

Haarlem, 12th of December 2019

Masashi Nishimura

Former Chief of the Secretariat of the MEL-J Council

Subject: Response to the Former Chief of the Secretariat of the MEL-J Council

Dear Masashi Nishimura,

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 several 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.3.13

The Scheme Owner allows a period of at least 60 days for the submission of comments on the draft standard.

■ Former Chief of the Secretariat of the MEL-J Council

Masashi Nishimura, Former Chief of the Secretariat of the Marine Eco-Label Japan Council:

The CoC standard of MEL is comprised of three documents as follows.

1. Chain of Custody Standard(CoC)ver.2.0
2. Guidelines for Auditors of the Chain of Custody Standard
3. Checklist for Auditors of the Chain of Custody Standard

This is the original structure of MEL standard, and, therefore, is not found in the FAO Guidelines. The question arises as to which of these three documents MEL should publicize. The clue to the answer is in the definition of the word “standard” of the FAO Guidelines. According to the “Standard for certification 22.” of the FAO Guidelines, “...unless otherwise qualified, the word standard refers to a standard for certification. The standard for certification will include requirements, criteria and performance elements in a hierarchical arrangement. For each requirement, one or more substantive criteria should be defined. For each criterion, one or more performance elements should be provided for use in assessment.”

The reasonable interpretation of the guidelines is that the word “standard” does not just refer to the highest-level standard of MEL, namely “Chain of Custody Standard(CoC)ver.2.0”, but that it also includes “performance elements”, which will be in other two documents, “Guidelines for Auditors of the Chain of Custody Standard” and “Checklist for Auditors of the Chain of Custody Standard”

More importantly, “Chain of Custody Standard(CoC)ver.2.0” is basically descriptive and conceptual, and auditors are unable to assess the distribution process with this document alone. In other words, this document lacks specificity for audit. Other two documents, therefore, should have been shared for comments with global stakeholders before adoption of the standard. Otherwise the scheme will fail to meet this requirement.

■ GSSI response

MEL-J is in alignment with Essential Component A.3.13. Based on the comment of the Former Chief of the Secretariat of the MEL-J Council, no additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter, yet this comment specifically relates to the CoC standard not being developed in line with the Standard setting components of Section A.3. Section A.3. is applicable to the development of the sustainability standards from a certification program as submitted for Section C and/or D. All issues related to CoC (including its standard) are covered under Section B.3. GSSI regards this comment as not applicable to this GSSI Essential Component, the conclusion remains as the initial conclusion, stating the MEL-J scheme to be in alignment.

Conclusion on GSSI Essential Component A.3.13

Conclusion: MEL is in alignment because the OMR specifies the 60 day comment period.

Review of 2018 public consultation documents included public announcement on Japanese and English website, schedule in work program and SSC meeting minutes

REFERENCES

1. OMR, rev 7 Feb 2019, Clause 3.1. Step 4
https://melj.jp/eng/wp-content/uploads/2019/02/OMR_190207.pdf
2. Announcements
<https://melj.jp/eng/?news=comments-for-marine-eco-label-japan-draft-aquaculture-certification-standard>
3. Website screenshot public consultation - accessed 22 Oct 2018 (Translated from Japanese in Google)
Office Visit:
4. SSC meetings Records of the public consultation at the last standards revision

■ Section B – Operational Management

ESSENTIAL COMPONENT B.2.05

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

■ Former Chief of the Secretariat of the MEL-J Council

Masashi Nishimura, Former Chief of the Secretariat of the Marine Eco-Label Japan Council:

The conclusion of this component basically refers to MEL documents intended to meet requirements of this component. These documents include “Guidelines for Auditors” and “Checklist for Auditors” CB JFRCA regulations, guidance and training records. In general, these documents show what MEL requires the auditor to do, but not what the auditor has actually done.

Among the documents referred to in this component, the only document expected to demonstrate the performance of MEL auditors is the audit report of “Set-net fisheries (chum salmon *Oncorhynchus keta*)” It does not, however, have information on how the audit was carried out, what were the challenges, and how they were addressed. It simply tells us well-prepared documents were provided by the applicant, but it does not give us assurance about the capacity of MEL auditors. The benchmark report, therefore, does not assure us MEL can maintain the level of certification for other more challenging data-insufficient fisheries.

Other schemes have more detailed description of the consultation for audit. For example an IRF audit report, “FAO-BASED ICELANDIC RESPONSIBLE FISHERY MANAGEMENT CERTIFICATION FULL ASSESSMENT REPORT for The Icelandic Golden Redfish Commercial Fishery” contains twelve-page-long summary of meeting in the section “5. Consultation Meetings”

In contrast, the MEL audit report does not have detailed record of how the audit was conducted. Needless to say, the FAO Guidelines do not require the scheme to publicize such information. But if MEL does not, it is the GSSI that can verify and explain on behalf of MEL. Otherwise global stakeholders are unable to evaluate the process of the audit. For the above-mentioned reason, the same concern is applicable to other GSSI essential components pertaining to audit particularly the following:

B.1 05 Accreditation body competencies
B.1 09 Field audit
B.2 20 Scheme specific knowledge assessment
They basically show MEL rules, instead of how MEL operates.

■ GSSI response

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

GSSI recognizes the concerns raised by the commenter. As noted, MEL-J does not reveal in the audit report how the assessment was conducted. This, however, is not a requirement to be in alignment with GSSI Essential Component B. 2.05.

A review of audit reports was done prior to the public consultation to ensure a consistent methodology. In addition, IE reviewed a sample of audit plans and auditor qualifications/competence for those audits. The evidence has been updated.

With respect to the following concerns:

B.1 09 Field audit
B.2 20 Scheme specific knowledge assessment
They basically show MEL rules, instead of how MEL operates.
The comments are addressed in each respective component.

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](#)

[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
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
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
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)
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<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)
 10. Office Visit/internal review:
 11. JFRCA Regulations and training documents (confidential) in Japanese translated
Audit reports (confidential):
 12. Chubu Suisan (CoC) report 11.pdf (Japanese google translate)
 13. Chuo Gyorui (CoC) report 6.pdf (Japanese google translate)
 14. Fukushima (FMS) report 15.pdf (Japanese google translate)
 15. Yonkyu Ohita (AMS) report 3.pdf (Japanese google translate)
 16. Yumigahama (AMS) report 7.pdf (Japanese google translate)
 17. 審査計画書 (東町) =Audit Plan (Azuma-cho)
 18. 審査計画書 (北海道) =Audit Plan(H o k k a i d o)
 19. 審査員資格・力量管理シート(井上)=Auditor qualification/competence management sheet
 20. 審査員資格・力量管理シート(岩田)=Auditor qualification/competence management sheet
 21. Azuma-cho Fishery Cooperative Association JFRCA Assessment plan dated 1 September 2019
 22. Marine Eco-Label Japan Fisheries Management Certification First Annual Surveillance Report. Hokkaido Federation of 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.2.20

The Scheme Owner requires that certification bodies include the following in their competence assessment of auditors:

- *an assessment of knowledge and skills for each fundamental area the auditor will be expected to be working,*
- *an assessment of knowledge of pertinent fishery and /or aquaculture Programs and the ability to access and be able to apply relevant laws and regulations,*
- *an assessment of the personal attributes of the auditor, to ensure they conduct themselves in a professional manner,*
- *a period of supervision to cover the assessment fishery and/or aquaculture principles, specific audit techniques and specific category knowledge,*
- *a documented sign off by the certification body of the satisfactory completion of assessment requirements.*

■ Former Chief of the Secretariat of the MEL-J Council

Masashi Nishimura, Former Chief of the Secretariat of the Marine Eco-Label Japan Council:

My comment on this requirement is closely connected to the comment on “B.2 05 assessment methodology”

Here again the benchmark report mainly refers to manuals, as reference, such as “RCB (FMS)ver.2.1, 2019”, “RCB (AMS) ver.1.1, 2019 “ and ”RCB (COC) ver.2.1, 2019”.

Global stakeholders do not have access to information on the quality of auditors, particularly the lead auditor. When the GSSI independent experts carried out an audit, there must have been very limited number of MEL auditor(s) who played the role of “mentor”, whose expertise was supposed to be handed down to new experts through training. The quality of MEL auditors, therefore, is dependent on this lead auditor. Did the lead auditor understand the objective of the scheme, and did he or she agree to it? Does he or she have “personal attributes” stipulated in “Section 7 Competence and evaluation of auditors” of ISO 19011? Global stakeholders have no or very poor information on this auditor. An audit report may be expected to have some indirect implication on the quality of the auditor. But in the MEL audit report, there is poor information on the way the audit was conducted. It is, therefore, hard for the global stake holders to judge his or her quality.

■ GSSI response

MEL-J is in alignment with Essential Component B.2.20. Based on the comment of the Former Chief of the Secretariat of the MEL-J Council, additional information has been included in the final conclusion.

GSSI recognizes the concerns raised by the commenter on the lack of information on auditors and as noted, the methodology. The requirements for the auditors are made public, and CB’s operation are in accordance with the requirements as 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 information was also reviewed by the GSSI IE under GSSI in components Auditor Competence including CVs, training schedules and competencies and qualifications. In accordance with the RCB and its own procedures, JFRCA has an assessment process that covers all of the GSSI elements, including an exam, witness audit and keeps a documented record of scores, participation and a documented sign off of the assessment. This was shared with the IE for review.

Conclusion on GSSI Essential Component B.2.20

Conclusion: MEL is in alignment because RCB (FMS)/ RCB (AMS)/ RCB(CoC) clause 4.1.6. (Competence management for auditors) stipulate that “The requirements provided in Section 6.1.2 of ISO/IEC 17065 shall be applicable.”

Assessment Method for Qualifications and Competence of Auditors is provided in the Appendix A of each RCB. An assessment methodology is provided for consistency and completeness in the Appendix A.

Auditor assessments and training records as per 7.4 and 7.5 and Section 8 of the Training manual. An update to date list of auditors trained with detailed auditor CVs maintained in JFRCA offices [and reviewed by the GSSI IE.](#)

[In accordance with the RCB and its own procedures, JFRCA has an assessment process that covers all of the GSSI elements, including an exam, witness audit and keeps a documented record of scores, participation and a documented sign off of the assessment.](#)

REFERENCES

1. RCB (FMS)ver.2.1, 2019, Clause 4.1.6., Appendix A
https://melj.jp/eng/wp-content/uploads/2019/10/RCB_FMS_ver.2.1.pdf
2. RCB (AMS) ver.1.1, 2019, Clause 4.1.6., Appendix A
https://melj.jp/eng/wp-content/uploads/2019/10/RCB_AMS_ver.1.1.pdf
3. RCB (COC) ver.2.1, 2019, Clause 4.1.6., Appendix A
https://melj.jp/eng/wp-content/uploads/2019/09/RCB_CoC_ver.2.1.pdf

Office Visit:

4. Training Manual for MEL Auditors, 2018
5. JFRCA training records, auditor records including CVs, training manual (Japanese translated)
6. 【審査実施記録簿】 "Audit conducting record sheet" (confidential)
7. 【判定試験採点表】 "Auditor Exam scoring table" (confidential)
8. 【判定試験問題】 "Auditor exam " (confidential)

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 Managing Director