



# **Terms of Reference for the Review of the Fisheries Standard Toolbox**

**22 July 2024**

These Terms of Reference cover the review of the Fisheries Standard Toolbox Version 1, with a focus on the Evidence Requirements Framework, as part of MSC's revised plan for the implementation of Version 3 of the Fisheries Standard.

These Terms have been developed following the ISEAL Code of Good Practice v1.0 and the MSC Standard Setting Procedure.

## **Contact information**

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



## 1. Background

The MSC Fisheries Standard v3.0 was published on 26<sup>th</sup> October 2022 following a five year review process.

Alongside the new Fisheries Standard, a new normative document was created – the MSC Fisheries Standard Toolbox. The purpose of the Fisheries Standard Toolbox is to house a suite of mandatory and optional MSC-endorsed assessment tools and associated requirements for teams applying these as part of a fishery assessment against Version 3 of the Fisheries Standard.

When the Fisheries Standard Toolbox was agreed by the MSC Board of Trustees as part of the Fisheries Standard Review, the Board requested - on the advice of the Stakeholder Advisory Council - that within two years of release the MSC conduct a review of the implementation of one of the Tools – the Evidence Requirements Framework – and update the requirements and guidance as appropriate.

The Standard and Toolbox became effective on 1<sup>st</sup> May 2023, with all fisheries new to the program originally required to be assessed against v3.0 from that date. Fisheries already in the program were originally given until 1<sup>st</sup> November 2028 to transition to v3.0.

Throughout 2023 the MSC Executive held a series of international workshops and meetings with engaged stakeholders, fishery clients, Conformity Assessment Bodies (CABs) and assessors. These events were primarily focused on providing training on and raising awareness of the Fisheries Standard v3.0 (the Standard) and the Fisheries Standard Toolbox v1.1 (the Toolbox).

Feedback received during events and through written input from stakeholders brought a number of substantive issues with the Standard and Toolbox to the attention of the Executive. This included feedback that in some cases requirements in their current form may not deliver on MSC intent, and in other cases requirements are perceived to be unfeasible for many currently-certified, high-performing fisheries. The majority of substantive issues raised focussed on the new Evidence Requirements Framework (ERF). The ERF is a new approach to the assessment of evidence in the MSC program that was introduced in the Toolbox released alongside Version 3. Among the issues raised are whether the framework could be re-designed to be applied in a more efficient manner and whether the thresholds for independent verification and observation of catch data are set in line with best practice.

Given increasing levels of concern amongst assessment teams and fisheries engaged in the MSC program, a plan was taken to the MSC Board of Trustees in January 2024 to ensure the effective implementation of Version 3 of the Fisheries Standard.

The implementation plan was approved and includes the following actions:

1. Publishing a derogation (available [here](#)) to provide fisheries with a two-year extension for new and existing fisheries to transition to Version 3 of the Standard.
2. Creating an external Expert Review Panel to advise MSC on the implementation of Version 3 and contribute to several workstreams.
3. Making amendments to Version 3 of the Fisheries Standard to ensure requirements are consistently applied and deliver the intended sustainability outcomes.
4. Launching a review of the Toolbox with a focus on the Evidence Requirements Framework and the Risk-Based Framework.



## **2. Objectives of the review of the Fisheries Standard Toolbox**

The following overarching objectives are set for the review of the Toolbox:

- To enhance program credibility and legitimacy by addressing emerging issues from the implementation of the Fisheries Standard v3.0 and Fisheries Standard Toolbox v1.1, ensuring the program continues to support MSC in delivering its vision and mission.
- To reduce complexity of the fishery assessment process by simplifying requirements and processes set out in the Evidence Requirements Framework to ensure that the Standard is consistently and clearly understood and applied.
- To ensure that performance expectations for fisheries are set appropriately within the Evidence Requirements Framework and in line with science and management practice that is widely accepted and adopted by fisheries management agencies.

## **3. Scope of the Toolbox review**

The following workstreams will be considered as part of Toolbox review:

- Workstream 1: Review of the Evidence Requirements Framework
- Workstream 2: Review of the Risk-Based Framework

### **3.1. Workstream 1: The Evidence Requirements Framework**

The scope of issues to be considered in Workstream 1 include reviewing both the intent and application of the Evidence Requirements Framework. This includes:

- Reviewing performance levels required of fisheries, including the thresholds set for independent verification and independent observation.
- Reviewing the process by which information is assessed through the Evidence Requirements Framework with a view to improve clarity, efficiency and reduce assessment time and costs.
- Reviewing consistency of language and intent between the scoring issues in the Fisheries Standard and the language in the Evidence Requirements Framework.

The Expert Review Panel will provide recommendations to address any issues identified in the reviews above. This may include revising existing requirements and/or objectives or returning to the principles of what the Evidence Requirements Framework was trying to achieve and developing an alternative approach that may include a change to the intent.

### **3.2. Workstream 2: The Risk-Based Framework**

The scope of issues to be considered as part of Workstream 2 include:

- Reviewing and addressing gaps between the Risk-Based Framework and the Evidence Requirements Framework.
- Addressing emerging issues related to the content of the Risk-Based Framework, including investigating potential technical and efficiency improvements.

### **3.3. Program documents affected**

Revisions proposed as a result of the Toolbox review may affect components of the following program documents:

- The MSC Fisheries Standard Toolbox



- The MSC Fisheries Standard (restricted in scope to where there are direct cross references to the Fisheries Standard Toolbox).
- The MSC Fisheries Certification Process (restricted in scope to where there are direct cross references to the Fisheries Standard Toolbox, unless otherwise specified during an additional FCP review).

#### **4. Process and timeline for delivery**

The amended Standard and Toolbox published in July 2024 will be used as a baseline for the Toolbox review.

Workstream 1, the review of the Evidence Requirements Framework, will be led and executed by an external Expert Review Panel comprised of experts in MSC fishery assessments. The Expert Review Panel, who will work with the MSC Executive to draft and test requirements, is composed of the following experts:

- Tristan Southall (Chair)
- Kevin Stokes
- Johanna Pierre
- Geir Hønneland
- Christopher Zimmermann

Workstream 2, the review of the Risk Based Framework, will be led and executed by the MSC Executive with input from the Expert Review Panel on areas linked to the Evidence Requirements Framework.

MSC aim to complete the review of the Toolbox within one year of commencement. The maximum timeline available for completion of the review process will be two years from commencement.

This two-year timeline includes time for:

- The Expert Review Panel to deliver recommendations
- Testing of draft changes
- Public consultation on draft changes
- Editorial reviews and translations of draft changes
- STAC and TAB review and MSC Board of Trustees approval of changes

##### **4.1. Stakeholder engagement and public consultation in the process**

Throughout the review process, the MSC will engage stakeholders from various sectors with an interest in the outcome of the review in a targeted way.

In addition, there will be at least one round of 60-day public consultation, open to anyone interested in participating, on the revision to the Toolbox.

Public consultation will be carried out in line with ISEAL Code of Good Practice v1.0. The process will be open to all stakeholders, who will be informed in a timely manner of opportunities to engage.

Where substantive, unresolved issues persist after the consultation round, or where insufficient feedback was received in total or from specific stakeholder groups, the MSC may carry out either additional public consultation or targeted consultation with specific stakeholder groups, as necessary.



## **5. Governance structure and decision-making procedures**

The MSC's governance structure involves a wide range of stakeholders with different perspectives. Members of the MSC's Stakeholder Advisory Council and Technical Advisory Board will be proactively engaged throughout the review process, from the outset of the process through to the decision-making stages.

These bodies will advise the MSC Executive on any proposals. The MSC Board of Trustees will make final decisions on a revised Toolbox and any updates to associated normative documents.