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## **Marine Eco-Label Japan (MEL) Council**

# **Operational Management Regulations for the MEL Certification Scheme**

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### **References**

- The GSSI Global Benchmark Tool (Version 1)
- World Trade Organization, Agreement on Technical Barriers to Trade, Annex 3 - Code of Good Practice for the Preparation, Adoption and Application of Standards
- FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries
- FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries
- FAO Code of Conduct for Responsible Fisheries
- ISO/IEC Guide 59:1994 Code of Good Practice for Standardization
- ISO/IEC 17011:2004 Conformity assessment - General requirements for accreditation bodies accrediting conformity assessment bodies
- ISO/IEC 17065:2012 Conformity assessment - Requirements for bodies certifying products, processes, and services

## **Introduction**

The Marine Eco-Label Japan Council (hereinafter “the MEL Council”) is the Scheme Owner of Marine Eco-Label Japan (hereinafter “MEL”). This document, Operational Management Regulations for the MEL Certification Scheme (hereinafter “OMR”), is intended to ensure the reliability and improve the quality of the MEL Certification Scheme.

The MEL Council provides Certification Standards for production as well as for Chain of Custody (CoC), including the MEL Fisheries Management Standard (FMS), MEL Aquaculture Management Standard (AMS), and MEL CoC Standard (CoCS). The OMR stipulates the rules and adequate procedures for reviewing and revising existing standards and developing new ones, and defines the requirements for third-party Accreditation Bodies and Certification Bodies.

The MEL Council shall implement the scheme operation in accordance with the OMR to strive for quality maintenance and reliability assurances of MEL, and to build firm relationships of trust among stakeholders in various stages -- production, processing, distribution, and consumption -- in order for certified entities and their efforts to be highly reputable and widely understood.

## **1. General Provisions**

The OMR defines the organizational structure of the MEL Council, stipulates the procedures for developing and revising the standards and the requirements for operational management, as well as the requirements for Accreditation Bodies and Certification Bodies, and aims to ensure and enhance the reliability and quality of MEL.

## **2. Organizational Structure**

### **2.1 Scheme Owner**

The MEL Council was incorporated on December 2, 2016, under the Act on General Incorporated Associations and General Incorporated Foundations (Act Number 48 of June 2, 2006). The MEL Council is a legal entity, and the Scheme Owner of MEL. Membership of the MEL Council shall be composed of a well-balanced and geographically balanced representation of stakeholders

### **2.2 Governance and Management Structure**

The MEL Council shall have an Operational Management System composed of the following three bodies. The MEL Council may establish specialized committees and/or expert committees as necessary by resolution of the Board of Directors.

#### **2.2.1 General Membership Meeting**

The General Membership Meeting is the supreme decision-making body of the MEL Council. The General Membership Meeting shall make resolutions concerning the following matters, as stipulated in the Statutes of the MEL Council, Article 12.

- Expulsion of members
- Appointment and dismissal of Directors and Inspectors
- Remuneration of Directors and Inspectors

- Approval of the balance sheet and the profit and loss statement (statement of changes in net assets)
- Amendments to the Statutes of the MEL Council
- Dissolution and disposition of residual assets
- Other important issues related to the management of the MEL Council
- Other matters stipulated in laws and regulations or in the Statutes of the MEL Council to be resolved at the General Membership Meeting.

### **2.2.2 Board of Directors**

The Board of Directors shall perform the following duties set forth in Article 30 of the Statutes; decision-making related to the operation of the MEL Council; supervising of the execution of duties by Directors, as well as election and dismissal of the President, Vice President, and senior managing director (Executive Director).

### **2.2.3 Secretariat**

A secretariat shall be established in accordance with Article 41 of the Statutes to undertake administration for the MEL Council.

## **3. Standard Setting and Operational Management**

### **3.1 Procedures for Setting Standards**

The MEL Council shall develop or revise standards in accordance with the following procedure.

<b>Step 1 (Establishment of Standard Setting Committee)</b>
<b>The MEL Council shall formulate guidelines for establishing committees, based on which and under Article 40 of the Statutes, the MEL Council shall establish a Standard Setting Committee (hereinafter referred to as SSC).</b>
<b>The members of the SSC, composed of representatives from the fisheries industry, processors and distributors, environmental organizations, consumer groups, and academic experts, shall be delegated by the President through resolution of the Board of Directors. The SSC may form Working Groups as necessary.</b>
<b>Step 2 (Announcement of the Convening of SSC Meeting)</b>
<b>The SSC shall draft a general outline of the standard for discussion, including the schedule, implementing procedure, and consultation process, and other documents necessary for developing or revising standards, and shall post these on the MEL website together with the Guideline for Establishment of the SSC. The details shall be specified separately. In the case of revising standards, all the certified parties shall be notified of the amendment and the transition period from the old to the new standard.</b>
<b>Step 3 (Original Draft of Standard)</b>
<b>The SSC shall prepare an original draft of the standard based on consensus of all the SCC members. The draft shall be in full compliance with international standards such</b>

as ISO/IEC Guide 59 and shall be in clear and understandable terms. The details shall be specified separately.
<b>Step 4 (Public Consultation)</b>
Before adopting a standard, the SSC shall allow a period of at least 60 days for submission of comments on the draft standard by interested parties, also available anonymously. No later than the start of the comment period, the SSC shall publish a notice announcing the public consultation on the internet.
<b>Step 5 (Final Draft of Standard)</b>
The SSC shall review the draft standard, taking note of the public comments, on the way to finalizing the draft. The comments received during the period of public consultation shall be disclosed on the MEL website, with careful attention to anonymity.
<b>Step 6 (Verification of Feasibility)</b>
The SSC shall verify the feasibility of the final draft of the standard. If the feasibility is deemed low, the final draft in question shall be sent back for further review.
<b>Step 7 (Approval and Publication)</b>
The final draft of the standard shall be approved by the General Membership Meeting, unanimously as far as possible. In the case unanimous accord is not possible, the decision shall be made as stipulated under Article 17 of the Statutes of the MEL Council. The approved standard shall be published without delay on the MEL website. If the final draft was voted down in the General Membership Meeting, the final draft of the standard shall be sent back for re-examination.

In addition, regarding the standards enacted through the steps 1-7, non-substantive amendments, that are not affecting the stakeholders or outcomes related to the relevant standard such as assessment by the certification body, shall be prescribed separately in the Detailed Rules of OMR.

### **3.2 Document Retention**

The MEL Council shall retain for at least five years the documents made in the development or revision process of each standard, lists of the parties involved, and other important documents.

### **3.3 Review of Standards**

To maintain and ensure the relevance and effectiveness of the standard, at least once every five years the MEL Council shall review the standard by holding an SSC Meeting, and prepare a report on the review. Said report shall be deliberated by the Board of Directors. If as a result of deliberations, the standard is deemed to require amendment, the standard shall be revised according to the procedure stipulated in Article 3.1 of these regulations.

### **3.4 Transition Period**

The transition period shall be three years in principle for all the MEL Certification Standards, comprising FMS, AMS, and CoCS.

#### **4. Logo Management**

The MEL Logo is legally registered as a trademark and its property rights are protected under the Trademark Act in Japan.

Regulations for the Use and Management of Logo shall be provided separately.

#### **5. Inquiries**

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.

The procedures for complaints and appeals shall be defined separately.

#### **6. Operational Management of the Certification Scheme**

##### **6.1 Selection of Accreditation Body and Certification Body**

To ensure the quality and credibility of the MEL Certification Scheme, the MEL Council shall conclude contracts or agreements only with Accreditation Bodies that satisfy the requirements stipulated in Article 6.2, and with Certification Bodies that satisfy the requirements stipulated in Article 6.3.

##### **6.2 Requirements for Accreditation Bodies**

###### **6.2.1 Accreditation Bodies**

Accreditation Bodies must be limited to organizations that have signed a Multilateral Recognition Arrangement (MLA) with the International Accreditation Forum (IAF).

###### **6.2.2 ISO/IEC 17011:2004 Compliance**

An Accreditation Body must comply with ISO/IEC 17011:2004, shall ensure transparency in its organizational structure, and shall make its accreditation services available to all Certification Bodies unconditionally.

##### **6.3 Requirements for Certification Bodies**

###### **6.3.1 Certification Bodies**

Certification Bodies (CBs) certify in accordance with the MEL FMS (Fisheries Management Standard), AMS (Aquaculture Management Standard), and MEL CoC Standard. Some CBs conduct certification for one or two of the MEL standards, while others certify for all three standards.

###### **6.3.2 ISO/IEC 17065:2012 Conformity**

Certification Bodies must be limited to those that have already been accredited or that are expected to be accredited by an Accreditation Body that satisfies the requirements in 6.2, in conformity with ISO/IEC 17065:2012. Specific requirements for Certification Bodies are provided separately in the Requirements for Certification Bodies (RCB). Subsequent to any changes in the RCBs for assessing certification bodies, the MEL Council ensures CBs are informed and given a defined time period within which to conform to the changes, considering the impact of change.

#### **6.4 Management Review**

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 Accreditation Bodies and Certification Bodies. The documents of the review shall be reported to the Board of Directors to be used in revising operating procedures and practices as appropriate.

#### **7. Detailed Rules**

Detailed rules of OMR shall be provided separately.

Supplementary Provision

These regulations shall come into effect as of December 22, 2016.

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