

MSC Rules on Unacceptable Conduct



Version 1.1, 19 December 2024

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

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The Marine Stewardship Council

Vision

Our vision is of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations.

Mission

Our mission is to use our ecolabel and fishery certification program to contribute to the health of the world's oceans 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 to a sustainable basis.

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)).

Versions published

Version no.	Date of publication	Description of amendment
1.0	26 October 2022	First version issued for application by Conformity Assessment Bodies (CABs).
1.1	19 December 2024	Second version issued with addition of 'Applicants' and clarification of process flow.

Implementation timeframes

Effective dates

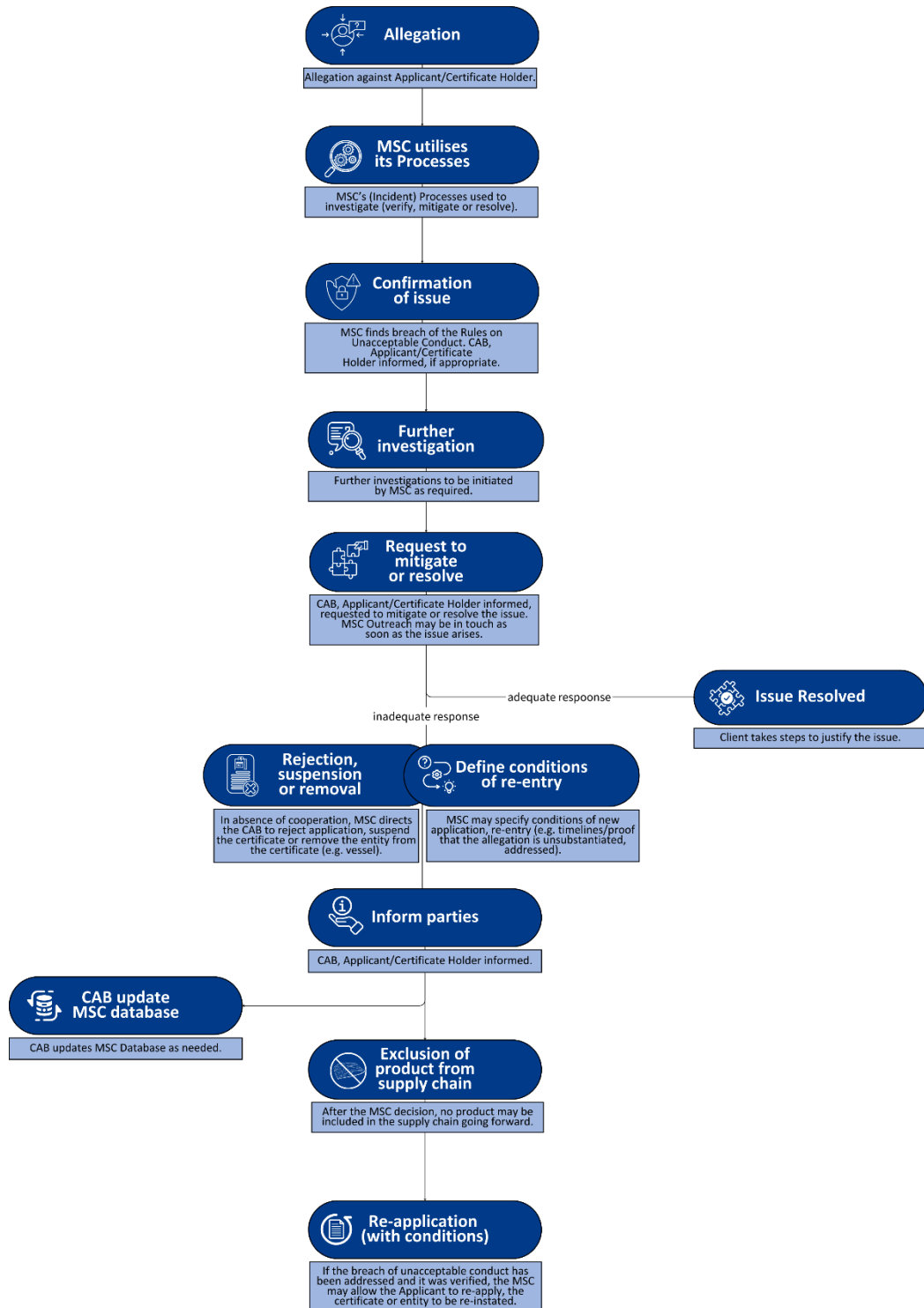
The effective date for version 1.1 of the MSC Rules on Unacceptable Conduct is 19 December 2024.

About this document

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

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.

High Level Process Flow – Diagram



1 Scope

- 1.1 Unacceptable conduct is conduct/behaviour or circumstances within a certificate holder or applicant that is not aligned with the values and mission of the MSC, which is unlawful or contributes to harm, prejudice to the brand, goodwill, or reputation or image of the MSC. The MSC Board of Trustees reserves the right to instruct CABs to suspend or withdraw certification or deny applications for certification to entities, where it can be demonstrated that there is a risk of prejudice to the brand, goodwill, or reputation or image of the MSC.
- 1.2 The MSC Rules on Unacceptable Conduct shall not apply when MSC standards and associated normative documents are applicable to a situation.

2 Process

- 2.1 Potential unacceptable conduct shall be first processed through the MSC's (Incident/Risk Management) Processes.
- 2.2 If any actual or potential unacceptable conduct is brought to the MSC's attention, the MSC will notify the CAB, and Applicant or Certificate Holder, as appropriate.
- 2.3 There may be occasions when the MSC will initiate a discrete investigation before informing CAB and/or Applicant, Certificate Holder.
- 2.4 The MSC initiated investigation shall evaluate the impact of potential or actual unacceptable conduct.
- 2.5 The CAB and Applicant or Certificate Holder shall provide information requested by the MSC to ascertain whether the Rules on Unacceptable Conduct have been breached.
- 2.6 The outcome of the investigation shall be shared with the CAB and Applicant or Certificate Holder and provide the opportunity to mitigate or resolve any identified unacceptable conduct where possible.
 - a. Mitigation may include (but is not limited to):
 - i. Requesting the Applicant/Certificate Holder to implement policies, conduct training, or enhance oversight to reduce likelihood and severity within their operations, where full resolution of the issue is outside of their control (e.g. state level widespread violations).
 - b. Resolutions may include (but are not limited to):
 - i. Requesting the Applicant/Certificate Holder remove the responsible entity from the application/certificate.
- 2.7 If reasonable endeavours to respond to the issues fail and the Applicant/Certificate Holder are determined by the MSC to be in breach of the Rules on Unacceptable Conduct, 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:
 - i. Suspend the certificate in full;
 - ii. Reject the application in full or;
 - iii. Request the Applicant/Certificate Holder to remove an entity from the application/certificate.
- 2.8 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.
- 2.9 The MSC shall notify the CAB and Applicant/Certificate Holder of its decision for implementation and requirements for updating the MSC Scheme Database as soon as possible.

- 2.10 When a certificate is suspended, the CAB shall follow the suspension process set out in the MSC's General Certification Requirements effective on the date of the use of this Rule.
- 2.11 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.
- 2.12 The CAB shall update the MSC scheme database within 2 working-days of any change to the certificate or ongoing assessment.
- 2.13 The MSC is not liable for costs associated with the application or removal of the entity from the application, certificate, assessment process, or suspension of the certificate. This includes loss of profit, costs of certification or other costs associated with an application process.
- 2.14 The MSC, at its own discretion, may define the conditions to be met to allow a new application, the re-instatement of a certificate, or re-inclusion of the entity within the certificate. This may be, for example, once an Applicant or Certificate Holder can show to the MSC's satisfaction that the allegation in respect of the unacceptable conduct was unfounded, mitigated or resolved.
- 2.15 The MSC has equal right to enforce clauses in the Rules on Unacceptable Conduct as an affiliate of MSCl.
- 2.16 Unless otherwise indicated by the MSC, this does not affect MSC application for certification, certification, or the use of the MSC Ecolabel for products which are not impacted by unacceptable conduct.
- 2.17 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 reject an application in part or full or suspend a certificate as is necessary to protect the integrity of the MSC trademarks. Sensitive or confidential information found as a result of investigation will only be disclosed if the need to uphold transparency and protect MSC standards clearly outweighs any confidentiality concerns and serves the public interest.

End of document
