



Henry Ernst
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Sent by email

Date: 30/04/2021

Subject: Request for variation to the MSC Certification Requirement v2.2 FCP - 7.30.1 for Vietnam Ben Tre clam hand gathered

Dear Henry Ernst,

I write with reference to your submission on 19/04/2021 of a request for variation to the MSC Certification Requirement (CR) to allow:

An extension of the deadline to announce reassessment as set out in FCP v2.2 7.30.1.

As you are aware, the CR procedures relating to v2.2 FCP - 7.30.1 state:

The CAB shall announce the reassessment of a certified fishery no later than the date 90 days after the fourth anniversary of the existing certificate. Exact timing and planning of the reassessment shall remain the responsibility of the CAB, in consultation with the client

These are integral to ensuring all MSC accredited Conformity Assessment Bodies operate in a consistent and transparent manner. The MSC intends that these requirements be met across all fisheries and CoC certificate holders, except in exceptional, well-justified circumstances, as part of the MSC programme.

MSC notes the factors presented supporting your request, including:

- Control Union UK began organising the reassessment of this fishery in 2020 and sent a proposal to the client in the Summer of 2020.
- The client group was forced to postpone several internal meetings due to the Covid-19 pandemic.
- Ensuing quarantines and travel restrictions have resulted in the client still deciding on the CAB selection for carrying out the reassessment.
- Control Union UK has been following up on a weekly basis, however this does not appear to have had any impact.
- This VR is submitted to ensure the client is able to decide which CAB it will select for reassessment, without the current CAB [Control Union UK], incurring any Non-Conformities.
- The intent of this Variation Request is to ensure the client has adequate time to select a CAB and remain in the MSC Scheme, and protect the current CAB from an NC that it cannot control, though it has attempted to avoid through regular communications with the client.

Given the rationale provided, the MSC is willing to grant a variation to the CR in this case subject to the following conditions:

- The CAB shall inform the client that a delay to the reassessment announcement may result in the certificate expiring before the reassessment is complete and that the CAB and client cannot request a certificate extension unless there are extenuating circumstances that are outside the control of the client and CAB.
- The MSC does not guarantee that a certificate extension will be granted when the reassessment is not completed before the end of the certificate on 7 February 2022.
- Extended deadline is 7 August 2021.
- A stakeholder announcement shall be uploaded to Ecert for publication on the MSC website to inform



stakeholders of the delay to the announcement of the reassessment.

If you have any questions regarding this response, please do not hesitate to contact the relevant Fisheries Assessment Manager for this fishery.

Marine Stewardship Council

cc: Assurance Services International