

Haarlem, 12th of December 2019

**Isao Sakaguchi**

Gakushuin University  
1 Chome-5-1 Mejiro, Toshima City  
Tokyo 171-8588, Japan

Subject: Response to the Gakushuin University

Dear Isao Sakaguchi,

Many thanks for taking the time to provide your comments on the GSSI Benchmark Report for the Marine Eco-Label Japan (MEL) Program.

GSSI is committed to a transparent benchmark process with opportunity for engagement and comments. Following the consultation, the comments received from Gakushuin University and other stakeholders have been carefully reviewed by the Independent Experts, Benchmark Committee and the GSSI Board. Comprehensive responses to each of the comments are provided in this and other letters. After careful deliberations, the Benchmark Committee concluded the comments had been sufficiently addressed and recommends GSSI recognition of the MEL program.

In response to the comments referring to version 1.0 of the MEL Japan Fisheries Management Standard, GSSI explicitly points out that the GSSI benchmarking process and recognition only applies to version 2.0 of the MEL Japan Fisheries Management Standard (2018) and version 1.0 of the MEL Aquaculture Standard (2018). Furthermore, during the transition phase up until January 31 2021, MEL-Japan will be required to clearly differentiate between the different versions of its standard through the logo.

In response to comments concerning the present limited availability of evidence proving implementation of the MEL Japan Fisheries Management Standard v.2.0 (2018), the GSSI requirement of having at least 1 accredited certification in place before being able to achieve recognition is met.

That being said, GSSI requires a stringent monitoring of continued alignment. Under normal circumstances, the Monitoring of Continued Alignment (MOCA) review process is to take place after 1.5 years of recognition. However, in response to the comments received, the GSSI Steering Board has decided that for the case of MEL, this MOCA will be advanced to 1-year post recognition and will comprise of a public consultation to provide stakeholders the opportunity to comment on the new evidence of implementation provided and the continued alignment of the MEL scheme with the GSSI benchmark Tool.

GSSI's detailed responses to your comments by component number raised in relation to the GSSI Benchmark of MEL aquaculture standard are set out below.

The response to each of the comments is structured as follows:

1. Description of the component: Essential or Supplementary and the corresponded numeration
2. Text of the Component
3. Submitted Comment
4. Answer from GSSI
5. Conclusion [old part in black] [new part in blue]
6. References [old part in black] [new part in blue]

The answers to the comments and conclusions of the components make use of the GSSI benchmark language, including the following acronyms:

IE: Independent Expert

EC: Essential Component

SC: Supplementary Component

BC: Benchmark Committee

MOCA: Monitoring of Continued Alignment

## ■ **Section A – Governance**

### **ESSENTIAL COMPONENT A.1.03**

*The Scheme Owner operates to a documented set of governance policies and procedures specifying at least the following:*

- *Board or governance body election or appointment process,*
- *Board or governance body representation and Terms of Reference,*
- *Member categories (where applicable),*
- *Income generation or funding processes,*
- *An organizational structure,*
- *The decision making processes of each governance body,*
- *Key personnel roles (responsibility and authority),*
- *Managing conflict of interest, and*
- *A conformity assessment program.*

## ■ **Gakushuin University comment**

It stipulates that the Scheme Owner operates to a documented set of governance policies and procedures specifying at least including “Managing conflict of interest” and “A conformity assessment program.”

However, the MEL Council actually had a sever conflict of interest with its sole certification body (CB), Japan Fisheries Resources Conservation Association (JFRCA) and the accreditation body (AB), the Japan Accreditation Board (JAB).

As the MEL has only one CB designated, it is entirely dependent on the JFRCA. If the JAB does not accredit the JFRCA, MEL cannot meet the formal GSSI requirement for CBs. So while it is the scheme owner's responsibility to monitor and ensure the strictness of the accreditation work by the JAB, instead it asked the JAB to speed up the accreditation process in order not to cause further delay in the GSSI approval of the MEL. According to the MEL News published in November 2018, it is reported that;

With respect to the accreditation of the MEL's CB, JFRCA, by JAB, it is in the process of paper-based check and the progress tends to delay. We have asked special consideration and cooperation of JAB in accreditation schedule management, in order not to cause a severe impact on assessment by the GSSI. We have received a positive answer from JAB.<sup>1</sup>

The JAB collaborated with the scheme owner's need and actually shortened the accreditation process by assuming no negativity in the JFRCA and therefore by cutting the public comment process.<sup>2</sup> While it usually takes one year to complete accreditation process by JAB, in the case of JFRCA, it took less than six month: entered accreditation in October 10th, 2018, and accredited in March 28, 2019. In addition, according to Minato Shinbun, at the seminar held in the Japan International Seafood Show on 22nd August 2018, Mr. Naoya Kakizoe, chair of the MEL Council stated;

MEL is trying to have the GSSI approval by March or May 2019.

MEL is also trying to have the JAB's accreditation of JFRCA within this year.

Mr. Susumu Endo, managing director of JFRCA, also stated;

We are doing our best efforts to finish the JAB accreditation within this year as scheduled.

It is said that it usually takes twelve months for accreditation by JAB.

We will do our all the possible efforts to overrule it, and try to reach the situation in time that we can say with our heads high, "MEL obtained the GSSI benchmarking one year before the Tokyo Olympic as scheduled."

For that purpose, we cannot be bound by the ordinary one year duration. We will do any kinds of efforts to attain the accreditation.<sup>3</sup>

As such, the MEL Council failed in managing the conflict of interest. While the scheme owner should have been independent from the CB and the AB as well as ongoing accreditation process, it purposefully influenced the actual accreditation process by the JAB to a lax side. The inappropriate accreditation process for the JFRCA actually impacted negatively the auditing work for the Azuma-cho's Yellowtail farming and the Hokkaido's Chum Salmon set-net fishery, which are the first-certification issued for the Fisheries Management Standard and the Aquaculture Management Standard (AMS) and also cited in the GSSI's draft report for the MEL as an evidence of conformity with the GSSI criteria. Concrete aspects of the lax auditing work by the JFRCA for the two certifications are addressed in the following sections.

## ■ GSSI response

MEL-J is in alignment with Essential Component A.1.03. Based on the comment of Gakushuin University, no additional information has been included in the final conclusion.

---

<sup>1</sup> 1 MEL Council, MEL News (MEL ニュース), No.8, November 2018, pp.1-2, available at: <http://www.melj.jp/wp-content/uploads/2018/11/MEL%E3%83%8B%E3%83%A5%E3%83%BC%E3%82%B911%E6%9C%88E5%8F%B7.pdf>, accessed on 20th February 2019.

<sup>2</sup> E-mail exchanges between the author and the JAB from 12th to 25th December 2018.

<sup>3</sup> 3 "MEL to Obtain Accreditation from GSSI Next Spring as Scheduled, MEL chair Mr. Kakizoe Says: JFRCA to Be Accredited by JAB by the End of the Year (G S S I、予定通り来春取得へ 垣添 MEL 会長が説明 J A B 認定も年内に)," Minato Shinbun, 24th August 2018, available at: <https://www.minato-yamaguchi.co.jp/minato/e-minato/articles/83168>, accessed on 20<sup>th</sup>, February 2019.

GSSI recognizes the concerns raised by the commenter on the conflict of interest with the certification body (CB). Yet, having only one CB designated is not considered to be a conflict of interest and is often encountered in schemes that operate within one country - e.g. IRFF/Iceland, BIM/Ireland. JFRCA has been accredited by JAB by the time of the meeting of the Benchmark Committee and Public Consultation.

There has been a profound interest to meet GSSI components as soon as possible, which has been expressed by several other schemes who have similarly undergone the GSSI recognition process. This is understandable considering the time-frame required. However, there is no evidence of compromising the ISO accreditation process by JAB, including scheduled delaying of the office visit and final assessment while the independent technical committee convened.

The accreditation process was not shortened, all steps were gone through according to ISO. The public comment period process was decided to not be required in the case of JFRCA - see related B.1.01. Since JFRCA is a JAS registered organization, with the application, JAB decided that recruiting public comments was unnecessary. Therefore, JAB was operating according to the procedure and no conflict of interest perceived.

Japanese <<https://www.jab.or.jp/files/items/2204/File/PD2002019V17.pdf>>

Review: PROCEDURE FOR ACCREDITATION OF PRODUCT CERTIFICATION BODIES JAB PD200:2016.

Revised on December 5, 2016

### Conclusion on GSSI Essential Component A.1.03

**Conclusion:** 'MEL is in alignment because the policies and procedures for operating the MEL certification scheme are stipulated in the Statutes, OMR, and other related documents.

See below for details.

- Board or governance body election or appointment process, Statutes Chapter 5, Article 20, 1. Article 17.1.
- Board or governance body representation and
- Terms of Reference, Statutes, Article 15, 16, Article 21, Chapter 6 Board of Directors, OMR 2.2.2 Board of Directors
- Member categories (where applicable), Statutes, p2. Article 5. types of Membership
- Income generation or funding processes, Accounting Regulations 2016 (internal), Annual Report
- An organizational structure, Org chart June 2019
- The decision making processes of each governance body, Statutes. Article 17 (Resolutions), Article 21. Article 22
- Key personnel roles (responsibility and authority) are described in Rules of Segregation of Duties (RSD),
- Managing conflict of interest, RSD and Board and staff declarations,
- A conformity assessment program. OMR. Requirements for Certification Bodies FSM V2.1, AMS V1.1, COC V2.1

### REFERENCE

1. Statutes, 2017, Chapter 3-6  
[https://melj.jp/eng/wp-content/uploads/2018/09/170626\\_Statutes\\_of\\_MEL\\_Council\\_HP.pdf](https://melj.jp/eng/wp-content/uploads/2018/09/170626_Statutes_of_MEL_Council_HP.pdf)
2. OMR, rev 7 Feb 2019, Section 2  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
3. Membership Regulations, 2016  
[https://melj.jp/eng/wp-content/uploads/2018/09/161201\\_Membership-Regulations\\_HP.pdf](https://melj.jp/eng/wp-content/uploads/2018/09/161201_Membership-Regulations_HP.pdf)
4. Regulations for the Use and Management of Logo(R-LOGO), 2019, clause 3.1.  
[https://melj.jp/eng/wp-content/uploads/2019/09/Regulations\\_Logo.pdf](https://melj.jp/eng/wp-content/uploads/2019/09/Regulations_Logo.pdf)

5. Organization Chart of MEL Council  
[https://melj.jp/eng/wp-content/uploads/2019/09/Organization\\_Chart\\_of\\_MEL\\_Council\\_en.pdf](https://melj.jp/eng/wp-content/uploads/2019/09/Organization_Chart_of_MEL_Council_en.pdf)
6. Office Visit:  
 Rules on Segregation of Duties (RSD), 2018  
 Accounting Regulations (Accounting-R), 2016  
 review Board and staff signed agreement on Col management dated 22 June 2018  
 MEL Annual Report (2017 fiscal year)

## ESSENTIAL COMPONENT A.1.06

*The Scheme Owner requires that stakeholders have the opportunity to participate in or provide direct input to the top governance body.*

### ■ Gakushuin University comment

The advisory board mentioned in the Conclusion is not an official body and not stipulated in the MEL's institutional documents. It is just a privately organized advisory body to the chair. Therefore, it is not also stipulated how the advice from the advisory board should be processed institutionally within the MEL Council, especially in the governing board. The survey questionnaire at the MEL Workshop, Feb. 2019, mentioned in the conclusion is also quite inappropriate as an evidence of the stakeholder opportunity to participation. The list of the questions in the survey are;

1. What organization do you belong to?
2. Your level of Satisfaction with the Workshop and Your Impression.
3. Your level of Satisfaction with and Your Impression for the presentation made by Prof. Hiroyuki Matsuda on "The Current State, Challenges, and Prospects of the Fisheries Ecolabels in Japan."
4. Your level of Satisfaction with and Your Impression for the presentation made by Mr. Naoya Kakizoe on "About the MEL."
5. Your level of Satisfaction with and Your Impression for the presentation made by Mr. Herman Wisse on "About GSSI."
6. Your level of Satisfaction with and Your Impression for the two presentations of the MEL-certified Chum Salmon Set-net Fishery of Hokkaido and the Yellowtail Farming of the Azuma-cho.
7. Your level of Satisfaction with and Your Impression for the two presentations of the foreign wild-capture fishery and aquaculture farming certification made by two GSSI independent experts, Dr. Joseph DeAlteris and Dr. John A. Hargreaves, respectively.
8. Your level of Satisfaction with and Your Impression for the discussion session.
9. What kind of themes would you like us to address in the future workshop?

The survey is not intended to improve the governance of the MEL scheme but just generally to hear the level of satisfaction and impression for each session. So the advisory board and the survey at the workshop cannot be the evidence for the Governance Participation.

### ■ GSSI response

MEL-J is in alignment with Essential Component A.1.06. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter on the opportunity for stakeholders to participate or provide direct input to the top governance body. The MEL website provides a platform where stakeholders can submit input at any time. The survey input at the public forum was offered as evidence of the opportunity, but not the evidence of the input. It was one opportunity with several general questions that could have been used for input by stakeholders to provide input to the top governance body.

The Advisory Council exists as a mechanism to provide input. The Advisory Board Establishment Procedure were revised by the resolutions of the Board of Directors Meeting (16th) held on June 21st, 2019. Advisory Board members may attend the BOD meetings and input their opinions  
Advisory Council - Marine Eco-Label Japan (MEL) Council Advisory Board Establishment Procedure. 2018. Revised June 21, 2019

### 1. Purpose

An Advisory Board (hereinafter “the Board”) shall be established to gather opinions and advices for concrete actions from stakeholders in various fields in order to build a solid sense that the spread of marine eco-label in the society and improvement of its international name recognition is benefitting those who have acquired the certification and consumers or is contributing to realization of SDGs. It aims to promote the diversity of Japan’s nature, marine industry and fish diet in and outside Japan and to further boost the recognition for Japan’s marine products and contribute to new development in the marine products industry.

3. (ii) The Board members may attend the Board of Directors Meeting and input opinions.

The IE reviewed the current Advisory Board list with a wide range of stakeholder groups represented. Advisory Council - Marine Eco-Label Japan (MEL) Council Advisory Board Establishment Procedure. 2018. Revised June 21, 2019.

## Conclusion on GSSI Essential Component A.1.06

**Conclusion:** MEL is in alignment because the stakeholder involvement is provided as stipulated in the OMR, clause 5, “Inquiries regarding the development and revising of Standards, operational management of the certification scheme, as well as complaints and appeals shall be submitted to the MEL Council Secretariat.”

Contact Tool is at all times available via MEL website, and comments received are addressed at the regular internal meeting where the top governance is included. A log is kept at the office- to date of the office visit - no input specific to the governance body had been received through the general Contact Tool.

During the public consultation period for the standard setting, the specific form is available to submit comments. MEL Council has an Advisory Board containing the civil society representative that directly input opinions to the top governance.

A MEL Workshop was held Feb 2019 inviting around 170 people from various backgrounds including NGOs and media that was an opportunity for any interested parties to participate and provide direct input. The workshop included a survey for input of which several dozen responded with results tabulated and provided to the MEL Council Secretariat

The Advisory Board Establishment Procedure were revised by the resolutions of the Board of Directors Meeting (16th) held on June 21st, 2019. Advisory Board members may attend the BOD meetings and input their opinions. Advisory Council - Marine Eco-Label Japan (MEL) Council Advisory Board Establishment Procedure. 2018. Revised June 21, 2019

### 1. Purpose

An Advisory Board (hereinafter “the Board”) shall be established to gather opinions and advices for concrete actions from stakeholders in various fields in order to build a solid sense that the spread of marine eco-label in the society and improvement of its international name recognition is benefitting those who have acquired the certification and consumers or is contributing to realization of SDGs. It aims to promote the diversity of Japan’s nature, marine industry and fish diet in and outside Japan and to further boost the recognition for Japan’s marine products and contribute to new development in the marine products industry.



3. (ii) The Board members may attend the Board of Directors Meeting and input opinions.

## REFERENCES

1. OMR, rev 7 Feb 2019, Clause5  
[http://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](http://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
  2. Website : "Contact us"  
[https://melj.jp/eng/standards\\_related\\_inquiries](https://melj.jp/eng/standards_related_inquiries)  
[https://www.melj.jp/standards\\_related\\_inquiries](https://www.melj.jp/standards_related_inquiries)
- Office Visit:
3. Records of the comments received , minutes of Opinion Exchange Meeting with invited stakeholders who input comments, August 2017.
  4. Agenda and Minutes of Advisory Board Meetings August 2018 and Nov 2018 (internal)
  5. List of Advisory Board Committee Members
  6. MEL Feb 2019 Workshop original surveys and summary review (in Japanese translated)
- Internal documents review:
7. Advisory Council - Marine Eco-Label Japan (MEL) Council Advisory Board Establishment Procedure. 2018. Revised June 21, 2019
  8. Advisory Board member listアドバイザーリーボード名簿\_190809.docx

## ESSENTIAL COMPONENT A.1.11

*The Scheme Owner undertakes a fully documented annual management review of scheme performance, including its assurance program, and the performance of certification and accreditation bodies. The results of the review are used to revise its operating procedures and practices, where necessary.*

### ■ Gakushuin University comment

The Conclusion simply states that the MEL is in alignment because it is stipulated in the OMR that The MEL Council shall undergo an annual management review. However, the paper-based stipulation is not satisfactory to claim conformity with A.1.11 as it requires the scheme owner to undertake a fully documented annual management review including the performance of CB and AB. As the supporting documentation, it is referred to the Annual Report 2017 Fiscal Year. However, this document cannot work as an evidence of the effective internal review for the GSSI benchmarking, because the JFRCA has started the auditing work in Feb 2018 for the newly established standards and JAB has just accredited JFRCA in March 2019. Note that in 2017 only old MEL standards and Aquaculture Ecolabel (AEL) standards – MEL will incorporate the AEL after Tokyo Olympic Games - which were not based upon the FAO guidelines and ISO/IEC 17065 and 17011, were effective. The GSSI claims that their benchmarking assessment is not based simply on paper-based conformity assessment but actual performance. If it is still so, this criterion cannot be verifiable at this moment, and the annual review for 2018 fiscal year can be only possible after April 2019 in Japan.

### ■ GSSI response

MEL-J is in alignment with Essential Component A.1.11. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

The performance review of the certification and accreditation bodies has been ongoing and was documented and reviewed by the IE before the public consultation. MEL has conducted their annual scheduled internal management review during the MEL Board of Directors Meeting held on 21st June 2019, (after the 4th MEL General Membership Meeting, on the same day). The management review was the first agenda item. Review of internal documents for evidence of internal management review and consideration for revisions to improve procedures and practices:

Agenda of BOD meeting 21st June 2019.

2. Handout for Management Review, as Proposal 1, in which 1-4 advisory board seen to be improved as Proposal 2, as well as 2-1. Third bullet point - revision of the regulations also as Proposal 2
3. Advisory Board Establishment Procedure - draft of revision as Proposal 2
4. Logo Regulations -draft of revision as proposal 2
5. Meeting Minutes of the 16th BOD meeting\_190626

In which written, Proposal 1, Management Review result was successfully shared and approved by the BOD. Proposal 2, as the revision of regulations, Advisory Board Procedure and the Logo Regulations were approved by BOD to be improved, implementing the result of the management review is reflected/ addressed to the improvement of MEL scheme. - Proposal 1, Management Review result was successfully shared and approved by the BOD. Proposal 2, as the revision of regulations, Advisory Board Procedure and the Logo Regulations were approved by BOD to be improved, implementing the result of the management review is reflected/ addressed to the improvement of MEL scheme.

GSSI acknowledges the concerns of the commenter and has indicated to the MEL scheme that a Monitoring of Continued Alignment (MOCA) will take place one year following initial final benchmarking determination, in lieu of the usual 1.5 year period. During this MOCA review the MEL scheme will be required to fully and transparently demonstrate continued implementation of all requirements and ensure a consistent application of its standards at fishery level through its audit reports.

### **Conclusion on GSSI Essential Component A.1.11**

**Conclusion:** MEL is in alignment because it is stipulated in the OMR that “The MEL Council shall undergo an annual management review including of its assurance program to allow for verification of Certification Scheme performance, as well as the performance of AB and CB. The documents of the review shall be reported to the Board of Directors to be used in revising operating procedures and practices as appropriate.”

Detailed Rules of OMR, 3.1 also defines the "Contents of Management Review".

Evidence of implementation include review of internal meeting minutes for Board of Directors including annual report, management evaluation review. Review of Mel progress management file which includes MEL activities for 2019, objectives, timelines and progress. this is used as the end of year business report and management review. Regular meetings have been set up for review of the MEL assurance program with CB and AB evidenced through reviewed meeting minutes and calendar schedule.

For the annual management review, the system is in place and would be considered for follow up in the MOCA. However, since the public consultation, MEL J has conducted their annual scheduled internal management review during the MEL Board of Directors Meeting held on 21st June 2019, (after the 4th MEL General Membership Meeting, on the same day). The management review was the first agenda item. Review of internal documents for evidence of internal management review and consideration for revisions to improve procedures and practices:

Agenda of BOD meeting 21st June 2019.

2. Handout for Management Review, as Proposal 1, in which 1-4 advisory board seen to be improved as Proposal 2, as well as 2-1. Third bullet point - revision of the regulations also as Proposal 2
3. Advisory Board Establishment Procedure - draft of revision as Proposal 2
4. Logo Regulations -draft of revision as proposal 2
5. Meeting Minutes of the 16th BOD meeting\_190626



In which written, Proposal 1, Management Review result was successfully shared and approved by the BOD. Proposal 2, as the revision of regulations, Advisory Board Procedure and the Logo Regulations were approved by BOD to be improved, implementing the result of the management review is reflected/ addressed to the improvement of MEL scheme. - Proposal 1, Management Review result was successfully shared and approved by the BOD. Proposal 2, as the revision of regulations, Advisory Board Procedure and the Logo Regulations were approved by BOD to be improved, implementing the result of the management review is reflected/ addressed to the improvement of MEL scheme.

## REFERENCES

1. OMR, 2019, Clause 6.4.  
[https://melj.jp/eng/wp-content/uploads/2019/02/Detailed\\_Rules\\_of\\_OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/Detailed_Rules_of_OMR_190207.pdf)
2. Detailed Rules of OMR(D-OMR), 2018, clause 2.5  
[https://melj.jp/eng/wp-content/uploads/2019/02/Detailed\\_Rules\\_of\\_OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/Detailed_Rules_of_OMR_190207.pdf)

Office Visit/internal review:

3. Annual report 2017 fiscal year
4. Plan of 2018
5. CB management review 7 Jan 2019 meeting minutes (Japanese translated)
6. 190315\_(1st) JAB・JFRCA・MEL meeting minutes\_0321.docx
7. 190328\_MEL top minutes \_improve plan.pdf
8. 190425.\_MEL\_JFRCA\_FA (minutes) .docx

Internal documents: Japanese - Google translate

9. 第16回理事会次第.doc - 116th Council Document
10. マリン・エコラベル・ジャパン協議会マネジメントレビュー\_MEL Council Management review.doc
11. MELアドバイザーボード設置要領\_190619 - MEL Advisory Board
12. 190621ロゴマーク使用・管理規程\_(理事会配布用)マーカー入り\_0619 - Logo Use/Management Regulations
13. 第16回理事会議事録\_送付用\_190626 - Meeting Minutes of the 16th BOD meeting\_190626

## ESSENTIAL COMPONENT A.3.12

*The Scheme Owner or delegated authority ensures participation by independent technical experts and encourages balanced participation by stakeholders in the standard development, revision and approval process.*

### ■ Gakushuin University comment

The Conclusion states that G-SSC (standard setting committee) article 4 stipulates to include environmental organizations. It is true that SSC has actually the Global Guardian Trust (GGT). However the GGT is not a truly environmental NGO but work for the interest of fisheries and craft (coral, ivory, etc.) industries. In practice, the GGT's main activity is to promote whaling interest at IWC and to stop listing of aquatic species including cold coral to CITES Appendix I and II as well as advocacy against the ivory trade ban at CITES. As such, the GGT'S recommendations on the amendment proposals at the CITES COP meetings are against most of the up-listing proposals and for most of the delisting or deregulating proposals.<sup>4</sup>

Then, the most of the GGT governing board members are from fisheries sector and half are the ex-officials of the Fisheries Agency and the Ministry of Agriculture, Forestry and Fisheries (MAFF) (see the table below). Moreover, many board members are directly involved in the MEL program. The GGT Chair, Mr. Kenji Kagawa, is also the chair of the Marine Ecology Research Institute (MERI) which in 2018 announced its plan to be the CB for MEL. Mr. Susumu Endo is the managing director of the JFRCA, MEL's CB. Prof. Nobuyuki Yagi was the leader of the MEL standard drafting working group. Mr. Jun Yamashita was the main promoter of the Fisheries Agency to found the MEL in 2007. Mr. Yoshiyuki Shige is from the Japan Fisheries Association (JFA). JFA is a founder of the MEL scheme and had been the scheme owner in a legal sense until 2016.

In conclusion, the GGT cannot be regarded as a representative of environmental groups. The most important point of A.3.12 to have a representative from environmental NGOs is to have different perspectives than fisheries industry interest and views, to take environmental consideration better into account of the scheme governance, and to avoid dominance of fisheries interest. In this sense, the balanced participation requirement is not met at present as the GGT is rather an internal organization associated with commercial and political interest of the Japanese fisheries industry.

### The Governing Board Members of the Global Guardian Trust (GGT)

Name	Current Posts	Former Posts
KAGAWA Kenji, Chair 香川 謙二	Chair of the Marine Ecology Research Institute Advisor to the Ministry of Agriculture, Forestry and Fisheries (MAFF)	Ex-official of the Fisheries Agency
MIYAMOTO Shunji, Executive Director 宮本 俊和	Full time employee of the GGT	Executive director of the Organization for the Promotion of Responsible Tuna Fisheries (OPRT)
ISHII Nobuo 石井 信夫	Professor for the Tokyo Woman's Christian University Included in the Japanese delegation to CITES COPs since COP8 (1992) from COP17 (2016)	Senior researcher of the Japan Wildlife Research Center (JWRC) *JWRC is entrusted by the Ministry of Environment to register domestic ivory tusks.
ENDO Susumu 遠藤 進	Managing director of the JFRCA	-
SHIGE Yoshiyuki 重義 行	Managing director of the Japan Fisheries Association	Ex-official of the Fisheries Agency

<sup>4</sup>GGT, "GGT's recommendations on the amendment proposals at the CITES COP meetings a" available at: <http://www.ggt.or.jp/en/index.html>, accessed on July 30th, 2019.

TANAKA Yoshinori 田中要範	Director of the Fisheries Policy Planning Department, Zengyoren (National Federation of Fisheries Cooperative Associations)	-
NAKAMAE Akira 中前明	Chair, Japan Far Seas Purse Seine Fishing Association	Ex-official of the Fisheries Agency
FUJISE Yoshihiro 藤瀬良弘	Chair, Institute of Cetacean Research, Japan *The body conducts "scientific whaling."	-
YAGI Nobuyuki 八木信行	Professor, Graduate School of the Agricultural and Life Science, University of Tokyo	Ex-official of the Fisheries Agency
YAMASHITA Jun 山下潤	Chair, Japan Tuna Fisheries Co-operative Association	Ex-official of the Fisheries Agency
YOSHIMOTO Noriyoshi, Auditor 吉本憲充	President of the Pacific Coral Co. Ltd. Chief advisor of the Japanese Coral Association	-
KOSAKA Tomonori, Auditor 小坂智規	Chair, National Center for the Recruitment and Training of Fishermen (全国漁業就業者確保育成センター)	Standing director of the Japan Fisheries Association
YOSHIDA Seiichi 芳田誠一	-	Ex-official of The Ministry of Agriculture, Forestry and Fisheries

Source: GGT, "Public Materials"(公開資料) available at: <http://www.ggt.or.jp/disclosure.html>, accessed on July 30, 2019.

## ■ GSSI response

MEL-J is in alignment with Essential Component A.3.12. Based on the comment of Gakushuin University, no additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter on the representation of stakeholders within the SSC, and specifically the representation of an environmental NGO through the Global Guardian Trust (GGT).

Environmental Restoration and Conservation Agency of Japan (ERCA) in collaboration with the Ministry of Environment and Japan Environmental Association conducted a research to clarify the status of environmental NGOs in Japan and developed the database of environmental NGOs from December 2003 to January 2004. As a result, 3,914 out of 11,075 organizations/ associations were recognized as environmental NGOs and registered on the ERCA's database. The database is available on the ERCA's homepage.

Today, 3,989 environmental NGOs are registered by ERCA and the database shows Global Guardian Trust (GGT) is a registered NGO with the Japanese authorities. <https://www.erca.go.jp/jfge/ngo/html/main.php>

### Conclusion on GSSI Essential Component A.3.12

**Conclusion:** MEL is in alignment because MEL Council has a mechanism to establish the SSC composed with the balanced stakeholder participation as stipulated in the OMR 3.1. G-SSC Article 6.2 notes external expertise " When the SSC finds it necessary, the SSC may request outside experts to attend SSC meetings to ask for their advice." including independent technical expertise.

G-SSC Article 4 (Members) stipulates as follows:

The members of the SSC shall include representatives from the fisheries industry, processors and distributors, environmental organizations, consumer groups, and academic experts.

1. The composition of the SSC membership as stated in the preceding clause shall maintain the balanced participation of different stakeholders to ensure impartiality.

## REFERENCES

1. G-SSC, 1dec 2016, Article 4, 6.2  
[https://melj.jp/eng/wp-content/uploads/2018/09/161201\\_Standard\\_Setting\\_Committee\\_HP.pdf](https://melj.jp/eng/wp-content/uploads/2018/09/161201_Standard_Setting_Committee_HP.pdf)
2. List of SSC Members  
[https://melj.jp/eng/wp-content/uploads/2018/10/List-of-Standard-Setting-Committee\\_Members\\_.pdf](https://melj.jp/eng/wp-content/uploads/2018/10/List-of-Standard-Setting-Committee_Members_.pdf)
3. OMR, rev 7 Feb 2019, Clause 3.1.  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
4. Statutes, 2017, Article 40  
[https://melj.jp/eng/wp-content/uploads/2018/09/170626\\_Statutes\\_of\\_MEL\\_Council\\_HP.pdf](https://melj.jp/eng/wp-content/uploads/2018/09/170626_Statutes_of_MEL_Council_HP.pdf)

Office Visit:

5. Records of last standard revision meetings minutes Japanese - translated
6. 18 July 2018 SSC meeting minutes including 2 independent technical experts
7. 23 Jan 2019 - SSC meeting minutes including external independent experts

## ESSENTIAL COMPONENT A.3.15

*The Scheme Owner ensures that interested parties can participate in the standard-setting process through a consultation forum or are made aware of alternative mechanisms by which they can participate.*

### ■ Gakushuin University comment

The Conclusion states that in the previous standards revision MEL Council invited interested stakeholders such as environmental NGOs, media and other stakeholders to public forums is half-true and half-wrong. The MEL had a public forum meeting inviting those who submitted public comments to its draft standards for wild-capture fisheries (FMS), but did not have the public forum meeting for aquaculture draft standards (AMS). Therefore, this criterion is met only for FMS, not for AMS.

### ■ GSSI response

MEL-J is in alignment with Essential Component A.3.15. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter indicating that the evidence cited on the public forum is only applicable to the FMS. The Scheme did not conduct a public forum for the AMS standard. Yet, stakeholders were able to provide comments to the AMS draft standard through the website. Three parties, representing different stakeholder groups, submitted comments which were reviewed by the IE. The SSC minutes recorded how these submitted comments were considered.

## Conclusion on GSSI Essential Component A.3.15

**Conclusion:** MEL is in alignment because at the beginning of standard setting process, MEL makes the summary publicly available in order for interested parties can participate in the public consultation through the website.

In the previous standard FM revision, MEL Council invited interested stakeholders such as environmental NGOs, media and other stakeholders to public forums direct input available. For FM public consultation -IE reviewed forum minutes, participant list, agenda and Q&A comments. For AMS and CoC - review of public comments themselves, and SSC minutes to address comments, A feasibility test program solicited further input from the farmer, and the local government, candidates MEL auditors, and people who participate in the feasibility opportunity.

## REFERENCES

1. OMR, rev 7 Feb 2019, Clause 3.1. Step 2 and 3  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)

Office Visit:

2. 2018.08.18 (AM) forum minutes.pdf (Japanese Google translate)

Internal (All the files are in Japanese, with English memo translation):

3. AMS Public Consultation 2017.0901- 10.30. "171120\_養殖認証規格(パブコメ反映版)\_AMS addressed.docx"
4. 171127\_パブコメ対応表 (AMS Pub\_Com\_table) .docx
5. 171130\_SSC minutes 【第4回養殖規格委員会議事概要】.docx

## ESSENTIAL COMPONENT A.3.20

*The Scheme Owner demonstrates that all criteria in the standard contribute to the standard's defined objectives.*

### ■ Gakushuin University comment

This requirement is not met for the AMS 4.2.

Firstly, AMS 4.2.2 demands exclusion ingredient from IUU fisheries and endangered species while AMS 4.2.4 demands reduction of fish meal and fish oil in feed. This actually allows wide usage of depleted stocks and overfished stocks as a source of fishmeal and fish oil. So minimization of impact on natural resources cannot be ensured.

Furthermore, in Japan there is wide usage of whole fish, either fresh or once- frozen, as feed. For Bluefin tuna farming they provide huge amount of whole fish as feed while for Yellowtail farming they use widely the moist pellet (MP), a mixture of minced whole fish with fishmeal and oil. Then, while 4.2 demand minimization of impact on natural resources in general, 4.2.4 does not cover whole fish but just fishmeal and oil. This is a clear contradiction between the standard's defined objectives and actual criteria.

### ■ GSSI response

MEL-J is in alignment with Essential Component A.3.20. Based on the comment of Gakushuin University, no additional information has been included in the final conclusion.

GSSI recognizes the comment made by the stakeholder. Yet, for the specific reference to the IUU issue (ref. C.4.03), MEL was found to be in alignment. MEL Standard AMS in the 4.2.2 section includes a prohibition on the use of IUU sources of fish used to make fishmeal and fish oil.

With respect to AMS 4.2.4, the GSSI IE suspects a misinterpretation of the goal of that standard by the commenter. Namely that the commenter expects that what is called for is a general reduction in the use of fishmeal and fish oil in feed over time. However laudable that goal, the standard explicitly states that the intention is to reduce the proportion of fishmeal and fish oil in diets as fish grow. This is standard practice in fed aquaculture.

With respect to the following part of the comment, the IE acknowledges that whole fish was traditionally used in marine finfish farming in the country and as the commenter points out, is still used in the culture of bluefin tuna today. However, the MEL standard mandates the use of pelleted feed, with an exception to use moist pellets under certain conditions. Given the requirements of the MEL standard, it is extremely unlikely that any bluefin tuna farm could meet the requirements of the standard and achieve certification. The IE interprets that the commenter assumes that farms using historical production practices with respect to feed formulation and feeding would be certified. Farms feeding whole fish and moist pellets for most of the cycle could not be certified under the MEL standard. Certified farms must feed fish manufactured fish feed and use moist pellets only under exceptional circumstances.

### **Conclusion on GSSI Essential Component A.3.20**

**Conclusion:** MEL is in alignment because the standard documents include de facto the defined objectives as outlined in the Introduction of the FMS and AMS standard

### **REFERENCES**

1. FMS (Ver.2.0), 2018  
<https://melj.jp/eng/wp-content/uploads/2019/04/Fisheries-Management-StandardFMSver.2.0.pdf>
2. AMS (Ver.1.0), 2018  
<https://melj.jp/eng/wp-content/uploads/2019/04/Aquaculture-Management-StandardAMSver.1.0.pdf>
3. Guidelines for Auditors of the FMS, 2018  
<https://melj.jp/eng/wp-content/uploads/2019/04/Fisheries-Management-Standard-Guidelines-for-Auditors-Indicators-of-Conformity-Version.-2.1.pdf>
4. Guidelines for Auditors of the AMS, 2018  
<https://melj.jp/eng/wp-content/uploads/2019/04/Aquaculture-Management-Standard-Guidelines-for-Auditors-Indicators-of-Conformity-Version.-1.1.pdf>



## ESSENTIAL COMPONENT A.3.25

*The Scheme Owner requires that the unit of certification is given a period of at least three years to come into compliance with revised fishery standards and at least one year for revised aquaculture standards.*

### ■ Gakushuin University comment

Transition period to the new MEL standards is set at three years. However, even though the new standards became effective on 1st February 2018 for wild-capture (FMS) and on 9th March 2018 for aquaculture (AMS), the MEL continued to open entry into certification by old wild-capture standards. Mr. Hidenori Nagaoka, managing director of the MEL Council, stated in the JFRCA quarterly published on 25th May 2018 as follows;<sup>5</sup>

- Though new MEL standards have become effective, the JFRCA's organization for assessment with the new standards has not been in place yet – JFRCA is still preparing for accreditation by JAB and training of the JAB's accreditor for the new MEL standards has not been done yet. Because of it, we are taking a last-ditch measure to still accept certification by old standards for those which like to acquire MEL certifications rapidly.
- We plan to accept certification application for the new standards in autumn (about November) when we can see the GSSI's assessment situation and its prospect and when the JFRCA's organization for assessment under the new standards will be established. Until that time, we will continue to work on this irregular basis.

This means that there is possibility that the three years transition period has not been kept by the JFRCA. There are 6 fisheries whose certifications were issued under the old standard in and after July 2018. The latest certification under the old standard was issued on January 24th, 2019 for the Izu Islands seaweed fisheries. JFRCA does not provide the expiration date of the certification. In order to verify the conformity with the three years transition period, GSSI needs to check if the expiration of the certification is set on January 21st 2021 or the January 23rd, 2022.

### ■ GSSI response

MEL-J is in alignment with Essential Component A.3.25. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

Previous to the Public Consultation, Both MEL-J and JFRCA informed certificate holders of the old MEL-J certification that the cut-off date of the transition period will be January 31st, 2021.

CoC認証Ver2.0の取り扱い\_改正\_0925\_公印省略(通知版)事業者様.pdf. Handling CoC certification Ver2.0\_Revision\_0925\_ (notification version)

Additionally, those that started the certification process with old MEL-J certification in 2018 and those certified with old MEL certification are informed of its expiration date. The expiration date of the old MEL certification is January 31st, 2021 which is announced on the MEL and JFRCA websites "List of production stage certification Ver.1.0 and distribution processing stage certification Ver.1.0 (the certification is valid until the end of the transition period, January 31, 2021 at the maximum)".

---

<sup>5</sup> JFRCA , *JAFRA Quarterly Newsletter* (日本水産資源保護協会季報), Vol.11, No.1, 2018, p.4, available at: <http://www.fish-jfrca.jp/02/pdf/kihou/no555.pdf>, accessed on 20<sup>th</sup> February 2019.

## Conclusion on GSSI Essential Component A.3.25

**Conclusion:** MEL is in alignment with the FMS and AMS with a minimum 3 year transition period stipulated in the OMR, for AMS this is longer than the 1 year minimum.

The end of transition period for old MEL is 2021.01.31. Those who already started the certification process with OLD MEL in 2018 then certified with OLD MEL, are informed of its expiration date. Expiration date of Old MEL as 2021.01.31 and stated on the MEL and JFRCA websites "List of production stage certification Ver.1 and distribution processing stage certification Ver.1 (the certification is valid until the end of the transition period, January 31, 2021 at the maximum)"

## REFERENCES

1. OMR, rev 7 Feb 2019, Clause 3.4.  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
2. [http://www.fish-jfrca.jp/04/progress\\_and\\_results.html](http://www.fish-jfrca.jp/04/progress_and_results.html)
3. CoC認証Ver2.0の取り扱い\_改正\_0925\_公印省略（通知版）事業者様.pdf. Handling CoC certification Ver2.0\_Revision\_0925\_ (notification version)

## ■ Section B – Operational Management

### ESSENTIAL COMPONENT B.1.01

*The Scheme Owner has a contractual, enforceable arrangement or formal understanding that requires accreditation bodies to be compliant with the requirements of ISO/IEC 17011:2004.*

#### ■ Gakushuin University comment

This criterion is not met by the MEL Council. Being a member of IAF cannot work as a conclusive evidence of conformity with ISO17011 as IAF is not a third-party certification scheme for accreditation bodies. Assessment of conformity with ISO17011 shall be based upon actual performance of the JAB. Then, though the MEL institutional documents clearly requires JAB to be in conformity with ISO17011, the MEL Council asked special consideration of the JAB to speed up the accreditation process in order not to further delay in the GSSI benchmarking process, as already mentioned in my public comment for the A.1.03 Operating Component. When the scheme owner interfered with the due process of the designated AB and the AB compromised its accreditation work, it should not be regarded as in conformity with B.1.01.

The JAB claimed that the JAB's procedural document for accreditation, JAB PD200:2018, stipulates in para. 5.2.1 that there may be cases that public comments are not called for if the CAB has been already accredited by an IAF Multilateral Recognition Arrangements (MLA) member within the scope of its application for accreditation or if it has been registered based upon a law by a governmental body,<sup>6</sup> assuming no negativity in such cases.<sup>7</sup>

---

<sup>6</sup> JAB, "Procedures for Accreditation of Product Certification Bodies" (製品認証機関の認定の手順), 25th May 2018, available at: <https://www.jab.or.jp/files/items/common/File/PD2002018V15.pdf>, accessed on 20th February 2019.

<sup>7</sup> 7 E-mail messages sent from the JAB to Isao Sakaguchi on 12th December 2018.

It is true that the JFRCA is registered by the MAFF as a CAB of Japan Agriculture Standards (JAS) for Farmed Fish (養殖魚JAS).<sup>8</sup> Because of it, JAB decided not to have the public comments process for JFRCA. However, the JAS is not based on the ISO/IEC17065 and 17011 system and JFRCA has been just full of negativity as they issued certification for purse seine fisheries targeting spawning school of endangered Pacific Bluefin tuna in 2015 and did not suspend certification issued for the Minami- Kayabe set-net fishery which by far exceeded the juvenile Bluefin tuna quota in 2017.

Importantly the JAB PD200:2018 does not state that JAB should not call for public comments in the above-mentioned cases but just that there may be cases that JAB does not call for public comments. If they feel some negativity in a CAB which has entered into the accreditation process, the JAB should call for public comments no matter if it is already registered by a government. The JAB actually called for public comments for other local certification scheme's CBs. For example, in 25th April 2016, the Assistant Center of Certification and Inspection for Sustainability (ACCIS: 北海道有機認証センター), a private company specialized in agricultural certification, entered into accreditation process by JAB for the Japan Good Agricultural Practices (JGAP) Advance certification scheme, currently called ASIAGAP. Then, public comments were promptly called for in the same day<sup>9</sup> even though the ACCIS was already registered by MAFF as a CAB for Organic JAS standards (有機JAS).<sup>10</sup> It was also the first time for ACCIS to be accredited by JAB for ISO/IEC 17065. Then, the accreditation was issued on 28<sup>th</sup> August 2017.<sup>11</sup> It was a sixteen months' lengthy process. JAB also accredited the Japan Forestry Technology Association (JFTA: 日本森林技術協会) for the local forestry management certification of the Sustainable Green Ecosystem Council (SGEC) on 27<sup>th</sup> October 2015.<sup>12</sup>

In prior to the entry into accreditation process, JFTA had been also already registered by MAFF as a laboratory research institute based on the article 9<sup>13</sup> of the Implementation Ordinance of the Forest Act” (森林法施行令第9条の規定に基づく農林水産大臣の指定する試験研究機関及び教育機関).<sup>14</sup> When it entered into assessment

---

<sup>8</sup> MAFF, “List of Registered Accreditation Bodies” (登録認証機関一覧), available at: [http://www.maff.go.jp/j/jas/jas\\_kikaku/kikan\\_itiran.html](http://www.maff.go.jp/j/jas/jas_kikaku/kikan_itiran.html), accessed on 20th February 2019.

<sup>9</sup> JAB, “Application by the Assistant Center of Certification and Inspection for Sustainability: 25th April 2016 to 25th May 2016” (株式会社北海道有機認証センターの申請について: 2016年4月25日～2016年5月25日), 25th April 2016, available at: <https://www.jab.or.jp/opinion/comment/2016042500.html>, accessed on 20th February 2019.

<sup>10</sup> MAFF, “The List of Registered Conformity Assessment Bodies for Organic JAS” (有機登録認証機関一覧), available at [http://www.maff.go.jp/j/jas/jas\\_kikaku/youki\\_kikan.html](http://www.maff.go.jp/j/jas/jas_kikaku/youki_kikan.html), accessed on 20th February 2019.

<sup>11</sup> JAB, “Accreditation Certificate for the Conformity Assessment Body for Products, Accreditation Number P1040, The Name of the Conformity Assessment Body: the Assistant Center of Certification and Inspection for Sustainability” (製品認証機関認定証 認定番号 P0140 機関名称: 株

式会社北海道有機認証センター), available at

<https://www.jab.or.jp/system/service/upload/P0140/P0140-jp.pdf>, accessed on 20th February 2019.

<sup>12</sup> JAB, “Japan Forestry Technology Association”(日本森林技術協会), available at: <https://www.jab.or.jp/system/service/product/accreditation/detail/534/>, accessed on 20th February 2019.

<sup>13</sup> For the article 9, see: [http://elaws.e-](http://elaws.e-gov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail?lawId=326CO0000000276)

[gov.go.jp/search/elawsSearch/elaws\\_search/lsg0500/detail?lawId=326CO0000000276](http://elaws.e-gov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail?lawId=326CO0000000276).

<sup>14</sup> MAFF, “The Laboratory Research Institutes and Educational Institutes Designated by the Minister of Agriculture, Forestry and Fisheries Based on the Article 9 of the Implementation Ordinance of the Forest Act” (森林法施行令第9条の規定に基づく農林水産大臣の指定する試験研究機関及び教育機関), 30<sup>th</sup> March 2012, available at:

[http://www.maff.go.jp/j/kokuji\\_tuti/kokuji/k0001478.html](http://www.maff.go.jp/j/kokuji_tuti/kokuji/k0001478.html), accessed on 20<sup>th</sup> February 2019.

by JAB on 11th September 2014, JAB also immediately called for public comments,<sup>15</sup> and it took thirteen months for the JAB to finish the accreditation process. There is a clear inconsistency in the JAB's decision over calling for public comments between JFRCA and ACCIS/JFTA. The question is why JAB did not follow the same way for JFRCA. The reason is that JAB lost its impartiality required by ISO17011.

Actually JAB, together with MEL, is a founding member of the Council for the Promotion of Sustainable Japanese Agricultural, Forestry and Fisheries Products (SJAFF). SJAFF is essentially an interest group founded in January 2016 to make the Tokyo Olympic and Paralympic Games source from Japanese agricultural, forestry and fisheries products certified by local schemes (MEL, AEL, SGEC, JGAP/ASIAGAP). Then, the MEL News published in the JFA's Suisankai (February 2016) specifically stated that JAB was among the main organizations which engaged in the foundation of the SJAFF. It even stated that JAB was a member of the SJAFF governing board (at that time).<sup>16</sup> JFA was still the MEL's scheme owner at that time. According to the ISO17011, a designated AB shall not engage in political activities to promote specific certification schemes for which they provide accreditation service as it risks the impartiality as an AB.

## ■ GSSI response

MEL-J is in alignment with Essential Component B.1.01. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

As stated in the response to the comment submitted for the component A.1.03, no conflict of interest was assessed by the IE.

Additionally, in line with its procedures, JAB posted for public access the fact of having accepted an application from JFRCA for initial accreditation for a period of one month (including the day of application acceptance) and receive comments from interested parties.

According to JAB's procedures, the contents made public by JAB shall be limited to the name of the applicant CB, addresses of the physical locations, etc., information already in public knowledge or information already published by the applicant CB itself.

In accordance with the exception provisions of the procedure (PD200 5.2.1), If the applicant CB has received a valid accreditation from the IAF MLA member in the application range or a legal accreditation, etc. from a government agency, JAB may accept the application without making any public announcement. Since JFRCA is a JAS registered organization, JAB decided that recruiting public comments is unnecessary and proceeded to the next stage (assessment).<https://www.jab.or.jp/files/items/2204/File/PD2002019V17.pdf>

---

<sup>15</sup> JAB, "Application by the Japan Forestry Technology Association: 11<sup>th</sup> September 2014 to 1th October 2014"(一般社団法人 日本森林技術協会の申請について: 2014 年 9 月 11 日~2014 年 10 月 11 日), available at:

<https://www.jab.or.jp/opinion/comment/20140911.html>, accessed on 20<sup>th</sup> February 2019.

<sup>16</sup> MEL News," Suisankai, February 2016.

JFRCA qualified for an exception because they are registered with MAFF as a CAB for JAS. JAB technical committee considered it would not be necessary for MAFF registered association to go to the pub-comments. JAB made the decision for an exception to public consultation based on its own procedure.

- 5.2 Public announcement related to the application for accreditation and receiving comments
- 5.2.1 Public announcement of having accepted an application for accreditation

As for the concern of JAB as a member of the SJAFF governing board, since this association is a group of scheme owners of schemes accredited by JAB, JAB was also invited to the meeting as a stakeholder. JAB has officially participated in several meetings; however, JAB is not a member of the board.

### Conclusion on GSSI Essential Component B.1.01

**Conclusion:** MEL is in alignment as the Operational Management Regulations (OMR) stipulates ABs compliant with ISO 17011. JAB is a recognised National Accreditation Body as a member of the IAF. JAB must be compliant to ISO/ IEC 17011:2004.

### REFERENCES

1. Operational Management Regulations for the MEL Certification Scheme (OMR), rev 7 Feb 2019, clause 6.2.2. [https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
2. Website: [http://www.iaf.nu/articles/IAF\\_MEM\\_Japan/85](http://www.iaf.nu/articles/IAF_MEM_Japan/85)
3. <https://www.jab.or.jp/en/>  
Office Visit:
4. Contract between MEL and Japan Accreditation Board (JAB), 2017 (confidential), Article 7(1) (Japanese translated)
5. <https://www.jab.or.jp/files/items/2204/File/PD2002019V17.pdf>

### ESSENTIAL COMPONENT B.1.05

*The Scheme Owner only works with accreditation bodies that have personnel with the necessary education, training, technical knowledge and experience for performing accreditation functions in fisheries and aquaculture operations.*

#### ■ Gakushuin University comment

This criterion is not met yet as the JAB did not have personnel with experience for performing accreditation functions in fisheries and aquaculture operations. Most importantly the JAB designated Mr. Fumio Sakamoto as an auditor for JFRCA, the MEL's sole CB.<sup>17</sup>

---

<sup>17</sup> National Fisheries Cooperative Associations School (全国漁業組合学会), "14th JF Group Workshop for Officers: the Structure and Possibility of Fisheries Eco-label Certification Scheme (2018年度 JF グループ役職員研修 (第14回) 水産エコラベル認証制度の仕組みと可能性)," 2018, available at: [http://www.kumiaigakkou.jf-net.ne.jp/2018hanbai.pdf?fbclid=IwAR2AQeKnhdGnvZj\\_uQoend628StP7AdE6EQe9M3Eqvh33yqoohdeNP5fa04](http://www.kumiaigakkou.jf-net.ne.jp/2018hanbai.pdf?fbclid=IwAR2AQeKnhdGnvZj_uQoend628StP7AdE6EQe9M3Eqvh33yqoohdeNP5fa04), accessed on 20<sup>th</sup> February 2019.

However, Mr. Sakamoto is CEO of the Food Management Service Co., Ltd. and a food safety specialist. He did not have any experience in fisheries and aquaculture accreditation. He was also the ex-employee of the Kagoshima Prefectural Federation of Fisheries Cooperative Associations and currently a technical adviser to the Zengyoren.<sup>18</sup> In the JFRCA's governing board and the MEL Council's governing board, Mr. Toshihiro Omori, standing director of the Zengyoren, is also included. The Zengyoren is a strong promotor of the MEL certification and encouraging coastal fishermen in local fisheries cooperatives to enter assessment for MEL. So the auditor was in a position to claim impartiality and independence from the MEL scheme owner and the CB.

### ■ GSSI response

MEL-J is in alignment with Essential Component B.1.05. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter. However, GSSI Essential Component B.1.05 pertains to the personnel of the accreditation body, not certification body.

MEL has an enforceable MOU with the AB to ensure that the accreditation personnel have the education, training knowledge and experience in the sector. The technical auditor has the expertise (fishing and aquaculture) necessary for the accreditation audit team as evidenced by the records of training, meetings and auditor training workshops and determined by MEL. Review of emails with appointment of accreditation auditor and training on MEL standards and documents Aug 18-Feb 19.

#### Conclusion on GSSI Essential Component B.1.05

**Conclusion:** MEL is in alignment because they require CBs to have accreditation by IAF ISO members to ensure that the Scheme is in conformance with this requirement. Stipulated in OMR clause 6.2.1

The record of meeting with JAB auditor/technical specialist were reviewed 2018.08.03  
Review of emails correspondence on auditor training needs on MEL standards and documents and appointment Aug 2018 - Feb 2019.  
2019.02.22. Agenda, participant list and meeting notes MEL auditor training workshop 6 Feb 2019

#### REFERENCES

1. OMR, 2019, clause 6.2.1.and 6.2.2  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)

##### Websites:

2. [http://www.iaf.nu/articles/IAF\\_MEM\\_Japan/85](http://www.iaf.nu/articles/IAF_MEM_Japan/85)
3. [http://www.iaf.nu/articles/Policy\\_Documents/40](http://www.iaf.nu/articles/Policy_Documents/40)

##### Office Visit:

4. Contract between MEL and JAB, 2017, clause 7(2) (confidential)
5. Contract between MEL and JFRCA, 2018 (confidential)

---

<sup>18</sup> Food Management Service Co., Ltd (フードマネジメントサービス株式会社), n.d., "Company Profile" (会社概要), available at: <http://www.f-managementservice.com/about/company.html>, accessed on 20<sup>th</sup> February 2019.



Internal emails with JAB and MEL

6. MEL\_GSSI\_workshop list (summary).xls
7. MEL-GSSI Workshop (Draft).190116.docx
8. PAT10-00 180702\_auditor training program\_Ver1.doc (Japanese Google translate)

Internal documents

9. 01 Training 2018FEB\_JAB Mr.Yamada.xls
10. email correspondence Aug 18 - Feb 2019 appointment of accreditation auditor and training needs/conducted

## ESSENTIAL COMPONENT B.1.06

*The Scheme Owner ensures that external audits are carried out on the accreditation body to assess performance.*

### ■ Gakushuin University comment

This criterion is not verified yet as in conformity. The accreditation for JFRCA was just issued by JAB in the end of March 2019. The reference documents are the MEL's OMR and old peer review report in 2015 by PAC/APLCA. It cannot logically be verified by the reference documents that "external review are carried out" as the MEL Council has already interfered with the due accreditation process by JAB (For the detail, see my comments for A.1.03 Operating Component and A.1.11 Internal Review).

### ■ GSSI response

MEL-J is in alignment with Essential Component B.1.06. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

The IAF members undergo an external peer evaluation (PE), which is associated with a lengthy approval process. The interval of the PE is four years. The previous PE was conducted during 10-15/11/2013. The following is an overview of recent PAC (Current APAC) Peer Evaluation

PE dates: 6 – 10/11/2017

PE activity: office assessment & witnessing Assessment team: PAC PE Team (8 people)/APLAC PE Team (6 people) PAC PE scope: QMS, EMS, EnMS, FSMS, ISMS, Product, GHG, Persons . The PE result has been approved by APAC on 7th September 2019. The result approved by APAC was submitted to IAF Frankfurt General Assembly in October for final approval and publication. Until then, all documents are internal.

Given the limited evidence of implementation available, BC members concluded that during the MOCA process additional evidence has to be provided. The evidence can consist of additional certification reports (in English) and a transparent verification system for the conclusions of the auditors, i.e. a Peer review process with local experts. To ensure consistency in the process, BC members also requested the MEL-Japan program to undergo the MOCA process 1 year after any recognition instead of 1.5 years. During this MOCA review the MEL scheme will be required to fully and transparently demonstrate continued implementation of all requirements and ensure a consistent application of its standards at fishery level through its audit reports.

## Conclusion on GSSI Essential Component B.1.06

**Conclusion:** MEL is in alignment because external and independent performance review is a standard component of IAF membership through the MLA. IAF members undergo peer review by other IAF members to ensure quality and consistency of approach across their whole membership.

The following is an overview of recent PAC (Current APAC) Peer Evaluation. The interval is four years. The previous PE was conducted during 10-15/11/2013.

PE dates: 6 – 10/11/2017

PE activity: office assessment & witnessing Assessment team: PAC PE Team (8 people)/APLAC PE Team (6 people) PAC PE scope: QMS, EMS, EnMS, FSMS, ISMS, Product, GHG, Persons

The PE result has been approved by APAC on 7th September 2019. The result approved by APAC will be submitted to IAF Frankfurt General Assembly in October for final approval and publication. Until then, all documents are internal.

Given the limited evidence of implementation available, BC members concluded that during the MOCA process additional evidence has to be provided. The evidence can consist of additional certification reports (in English) and a transparent verification system for the conclusions of the auditors, i.e. a Peer review process with local experts. To ensure consistency in the process, BC members also requested the MEL-Japan program to undergo the MOCA process 1 year after any recognition instead of 1.5 years.

## REFERENCES

1. OMR, rev 7 Feb 2019, Clause 6.2.1.  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
2. Website: [http://www.iaf.nu/articles/IAF\\_MEM\\_Japan/85](http://www.iaf.nu/articles/IAF_MEM_Japan/85)  
[http://www.iaf.nu/articles/Policy\\_Documents/40](http://www.iaf.nu/articles/Policy_Documents/40)
3. Peer review 2015 results PAC/APLCA  
[https://www.jab.or.jp/files/items/19/File/Execution\\_condition\\_result\\_of\\_PAC\\_APLAC\\_mutual\\_evaluation-2013\\_3\\_j.pdf](https://www.jab.or.jp/files/items/19/File/Execution_condition_result_of_PAC_APLAC_mutual_evaluation-2013_3_j.pdf) (Japanese google translate)  
Office Visit
4. review of previous JAB Peer review 2015 and current ongoing (every 4 years) internal timeline and documents (Japanese translated)

## ESSENTIAL COMPONENT B.1.09

*The Scheme Owner ensures that the accreditation process includes a review of the performance of certification bodies and auditors in the field.*

### ■ Gakushuin University comment

This criterion is not met. The JFRCA entered accreditation by JAB on October 10th, 2018. However, the Hokkaido Chum Salmon Set-net fisheries entered into assessment on February 6, 2018, assessment work by JFRCA has started on Feb. 14, and on site auditing was conducted from February 16th to 18th 2018, according to the auditing report. Then, it was certified on Dec. 10th, 2018, though the JFRCA has modified the date to Feb. 28th, 2019 afterwards. In the same way, the Azuma-cho Yellowtail farming entered assessment by JFRCA on March 12, 2018, and on-site assessment was conducted on March 22nd, 2018. Then, it was certified on Nov. 22nd, 2018 though, in the same way, the date was modified to Feb. 28th, 2019 afterwards. These original certified dates can be also confirmed on the MEL websites;

For Hokkaido:

[https://www.melj.jp/wp-content/uploads/2018/12/MEL\\_%E8%AA%8D%E8%A8%BC%E5%AE%9F%E7%B8%BE\\_%E6%BC%81%E6%A5%ADver.2.0.pdf](https://www.melj.jp/wp-content/uploads/2018/12/MEL_%E8%AA%8D%E8%A8%BC%E5%AE%9F%E7%B8%BE_%E6%BC%81%E6%A5%ADver.2.0.pdf)

For Azuma-cho:

[https://www.melj.jp/wp-content/uploads/2018/12/MEL\\_%E8%AA%8D%E8%A8%BC%E5%AE%9F%E7%B8%BE\\_%E9%A4%8A%E6%AE%96ver.1.0.pdf](https://www.melj.jp/wp-content/uploads/2018/12/MEL_%E8%AA%8D%E8%A8%BC%E5%AE%9F%E7%B8%BE_%E9%A4%8A%E6%AE%96ver.1.0.pdf)

This clearly shows that the actual on-site assessment has been conducted long before JFRCA's entry into accreditation process by JAB and actual certification decisions were taken long before the JAB accredited JFRCA in the end of March 2019. The GSSI Independent Experts (Dr. John Hargreaves, Dr. Joseph DeAlteris) and Mr. Herman Wisse, the GSSI managing director, were also informed at the MEL Workshop held on Feb. 6th, 2019, that they have been already certified as the slide of the presentation made by Mr. Naoya Kakizoe clearly stated the Hokkaido Set-net Fisheries and the Azuma-cho Yellowtail farming as already-certified ones, which were followed by presentations by the Hokkaido Federation of the Fisheries Cooperatives for its MEL-certified Chum Salmon Set-net Fisheries and by the Azuma-cho Fisheries Cooperative for its MEL- certified Yellowtail farming. Therefore, this criterion is not met.

**5. 「MEL」認証**

- ◆MELの認証には、漁業認証、養殖認証、流通加工認証の3種類がある。
- ◆漁業認証規格 (Ver. 2.0) 2018年2月1日発効  
養殖認証規格 (Ver. 1.0) 2018年3月9日発効  
流通加工認証規格 (Ver. 2.0) 2018年2月1日発効
- ◆認証実績 (2019年1月末現在)  
漁業認証 Ver.2.0 1件 (北海道秋サケ定置網漁業)  
Ver.1.0 47件  
養殖認証 Ver.1.0 1件 (東町遠値プリ養殖)  
流通加工認証 Ver.2.0 東町遠値プリ流通加工  
Ver.1.0 66件
- ◆認証を支える審査員の新規格に対応するための研修は2018年に2回実施しており、新規審査員養成研修は2019年3月に予定している。

◆ Certification Issued (At the end of Jan. 2019)

- FMS Ver.2.0: 1 (Hokkaido's Chum Salmon Set-net Fisheries)  
Ver.1.0 47
- AMS Ver.1.0: 1 (Azuma-cho Fisheries Cooperative's Yellowtail Farming)
- CoC Ver.2.0 Azuma-cho Fisheries Cooperative's Yellowtail's Trading and Processing
- CoC Ver.1.0 66

### ■ GSSI response

MEL-J is in alignment with Essential Component B.1.09. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter on the reports' dates. The actual on-site audit was conducted on Feb 16-18, 2018 for Hokkaido and March 22nd, 2018 for Azuma-cho. These were performed using checklists that were not aligned with GSSI components at the time. Subsequently, these checklists were adapted and approved by the MEL technical committee Jan 23rd, 2019 and announced in February 2019. The audit reports from the Feb Hokkaido and March Azuma-cho 2018 site visits were retroactively revised by the auditor using the new GSSI aligned checklists. The two revised audit reports were used to verify alignment with Sections C and D. The new revision did not include a new site visit.

However, these audit reports and site visits noted in the comments were not the site visits of the accreditation site audit, that are part of the component B.1.09, which focusses on the accreditation audit including field visits.

The witness audits were done according to the procedures of JAB using Dec 2018 versions of the FMS and AMS checklists that were considered in alignment after meeting with the IEs C and D. The subsequent final approved version of IOC V2.1 FMS and 1.1 AMS by the MEL technical committee on January 23rd, 2019 was reviewed by JAB to compare the two versions. The conclusion by JAB was that the difference between the version used in the witness audit (Dec 2018) and final approved version (Jan 23rd, 2019) did not constitute a risk.

Witness audits included:

Chuo Fish Co., Ltd. 16 January 2019

[http://www.fish-jfrca.jp/04/pdf/mel/CoC\\_JFRCA20C3600011.pdf](http://www.fish-jfrca.jp/04/pdf/mel/CoC_JFRCA20C3600011.pdf)

Yongkyu Corporation AMS 18 January 2019

[http://www.fish-jfrca.jp/04/pdf/mel/farmed\\_fisheries\\_JFRCA10A7500011.pdf](http://www.fish-jfrca.jp/04/pdf/mel/farmed_fisheries_JFRCA10A7500011.pdf)

Yui-port fisheries cooperative association 11 Jan 2019. FMS. Since the status of shrimp resource shows fluctuation in spite of the most advanced resource management system, this is the very controversial fishery among fishers and scientists in Japan today. Thus, JFRCA has been carefully reviewing the report before they make final decision on the certification. According to JFRCA, the additional information was almost collected, and they will make a final decision within one month.

In essence, the audits Hokkaido and Azuma-cho were done before JFRCA was accredited - but were not part of the accreditation audit. Additionally, after the Public Consultation MEL J submitted to GSSI the Annual surveillance audit for Azuma-cho Fishery Cooperative Association CoC and AMS Association Hokkaido Federation of Fisheries Cooperative FMS as for Sept and August 2019 respectively - within the time period as prescribed in the MEL procedures. This Surveillance reports were conducted using the new adapted checklist and included on-site visits.

### **Conclusion on GSSI Essential Component B.1.09**

**Conclusion:** MEL is in alignment because as a member of IAF, the inclusion of an office audit is part of the standard approach for the JAB accreditation process.

Further, contract between MEL and JAB article 7 stipulates that the AB shall conduct an accreditation of MEL certification body in accordance with ISO/IEC 17011: 2004 (clause 7.7) which requires an on-site assessment which includes an office audit and a field audit.

Review of accreditation application including office audit and site visit FMS Jan 11, 2019, AMS Jan 18th, 2019 and CoC Jan 16, 2019 documents. Acceptance of JFRCA for product certification of MEL standard 10 Oct 2018. Three of witness audits were completed by middle of January 2019, as well as JFRCA office visit by JAB in December 2018. JFRCA accredited March 28, 2019.

The witness audits were done according to the procedures of JAB using Dec 2018 versions of the FMS and AMS checklists that were considered in alignment after meeting with the IEs C and D. The subsequent final approved version of IOC V2.1 FMS and 1.1 AMS by the MEL technical committee on January 23rd, 2019 was reviewed by JAB to compare the 2 versions. The conclusion by JAB was that the difference between the version used in the witness audit (Dec 2018) and final approved version (Jan 23rd, 2019) were "negligible, so I think the certification risk arising from the difference can be almost ignored" email communication JAB, Mr Horie (May 2019).

Witness audits included:

Chuo Fish Co., Ltd. 16 Jan 2019

[http://www.fish-jfrca.jp/04/pdf/mel/CoC\\_JFRCA20C3600011.pdf](http://www.fish-jfrca.jp/04/pdf/mel/CoC_JFRCA20C3600011.pdf)

Yongkyu Corporation AMS 18 January 2019 [http://www.fish-jfrca.jp/04/pdf/mel/farmed\\_fisheries\\_JFRCA10A7500011.pdf](http://www.fish-jfrca.jp/04/pdf/mel/farmed_fisheries_JFRCA10A7500011.pdf)

Yui-port fisheries cooperative association 11 Jan 2019. FMS. Since the status of shrimp resource shows fluctuation in spite of the most advanced resource management system, this is the very controversial fishery among fishers and scientists in Japan today. Thus, JFRCA has been carefully

reviewed the report before they make final decision on the certification. According to JFRCA, the additional information was almost collected, and they will make a final decision within one month.

## REFERENCES

1. OMR, rev 7 Feb 2019, Clause 6.2.1.  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)
  2. IAF Website: [http://www.iaf.nu/articles/IAF\\_MEM\\_Japan/85](http://www.iaf.nu/articles/IAF_MEM_Japan/85)
  3. JAB website:
  4. Accreditation procedure: <https://www.jab.or.jp/service/product/step/> (Japanese)
- Office Visit:
5. Accreditation project management documents including desk based and office visits (confidential) Japanese translated
  6. Contract between MEL and Japan Accreditation Board (JAB), Oct 13th, 2017 (confidential) Japanese translated
  7. Contract between MEL and JFRCA, 2018 (confidential) Japanese translated
  8. JAB\_schedule for JFRCA\_20190322 (Japanese).pdf
  9. JFRCA Accreditation Certificate PO170
10. Chuo Fish Co., Ltd. 16 Jan 2019
  11. [http://www.fish-jfrca.jp/04/pdf/mel/CoC\\_JFRCA20C3600011.pdf](http://www.fish-jfrca.jp/04/pdf/mel/CoC_JFRCA20C3600011.pdf)
  12. Yongkyu Corporation AMS 18 January, 2019 [http://www.fish-jfrca.jp/04/pdf/mel/farmed\\_fisheries\\_JFRCA10A7500011.pdf](http://www.fish-jfrca.jp/04/pdf/mel/farmed_fisheries_JFRCA10A7500011.pdf)
  13. Timetable

## ESSENTIAL COMPONENT B.2.01

*The Scheme Owner requires that certification bodies operating in the scheme are accredited to ISO/IEC 17065:2012 for the scope of the respective standard of the scheme.*

### ■ Gakushuin University comment

This criterion is not met. Firstly, the accreditation issued for the JFRCA is conditional, according to the MEL News, March 2019.<sup>19</sup> Even conditional pass was a big surprise as the JFRCA does not meet the ISO/IEC 17065 clearly as demonstrated bellow.

**A.** No evidence of elimination or minimization of risk to its impartiality as required by 4.2.4 of ISO/IEC 17065. As showed in the table, the JFRCA's governing board is dominated by representatives from fisheries associations, prefectural departments of fisheries and ex- officials of the Fisheries Agency. JFRCA is also designated, pursuant to the National Public Service Act and the Cabinet Secretariat Order on the Management of Retired Officials, as a foundation in especially close relationship with the government of Japan, since more than

---

<sup>19</sup> MEL News, March 2019, available at: [https://www.melj.jp/wp-content/uploads/2019/06/MELnews\\_201903.pdf](https://www.melj.jp/wp-content/uploads/2019/06/MELnews_201903.pdf), accessed on 30th July 2019.

two-thirds of the income of JFRCA comes from subsidies, entrustment fees, or stipends of the government.<sup>20</sup> The government can have structural power over such a body, especially when MEL is officially promoted by the Fisheries Agency and MAFF with subsidies.

### The Composition of the JFRCA's Governing Board

~ 2015	Affiliation	2015 to Current	Affiliation
Shoji Kawamoto, Chair	<ul style="list-style-type: none"> <li>• ex-official of Fisheries Agency</li> <li>• vice-chair of All Japan Purse Seine Fisheries Association</li> </ul>	Masayuki Takahashi, Chair	<ul style="list-style-type: none"> <li>• emeritus professor of the Univ. of Kochi</li> </ul>
Masayuki Takahashi, vice-chair	<ul style="list-style-type: none"> <li>• emeritus professor of the Univ. of Kochi</li> </ul>	Takahide Naruko, vice-chair	<ul style="list-style-type: none"> <li>• ex-official of Fisheries Agency</li> <li>• Federation of North Pacific Purse Seine Fisheries Cooperative Associations</li> </ul>
Masayuki Shimomura, Managing Director	<ul style="list-style-type: none"> <li>• ex-official of Fisheries Agency</li> </ul>	Susumu Endo, Managing Director	<ul style="list-style-type: none"> <li>• JFRCS</li> </ul>
Toshihiro Omori	<ul style="list-style-type: none"> <li>• National Federation of Fisheries Co-operative Associations (Zengyoren)</li> </ul>	Toshihiro Omori	<ul style="list-style-type: none"> <li>• National Federation of Fisheries Co-operative Associations (Zengyoren)</li> </ul>
Ken Kobayashi	<ul style="list-style-type: none"> <li>• Japan Fisheries Association</li> </ul>	Ken Kobayashi	<ul style="list-style-type: none"> <li>• Japan Fisheries Association</li> </ul>
Kazuo Sakamoto	<ul style="list-style-type: none"> <li>• Association for Improvement of Seafood Market</li> </ul>	Kazuo Sakamoto	<ul style="list-style-type: none"> <li>• Association for Improvement of Seafood Market</li> </ul>
Noboru Tazoe	<ul style="list-style-type: none"> <li>• Fisheries Depart. of Nagasaki Prefecture</li> </ul>	Tadahiro Ikeda	<ul style="list-style-type: none"> <li>• Mie Prefectural Federation of Fisheries Cooperative Associations</li> </ul>
Yoichi Nagatomi	<ul style="list-style-type: none"> <li>• Toba-Isobe Fisheries Cooperative</li> </ul>	Masami Takaya	<ul style="list-style-type: none"> <li>• Depart. Of Fisheries of Nagasaki Prefecture</li> </ul>
Akito Yamazaki	<ul style="list-style-type: none"> <li>• Fisheries Depart. of Chiba Prefecture</li> </ul>	Daisuke Tateoka	<ul style="list-style-type: none"> <li>• Chiba Prefectural Department of Fisheries</li> </ul>
Takanori Ichimura, auditor	<ul style="list-style-type: none"> <li>• National Association for Promoting Productive Seas (NAPPS)</li> </ul>	Yoshihiro Takanashi, auditor	<ul style="list-style-type: none"> <li>• Chiba Prefectural Federation of Fisheries Cooperative Associations</li> </ul>
Soichiro Manjo, auditor	<ul style="list-style-type: none"> <li>• Chiba Prefectural Federation of Fisheries Cooperative Associations</li> </ul>	Masaya Atsumi, auditor	<ul style="list-style-type: none"> <li>• Tokyo Fisheries Promotion Foundation</li> </ul>
Masaya Atsumi, auditor	<ul style="list-style-type: none"> <li>• Tokyo Fisheries Promotion Foundation</li> </ul>		

Source: Made by Isao Sakaguchi based on the governing board member list on the JFRCA's website.

<sup>20</sup>—JFRCA, “Public Interest Corporation Especially Close Relationship with the Government of Japan (Report)” (「国と特に密接な関係がある」公益法人への該当性について (報告)), June 29<sup>th</sup> 2018, available at: [http://www.fish-jfrca.jp/01/pdf/k/relevance\\_h30.pdf](http://www.fish-jfrca.jp/01/pdf/k/relevance_h30.pdf), accessed on 1<sup>st</sup> February 2019.

Article 9, Paragraph 2 of the Cabinet Secretariat Order on the Management of Retired Officials stipulates that public interest incorporated corporations or foundations are regarded as “especially close relationship with the government” when more than two-thirds of the income of the corporations/foundations is subsidies, entrustment fees, or stipends from the government.

Cabinet Bureau of Personal Affairs of the Cabinet Secretariat (内閣官房内閣人事局) and Administrative Management Bureau of the Ministry of Internal Affairs and Communications (総務省行政管理局), “Notification Regarding Applicability of Incorporated Corporations or Foundations Especially Close Relationship with the Government (Request)” (国と特に密接な関係がある公益社団法人及び公益財団法人への該当性に関する報告等について (依頼)), 1<sup>st</sup> October 2018, available at:

[https://www.cas.go.jp/jp/gaiyou/jimu/jinjiyoku/files/dantai\\_h301001.pdf](https://www.cas.go.jp/jp/gaiyou/jimu/jinjiyoku/files/dantai_h301001.pdf), accessed on 1<sup>st</sup> February 2019.



## B. Promotion of Domestic Seafood Distribution by JFRCA

Since 2013, JFRCA has been conducting the program for promotion of distribution, demand, and consumption of domestic aquatic products (国産水産物流通促進事業) as a commissioned program of the Fisheries Agency,<sup>21</sup> and organizing the Center for the Distribution and Promotion of Domestic Aquatic Products (CDPDAP: 国産水産物流通促進センター)<sup>22</sup> as the head organization, together with the National Federation of Fisheries Cooperative Associations (Zengyoren: 全漁連<sup>23</sup>) and the JFA.<sup>24</sup>

In the Fish-1 Grand Prix held in 2018,<sup>25</sup> an annual event to rediscover wonderfulness of domestic seafood organized by the CDPDAP, the Fisheries Agency promoted MEL while Mr. Naoya Kakizoe promoted MEL-certified products.<sup>26</sup>

The ISO/IEC17065 does not always prohibit a CB from engaging in promotion of products in the same field of their assessment work but demands a top management of risk to its impartiality. The current JFRCA's managing director, Mr. Susumu Endo (遠藤進), who is in charge of MEL certification, also serves the CDPDAP secretariat.<sup>27</sup> If a staff in charge of MEL new standards in JFRCA is still in charge of CDPDAP, it is difficult to regard that appropriate management of risk to its impartiality is in place within JFRCA.

The JFRCA's relationship with the MEL Council, the JFA and Zengyoren are also too close to manage the risk to impartiality. Many member cooperatives of the Zengyoren and member companies of JFA are also customers of the JFRCA for MEL certification and the subsidized promotion programs of domestic aquatic products under CDPDAP while JFA was the original scheme owner of the MEL. Though as a legal entity the MEL Council has been separated from JFA, many governing board members of the MEL Council are also the members of the

---

<sup>21</sup> Fisheries Agency, "The Program of Promotion of Distribution of Domestic Aquatic Products (国産水産物流通促進事業)," 8<sup>th</sup> September 2015, available at: <http://www.jfa.maff.go.jp/j/kakou/tyousei.html>, accessed on 2<sup>nd</sup> February 2019.

JFRCA, "The 2018 Program of Promotion of Enhancement on Seafood Processing and Distribution Structure and the Program of Promotion of Popularization of Seafood" (平成 30 年度水産加工・流通構造改善促進事業及び魚食普及推進事業のご案内), available at: <http://www.fish-jfrca.jp/08/info.html>, accessed on 2<sup>nd</sup> February 2019.

<sup>22</sup> CDPDAP is not an official abbreviation of the Center for the Distribution and Promotion of Domestic Aquatic Products but is given by the author.

<sup>23</sup> The Japanese official name of the Zengyoren is 全国漁業協同組合連合会.

<sup>24</sup> The website of the CDPDAP (JFRCA act as the representative organization) is at: <http://suisan-portal.jp/>.

<sup>25</sup> National Federation of Fisheries Cooperative Associations (全国漁業協同組合連合会), "The 6th Fish-1 Grand Prix" (第 6 回 Fish-1 グランプリ), available at: <http://www.pride-fish.jp/F1GP/>, accessed on 20<sup>th</sup> February 2019.

<sup>26</sup> National Federation of Fisheries Cooperative Associations, "The 6th Fish-1 Grand Prix" (第 6 回 Fish-1 グランプリ), 2018, available at: <http://www.pride-fish.jp/F1GP/2018/program/index.html>, accessed on 20<sup>th</sup> February 2019.

CDPDAP (国産水産物流通促進センター), "The Program of Promotion of Distribution of Domestic Aquatic Products (国産水産物流通促進事業)," March 2018, available at: [http://www.jfa.maff.go.jp/j/kikaku/shiawase/suishinkaigi/sskg\\_7\\_6.pdf](http://www.jfa.maff.go.jp/j/kikaku/shiawase/suishinkaigi/sskg_7_6.pdf), accessed on 20<sup>th</sup> February 2019.

<sup>27</sup> JAFIC, "Demand Promotion Program of Aquatic Products in Association with Food Service and Other Industries (外食産業等と連携した水産物の需要拡大対策事業)," n.d., available at: <http://www.jafic.or.jp/gaisyoku/>, accessed on 20<sup>th</sup> February 2019.

JFA governing board or are from the same organizations.<sup>28</sup> Mr. Hidenori Nagaoka (長岡英典), the managing director of the MEL Council, is the standing director of the JFA.<sup>29</sup> JFA also sends the other standing director, Mr. Ken Kobayashi (小林憲),<sup>30</sup> to the JFRCA's governing board. So the two standing directors of the JFA work for the governing boards of the MEL Council and JFRCA respectively.

### C. JFRCA's Inappropriate implementation of the subsidized program

In September 2016, as a part of a supplementary budget approved by the Parliament in the mid-annual financial term (April to March), the subsidized program, "Promotion of Acquisition of Japanese Ecolabel Certification of Fisheries that are Accepted Internationally" (国際的に通用する我が国産の水産エコラベル認証取得推進事業), started.<sup>31</sup>

Since the new subsidy program to cover the assessment cost for MEL and AEL certification started in the mid-year of 2016, application for MEL and AEL certification has sharply increased, despite the limited capacity of JFRCA. The first certification under the subsidy program has been issued on 27<sup>th</sup> March 2017 in the near end of the financial year. At that time four MEL wild-capture and sixteen AEL aquaculture certifications have been issued at once by JFRCA. Publication of the summary reports of certified capture fisheries and aquaculture farming on the JFRCA's website has delayed for a few months. Before that they have been made available shortly after certifications were issued. Then, since December 2017, JFRCA has stopped making the summary reports of newly certified fisheries of MEL available on its website, despite the MEL's rule of disclosure. The MEL Council does not have these reports, either. With the governmental subsidy to promote MEL certification, they are issuing certification without providing or most possibly making even summary reports. This is a clear evidence of lack of top-risk management of risk to impartiality. Though these certifications are issued against the old standards, it is the same JFRCA which continues working for the new MEL standards. The top risk management of risk to its impartiality, if existing in the JFRCA, can never permit such a fault or fraud.

### D. Annual audit has not been conducted

JFRCA has not conducted annual audit for existing MEL certified fisheries and kept certification effective without conducting annual audit. During the seminar held in the Osaka Seafood Show on 20<sup>th</sup> February 2019, Mr. Naoya Kakizoe of the MEL Council, also admitted that annual auditing has not been conducted.<sup>32</sup> JFRCA has not conducted the five years reassessment, but simply kept certification effective for the old scheme despite that the MEL's institutional document for the old standards limits the effectiveness of certification only for five years.

---

<sup>28</sup> Currently five of the 12 board member of MEL Council are also the member of the JFA governing board. JFA, "Board members of the JFA" (大日本水産会役員名簿), July 2017, available at:

[http://www.suisankai.or.jp/daisui/zaimu/new\\_pdf/yakuin.pdf](http://www.suisankai.or.jp/daisui/zaimu/new_pdf/yakuin.pdf), accessed on 7<sup>th</sup> February 2019. MEL Council, "Organizational Chart of the MEL Council" (一般社団法人マリン・エコラベル・ジャパン 組織体制図), 4<sup>th</sup> October 2018, available at: [http://www.melj.jp/wp-content/uploads/2018/10/181005\\_MEL%E7%B5%84%E7%B9%94%E4%BD%93%E5%88%B6%E5%9B%B3-1.pdf](http://www.melj.jp/wp-content/uploads/2018/10/181005_MEL%E7%B5%84%E7%B9%94%E4%BD%93%E5%88%B6%E5%9B%B3-1.pdf), accessed on 7<sup>th</sup> February 2019.

<sup>29</sup> MEL Council, "The List of the Governing Board Member of the MEL Council" (一般社団法人マリン・エコラベル・ジャパン 協議会 役員名簿), 2018, available at <https://www.melj.jp/wp-content/uploads/2018/10/180622役員名簿.pdf>, accessed on 7<sup>th</sup> February 2019.

<sup>30</sup> JFA, "The Member List of the JAF's Governing Board" (一般社団法人大日本水産会役員名簿), July 2018, available at: [http://www.suisankai.or.jp/daisui/zaimu/new\\_pdf/yakuin.pdf](http://www.suisankai.or.jp/daisui/zaimu/new_pdf/yakuin.pdf), accessed on 7<sup>th</sup> February 2019.

<sup>31</sup> Fisheries Agency, "The Public Offering on the 2016 Promotion of Acquisition of Japanese Ecolabel Certification of Fisheries that are Accepted Internationally" (平成 28 年度国際的に通用する我が国産の水産エコラベル認証取得推進事業の公募について), available at: [http://www.jfa.maff.go.jp/j/gyosei/supply/hozyo/160908\\_s1.html](http://www.jfa.maff.go.jp/j/gyosei/supply/hozyo/160908_s1.html), accessed on 20<sup>th</sup> February 2019.

<sup>32</sup> The author's direct observation at the seminar. As for the seminar information, see: [http://www.exhibitiontech.com/seafood\\_osaka/seminar.html](http://www.exhibitiontech.com/seafood_osaka/seminar.html).

#### E. Unconditional certification for all fisheries?

Due to the institutional weakness, a number of questionable certifications for wild- capture and aquaculture fisheries have been issued by JFRCA including purse seine fisheries targeting depleted Pacific Bluefin tuna in 2015 and Bluefin tuna farming using wild seed fish in 2017 even though the old MEL standard also stipulated a MSY-based management and precautionary approach. It is also highly probable that not only formal five years recertification assessment but also formal annual audit has not been conducted.

#### ■ **GSSI response**

MEL-J is in alignment with Essential Component B.2.01. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter on the compliance of JFRCA and potential conflict of interest. JFRCA was accredited with a supplementary item that was effectively addressed, it was not conditionally accredited. As per the accreditation report - "Accredited with a supplementary item: "To conduct an internal audit prior to the first surveillance office audit. JAB will witness the internal audit." (This "supplementary item" is clearly stated as 7. in the official Notice) reviewed.

JFRCA conducted an internal audit, witnessed by JAB which was exceptional assessment, done on July 1st, 2019, effectively addressing the supplementary item.

Regarding the concern on conflict of interest, the accreditation audit did raise this and JFRCA prepared, submitted and was approved by the accreditation body a mapping of relationships including policies to manage potential conflict of interest. This was reviewed in person during the GSSI office visit at the JFRCA offices. As part of the assessment of this component, the conclusion was updated, and the Accreditation Report was added as evidence.

## Conclusion on GSSI Essential Component B.2.01

**Conclusion:** MEL is in alignment because the OMR requires ISO/IEC 17065:2012 Conformity. JAB is member of the International Accreditation Forum (IAF) and have signed the Multi-Lateral Agreement (MLA) on ISO-17065.

Review of accreditation application including office audit and site visit documents. Acceptance of JFRCA for product certification of MEL standard 10 Oct 2018. JAB letter to JFRCA dated March 22, 2019, to show the accreditation schedule including three witness audits on 2019.01.16 (Fisheries), on 2019.01.16 (CoC), and on 2019.01.18 (Aquaculture). Three of witness audits were completed by middle of January 2019, as well as JFRCA office visit by JAB in December 2018. JFRCA accredited March 28, 2019.

## REFERENCES

1. OMR, 2019, Clause 6.3.2.  
[https://melj.jp/eng/wp-content/uploads/2019/02/OMR\\_190207.pdf](https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf)  
<https://www.jab.or.jp/en/system/service/product/accreditation/detail/701/>  
  
Office Visit:
2. Contract between MEL and Japan Accreditation Board (JAB), Oct 13th, 2017 (confidential) Japanese translated
3. Contract between MEL and JFRCA, 2018 (confidential) Japanese translated
4. JAB\_schedule for JFRCA\_20190322 (Japanese).pdf
5. JFRCA Accreditation Certificate PO170
6. [JFRCA accreditation office visit audit report P17-18-AR-01A dated 25 Jan 2019](#)
7. [認定審査報告書.pdf](#)
  
8. [Official notice dated Sep. 26th 2019, from JAB to JFRCA telling that \[認定を継続する\] continue accreditation through 23 March 2023.](#)

## ESSENTIAL COMPONENT B.2.05

*The Scheme Owner ensures that certification bodies apply a consistent methodology to assess compliance with the standard.*

### ■ Gakushuin University comment

Though the conclusion states that review of audit reports showed consistency across all standards, it is not true. The following is the inconsistencies with the standards, methodologies and requirements for CB in audit reports.

## Azumacho Yellowtail farming

- The Requirements for Certification Bodies Certifying the Aquaculture Management Standard Ver. 1.1 stipulated sampling methodology in the 5.4.4 and Appendix B as follows;
- Then, the number of farmers within the certification scope is 116. The minimum sampling number is 11 for this certification assessment. However, according to the audit report, only one farmer was inspected.

### 3. Minimum sampling size

The auditors shall select and audit more number of populations than the minimum sampling size. When selected samples have risk not to represent the full population, the larger size of samples shall be selected.

$$\text{Minimum sampling size} = \sqrt{\text{The full population}} \text{ (Round up)}$$

- AMS 4.2.2 A demands record of harvest area of whole fish to be used for moisture pellet. In the note, it is stated that the harvest area cannot be confirmed as they purchased from wholesalers. Despite the inability to trace the harvest area, the auditor decided as in conformity with 4.2.2 A.
- AMS 4.2.2 H demands import of ingredients from countries which issue catch certificates and actual acquisition of catch certificates for imported ingredients. Then, in the note, it is stated that they are asking the feed companies to acquire catch certificates. This clearly means that they did not acquire catch certificates yet but it was assessed as in conformity with AMS 4.2.2 H.
- AMS 4.2.3 C stipulates prohibition of use of same fish species in feed, either fishmeal or whole fish. The reference document was just purchase bills of whole fish feed. This means that the auditors did not check the source of fishmeal. In Japan most of fishmeal is produced from fish processing residue and byproduct. As yellowtail is one of major fish, both for wild-capture and aquaculture, in terms of landed volume, there is high risk that residue or byproducts of the yellowtail was actually included in the fishmeal provided for the yellowtail farming facilities in the Azuma-cho. Despite that they did not check the source of the fishmeal, they decided as in conformity with 4.2.3 C.
- AMS 4.3.1 A stipulates that Hatchery-raised seed shall be used preferentially at the aquaculture site where technology to produce hatchery-raised seed is established. Then, the auditors decided as in conformity simply based on hearing from the members of the Azuma-cho Fisheries Cooperative. Actually the technology to produce hatchery-raised seed of yellowtail has been developed long before<sup>33</sup> and improved substantially.<sup>34</sup> This is why the Azuma-cho also source hatchery-raised seed as well. However, most of the yellowtail farmers including those of Azuma-cho use the wild seed fish preferentially as it is cheaper. As for Azuma-cho, the auditors had to check academic journals and aquaculture journals with respect to the development stage of artificially propagated seed fish of Yellowtail but they did not do it but simply relied on the hearing from the Azuma-cho Fisheries Cooperative members. So the auditors failed in confirmed the preferred use of artificially propagated seed fish. The main reason why the Azuma-cho uses wild seed fish is that the fishermem of the Azuma-cho Fisheries Cooperative catch and provide wild seed fish for farming.

## Yumigahama Suisan's Coho Salmon Farming

The most of the problems seen in the Azuma-cho was also repeated in the audit report for the Yumigahama Suisan's Salmon Farming, certified in April 17<sup>th</sup> 2019. Most seriously the audit report did not have assessment for AMS 4.2.2 D (acquisition of sourcing policy from compound feed companies). In the cell for the AMS 4.2.2 D of the Yumigahama's audit report, assessment of AMS 4.2.2 G (on IUU) is inserted. This means that even though

---

<sup>33</sup> Kazushisa Hamada, et. al., "Advanced spawning technique and its advantages in stock enhancement and aquaculture of the yellowtail *Seriola quinqueradiata* [in Japanese]," NIPPON SUISAN GAKKAISHI 72(2), 250-253, 2006, available at: [https://www.jstage.jst.go.jp/article/suisan/72/2/72\\_2\\_250/\\_pdf](https://www.jstage.jst.go.jp/article/suisan/72/2/72_2_250/_pdf).

<sup>34</sup> 高岡治, "天然種苗由来と人工種苗由来ブリの生産サイクルの違いと競合," Aqua culture business (養殖ビジネス) 55(11), 3-6, 2018.

auditors did not confirm their conformity with AMS 4.2.2. D, the certification was issued. This also means that the internal review of the draft audit report within JFRCA was not conducted in an appropriate manner, which is an essential part of the ISO/IEC 17065 requirement.

### **Hokkaido's Chum Salmon Set-net Fishery**

While existence and importance of wild chum or naturally spawn salmon in rivers in Hokkaido is widely recognized by researches and mentioned in the audit report in 2.1 (c). Then, FMS Guidelines for Auditors, in 2.4 (a), demands implementation of an assessment with the best scientific evidence available and the adaptive management with precautionary approach based on the assessment above. The audit report, in 2.4 (a), does not mention about the status of the wild salmon which has been already decimated and any precautionary measures to protect wild salmon.

The audit report states, in 2.7 (b) that in the “Current Status of International Fisheries Stock” developed by the Fisheries Agency and the Japan Fisheries Research and Education Agency (FRA), the assessment of Japanese salmon stock determined the stock level to be “**middle**” and the stock trend to be “**stable**.” Interestingly the report does not mention about the assessment year. It is actually assessment for the year of 2016, which was publicized in March 2017 at the FRA-website. However, the assessment for the year of 2017 was made available in March 2018 whose assessment for Chum salmon is middle and decreasing. This is not the best scientific evidence as stipulated in 2.4 (a).

The audit report states Minor Non-conformity with the FMS Guidelines 3.2.2

(b) as although management objective and outcome indicators are not documented, the elements necessary to set the management objective are prepared and some outcome indicators exist. Since management policy requires the evaluation and improvement of management measures, the management objective and outcome indicators *will be set near future*.

3.2.2 (b) clearly demands management goal and management measures to avoid negative impact on wild stock when they aims at increase of stocks by hatchery- raised seed fish. The audit report clearly states that it does not exist at present. Despite that, they judged as Minor Non-conformity. This part shall be a Major Non-Conformity. Moreover, the harvest rate of the Chum Salmon in Hokkaido is extremely high at 86%.<sup>35</sup> According to Prof. Masayuki Takahashi, the chair of JFRCA, the salmon fisheries in Japan aiming at catching all adult salmon by traps.<sup>36</sup> At rivers of the Hokkaido there are message boards stating, “Let’s take roes of all adult salmon to increase hatchery- raised seed.”<sup>37</sup> To avoid the negative impact on wild salmon, the extremely high current harvest rate is just too high.

The hatchery program of the Hokkaido salmon fishery has already caused genetic disturbance.<sup>38</sup> According to Prof. Masahide Kaeriyama, in Hokkaido there is no regional genetic difference between rivers due to the transplantation of roes caught in other rivers, which was intensively conducted in 1960s and 1970s. The genetic mixture is still ongoing by the hatchery program as they catch majority of the brook stock at the river mouths rather than upstream of rivers. It is known that adult salmon migrate long along coastal line to explore their mother rivers and come to different river mouths to smell the water. So at the river mouths of Hokkaido, salmon originally from Honsyu, mainland of Japan, also come. So trapping brook stock for seedling at river mouths is a bad methodology to promote genetic mixture. Interestingly there is not much difference in level of genetic diversity

---

<sup>35</sup> 森田健太郎. 2017. “サケ沿岸漁獲物の耳石温度標識魚調査.” SALMON 情報 (11): 33- 35.  
[http://salmon.fra.affrc.go.jp/kankobutu/srr/srr011\\_p33-35.pdf](http://salmon.fra.affrc.go.jp/kankobutu/srr/srr011_p33-35.pdf).

<sup>36</sup> 高橋正征. 2019. “連載第 247 回 サケのふ化・放流の効果は?.” アクアネット (1 月号): 56-57.

<sup>37</sup> 黒瀬総一郎「漁獲激減のサケ 繁殖に新事実」NHK、2019 年 2 月 25 日, available at:  
<https://www3.nhk.or.jp/news/html/20190225/k10011825001000.html>

<sup>38</sup> 帰山雅秀 (2014)「気候変動とシロザケ個体群動態」『水産振興』(563): 1-51. 帰山雅秀『サケ学への誘い』北海道大学出版会、2018 年。



among Japanese, Russian and Alaskan Chum salmon. The Japanese hatchery salmon looks genetically richer than Russian and Alaskan salmon, only as the result of genetic mixture in the former. The genetic diversity between rivers in Hokkaido has been lost through the hatchery program and remedial measures are not still in place such as prohibiting harvest of the brook stock at river mouths. This is the state of recent salmon research. Importantly FMS 3.2.1 stipulates that production and release of artificial seedlings shall be conducted with due consideration given for maintaining the biological characteristics and genetic diversity. Then, the FMS Indicator 3.2.1 (b) stipulates that;

The subpopulation of released artificial seedlings is considered and measures are taken for the preservation of genetic diversity.

- Measures for preservation of the subpopulation (such as transplant release)
- Measures for preservation of genetic diversity (such as the management of number of parent fish)

The audit report decided Conformity for FMS 3.2.1 (b) by citing an aged article by Beacham, et. al. (2008). This article compared Japanese hatchery salmon with wild salmon in Russia and Alaska. Now it is known that the richer diversity is spurious.

The issue is why the auditors cannot reach the latest state of salmon research. It is because they just interviewed with researchers in the Hokkaido National Fisheries Research Institute (HNFRI) of the Hokkaido prefectural government. HNFRI is directly involved in the MAFF's subsidy program of export promotion of Hokkaido's seafood through internationalized MEL by global benchmarking.<sup>39</sup> This means that they did not seek expertise from independent scientists, in other words, they did not seek best science.

## ■ GSSI response

MEL-J is in alignment with Essential Component B.2.05. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter on the consistency within the audit reports.

The GSSI benchmarking process considered only the Hokkaido chum salmon set net fishery and the Azuma-cho Fishery Cooperative Association assessment reports. The Asumacho Yellowtail farming and the Yumigahama Suisan's Coho Salmon Farming were not part of the review.

Azuma-cho Fishery Cooperative Association CoC and AMS Annual Surveillance plan was reviewed (Sept 19th, 2019). Association Hokkaido Federation of Fisheries Cooperative FMS surveillance audit was conducted 21st July 2019, with the full audit report provided dated August 2019. Both reports used the guidelines consistently but a full review of the reports, NCs and Corrective Action timelines (B.2.10 and B.2.16) will take place with the MOCA. The audit reports commented on Azuma-cho and Hokkaido were not used as evidence and are currently under review.

Where there are concerns about the technical aspects of audits, stakeholders can use the appeals and complaints procedures of the CB to challenge any conclusions that are made in the reports. The scope of the GSSI process does not cover the assessment of the individual conclusion of specific certifications.

In terms of the challenge about the consistency in the application of procedures by the auditors this has been flagged for review as part of the MOCA.

Azuma-cho Fishery Cooperative Association CoC and AMS Annual Surveillance plan was reviewed (Sept 19th, 2019). Association Hokkaido Federation of Fisheries Cooperative FMS surveillance audit was conducted 21st

---

<sup>39</sup> National Agriculture and Food Research Organization( 農研機構 ), "Innovative Technological Development Promotion Project: Export Promotion through the Development of Seafood Eco-label" (革新的技術開発・緊急展開事業：水産物エコラベルの整備を通じた輸出の促進), 2015, available at:

[http://www.naro.affrc.go.jp/laboratory/brain/h27kakushin/files/subject7\\_02.pdf](http://www.naro.affrc.go.jp/laboratory/brain/h27kakushin/files/subject7_02.pdf), accessed on 30<sup>th</sup> January 2019.

July 2019, with the full audit report provided dated August 2019. Both reports used the guidelines consistently but a full review of the reports, NCs and Corrective Action timelines (B.2.10 and B.2.16) will take place with the MOCA. The audit reports commented on Azuma-cho and Hokkaido were not used as evidence and are currently under review.

Where there are concerns about the technical aspects of audits, stakeholders can use the appeals and complaints procedures of the CB to challenge any conclusions that are made in the reports. It is not part of the scope of the GSSI Benchmark to re-assess the quality of the audit and certification report, as this should be guaranteed through the independent accreditation of the respective conformity assessment bodies.

In terms of the challenge about the consistency in the application of procedures by the auditors this has been flagged for review as part of the MOCA.

### Conclusion on GSSI Essential Component B.2.05

**Conclusion:** MEL is in alignment because the methodologies to be used to assess compliance with the FMS/ AMS are described in both “Guidelines for Auditors” and “Checklist for Auditors” of each standard which are all freely available on the website.

Review of CB JFRCA regulations, guidance and training records.

Annual management review of CBs (OMR 6.4)

[Review of sample of audit reports](#)

[Review of audit plans and auditor qualification/competence sheets](#)

[October 2019: Azuma-cho Fishery Cooperative Association CoC and AMS Annual Surveillance plan was reviewed \(Sept 19th, 2019\). Association Hokkaido Federation of Fisheries Cooperative FMS surveillance audit was conducted 21st July 2019, with the full audit report provided dated August 2019. Both reports used the guidelines consistently but a full review of the reports, NCs and Corrective Action timelines \(B.2.10 and B.2.16\) will take place with the MOCA.](#)

### REFERENCES

1. RCB (FMS) ver.2.1, 2019, 4 (Resource Requirements)  
[https://melj.jp/eng/wp-content/uploads/2019/10/RCB\\_FMS\\_ver.2.1.pdf](https://melj.jp/eng/wp-content/uploads/2019/10/RCB_FMS_ver.2.1.pdf)
2. RCB (AMS) ver.1.1, 2019, 4 (Resource Requirements)  
[https://melj.jp/eng/wp-content/uploads/2019/10/RCB\\_AMS\\_ver.1.1.pdf](https://melj.jp/eng/wp-content/uploads/2019/10/RCB_AMS_ver.1.1.pdf)
3. RCB(CoC)ver.2.1, 2018, 4 (Resource Requirements)  
[https://melj.jp/eng/wp-content/uploads/2019/09/RCB\\_CoC\\_ver.2.1.pdf](https://melj.jp/eng/wp-content/uploads/2019/09/RCB_CoC_ver.2.1.pdf)
4. Guidelines for Auditors of FMS, 2019  
<https://melj.jp/eng/wp-content/uploads/2019/04/Fisheries-Management-Standard-Guidelines-for-Auditors-Indicators-of-Conformity-Version.-2.1.pdf>
5. Guidelines for Auditors of AMS, 2019  
<https://melj.jp/eng/wp-content/uploads/2019/04/Aquaculture-Management-Standard-Guidelines-for-Auditors-Indicators-of-Conformity-Version.-1.1.pdf>
6. Checklist for Auditors of FMS, 2019  
not on the website
7. Checklist for Auditors of AMS, 2019  
<https://melj.jp/eng/wp-content/uploads/2019/04/Checklist-for-Auditors-of-the-Aquaculture-Management-Standard.pdf>
8. Guidelines for Auditors of CoC, 2018
9. Checklist for Auditors of CoCS, 2018

(not on the website)

Office Visit/internal review:

10. JFRCA Regulations and training documents (confidential) in Japanese translated

Audit reports confidential (Japanese google translate)

11. Chubu Suisan (CoC) report 11.pdf
12. Chuo Gyorui (CoC) report 6.pdf
13. Fukushima (FMS) report 15.pdf
14. Yonkyu Ohita (AMS) report 3.pdf
15. Yumigahama (AMS) report 7.pdf
16. 審査計画書 (東町) =Audit Plan (Azuma-cho)
17. 審査計画書 (北海道) =Audit Plan(H o k k a i d o )
18. 審査員資格・力量管理シート(井上)=Auditor qualification/competence management sheet
19. 審査員資格・力量管理シート(岩田)=Auditor qualification/competence management sheet
20. Azuma-cho Fishery Cooperative Association JFRCA Assessment plan dated 1 September 2019
21. Marine Eco-Label Japan Fisheries Management Certification First Annual Surveillance Report. Hokkaido Federation of
22. Fisheries Cooperative Association Chum Salmon Set-net Fishery Certification No.: JFRCA 20F2200011 Date certified: February 28, 2019. August 2019. On site assessment July 21, 2019.

## ESSENTIAL COMPONENT B.2.13

*For fisheries, the Scheme Owner requires certification bodies to make full audit reports available on request after certification has been granted, while excluding commercially sensitive information.*

### ■ Gakushuin University comment

This criterion is not in conformity. The GSSI Global Benchmarking Tool permits exclusion of commercially sensitive information only from the disclosure of audit reports (for wild-capture) and summary reports (for aquaculture). However, the JFRCA excluded names of the auditors from all audit report by mentioning ISO/IEC17065 4.2.2 (The certification body shall be responsible for the impartiality of its certification activities and shall not allow commercial, financial or other pressures to compromise impartiality). The entire section 4.2 is not on transparency rule of ISO/IEC17065 but on management of impartiality in certification activities. Bracketing of auditors from the finalized audit reports is not relevant to 4.2.

Moreover, the independent expert introduced a new condition, exclusion of auditor names, by his own discretion, which is not stipulated in the GSSI Global Benchmarking Tool but noted in all the audit report made available by JFRCA. If the inclusion of auditor names are in infringement of ISO/IEC17065 4.2.2, the GSSI approval for MSC, ASC, Alaska's Responsible Fisheries Management should not have been issued or should be revoked immediately. GSSI shall never allow independent experts to introduce criteria and guidelines which are not stipulated in the GSSI Global Benchmarking Tool.

In addition, it takes a long time for JFRCA to make reports publicly available. The audit reports of the Yonkyo's Pink Sea Bream farming certified on Feb. 28th, 2019 and for Fukushima Purse Seine Fisheries of Mackerel certified on March 25th, 2019, are not made available yet on the final day, July 30th, 2019, for the public consultation for the MEL's draft report. GSSI should not permit such a significant delay in disclosure of reports.

### ■ GSSI response

MEL-J is in alignment with Essential Component B.2.13. Based on the comment of Gakushuin University, additional information has been included in the final conclusion.

With regard to the first comment made: in addition to the commercially sensitive information kept in private by the applicant, information (such as the names of auditors) that may impair the fairness of certification activities is blackened at the discretion of the certification body.

For JFRCA, not to disclose the auditor's name is justified by JFRCA on the basis of ISO: ISO 17065. 4.2.2 "The certification body shall be responsible for the impartiality of its certification activities and shall not allow commercial, financial or other pressures to compromise impartiality."

This is stated on the JFRCA website; [http://www.fish-jfrca.jp/04/progress\\_and\\_results.html](http://www.fish-jfrca.jp/04/progress_and_results.html)

On this page, clearly stated (so as on the right above corner of each published report)

審査報告書内で、以下に該当する情報は開示することができないので黒塗りしています。

- 商業的に機微な内容（認証機関への要求事項5.3.3（漁業、養殖）、5.3.5（CoC））
- 認証活動の公平性を損なう圧力に結び付き得る情報（ISO/IEC17065 4.2.2）

In the assessment report, the following information cannot be made public, so is blackened:

- Commercially sensitive contents <RCB 5.3.3(FMS,AMS), 5.3.5(CoC)>
- Information that can lead to pressures that undermine the fairness of certification activities (ISO/IEC17065 4.2.2)

For JFRCA - risks due to disclosure of auditor's name are assessed as serious, such as slander against the auditors, Threat, or corruption, etc. that interferes the fairness/impartiality of the certification assessment. The only way to avoid these risks is to keep the auditor's name undisclosed.

Contrarily, by not releasing the auditor's name, some people may question the competence of the auditors who conducted the assessment. However, the requirements for the auditors are made public, and CB's operation in accordance with the requirements is assessed by the Accreditation Body, with conformity assessment."

In other words, the competence required to auditors is defined and disclosed in RCB (Requirements for CB). And the reason that the auditor meets the competency is that the CB to which the auditor belongs is accredited by AB.

This was also reviewed by the GSSI IE under GSSI in components Auditor Competence including CVs, training schedules and competencies and qualifications.

Regarding the delay in publication of the audit reports, JFRCA has measures to prevent recurrence and to make public reports part of the requirements for certification. Administrative procedure ensures that Certification shall not take effect until the report is ready to be made public.

updated JFRCA administrative procedure referenced

S-7 is 認証判定書 "decision making on Certification"

申請者が同意した公開用の報告書が用意され、認証発効時に公開できる。A report for publication that the applicant has agreed to is prepared and can be published when the certification comes into effect.

(google translate)

and put in their procedure.

F-1 認証管理シート” certification management sheet” the certification comes into effect when the assessment report is made public on the website.

Regarding the statement of the commentator "GSSI shall never allow independent experts to introduce criteria and guidelines which are not stipulated in the GSSI Global Benchmarking Tool", all the Benchmarking processes that GSSI conducts are strictly attached to the language of the components of the benchmark tool and follow a careful quality control. Therefore, the Independent Experts never add requirements to the Components of the tool and always act under the most professional and transparent standards following the GSSI Benchmark Manual for the assessments.

In this case, the independent expert did not include new components or conditions to be in alignment with this particular component. The Independent expert acted in its best professional capacity following the GSSI procedures, conducting the assessment of the components based on evidence and careful revision of information.

### Conclusion on GSSI Essential Component B.2.13

**Conclusion:** MEL is in alignment because the RCB (FMS) clause 5.9.1. defines that “The Certification Body shall disclose the status of certification and a summary of the audit report by electronic medium. The Certification Body shall, based upon an agreement with the applicant, disclose to the public the whole text of audit reports by electronic medium or at the request of a third party.”  
Commercially sensitive matters are excluded as stated in the RCB(FMS) 5.3.3.

There is a listing of certified entities with links to all reports. In the case that reports have not been finalized in terms of removing commercially sensitive information with the certified entity, there is the possibility to request the report once it becomes available. Google translated “when you click the certification number, the examination report will be displayed. In the examination report, the information corresponding to the following cannot be disclosed and is blackened.

- Commercially sensitive contents (Requirements for certification body 5.3.3 (fishing, aquaculture), 5.3.5 (CoC))
- Information that can lead to pressure that impairs the fairness of certification activities (ISO / IEC17065 4.2.2). While some certification reports have not been released during confirmation of relevant information with certification holders, they will be released one by one as soon as the confirmation is obtained. For requests for unpublished reports, please contact the secretariat (mel-jfrca@mbr.sphere.ne.jp). As soon as ready, we will contact you.”

JFRCA client contract template for all standards Article 2.2 Disclosure notes that upon acceptance, the client's application will be announced publicly and 2.3 upon certification - reports shall be made public without commercially sensitive information.

Regarding the delay in publication of the audit reports, JFRCA has measures to prevent recurrence and to make public reports part of the requirements for certification. Administrative procedure ensures that Certification shall not take effect until the report is ready to be made public.  
updated JFRCA administrative procedure referenced

S-7 is 認証判定書 "decision making on Certification"

□申請者が同意した公開用の報告書が用意され、認証発効時に公開できる。A report for publication that the applicant has agreed to is prepared and can be published when the certification comes into effect. (google translate)

and put in their procedure.

F-1 認証管理シート "certification management sheet"

the certification comes into effect when the assessment report is made public on the website.

## REFERENCES

1. RCB (FMS) ver.2.1, 2019, Clause 5.9.1 and 5.3.3.  
[https://melj.jp/eng/wp-content/uploads/2019/10/RCB\\_FMS\\_ver.2.1.pdf](https://melj.jp/eng/wp-content/uploads/2019/10/RCB_FMS_ver.2.1.pdf)
2. [http://www.fish-jfrca.jp/04/progress\\_and\\_results.html](http://www.fish-jfrca.jp/04/progress_and_results.html) accessed 19June 2019

Office Visit:

3. Review template and actual signed contract with clients Information Disclosure clauses 2.1-2.3 (Japanese translated)

Internal JFRCA documents:

4. JFRCA\_様式 F - 1 .Rev2認証管理シート (改) .docx
5. JFRCA\_様式 S - 7 .Rev1認証判定決定書 (改) .docx

Many thanks again for participating in the Public Consultation and we do hope that the above responses have been helpful. We look forward to a continued collaboration and dialogue going forward.

Kindest regards,



**Herman Wisse**  
GSSI Executive Director



