



# Terms of Reference for the MSC Fisheries Standard Review

25 September 2018

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Comments are welcome and appreciated. All feedback should be submitted to [standards@msc.org](mailto:standards@msc.org).

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### Document history

Version	Release date	Description of amendment	Affected section/page
1.0	25 September 2018	New document	n/a

## 1. Introduction to the MSC

The Marine Stewardship Council (MSC) was created in 1997 when two global organisations, WWF and Unilever, came together with the common vision of improving the sustainability of the world's fisheries. Together they founded the MSC – an international non-profit organisation set up to help transform the seafood market to a sustainable basis. Between 1997 and 1999, the MSC consulted over 200 scientists, environmentalists and stakeholders to establish a worldwide certification system for fisheries using environmentally sustainable practices.

Currently, the MSC runs the only global certification and ecolabelling program for wild-capture fisheries consistent with the [ISEAL Code of Good Practice for Setting Social and Environmental Standards](#) and the [United Nations Food and Agricultural Organization Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#) (FAO, 2009) that is [recognised](#) and [benchmarked](#) by the [Global Sustainable Seafood Initiative](#) (GSSI, 2017).

The MSC works with fishers, seafood companies, scientists, conservation groups and the public to promote fisheries best practices through its certification program and seafood ecolabel. When any buyer chooses to purchase MSC-ecolabelled fish, certified fisheries are rewarded for their sustainable practices through market preference. The MSC and its partners encourage processors, suppliers, retailers, and consumers to give priority to purchasing seafood from MSC-certified fisheries and to demonstrate this through use of the MSC ecolabel.

### MSC vision and mission

The vision of the MSC is of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations. The MSC's mission is to use our ecolabel and fishery certification program to contribute to the health of the world's oceans. The MSC does this by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood and working with our partners to transform the seafood market.

## 2. About this Terms of Reference (ToR) document

This document provides an overview of the process for review and possible revision of the MSC Fisheries Standard including its default and modified trees and associated certification requirements. It is for the reference of all interested parties. It explains:

1. Background on the MSC Fisheries Standard
2. Objectives of the Fisheries Standard Review
3. Scope of the review
4. Stakeholder participation
5. Guiding standard setting principles
6. Process for the review
7. Governance structure, working approach and decision-making procedure
8. Assessment and mitigation of risks; and
9. Contact information.

The Fisheries Standard Review will follow the ToR in this document. The ToR has been developed following the [ISEAL Standard Setting Code version 6.0](#) and the [MSC Standard Setting Procedure](#).

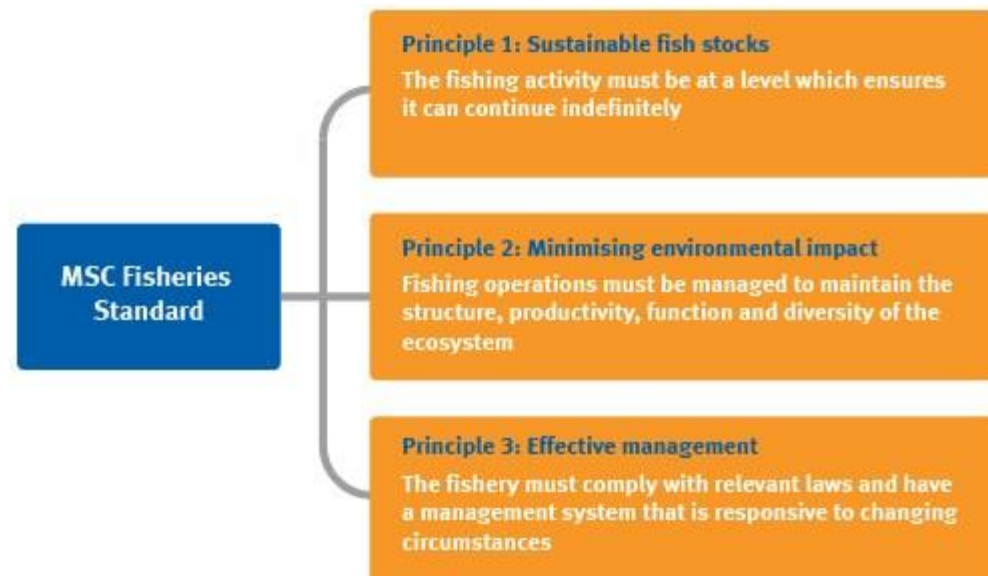
### 3. Background on the MSC Fisheries Standard

The MSC Fisheries Standard is used to assess if a fishery is well-managed and environmentally sustainable. It has been developed in consultation with scientists, the fishing industry and conservation groups and is based on the United Nations Food and Agricultural Organization Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries .

The Fisheries Standard reflects the most up to date understanding of internationally accepted fisheries science and best practice management.

Certification to the MSC Fisheries Standard is voluntary and global in scope. It is open to all fisheries involved in the wild-capture of marine or freshwater organisms. This includes most types of fish and shellfish, of any size, type or location.

There are three core principles that every fishery must meet:



To determine if each principle is met, the MSC Fisheries Standard comprises 28 performance indicators. These are used by independent conformity assessment bodies to score the fishery.

## Chronology of the developments of the MSC Fisheries Standard

Year	Event
2002	<b>MSC Principles and Criteria for Sustainable Fishing v1</b>
2010	<b>MSC Fishery Standard - Principles and Criteria for Sustainable Fishing v1.1</b>
2012	<b>MSC Principles and Criteria for Sustainable Fishing v1.2</b> (Annexes CB, CC, CH, CI, CJ and CK of MSC Certification Requirements v1.2)
2013	<a href="#">MSC Principles and Criteria for Sustainable Fishing v1.3</a> (Annexes CB, CC, CH, CI, CJ)
2014	<a href="#">MSC Fisheries Standard v2</a> (Annexes SA, SB, SC and SD)

## 4. Objectives of the Fisheries Standard Review

MSC is required under UN FAO and ISEAL Guidelines to review its fisheries standard periodically. Reviews may or may not lead to a revision of the Fisheries Standard.

Where new science is widely accepted and adopted by fisheries management agencies, subject to appropriate implementation timelines, the MSC Board of Trustees will consider incorporating this into the Fisheries Standard.

The MSC is committed to ensuring that widely accepted and adopted new science and management practices are incorporated into the Standard through periodic standard reviews and revisions.

In addition to being guided by the [MSC's Standard Setting Procedure](#), the MSC also sets objectives for each Fisheries Standard Review that reflect organisational priorities (as documented in [MSC's Integrated Strategic Plan](#) 2017-2020), issues raised by stakeholders in the period since the last Fisheries Standard Review, and emerging issues identified by the MSC as requiring investigation to ensure the program continues to support the MSC in achieving its [vision and mission](#).

Periodic standard reviews and any subsequent revisions to the Standard are expected to improve the effectiveness of the programme, its credibility and ability, through the leadership of our partners, to accelerate the delivery of the MSC's vision and mission.

For the Fisheries Standard Review, the objectives are to consider opportunities to:

- **Reduce standard complexity** to reduce barriers for new fisheries seeking certification and aid in retention of currently certified fisheries.
- **Increase standard applicability and accessibility** for fisheries in the global south, for high priority large marine ecosystems and for high priority species.
- **Improve data collection** to enable rigorous monitoring and evaluation and improve evidence-based decision-making.
- **Enhance program credibility and legitimacy** by addressing emerging issues from implementation of Fisheries Standard v2.
- **Incorporate improved scientific understanding and fishery management practice into the Fisheries Standard** consistent with MSC policy.

In order to achieve this range of objectives, the Fisheries Standard Review will initially be conducted in three workstreams, focusing on the efficiency, effectiveness and evolution of the Fisheries Standard and its associated scope requirements (henceforth referred to collectively as the Fisheries Standard). The workstreams will deliver components of the review and once complete, will be integrated to provide the Board with a comprehensive set of recommendations in respect of the Fisheries Standard that collectively achieve the review objectives outlined above.

## Workstream 1: Standard efficiency

Focussed on the structure of the Fisheries Standard, including:

- **Quantitative analysis** – Identify any structural components of the Fisheries Standard, including both performance indicators and scoring issues, that may not affect the outcome of assessments (i.e. correlated, invariant, or unlikely to trigger conditions).
- **Expert workshops** – Conduct workshop(s) with auditors and independent experts to identify areas of the Fisheries Standard that might be simplified while maintaining intent (i.e. with the same level of sustainability performance).
- **Digital tools** – Develop proposed structural changes to the standard which, together with the move to a digital audit and assessment platform, will create an integrated, scalable system to aid in conducting assessments while improving data collection to support monitoring and evaluation across the program.
- **Scoring approach** – Consider the application of alternative standard structures and scoring approaches, which would maintain the same level of sustainability performance but with reduced complexity.

## Workstream 2: Standard effectiveness

Focussed on the application of the current Fisheries Standard, including:

- **Implementation review** – Identify, prioritise and, where required, conduct research to address aspects of the implementation of the default and modified trees within the Fisheries Standard that have been noted by stakeholders and logged by MSC since the release of the most recent version of the Fisheries Standard in 2014.
- **Outcome evaluation** – Evaluate the application of the Fisheries Standard in MSC full assessments and/or pre-assessments to detect any issues or inconsistency in application and to determine if the standard is continuing to meet its sustainability objectives.
- **Assessment tools** – Review the MSC's assessment tools, in particular risk-based framework (RBF) and other data limited approaches, to confirm that they remain consistent with the standard and improve accessibility for small scale fisheries in the global south.

## Workstream 3: Standard evolution

Focussed on reviewing both the intent and application of key sections of the Fisheries Standard through projects on the following identified priority topics:

- **Endangered, Threatened or Protected (ETP) species** – Review the existing ETP requirements to ensure they reflect best practice performance for outcome, information and management, and investigate options for possible refinement.
- **Ecosystems** – Review the existing ecosystem requirements to ensure they reflect best practice performance for outcome, information and management, and investigate options for possible refinement.
- **Primary species** – Review the existing primary species requirements, for fisheries targeting either a single target species or mixed fisheries, to investigate the issues raised by stakeholders.
- **Principle 3** – Review the existing Principle 3 requirements to ensure they reflect best practice in fisheries management.

- **Species strategies** – Review the default and modified trees within the Fisheries Standard and consider revisions and/or new trees to enable assessment to the same level of sustainability performance as the default tree.

## 5. Scope of the Review

While the primary focus of Fisheries Standard Review will be the MSC Fisheries Standard v2 and its associated fishery scope requirements (currently contained in the MSC Fisheries Certification Process (FCP) v2.1 Section 7.4)<sup>1</sup>, the scope of the review includes the following specific components: (plus associated guidance and any consequent changes throughout the FCP or Guidance to the FCP; GFCP):

- Scope of the Fisheries Standard, scoring and condition requirements (FCP v2.1 sections 7.4, 7.17, 7.18 and 7.19)
- Requirements for inseparable or practicably inseparable (IPI) stocks (FCP v2.1 Annex PA)
- Risk-Based Framework (FCP v2.1 Annex PF)
- The Default Assessment Tree (Fisheries Standard Annex SA)
- Modifications to the Default Tree for Enhanced Bivalve Fisheries (Fisheries Standard v2 Annex SB)
- Modifications to the Default Assessment Tree for Salmon Fisheries (Fisheries Standard v2 Annex SC)
- Introduced Species Based Fisheries (ISBF) (Fisheries Standard v2 Annex SD)

The scope of issues to be considered in Workstream 1: Standard efficiency will include the scoring and condition requirements, as well as the structure of the Fisheries Standard including the components of each of the three principles (i.e. all performance indicators and all scoring issues within each performance indicator). Any structural changes proposed will be assessed to ensure that existing intent (or where modified under workstream 3, revised intent) is reflected, and remains consistent with the [ISEAL Code of Good Practice for Setting Social and Environmental Standards](#), the [United Nations Food and Agricultural Organization Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#), as well as [recognised](#) and [benchmarked](#) by the [Global Sustainable Seafood Initiative](#).

The scope of issues to be considered in Workstream 2: Standard effectiveness, specifically for the implementation review and the outcome evaluation, will include issues arising from stakeholder input, auditing results and organisational monitoring and evaluation, as well as new knowledge or practices that might require the Fisheries Standard to be revised to ***maintain existing intent***. As a first step, those issues will be assessed to determine which are most closely aligned with achieving the MSC's vision and mission and the objectives of the review, and which have adequate monitoring and evaluation data to support review. In this respect, components of the standard not specifically identified in workstream 3 or that underwent [significant change from Fishery Standard version 1.3 to version 2](#) are less likely to be reviewed as the FAO Guidelines for the ecolabelling of fish and fishery products from marine capture fisheries requires that certified fisheries should be given a period of at least three years to come into compliance with revised standards, hence many fisheries have not yet transitioned to Fishery Standard version 2 and may lack adequate monitoring and evaluation data to support detailed review.

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<sup>1</sup> Note: A revision to the Fisheries Certification Process was released in August 2018. This release, FCP v2.1, includes program improvements associated with [streamlining](#) the assessment process, [harmonisation](#) of assessments and [labour requirements](#). It is not expected that these components of the FCP will be reviewed as part of the Fisheries Standard Review. The only exception is the fisheries component of the labour requirements, which is scheduled for further review.

The scope of issues to be considered in Workstream 3: Standard evolution will include issues arising from stakeholder input, auditing results and organisational monitoring and evaluation, as well as new knowledge or practices that might require the Fisheries Standard to be revised to either ***maintain or modify existing intent*** for the specific topics identified (i.e. ETP species, ecosystems, Principle 3 and species strategies). In proposing these specific topics for focused review, the MSC has already assessed and determined that there is adequate information and a need for review of these topics.

## Program documents affected

Revisions proposed as a result of the Fisheries Standard Review may affect components of the following existing program documents:

- MSC Fisheries Standard (including all annexes)
- MSC Guidance to the Fisheries Standard (including all annexes)
- MSC Fisheries Certification Process (including all annexes)
- MSC Guidance to the Fisheries Certification Process (including all annexes)
- MSC General Certification Requirements (and associated guidance)
- MSC/ MSCI vocabulary

The Fisheries Standard Review will include consideration of how the fisheries program documents are structured. It is anticipated that at the conclusion of the review, the following new or revised program documents will be produced:

- MSC Fisheries Standard (and associated guidance)
- MSC Fisheries Certification Process (and associated guidance)
- MSC Fisheries Assessment Tools (and associated guidance)
- MSC General Certification Requirements (and associated guidance)
- MSC/ MSCI vocabulary

These documents will include the outcome of the Fisheries Standard Review and may also include the program improvements related to [Mixed Fisheries](#), if that project results in a proposed standard that is a modification of the default assessment tree, like the bivalve, salmon or introduced species trees (see the [terms of reference](#) for Mixed Fisheries Standard development).



## 6. Stakeholder participation

Throughout the Fisheries Standard Review process, the MSC will follow an open and transparent consultation process. We seek to engage all stakeholders to ensure that the Standard meets the stated Objectives of the Fisheries Standard Review.

The MSC's processes for consultation on a new or revised standard follow the [ISEAL Code of Good Practice for Setting Social and Environmental Standards](#), the [United Nations Food and Agricultural Organization Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries](#) and the [Global Sustainable Seafood Initiative Benchmarking Tool v1](#).

ISEAL requires one or two rounds of public consultation, for standards revision or standard setting respectively, and effective stakeholder engagement opportunities, focussing particularly on those who are typically under-represented (such as those in the developing world). The MSC will monitor the participation of stakeholders throughout the standard review process to ensure balanced and effective participation against pre-determined participation goals.

### Opportunities for Input

The table below outlines key stakeholder groups' relevance, and how the MSC intends to involve them in this process.

Stakeholder group	Reason to participate	Engagement
Fisheries	Most directly affected group. For standards to be effective, it must be possible for requirements to be met in practice by sustainable fisheries.	Online consultation, in-person workshops, possible participation in pilot studies.
Governments and policymakers	The content of the standard will have effects on requests for information from fishers wishing to meet the standard. This may have a significant impact on resourcing priorities for both research and policy making/ legislation.	Email, website, in-person workshops, webinars.
Scientists and academics	To ensure that correct scientific application of best practice is included in the standard.	Invitees for peer review, workshops, impact assessments.
Environmental Non-Governmental Organisations (eNGOs)	Interested in ensuring standards contribute to delivery of sustainability outcomes relevant to their organisations and do not hinder their missions.	Email, workshops, website, webinars, online consultation.
Industry	Processing and trade companies match supply and demand. Changes in industry and availability of certified product may affect their business directly.	Email, workshops, website, webinars, online consultation.
Conformity Assessment Bodies (CABs)	Standards' structure and content practical to implement and consistent with standard auditing practices. Interested to make standards fit with their business models and internal processes.	Email, workshops, website, webinars, online consultation.

Accreditation Services International (ASI)	Interest in a standard system that allows audit of CABs' assessments against the standard.	Peer review
Overlapping organisations	Identify possible overlaps in existing best practice and standard schemes that address fisheries assessment to avoid duplication, align practices where possible, and provide learning opportunities to inform new standard.	Email, workshops, website, webinars.

## 7. Guiding standard setting principles

The MSC use its standards to achieve its mission and vision. Therefore, it is important that both the process of setting standards and standards themselves observe widely recognised credibility principles.

**Improvement** – The Fisheries Standard will be reviewed, and if needed revised, every five years, at a minimum. This allows the MSC to incorporate learning from stakeholders' feedback and from the Monitoring & Evaluation (M&E) program. Performance levels will be adjusted over time to reflect widely accepted and adopted science and management best practices (in line with the [MSC Standard Setting Procedure](#)).

**Relevance** – The Fisheries Standard is a core element in how the MSC achieves its vision and mission. It provides a best-in-class standard against which any fishery can be assessed to ascertain its environmental sustainability. The requirements are relevant to achieving the objectives of the Standard; being directly based on the FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries. The program is global in scope and open to all fisheries involved in the wild-capture of marine or freshwater organisms. The Fisheries Standard Review will attempt to ensure the Standard remains relevant and focused on the most significant sustainability issues that affect marine and freshwater wild-capture fisheries, and in doing so that it also reflects widely accepted and adopted new science and management practices.

**Rigour** – The Fisheries Standard is structured to deliver rigorous and consistent outcomes. Performance levels are set based on fisheries that represent the sector's best practices across different regions. **Principles:** High-level goals that once achieved would contribute to achieving the defined outcome; **Performance Indicators:** Issues against which performance can be measured in a specific area; **Scoring Issues:** Elements of performance indicators that allow thorough consideration of more complex issues; and **Scoring Guideposts:** Specific performance levels to be reached which will determine if the desired impact will be achieved.

**Engagement** – The aim of our stakeholder engagement is that the Fisheries Standard Review is regarded as credible and legitimate by those with an interest in the MSC program. Multiple stakeholder groups, including members of the MSC's balanced and representative Stakeholder Advisory Council, are proactively engaged throughout the Fisheries Standard Review process, from the initial feedback through to the decision-making stages. Final decisions are taken by the MSC Board of Trustees, which includes a variety of stakeholder interest groups.

**Transparency** – All information on the MSC Fisheries Standard Review process, except confidential papers and minutes of governance and advisory bodies and other internal meetings, is made publicly available on the MSC websites. The information is kept up-to-date, including the ToR, synopsis and all public comments, draft version(s) of the Standard, and the final (valid) version of the Standard.

**Accessibility** – The MSC Fisheries Standard's requirements are not overly burdensome. The Standard does not create obstacles to trade or exclude small-scale operations from market access and facilitates access to information about meeting the Standard, training to build capacity at the local level

and for actors within the supply chain. Tools to support access are developed where accessibility issues are identified. The Standard and guidance documents are translated into different languages as deemed necessary.

## 8. Process for the review

The table below lists the steps for the MSC Fisheries Standard Review process.

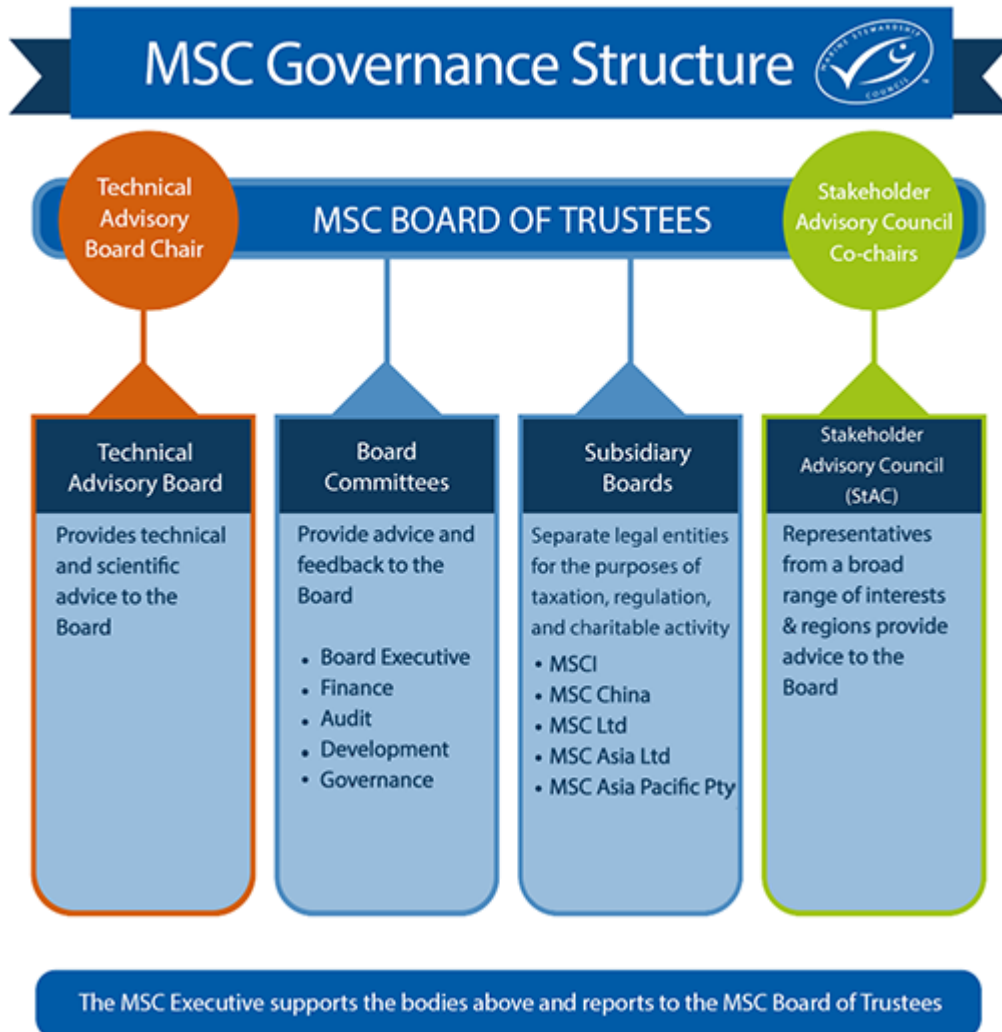
Activity	Planned date
<b>Technical Advisory Board</b> review ToR	December 2017
<b>MSC Board of Trustees</b> decision on ToR	January 2018
Workstreams and research projects commence	February 2018
<b>Technical Advisory Board</b> review of workstreams and updated ToR	June 2018
<b>MSC Board of Trustees</b> approve public release of ToR	June 2018
<b>Public release of the ToR</b>	25 September 2018
<b>Stakeholder Advisory Council</b> consultation on specific FSR issues and advice provided to Technical Advisory Board and Board	November 2018
<b>Technical Advisory Board</b> review of workstreams and options	December 2018
<b>MSC Board of Trustees</b> review of workstreams and options	January 2019
<b>Stakeholder Advisory Council</b> consultation on specific review topics and advice provided to Technical Advisory Board and MSC Board of Trustees	January 2019
Regional consultation on specific review topics	March - April 2019
<b>Technical Advisory Board</b> review of workstreams and options	June 2019
<b>MSC Board of Trustees</b> review of workstreams and options	June 2019
<b>Stakeholder Advisory Council</b> consultation on specific review issues and advice provided to Technical Advisory Board and MSC Board of Trustees on review outcomes and testing plans	July - August 2019
Possible public consultation on specific review topics	August - September 2019
<b>Technical Advisory Board</b> review of workstreams, options, impact testing and recommendation of areas for revision and testing plans	December 2019
<b>MSC Board of Trustees</b> decision on whether to revise the Standard and revise ToR	January 2020
<b>Timeline if revisions to the Standard are required:</b>	
<b>Stakeholder Advisory Council</b> and public consultation on specific revision topics	February - April 2020

Overall standard revision impact testing	January - May 2020
<b>Technical Advisory Board review standard revision options</b>	June 2020
<b>MSC Board of Trustees decision on standard revision options</b>	June 2020
First public consultation on revised Standard	August-September 2020
<b>Technical Advisory Board review of consultation feedback</b>	December 2020
<b>Stakeholder Advisory Council advice to Technical Advisory Board and the Board on revised Standard</b>	February 2021
Optional second public consultation on revised Standard	March - April 2021
<b>Technical Advisory Board recommendation to the MSC Board of Trustees on the revised Standard</b>	June 2021
<b>MSC Board of Trustees decision on revised Standard</b>	June 2021
Release of revised Standard	August 2021
Revised Standard becomes effective	February 2022

## 9. Governance structure, working approach and decision-making procedure

The MSC is governed by a [Board of Trustees](#). Our [Technical Advisory Board](#) and [Stakeholder Advisory Council](#) advise the Board. MSC staff carry out the work of the organisation from offices around the world, and report to the MSC Board of Trustees.

The MSC's governance structure involves a wide range of stakeholders with different views. This allows the MSC to be balanced, and decisions reflect many sectors and interests. The MSC Board of Trustees, Technical Advisory Board and Stakeholder Advisory Council include representatives from industry, environmental groups and science, and from different geographical regions. These bodies themselves may be supported by further working groups for specific topics.



In addition to our three governance bodies, committees and working groups are set up to address specific regional or topical issues. Their members come from the MSC Board of Trustees, Technical Advisory Board and Stakeholder Advisory Council, and may include other experts who are invited to advise the MSC.

### Reporting requirements

A summary of MSC Board of Trustees discussions arriving at a decision to adopt a standard will be made publicly available.

### Decision-making procedure

Formal adoption of a new or revised standard rests with the MSC Board of Trustees following recommendation from the Technical Advisory Board and advice from the Stakeholder Advisory Council. Adoption of a standard will only be confirmed where there is consensus in the Technical Advisory Board.

### Participation

It is possible for stakeholders to attend and observe Technical Advisory Board and Stakeholder Advisory Council meetings. Those interested should contact [standards@msc.org](mailto:standards@msc.org) for more information.

## 10. Assessment and mitigation of risks

In random order, the MSC have identified the following risks for the project and the resulting standard and strategies to mitigate those risks:

	Identified risks	Risk mitigation strategy
1	Creating a more efficient and accessible version of the MSC Fisheries Standard could create a perception of reduced rigour of the requirements for achieving certification and undermine stakeholder confidence in the MSC program.	The Standard Review will rely on rigorous and objective science that is widely accepted and adopted, and demonstration of sustainable outcomes consistent with, or better than, those in the current version of the standard. The intent and scientific justification for any potential revisions to the Standard will be made available and integrated consistently across all communication documents.
2.	Creating a more precautionary version of the Standard may impact the ability for existing certified fisheries being able to remain in the MSC program, or new small scale or developing world fisheries to enter the MSC program, creating new accessibility problems, in turn affecting program credibility and risking undermining the MSC's theory of change.	Dedicated impact testing of any alternative proposed Standard revision proposals on existing certified fisheries as well as small scale and developing world fisheries. Engaging fishery clients and governments and policymakers throughout in the process to understand feasibility, and impact, of implementing various proposals.
3.	The proposed timeline may not be sufficiently rapid to address issues that have been raised by some stakeholders, hence there is a risk of their disengagement from the MSC program.	Regular communication with stakeholders to update them on progress with the review, even in the early stages.

## 11. Contact information

Please contact [standards@msc.org](mailto:standards@msc.org) to submit any comments on this document and/or the MSC Fisheries Standard Review.