stock status shall be scored lower than in cases where wild fish are enumerated separately. So, in fact the MSC scheme is more rigorous than the GSSI benchmark, and therefore the MSC scheme is in alignment with this GSSI component.

Conclusion on GSSI Essential Component D.5.05

Conclusion: The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, modified assessment trees have been developed for enhanced fisheries and they function as a supplement to Annex SA. FCR clause 7.4 sets out the MSC scope criteria for enhanced fisheries which are broadly described as having linkages to and maintenance of a wild stock, feeding and husbandry and habitat and ecosystem impact - most of which are bivalve and salmon which is one of primary reason MSC has created modified tree to account for those specific fishery characteristics. One of the categories of enhancement in scope of the MSC program is Hatch-and-Catch, which means that the production system has some form of hatchery enhancement. Annex SC (Salmon) includes three PIs that look at enhancement 1.3.1,
1.3.2, 1.3.3. These three PIs require that enhancement activities do not negatively impact wild stocks (1.3.1), that effective enhancement and fishery strategies are in place to address the effects of enhancement activities on wild stocks (PI 1.3.2) and that relevant information is collected and assessments are adequate to determine the effect of enhancement activities on wild stocks. Clause SC 2.2.2 in an enhanced fishery, the team shall assess status based solely on the wild salmon in the stock management unit - which clearly distinguishes the natural production from the aquaculture production.

References:
MSC Fisheries Certification Requirements - Annex SC Modifications to the Default Tree for Salmon Fisheries - Normative.

Essential Component D.6.04
In the case of enhanced fisheries, the standard requires that the natural reproductive stock component of enhanced stocks is not substantially displaced by stocked components.

GAA comment: The MSC standard does not mention displacement or requires that the natural reproductive stock component of enhanced stocks is not substantially displaced by stocked components. The argument put forward in the evidence is that the natural reproductive component is not "overfished". Displacement also refers to geographical displacement of wild stocks by stocked components and is different from concepts relating to overfishing. Geographical displacement is an issue noted with Pacific salmon and should be considered accordingly. The MSC should expand its requirements to incorporate the concept of displacement in order to explicitly meet this requirement.

GSSI response: The GAA addresses a concern that the MSC scheme does not consider geographical displacement of wild stocks by stocked components, and refers to a geographical displacement that is an issue noted with Pacific salmon. This GSSI benchmark component states that the standard requires that the natural reproductive stock component of enhanced stocks is not substantially displaced by stocked components. The GSSI guidance further clarifies that with respect to "substantially displaced", in particular, displacement must not result in a reduction of the natural reproductive stock component below abundance-based target reference points (or their proxies). Therefore, the GSSI guidance confirms that 'displacement' refers to reductions
of wild stocks below abundance-based targets, and not to geographic displacement as suggested by GAA. The MSC scheme is in alignment with this GSSI component.

The conclusions were revised to refer to PI 1.3.1 SG80 instead of SG100.

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<thead>
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<th>Conclusion on GSSI Essential Component D.6.04</th>
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| **Conclusion:** The MSC is in alignment because in Version 2.0 of the MSC standard fisheries certification requirements (FCR) and guidance, MSC has chosen not to define its requirements in relation to the commonly used definitions "overfished", but in guidance there is referred to. Overfished: biomass stock size lower than a limit defined in relation to MSY. The FAO Ecolabelling Guidelines define "overfished" as below a biomass limit reference point. The limit is often taken to be 50% BMSY, which is the default assumption for the point below which recruitment may be impaired (PRI) as defined by the MSC. However, the term is not commonly used internationally to relate to the PRI, and hence its use in MSC guidance and CR language is limited. Modified assessment trees have been developed for enhanced fisheries and they function as a supplement to Annex SA. Annex SB (enhanced bivalves) requires that bivalve fisheries involving hatchery enhancement assessed as hatch-and-catch (HAC) fisheries are scored against Principle 1 PIs in accordance with the default assessment tree and are thus required to be above PRI and fluctuation around MSY. In addition they are also scored again Genetics PIs 1.1.3. PI 1.1.3 requires that the fishery has negligible discernible impact on the genetic structure of the population. Annex SC (Salmon) requires that in an enhanced fishery, the team assesses the status based solely on the wild salmon in the Stock Management Unit (SMU) (Clause SC 2.2.2). For PI 1.1.1 (salmon) requires that the SMU is at a level which maintains high production and has a low probability of falling below its limit reference point. Clause SC 2.2.3.1 requires that the assessment team takes into consideration the specific dynamics of salmon stocks, a fishery shall meet SG60 requirement in PI 1.1.1 scoring issue (a) if the average SMU spawning stock size is above the limit reference point (LRP). Additionally, three PIs look at enhancement 1.3.1, 1.3.2, 1.3.3. These three PIs require that enhancement activities do not negatively impact wild stocks (1.3.1), that effective enhancement and fishery strategies are in place to address the effects of enhancement activities on wild stocks (PI 1.3.2) and that relevant information is collected and assessments are adequate to determine the effect of enhancement activities on wild stocks. PI 1.3.1 SG80 requires that it is highly likely that the enhancement activities do not have significant negative impacts on the local adaptation, reproductive performance or productivity and diversity of wild stocks - which is similar to minimum impact on the wild population. Additionally Annex SC PI 1.1.2 requires that where the stock management unit (SMU) is reduced, there is evidence of
stock rebuilding within a specified timeframe. PI 1.1.2 scoring issue (c) SG 80 requires that enhancement activities are very seldom used as a stock rebuilding strategy which also prevents 'displacing' the wild component.

MSC further notes that the requirement to assess the status of the wild stocks, without the addition of the enhanced stocks is confirmed by Clause SC2.2.2 in the default salmon tree, as below.

SC2.2.2
In an enhanced fishery, the team shall assess status based solely on the wild salmon in the SMU.

SC2.2.2.1
Artificially produced fish shall not be counted toward meeting spawning escapement goals, or other surrogate reference points.

SC2.2.2.2
Where no distinction is made between wild fish and artificially produced fish in estimates of spawning escapements or other surrogate reference points, stock status shall be scored lower than in cases where wild fish are enumerated separately.

References:
MSC Fisheries Certification Requirements - Annex SB Modifications to the Default Tree for Enhanced Bivalve Fisheries - Normative

MSC Fisheries Certification Requirements - Annex SC Modifications to the Default Tree for Salmon Fisheries – Normative and SC2.2.2-SC2.2.2.2


Many thanks again for participating in the public consultation and we do hope that the above responses have been helpful. We look forward to a continued collaboration and dialogue going forward.

Herman Wisse
GSSI Program Director
To the GSSI Secretariat:

**Public Consultation on GSSI Benchmark Report for MSC**

GAA welcomes this opportunity to participate in the consultation process to support the integrity of the GSSI’s objectives, consistency and accuracy of process, and the full and explicit attainment of the Essential Components of the GSSI Benchmark by credible certification schemes. Please note that the comments below are only directed at the contents of the Benchmark Report and the resulting GSSI alignment issues; they do not challenge the integrity of MSC or GSSI, both of which are valued organizations with important roles in seafood certification.

GAA wishes to draw attention to and place on record the following:

1. By the evidence submitted in the Benchmark Report, it is the GAA expert and informed opinion that MSC is not in compliance with a series of GSSI Essential Components relating to scheme governance, operational management and fishery standards. Summaries of the most significant non-compliances are provided below for these Components.

2. It is the GAA opinion that MSC has failed to submit a complete application and failed to respond to all the relevant Components in the GSSI Benchmark Framework. From the MSC website it is clear that MSC has allowed the issue of certifications for mussel farms (both rope- and bottom-cultured) which are defined by GSSI and FAO as aquaculture operations*. The MSC scope, which has been extended to a ‘Catch-and-Grow’ category now, as per GSSI and FAO definitions, covers aquaculture, therefore TAB C of the GSSI Benchmark needs to be filled in as well as TAB B for a complete GSSI application. If MSC does not respond to the 87 Components of TAB C then it is not being held to the same benchmark as aquaculture certification schemes that interpret the distinction between fisheries and aquaculture in line with GSSI definitions. GSSI rightly places importance on the accurate and consistent application of certification scopes so MSC needs to rectify this anomaly to avoid undermining the whole GSSI process.

3. Given the fundamental nature of the non-alignments identified by our comments and the absence of a submission for TAB C (Aquaculture), GSSI should comprehensively review the comments and should require at least one more round of public consultation to openly verify that all non-alignments have been fully resolved before finalizing the Benchmark Report and moving to any recommendation regarding recognition.

*GSSI definition of Aquaculture: “The farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. Farming implies some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies individual or corporate ownership of the stock being cultivated, the planning, development and operation of aquaculture systems, sites, facilities and practices, and the production and transport”*
Summary of Identified MSC non-alignments with numbered GSSI Components

**Scheme Governance**

A.1.02 Non-Alignment: MSC does get involved with the interpretation of findings from Fishery Assessments prior to certification by the Certification Body as does the Accreditation Board ASI. Evidence could be gained from interviews with the MSC CAB's and email communications between CAB's and MSC and ASI. This would bring the impartiality of MSC and ASI into question.

A.1.07 Non-Alignment: The stated scope of the MSC Fisheries Certification Requirements v 2.0, covers the ‘Catch and Grow’ category that includes Rope Mussel Aquaculture e.g. as was certified in Shetland & Scottish Mainland Rope Grown Mussel Enhanced Fishery F - ACO - 090 [Preceding certificate number F - FCI – 0026] 17/MAY/2016 25/JUN/2017 F170516105. This activity constitutes aquaculture, as defined by GSSI, so MSC needs to complete TAB C of the GSSI Benchmark Framework.

A.1.11 Non-Alignment: There is no evidence shown or listed that the MSC undertakes a fully documented annual management review of scheme performance, including its assurance program, and the performance of certification and accreditation bodies. For GSSI to be consistent in its interpretation there must be evidence of a fully documented management review. There appears to be no evidence that the results of the review are used to revise its operating procedures and practices, where necessary. There is no evidence that MSC carries out performance reviews of its CB's.

**Operational Management**

B.1.01 Non-Alignment: The GSSI Clause specifically states that the accreditation bodies must be accredited to ISO/ IEC 17011:2004. ASI is not accredited to ISO/ IEC 17011:2004. The assessor refers to 'compliant with' which is not the stated GSSI requirement. The MSC Program is not in alignment with this essential criterion. GSSI is not being consistent in its interpretations if it accepts "compliant with" as equivalent to "accredited to"

B.1.02 Non-Alignment: The independent expert refers to ASI adherence with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01. GSSI is not being consistent or accurate in its interpretations.

B.1.05 Non-Alignment: The independent expert refers to ASI adherence with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01. MSC Program is not in alignment.

B.1.06 Non-Alignment: The independent expert refers to ASI adherence with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01 IOAS and SAAS have no ability to accredit an organization to ISO/ IEC 17011:2004. GSSI is not being consistent or accurate in its interpretation. MSC Program is not in alignment.
B.1.07 Non-Alignment: The independent expert refers to ASI compliance with ISO 17011 without defining how this is met. ASI are not accredited to ISO/ IEC 17011:2004 as per B1.01. MSC and ASI are inextricably linked and ASI is dependent on MSC regarding financial stability of its services. MSC Program is not in alignment.

B.2.01 Non-Alignment: There is no GSSI assessor conclusion in the formal report. Please explain why not. The MSC program is not in alignment as per this essential requirement B2.01. "The Scheme Owner requires that certification bodies operating in the scheme are accredited to ISO/IEC 17065:2012 for the scope of the respective standard of the scheme". ASI has no ability to accredit organizations to ISO/IEC 17065:2012. ASI is not accredited to ISO/ IEC 17011:2004. The evidence suggests intention of checking against an ISO 17065 checklist - please explain timings? GSSI is not being consistent in its interpretation or accuracy if it accepts this evidence.

B.2.02 Non-Alignment: This Essential Criterion is not met. The evidence suggests intention of meeting this clause in late 2017. MSC Program is not in alignment until it meets this criterion.

B.2.03 Non-Alignment: There is evidence on the MSC website that Fishery Certificates have been extended beyond five years on a consistent basis which is contrary to the evidence recorded. https://www.msc.org/search?SearchableText=certificate+extension&facet=true&facet.field=portal_type. The MSC program is therefore not in alignment.

B.2.06 There is no conclusion in the GSSI Benchmark Report. Please explain.

Fisheries

D.1.04 Non-Alignment: The GSSI requirement is more explicit than the evidence recorded by the GSSI assessor. The GSSI standard requires the existence of a bilateral, sub-regional or regional fisheries organization or arrangement, as appropriate that is concerned with the management of the whole stock unit over its entire area of distribution. The MSC requirement in SA4.3.3.2 talks of “UoA subject to international cooperation in management of the stock”. International cooperation could mean a position of intent but without proper actions necessarily taken. The GSSI on the other hand is clear in requiring the existence of a bilateral, sub-regional or regional fisheries organization or arrangement. The MSC requirements must be improved to meet this Essential Criterion. MSC currently is not in alignment.

D.3.14 Non-Alignment: The MSC standard does not specify that confidentiality is respected where appropriate. The MSC standard should be expanded to explicitly mention confidentiality requirements of published information in order to meet this criterion. In fisheries with few operators, certain types of information can be considered confidential and can have significant effects on the operations of these fishermen. Absence of this requirement is in contravention with NOAA rules on confidentiality. See NAO 216-100: Protection of Confidential Fisheries Statistics.

D.3.15 Non-Alignment: See above. The MSC standard does not specify that confidentiality is respected where appropriate. The MSC standard should be expanded to explicitly mention confidentiality requirements of published information in order to meet this Essential GSSI criterion.
D.4.07 Non-Alignment: The MSC Standard does not require that any traditional, fisher or community knowledge used within the management system is objectively verified. The argument made is that fisher information is used in the Risk Assessment Frameworks, however whether the information can be or is objectively verifiable is another task altogether. The point of using the RBF and similar methods is that some information is not available/verifiable and therefore the second best available information is utilized. The MSC standard should be explicitly expanded to specify this requirement in order to meet this Essential criterion.

D.5.05 Non-Alignment: The MSC standard or Annex SB do not have requirements to specifically consider the separate contributions from aquaculture and natural production. The only requirements present are to do with ensuring there are no impacts to the genetic structure of wild populations. This is different from accounting for the specific contribution from aquaculture and natural production. The standard should be expanded in order to explicitly meet this GSSI Essential criterion.

D.6.04 Non-Alignment: The MSC standard does not mention displacement or requires that the natural reproductive stock component of enhanced stocks is not substantially displaced by stocked components. The argument put forward in the evidence is that the natural reproductive component is not "overfished". Displacement also refers to geographical displacement of wild stocks by stocked components and is different from concepts relating to overfishing. Geographical displacement is an issue noted with Pacific salmon and should be considered accordingly. The MSC should expand its requirements to incorporate the concept of displacement in order to explicitly meet this GSSI Essential criterion.

GAA requests that this letter be recorded and included as part of their Public Comment submission, so that it can be read in conjunction with the Excel sheet, which has more detail. This is because the Excel spreadsheet is not user friendly and this letter can better compile the key non-alignments.

This GAA submission should not be seen as negative towards the MSC Program and process, rather it is a demonstration of GAA’s sincere engagement with the GSSI Benchmark and benchmarking process.

Wally Stevens
Executive Director