

Marine Stewardship Council



MSC Standard Setting Procedure 2.0:

The review and revision of existing MSC international standards and the development of any new MSC international standards.

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1 PURPOSE AND SCOPE

- 1.1 This document specifies the procedure to be followed by MSC for the review and revision of existing MSC international standards and the development of any new MSC international standards.
- 1.2 The purpose of this procedure is to ensure the credibility of all MSC standards, by incorporating the values of transparency, participation and fairness into the processes for their development, and through compliance with international best practice for standards development.

2 DEFINITIONS

- 2.1 **Consensus:** General agreement, characterised by the absence of sustained opposition to substantial issues by an important part of the concerned interests and by a process seeking to take into account the views of interested parties, particularly those directly affected, and to reconcile any conflicting arguments. NOTE – Consensus need not imply unanimity.
- 2.2 **Interested party:** Any person or group concerned with or directly affected by a standard – used synonymously in this procedure with the term stakeholder.
- 2.3 **Reviewing:** The process of analysing comments and feedback received to determine a Standard's continued effectiveness. A review shall consider whether the Standard should be formally and publicly revised.
- 2.4 **Standard:** Document that provides, for common and repeated use, rules, guidelines or characteristic for products or related processes and production methods, with which compliance is not mandatory. For the purpose of this procedure, it shall be followed when reviewing and revising the MSC Principles and Criteria. The MSC Chain of Custody standard should follow this procedure.

3 REFERENCES

- | | | |
|-----|---|--|
| 3.1 | Standards and Policies | ISEAL Code of Good Practice for Setting Social and Environmental Standards (v. 5.01)
FAO Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries |
| 3.2 | Procedures, Guidelines*
*These can be requested from MSC | MSC Consultation Procedure
MSC Scheme Document Translation Procedure
MSC Complaints Procedure |

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4 PROCESS TO DEVELOP A NEW MSC INTERNATIONAL STANDARD

- 4.1 Proposals to develop a new MSC standard shall follow this procedure, the Guidelines for Writing MSC Scheme Documents and the additional activities outlined in this Section (Section 4).
- 4.2 Proposals to develop a new standard may be submitted by any interested party.
- 4.3 The decision to develop a new MSC standard shall rest with the MSC Board of Trustees (BOT).
- 4.4 A Working Group (WG) shall be established to draft the standard and shall comprise of those individuals listed in 6.1.2 and in addition shall include further individuals based on the following criteria:
 - a) expert knowledge and/or experience of the issue(s) under consideration
 - b) capacity to contribute a wide range of viewpoints, for example of different socio-economic, geographic, cultural, gender, organisational and size of interest (including small and medium) circumstances
 - c) represent potentially affected stakeholders
 - d) understanding of MSC's mission and vision, including knowledge of the MSC's systems and procedures
- 4.5 There shall be at least three rounds of public consultation.
- 4.6 The first round of consultation shall seek input from stakeholders and interested parties as to whether a new standard on a proposed topic should be developed by the MSC. The next two rounds shall follow the procedure described in Section 6.3 of this procedure.

5 PROCESS TO REVIEW AN MSC STANDARD

- 5.1 Proposals to review and/or revise a standard may be submitted by any interested party.
- 5.2 All proposals received shall be logged centrally in the 'issues log' by MSC S&L staff.
- 5.3 MSC standards shall be reviewed on an ongoing basis, with the period of the

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next review not exceeding 5 years from adoption of the previous version of the standard.

- 5.4 The date of the subsequent scheduled review shall be made publicly available and shall be included in the standard.
- 5.5 A review process shall consider a standard's continued relevance, effectiveness, and whether external circumstances have changed to the point where change is required.
- 5.6 After each review, a decision shall be made by the MSC Executive on whether a revision shall be recommended to the Technical Advisory Board (TAB) and/or BOT.
- 5.7 Reasons why a revision process may be recommended and initiated are:
 - a) stakeholder and/or internal MSC feedback
 - b) new scientific developments
 - c) change in legislation
 - d) any other significant change in the fishery and seafood supply chain industry

6 PROCESS TO REVISE AN MSC STANDARD

6.1 Preparation

- 6.1.1 A Working Group (WG), appointed by the Senior Management Team (SMT), shall be established to:
 - a) draft terms of reference for the project which include objectives, a list of key interested parties and work plan (including decision making process).
 - b) produce drafts of the revised standard both prior to and following stakeholder feedback, including justification of the proposed changes, and an assessment of risks and impact of each change.
 - c) provide recommendations to the SMT and seek input after each key standard development activity.
- 6.1.2 The WG shall as a minimum include a designated Project Manager from the MSC Executive, the S&L Director, another SMT member, and external consultants, if necessary.
- 6.1.3 A summary of the finalised terms of reference and work plan shall be made

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publicly available for comment.

- 6.1.4 The MSC website shall be continuously updated with information on the status of the standard development activities.
- 6.1.5 The MSC Translation Procedure shall be referred to when translating documents for consultations (if applicable), and for all draft and final standards.
- 6.1.6 The MSC Complaints Procedure shall be referred to when complaints about the content of the standard and/or procedural matters are received by the MSC.

6.2 Decision-Making

- 6.2.1 The MSC's policy development procedure shall be followed when developing the work plan (including the decision making process).
- 6.2.2 The WG shall consult the SMT as required during the standard development process, but SMT approval shall be required when:
 - a) developing the terms of reference for the project
 - b) producing draft standards before being released for consultation
 - c) recommending further rounds of consultation beyond the required two
 - d) making recommendations for the TAB, Stakeholder Council (StC) and BOT
- 6.2.3 When a proposed draft standard has been approved by the SMT, it shall confirm the decision-making process as defined in the work plan or revise it as appropriate.
- 6.2.4 All proposed draft standards shall be presented to the TAB prior to public consultation.
- 6.2.5 Once endorsed by TAB, all proposed draft standards shall be put to public consultation as per section 6.3 of this procedure.
- 6.2.6 All proposed draft standards shall be put to the TAB, StC and BOT for formal and final adoption.
- 6.2.7 Formal adoption of a proposed draft standard shall be approved by the TAB as per paragraph 4.6 of the 'Rules and Operating Procedures Governing Technical Advisory Board'

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- 6.2.8 Formal adoption of a proposed draft standard shall be approved by the StC as per paragraph 5.6 of the 'Rules and Operating Procedures Governing Stakeholder Council'.
- 6.2.9 Formal adoption of a draft standard shall rest with the MSC Board of Trustees following approval from TAB and StC.
- 6.2.10 If consensus is not reached, by either the TAB or StC, as per 6.2.5 and 6.2.6, the WG shall prepare a report to the BOT. The report shall:
- a) summarise the standards development activities
 - b) explain the main issues and concerns raised during the process
 - c) highlight the areas where consensus has not been reached and recommendations on how to address them
- 6.2.11 The report shall be presented to the BOT for consideration and decision on the proposed recommendations.
- 6.2.12 The BOT shall follow the rules set out in the Articles of Association under 'Proceedings at General Meetings' and 'Votes of Members' when formally adopting a draft standard.
- 6.2.13 A summary of the discussions by the BOT to arrive at the decision to endorse a draft standard shall be made publicly available.

6.3 Consultation

- 6.3.1 The MSC Consultation Procedure shall be followed when carrying out a consultation.
- 6.3.2 The launch of a public consultation shall be officially announced on the MSC website. The announcement shall be copied to the ISEAL Alliance.
- 6.3.3 The announcement shall include:
- a) a brief and clear description of the scope and objectives of the proposed standard or proposal to revise an existing standard
 - b) the justification of the need to introduce or revise the standard
 - c) the estimated timeline for completion of the proposed standard or revision
 - d) the opportunity to submit written comments on the specific issues and approaches that should be addressed

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e) that the process shall be in compliance with the ISEAL Code of Good Practice

f) contact details

- 6.3.4 Any proposed revised draft of a standard shall include at least two rounds of public consultation. The second round shall be required if substantive changes have been made since the first draft.
- 6.3.5 Each round of consultation on a proposed draft shall normally include a period of at least 60 days for the submission of comments and no less than 30 days if a justification has been established for a reduced consultation period.
- 6.3.6 Key stakeholders shall be proactively approached to contribute to the consultation, in particular those that are under represented, disadvantaged groups and those that will be directly affected or disadvantaged by any change. Organisations that have developed related standards shall be encouraged to participate.
- 6.3.7 After each consultation, a synopsis of the comments received and how they have been addressed shall be produced. The synopsis shall be made publicly available and shall be sent to all parties that submitted comments.

6.4 Drafting the revised standard

- 6.4.1 The objectives of the standard shall be clearly and explicitly specified in the standard itself.
- 6.4.2 In defining the content of a standard, consideration shall be given to regulatory requirements, market needs as well as scientific and technological developments.
- 6.4.3 If applicable, the standard shall follow a structure where each objective shall be linked to principle, criteria and/or means of verification. This shall apply to the MSC's Principles and Criteria.
- 6.4.4 A standard shall avoid language and structure that may create ambiguities in interpretation. Consistent interpretation will be sought by setting criteria that are clear, objective and verifiable.
- 6.4.5 A standard shall be expressed in terms of a combination of process, management and performance criteria, rather than design or descriptive characteristics. To this end, the standard shall only include criteria that contribute to the achievement of the stated objectives.
- 6.4.6 A standard shall not favour a particular technology or patented item.

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- 6.4.7 Requirements that may facilitate conformity assessment shall be presented separately from technical, process or management requirements.
- 6.4.8 A standard shall attribute or cite all original intellectual sources of content.

7 MAINTENANCE OF MSC STANDARDS

7.1 Publication and Record Keeping

- 7.1.1 Once the draft standard receives the approval of the MSC BOT, it shall be published within 30 days on the MSC website.
- 7.1.2 All approved standards shall include on their cover page the official language and a note that in case of inconsistency between versions, reference shall default to the official language version.
- 7.1.3 All approved standards shall include a contact point where requests for clarification and general feedback can be sent.
- 7.1.4 MSC shall keep a file of all records made during standards development activities (consultation comments, how they were taken into account, list of stakeholders, interested parties involved, draft and final versions of the standard, etc.) and these shall be made available on request.
- 7.1.5 All records related to standard development activities shall be kept for at least five years.

7.2 Implementation

- 7.2.1 Certificate holders shall be given a period of maximum three years to come into compliance with any revised standards.

7.3 Making non-substantive changes

- 7.3.1 Typographical errors and minor inconsistencies may be corrected with the approval of the SMT.

7.3.2 The S&L Director may also propose non-substantive changes, such as formatting, to the MSC Board of Trustees as follows:

a) a written proposal for the recommended change shall be prepared, and shall be circulated to the MSC BOT, TAB, StC and accredited MSC certification bodies for a 30-day review period. After this 30-day review period the written justification may be amended to take account of any comments received

b) the written proposal as amended shall be submitted to the TAB for consideration and then to the MSC BOT for decision

c) the updated standard shall be clearly identified with a version number and date and the most recent version shall be posted on the MSC website

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