



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

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Technical rules



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## 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 fishery products and relative 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 Fishery Certification;
- 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:

- **MSC Fishery:**

wildcapture marine fisheries (including, but not limited to, crustaceans, shellfish and cephalopods);

enhanced fisheries included in the following categories:

- **Catch and Grow fishery (CAG)** – wild harvest followed by a grow-out phase
- **Hatch and Catch fishery (HAC)** – release of fish either as eggs, larvae or juveniles and subsequent recapture from the wild
- **Modified Habitat Fishery (MH)** – modification of habitats to increase production or favour desirable species;

- **MSC Chain of Custody:**

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

<b>Accredited CoC certification required</b>	for organisations not included in the following categories
<b>Accredited CoC combined audit</b>	for Clients already certified against a recognised national/international food safety standard (BRC, IFS, SQF and GlobalGAP Aquaculture CoC). This option allows integration of the MSC CoC Audit with the audit of the above-mentioned standard; in accordance with the fact that elements audited against the food security standard should not be audited again in the MSC CoC Audit. If there is no audit imminently the CAB can do the audit as soon as possible as only MSC but then once CAB has certified the client it can determine the surveillance

	frequency for MSC audits (dependent on the risk matrix) and determine how best to synchronise audits with the recognised standard. In this case RINA or the MSC Organisation shall provide a gap analysis of the certified standards to identify the additional requirements for MSC CoC Certification.
<b>Multi -site</b>	for client that has more than one site and wishes for all sites to be individually audited but receive one certificate.
<b>Group certification required</b>	for a homogeneous group of organisations, or multi-site companies, defined as a Group Entity (single central point of control) and associated to individual sites which collectively apply for certification in order to operate under a single CoC certificate
<b>Interim certification required</b>	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

**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.

**1.3.3** Furthermore, regarding the MSC Fishery standard, the certification subject is the fishery or fish stock (= biologically distinct unit) combined with the fishing method/gear and practice (= vessel(s)) pursuing that stock.

Fisheries applying for assessment are thus identified usually considering:

- the geographical area of the fishing;
- the target fish stock;
- the fishing gear used;
- the management group(s) or organization(s) taking responsibility for the certificate.

#### 1.4 Scope of certification

**1.4.1** The MSC Fishery Standard scope is to give value to those fisheries acting in respect of the sustainability of fish stocks, allowing them to maintain through time and ensure their lasting exploitation.

**1.4.2** 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.

#### 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** In particular, to obtain MSC Fishery certification, the organisation shall apply to implement a sustainable fishery activity, or rather shall:

- maintain fishing at a level that permits a durable exploitation of the fish population, avoiding over-exploitation;
- manage the fishing activity minimising the environmental impacts, to allow maintenance of the ecosystem structure, productivity, function and biodiversity;
- comply with the rules and regulations of local, national and international regulations and have a management system that allows adaptation to circumstances and to maintain sustainability.

**2.2.2** Regarding the MSC Chain of Custody Certification, the organisation must meet the requirements of the 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](http://www.rina.org)) and sending it to RINA which will use it to prepare a quotation.

These information have to be provided by an authorized representative of the applicant Organization.

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:

- MSC Fishery - 30 days prior to the assessment;
- MSC Chain of Custody - 5 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 must submit the following documents to RINA:

#### 3.4.1 MSC Fishery Certification:

- copy of the Chamber of Commerce registration certificate or an equivalent document;
- any changes which have occurred since the original "Application Form";
- Organisation chart;
- site plan/s;
- list and characteristics of the fishery vessels.

#### 3.4.2 MSC Chain of Custody Certification:

- copy of the Chamber of Commerce registration certificate or an equivalent document;
- any changes which have occurred since the original "Application Form";
- Organisation chart;
- site plan/s;
- a list of internal procedures;
- internal audit planning.

### 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 Assessment has the following aims:

#### 3.7.1 MSC Fishery Certification:

- a) Pre-Assessment: to assess the adequacy of fishing activity in relation to the requirements of the standard for the purpose of obtaining certification during the next phase of full-Assessment. This step is particularly recommended although not mandatory to obtain certification;
- b) Full-Assessment: to evaluate the effective sustainability of the fishery to be certified, in compliance with the principles of the reference standard, according to the criteria defined in evaluation methodology and the methods set out in the certification manual;
- c) Maintenance: regular evaluation of compliance with principles and requirements of the standard and defined improvement actions;
- d) Recertification: confirmation of maintained conformity to the standard.

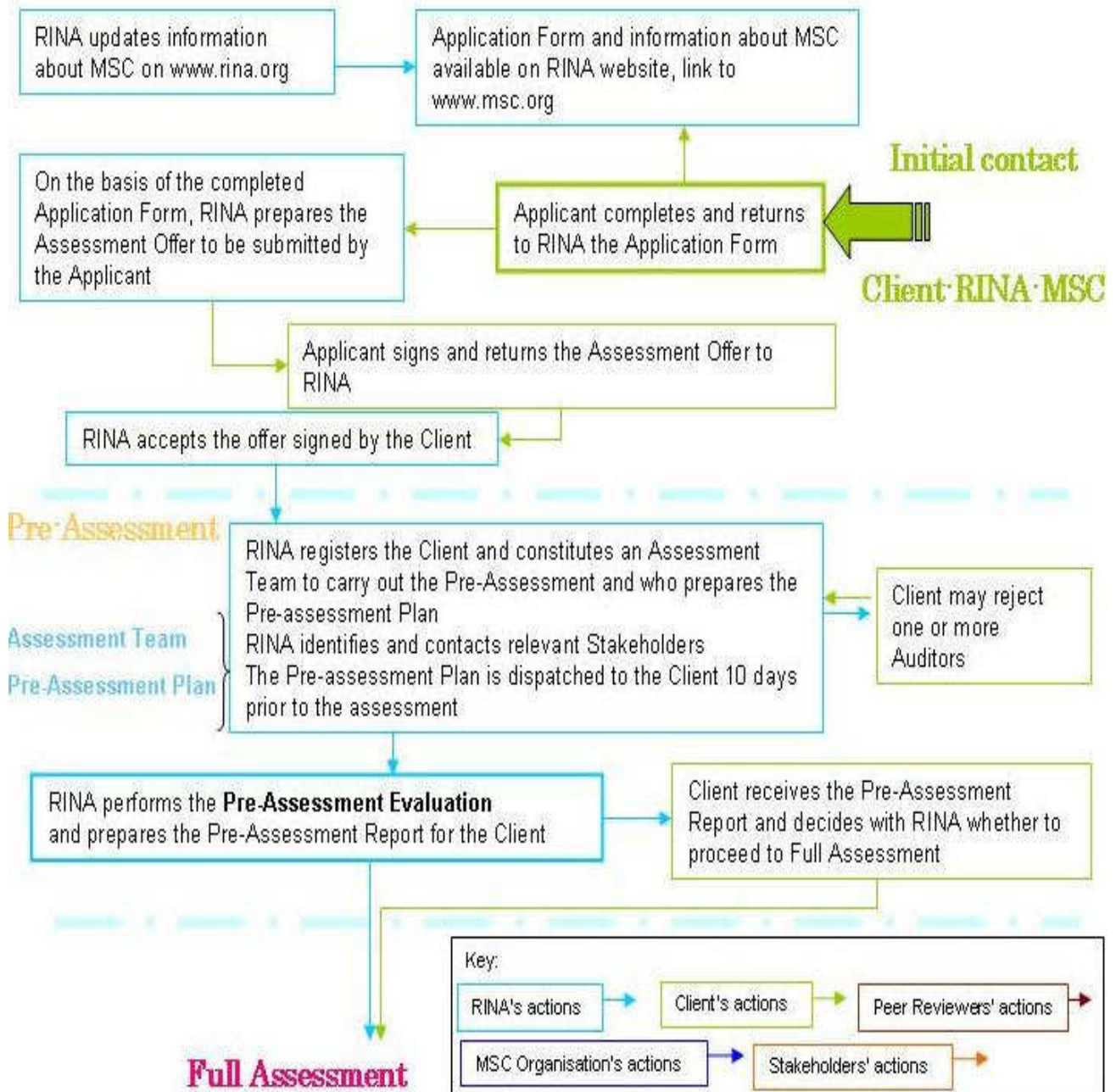
In the event of Pre-Assessment evaluation, if critical non conformities are found, they must be resolved before entering the Full- Assessment stage.

#### **3.7.2 MSC Chain of Custody Certification:**

- a) Audit on site:
  - 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 principles and requirements of the standard and defined improvement actions;
- c) Recertification: confirmation of maintained conformity to the standard.

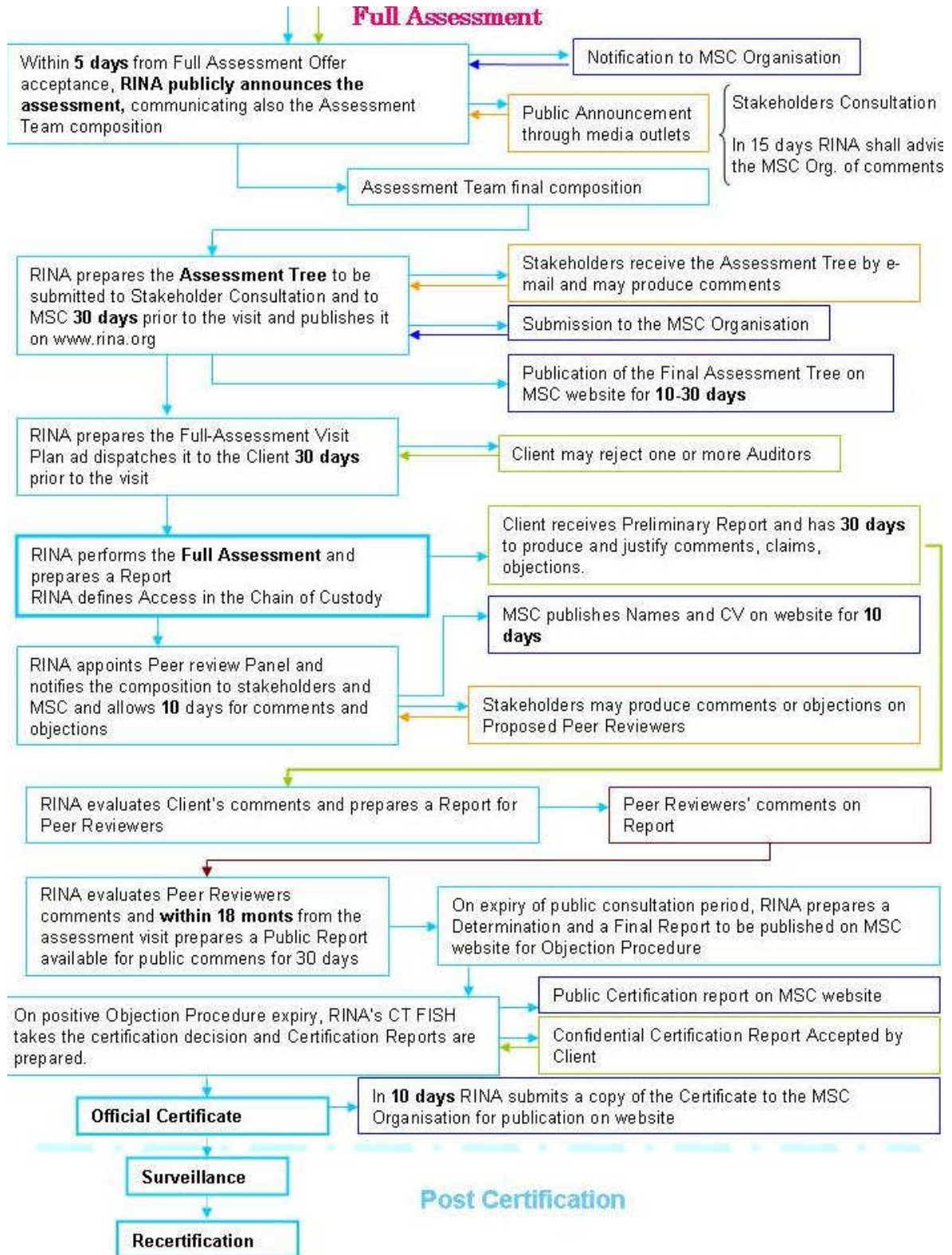
**3.7.3** The certification process for the MSC standards are briefly summarized in the following schemes.

**MSC FISHERY CERTIFICATION**

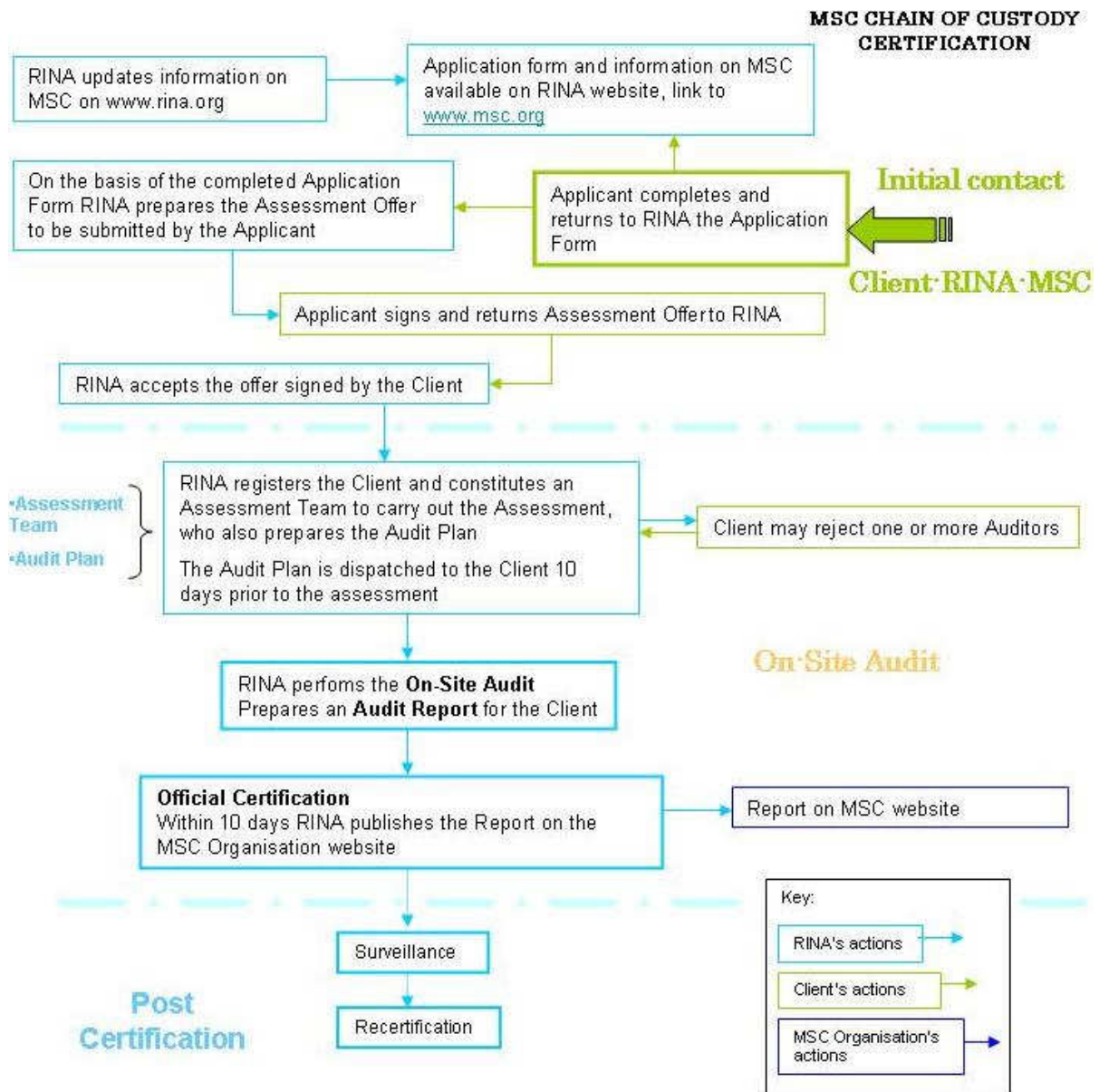


**Figure 1: MSC Fishery Certification - Initial Contact and Pre-Assessment**





**Figure 2: MSC Fishery Certification - Full-Assessment**



**Figure 3: MSC Chain of Custody Certification**

### 3.8

Non conformities:

#### 3.8.1 MSC Fishery Certification

**3.8.1.1** The Assessment team evaluates the organisation against the Principles and Criteria of the reference standard assigning a score to a maximum of 100, where 100 represents a fishery with the best theoretic sustainability relating to the MSC standard.

**3.8.1.2** The condition to obtain certification is to achieve the minimum score of 80 for each of the indicators provided.

**3.8.1.3** In case the fishery scores less than 60 in one or more performance indicators, then the certification process will not continue.

It will be possible for the fishery to start a new certification process within two years from the initial assessment.

**3.8.1.4** If during the Full-Assessment the organisation reaches a score lower than 80, but higher than 60, for one or more performance indicator, then the assessment team establishes and notifies conditions and deadlines to achieve the minimum score of 80.

**3.8.1.5** In *Exceptional circumstances*, RINA may recognise that to achieve a score of 80 could require a particularly long period for certain performance indicators.

*Exceptional circumstances* are defined as situations in which, even with perfect implementation, the achievement of 80 may require a period exceeding the agreed terms of certification (for example relating to scientific research activities or to the completion of ecological functions or responses).

In such circumstances, RINA specifies the above conditions in the Draft and Final Report, providing details on the significant and measurable improvements, including planning of the intermediate and final and relative scores to be achieved during the certification period foreseen.

Moreover, RINA specifies the results to be reached to achieve the score of 80 at the final term.

**3.8.2** MSC Chain of Custody Certification - non conformities resulting from the assessment are classified as follows:

- a) Minor: non conformities that do not jeopardise the integrity of the Chain of Custody - the organisation is allowed to continue the certification process if the related corrective actions proposed are approved by RINA;
- b) Major: non conformities that jeopardise the integrity of the Chain of Custody - those shall be resolved adequately within three months to obtain or maintain certification;
- c) Critical: non conformities related to evidence of Chain of Custody failure due to action or lack of action from the organisation – 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 five years for MSC Fishery Certification and three years for MSC Chain of Custody Certification.

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



The frequency and extension 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.

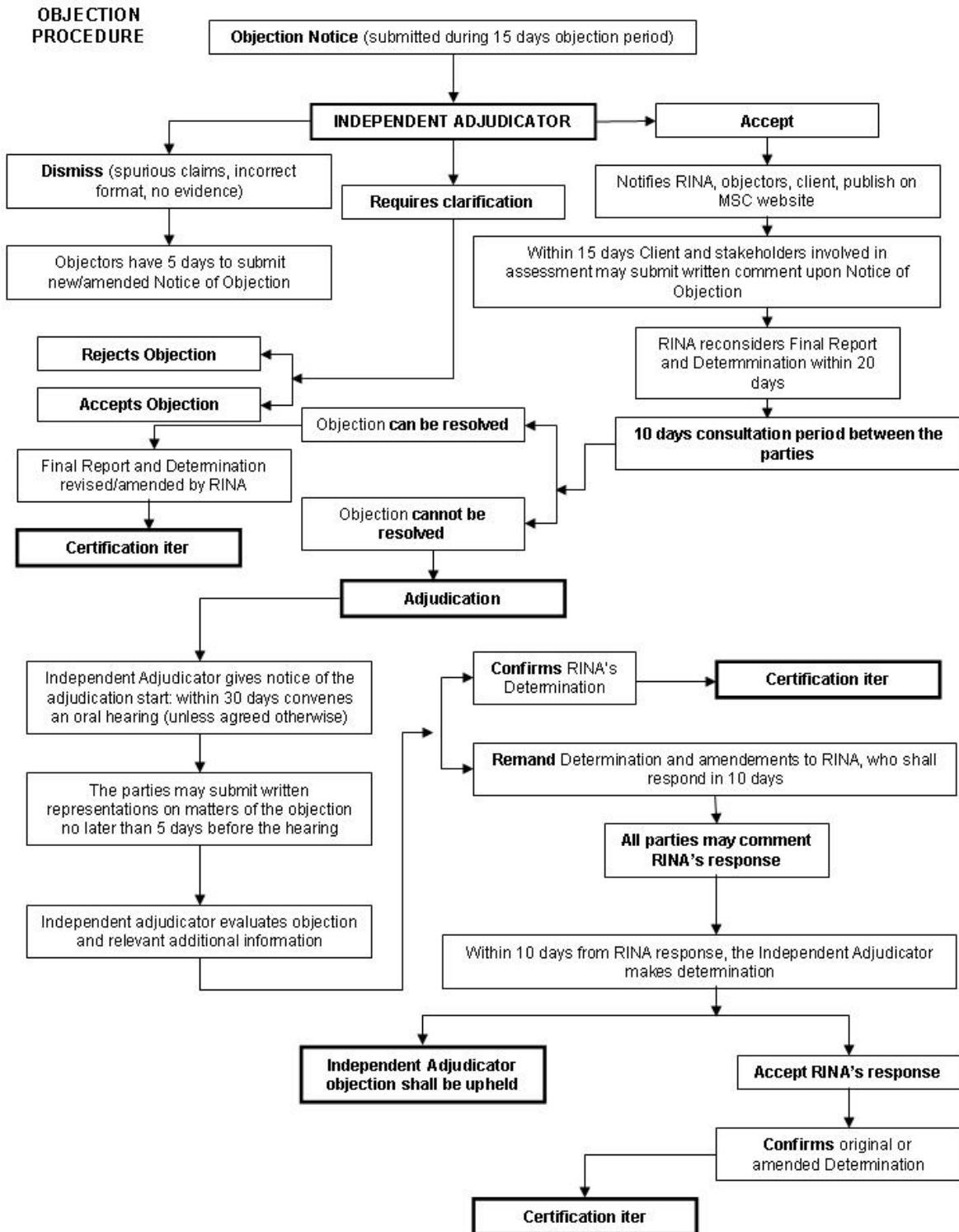
### **3.10**

In the MSC Fishery Certification process, important public involvement is provided.

First, after RINA's acceptance of the signed offer, the MSC Organisation requests a Public Announcement of the certification process start, then the assessment method prepared by the RINA assessment team to be used during the fishery assessment is made public.

Following the audit activity, the Assessment Report is submitted to a peer reviewers panel (designated by RINA). After the peer review, RINA prepares a report and sends it to the MSC Organisation for publication on the MSC website. The MSC Organisation notifies publication of the report to stakeholders that can produce comments up to 30 days from publication on the web.

The subsequent Final Report with any revisions is sent to the MSC Organisation from RINA and is published on the MSC website. Within 15 days, all parties involved may commence the objection procedure. Objection may only refer to the assessment method and factors that may have influenced impartiality or adequacy of the evaluation performed by RINA. The objection procedure consists of a process of consultations and evaluations on the Final Report, whose costs are borne by the party (or parties) making the objection. An outline of the objection procedure scheme is shown below.





#### Figure 4: MSC Fishery Certification – Objection Procedure

##### 3.11 Eligibility date

RINA nominates, in consultation with the Client, a date from which the product from a certified fishery is likely to bear the MSC ecolabel. This target eligibility date could be:

- the date of certification established by the fishery certificate, or
- any previous date back to a maximum of six months prior to the publication of the most recent Public Comment Draft Report, linked to particular conditions (beginning of the fishery management year, fishing season or any other logical date with regard to the client fishery).

This target eligibility date will be properly updated according to the fishery certification progress, and will be communicated to the MSC Organisation for publishing on the MSC website.

Fish caught after the actual eligibility date but before the date of certification of the fishery will be eligible to carry the MSC ecolabel, provided that the company handling the fish is issued a valid CoC certificate before the date of certification of the fishery, and the fishery in question is listed in the scope of the CoC certificate or in the "under-MSC-assessment" schedule attached to the certificate of the company handling the fish.

##### 3.12 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 shall 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 there requested extension.
  - b. If the request for extension of time is not accepted, the original seven calendar day deadline shall be met.

Certificate holders shall include the requirements above 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.



## **CHAPTER 4**

### **CERTIFICATE MAINTENANCE**

#### **4.1**

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

#### **4.2**

For certificate maintenance, the organisation must undergo surveillance assessments, with the following frequency:

- MSC Fishery Certification: annual surveillance;
- MSC Chain of Custody Certification: minimum annual surveillance audit, with possible increase of the audit frequency upon RINA's decision following the MSC Organisation's rules (MSC Chain of Custody Certification Methodology v7, 1 July 2010).

#### **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 costs of the additional audit.

## **CHAPTER 5**

### **RECERTIFICATION**

#### **5.1**

Recertification assessments are performed with the following periodicity:

- MSC Fishery Certification: every five years;
- MSC Chain of Custody Certification: every three years.

#### **5.2**

MSC Fishery Recertification:

**5.2.1** If RINA acquires an organisation certified by another Certification Body the regular certification process is followed. Furthermore:

**5.2.1.1** To perform an effective evaluation, RINA acquires from MSC the reports prepared by the former Certification Body(ies) of the past five/four years.

**5.2.1.2** Evaluation methods and criteria must comply with the latest documental revision released by MSC, with the state of the art and the sector overall situation at the time of recertification from a scientific, environmental, technical and legislative point of view.

**5.2.1.3.** RINA verifies the fulfilment of corrective or improvement actions that the organisation has implemented for recertification. In the case of non-fulfilment, a new certificate will not be released.

**5.2.2** If RINA maintains the recertification activities together with the surveillance audits, RINA commences the recertification process by the fourth anniversary after certificate issue, following the indications of point 5.2.1 above.

**5.2.3** The objection procedure may be applied to recertification before the certificate expires. RINA may allow a further six months beyond the fifth anniversary for the completion of the objection procedure.

## **CHAPTER 6 FISHERIES ASSESSMENT HARMONISATION AND CERTIFICATION SHARING**

### **6.1**

In the case of overlap in fisheries assessment, RINA has defined a specific internal instruction which contains procedures to be followed to ensure consistency of results and evaluation integrity.

The above instruction is available on request should the above situation occur.

## **CHAPTER 7 SUSPENSION AND WITHDRAWAL**

### **7.1**

Certificate suspension or withdrawal occurs in the following cases:

- if the organisation prevents RINA from performing the scheduled assessment with the agreed frequency;
- if the organisation does not resolve non conformities within the terms defined by RINA;
- 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 organisation makes significant modifications to its Management System which have not been accepted by RINA;
- if the organisation has undergone important re-structuring and has not reported this to RINA;
- if it refuses or obstructs the participation in audits of the observers of the accreditation body;
- for inappropriate use of the MSC logo against rules defined by MSC;
- for inappropriate use of the RINA logo.

**7.2** Failure to fulfill 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 7.1 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;
- 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.





**7.3** 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.

**7.4** When the requirements of the MSC Fishery Standard are not complied with, RINA commences the suspension or withdrawal process.

In this case, RINA communicates to the organisation:

- 90 days before the expected term for the suspension or withdrawal: a written justification for the provision;
- 30 days before the expected term for the suspension or withdrawal: communication of the public announcement of the provision.

Before the public announcement, the organisation must contact the Stewardship Council International Ltd Logo Licensing Manager for the rules of renunciation of ecolabels and other material identifying MSC certified fish products.

## **CHAPTER 8 CERTIFICATION RE-ESTABLISHMENT**

### **8.1**

Certification re-establishment after suspension or withdrawal occurs following the same process and assessment method as for first certification for both MSC Fishery and Chain of Custody Standards.

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

**8.1.2** 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.

**8.1.3** 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 9 LABELLED PRODUCTS MANAGEMENT AND LOGO USE SUSPENSION FOLLOWING CERTIFICATION SUSPENSION/WITHDRAWAL**

### **9.1**

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

### **9.2**

Regarding labelled fish products that, at the time of suspension or withdrawal of Fishery Certificate, are already in the chain of custody, RINA evaluates whether to allow the products to enter the market or not. Consequently, RINA informs the organisation of the measures to be taken. The organisation must bear the costs of the above evaluation and measures.



### 9.3

Regarding MSC Fishery certification, the following procedure is applied:

**9.3.1** 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.

**9.3.2** 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;
- 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 on entry of the product in the subsequent Chain of Custody.

**9.3.3** Within 24 hours RINA notifies the Fishery certificate to MSC and the pertinent die.

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

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

## CHAPTER 10 APPEALS PROVISIONS

### 10.1

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 15 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 11**

### **CERTIFICATE TRANSFER**

#### **11.1**

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 the 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 12**

### **CONFIDENTIALITY**

#### **12.1**

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 the Marine Stewardship Council Organization to confidential information regarding the Client.

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.

#### **12.2 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.

### 12.3 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.

### 12.4 Information pursuant to Italian Legislative Decree n° 196 of 30th June 2003

Pursuant to art. 13 of Italian Legislative Decree n° 196/2003 and in relation to the data concerning the organisation (company name; head office and any branch offices address; name and personal information of the legal representatives; telephone numbers; tax code and VAT number; bank details; other information related to its business activities) directly provided by it to RINA and/or acquired by RINA during its contractual or pre-contractual relations (hereinafter known as DATA or PERSONAL DATA), the organisation is to take note of the following.

1. The PERSONAL DATA will be processed in order to:
  - a) make offers and perform other activities required to stipulate contracts;
  - b) allow RINA to fulfil its accounting and fiscal obligations, customer administration, management and performance of RINA product supply contracts, management of payments and any claims, fulfilment of all legal requirements and obligations towards accreditation bodies, insertion of the organisation in periodic RINA publications;
  - c) provide commercial information about and promote RINA services.
2. As regards the above aims, the PERSONAL DATA may be processed either manually or through the use of computers, electronic or otherwise automated means, and may consist, alternatively or jointly, in the recording, storage, organisation, processing, selection, comparison, extraction, transmission, deletion and destruction of the said data;
3. With regard to the DATA, express consent to processing, circulation and communication to the addresses mentioned in the following point 7 is not necessary or mandatory, on condition that it is done for the purposes specified in letters (a) and (b) of point 1, this being the consent presumed by law.
4. As regards processing the DATA for the purposes stipulated in letter (c) of point 1, the organisation's voluntary express consent is required to allow RINA to contact it for commercial purposes, by means of automated call systems or electronic methods, such as e-mail, telefax, sms and mms messages, and the like.

5. The DATA Holder is RINA which has appointed its Administrative Director as Processor, whose details, together with those of other individuals responsible for data processing, may be provided upon request to the head office of RINA.
6. The DATA may be communicated for similar processing to other companies in the group to which, as established in art. 2359 of the Italian Civil Code, RINA belongs.
7. The DATA may be communicated, inside or outside the European Union, to the following categories of subjects: couriers/forwarding agents, banking institutions and non-banking financial brokers; postal administrations – postal service; agents, professional studios and consulting firms for the performance of advisory services in accounting and tax matters, claims management and credit collection; consultants and firms appointed to service the company's information system; auditing firms; public administrations and other organisations to whom RINA must communicate the data for legal or contractual reasons (CISQ, IACS, SINCERT, etc). The subjects belonging to the above categories to which the DATA may be communicated will use such DATA as holders, with the exception of the subjects responsible for processing.
8. The DATA will be communicated to the people responsible and to authorised individuals who need to use it in order to perform the tasks and functions assigned to them.
9. The DATA may be circulated by means of publication in RINA periodicals (registers, directories, newsletters, etc.) or insertion in RINA's website.
10. The law gives the organisation a number of rights (Article 7 of Italian Legislative Decree n° 196/2003), including the right to oppose data processing for legitimate reasons, to obtain confirmation from the holder of the existence or not of its DATA and to receive such DATA in an intelligible form; the right to know the source of the data as well as the purposes for which it is processed; the right to obtain cancellation, conversion into anonymous form, blocking for data processed in breach of current law, or certification, updating and, if interested, integration of the said data.

## **CHAPTER 13**

### **DISPUTES**

#### **13.1**

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.

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.

### **13.2 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 their 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



Certification Rules for the MSC-Marine Stewardship Council Standard

**For further informations relevant to certification and “Frequently Asked Questions” please refer to Marine Stewardship Council website: [www.msc.org](http://www.msc.org)**

*Attachment: MSC Logo Use\_en*

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Technical rules