

MSC Standard Setting Procedure

Review and revision of existing MSC international Standards and the development of any new MSC international Standards



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Document history

Version	Effective date	Description of amendment	Affected section/page
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The official language of this procedure is English. The definitive version is maintained on the MSC website (www.msc.org). Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

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

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1 Purpose and scope

- 1.1 This document specifies the procedure to be followed by the MSC for the review and revision of existing MSC Standards and the development of any new MSC 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. Please note, consensus need not imply unanimity.
- 2.2 **Stakeholder:** Any person or group concerned with or directly affected by a Standard.
- 2.3 **Standard:** Document that provides, for common and repeated use, rules, guidelines and/or defines the specifications of a set of products, related processes and/or production methods, with which compliance is not mandatory. For the purpose of this Standard Setting Procedure, this document shall be followed when reviewing and revising the MSC Fisheries and Chain of Custody Standards and developing new MSC international Standards.

3 References

- 3.1 **Standards and Guidelines**
 - [ISEAL Standard Setting Code v6.0](#)
 - [FAO Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#)
 - [GSSI Benchmarking Tool v1.0](#)
- 3.2 **MSC procedures**
 - *Available upon request
 - [MSC Complaints Procedure](#)
 - MSC Policy Development Procedure*
 - MSC Consultation Procedure*
 - MSC Translation Procedure*
 - MSC TAB Terms of Reference*
 - MSC STAC Terms of Reference*
 - MSC Board of Trustees Articles of Association*

4 Internal governance and roles

- 4.1 The following groups are involved in the standard setting process and fulfil the roles described:
 - a. The **MSC Board of Trustees (Board)** take the decision to develop new Standards, review existing ones and take the final decision on whether to adopt new or revised Standards.

- b. The **Technical Advisory Board (TAB)** develop, review and approve the technical content of a Standard, approving drafts for consultation and testing plans, and may set up Working Groups to provide technical input on specific components of a Standard.
- c. The **Stakeholder Advisory Council (STAC)** advise the TAB and the Board on the views of stakeholders and the impact of new and proposed revisions to Standards on different interest sectors, and may set up Working Groups to provide guidance on specific components of a Standard.
- d. The **MSC Executive (MSC)** conducts ongoing review of the Science and Standards Issue Log and acts on the direction of the Board to lead the development, review and revision of Standards including coordination of the process and content development.

5 Proposals to develop new or review and revise existing MSC Standards

- 5.1 Proposals to develop a new Standard or comments relating to the need for revision of an existing one may be submitted by any interested party at any time.
 - 5.1.1 All proposals and comments received shall be recorded centrally in the Science and Standards Issue Log and considered per 5.5 and 5.6.
- 5.2 A review shall commence not later than five years (Fisheries Standards) or three years (Chain of Custody Standards) following the release of the current version.
 - 5.2.1 Where a review earlier than three years following the release of the current version is proposed, which may result in revision before the next scheduled release, the Board shall use the Early Review Methodology contained in the MSC Policy Development Procedure to determine whether to proceed with early review.
 - a. Revision resulting from the early review shall not affect the schedule for the formal scheduled review.
- 5.3 Proposals to develop a new Standard or review and revise an existing one shall follow this procedure.
- 5.4 The decision to revise an existing Standard or develop a new Standard rests with the Board of Trustees, and the decision shall be informed by a review of the need for such revision or development.
 - 5.4.1 The Board should consult the TAB and the STAC in arriving at this decision.
 - 5.4.2 The Board shall define the scope of any new or revised Standard.
- 5.5 In reviewing whether a Standard needs to be revised or not, the Board shall consider the Standard's continued relevance and effectiveness in meeting the scope defined by the Board. The Board will ultimately make the decision on whether there is sufficient evidence to make changes to requirements and will typically require that both 5.6.a.i and 5.6.a.ii below are satisfied.
- 5.6 A decision to revise an existing Standard or develop a new Standard should consider, inter alia:
 - a. For Fisheries Standards, whether new scientific knowledge and management best practice changes as stipulated below have occurred:
 - i. There is improved scientific understanding, with widespread scientific support, to demonstrate that a change in the performance requirement is necessary to

achieve the intentions of our Principles, and more broadly the FAO Code of Conduct upon which our Principles are based.

- ii. There is improved fishery management best practice, with growing support in fishery management and policy circles, that is accepted as being required and appropriate to achieve the FAO Code of Conduct, and by implication our Principles.
 - b. For all Standards:
 - i. Stakeholder and/or internal MSC feedback requesting a revision.
 - ii. Whether legislation that might affect the Standard has changed.
 - iii. Whether monitoring and evaluation data on Standard performance indicates changes in effectiveness or relevance of a Standard.
 - iv. Any other significant change in the fishery and seafood supply chain industries which indicate that the effectiveness of a Standard has changed.
- 5.7 The decision to revise an existing Standard or develop a new Standard and a summary of discussions leading to the decision shall be made publicly available.

6 Preparation

- 6.1 Terms of Reference (ToR) for the Standard development shall be drafted or updated including:
- a. Objectives of the new Standard or revisions to existing Standards.
 - b. How the objectives contribute to the MSC mission.
 - c. An up-to-date list of key stakeholders based on the scope of the Standard and its intended outcomes.
 - d. Work plan, including timelines.
 - e. Decision-making process.
 - f. Proposed scope, including intended geographical scope of the Standard.
 - g. Justification of the need for the new Standard or revision to the existing Standard, considering other relevant standards in the sector.
 - h. Clear social and environmental outcomes that the Standard seeks to achieve.
 - i. An assessment of risks associated with implementing the Standard, and how to mitigate these.
 - j. MSC contact points.
 - k. Opportunities for input.
- 6.2 Information on the MSC's intention to develop a new Standard or revise an existing Standard, including the draft ToR and an invitation to participate, shall be circulated to ISEAL and other known standard setters in the relevant sector for comments.
- 6.3 The ToR shall then be presented to the TAB and STAC for review and comment, prior to the decision by the Board to develop or revise the Standard.
- 6.4 The decision to develop an MSC international Standard along with the approved ToR shall be officially announced and made publicly available on the [MSC website](#) and [Program Improvements website](#).

- 6.5 The [MSC website](#) and [Program Improvements website](#) shall be updated at least every six months regarding the status of the outputs outlined under 6.1.
- 6.6 The [MSC Complaints Procedure](#) shall be followed when complaints relating to procedural matters are received by the MSC.
- 6.7 Complaints about the content of the Standard shall be treated as feedback on the standard, and recorded in the Science and Standards Issue Log and reviewed in accordance with this procedure.
- 6.8 The MSC Translation Procedure shall be referred to when translating documents for consultations, and for all draft and final Standards, if applicable.

7 Drafting the new or revised Standard

- 7.1 Drafts shall be produced of the Standard both prior to and following stakeholder feedback, including justification of the proposed changes, and an assessment of risks and impact of each change.
 - 7.1.1 Where applicable, the draft Standard should be validated with respect to the FAO's minimum requirements for sustainable fisheries to ensure that the Standard:
 - a. Does not contain criteria of no relevance to sustainable fisheries.
 - b. Would not cause unnecessary barriers to trade.
 - c. Would not mislead the consumer.
- 7.2 All proposed draft or revised Standards shall be presented to the TAB or a TAB Working Group (TABWG) as delegated by the TAB prior to public consultation.
- 7.3 Once endorsed by the TAB, proposed draft Standards shall be put to public consultation following the MSC Consultation Procedure.

8 Feasibility testing

- 8.1 The MSC shall develop a plan to test the impact and applicability of a new Standard or revision to an existing Standard.
 - 8.1.1 The MSC should seek advice from the STAC and the TAB prior to finalising its plans for testing.
- 8.2 The plan should be developed with the following objectives:
 - a. Validating if the presumed outcomes of the Standard can be achieved.
 - b. Testing the Standard's feasibility, applicability, and auditability.
- 8.3 A report summarising the results from testing shall be made publicly available on the MSC website as part of subsequent consultation materials.
- 8.4 Testing should be conducted prior to the final consultation opportunity.

9 Public consultation

- 9.1 The MSC Consultation Procedure shall be followed when carrying out a consultation.
- 9.2 Consultations shall be open to all stakeholders.

- 9.3 Key stakeholders shall be proactively contacted to contribute to the consultation, in particular those who are typically under-represented such as small producers and developing country stakeholders, and those who will be directly affected or disadvantaged by any change.
- 9.4 Organisations that have developed related standards shall be encouraged to participate, and this engagement shall be documented.
- 9.5 There shall be two rounds of public consultation for **developing new Standards**.
- 9.5.1 The first round of consultation shall seek input from stakeholders on the draft Standard.
- 9.5.2 The first consultation period shall last at least 60 days.
- 9.5.3 The second consultation period shall last at least 30 days.
- 9.5.4 The second round of public consultation shall give stakeholders the opportunity to provide feedback on how their comments were taken into account and to gather further input on substantive unresolved issues.
- 9.6 There shall be at least one round of public consultation for **revising existing Standards**, with a second round required if:
- Substantive changes have been made since the first draft, or
 - There are substantive unresolved issues, or
 - Feedback from the first round was insufficient.
- 9.6.1 The duration of first and second consultations on a revision of an existing Standard shall be 60 days and, if required, at least 30 days, respectively.
- 9.6.2 Proposals shall be presented to the TAB for decision, and any decision to reduce or remove the second round of consultation shall be justified in writing.
- 9.7 Where substantive, unresolved issues persist after two consultation rounds, or where insufficient feedback was received, the MSC shall carry out additional rounds of consultation as necessary.
- 9.8 After each consultation, a synopsis should be prepared including a summary of the comments received and details of how these have been taken into account.
- 9.8.1 Original unattributed comments shall be appended to the synopsis.
- 9.8.2 Comments may be grouped by interest sector of the contributor, but individual or group names shall never be included.
- 9.8.3 Commercially sensitive and defamatory comments shall be removed.
- 9.8.4 The synopsis shall be made publicly available, and sent to all stakeholders who submitted comments.

10 Decision-making

- 10.1 On completion of the preceding steps, a final draft of the Standard shall be prepared by the MSC and circulated to the STAC and the TAB.
- 10.2 The STAC shall provide advice on the general suitability of the proposed Standard to satisfy the Board's agreed scope of the Standard. This advice shall reflect the views of the group of stakeholders. Consensus, while desirable, is not required.

- 10.3 The TAB shall approve the final version of the Standard and refer it to the Board for decision.
- 10.3.1 The TAB shall provide a technical recommendation to the Board that the Standard or revisions to the Standard meet the Board's agreed scope of the Standard and comply with the criteria in 5.6. Consensus is expected.
- 10.4 Where consensus has not been reached within the STAC or the TAB, the Board shall review the advice from the STAC, recommendations from the TAB and the stated objectives of the Standard or revisions to the Standard, and agree any additional action to be taken by the MSC Executive prior to approving the Standard.
- 10.4.1 Information relating to any additional actions shall be made publicly available.
- 10.5 Formal adoption of a draft Standard shall rest with the Board following recommendation from the TAB. Consensus within the Board is desired. However, in cases where consensus cannot be reached, the Board should follow a voting mechanism for making decisions.
- 10.5.1 The Board 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.
- 10.6 A summary of the discussions by the Board to arrive at the decision to endorse a draft Standard shall be made publicly available.

11 Standard availability and content

- 11.1 Once the final draft Standard receives the approval of the Board, the MSC shall promptly:
- Inform stakeholders of the new or revised Standard and implementation timeframe, in particular certification bodies and, where feasible, other stakeholders.
 - Publish the approved Standard on the [MSC website](#).
- 11.2 The MSC shall endeavour to provide hard copies of Standards and other related materials upon request at as low a cost as possible.
- 11.3 All approved MSC Standards shall include:
- A definition of the scope to which the Standard applies.
 - Clear and explicit objectives of the Standard.
 - The language of publication and a note that in case of inconsistency between versions, reference shall default to the official language version, which is English.
 - The formal status of the Standard, including its stage of development (draft, final, etc.), its version number, who approved it, and the date of publication.
 - The effective date of the Standard.
 - MSC contact information where requests for clarification and general feedback can be sent.
 - Indicative date that the need for a revision to the Standard will be reviewed.
- 11.4 In defining the content of the Standard, consideration shall be given to regulatory requirements and market needs as well as scientific and technological developments.

- 11.5 The Standard should avoid language and structure that may create ambiguities in interpretation. Consistent interpretation will be sought by setting criteria that are clear, objective, and verifiable.
- 11.6 The 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.
- 11.7 The Standard shall not favour a particular technology or patented item.
- 11.8 Requirements that may facilitate assessment of conformity with a Standard shall be presented separately from technical, process, or management requirements.
- 11.9 The Standard shall attribute or cite all original intellectual sources of content.
- 11.10 Guidance to the Standard sufficient to ensure consistent application shall be produced either as part of the Standard document or in a separate document.

12 Implementation timeframes

- 12.1 Fisheries certificate holders shall be given a period of at least three years to come into compliance with any revised Standards.
- 12.2 Fisheries that have announced their initial assessment shall be assessed against the most recent Standard in effect at the time of announcement.
- 12.3 Chain of Custody certificate holders shall be given a period of at least six months to come into compliance with any revised Standards.

13 Publication and record keeping

- 13.1 All records related to standard development activities shall be kept for at least five years and be made available on request, including:
 - a. Policies and procedures guiding the standard setting activity.
 - b. Lists of stakeholders contacted.
 - c. Stakeholders involved at each stage of the process.
 - d. Comments received and a synopsis of how those comments were taken into account.
 - e. All draft and final versions of the Standard.

14 Making non-substantive changes

- 14.1 Non-substantive changes such as typographical errors, formatting, or organisation of the document and minor inconsistencies within the Standard may be corrected with the approval of the Science and Standards Director.
- 14.2 Non-substantive changes involving clarification of language should be submitted to the TAB for consideration and decision.
- 14.3 The updated Standard shall be finalised, clearly identifying the changes made, version number and date, and shall be posted on the MSC website.

- 14.4 The release of the revised Standard shall be communicated to users, specifically conformity assessment bodies, certificate holders, and other known stakeholders.

15 Review of the Standard Setting Procedure

- 15.1 The MSC shall conduct a review of this procedure at least every three years, or before the next review of an MSC Standard, whichever is sooner.
- 15.2 The review should be based on best practices and in consultation with the MSC governance bodies.
- 15.3 Once reviewed, the MSC Standard Setting Procedure shall be made available on the MSC website.
- 15.4 Comments on this procedure are welcome and should be sent to standards@msc.org. Comments received will be taken into consideration during the next review of this procedure.

End of Procedure
