

## **TERMS OF REFERENCE FOR FISHERIES STANDARD COMMITTEE (FSC)**

ASMI uses the skills of a Fisheries Standard Committee (formerly the Conformance Criteria Committee) to assist with the implementation and review of the Standards and the Scoring Guidance for the Responsible Fisheries Management Certification Program for Alaska fisheries. The RFM Program is adapted from the FAO Code of Conduct for Responsible Fisheries Management.

The Committee is an objective-based group, representative of fishery science, management, and environment. Representation is sought from both fishery-specific interests and from wider fishery management and stakeholder interests.

Beginning in May 2015, Committee meetings became open to the public, giving them access to the committee proceedings and decision-making members. Any interested party can make comments to the committee at a designated point during the meeting, and minutes of the meetings are also made available to the public.

### **The Terms of Reference of the Committee are as follows:**

- Keep under review the RFM Standards and the Program's pertinent assessment procedures to ensure that these remain relevant to current practice and market requirements;
- Oversee and facilitate any necessary improvements and edits to the RFM Standards for subsequent approval by the ASMI Board;
- Provide knowledge and guidance that will contribute to accurate interpretation and alignment of the Alaska RFM Program to FAO KEY Reference Documents for assessment purposes;
- Provide advice to the ASMI RFM Team by way of proceedings and decisions in minutes of meetings on any amendments considered necessary or desirable to ensure the accuracy, relevance, and credibility of the RFM Program.
- Provide input and advice on documents prepared on the technical interpretation of the RFM Conformance Criteria used in the assessment of fisheries in the Alaska region;
- Provide technical oversight to the Alaska RFM Conformance Criteria revisions and supporting technical scoring guidance documentation.
- Become part of an Appeals Panel for stakeholders, including Fishery Applicants, who contest the decision of a Certification Body on the certification of a fishery. Grounds for an appeal may be an assessment decision not made in conformance with applicable policies and procedures, a lack of consideration of relevant available information or evidence, or an unreasonable assessment outcome.

## **Committee Constitution**

In October, 2014, the RFM Fisheries Standard Committee was appointed by the ASMI Board of Directors. Membership is based on advice, consultation, and nominations put forward from fishery advisors, scientists, and fishery stakeholders associated with the ASMI RFM Certification Program. Some members took part in the original Technical Standards Committee 2011- 2013.

The ASMI Board of Directors determines the number of voting members. The Committee shall be chaired by an ASMI-appointed Chairperson. An ASMI Staff member (the Sustainability Officer) will act as secretariat and hold no voting right.

The membership of the Committee will sufficiently represent a broad understanding of policy and management, of fishery and environmental science, and the operational aspects of Alaska fisheries, as well as an appreciation of the certification of responsible fisheries management.

Representation on the Committee will be adapted from time to time to ensure that it continues to represent the interests of the fishery regions and areas of a broad certification interest.

## **Rules of Procedure for Committees**

The normal term of office of the Chairperson and members of the Committee shall be three years. Duration of term may be influenced by the following provisions:

- any member of the Committee serving as a representative of an organization or company shall retire on ceasing to be employed by that organization or company;
- any member may retire by notice in writing to the Chairperson of the Committee;
- any person whose term of office expires shall be eligible to be reappointed to the Committee;
- the Chairperson may ask for an incumbent member to be replaced if the member fails to attend meetings of the Committee regularly.

Committee meetings shall be convened not less than once a year and by notice in writing (including e-mail) to each member at such times as the Chairperson shall direct. It is anticipated that members of the Committee will be asked to meet, either in person or via teleconference, approximately 2 to 3 times in a calendar year.

The Secretariat shall be responsible for taking and presenting a correct record of the proceedings at each meeting.

A quorum at such meetings shall consist of not less than one-half of the voting members of the Committee.

The Chairperson shall confirm an acceptable balance of interests among voting members at the start of each meeting.

Minutes of all meetings will be prepared and circulated in advance of the next meeting. These minutes will be approved at the next meeting, providing that a quorum exists.

For key decisions on Standards and interpretation, the Committee shall strive for consensus. In the event of a vote motions will carry with a two-thirds majority. Each member shall have one vote.

In the absence of the Chairperson at any meeting of the Committee, this position shall be taken by a member of the Committee selected by the Chairperson in advance or, failing that, elected by a majority of those present.

With the consent of the Chairperson, specialist advisors may attend meetings of the Committee but they shall not be entitled to vote.

### **Confidentiality and Conflict of Interest:**

Members of the Committee are appointed to support the objective of ensuring a robust and transparent Certification Program. Members shall be as follows:

- Willing to contribute to an overview process and lend their time and/or expertise without promise of remuneration, and be able to attend meetings as required;
- Unaffiliated with any public or private entity that will try and leverage decisions based on a corporate or public agenda;
- Committed to neutrality, transparency, and fairness in all dealings.

All Committee members will be asked to provide a resume identifying their relevant fishery or certification experience that they would contribute to the Committee and also to sign a conflict of interest and confidentiality undertaking. Should a conflict of interest arise, the member is requested to report this to the Chairperson as soon as reasonably possible. The Chairperson shall decide on and instigate appropriate action. All such reported conflicts of interest and follow up action agreed shall be recorded on the Committee files.

### **Standards Review Procedure**

All program standards will be subject to a formal review by the appropriate Fisheries Standard Committee or appointed sub-committee for Chain of Custody at least once in each 24-month period.

The ASMI Sustainability Officer will be responsible for scheduling the standards review with the Committees. Information for the review will be collated from, but not limited to, the following:

- Fisheries Standard Committee comments;
- Observations from approved Certification Bodies and Assessment reports;
- Changes in legislation/Codes of Practice;
- Open comments and comments from Fishery Assessments;
- Customer/market information.

The outcome of the Standards review will be registered in minutes. Where changes to the standards are recommended and agreed on by the Fisheries Standard Committee, the Sustainability Officer will ensure that a Program of Work is published.

Re-edited Standards document will be changed in accordance with the recommendations and Program of Work. The redrafted Standard recommended by the FSC will be presented to the ASMI Board for approval. If the ASMI Board does not approve the proposed Standard, it will go back to the Committee for further consideration of the ASMI Board's comments.

Once the redrafted Standard is approved by the ASMI Board, the Sustainability Officer will issue the new Standard and inform all relevant parties of the change of revision and adoption.

The Sustainability Officer will record in the Standard the date of a revision or reaffirmation of the Standard along with a transition period after which the revised Standard will come into effect.

The new/revised Standard will be posted on the ASMI website.

Current Fishery clients of the Program will be allowed up to 36 months to implement changes to meet new criteria in the Standard. Chain of Custody Applicants will be allowed 12 months to meet new criteria.

## **RECORDS**

Records will be retained as follows:

- (a) Standards Review
  - Committee Minutes and Recommendations
  - Evidence of external considerations
  - Redrafted Program Standards
- (b) Standards Approval
  - Minutes of ASMI Board Approval
  - Updated Standards

## **THE COMPLAINTS / APPEALS PANEL**

### **Constitution**

Up to three members of the Fisheries Standard Committee may be appointed from the Committee by the Chairperson to act as an Appeals Panel for Complaints regarding Fishery Certification Decisions.

The Appeals Panel shall appoint the Chairperson.

The ASMI Sustainability Officer, will be an ex-officio member of the Board and act as Secretariat, but shall not vote.

Members of the Appeals Panel shall be appointed so that no one interest predominates.

### **Terms of Reference**

The functions of this Board include:

- Listening to complaints, appeals, disputes, and grievances relating to issues and withdrawal of Fishery Certificates of Approval;
- Making judgments on formal complaints and appeals and communicating findings to relevant parties.

### **Rules of Procedure**

Members must sign a confidentiality/conflict of interest declaration before attending initial meetings.

The evidence will be prepared and presented by the Sustainability Officer. The Certification Body and Fishery Applicant will have the opportunity to present their arguments.

Minutes of all meetings will be prepared and circulated in advance of the next meeting. These minutes will be approved at the next meeting, providing quorum exists.

Each member shall have one vote. In the event of a tied vote the Chairperson or person presiding shall instruct that all voting members not present be notified of the issue and requested to advise their decision. Should this fail to result in a clear majority either for or against the proposal, the proposal shall be withdrawn and *status quo* prevails.

With the consent of members of the Appeals Panel, specialist advisors may attend meetings of the Board but they shall not vote. Specialist advisors will be required to sign a confidentiality and conflict of interest agreement.

The findings of the Complaint Appeals Panel will be communicated by the Sustainability Officer to the Fishery, the Certification Body, and the Accreditation Board.

The Complaint Appeals Panel has no authority to overturn a certification decision and can only make recommendations to the Certification Body and relevant Accreditation Board.

**Conflict of Interest & Confidentiality**

All Appeals Panel members will sign a conflict of interest and confidentiality undertaking. Should a conflict of interest arise, the member will report this to the Chairperson as soon as reasonably possible. The Chairperson shall decide and instigate appropriate action. All such reported conflicts of interest and follow up action agreed shall be recorded on the Appeals Panel file.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_