



# **Structure and Procedures**

## **For**

# **The MSC Peer Review College**

**Version 9.0, 19 December 2023**

Approved at the 6 July 2023 PRC Oversight Committee Meeting

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## Document versions

Version	Date	Description / amendments
1.0-4.0	Various (up to 19 November 2018)	Draft versions developed during the pilot stages of the PRC project, for review by the Oversight Committee (not released publicly).
5.0	1 February 2019	Approved at the 3 December 2018 PRC Oversight Committee meeting, including finalised procedures for the 'full implementation' stage of the PRC project, operational from 1 September 2018.
6.0	31 January 2020	Released following approval at the 2 December 2019 PRC Oversight Committee meeting, including changes to: <ul style="list-style-type: none"> <li>• The competency requirements for peer reviewers (PRs), now reduced from 5 years to 3 years, consistent with the expectations for CAB team members in FCP v2.1</li> <li>• The allowed numbers of third party experts, now increased from three to four; each of whom is expected to have taken the MSC online training modules relevant to fishery assessments (Annex 2)</li> <li>• The Fisheries Certification Requirements applicable to peer review, updated from FCR v2.0 to FCP v2.1 as currently in force (Annex 5)</li> <li>• The guidance on conflicts of interest for PRs who have worked recently for the CAB leading an assessment (Footnote 2 in Table A7.1 of Annex 7)</li> <li>• The description of the Quality Assurance (QA) procedures used by the PRC (Annex 8)</li> </ul>
7.0	23 April 2021	Released following approval at the 14 December 2020 PRC Oversight Committee meeting, including changes to: <ul style="list-style-type: none"> <li>• The Fisheries Certification Process requirements applicable to peer review, currently FCP v2.2 (as in Annex 5)</li> <li>• The guidance on conflicts of interest for PRs who work for defined types of advocacy or standard-setting organisations (in Table A7.1 of Annex 7)</li> </ul>
8.0	9 August 2022	Released following approval at the 14 June 2022 PRC Oversight Committee meeting, including changes to: <ul style="list-style-type: none"> <li>• The conflict of interest rules applicable to Third Party Experts (Annex 7)</li> <li>• The Quality Assurance procedures (Annex 8) to include the treatment of 'persistent disagreements'.</li> </ul>

9.0	19 December 2023	<p>Released following approval at the 6 July 2023 PRC Oversight Committee meeting, including changes to:</p> <ul style="list-style-type: none"> <li>• The conflict of interest rules applicable to peer reviewers and Third Party Experts (Section 3a, Annex 7)</li> <li>• The rules on the use of Level 1 peer reviewers (Section 5a)iii)</li> <li>• Changes in FCP v2.3/3.0 made to improve clarity and include approved interpretations (Annex 5)</li> <li>• Updates to the online training requirements for PRs (Section 1f)</li> </ul>
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## Introduction

Peer review is an integral part of the MSC fishery assessment process. It provides a review of the draft certification report and is carried out by independent fishery scientists with similar expertise to the assessment team. In order to provide a standardised peer review process and to improve the efficiency of peer review within the fishery assessment process, the MSC Board approved the implementation of a 'Peer Review College' from 1 September 2017, following an 18-month pilot phase.

The Peer Review College manages the peer review process for Conformity Assessment Bodies (CABs) to enhance the consistency, independence and impartiality of the process and give greater weight to the comments of peer reviewers.

In setting up the Peer Review College the MSC wished to fulfil the following objectives:

- Increase and maintain the independence of peer reviews of fishery assessments.
- Improve the credibility of the program by increasing and maintaining the consistency of peer reviews, and the reliability of their use by CABs, stakeholders and independent adjudicators.
- Improve the speed and efficiency with which peer reviews are undertaken.
- Maintain or reduce the cost of peer reviewers to fishery clients undergoing assessment.

The purpose of this document is to detail the procedures which the Peer Review College team follow in their implementation of the peer review process. The main sequence of events and responsibilities of the different parties at each of the main assessment stages is summarised in the table below. The Terms of Reference of the Peer Review College are given in Annex 1. Details of the Governance and Oversight of the Peer Review College are given in Annex 2 with the full Terms of Reference for the College's Oversight Committee in Annex 3. A summary of the fishery assessment process is given in Annex 4 and the specific Certification Process Requirements for the peer review process are given in Annex 5 (from the current FCP v2.2). Links to the Templates used for Peer Review of MSC Fishery Assessments are given in Annex 6. Annex 7 provides additional guidance on the management of conflicts of interest, while Annex 8 summarises the approach taken to the internal quality assurance of PRC reviewers.

Stage	CABs	PRC	PRs	3PEs
Fishery announcement	1. Announce fishery via ecert including site visit date & likely PR date	2. Prepare Contract w CAB (if new) 3. Determine no. of L1 and L2 PRs and no. of days each for reviews (2-5)		
PR selection [NB: ASI role also here if disputes]	4. Comment on PRs shortlist 5. [Inform stakeholders of PRs shortlist, cc: PRC]	1. Shortlist PRs, send to 3 <sup>rd</sup> Party Experts & PRs 3. Send PRs shortlist to CABs 5. Publish PRs shortlist for stakeholder comments (on any COIs) 6. Select final PRs, inform key stakeholders	2. Confirm availability and no new COIs using form	2. Rank candidate PRs' experience

Stage	CABs	PRC	PRs	3PEs
Client draft report	1. Review first draft report with client (not sent to PRC, but notify timeline)			
Client & Peer Review Draft Report (CPRDR)	1. Send CPRDR to PRC	2. Send Work Order (contract) to PRs 4. Send CPRDR on to PRs 6. Check PR comments, anonymise and send to CAB 7. Invoice sent to CAB	3. Sign Work Order 5. Send comments to PRC (2 wks) 7. 1 <sup>st</sup> invoices to PRC	
Public Comment Draft Report (PCDR)	1. Publish PCDR including CAB responses to PR comments on CPRDR	2. Request PRs to review CABs responses in PCDR 4. Check PR comments, anonymise and send to CAB	3. Send comments back to PRC 5. 2 <sup>nd</sup> invoices to PRC (up to ½d)	
Final Report (FR)	1. Publish FR including CAB responses to PR comments on PCDR			

Note: CAB: Conformity Assessment Body; PRC: Peer Review College, PR/s: Peer review/ers; 3PEs: Third Party Experts/Scientists

## Peer Review College Procedures

The Peer Review College team will provide the services detailed below in the Peer Review College Procedures and Terms of Reference.

### 1. Admittance of Peer Reviewers to the College

The Peer Review College team ensures that applicant peer reviewers comply with the following admittance criteria:

- University degree in fisheries or marine conservation biology, or natural resources or environmental management or relevant field e.g. economics, mathematics, statistics
- Three years' management or research experience in a marine conservation biology or fisheries, natural resources or environmental management position
- Compliance with at least one requirement from Fish stock assessment, Fish stock biology / ecology, Fishing impacts on aquatic ecosystems, Fishery management and operations competencies (see below)

Subject Area	Qualifications	Competencies	Verification Mechanisms
1.	Three years or more experience applying relevant stock assessment	Ability to undertake a stock assessment using stock	<ul style="list-style-type: none"> <li>CV with full publication list</li> </ul>

Fish stock assessment	techniques being used by the fishery under assessment  OR Primary authorship of two peer reviewed stock assessments of a type used by the fishery under assessment	assessment techniques relevant to the fishery	<ul style="list-style-type: none"> <li>Employer's reference letter</li> </ul>
2. Fish stock biology / ecology	Three years or more experience working with the biology and population dynamics of the target or species with similar biology	Demonstrate knowledge of, and ability to interpret, scientific information relating to the biological processes of the target species, or species with similar population dynamics	<ul style="list-style-type: none"> <li>CV with full publication list</li> <li>Employer's reference letter</li> </ul>
3. Fishing impacts on aquatic ecosystems	Three years or more experience in research into, policy analysis for, or management of, fisheries impacts on aquatic ecosystems.	Demonstrate knowledge of and ability to interpret scientific data relating to fishery impacts on the ecosystem	<ul style="list-style-type: none"> <li>CV</li> <li>Employer's reference letter</li> </ul>
4. Fishery management and operations	Three years or more experience as a practicing fishery manager and/or fishery/ policy analyst.	Ability to: <ul style="list-style-type: none"> <li>i. identify likely problems for fishery under P1 and P2 that would arise from poor management</li> <li>ii. demonstrate a good understanding of the types of management system(s) and laws applicable to the fishery under assessment</li> </ul>	<ul style="list-style-type: none"> <li>CV with full publication list</li> <li>Employer's reference letter</li> </ul>

d) References confirming peer reviewer expertise.

e) Approval by the third party scientists.

- i. The third party scientists may request some peer reviewer candidates to be provisionally accepted into the College at an 'intern' level.
- ii. Any additional training or test required for the peer reviewer candidate shall be specified by the third party scientists at the time of recognition as an 'intern', including whether any such test should be carried out prior to acceptance or as part of a paid peer review (e.g. Quality Assurance of such first peer review).

f) Pass the fisheries online training modules for Team Members (every five years, as also required of CAB Team Members by FCP v2.3, Clause 2b in Table PC2 in Section PC 1.3 of Annex PC), on:

- MSC Fishery Standard and Fisheries Within Scope FCR version 2.0
- Fisheries Certification FCR version 2.0
- Scoring a fishery FCR version 2.0
- Special Cases FCR version 2.0
- MSC's Fishery Team Member training course (MSC Fisheries Standard v2.01) (as the combined, more recent alternative to the above four modules)



- Risk-Based Framework version 2.0/2.01 (where the assessment uses the RBF to score any of the Performance Indicators)
  - Enhanced bivalve fisheries (where the peer reviewer wishes to be considered for reviews of assessments that include enhanced bivalves as a target species)
  - Salmon fisheries (where the peer reviewer wishes to be considered for reviews of assessments that include salmon as a target species)
  - MSC's Fisheries Standard v3.0 Overview of Changes (where the assessment uses the v3.0 standard for scoring)
- g) Attend a webinar training covering:
- The specific requirements for completing the Peer Reviewer template
  - Examples of good peer review comments
  - Examples of inadequate peer review comments
- h) Sign the MSC Peer Reviewer code of conduct which includes a commitment to inform the Peer Review College of any potential conflicts of interest with the fishery being assessed or other potential commercial and financial conflicts.

## 2. Level 1 and Level 2 Reviewers

- a) Reviewers admitted to the College shall initially be accepted as Level 1 Reviewers unless they have undertaken at least 10 peer reviews or surveillance audits or been a member of at least 3 assessment teams (or some equivalent combination of those activities) in which case they will be accepted as Level 2 Reviewers.
- b) Reviewers will be promoted from Level 1 to Level 2 when they provide evidence that they have met the experience levels.
- i. The Peer Review College Team will inform the third party scientists of any changes made to the Level 1 / Level 2 status of peer reviewers.

## 3. Selection of Peer Reviewers' Shortlist

- a) The Peer Review College team shall nominate candidates for any fishery peer review from the members of the college using the following selection criteria, noting that it may not be possible to fully meet all criteria in all reviews, due to the limited options available from the membership of the college:

Number	Criteria	Description
1	At least 2 of the shortlisted peer reviewers comply with the Current knowledge of the country, language and local fishery context competency (See Row 5 of Table PC3 below*)	The peer reviewers shortlisted shall have experience in the fishery region, type (e.g. Highly Migratory Species or small scale, developing world), species and gear used. The overall shortlist shall have a range of expertise across these criteria.
2	Principles covered	The shortlisted peer reviewers' expertise should reflect which Principles are covered by the assessment. Most assessment reports review all three MSC Principles, but P2 to P1 Expedited Audits, extensions of scope, and some specialised trees may only assess specific Principles (P1, P2 and/or P3).

3	The peer reviewers cover the Topics of interest in the assessment	If there are any specific topics that were identified in the Notification Report as being particularly important in the fishery, ensure peer reviewers with relevant expertise are shortlisted.
4	<p>Identifying and evaluating peer reviewers' potential or actual conflicts of interest with the fishery being assessed</p> <p>Note: Guidance on the management of conflicts of interest is given in Annex 7.</p>	<p>All peer reviewers shall act impartially and shall not allow commercial, financial or other pressures to compromise impartiality as detailed in (ISO 17021 5.2.12).</p> <p>Peer reviewers will have signed the MSC Peer Reviewer code of conduct as part of being admitted to the College. Under this Code, they are required to notify the College of any potential conflict of interest. A Peer Reviewer Conflict of Interest form has been developed for this purpose which Peer Reviewers are required to complete prior to being included on the shortlist.</p> <p>The Peer Review College team shall manage conflicts of interest and ensure the objectivity of the peer review process. The Peer Review College team shall have a process to identify, analyse, evaluate, treat, monitor, and document the risks related to conflict of interests arising from provision of peer reviews, including any conflicts arising from its relationships on an ongoing basis. Where there are any threats to impartiality, the Peer Review College team shall document and demonstrate how it eliminates or minimizes such threats and document any residual risk. The demonstration shall cover all potential threats that are identified, whether they arise from within the Peer Review College team or from the activities of other persons, bodies or organizations.</p> <p>No one currently employed directly on a permanent basis by the MSC, ASI or the CAB at the time of peer review may be selected. Consultants in quasi-permanent employment with an individual CAB should not be selected because of concerns over potential conflicts of interest.</p> <p>The Peer Review College team shall evaluate possible conflicts of interest where reviewers:</p> <ul style="list-style-type: none"> <li>• are being considered for undertaking peer reviews for fisheries where the reviewers have been on previous pre-assessment or full assessment teams for the same fisheries, and also involved in recent surveillance audits;</li> <li>• have acted as a consultant, advisor or been employed in a management, fishery or scientific role for the fishery under review;</li> <li>• have worked for a Government Organisation or NGO involved with the fishery under assessment; and/or</li> <li>• have any professional or personal relationship with: <ul style="list-style-type: none"> <li>○ Any of the assessment team members for the fishery under review; or</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Anyone currently employed by the fishery client, fishery management organisation / association or client lobby group.</li> </ul> <p>The Peer Review College team shall also consider whether the potential reviewer has a fixed position or history of advocacy for a specific viewpoint relevant to the fishery.</p> <p>The Peer Review College team shall seek advice from ASI when needed, to ensure conflicts of interest are effectively managed.</p>
5	The shortlist shall include a selection of Level 1 and Level 2 peer reviewers	<p>For an initial assessment or re-assessment that does not qualify for reduced re-assessment, peer reviewers shortlisted shall include a mix of Level 1 and Level 2 peer reviewers, but should, where possible, have a minimum of two Level 2 Reviewers.</p> <p>If a reduced re-assessment has been triggered and only one final peer reviewer will be selected, the entire shortlist shall comprise Level 2 Reviewers.</p>
6	The availability of the peer reviewers to conduct the review.	Peer reviewers shortlisted shall be available at the time projected for peer review. The Peer Review College team shall liaise with the CAB at the time of the Assessment Announcement being sent to the MSC to determine projected dates for peer review.

\*Row 5 Table PC3 states:

Subject Area	Qualifications	Competencies	Verification Mechanisms
5. Current knowledge of the country, language and local fishery context	<p>Knowledge of a common language spoken by clients and stakeholders AND</p> <p>Either: Two years fishery work experience in the country or in a relevant fishery in the last 15 years.</p> <p>OR</p> <p>Two assignments in the country or region in which the fishery under assessment is based in the last 10 years</p> <p>OR</p> <p>Primary authorship of at least one published paper in a journal or grey literature in the last 5 years on a fishery issue in the country or region in which the fishery under assessment is based.</p>	<p>Ability to:</p> <p>i. Communicate effectively with stakeholders in the country in a common language</p> <p>ii. Explain the geographical, cultural, and ecological context of the fishery under assessment.</p>	<ul style="list-style-type: none"> <li>• CV</li> <li>• Employer's reference letter</li> <li>• Journal extracts</li> </ul>

b) The shortlist of peer reviewers shall be sent to the third party scientists for confirmation of technical competency.

- i. Shortlists shall be sent to two of the third party scientists as available at the time and as best qualified for the region of each specific fishery
  - ii. Five working days turnaround time shall be given for the third party scientists to respond.
  - iii. A text reminder shall be sent 24 hours before the end of this 5 day period if no response is received from either third party scientist.
- c) Following confirmation from at least one of the third party scientists that the peer reviewer's expertise is suitable, the Peer Review College team agrees a date with the CAB on which the peer reviews will happen, which should include a review of the client action plan (in the case of FCR v2.0).
- d) If the timeframe changes the CAB is obligated to inform the college of the change and to agree a revised date for the reviews to take place.
- e) Following confirmation of the peer review date from the CAB, the Peer Review College team shall check with the candidate peer reviewers that they are available and have no new Conflicts of Interest relating to the fishery.
- f) Following confirmation from the peer reviewers, the Peer Review College team sends to the CAB:
  - i. The names of the peer reviewers that are candidates to carry out the peer review and details of their qualifications and competencies;
  - ii. Confirmation that the competencies of the peer reviewers match the required competencies; and
  - iii. Confirmation of the availability of the peer reviewers within the timetable nominated by the CAB.
- g) The CAB may provide comments on the suitability of the different candidate peer reviewers at this point.

#### 4. Stakeholder Consultation

- a) Following the site visit, the Peer Review College team shall ensure that all registered stakeholders are notified to comment on the potential conflicts of interest of the nominated peer reviewers for a period of 10 days.
- b) The Peer Review College team shall review any conflicts of interest highlighted by stakeholders, in accordance with the procedures outlined in Row 4 of the Table above.
- c) A draft decision on any conflicts of interest highlighted shall be sent to ASI for review (the options for ASI's response are given in Annex 2)
- d) The College shall then inform all the stakeholders in writing that one of the following has occurred:
  - i. No potential conflicts of interest were highlighted by stakeholders and therefore all the peer reviewers on the shortlist will go forward to the final selection
  - ii. One or more of the peer reviewers has been removed from the shortlist because a COI has been identified following the stakeholder consultation.
  - iii. Potential COI for one or more peer reviewers were highlighted by stakeholders but after following their COI procedures, the College has determined that the potential COIs identified can be effectively managed, so the complete list will go forward to the final selection.
  - iv. Stakeholders have 10 days in which to raise complaints with the Peer Review College team about the decision on the existence of COI
- e) If stakeholders raise a complaint, MSC shall request ASI to conduct a review of the decision.
- f) The outcome of the review will be communicated to the Peer Review College team who shall then inform the complainant of the outcome.

- g) Once the consultation and appeals process is complete, the CAB and stakeholders will be informed of the decision that:
  - i. No COI exists for the shortlisted peer reviewers.
  - ii. The COIs identified for the shortlisted peer reviewer(s) can be effectively managed so the reviewers are still able to do the peer reviews.
  - iii. That an unacceptable threat to impartiality was found to exist for one or more reviewers and that they have been removed from the shortlist.
- h) The Peer Review College team shall record all stakeholder comments and the decision taken about any potential COIs, including a rationale, on the Peer Review Conflict of Interest form, which shall be retained internally for future reference.

## 5. Final Peer Reviewer Selection

The Peer Review College team shall agree with the CAB on the final number of peer reviewers that should be contracted from the original shortlist, based on the criteria below and using information in the CAB's submitted MSC Fishery Announcement Template to assist this process. The Peer Review College team's decision on the choice of peer reviewers is final.

To select the final peer reviewers and determine the number of reviewers needed, the Peer Review College team shall consider:

- a) If it is the first **initial assessment** of the fishery:
  - i. Two peer reviewers shall normally be required to undertake the peer review, one of which will normally be a Level 2 Reviewer. The peer review would normally be expected to take the reviewers two days each. However, there will be situations described below in which the Level of the peer reviewer and the duration of the peer review will vary. These will be set by default at the levels below, but these will be discussed with the CAB in any case where there are more than 1-2 UoAs (case a), and agreed prior to issuing the shortlist for consultation:
    - a. Normal fishery (1-2 UoAs): 1 L1 and 1 L2 reviewer for 2 days each
    - b. Mid-size fishery (3-4 UoAs): 2 L2s for 2.5 days each
    - c. Large fishery (5-6 UoAs): 2 L2s for 3 days each
    - d. Very large fishery (>6 UoAs): >2 L2s and/or >3 days each as appropriate, up to a maximum of 5 days each in exceptional cases.
  - ii. At least one of the peer reviewers shall have the current knowledge of the country, language and local fishery context competencies (see Row 5 Table PC3 above) and together the 2 reviewers would need to cover a minimum of two further requirements from Fish stock assessment, Fish stock biology / ecology, Fishing impacts on aquatic ecosystems and Fishery management and operations listed in the Table in Section 1 above.
  - iii. For some larger fishery assessments (with >2 UoAs), an L1 peer reviewer may be proposed as one of the pair of reviewers if this achieves better knowledge of the fishery. Such L1 candidates would only be selected if they have already been Quality Assured (following the procedures in Annex 8) and achieved a 'good' or 'acceptable' grading.
- b) If it is the **Re-assessment** of a fishery:
  - i. The fishery would be eligible to reduce the number of peer reviewers required since the most recent assessment to one peer reviewer if the fishery qualifies for reduced re-assessment (see FCR 7.24.6): A fishery is eligible for reduced reassessment if

- a. The fishery was covered under the previous certification or scope extension;
  - b. The fishery had no conditions remaining after the 3<sup>rd</sup> surveillance audit; and
  - c. The CAB confirms that all standard related stakeholder comments have been addressed by the 3<sup>rd</sup> surveillance audit.
- ii. If only one peer reviewer is selected, it must be a Level 2 Reviewer who shall comply with at least two of the competencies listed in the table in Section 1 above and Row 5 of Table PC3.
- c) If the assessment is a **Scope Extension** of an existing fishery (FCR v2.0 Annex PE):
- i. The minimum number of peer reviewers shall be one L2 by default (as allowed by FCR v2.0 PE3.1.3).
  - ii. The number of days contracted for the peer review shall be estimated as for initial assessments in Section 5.a)i. above.
- d) In all cases, the Peer Review College team shall take into consideration the following in order to select the final peer reviewer team:
- i. Feedback received on the peer reviewers from stakeholders and the CAB;
  - ii. Peer reviewer expertise on any topics of special interest;
  - iii. Breadth of expertise needed in the assessment (e.g. gear, species, region);
  - iv. Levels of peer reviewers (Level 1 / Level 2);
  - v. Updated peer reviewer availability (e.g. if initial timeframes have changed);
  - vi. Confirmation that no COI exists for the peer reviewers selected or that COIs identified for the shortlisted peer reviewers can be effectively managed.
- e) Where a fishery assessment process is split due to a delay in one of the Units of Assessment, such that separate Peer Review Draft Reports are provided more than three months apart, the peer reviewers shall be assigned the full default time allocations (as in clause 5.a)i.) for each separate review.

## 6. The Peer Review

At the Client & Peer Review Draft Report (CPRDR) stage, the Peer Review College team:

- a) Agrees a contract with the selected reviewers on specific short timelines (two weeks), noting that the time taken from receipt of the report for peer review from the CAB and the forwarding of the completed and verified peer review to the CAB shall not exceed 4 weeks (as agreed in the contracts between CABs and the Peer Review College)
  - i. The peer review window shall not be expected to overlap with the 30-day 'information update' consultation phase reached in some assessments (when the time between the fishery announcement and PCDR release exceeds 9 months).
- b) Sends a copy of the peer review draft report for peer review with the current version of the 'Template for peer review of MSC fishery assessments' (see Annex 5) with specific instructions for the review.
- c) Ensures the peer reviewer undertakes the review and returns it to the college within two weeks.
- d) Reviews the peer review for clarity and completeness to verify:
  - i. The peer reviewer template has been fully and correctly completed
  - ii. The review covers the entire PRDR or such elements as the college has defined in its specific instructions

- iii. Any important issues the reviewer wishes to highlight to the CAB are summarised in the introductory section, including indicating where the peer reviewer has requested a change in the score of a Performance Indicator (PI)
- iv. The peer reviewer comments are clear and reference specific sections of the PRDR where appropriate
- v. The formatting is correct.
- e) Ensures that the reviewer makes amendments to the peer review in line with the clarity and completeness review
- f) Forwards the completed peer review to the CAB, in anonymous format (removing the front pages of the review first) as either Peer Reviewer 'A' or 'B'.

At the Public Comment Draft Report (PCDR) stage, the team also:

- g) Ensures that the reviewer:
  - i. Reviews the CAB's responses to the points raised in the initial peer review;
  - ii. Indicates in writing whether they agree or disagree with the CAB's response; and
  - iii. Where the reviewer disagrees with the CAB's responses, submits the details of their disagreement to the Peer Review College using the PCDR stage template form (as provided on the MSC website).
- h) Forwards any PCDR stage forms from the reviewers to the CAB, in anonymous format (referring to the same Peer Reviewer 'A' or 'B' as the initial stage), within the normal 30-day time scale of the PCDR consultation for the fishery.

## 7. Oversight

### 6 monthly check

- a) The Peer Review College team commissions the third party scientists to:
  - i. Undertake a quality assurance review of a selection of peer review comments and CAB responses (which have in the meantime been published in PCDRs and Final Reports) and stakeholder comments on such outputs (when available in PCRs) ;
  - ii. Compile a report detailing the results of the quality assurance review for the Peer Review College team which shall include suggested amendments to the defined quality control criteria and recommendations for further training of peer reviewers, both individually and as a group.

Guidance on the selection of reviews for PRC quality assurance, and their reporting is given in Annex 8 of these procedures.

### 12 monthly check

- a) The Peer Review College team provides a report on operations to the Oversight Committee.
- b) The Oversight Committee holds a formal meeting to review the operations report and the two most recent quality assurance reviews.
- c) The Oversight Committee makes recommendations to the MSC's Technical Advisory Board (TAB) and Board of Trustees for improving the future operation of the College.

## **8. Ongoing Maintenance of the College**

- a) Peer reviewers shall be invited to undertake annual update training, as and when provided by the PRC.
- b) Peer reviewers shall be invited to attend calibration meetings as appropriate.



## Annex 1. Peer Review College Terms of Reference

### 1. Peer Review, Administration and Operation:

The Peer Review College team shall:

- 1.1 manage the application, selection, appointment and oversight of peer reviewers according to the procedures detailed in this document;
- 2.1 compile and maintain an up-to-date database of approved peer reviewers including their specialisations e.g. by MSC Principle, geographical area, fishery species;
- 3.1 divide reviewers into Level 1 and Level 2 according to the criteria in this document;
- 4.1 manage the implementation of the peer review process for MSC fishery assessments according to the procedures detailed in this document;
- 5.1 maintain a work plan of Peer Review College activities;
- 6.1 maintain an Information and Quality Management System;
- 7.1 liaise with the MSC Finance team to ensure the effective financial management of the MSC Peer Review College (including raising invoices for peer reviewer fees to CABs and credit control);
- 8.1 convene and participate in the annual meetings of the Oversight Committee comprising representatives of MSC, the Stakeholder Council and Technical Advisory Board (TAB);
- 9.1 produce reports for the Oversight Committee detailing any implementation issues that have arisen which require discussion by the Committee;
- 10.1 participate in other MSC meetings as appropriate including the TAB, Stakeholder Advisory Council and Tripartite meeting;
- 11.1 seek approval from the MSC Corporate Services team for the content of the Peer Review College pro-forma contracts with peer reviewers, third party scientists and CABs;
- 12.1 request MSC to sign contracts with peer reviewers, third party scientists and CABs.

### 2. Communication

The Peer Review College team shall:

- 2.1 maintain effective and efficient communication with the MSC Executive, stakeholders, CABs, third party scientists and peer reviewers
- 2.2 submit at least bi-annual reports to the MSC Executive highlighting the activities of the College including number of Peer Review College members, number of reviews undertaken and the individual reviewers used. The production of these reports will be timed as necessary to facilitate reporting to the MSC and MSC Boards, TAB, and STAC;
- 2.3 maintain timely and routine communications with applicant and approved peer reviewers regarding eligibility to be a member of the college and answering routine questions concerning the peer review process;
- 2.4 respond to enquiries about the Peer Review College and peer reviews from potential applicant peer reviewers.

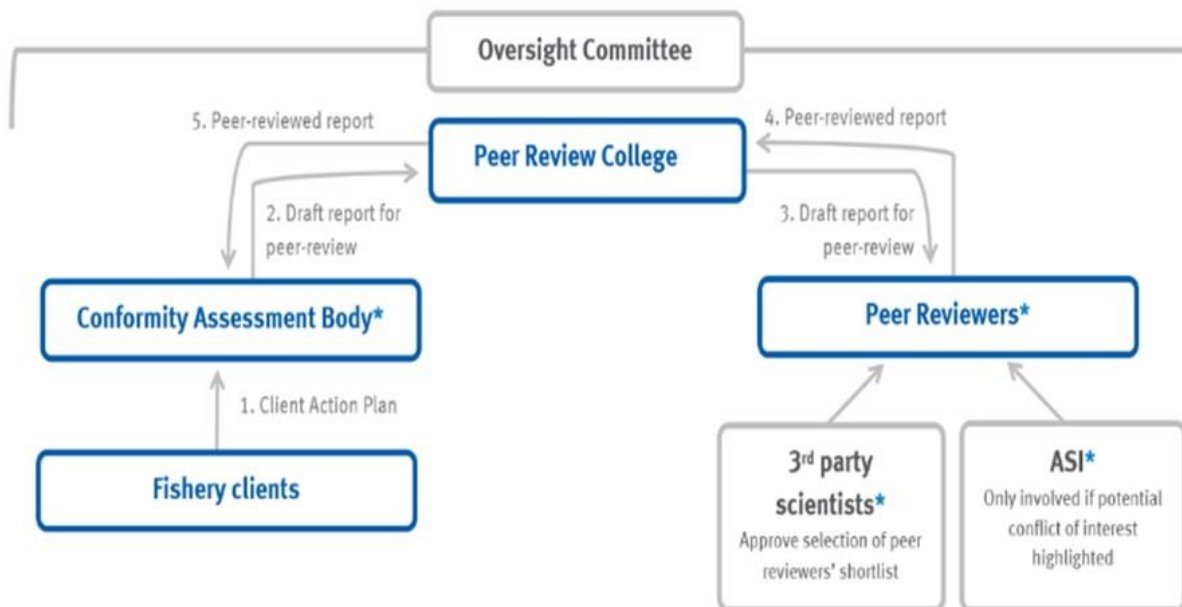
### **3. Training of peer reviewers**

Reviewers are subject to requirements for competency and experience as detailed in the Procedures Section 1. Reviewer training requirements are also specified in Section 1. The training is provided by the MSC Peer Review College free of charge.

Selected peer reviewers may be invited to attend future tripartite and calibration meetings, which both aim to ensure the consistent interpretation and application of the MSC's Certification Requirements. The MSC will fund salary, travel and accommodation for peer reviewer attendance at these meetings.

## Annex 2. Peer Review College Structure

The Peer Review College is an MSCI activity which is operated by the Peer Review College team. There is independent input at critical decision points in the peer review process from independent third party scientists and, where necessary, ASI. The relationships between the different entities involved in the peer review are shown in Figure 1 (parties contracted to MSCI are indicated \*).



**Figure 1. Relationship between entities**

### MSCI

- Relationships
  - Contractual relationship with the CABs, peer reviewers, third party scientists and ASI.
- Responsibilities
  - Ensuring peer reviewer and third party scientist fees paid
  - Ensuring CABs are invoiced for the peer reviews undertaken

### Peer Review College Team

- Relationships
  - Day to day communication with CABs, peer reviewers, third party scientists, ASI and MSCI
- Responsibilities
  - Setting the procedures and guidelines for peer review college, peer reviewers, ASI (or another third party) and the independent quality control scientists, with input from the Oversight Committee
  - Management of the peer review process and associated systems
  - Recruiting, and deploying peer reviewers in accordance with the defined procedures and guidelines
  - Responding to CAB requests for peer reviewers, ensuring the timeliness of peer reviews

- Ensure that any conflicts of interest identified for peer reviewers are effectively managed, taking into account the views of stakeholders
- Providing an initial quality control check on peer reviews to ensure clarity, completeness and consistency.
- Convening the Peer Review College Oversight Committee
- Providing training materials, convening training “calibration” workshops, and conducting other activities to ensure the integrity and credibility of the MSC is enhanced through the peer review system
- Providing regular reports to the MSC Board on the operation of the College

### **Peer Review College Oversight Committee**

- Relationships
  - No direct contractual relationships with any other entity, but managed and convened by the Peer Review College team
  - Comprises up to 5 members selected from the MSC Stakeholder Advisory Council and MSC Technical Advisory Board and independent experts if required for specialist topics
  - Members appointed on 3-year terms, renewable for one additional consecutive term of 3 years
  
- Responsibilities
  - Providing input to the creation of the College’s procedures and guidelines
  - Reviewing the College’s implementation of the procedures and guidelines
  - Reviewing the performance of the MSC in overseeing the day-to-day relationship with the CABs, peer reviewers and third party scientists
  - Reviewing the college’s performance in terms of meeting delivery time commitments and quality commitments. The views of CABs and peer reviewers will be sought to inform this annual review, which will also receive annual reports from the Executive and the Peer Review College.
  
- Members’ Expertise
  - Knowledge of the MSC Fishery Certification Requirements including:
    - the fishery certification and assessment processes; and
    - an understanding of how the peer review fits into this process
  - Expertise in one or more of the following areas:
    - Oversight of contracted out processes, and the associated contracts
    - Oversight of impartiality and independence including knowledge of relevant ISO Standards
    - Performance appraisal of contractors and individual personnel
    - Creating clear operational procedures for contractors
    - Complaint management
    - Provision of training materials for contractors
    - Undertaking fisheries science reviews in one or more of the following subjects:
      - fish stock assessments,
      - fish stock biology / ecology,
      - fishing impacts on aquatic ecosystems
      - fishery management and operations

### **Third Party Scientists**

- Relationships
  - Contract with MSCI
  - Up to four third party scientists appointed at any given time
  - Appointed on 3-year terms, renewable for one additional consecutive term of 3 years
- Responsibilities
  - Confirming the admittance of peer reviewers to the College initially
  - Confirming the shortlist of candidate peer reviewers
  - Performing 6 monthly quality assurance review of peer reviews
- Third Party Scientists' Expertise
  - Detailed knowledge of the MSC Fishery Certification Requirements including:
    - the fishery certification and assessment processes;
    - an understanding of how the peer review fits into this process; and
    - the current MSC Fisheries Standards and their application in different fishery types
  - Passed the fisheries online training modules for Team Members (as also required for Peer Reviewers, Section 1.f)
  - Twenty years' experience in two or more of the following areas, as evidenced by a strong record of peer-reviewed publications:
    - fish stock assessments
    - fish stock biology / ecology
    - fishing impacts on aquatic ecosystems
    - fishery management and operations

### **ASI**

- Relationships
  - Contract with MSCI
- Responsibilities
  - Reviewing the Peer Review College team's conflict of interest procedures
  - Reviewing any potential conflicts of interest concerning the shortlisting of peer reviewers, and any comments which have been raised by stakeholders during the subsequent consultation on the shortlist, and advising the Peer Review College team on whether:
    - any unacceptable threats to impartiality exist and the reviewer(s) affected should be removed from the shortlist
    - no conflict of interest exists, or
    - the conflicts of interest which do exist can be effectively managed, where stakeholder concerns have been raised
  - Investigating stakeholder complaints against the selection of peer reviewers due to perceived conflict of interest

### **Conformity Assessment Bodies (CABs)**

- Relationships
  - Contract with Accreditation Services International (ASI) and fishery clients
  - Contract with MSCI for the Peer Review College to provide peer reviewers

- Responsibilities
  - Communicating effectively with the Peer Review College to call for peer reviews of assessments
  - Taking due account of peer review comments

**Peer reviewers**

- Relationships
  - Reviewers are under contract to the MSCI to provide reviews
- Responsibilities
  - Undertaking MSC training as required
  - Providing high quality unbiased peer reviews of fishery assessment reports

## Annex 3. Peer Review College Oversight Committee Terms of Reference

Final v2.0

### 1. Background

The MSC is the leading sustainability standard and certification program for wild fisheries, and constantly strives to make improvements in line with scientific advances and changes in best practice to improve its credibility.

The 'Peer Review College' was established to manage the peer review process for Conformity Assessment Bodies (CABs) to enhance the consistency, independence and impartiality of the process and give greater weight to the comments of peer reviewers. The Peer Review College comprises the Oversight Committee; the Peer Review College team in MSC; peer reviewers; independent quality control scientists and Accreditation Services International (ASI), as set out in the diagram in Appendix 1.

The Oversight Committee was established to ensure that all parties involved in the operation of the Peer Review College carry out their responsibilities effectively.

### 2. Functions and Duties

- 2.1 The Oversight Committee shall review and provide assurance to the MSC Board in respect of:
- a) The financial management of the Peer Review College including:
    - i. The fees charged to CABs
    - ii. The fees paid to peer reviewers
  - b) The College's performance and the procedures and guidelines for the operation of the Peer Review College, inter alia reviewing
    - i. Management systems
    - ii. Recruitment and training of peer reviewers
    - iii. Allocation of peer reviewers
    - iv. Performance of peer reviewers in terms of the clarity, completeness and punctuality of the reviews carried out
    - v. Management of conflicts of interest and independence for the Peer Review College system
  - c) Complaints made by stakeholders about the Peer Review College team and ASI's determination of the existence or lack of a conflict of interest for peer reviewers, and how they have been addressed.
- 2.2 The views of CABs and peer reviewers will be sought to inform the annual review of performance.
- 2.3 The Oversight Committee shall make recommendations to the MSC Board about changes to Peer Review College operations to improve the Peer Review College team's performance.

2.4 The Oversight Committee oversees the responsibilities of the Peer Review College team which include:

- Setting the procedures and guidelines for the Peer Review College, peer reviewers, ASI (or another third party) and the independent quality control scientists (see 2.5.2), with input from the Oversight Committee
- Management of the peer review process and associated systems
- Recruiting, and deploying peer reviewers in accordance with the defined procedures and guidelines
- Responding to CAB requests for peer reviewers, ensuring the timeliness of peer reviews
- Ensuring that any conflicts of interest identified for peer reviewers are effectively managed, taking into account the views of fishery, NGO and other stakeholders
- Providing an initial quality control check on peer reviews to ensure clarity, completeness and consistency
- Convening the Peer Review College Oversight Committee
- Providing training materials, convening training “calibration” workshops, and conducting other activities to ensure the integrity and credibility of the MSC is enhanced through the peer review system.
- Providing reports to the MSC Board on the operation of the College

2.5 To ensure independence and integrity, the College outsources two functions to third parties:

2.5.1 Responsibilities of ASI

- Reviewing the Peer Review College team’s conflict of interest procedures
- Approving the final selection of peer reviewers to confirm that either no conflict of interest exists or that any conflict of interest identified can be effectively managed in cases where stakeholder concerns have been expressed
- Investigating stakeholder complaints against the selection of peer reviewers due to perceived conflict of interest

2.5.2 Responsibilities of the independent quality control scientists

- Confirming the initial admittance of peer reviewers to the College
- Confirming the shortlist of candidate peer reviewers for individual fishery assessments
- Performing 6 monthly quality control review of peer reviews

### **3. Membership and Composition**

3.1 The Oversight Committee shall comprise of three to five members drawn from the Technical Advisory Board and Stakeholder Advisory Council. An independent member drawn from outside of MSC governance bodies may also be appointed.



- a) Members shall be appointed by the MSC Board of Trustees on the recommendation of the Technical Advisory Board, Stakeholder Advisory Council or MSC Executive.
- b) Members shall be responsible to the MSC Board for effectively discharging their duties.
- c) Members perform services at the request of the MSC as volunteers without receiving compensation. Members shall comply with the Conflicts of Interest policy adopted by the MSC Board.
- d) The term of appointment shall be three years and may be renewed for one additional consecutive term of 3 years.
- e) There shall be no standing Chair of the Committee, but a Chair shall be elected from the members who also serve on the Stakeholder Advisory Council or Technical Advisory Board for the purposes of leading that meeting.

3.2 Members of the Oversight Committee shall have the necessary expertise to enable them to carry out their duties effectively. This expertise should include:

- a) Knowledge of the MSC Fishery Certification Requirements including:
  - i. Familiarity with the fishery certification and assessment processes
  - ii. An understanding of how the peer review fits into this process
- b) Expertise in one or more of the following areas:
  - iii. Oversight of contracted out processes, and the associated contracts
  - iv. Oversight of impartiality and independence including knowledge of relevant ISO Standards
  - v. Performance appraisal of contractors and individual personnel
  - vi. Creating clear operational procedures for contractors
  - vii. Complaints management
  - viii. Provision of training materials for contractors
  - ix. Undertaking fisheries science reviews in one or more of the following subjects:
    - fish stock assessments,
    - fish stock biology / ecology,
    - fishing impacts on aquatic ecosystems
    - fishery management and operations

#### **4. Operation of the Oversight Committee**

4.1 The Oversight Committee shall meet at least annually:

- a) in person
- b) remotely by telephone or by any other communication equipment which allows all persons participating in the meeting to hear each other as needed
- c) or exceptionally, by email, with participation from all members.

4.2 A decision shall not be taken unless the meeting is quorate. Quorum is defined by:

- a) 3 members participating in an in-person or remote meeting or
- b) all members participating in an email discussion

- 4.3 Decisions shall be made by consensus or by a simple majority vote where consensus is not possible.
- 4.4 Members shall determine the procedures for meetings and other Oversight Committee operations.
- 4.5 Aside from the MSC Executive and third-party scientists, no observers shall be permitted to attend the meetings, except by invitation.
- 4.6 The Peer Review College team shall provide administrative and secretariat support to the Committee as necessary.
- 4.7 Members of the Oversight Committee shall be unremunerated but may be paid all reasonable travelling, hotel and other expenses properly incurred by them in connection with their attendance at in-person meetings or with the discharge of their duties. All expenses should be claimed in compliance with the MSC Board of Trustees travel and expenses policy.

## **5. Confidentiality**

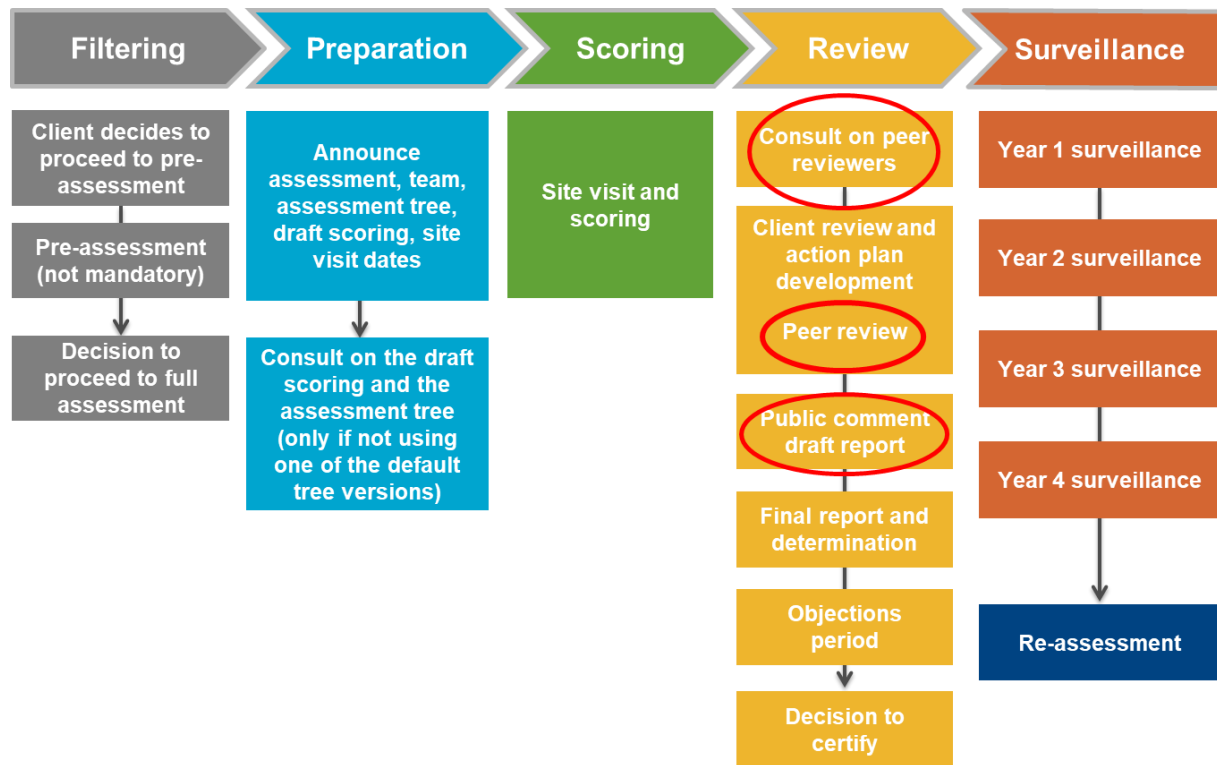
- 5.1 All materials shared with the Oversight Committee are assumed to be confidential in nature unless otherwise stated. This confidentiality is required to be maintained and failure to do so can result in removal as a member.

Approved by PRC Oversight Committee – 3 December 2018

Approved by MSC Board – 15 November 2018

## Annex 4. Peer Reviewers' Role in the Fishery Assessment Process

Peer reviewers play an integral role in the fishery assessment process to determine if a fishery meets the MSC's standard for sustainability (see diagram below based on FCP v2.3).



After the Conformity Assessment Body (CAB) assessment team has completed scoring against each of the standard's Performance Indicators, the CAB issues a Client & Peer Review Draft Report for review by the fishery client and the peer reviewers.

At this stage, the client is required to put together a client action plan to address any conditions which have been raised by the CAB.

At the same time, the selected peer reviewers use a template to give their opinion on the draft conclusions reached by the team. Comments are provided on each performance indicator, taking into account:

- the scores assigned to the fishery by the assessment team,
- the rationales for these scores, and
- the conditions raised.

These peer reviews are provided anonymously to the CAB which then has to explicitly address the issues raised and incorporate appropriate changes into the next report version, the Public Comment Draft Report (PCDR).

The publication of the Public Comment Draft Report (PCDR) is announced by the CAB. This report is the second public document in the assessment process, but the first to include full draft scoring and a draft determination of whether or not the fishery is recommended for certification. It also includes explicit responses to all stakeholder written and verbal submissions received during the site visit and at other stages prior to the publication of the

PCDR, as well as responses to the peer reviewers' comments. CABs must allow stakeholders at least 30 days to comment on the PCDR. Peer reviewers are also requested by the College to review the CAB's responses to their earlier reviews and provide further comments if they do not believe that their points have been adequately taken into account.

The Final Report is then published by the CAB after the assessment team has considered the comments received during the PCDR consultation period and has revised the report appropriately. The Final Report includes the team's final determination of whether or not the fishery should be certified. CABs must allow fifteen working days for previously involved stakeholders to file a notice of objection at this stage, if they wish.

## **Annex 5. MSC Fishery Certification Process Requirements and Guidance relating to peer review (FCP v2.3 / 3.0)**

### **7.12 Peer Review College**

7.12.1 Upon announcement of the fishery, the CAB shall send the Peer Review College a notification that the announcement of the fishery assessment and the assessment timeline have been published on the MSC website.


7.12.1.1 The CAB shall confirm the anticipated date that the Client and Peer Review Draft Report will become available.

7.12.1.2 The CAB shall inform the Peer Review College when changes are made to the assessment timeline that will affect the peer review process.

7.12.2 The CAB shall obtain from the Peer Review College:

- a. The names of the peer reviewers who are proposed to carry out the peer review and details of their qualifications and competencies.
- b. Confirmation that the peer reviewers meet the required competencies.
- c. Confirmation of the availability of the peer reviewers within the timeline nominated by the CAB.

7.12.3 Following the site visit, the CAB shall either:

- a. Provide the Peer Review College with the contact details of all the stakeholders to enable the college to undertake the stakeholder consultation on potential conflicts of interest of the peer reviewers proposed, or
- b. Request their stakeholders to inform the Peer Review College regarding any potential conflicts of interest of the peer reviewers proposed, using the consultation form provided by the Peer Review College. 

7.12.4 The CAB shall obtain from the Peer Review College confirmation that the peer reviewers have no conflicts of interest in relation to the fishery under assessment.

7.12.5 The Peer Review College's decision on the choice of peer reviewers is final. 

7.12.6 The CAB shall present the information in 7.12.2.a and 7.12.2.b in the Public Comment Draft Report and subsequent reports.

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### **7.19 Client and Peer Review Draft Report**

7.19.1 Once conditions, milestones and the point at which fish may enter further chains of custody have been determined, the CAB shall use the 'MSC Reporting Template' to create the Client and Peer Review Draft Report.

7.19.2 The CAB shall issue the Client and Peer Review Draft Report to the client and to the Peer Review College at the same time.

### Peer review

7.19.3 The CAB shall arrange a review of the Client and Peer Review Draft Report, as detailed in Section 7.12, by peer reviewers from the Peer Review College.

7.19.4 The CAB shall allow the selected peer reviewers to review the Client and Peer Review Draft Report.

7.19.5 Upon receipt of the peer reviewers' written comments, the team shall:

- a. Address all the issues raised, changing any part of the scoring, conditions and report as the team sees necessary. ■
  - i. The team shall provide clear explanations, with evidence, in the CAB response column of the 'MSC Template for Initial Peer Review of MSC Fishery Assessments' to support the team's conclusion on whether they accept or reject each of the issues raised by the peer reviewer.
- b. Incorporate peer reviewer comments, team responses to those comments and any appropriate changes into the Client and Peer Review Draft Report to create the Public Comment Draft Report.
- c. Amend any conditions as required, and ensure the fishery client amends the Client Action Plan, as required.

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## G7.12 Peer Review College ▲

The MSC has set up a Peer Review College to fulfil the following objectives:

- Increase the independence of peer reviews of fishery assessments.
- Increase the quality and consistency of peer reviews, and the reliability of their use by CABs, stakeholders and independent adjudicators.
- Not to increase, and if possible reduce, the cost of peer reviewers to fishery clients undergoing assessment.

The CAB will need to request peer reviewers from the College according to the requirements set out in Section 7.12. The operations of the College are described separately to this Guidance. Peer reviewers will have similar competencies to auditors.

### G7.12.3.b Proposed peer reviewers after the site visit ▲

Following the site visit:

- The Peer Review College will ensure that all registered stakeholders are proactively invited to comment on the potential conflicts of interest of the proposed peer reviewers for a period of 10 days.

- The College will review any conflicts of interest highlighted by stakeholders, in accordance with the procedures outlined in the FCP.

If stakeholders do not agree with the Peer Review College's determination on conflict of interest:

- They have the right to appeal to the Peer Review College who shall inform MSC within 10 working days.
- The MSC will appoint a third party to conduct a review of the decision.
- The MSC Executive will inform the Peer Review College of the outcome of the review.
- The MSC Executive will provide instructions on how the Peer Review College should proceed.

Once the consultation and appeals process is complete and the Peer Review College has acted as directed by the third party, the CAB and stakeholders will be informed of the decision that no conflict of interest exists for the peer reviewers appointed to conduct the peer review.

### G7.12.5 Final decision peer reviewers ▲

The CAB can express a preference for individual reviewers to be contracted from a shortlist drawn up by the Peer Review College. However, the Peer Review College will make the final decision.

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## G7.19 Client and Peer Review Draft Report ▲

### G7.19.5.a Address peer reviewer comments by CAB ▲

The team should note that reviewers will have the right of reply to the team's conclusion during the Public Comment Draft Report stakeholder consultation in common with other peer review processes such as those used by scientific journals. The reviewer's reply would state whether they agreed or disagreed with the team's response as this could assist with the MSC Disputes Process. In the Final Draft Report, the CAB should include a response to any peer reviewer follow-up comments made on the Public Comment Draft Report.

If any of the peer reviewers' comments are contradictory, the team should provide justified responses for each different comment. It may be possible that the team agrees with some of the peer reviewers' comments, but not all. The team should provide clear justifications for all of their responses, including references to the relevant MSC requirements (Standard and/or FCP), and any MSC interpretations or derogations, as appropriate.

The above also applies to the team's responses to 2 or more sets of stakeholder comments where these are interpreted as contradictory.

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## **Annex 6. Peer Review Templates**

Peer reviewers shall use the templates provided by MSC at the following website:

<https://www.msc.org/for-business/certification-bodies/supporting-documents>

- Template for Initial Peer Review of MSC Fishery Assessments v3.0
- Template for Peer Review Follow Up at PCDR stage v2.0



## Annex 7. Guidance on the consideration and management of conflicts of interest

### A7.1 Introduction

A key task of the Peer Review College (PRC) is to manage the selection of peer reviewers (PRs) to limit the potential for conflicts of interest (COIs) and thereby ensure the independence and impartiality of the review process. The existing documentation for the PRC includes guidance for both the criteria to be used in selecting PRs, and the processes to follow (see Section 3.a.4 of this Structures and Procedures document, and the ISO 17065 and 17021-1 requirements). This guidance builds on those requirements to provide specific default rules to be applied by the PRC in its operations. Guidance is given both for the selection of PRs to include in shortlists, and for the use of the third-party experts (3PEs) in their roles.

### A7.2 Selection of Peer Reviewers for shortlisting

Table A7.1 below provides PRC guidance on the selection of PRs as candidates for shortlisting in a current assessment, given the relationships defined in each row and the potential risks for COIs, as noted in the right-hand column (drawing on the categories defined in [ISO 17065](#), Section A.2).

#### Historical connections with a fishery

The default 2-year cut-off point for historical connections is taken from the mitigation approach used in [ISO 17021-1](#) (Sections 5.2.7, 5.2.10). A threshold longer than 2 years may be more appropriate in some circumstances. For example, if nothing has changed in the last 2 years and a fishery is still managed using the measures/assessments developed by the candidate PR, then he/she would still have a self-review COI and should not be selected. Some degree of historical involvement in a fishery may be accepted prior to this default 2-year cut-off point. As an example, some benchmark assessment work performed by a PR may be included in the current Management Strategy Evaluation for many years alongside other more recent work. In this case, the potential COI may be considered to have faded over time and need not prevent use of the PR in the fishery.

#### Mitigation of limited conflicts of interest

Noting that PRs with experience in a particular fishery/region will often have some potential COIs with other people working in the same area, and also that the PRC has a limited number of PRs to select from, a PR with some potential conflicts may be selected in some cases where the risks can be managed, such as by the second PR having no COIs. The PRC will allow for such potential COIs as part of the QA selection criteria such that the resulting performance of the PRs in these situations can be monitored.

**Table A7.1 Default rules for different types of conflicts of interest (COIs) in the selection of PRs for shortlisting**

Relationship	Accept / Decline	Rationale
PR is a current permanent employee of the MSC or ASI	Decline	Self-interest
PR is a current permanent employee <sup>1</sup> of the CAB managing the assessment	Decline	Self-interest
PR has been employed previously by the CAB managing the assessment	Accept if >2 years ago	PR may have a pre-conceived position in relation to the CAB and its work, which may be overly positive or negative
PR is currently contracted (or has recently been contracted) to the CAB managing the assessment	Accept if limited <sup>2</sup>	Potential for self-interest if high work dependence
PR is a current permanent employee of another MSC fisheries-accredited CAB	Decline	Competition
PR is currently contracted (or has recently been contracted) to one CAB, to the exclusion of all other CABs	Accept if limited <sup>3</sup>	Potential for self-interest and competition if high work dependence on the associated CAB
PR has worked previously or currently with members of the assessment team	Accept if not close <sup>4</sup>	Close friendships may prevent impartiality of reviews
PR has a personal relationship to any assessment team member or anyone employed by the fishery client, manager, association of lobby group	Decline	Personal relationships (e.g. marriage) may also prevent impartiality of reviews
PR has a history of negative interaction/s with a member of the assessment team	Decline	Such negative history may prevent impartiality of reviews <sup>5</sup>
PR works for or advises an industry body that the fishery client is a member of, or has done so in the last 2 years	Decline	Self-interest
PR works for an organisation that has an advocacy position for or against the type of fishery being assessed, or has done so in the last 2 years <sup>6</sup>	Decline	PR may have a pre-conceived position in relation to the fishery type, which may be overly positive or negative
PR works for a standard setting organisation that is a competitor to MSC <sup>6</sup>	Decline	Competition
PR has worked previously in the <u>same</u> fishery: As Team Member / consultant for an MSC pre-assessment As Team Member / Leader in the last MSC full assessment (FA) or in the pre-ACDR stage of the current full assessment As Team Member / Leader in an MSC surveillance since the last FA As PR in a previous MSC assessment As a consultant to / employee of / shareholder of the fishery client in last 2 years As a consultant to / employee of the management agency in last 2 years or during the development of the current management arrangements As a consultant to / employee of an NGO or other stakeholder in last 2 years	Accept Accept  Accept if not recent <sup>7</sup> Accept Decline Decline <sup>8</sup>  Decline	Useful knowledge of fishery <sup>9</sup> Useful knowledge of fishery  Useful knowledge of fishery Useful knowledge of fishery <sup>10</sup> Self-review / self-interest Self-review  Self-review / advocacy
PR has worked (< 2 years ago) / is working in an <u>overlapping</u> fishery: <sup>11</sup> As Team Member / consultant for a (recent) MSC pre-assessment As Team Member / Leader in a recent MSC FA or one at the pre-ACDR stage As Team Member / Leader in an MSC surveillance since the last FA As PR in a recent / current MSC assessment	Accept Accept <sup>12</sup> Accept <sup>12</sup> Accept	Useful knowledge of fishery Useful knowledge of fishery Useful knowledge of fishery Useful knowledge of fishery

Relationship	Accept / Decline	Rationale
As a consultant to / employee of / shareholder of the fishery client	Decline	Self-review / competition
As a consultant to / employee of the management agency during the development of the current management arrangements	Decline	Self-review
As a consultant to / employee of an NGO or other stakeholder	Decline	Self-review / advocacy

- <sup>1</sup> 'Permanent' employment should be interpreted as including staff who have worked or expect to work for the CAB (either salaried or contracted) for a long-term period (at least one year), on a half-time or greater basis.
- <sup>2</sup> Review to determine the actual number of assignments/contracts with the CAB over the last 2 years, noting that many PRs do work under occasional contracts to several different CABs. Information on a PR's work with different CABs is in the original application form, and updated for each shortlist invitation in the PR's COI declaration form. A high dependency on a particular CAB (defined as the PR receiving more than 50% of their income over any period of 12 months in the last 2 years) could indicate a high potential for self-interest and should result in a decline decision if alternative unconflicted options are available.
- <sup>3</sup> Such 'exclusively' contracted PRs should not be used to review the work of their associated CAB, and should only be used to review the work of other CABs if not more than 50% of their income is derived from their work with their associated CAB (in any 12 month period within the last 2 years). Such PRs should also only provide technical work for the CAB such as done in MSC fishery assessments and should not be engaged in business development or marketing work for the CAB. PRs claiming that the income derived from their associated CAB is less than 50% of their total income will be asked to provide some evidence of their other income sources, including a list of recent projects and clients.
- <sup>4</sup> Particularly close personal relationships should be considered as potential justification to decline, such as when two colleagues have worked together for many years (currently or previously) to the extent of becoming good friends who may be reluctant to publicly criticise each other's work.
- <sup>5</sup> In addition to the PRs making declarations in each of their fishery-specific COI form, CABs should be asked to check with their team members for any history of negative interactions with the shortlisted PRs. A clear justification should be provided by CABs for any requests to remove PRs from a shortlist on these grounds.
- <sup>6</sup> 'Working' in this context may include being an employee, officer or holder of a supervisory position (e.g. Board Member) for the body, where the work supports the development of the body, but need not include more advisory roles, whether on technical boards, or as a consultant, unless that is at a level to give a significant dependency or 'self-interest'. In the case of consulting, the nature of the work should also be considered. If the consultancy work is for instance on how to be more effective in advocating for or against a certain type of fishery, this should be regarded as a conflict of interest. If the consultancy work is purely technical and there is no indication of self-interest, the impartiality risk may be considered to be low and the PR candidate accepted.
- <sup>7</sup> Such persons should not be used as PRs if they were Team Members in the last full assessment (FA) and also involved in a surveillance audit in the 2 years prior to the current FA. In this situation, the current FA report may use the PR's own work and their recent closing of any conditions as the basis for current scoring, giving a 'self-review' COI.
- <sup>8</sup> Such persons should not be used as PRs if they have been directly involved in developing the management arrangements/assessments of the fishery under assessment. Where fisheries are managed on a cyclical basis, e.g. with major reviews every 3 years, and only data updates in intervening years, the PR should not be used if they were involved in the development of the most recent major review. Staff of the management agency who have worked on other fisheries, and not the one under assessment may have useful local knowledge and may be used as PRs.

- <sup>9</sup> Such previous MSC-related work in a fishery (where the candidate has previously been involved in scoring the fishery) is not the same as the 'self-review' type of COI where a candidate has performed activities or done previous work that is being scored as part of the assessment evidence.
- <sup>10</sup> Work as a previous PR in a fishery would give the candidate some previous knowledge of the fishery but at a level one step removed from the direct scoring previously done by Team Members / Leaders in FAs or surveillance work.
- <sup>11</sup> An 'overlapping' fishery in this context is one which includes one or more of the same target species (stocks) in Principle 1, or a 'main' species in Principle 2 that is critically important to the outcome of both fishery assessments.
- <sup>12</sup> CAB Team members/leaders in such overlapping fisheries should not be included as PRs in cases where they are involved in current harmonisation activities with the fishery in assessment.

### **A7.3 Use of PRC third-party experts**

The PRC requests inputs from two third-party experts (3PEs) for a number of College procedures to ensure appropriate separation and independence from the MSC team involved in management. Inputs are sought in relation to the acceptance of peer reviewing into the College, their shortlisting for individual assignments (confirming they have appropriate experience for the type of fishery) and at the Quality Assurance stage (reviewing the PRs comments and CAB responses). Potential conflicts of interest are also considered for the assignment of tasks to these 3PEs. 3PEs cannot be a current permanent employee of the MSC or ASI, nor of any CAB, or global advocacy NGO. Consistent with the principles adopted above for PRs, a 3PE is not used in the following situations:

#### For reviewing PR candidates for entry to the College

- 3PE has a personal relationship to the candidate PR (previous or current work is permissible)

#### For shortlisting of PR candidates or for quality assurance work

- 3PE has a personal relationship to any assessment team member or anyone employed by the fishery client, manager, association or lobby group
- 3PE has worked previously / is working in the same fishery:
  - As a Team Member / consultant for the last full assessment (FA) and one of the last two surveillance audits since the last FA
  - As a consultant to / employee of the fishery client, management agency, NGO or other stakeholder in the last 2 years
- 3PE has worked previously / is working in an overlapping fishery:
  - As a Team Member / consultant currently involved (or expecting to soon be involved) in MSC harmonisation activities with the fishery in assessment
  - As a consultant to / employee of the fishery client, management agency, NGO or other stakeholder in the last 2 years

## Annex 8. Quality Assurance Procedures

The aims of the PRC quality assurance (QA) are (1) to ensure the consistent high quality of reviews provided by PRs, and to enable follow-up monitoring and training for any weaknesses observed and (2) to raise incidents on CAB performance, where appropriate.

### A8.1 Risk-based criteria for Peer Reviewer Quality Assurance (QA)

A peer review should be selected for QA according to the priority levels given to the different risk factors listed in Table A8.1, and reflecting the capacity of the third party experts (3PEs) within the College. Some 'high priority' risk factors may trigger inclusion on their own, while others (medium or low levels) may be combined with other factors to result in a review being included in QA.

**Table A8.1. Risk factors for selecting PRs for Quality Assurance.**

Risk factor	Priority
1. The PR has not previously been used by the College and has limited previous peer reviewing experience 2. The PR has no previous MSC experience, i.e. L1 grade, no previous PRs 3. The PR h//as been reported by a CAB as a source of some concern in its unpublished reply to the PRC (QA in such cases would investigate the particular issues raised) 4. The PR was identified as having a Conflict of Interest of some sort in being selected for this fishery, which was to be 'managed' (QA in such cases may be targeted at certain indicators depending on the potential COI)	High
5. The PR has previously been advised of some error in interpretation of the MSC requirements, or weakness in a review (QA in such cases should specifically check for improvements in the identified problem area) 6. The number of comments raised by the PR is <50% of the number raised by the second PR, and was similarly low in one or more previous reviews 7. The PR omitted several key points in a previous QA review	Medium
8. The PR has limited MSC experience, i.e. L1 grade, >5 previous reviews 9. The PR was selected for the fishery without being fully qualified in some area (due to lack of other choices)	Low

### A8.2 Quality Assurance process for Peer Reviewers

The focus of the 3PEs in different QA reviews depends on the nature of the PR, as summarised below. Some reviews may fall in between the two categories.

- Where a PR includes many comments, the 3PE should focus on the comments made by the PR (and the CAB responses), without looking for potential issues missed by the PR.
- Where a PR includes few comments, it is possible that the CAB report was well written and consistent with the MSC standard; and/or that the reviewer was insufficiently attentive or unfamiliar with the MSC standard. In such cases, the 3PE should examine the CAB's scoring in a sample of PIs, as well as any PR comments to determine the extent of any PR 'omissions'.

Each comment provided by the PR is categorised by the 3PE as either ‘relevant and clear’, ‘relevant but unclear’ or ‘inappropriate (not consistent with MSC requirements)’. Any PR ‘omissions’ are also coded, as either ‘yellow’ (minor issue), ‘orange’ (serious issue, may affect scoring), or ‘red’ (critical issue, may affect assessment outcome, i.e. pass/fail). Depending on the overall numbers and potential consequences of the different type of comments, a PR is categorised as ‘good’, ‘acceptable’ or ‘poor’. Feedback is provided to the PR, and their subsequent responses tracked in future reviews, for each of these categories, as given in Table A8.2 below.

**Table A8.2. Follow-up actions for PRs for QA reviews assigned to the three QA categories.**

QA Category	Advice to be given to the PR	Further tracking needed
‘Good’ review	Inform PR, no issues to raise	No further actions needed
‘Acceptable’ review	Advise PR of potential for some improvement in their reviews	No further tracking needed (but check if PR selected for other risk criteria)
‘Poor’ review	Advise PR of potential improvements needed in their reviews and/or improved understanding of the MSC requirements	Check for improvements in next review to decide further actions

The responses of the CABs to the PR’s comments are also examined by the 3PEs in the QA reviews, at both the initial and follow-up stages. Such responses are categorised as either ‘adequate’ or ‘not adequate’, reflecting whether the PR’s comments have been addressed and the consistency of the response with the MSC standard. Where the overall CAB response is seen as inadequate, an ‘incident’ is raised for ASI to consider. Such incidents are treated as described in the ASI Procedure [here](#).

### **A8.3 Quality Assurance process for Persistent Disagreements**

In addition to the above monitoring, which is mainly focussed on the quality control of PRs, special QA procedures may also be triggered to investigate key cases of ‘persistent disagreements’ (PDs) between PRs and CABs. Such PDs are recognised where the CAB has declined to make a score change suggested by a PR at both the initial stage, and then again at the follow-up stage. Where the PDs in a fishery are potentially sufficient to change the outcome of the CAB assessment from a pass to a fail result, they would be raised for a QA check with one of the PRC 3PEs. This may result from either a disagreement on one or more PIs not meeting the minimum 60 score, or by there being sufficient PDs to reduce one or more of the Principle-level scores to below the required 80 average.

Following the QA review, cases where the CAB responses are seen by the 3PE as inconsistent with the MSC requirements sufficiently to change the assessment outcome would be passed on to ASI as incidents. Cases where the PR’s comments are seen as inconsistent with the MSC requirements would be raised with the PR to assist their understanding of the MSC Fisheries Standard.

This approach was adopted on a trial basis from July 2022 pending further review. It was adopted as a regular part of the PRC process following the PRC Oversight Committee

Meeting of July 2023 with an extension that the 3PEs would be allowed to discuss their conclusions with the Peer Review College Manager and other 3PEs where desired, to ensure consistency in outcomes.