



Certification Rules for the MSC-Marine Stewardship Council Standard

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Technical rules



INDEX

INDEX 2

CHAPTER 1 4

GENERAL..... 4

CHAPTER 2..... 5

REFERENCE STANDARD/CERTIFICATION REQUIREMENTS 5

CHAPTER 3..... 6

INITIAL CERTIFICATION..... 6

CHAPTER4..... 10

CERTIFICATE MAINTENANCE..... 10

CHAPTER 5..... 11

RECERTIFICATION..... 11

CHAPTER 6..... 11

SUSPENSION AND WITHDRAWAL..... 11

CHAPTER 7..... 13

CERTIFICATION RE-ESTABLISHMENT 13

CHAPTER8..... 14

LABELLED PRODUCTS MANAGEMENT AND LOGO USE SUSPENSION FOLLOWING
CERTIFICATION SUSPENSION/WITHDRAWAL..... 14

CHAPTER9 15

APPEALS PROVISIONS..... 15

CHAPTER 10..... 15

CERTIFICATE TRANSFER..... 15

CHAPTER 11..... 16

CONFIDENTIALITY..... 16



Certification Rules for the MSC-Marine Stewardship Council Standard

CHAPTER 12.....	17
DISPUTES.....	17
CHAPTER 13 – CONTRACT CONDITIONS.....	18



**CHAPTER 1
GENERAL**

1.1

This document defines the procedures applied by RINA Services (RINA) for certification against the Marine Stewardship Council (MSC) standard issued by the MSC Organisation concerning Chain of Custody and the procedures to request, obtain, maintain, use, as well as possible suspension and withdrawal of MSC certification.

1.2

RINA issues certificates according to the following standards:

Marine Stewardship Council Chain of Custody Certification.

1.3 Field of application

1.3.1 Certification is open to all organisations according to the following fields of application:

Depending on the Client's characteristics, the application field can be identified among the following options:

Single	Organisations operating out of one site (a single location with one physical address)..
Multi-site	Organisations handling or trading certified products at more than one location (physical address). All sites to be individually audited but receive one certificate.
Group	Organisations with numerous locations – this could be a group of individual enterprises or one company with numerous sites. The group designates a central office function that establishes internal controls and is responsible for site compliance. The CAB audits the central office and a sample of sites but the client receive one shared certificate
Consumer-facing Organisations (CFO)	Organisations that serve or sell seafood exclusively or primarily to the final consumer. CFOs can be a single site operation or have numerous locations. This might include restaurants, restaurant chains, fish counters and caterers.
Interim certification	This option is available in view of the certification audit if the audit on site is not performable prior to allowing fish or fish product(s) into the Chain of Custody. Permission for interim certification may be granted by the MSC organisation on the basis of a recommendation from RINA for a short period providing that the risk is low and manageable



ASC (Aquaculture Stewardship Council)	Option available for those clients handling ASC certified products originating from certified sustainable aquaculture activities
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1.3.2 The certificate issued by RINA pertains exclusively to a single organisation, where organisation means a group, company, enterprise, body or institution, or parts and combinations thereof, whether associated or not, public or private, with its own functional and administrative structure.

For organisations with more than one operating unit, a single operating unit can be defined as an organisation.

1.4 Scope of certification

1.4.1 The MSC Chain of Custody standard scope is to ensure that the fish product that is declared sustainable at the capture level and that carries the MSC label effectively originates from an MSC certified fishery. ASC certified aquaculture products can be considered as part of the scope of a MSC Chain of Custody certification.

1.5 Quotations

RINA will apply the fees established on the basis of its current tariffs for the certification service and guarantees fairness and uniformity of application. RINA is entitled to refuse requests for certification by organisations that have been the subject, or whose production or activities have been the subject, of restriction, suspension or proscription by a public authority.

1.6 Witness audits

The body guaranteeing the certificates issued by RINA (Accreditation Body) may require its observers to take part in the audits performed by RINA in order to ensure the auditing methods applied by RINA comply with the relative standards. The participation of these observers is agreed in advance between RINA and the organisation. If the organisation does not allow these observers to take part, the validity of its certificate is suspended. (Ref: Rules for the certification of quality management systems, para. 1.6)

CHAPTER 2

REFERENCE STANDARD/CERTIFICATION REQUIREMENTS

2.1

To be certified by RINA, the fisheries and related products must meet (initially and over time) the requirements of the applicable standards.

2.2

2.2.1 Regarding the MSC Chain of Custody Certification, the organisation must meet the requirements of the standards (Default Chain of Custody Standard or Group version standard or Consumer-facing Organisations version standard), implementing and applying an efficient management system which ensures traceability of the product originating from an MSC certified fishery.



CHAPTER 3 INITIAL CERTIFICATION

3.1

Organisations wishing to obtain MSC certification must provide RINA with their main organisation/production data and site location by filling in all parts of the "MSC Application Form" ("MSC Standard for Sustainable Fishery Application Form" or "MSC Chain of Custody Application Form", available at www.rina.org) and sending it to RINA which will use it to prepare a quotation.

This information is to be provided by an authorised representative of the applicant organisation.

This information is required in order to verify the application of certain requirements of the standard beforehand and to draw up a suitable offer.

3.2

If organisations accept RINA's quotation, they must make their application official by signing and sending RINA the offer.

On receipt of the signed offer by the organisation, RINA will send the organisation written acceptance of its application.

The offer, which makes specific mention of these rules, signed by the organisation and its acceptance by RINA, contractually formalises the relationship between RINA and the organisation, and the applicability of these rules.

3.3

RINA will notify the names of the auditors who will carry out the assessment, according to the following time frame:

- 10 days prior to the assessment

in order to allow the organisation to object to the appointments, which will be considered by RINA, on the basis of the justifications given and using objective criteria.

3.4

Together with the signed offer and before the audit visit, the organisation is to submit the following documents to RINA:

- any changes which have occurred since the original "Application Form";

3.5

In addition to the above, other documents considered important for management system evaluation may also be requested by RINA for examination.

3.6

RINA will examine the above documents for conformity with the reference standard and with the requirements of these Rules.

3.7



The aims of the assessment are as follows:

- a) Audit on site performed according to the following aims:
 - to assess the organisation's management system, including policies and procedures if necessary, against the standard (an offsite assessment prior to the on-site one can be agreed with the client if necessary);
 - to verify on site the effective and efficient implementation of the management system.
- b) Maintenance: regular evaluation of compliance with the principles and requirements of the standard and defined improvement actions;
- c) Recertification: confirmation of maintained conformity to the standard.

3.7.1 The certification process for the MSC standards are briefly summarised in the following schemes.



Certification Rules for the MSC-Marine Stewardship Council Standard

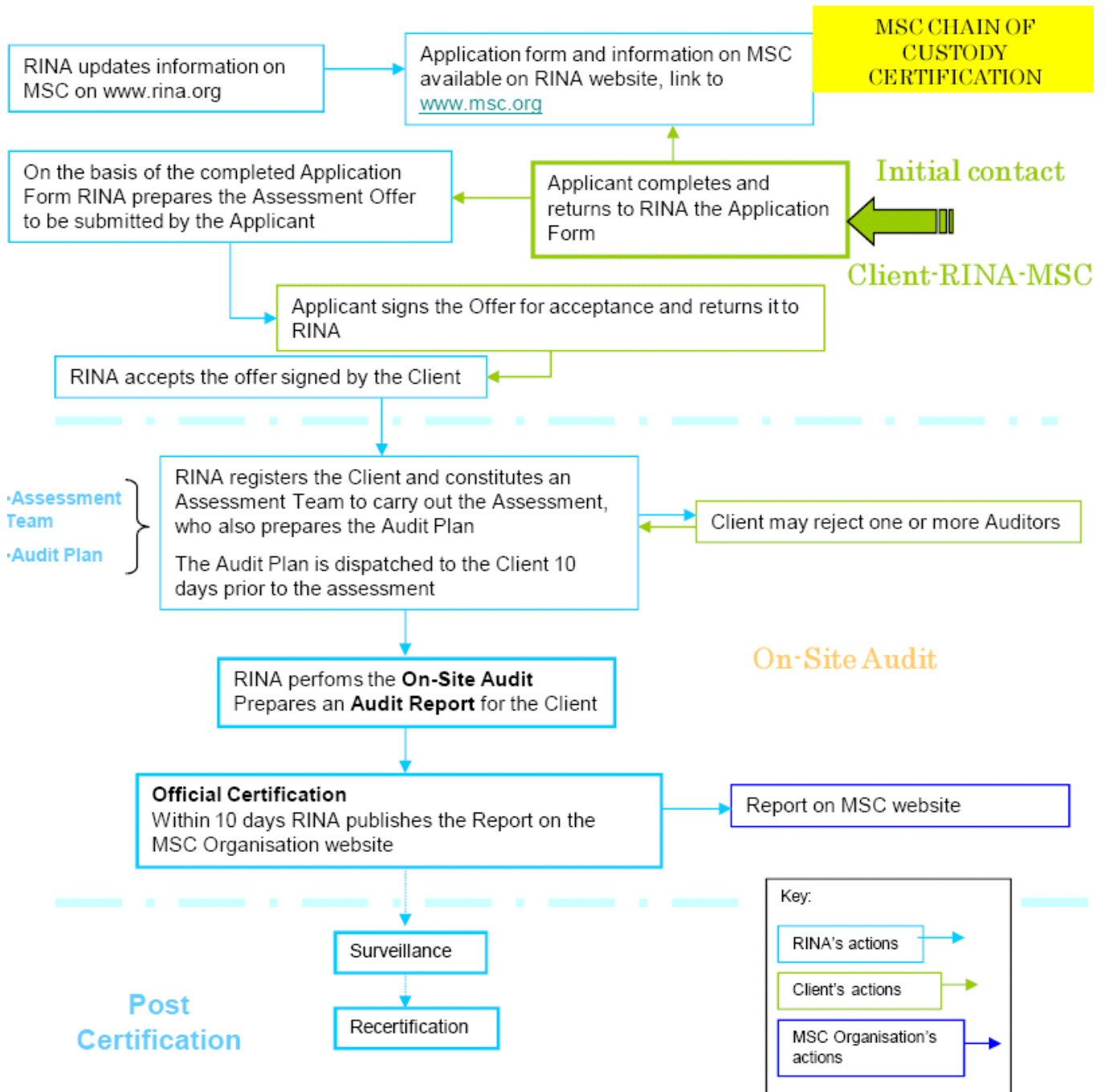


Figure 1: MSC Chain of Custody Certification



3.8

Non conformities:

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

- a) Minor non-conformity: non conformities that do not jeopardize the integrity of the chain of custody. For initial certification the client may be recommended for certification once an action plan to address the non-conformance has been agreed to by RINA Audit Team.
- b) Major non conformity: non conformities that jeopardise the integrity of the Chain of Custody - those are to be adequately resolved within three months to obtain or maintain the certification;
- c) Critical non conformity: non conformities related to evidence of Chain of Custody failure due to action or lack of action by the organisation; in this case the certification process is suspended.

3.9

After the satisfactory completion of the evaluation and validation by the relative RINA committee, a Certificate of Conformity will be issued, lasting three years.

The validity of the certificate is subject to the outcome of the subsequent annual surveillance audits and recertification.

The frequency and extent of the subsequent audits to maintain certification are established by RINA on a case-by-case basis by drawing up a minimum annual plan sent to the organisation.

3.10 Request for records of certified product in the event of a traceback carried out by the MSC

To provide greater assurance to all stakeholders, the MSC conducts tracebacks on a regular basis.

A traceback exercise traces MSC labelled products back to the certified fishery of origin by seeking supporting documentary evidence.

CoC Certificate holders are required to cooperate with the MSC to undertake tracebacks, including:

1. Submitting requested records of certified material within seven calendar days of receiving the request, or in exceptional circumstances a shorter period as specified by the MSC.
 - a. Financial details may be removed if so desired but records shall be otherwise unaltered.
 - b. Records shall be submitted in English if so requested by the MSC.
2. Requesting an extension of time in writing to the MSC traceback evaluator if the seven day period above cannot be met.
 - a. This shall include a justification for the requested extension.
 - b. If the request for extension of time is not accepted, the original seven calendar day deadline shall be met.



Certificate holders are to include the above requirements in contracts they have with subcontractors who may hold this data.

If the MSC traceback evaluator's requests are not met within required timeframes, the MSC traceback evaluator may request that action be taken by RINA.

CHAPTER4

CERTIFICATE MAINTENANCE

4.1

To maintain the certificate, the organisation must continuously comply with the reference standard.

4.2

- For certificate maintenance, the organisation is to undergo surveillance assessments, with annual frequency for all certificate holders; for specific criteria defined by MSC, RINA can also choose to program a frequency of 18 months for single or multi-site CoC clients.

The surveillance audit's timing may be advanced or delayed by up to 90 days before or after the due date as necessary to coordinate a suitable date.

4.3

RINA also reserves the right to perform additional short-notice audits; if this is refused by the organisation without a justified reason, RINA may decide to suspend/withdraw the certificate.

The organisation must bear the cost of the additional audit.

4.4

4.4.1 According with the MSC CoC Certification Requirements (clause 11.3.2) RINA shall carry out unannounced on-site surveillance audit. The unannounced audit does not provide for the transmission to the customer of a communication audit plan nor the advance notice of the audit team.

4.4.2.RINA shall prioritise clients that have been identified at high risk for product substitution by the MSC, the accreditation body or through receipt of a complaint. If RINA has not had this type of clients, it can use their own risk assessment to select clients or can choose randomly.

4.4.3 RINA may inform the client of a 6 months surveillance window in which the audit can occur, but shall provide no notice of the actual date. Entry to the site must be granted within 30 minutes from RINA arrival and cannot be refused on the basis of a responsible person not being available, or another audit being conducted on the same day, and time limits for document provision can still be set.

4.4.4. At the request of the audit team, the client will carry out again tests on products sampled (in process and / or final) in the presence of RINA's auditors.

4.4.5 If a specific VISA is required to visit the country where the customer is located, it will be established a specific contractual provisions with the customer for which RINA will visit the country at any time. These



specific contractual provisions and documents will be prepared and extended also to critical subcontractors and essential suppliers of the client.

4.4.6 In order to perform a correct unannounced inspections, the organization must inform RINA of any periods in which not perform the normal work. Such notice shall be made with a minimum of 5 working days in advance of the date of activities' suspension .

CHAPTER 5 RECERTIFICATION

5.1

Recertification assessments are performed every three years.

5.2

The way in which are performed the recertification audits are the same ones of the first certification and the same certification iter.

The audit shall be planned and performed in order to guarantee the validity of the certificate. RINA has the possibility to extend the certificate validity of the client til a maximum of 90 days reporting the request inside the MSC database. This request has to be approved by MSC.

For the group organizations, the plan for sampling of the sites, shall be determined as done for the inzial audits.

For CFO (Consumer Facing Organization) and multisite, the plan for the sampling of the sites, shall be the same one of the surveillance audit.

CHAPTER 6 SUSPENSION AND WITHDRAWAL

6.1

RINA may suspend or withdraw a certificate for a contractual or administrative reason, such as late payment of invoices, or delay in the audit schedule due to unforeseen circumstances.

Certificate suspension or withdrawal occurs in the following cases if the organisation:

- if there has been a demonstrable breakdown in the Chain of Custody caused by the client's actions or inactions (i.e. significant discrepancies in records supplied at different points in time by the client, significant omissions in the client's traceability records for certified products).if the organisation prevents RINA from performing the scheduled assessment according to the agreed frequency (CoC surveillance audit are allowed at 180 day window – 90 days before and after the scheduled date foreseen in the surveillance audits programme)
- if the organisation does not resolve major non-conformities within the terms defined by RINA;



Certification Rules for the MSC-Marine Stewardship Council Standard

- if the organisation does not observe the deadlines established for the communication of corrective actions, following non-conformities/observations indicated in the audit report;
- if the client has sold as certified (or under-assessment), products which are shown not to be certified (or under-assessment) except for the following cases:
 - RINA shall not suspend a CFO CoC certificate if the conditions of CoC CR clause 9.2.2.1 are met
 - RINA shall not suspend a Group CoC certificate if the requirements in CoC CR clauses 9.4.4.1 or 9.4.6.1 are met
- If the client cannot demonstrate that products labelled or sold as certified are in fact certified;
- For group CoC clients, the client has had a group critical non-conformity raised;
- For CFO CoC clients, if the client has exceeded the number of sites with at least one major non conformity detected during the audit as described at point 9.3.1 of the MSC CoC Certification Requirements;
- For CFO CoC clients, if the client has a major non-conformity raised against the same clause in the CFO CoC Standard at a follow-up site visit as described in clause 9.3.2.3 of the CoC Certification Requirements;

If MSC or MSC I has suspended or withdrawn a certificate holder's license or other agreement to use the trademarks and the certificate holder does not comply with MSC or MSC I instruction within stated timeframes;

- If it refuses or obstructs the participation in audits of the observers of the accreditation body;
- If any relevant clauses on non-conforming product in the CoC Standard have not been followed, or the corrective actions are not determined to be effective;
- In case of evidence of not respecting the applicable Laws and standards in force;
- In case of any justified and serious received complaints;
- for inappropriate use of the MSC logo against rules defined by MSC;
- for inappropriate use of the RINA logo.

If the cause of the suspension is determined to be intentional and/or systematic, RINA:

- shall set the period of suspension at a minimum of 6 months;
- should in verification activities include monitoring the activities of the suspended client;
- shall, prior to accepting that corrective action has been effective, perform an on-site verification audit and at a later date perform a second on-site unannounced audit.

In case of the organization identifies and reports cases related to mistakes of labelling or not compliant products, the certification can be suspended by RINA if it would be adequately applied the correct procedures of management of the not compliant product, as per the MSC-COC standard requirements.

In this case RINA will verify the effectiveness of the corrective actions foreseen within 30 days from the first notification by the Organization.



The certification will be suspended in case the Organization has not effectively respected the rule points related to the management of the not compliant product and the corrective actions undertaken are not effective.

6.2

Failure to fulfil the conditions as per section 3.8.1.4 above by the established date will lead to revocation of the Certificate of Conformity.

Revocation of the certificate of conformity may be decided in the following specific cases:

- when there are reasons such as those indicated in Section 6.1 for suspension, which are held to be particularly serious;
- if the organisation does not accept the new economic conditions established by RINA due to a modification in the contract;
- If verification of the effectiveness of the corrective actions to address the reason(s) for suspension in the required timeframe cannot be conducted;
- for any other reason that RINA deems to be serious, as for example but not only, proven inability of the system to pursue its objectives of compliance with binding obligations or contractual obligations or of product safety.

6.3

Withdrawal of the Certificate of Conformity is notified to the organisation and to MSC by registered letter and the relative files (public and confidential) are updated.

Any organisation which, following revocation of its certificate, wishes to be re-certified, must submit a new application and follow the entire procedure all over again.

CHAPTER 7

CERTIFICATION RE-ESTABLISHMENT

7.1

Certification re-establishment after suspension or withdrawal occurs following the same process and assessment method as for first certification.

7.1.1 In particular, certification re-establishment for the MSC Chain of Custody Certificate is not allowed within the six months following suspension or withdrawal.

RINA shall not issue a new certificate until at least 6 months from the date of suspension if the certificate has been suspended within the last 6 months for intentional and/or systematic causes related to a demonstrable breakdown in the Chain of Custody caused by the client's actions or inactions or in case of the Consumer Facing Organization (CFO) for the presence of a major non-conformity raised against the same clause in the CFO CoC Standard at a follow-up site visit.

Moreover in case of a certificate suspended within the last 6 months and the client has cancelled their certificate during suspension, RINA shall not issue a new certificate until at least 6 months from the date of suspension.



In case the organization that is requesting the certification has the certificate withdrawn within the last 2 years, RINA shall not issue a new certificate until at least 2 years from the date that the certificate was withdrawn. The audit can be conducted before 2 years deadline, in a way to allow in any case the certificate issuance at the 2 years deadline.

7.1.2 If the organisation has its MSC Chain of Custody certificates withdrawn for the second time, it is not allowed to request certification re-establishment in the two years following certification suspension or withdrawal, and is to provide RINA with the complete documentation regarding the two years of activity without a certificate, for what concerns the scope of certification.

7.1.3 The same rules will be followed if RINA is in charge of certification re-establishment for an organisation whose certificate has been suspended or withdrawn by another Certification Body.

CHAPTER 8

LABELLED PRODUCTS MANAGEMENT AND LOGO USE SUSPENSION FOLLOWING CERTIFICATION SUSPENSION/WITHDRAWAL

8.1

Following certificate suspension or withdrawal, the organisation loses the right to use MSC and RINA logos.

8.2

Regarding labelled fish products that, at the time of suspension or withdrawal of the Fishery Certificate, are already in the chain of custody, RINA will evaluate whether to allow the products to enter the market or not and where it's needed the implementation of actions aimed to avoid the placing in the market of a non certified labelled product.

Consequently, RINA will inform the organisation of the measures to be taken. The organisation bears the cost of the above evaluation and measures.

8.3

Regarding MSC Fishery certification, the following procedure is applied:

8.3.1 Fish not yet in the Chain of Custody at the time of suspension cannot be sold as certified or subsequently enter the Chain of Custody as MSC certified fish.

8.3.2 Fish caught before the certificate suspension/withdrawal can be sold under the following conditions:

- a) if the fish can be traced back to capture and is already owned by an organisation belonging to the Chain of Custody;



Certification Rules for the MSC-Marine Stewardship Council Standard

b) in the Chain of Custody following the fishery whose certificate has been suspended, the Certification Body issuing the Chain of Custody certificate can ensure an efficient system to identify and segregate the MSC certified product;

c) the certificate holder or the logo licensee can ensure with proof that the fish is certified;

d) if any subject can provide proof of the above, MSC has the authority to establish rules based on which the product cannot enter in the subsequent Chain of Custody and so cannot be sold as certified.

8.3.3 Within 24 hours RINA notifies the Fishery certificate to MSC and the pertinent client.

8.3.4 MSC International informs certificate holders of the notice of suspension or withdrawal within one working day.

8.3.5 MSC notifies the Certification Bodies involved and makes public the suspension or withdrawal within one working day from receipt of the notice.

CHAPTER 9 APPEALS PROVISIONS

9.1

In the case of certificate suspension or withdrawal, the organisation may lodge an objection with RINA and send a copy to the Chief Executive and Objections Panel Chair of the MSC Organisation within 10 days from the notice of suspension/withdrawn date.

RINA will respond to the objection within 15 days, sending a copy with adequate documentation to the Chief Executive and Objections Panel Chair of the MSC Organisation.

If the organisation is not satisfied, it can reiterate the objection within 7 days from the receipt of RINA's response to the MSC's Objections Panel Chair.

In 7 days, MSC's Objections Panel Chair will decide on the objection or involve experts to decide, and may convene the parties for a solution of the objection or reach within 15 days a decision that is final.

RINA will make its decision with reference to the solution of MSC's Objections Panel, which is published on the MSC website.

CHAPTER 10 CERTIFICATE TRANSFER

110.1

The MSC standard allows certificate transfer to another Certification Body at an organisation's request only in specific cases, in which RINA acts as defined in the specific internal instruction with the purpose of guaranteeing organisation continuity and consistency of certification.

The specific cases referred to above are:

- accreditation achieved in a period longer than the scheduled certification;



- accreditation suspension or withdrawal;
- organisation's request of transfer to another Certification Body during evaluation or at the recertification stage.

In those cases, RINA provides operational details at the Client's request.

CHAPTER 11 CONFIDENTIALITY

11.1

The organisation must provide RINA with all the assistance required to allow it to perform its conformance assessments, including provision of the documentation concerning the MSC standard for which certification is requested and verification is required and all relative records.

The organisation must also allow safe access to all the areas where activities relevant to the subject of the certificate/statement are performed.

All the acts (documents, letters, communications, etc.) relative to the system/product certification and verification activities are deemed confidential.

Access to and consultation of the documents relative to the certificate/statement are restricted to the functions involved in the certification/ validation and verification process and to the organisation in question.

If any information relative to the organisation must be divulged due to legal obligations, RINA will inform the organisation accordingly.

RINA is required to provide access to confidential information regarding the Client to the Marine Stewardship Council Organisation.

RINA shall not be liable for any losses due to the provision of false, misleading or incomplete documented information or documents provided or due to the acts or omissions of any other person other than RINA, except for enquiries specifically stated in the scope of the service commitment. RINA cannot guarantee the accuracy or correctness of third party information used to execute the service.

11.2 Requirements to provide information concerning legal proceedings

The organisation undertakes to:

1. immediately inform RINA of any irregular situations revealed by the control authorities, as well as any suspensions or withdrawals of authorisations, concessions, etc. relative to aspects connected with the subject of the certificate/statement;
2. immediately inform RINA of any current legal proceedings concerning the subject of the certificate/statement, within the limits established by the law;
3. for certificates/statements concerning environmental requirements, immediately inform RINA of any environmental incidents with a long-term impact and/or requiring a response from external organisations and/or requiring communications to be made to public authorities;



4. keep RINA informed of developments in the above proceedings.

Concerning the above, RINA may perform extraordinary audits and, if necessary, take measures to suspend/withdraw certification/statement, depending on the severity and impact of the event in question.

11.3 Right to utilise external resources

RINA may either use its employees or duly qualified external staff working on its behalf to perform the activities indicated in the contract.

These persons are required to respect all the undertakings made by RINA, including those concerning independence and confidentiality.

CHAPTER 12 DISPUTES

12.1

Except as established in the following point concerning disputes deriving from the payment of fees and expenses due to RINA and those deriving from the use of the mark, logo, name or other distinguishing feature of RINA, any other dispute arising between the parties in connection with the interpretation and execution of the Contract will be submitted to a board of three arbiters, one appointed by each of the two parties and the third chosen by the first two, or, failing such agreement, by the President of the Order of Lawyers of Genova upon request of the diligent party.

In the event of a dispute, the diligent party is to name its arbiter and indicate the petitions it intends to submit to the Board in a document to be sent to the other party by registered letter with return receipt, inviting the other party to appoint its arbiter within fifteen days from receipt of the letter.

Within fifteen days, the summoned party is also to appoint its arbiter and indicate the petitions it intends to submit to the Board. If the summoned party fails to appoint its arbiter within the above fifteen day period, the said arbiter will be appointed by the President of the Order of Lawyers of Genova upon request of the diligent party.

The two arbiters appoint a third arbiter to act as Chairman of the Board within fifteen days from the appointment of the second arbiter, except in the case of disagreement and consequent appeal by the most diligent party to the President of the Order of Lawyers of Genova.

The board will meet in Genova and the arbitration process will be informal and legally binding.

The board of arbiters will make its decisions informally though admitting the principle of cross-examination.

The sentence will be issued within 120 days from the date the Board was formally established, save any extensions granted by the parties and save the right of the Board to extend the term for another 120 days if this is deemed to be necessary for investigative purposes.

The decision of the arbiters is binding on the parties.



Certification Rules for the MSC-Marine Stewardship Council Standard

Subject to the above, any disputes arising from the payment of fees and expenses due to RINA for the services rendered or in any way connected with the contract, and those deriving from the use of the mark, logo, name or other distinguishing feature of RINA, will be exclusively settled by the Court of Genova.

12.2 Appeals

The organisation may appeal against the decision of RINA by explaining the reasons for its disagreement within 30 days of the date of notification of the decision.

The appeal will be sent to the Certification Division of RINA Head Office.

RINA will examine the appeal, according to its internal instructions, within two months of its submission and consult the organisation's representatives, if necessary; the appeal will be examined by persons different from those who carried out the audits or inspections and made the certification decision.

RINA will provide the appellant with progress reports and outcome.

An appeal which is not solved by the Certification Division, is submitted by the Director of the DCI to the RINA Certification Committee that, following investigation, and possibly after contacts with the appellant, gives its opinion on the appeal within 60 days from the date of receipt of the appeal by the Certification Committee, and communicates the opinion to the appellant by registered letter with return receipt.

RINA will give formal notice to the appellant of the end of the appeal-handling process.

All costs related to the appeal are at the organisation's expense, unless there are good grounds for the appeal.

CHAPTER 13 – CONTRACT CONDITIONS

Reference is to be made to the document "General contract conditions for the certification of systems, products and personnel" in its current edition, which can be downloaded from the site www.rina.org, for what concerns the contractual conditions.

For further information relevant to certification and "Frequently Asked Questions" please refer to Marine Stewardship Council website: www.msc.org



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English edition

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