

Enacted October 3, 2017

Revised June 22, 2018

Revised August 1, 2018

Requirements for Certification Bodies Certifying the Fisheries management Standard Ver. 2.1



**Marine Eco-Label Japan Council
(2018)**

Preface

This document stipulates requirements for Certification Bodies certifying the Marine Eco-Label Japan (hereinafter “MEL”) Certification Scheme, as provided in Section 6, “Operational Management of the Certification Scheme” in the Operational Management Regulations for the MEL Certification Scheme (hereinafter “OMR”), and in accordance with the MEL Fisheries Management Standard (FMS).

This document provides individual specific requirements regarding the MEL Certification Scheme in addition to those based on the International Standard for Certification Bodies (ISO/IEC 1705:2012).

1. Scope of Application

1.1. Applicable Certification Bodies

These requirements apply to all Certification Bodies conducting business services relating to the FMS.

1.2. Applicable Products and Services

The products and services in this document shall be in accordance with the definitions of the FMS.

1.3. References

- Marine Eco-Label Japan Fisheries Management Standard
- Marine Eco-Label Japan Guidelines for Auditors of the Fisheries Management Standard
- Marine Eco-Label Japan Regulations for the Use and Management of Logo
- ISO/IEC 17000:2004 Conformity assessment -- Vocabulary and general principles
- ISO/IEC 17065:2012 Conformity assessment -- Requirements for bodies certifying products, processes and services
- ISO/IEC 17067:2013 Conformity assessment -- Fundamentals of product certification and guidelines for product certification schemes
- ISO 19011:2011 Guidelines for auditing management systems
- ISO 9001:2015 Quality management systems -- Requirements
- ISO/IEC Guide 59:1994 Code of good practice for standardization
- FAO Code of Conduct for Responsible Fisheries
- FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (Revision 1)
- FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries
- FAO Guideline for the routine collection of capture fishery data
- GSSI Global Benchmark Tool (Version 1)

- 1982 United Nations Convention on the Law of the Sea
- World Trade Organization (WTO) Technical Barriers to Trade (TBT) Agreement Annex 3 Code of Good Practice for the Preparation, Adoption and Application of Standards

1.4. Terms and definitions

The terms used in this document, in addition to those based on the FMS, shall be defined as follows:

- **Site:** A place where the capture fisheries of target species are conducted or research and/or the study of “stock under consideration” is conducted. For instance, these sites include the fishing vessel, fish landing site, office of fisheries cooperative association (hereinafter referred to as “association”) and fishers, fisheries experiment station and/or research institute.
- **Major Non-Conformity:** A situation where the audit team concludes there is no information and evidence to demonstrate conformity of the applicant organization’s fisheries procedures with the requirements of the FMS. When there is at least one major non-conformity or more than four minor non-conformities against one of the principles of requirements for FMS, MEL fisheries management certification shall not be granted.
- **Minor Non-Conformity:** Although information and evidence exist to demonstrate the target fisheries with the requirements of the FMS, the audit team concludes those information and evidence are not sufficient enough to be certifies the target fisheries with the requirements of the FMS.
- **Observation:** A situation where, while not an actual non-conformity with the requirements of the FMS, the audit team notes that there is room for improvement, or a risk of falling into non-conformity.
- **Conformity:** A situation where the audit team concludes that there exists full sufficient information and evidence indicating conformity with the requirements for of the FMS.

1.5. Requirements for Certification Bodies

Certification Bodies shall satisfy the requirements provided in Article 6 of the OMR.

1.6. Applicants

Applicants are entities applying for fisheries management certification, or already certified

entities.

The Certification Bodies shall ensure that the applicant is a fisher, the organization of fishers or a seller who sells certified fishery products. Also, the Certification Bodies shall ensure that the applicant operates fishery under the license or permission from national and/or local governments as well as relevant laws and regulations.

1.7. Outsourcing of auditing activities by a Certification Body

In case a Certification Body outsources a part of its auditing activities, the requirements for external resources provided in Section 6.2.2 of the ISO/IEC 17065 standard shall be satisfied. In this case, in judging the competence of the external outsourcing body, the Certification Body shall ensure that the external outsourcing body satisfies such requirements for auditors as the qualifications, training, and competencies provided in 4.1 of this document and that they are knowledgeable with respect to the other related requirements.

2. General Requirements

2.1. Legal and contractual matters

All the requirements provided in Section 4.1 of ISO/IEC 17065 shall be applicable.

2.2. Management of impartiality

All the requirements provided in Section 4.2 of ISO/IEC 17065 and in Paragraphs 108 and 109 of the FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (Revision 1) shall be applicable.

2.3. Liability and financing

All the requirements provided in Section 4.3 of ISO/IEC 17065 and in Paragraphs 113 of the FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (Revision 1) shall be applicable.

2.4. Non-discrimination

All the requirements provided in Section 4.4 of ISO/IEC 17065 and in Paragraph 112 of the FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (Revision 1) shall be applicable.

2.5. Confidentiality

All the requirements provided in the Section 4.5. of ISO/IEC 17065 and in the Paragraphs 126 and 127 of the FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine

Capture Fisheries (Revision 1) shall be applicable.

2.6. Publicly available information

All the requirements provided in Section 4.6 of ISO/IEC 17065 shall be applicable.

3. Structural Requirements

All the requirements provided in the Section 5. of ISO/IEC 17065 shall be applicable.

4. Resource Requirements

4.1 Personnel engaged in certification activities

4.1.1. General

All the requirements provided in the Section 6.1. 1. of ISO/IEC 17065 shall be applicable.

4.1.2. Personnel engaged in certification activities

The Certification Body shall ensure that the personnel engaged in conducting certification audits, reviewing certification results, and deciding on certification shall have adequate knowledge and competence regarding these activities.

The personnel involved in certification activities are categorized into five roles as follows:

- **Assistant auditor:** A person satisfying the qualifications provided in 4.1.3.
- **Auditor:** A person who has participated as an assistant auditor in more than two certification audits of the MEL FMS (initial audit and renewal audit only, not including annual audit) under the direction of a designated instructor and who is able to conduct audits alone.
Provided, however, that qualification as auditor shall be given also to a person who has participated in at least two audits using other certification schemes admitted by the MEL Council (certification in the fisheries/ aquaculture or CoC) and has completed training for existing auditors given by a training implementing body in accordance with the Training Manual for MEL Auditors provided in 4.1.4.2, or who as of February 1, 2018 is registered in a Certification Body as a MEL auditor (certification in the fisheries or CoC) and has completed training for existing auditors given by a training implementing body.
- **Designated instructor:** A person who has conducted certification audits of the FMS (initial audit and renewal audit only, not including annual audit) more than five times as an auditor, and who

not only conducts audits alone but is also able to direct an assistant auditor.

- **Reviewer:** A person who has completed audit competency training based on ISO 9001 and acquired ISO/IEC 17024 accreditation, is registered in an ISO 9001-compliant Auditor Evaluation Certification Body as an auditor, and conducts reviews of the certification reports prepared by auditors or designated instructors.
- **Certification decision maker:** A person who has completed audit competence training based on ISO 9001 and acquired ISO/IEC 17024 accreditation, is registered in an ISO 9001-compliant Auditor Evaluation Certification Body as an auditor, and makes decisions based on the deliberation in the judging meeting concerning the results of certification reports prepared by auditors or designated instructors.

4.1.3. Qualification of Assistant Auditor

The Certification Body shall ensure that an assistant auditor possesses the qualification provided as following. The assistant auditor has worked in the field of fisheries related industry for more than two years as to ① - ③, and experienced a full-time staff as to ④ as follows:

- ① The personnel who holds the doctoral degree of agriculture or fisheries
- ② Registered professional technician (Fisheries)
- ③ Extension officer of fisheries
- ④ The other personnel who holds experience in such fields as research, management, administration and guidance of fisheries.

【Year of Experience】

- More than four (4) years for the personnel who completed graduate school
- More than six (6) years for the university graduate
- More than eight (8) years for junior college graduate
- More than twelve (12) years for high school graduate

A person with the above experience who has completed training in accordance with the Training Manual for MEL Auditors stipulated in 4.1.4.2 shall thereby be able to become an assistant auditor.

4.1.4 Competency of auditor and designated instructor

- 4.1.4.1.** The Certification Body shall document the process for ensuring that auditors and designated instructors have the personality, knowledge, and competence stipulated in Sections 7.1, 7.2.1,

7.2.2, 7.2.3.1, 7.2.3.2, and 7.2.3.4 of ISO 19011.

4.1.4.2. The Certification Body shall conduct training in accordance with the Training Manual for MEL Auditors provided separately by the MEL Council, to ensure that auditors and designated instructors acquire the knowledge and competence necessary for a Fisheries certification audit. Moreover, the Certification Body shall ensure that its auditors and designated instructors have participated in such a training program within the past two years. The Certification Body shall further ensure that its auditors and designated instructors have completed training on the latest version of this scheme document before they conduct an audit.

4.1.4.3. The Certification Body shall ensure that its auditors and designated instructors participate in activities such as gaining additional business experience, training, private study, coaching, attendance at meetings, seminars, conferences or other relevant activities (see Section 7.6 of ISO 19011) for their Continuing Professional Development (CPD) to maintain the best and latest techniques and knowledge for fisheries management.

4.1.4.4. The Certification Body shall ensure that its auditors and designated instructors have completed training in auditing competence based on ISO 19011 without problem, to ensure that they have the necessary knowledge and competence regarding auditing principles, procedures, and techniques, and that they have the competence for conducting audits in a consistent and systematic way.

4.1.4.5. The Certification Body shall ensure that its auditors and designated instructors are individually competent to act suitably as a specialist.

4.1.5. Audit team

The audit team shall be composed of more than one auditor or designated instructor (including an audit team leader) who satisfy the competence requirements provided in 4.1.4. In some cases, a technical specialist with appropriate expertise may be added to supplement audit activities as necessary for a specific field.

4.1.6. Competence management for assistant auditors, auditors, and designated instructors

The requirements provided in Section 6.1.2 of ISO/IEC 17065 shall be applicable.

4.1.6.1. The Certification Body shall have an auditing system to ensure that assistant auditors, auditors,

and designated instructors are qualified as per 4.1.3 and competent as per 4.1.4. The auditing method shall be as provided in Appendix A. The Certification Body shall issue documentation expressing that its auditors and designated instructors possess satisfactory knowledge and skill.

4.1.7. Contract with the auditors and designated instructors

The requirements provided in Section 6.1.3 of ISO/IEC 17065 shall be applicable.

4.1.8. Reviewer

The reviewer of certification shall have knowledge regarding the FMS, this document, and the conformity assessment system for verifying the competence, sufficiency, and efficacy of evaluation activities. The evaluation result reviewer and certification decision maker roles may hold by the same person concurrently. The Certification Body shall ensure that the reviewer of certification has completed the auditing skill training based on ISO 9001 and is registered as an auditor in an ISO 9001-compliant Auditor Evaluation Certification Body that has obtained accreditation as provided in ISO/IEC 17024.

4.1.9. Certification decision maker

The certification decision maker shall have knowledge regarding the FMS, this document, and the conformity evaluation system for judging the appropriateness of the review result and for deciding certification. The certification result reviewer and certification decision maker roles may be held by the same person concurrently. The Certification Body shall ensure that the certification decision maker has completed the auditing skill training based on ISO 9001 and is registered as an auditor in an ISO 9001-compliant Auditor Evaluation Registration Organization that has obtained accreditation as provided in ISO/IEC 17024.

4.2. Resources for auditing

The requirements provided in Section 6.2 of ISO/IEC 17065 shall be applicable.

5. Requirements for Fisheries Management Certification Process

5.1. General

The requirements provided in Section 6.2 of ISO/IEC 17065 shall be applicable.

5.2. Fee system

5.2.1.

The Certification Body shall provide a certification fee system adequate for carrying out

appropriate auditing for the FMS and make it accessible to users. Since there are various types of fishers in Japan covered by the MEL certification scope, it is desirable for the Certification Body to provide a fee system in accordance with the business size of the applicant.

5.2.2.

The Certification Body shall present the certification fee system to the MEL Council to have it approved before commencing certification business.

5.2.3.

The Certification Body shall ensure fees are collected based on the fee system.

5.3. Application

The requirements provided in Section 7.2 of ISO/IEC 17065 shall be applicable.

5.3.1.

The Certification Body shall request the applicant to present information necessary for auditing in accordance with the FMS. The information shall include at least the following items.

1. The name, address and legal status of the applicant
2. The contents of fishing license or fishing permission
3. In the case of recreational fishing, the Certification Body shall confirm that it is not necessary to have fishing license or permission.
4. The target fish species and fishing method
5. The management rules and regulations of target fisheries

5.3.2.

When the Certification Body received the application form, they shall confirm whether or not the target fishery is managed and operated under the identical management regulations.

The definition of the wording “managed and operated under the identical management regulations” should be referred to the FMS and the Guidelines for Auditors of the Fisheries Management Standard.

5.3.3.

The Certification Body, at the stage where the receipt of audit application, shall conclude an audit contract with the applicant. The Certification Body shall also include an agreement with the applicant in the audit contract regarding the disclosure of the whole text of the certification report except for commercially sensitive matters.

5.3.4.

The Certification Body shall inform the applicant in advance when it is clear the applicant is assured of obtaining certification. While the Certification Body concludes a certification contract with the applicant ensuring the matters provided in Section 4.1.2 of ISO/IEC 17065, the applicant shall be able to use the logo on the condition that the following two requirements are satisfied.

- The applicant concludes a contract on logo use with the Certification Body.
- The applicant conforms to the “Regulations for the Use and Management of Logo” provided separately by the MEL Council.

5.3.5.

The Certification Body shall, at the time of receipt of audit application, make a public announcement and have a consistent system in place by which interested stakeholders can provide input.

5.4. Review of application

The requirements provided in Section 7.3 of ISO/IEC 17065 shall be applicable.

5.4.1.

The Certification Body shall provide in advance a document describing procedures for selection and designation of an audit team including the team leader, and shall organize an audit team in accordance with this document.

5.4.2.

The Certification Body shall prepare in advance a document of procedures for ensuring a proper audit plan is drawn up (see Section 6.3.2 of ISO 19011).

5.4.3.

The audit team, for the purpose of drawing up the audit plan, shall review the documentation of the applicant prior to on-site audit in accordance with Section 6.3 of ISO 19011. The audit team shall in particular confirm whether sufficient evidence has been presented as stipulated in the audit manual, and in case of insufficiency, shall require the application to submit additional evidence.

5.4.4.

In case the applicant consists of multiple fishing cooperatives or business operators, the audit team shall be able to select sites through sampling and to conduct on-site audit only at the selected sites. The audit team shall select samples by the method described in Appendix B. In the process

of sampling, a template shall be used and filled out.

5.4.5.

The audit team shall draw up an audit plan based on the results of a document review. The Certification Body shall record the allocated time of the audit prescribed in the audit plan and the reason for the amount of time.

5.4.6.

The audit team shall interview the office of aquaculture operator or organization (Fisheries Cooperative or an umbrella body of Fisheries Cooperative) of applicants to collect the information and evidences to conform the applicants to the requirements of AMS. In case of fisheries experimental station or research institutes, the auditors can review the information and evidences published on the web sites.

5.4.7.

The audit team shall inform the applicant of the audit plan in advance and obtain prior consent of the applicant regarding the audit schedule.

5.5. Audit

The requirements provided in Section 7.4 of ISO/IEC 17065 shall be applicable.

5.5.1.

The audit team shall confirm the management system, the stock status and ecosystem of target fisheries and species to confirm that the applicant satisfies the requirements of FMS.

5.5.2.

The audit team shall conduct the audit in accordance with the relevant guidance provided in Section 6.4 of ISO 19011.

5.5.3.

The audit team shall conduct all the audits on the site.

5.5.4.

The audit team shall take the following steps at the time of an on-site audit. The details of each step of the audit process are provided in Appendix C.

Step 1	The audit team shall hold an opening meeting with the applicant.
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Step 2	The audit team shall visit the sites and collect evidences provided in the audit procedures of fisheries management certification such as the management system, stock status and ecosystem of target fisheries and species.
Step 3	The audit team shall confirm that the logo is used and managed based on the Regulations for the Use and Management of Logo (except in an initial audit).
Step 4	The audit team shall hold a closing meeting with the applicant.

5.5.5.

The audit team shall prepare an audit report. The following matters shall be specified in the audit report. The report shall be prepared along with the sample audit report attached to the Guidelines for Auditors provided separately. It is desirable that the audit team prepare the report in line with the requirements given in Section 6.5.1 of ISO 19011.

1. The basic information of the applicant (as specified in 5.3.1.)
2. The summery of target fisheries
3. The procedures of audit, implementing circumstances and the name of auditor
4. The result of audit
5. The basis of the audit result
6. 6. The status of logo use and management (only in annual audits and renewal audits)

5.5.6.

The audit team shall present its findings in relation to the requirements of the FMS. The findings of the audit are categorized as major non-conformity, minor non-conformity, observation or conformity.

5.5.7.

In case any major non-conformity is found in target fishery in the initial audit, the audit team shall request the applicant to take corrective measures and verify that the major non-conformity has been corrected before deciding certification or re-certification. The audit team shall also conduct an on-site verification, if necessary.

5.5.8.

The audit team shall record the following matters regarding a confirmed non-conformity.

- The date when the non-conformity was discovered
- The nature and cause of the non-conformity and how to resolve it
- The nature of corrective measures for eliminating the cause
- The date when the corrective measures were taken

- The date when the corrective measures were verified

5.5.9.

In case the corrective measures required as per 5.5.7 could not be verified within six months after the closing meeting the audit team held with the applicant, the audit team shall terminate the certification audit.

5.5.10.

In case the audit team cannot decide to renew the certification during the renewal audit, the Certification Body shall inform the certified entity. The certified entity is allowed to use the logo until the renewal audit is completed.

5.6. Review of audit result

The requirements provided in Section 7.5 of ISO/IEC 17065 shall be applicable.

5.7. Decision on certification

The requirements provided in Section 7.6 of ISO/IEC 17065 shall be applicable.

5.7.1.

If even one major non-conformity is found in assessment of the requirements of the FMS, the Certification Body shall not certify the fishery.

5.7.2.

If more than four minor non-conformities are found in assessment of the one principle of FMS, the Certification Body shall not certify the fishery.

5.8. Certification documentation

The requirements provided in Section 7.7 of ISO/IEC 17065 shall be applicable.

5.8.1.

The Certification Body shall include the following information in the certificate. It is desirable for the Certification Body to use the sample provided in Appendix D as reference.

- The name and address of the scheme owner and the accreditation body
- The name and address of the Certification Body
- The name and address of the organization to which the certificate is granted
- The date when the certificate comes into effect
- The applicable extent of certification, that is, the applied FMS (including its version) and

details of the certified fishery and species

- The term of validity and expiration date of certification
- The department name and position of the certificate issuer

5.8.2.

The certificate shall remain valid for no longer than five years.

5.8.3.

The Certification Body shall notify the MEL Council on each occurrence of commencement, termination, or suspension of certification or reduction of certification scope. The Certification Body shall also inform the MEL Council of the general circumstances of certification in March each year.

5.9. List of certified seafood products

The requirements provided in Section 7.8 of ISO/IEC 17065 shall be applicable.

5.9.1.

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.

5.10. Surveillance (annual audit and emergency audit) and renewal audit

The requirements provided in Section 7.9 of ISO/IEC 17065 shall be applicable.

5.10.1.

The Certification Body shall conduct an annual audit within eighteen months after the initial audit or the renewal audit, or within twelve (12) months after the last annual audit.

5.10.2.

The Certification Body shall conduct an on-site audit annually. In case non-conformity was not found during the latest audit, the Certification Body can substitute the on-site audit to the desktop review. However, the desktop review should be taken within two years after the previous on-site audit.

5.10.3.

In case there is deemed to be a possibility of non-conformity to the requirements of the FMS or material risks relating to the reliability of the scheme, the Certification Body shall conduct an

emergency audit of the applicant. The information regarding these risks shall be verified and informed if the MEL Council requests.

5.10.4.

In case any major non-conformity is confirmed in an annual audit or renewal audit, the Certification Body shall instruct the applicant to take corrective measures. The period and timing between the correction of major non-conformities and the completion of verification by the Certification Body shall be no longer than three months after the audit team holds the closing meeting with the applicant. Provided, however, that if the Certification Body acknowledges a valid reason, the period until the completion of verification of corrective measures may be extended. The Certification Body shall inform these matters to the MEL Council on each such occasion.

5.10.5.

In case more than four (4) minor non-conformity against one principle of FMS is confirmed in and annual audit, emergency audit or renewal audit, the Certification Body shall instruct the applicant to take corrective measures. The period and timing between the correction of minor non-conformities and the completion of verification by the Certification Body shall be no longer than six months after the audit team holds the closing meeting with the applicant. Provided, however, that if the Certification Body acknowledges a valid reason, the period until the completion of verification of corrective measures may be extended. The Certification Body shall inform these matters to the MEL Council on each such occasion.

5.10.6.

The corrective measures against between one and three minor non-conformity against one principle shall be verified by the next annual audit.

5.10.7.

Regarding the non-conformity confirmed from 5.10.4 to 5.10.6, the Certification Body shall verify the completion of the corrective measures in accordance with the procedures provided in 5.5.3 and 5.5.9.

5.10.8.

In case it is not possible to verify the corrective measures against the non-conformity confirmed as per 5.10.7 within the given time, the Certification Body shall take necessary steps for the suspension or termination of the certification or reduction of scope of certification in accordance

with the procedures provided in 5.12.

5.10.9.

In case the applicant offers termination of the certification as a matter of convenience on the part of the applicant, the Certification Body shall be able to terminate the fishery management certification.

5.11. Changes affecting certification

The requirements provided in Section 7.10 of ISO/IEC 17065 shall be applicable.

5.11.1.

The Certification Body, on receipt of information from the MEL Council of changes in the certification scheme documents, shall inform the applicant within thirty days the details of changes and whether it is necessary to reissue a certificate (to conduct a re-audit) and the transition period, etc. in case the changes are seen as possibly affecting the applicant.

5.12. Suspension, termination, or reduction of scope of certification

The requirements provided in Section 7.11 of ISO/IEC 17065 shall be applicable.

5.12.1.

In case one non-conformity is found in an annual audit, emergency audit or renewal audit, and the corrective measures are not verified within the given time, the Certification Body shall take necessary steps to suspend, to reduce the scope of, or to terminate the certification in accordance with the following procedures.

Step 1	The Certification Body shall inform the applicant in writing of the possibility that some measure will be taken to terminate the certification or to reduce the scope of certification, together with the reason.
Step 2	In case the applicant refuses an additional audit or fails to present additional evidence sufficient to prove conformity with the requirements, the Certification Body shall suspend the certification.
Step 3	The applicant shall present new information and evidence proving conformity with the requirements within sixty days after suspension of the certification. In case the applicant refuses to present additional information or evidence, the Certification Body shall inform the applicant of the termination of certification.
Step 4	In case the Certification Body conducts an audit based on additional information and evidence presented by the applicant and decides that the fishery non-conformity has not been resolved, the Certification Body shall inform the applicant that the certification

	will be terminated or the scope of certification reduced, with a grace period of thirty days.
Step 5	In case the applicant, within thirty days after receipt of information as per Step 4, fails to present additional information and evidence proving the fishery conforms to the requirements, the Certification Body shall withdraw the certification or reduce the scope of certification, deeming the fishery non-conformity as not resolved.

5.13. Records

The requirements provided in Section 7.12 of ISO/IEC 17065 shall be applicable.

5.14. Complaints and appeals

The requirements provided in Section 7.13 of ISO/IEC 17065 shall be applicable.

5.15. Agreement for certification

The requirements provided in Section 4.1.2 of ISO/IEC 17065 shall be applicable.

5.16. Use of a logo

The requirements provided in Section 4.1.3 of ISO/IEC 17065 shall be applicable.

5.16.1.

At the time the Certification Body issues a certificate, it shall conclude a contract for logo use, in case the applicant wishes to affix a logo on the certified seafood products. The contract shall be prepared based on the template provided in Appendix E of this document.

5.16.2.

The Certification Body shall inform the MEL Council of the sample of goods presented in accordance with the Contract for the Use of Logo by the end of the next month after presentation.

5.16.3.

The Certification Body shall confirm in the annual audit or unscheduled audit whether the logo is being used appropriately as prescribed separately in the Manual for the Use and Management of Logo and the Contract for the Use of Logo.

6. Management system requirements

The requirements provided in Section 8 of ISO/IEC 17065 shall be applicable.

Supplementary Provision

This regulation shall come into effect as of October 3, 2017.

Supplementary Provision

This regulation shall come into effect as of June 22, 2018.

Supplementary Provision

This regulation shall come into effect as of August 1, 2018.

**Assessment Method for Qualifications and Competence of
Assistant Auditor, Auditor, and Designated Instructor**

This Appendix A covers the confirmation method and reference documentation for assessing the qualifications and competence of assistant auditors, auditors, and designated instructors. The Certification Body shall keep the reference documents and records of the examination conducted.

<p>● Qualifications (requirements provided in 4.1.3)</p>
<p>Confirmation method:</p> <p>The Certification Body shall confirm all the reference documents listed below and ensure that the qualifications of assistant auditors, auditors, and designated instructors conform to the requirements provided in 4.1.3.</p> <p>References:</p> <ul style="list-style-type: none"> • Personal history • As academic background, diploma or certificate of degree • As occupational career, letter of recommendation or proof of employment from the latest workplace
<p>● Knowledge and skills necessary for the fishery certification audit (requirements provided in 4.1.4.2)</p>
<p>Confirmation method:</p> <p>The Certification Body shall confirm all the reference documents listed below and ensure that the competence of the auditors and designated instructors conform to the requirements provided in 4.1.4.2. Specifically, regarding the certificate for training participation, the Certification Body shall ensure that the auditors and designated instructors participated in training based on the latest scheme documents and moreover that they participated in the training within the last two years.</p> <p>References:</p> <ul style="list-style-type: none"> • Certificate of training participation • Report prepared by the designated instructor who conducted the guidance
<p>● Continuing Professional Development (CPD) and Competence (requirements provided in 4.1.4.3)</p>
<p>Confirmation method:</p>

The Certification Body shall prepare a record of additional business experience, training, personal study, guidance, meetings, seminars, conferences, or participation in other activities to ensure that the auditors and designated instructors have strived for ability development based on the requirements provided in 4.1.4.3. Moreover, the Certification Body shall require the auditors and designated instructors to report the items learned as well as the contents and their contributions to the certification services. In case a certificate of participation in a meeting, seminar, or conference was issued, it is desirable to present a copy.

- Knowledge and skill on the principles, procedures and techniques of auditing and competence to conduct audits in a consistent and systematic manner (requirements provided in 4.1.4.4)

Confirmation method:

The Certification Body shall require the auditors and designated instructors to present either of the documents described below to ensure that their competence conforms to the requirements provided in 4.1.4.4.

References:

- In case of participation in training regarding ISO 19011 implemented by an organization other than the Certification Body, a record verifying participation in the training for more than six hours. (In case of participation in training regarding ISO 19011 implemented by an organization other than the Certification Body, the Certification Body shall confirm whether the training conforms to the requirements provided in ISO 19011.)
- In case of participation in training regarding ISO 19011 implemented by the Certification Body, the details of the training conducted and the completion certificate issued by the Certification Body.

- Personal competence for appropriate behavior as an expert (requirements provided in 4.1.4.5)

Confirmation method:

The Certification Body shall confirm the documents below for auditors and designated instructors to ensure that their competence conforms to the requirements provided in 4.1.4.5.

Reference:

- The report prepared by the designated instructor who conducted guidance when the auditor or designated instructor was an assistant auditor.

Sampling Method

This Annex B provides conditions, implementation method and minimum sampling size that the certification body can utilize the sampling.

1. General principle of sampling:

The auditors may conduct the sampling to select the sites for the requirements of “1.2. Compliance with the regulations and arrangements for the target fisheries and fisheries stock under consideration” and “3.2. Establishment of stock management system in consideration of ecosystem” of FMS. The auditors shall conduct the sampling in accordance with the requirements provided in Annex B.3 of ISO 19011.

2. Sampling method

When sampling is used, the auditors shall extract samples in full consideration of the possibility that the sample may not represent the full population. The following steps shall be recorded by using the template.

1. The requirements to apply sampling
2. The reasons to apply sampling
3. The objective of sampling
4. The scope and structure of sampling
5. The risk analysis
6. The reasons to set the sample size
7. The contents of sampling activities

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.

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

Report of Sampling (Template)

▪ The requirements to apply sampling:
▪ The reasons to apply sampling:
Examples: 1. It is impossible to investigate all the information during the on-site audit. 2. The investigation of all the information during the on-site audit is not cost-effective. 3. Other reasons
▪ The objective of sampling:
▪ The scope and structure of sampling
▪ The risk analysis:
▪ The reasons to set the sample size:
▪ The contents of sampling activities:

Details of Each Stage of Certification

This Appendix describes the matters to be performed by the Certification Body at each stage in an on-site audit.

Step 1. Opening meeting
<p>The audit team shall explain and confirm the following matters to the applicant at the opening meeting.</p> <ul style="list-style-type: none"> • The scope of certification • The FMS used for the audit (including the version) • The objectives of on-site audit • The schedule of audit • The access permission to necessary sites and the records and documents kept at the site • The scope of audit <p>The audit team shall confirm the following up-to-date information on the applicant at the opening meeting.</p> <p>In case there is any difference between the documentation presented at the time of application and the above information, the audit team shall review and modify the schedule and scope of the audit. The audit team shall reach an agreement with the applicant regarding this modification.</p>
Step 2. Collection of evidences for the requirements
<p>The audit team visits the site to collect and evaluate evidences based on the requirements of FMS such as the management system of the target fisheries, the status of target species and ecosystem.</p>
Step 3. Check of logo use management
<p>The audit team shall confirm through checking of the matters provided below that the applicant maintains a logo management system. This shall not apply in case the applicant does not use the logo.</p> <ul style="list-style-type: none"> • Confirmation whether the design of the logo affixed conforms to the “Regulations for the Use and Management of Logo.”
Step 6. Closing meeting

The audit team shall hold a closing meeting with the applicant to explain, confirm, and reach an agreement on the following matters. However, in case the applicants disagree the findings of audit, the discrepancy between the audit team and applicants shall be documented and informed to the reviewer and certification decision maker.

- Findings of audit (conformity or non-conformity to each requirement)
- The applicant shall not be able sell or distribute the seafood products as certified seafood products until a certificate is issued.
- The applicant shall not be able to use the logo until a contract for the use of logo is concluded with the Certification Body.
- Concerning major non-conformities found in the audit, the corrective measures shall be verified by the Certification Body by the time the certificate is issued.
- Frequency of annual audits and renewal audits
- Possibility of and procedures for suspension, termination, and reduction of scope of certification
- Procedures for appeals and complaints

Sample of for Authentication Certificate

	
<p>Marine Eco-Label Japan Authentication Certificate for Fishery Management Certification Certificate Number: XXXXX</p>	
<p>This is to certify that as the result of auditing, the following licensee for certification conforms to the Marine Eco-Label Japan Fisheries Management Standard.</p>	
Name of certified body:	XXXX
Address of certified body:	XXXX
Version of CoC certification standard:	XXXX
Details of certified seafood product:	XXXX
Validity of certification:	From: mm dd yyyy To: mm dd yyyy
Effective Date:	mm dd yyyy
<p>Scheme owner: Marine Eco-Label Japan Council 1-9-13 B1 Akasaka, Minato-ku, Tokyo 107-0052 Japan</p>	
<p>Accreditation body: XXXX (Name) XXXX (Address)</p>	
<p>Certification body: XXXX (Name) XXXX (Address)</p>	

Template for the contract on the use of Logo

Contract on the Use of Logo

This contract is made and entered into on this date of **month date, year** by and between the Certification Body (hereinafter referred to as “XXXX”) and the applicant (hereinafter referred to as “YYYY”) on use of the logo of Marine Eco-Label Japan (MEL), the owner of a certification scheme under the management and operation of the Marine Eco-Label Japan Council (hereinafter referred to as “MEL Council”).

Article 1 (Approval and consent to the right of regular use of logo)

Regarding use of the logo owned by the MEL Council, XXXX grants YYYY the right to regular use of the logo based on the MEL “Regulations for the Use and Management of Logo”.

Article 2 (Scope of the right of regular use)

The scope of right for the regular use of logo shall be as follows:

The period for logo use:

The names of products designated for logo use:

Article 3 (Fee)

YYYY, in consideration of logo use, shall pay to XXXX the fee provided in the “Regulations for the Use and Management of Logo” provided by the MEL Council.

Article 4 (Presentation of the use and appropriate use on products)

- (1) In using the logo, YYYY shall present to XXXX a sample of a product affixed with the logo prior to sale to the public.
- (2) YYYY shall manage and control logo use in accordance with the “Regulations for the Use and Management of Logo” provided by the MEL Council.
- (3) When any of the following conditions applies to the use of the logo by YYYY, XXXX or the MEL Council shall request YYYY to correct the matter, and YYYY shall take corrective measures.
 - When the trustworthiness of the logo is harmed
 - When the logo is used on other products than provided in Article 2
 - In case it is found at the time of an annual audit, unscheduled audit, or emergency audit that the logo is not being managed and controlled in accordance with the “Regulations for the Use and Management of Logo”

Article 5 (Resolution of breach of logo)

- (1) XXXX or YYYY, on becoming aware of a breach of logo by a third party, shall notify the other party and shall collaborate in dealing with the breach.
- (2) The costs and procedures for the above resolution shall be decided through consultation between both parties.

Article 6 (Cancellation of contract and restitution)

- (1) XXXX or YYYY, when the other party violates or defaults on the provisions of this contract, shall be able to rescind the contract by making notification. Either party shall be able to rescind the contract without any notification in case there arise such credit concerns as petition for commencement of bankruptcy proceedings or petition for commencement of civil rehabilitation proceedings on the part of the other party.
- (2) XXXX or YYYY, in case one party suffers losses due to breach of contract on the part of the other party, shall be able to file claim for compensation for damages by the other party.

Article 7 (Procedures after the expiration of contract)

In case the contract expires, YYYY shall be able to sell the products in stock for as long as two months after the expiration of contract.

Article 8 (Modification in writing)

Modifications of this contract shall be made in writing and verbal modification shall not be approved.

In witness whereof, both parties made two copies of this contract and each party shall hold one copy hereof.

Date: **month date, year**

Signed by XXXX

YYYY

Figure. 1

Process to suspension, termination or reduction of scope of certification

