

Marine Stewardship Council

MSC Rules on Unacceptable Conduct



Version 1.0, 26 October 2022

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The MSC prohibits any modification of part or all of the contents in any form.

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Versions published

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1.0	26 October 2022	First version issued for application by Conformity Assessment Bodies (CABs).

Responsibility for these requirements

The Marine Stewardship Council (MSC) is responsible for these requirements.

Readers should verify that they are using the latest copy of this and other documents. Updated documents, together with a master list of all available MSC documents, can be found on the MSC website ([msc.org](https://www.msc.org)).

Effective dates

The effective date for version 1.0 of the MSC Rules on Unacceptable Conduct is 26 October 2022.

About this document

The MSC Rules on Unacceptable Conduct apply to protect the brand reputation and image of the Marine Stewardship Council, Marine Stewardship Council International Limited (MSCI) (together referred to as MSC), its affiliates and associated partners. This document sets out the Rules on Unacceptable Conduct as referred to in the MSC General Certification Requirements v2.5, clause 7.4.2.

An applicant or certificate holder shall not have been involved with any unacceptable conduct (as defined below). The MSC requires that fisheries and supply chain companies remove any impacted entities from the certificate or application.

MSC Rules on Unacceptable Conduct

1. Unacceptable conduct may include one of the following (the list is provided for illustrative purposes only and is not exhaustive):
 - a. Conduct not aligned with the values and mission of the MSC, in the MSC's reasonable opinion, which contributes to harm or prejudice to the brand, goodwill, reputation or image of the MSC.
 - b. Mistreatment of crew, fisheries observers, or workers on site.
 - c. Fraud, or illegal activity related to the production, processing, packaging, trade, storage, and transport of seafood.
 - d. Activities defined as out of scope for the MSC Fisheries Standard (FCP v2.2, 7.4 and FS v3.0 Section 1) or ineligible for Chain of Custody (CoCCR v3.1, 6.2.8-10).
2. When the MSC identifies any suspected or actual unacceptable conduct, they will notify the CAB and Certificate Holder.
3. The MSC or a designated agent may investigate the issues and use reasonable endeavours to evaluate the impact and to work together with the applicant/certificate holder to discuss the allegation and resolve the issues. Resolutions may include requesting the applicant/certificate holder remove the responsible entity from the application/certificate.
4. The MSC may request any information it requires to ascertain whether the Rules on Unacceptable Conduct have been breached, and/or to determine the supply chain of the relevant product.
5. If reasonable endeavours to respond to the issues fail and the applicant/certificate holder is in breach of the unacceptable conduct rules then, the MSC on the authority of the MSC Board of Trustees may, without prejudice to any other rights it may have (including without limitation, to damages), direct the CAB to suspend the certificate in full, reject the application in full or request the applicant/certificate holder to remove an entity from the application/certificate. If an entity involved in unacceptable conduct is removed, the rest of the application/certificate may be unaffected. If the applicant/certificate holder does not agree to remove an entity from the scope of certification, the certificate shall be suspended, or the applicant rejected.
6. The MSC shall notify the CAB and applicant/certificate holder of its decision, timeline for implementation and requirements for updating the Scheme Database.
 - a. When a certificate is suspended, the CAB shall follow the suspension process set out in GCR 2.5.
 - b. If an entity is removed from the certificate, the CAB shall instruct the client not to sell any products from the entity after the date of removal. The CAB shall consider implications and impacts on the client's traceability system, this may be done with an expedited audit for fisheries certification.
7. The CAB shall update the MSC scheme database within 2 working-days of any change to the certificate or ongoing assessment.
8. The applicant/certificate holder and CAB shall have the right to reply to the MSC's decision. This is without prejudice to any other rights the CAB may have, including the CAB's right to suspend the certificate in whole or in part. The MSC may respond to the right to reply directly or escalate it as an appeal of the decision to the MSC Board or a party appointed by the MSC board. The MSC will communicate the approach taken with the certificate holder and CAB and will undertake to follow that process until the matter is concluded either by confirming or overturning MSC's initial decision.

9. The MSC is not liable for costs associated with the removal of the entity from the certificate, assessment process or suspension of the certificate. This includes loss of profit and costs of certificate.
10. The MSC, at its own discretion, may define the conditions to be met to allow the re-instatement of a certificate, or re-inclusion of the entity within the certificate. This may be, for example, once a certificate holder can show to the MSC's satisfaction that the allegation in respect of the unacceptable was unfounded.
11. The MSC has equal right to enforce clauses in the Rules on Unacceptable Conduct as an affiliate of MSC.
12. Unless otherwise indicated by the MSC, this does not affect MSC certification or the use of the MSC Ecolabel for products which are not impacted by the Unacceptable Conduct.
13. The MSC reserves the right to make a reference on its website and notify any interested third party if the MSC directs a CAB to suspend a certificate in relation to any certificate holder as is necessary to protect the integrity of the MSC trademarks.

Process Flow

