

Marine Eco Label – Japan Fisheries Management Standard (Version 2.0)

Foreword

Japan has one of the world's richest levels of biodiversity, including approximately 3,700 marine fish species (25% of the 15,000 known in the world), of which a wide variety are targeted for fisheries¹. There is also a large number of fishers in Japan, and the proportion of small-scale fishers is particularly high. For hundreds of years, fishers in Japan have belonged to fisheries management bodies established on a regional or national basis. These bodies have used dialogue to develop fisheries that are based on realistic stock management practices that comply with the regional needs, and give due emphasis to the environment and the future of the fishery resources. Records exist dating back to the mid-18th century describing the notion of *Iso-wa jitsuki, oki-wa iriai* (Inshore areas are to be managed by communities, while offshore areas are for common use). This effectively explains why, particularly in coastal areas, high levels of biodiversity and productivity have been simultaneously fostered through integrated co-management. This type of co-management is often referred to as *satoumi*, where resources are managed not individually without regard for other factors, but rather based on consideration of the surrounding environment, people's livelihoods, ecosystems and material cycles that extend from the mountain to the sea.

The Fishery Act and Act on the Protection of Fishery Resources provide a more structured and legally mandated fisheries management system, which limits entry through systems for the allocation of fishery rights and fishery licenses. These types of entry controls have been reinforced by the more recent introduction of a total allowable catch (TAC) system, which is designed to ensure the conservation and management of resources by setting upper limits on catch. It is further complemented by measures such as total allowable effort (TAE), which provide the basis for developing stock recovery plans and establishing upper limits on fishing effort. The TAC system was introduced in accordance with the Act on Preservation and Control of Living Marine Resources, which was enacted following Japan's ratification of the United Nations Convention on the Law of the Sea in 1996. As part of the measures to ensure a stable supply of marine products, the Fisheries Basic Act, which was enacted in 2001, and the Fisheries Basic Plan, which was formulated under

¹ Mitsutaku Makino (2013) Analysis of Japanese Fisheries Systems: Fisheries Management and Ecosystem Conservation (In Japanese), Koseisha-Koseikaku

the Act, stipulate that catch and fishing effort should be managed in order to appropriately conserve and manage fishery resources, while promoting aquaculture and the enhancement of aquatic animals and plants as well as conserving and improving their habitats. To this end, science-based stock assessments have been conducted by national and prefectural research institutes and laboratories. The data collected from these different types of research and surveys are compiled by committees comprised of Fisheries Agency officials and other relevant stakeholders, who set and monitor the corresponding levels for catch volumes and fishing effort based on the results of the stock assessment. In addition, a new resource management measure has been in place since FY 2011, according to which the national and prefectural governments prepare Stock Management Guidelines and fishers develop and implement Stock Management Plans based on these guidelines. This management measure encompasses a series of existing public regulations, stock recovery plans as well as voluntary resource management efforts at local levels, and covers all types of Japanese fisheries ranging from coastal to offshore and pelagic. As of March 2013, over 1,700 resource management plans had been developed and implemented all around Japan.

With regard to enhanced fisheries that have been promoted to ensure the sustainability of fishery resources, the Coastal Fisheries Grounds Enhancement and Development Program Act stipulates that the national and prefectural governments must work together to promote enhanced fisheries by carrying out corresponding activities, which include assessing the impact of stocking, operating facilities to raise stocking materials, and improving and optimizing management of the surrounding environment, including fishing ports and fishing grounds. The Fisheries Basic Act also sets forth that the national government is responsible for promoting the production and release of stocking materials as well as other necessary measures, in harmony with the environment. Furthermore, the National Biodiversity Strategy of Japan 2012-2020 formulated under the Basic Act on Biodiversity highlights that, with regard to formulating stocking plans, and producing and releasing stocking materials, the government shall promote enhancement activities in harmony with the environment and ecosystems, by taking into consideration the impacts on genetic diversity and the impacts on each stock type.

Marine Eco-Label Japan was developed as a tool to evaluate sustainable and ecosystem-based fisheries management practices built on both formal and informal

fisheries management systems as described above, and taking into account the history and present socio-ecological condition of Japanese fisheries as well as relevant laws and regulations. At the same time, Marine Eco-Label Japan aims to become a pioneer with regard to fisheries certification schemes in Asia, as well as in developing countries located in the lower to mid latitudes, where – as in Japan – the livelihoods of large numbers of small-scale subsistence fishers are based on diverse fishery resources.

Marine Eco-Label Japan is a fisheries certification scheme operated by the Marine Eco-Label Japan (MEL-J). It consists of a set of two complementary standards, namely the Marine Eco-Label Japan Fisheries Certification Standard (hereafter, “the Standard”) and Marine Eco-Label Japan Chain of Custody (CoC) Standard. This document describes the scope of the fishery certification and minimum substantive requirements that must be demonstrated by applicant fisheries in order to receive certification from Marine Eco-Label Japan. Marine Eco-Label Japan requires that all certification bodies operating within the context of its certification scheme be accredited by ISO/IEC 17065:2012, and accreditation body to be a member of the International Accreditation Forum (IAF). MEL Japan is based *inter alia* on the FAO Guidelines for the Eco-labelling of Fish and Fishery Products from Marine Capture Fisheries adopted in 2005 and amended/extended in 2009, as well as the FAO Guidelines for the Eco-labelling of Fish and Fishery Products from Inland Fisheries adopted in 2011, and sets requirements classified within the following three key areas:

1. Fisheries of which the unit of certification is a part operated under an established and effective management system,
2. Stock under consideration maintained at a level that allows its sustainable utilization, and
3. Appropriate measures implemented for the conservation of the ecosystem.

As per the FAO Guidelines for the Eco-labelling of Fish and Fishery Products from Marine and Inland Capture Fisheries adopted in 2009 and 2011, respectively, MEL Japan:

- Is consistent with the 1982 United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations

Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Code of Conduct for Responsible Fisheries and the World Trade Organization (WTO) rules and other relevant international instruments.

- Recognizes the sovereign rights of States and complies with all relevant laws and regulations.
- Is of a voluntary nature and market-driven.
- Is transparent, including balanced and fair participation by all interested parties.
- Is non-discriminatory, does not create unnecessary obstacles to trade, and allows for fair trade and competition.
- Provides the opportunity to enter international markets.
- Establishes clear accountability for the owners of schemes and the certification bodies in conformance with international standards.
- Incorporates reliable, independent auditing and verification procedures.
- Is considered equivalent if consistent with these guidelines.
- Is based on the best scientific evidence available, also taking into account traditional knowledge of the resources, provided that the validity of such knowledge can be objectively verified.
- Is practical, viable and verifiable.
- Ensures that labels communicate truthful information.
- Provides for clarity.
- Is based, at a minimum, on the minimum substantive requirements, criteria and procedures outlined in these guidelines.

The Japanese and English versions of the Standard are equally authoritative. The Standard shall be reviewed at least once every five years to ensure its continued relevance and effectiveness. The Standard can be reviewed in a timely manner, as needed, including when revisions are made to the FAO Guidelines, the national government's Fisheries Basic Plan or other relevant legal mandates.

Normative Reference

The normative documents this Standard makes reference to include the latest versions of the following:

- 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
- 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
- ISO/IEC Guide 59:1994 Code of good practice for standardization
- 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

Scope of Application and Unit of Certification

The scope for certification based on the Standard is defined as:

- fisheries operated based on fishery rights or licenses issued by national or prefectural governments;
- fisheries considered as having ‘qualifications’ consistent with those defined in the Fishery Act.

The “unit of certification” is a fishery that specifies its target stocks and fishing methods under a single set of management rules. (Note: Seafood produced by fisheries certified by the Standard is subject to the Marine Eco-Label Japan CoC Standard.)

1. Requirements on fisheries management system (The unit of certification is operated under an established and effective management system)

1.1 Fishery Rights and Licenses

- 1.1.1 In accordance with national laws and regulations, fishery rights, licenses or other equivalent qualifications necessary for operating the unit of certification shall be acquired from the designated authority (i.e. national or prefectural governments).
- 1.1.2 For Fisheries Cooperative Associations, membership shall be properly managed and assessed based on set criteria.
- 1.1.3 There shall be knowledge and documentation of the current state of the unit of certification; this includes the following:
 - a) Outline of the unit of certification
 - b) Fishing gear and fishing methods
 - c) Catch volume and fishing effort
 - d) Type of business and its current status of operation
 - e) Working conditions of fishery employees

1.2 Compliance with regulations and arrangements regarding the unit of certification and the stock under consideration

- 1.2.1 The unit of certification shall comply with regulations and arrangements set by national and local governments.
- 1.2.2 A Stock Management Plan for the unit of certification shall be developed in accordance with a Stock Management Guideline that includes management objectives and measures formulated through consultation among national and local governments, fishers, and other relevant stakeholders. Alternatively, an equally effective management system that enables compliance with stock management measures shall be established.
- 1.2.3 The fisheries management system under which the unit of certification is managed shall be both participatory and transparent.
- 1.2.4 There shall be a cooperative stock management system (organization) in the regions where the stock under consideration is utilized or more extensive areas. If the stock under consideration is managed at the international level,

for instance in the case of a transboundary fish stock, straddling fish stock, highly migratory fish stock or high seas fish stock, there shall be compliance with stock management measures set by relevant management authorities.

- 1.2.5 For cases in which stocking is undertaken as a measure for the sustainable use of the stock under consideration, plans for releasing stocking materials shall be developed and implemented based on consultation between the national or local government and fishers and other relevant stakeholders.
- 1.2.6 Effective and suitable monitoring, surveillance, control and enforcement of the unit of certification shall be put in place.
- 1.2.7 Adaptive management shall be adopted based on the precautionary approach. In the case of small-scale and/or data-limited fisheries, a past record of good management performance could be considered as supporting evidence of the validity of the management measures and management system, taking into account uncertainty and the precautionary approach.
- 1.2.8 Where the stock under consideration involves multiple-use of inland and marine waters, there shall be continuous dialogue among stakeholders about the effectiveness of management measures and a corresponding record shall be maintained of this dialogue.
- 1.2.9 Information including things such as management systems (organization) and fishers' initiatives shall be made available to all, including non-fishers.

2. Requirements on the stock under consideration (Stock under consideration is maintained at a level that allows its sustainable utilization)

- 2.1 There shall be stock management guidelines (including management objectives and management measures) consistent with the long-term sustainable use of the stock under consideration, as well as outcome indicators consistent with achieving the management objectives.
- 2.2 When managing the stock under consideration, the best scientific evidence

- available and/or relevant traditional, fisher or community knowledge shall be taken into account, provided its validity can be objectively verified, and properly handled in a timely manner.
- 2.3 Measures related to the management of catch and fishing effort as well as other necessary activities shall be undertaken for preventing adverse impacts of fishing pressure on sustainable production of the stock under consideration, in order to maintain or recover the stock at levels consistent with achieving Maximum Sustainable Yields (MSY) or a suitable proxy. In setting those measures, the total fishing mortality of the target stock shall be taken into consideration.
- 2.4 In applicable cases, the total allowable catch (TAC) system shall be implemented in an adequate manner.
- 2.5 In accordance with applicable international standards and practices, adequate data and/or other information shall be collected and maintained to assess the current status and trends of the stock under consideration, and management decisions shall be made accordingly. In the absence of specific information on the stock under consideration, generic evidence based on similar stocks can be used taking into consideration uncertainty and the precautionary approach.
- 2.6 Precautionary and adaptive measures for the recovery of the stock under consideration, such as suspension of fishing operations, vessel reduction, setting of closed seasons and/or areas, and the introduction of improved fishing gear, shall be implemented, as appropriate, in order to avoid recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible. As appropriate, the total allowable effort (TAE) system shall be implemented in an adequate manner.
- 2.7 The assessment of the current status and trends of the stock under consideration shall take into account the total fishing mortality and resilience of the stock.
- 2.8 The methodology and results of assessments of the current status and trends of the stock under consideration shall be made publicly available in a timely

manner.

3. Requirements related to the ecosystem (Appropriate measures are implemented for the conservation of the ecosystem)

3.1 Research on the stock under consideration and the unit of certification from an ecological perspective

3.1.1 Scientific research shall be conducted on the stock under consideration and the impacts of the unit of certification on ecosystems. In the case of stock assessments, adequate data and/or other information covering the following factors shall be collected and maintained, and management decisions shall be made accordingly:

- a) Ecology and characteristics of the stock under consideration
 - (i) Habitat (including essential habitats for the stock and habitats that are highly vulnerable to damage by fishing gear used by the unit of certification, as well as information on distribution and migration)
 - (ii) Age, growth and life expectancy
 - (iii) Maturity and spawning
 - (iv) Dependent predators (food-web)
- b) Current stock level
- c) Impact of the unit of certification on the ecosystem

3.1.2 The methodology and results of the analysis of the impacts of the unit of certification on the ecosystem shall be made publicly available in a timely manner.

3.2 Establishment of stock management systems that take the ecosystem into consideration

3.2.1 Efforts to reduce and avoid unnecessary or unwanted catch and discards of stocks other than the stock under consideration shall be made in order not to threaten such non-targeted stocks with recruitment overfishing or other

impacts that are likely to be irreversible or very slowly reversible.

- 3.2.2 Efforts to reduce post-release mortality shall be made when releasing non-use species that are inadvertently caught together with the stock under consideration.
- 3.2.3 Efforts shall be made to conserve and protect endangered species² in order to protect them from adverse impacts that are likely to be irreversible or very slowly reversible.
- 3.2.4 Efforts shall be made to avoid and minimize impacts of the unit of certification on essential habitats for the stock under consideration and on habitats that are highly vulnerable to damage by the fishing gear of the unit of certification, taking into account the full spatial range of the relevant habitat of the stock under consideration.
- 3.2.5 Efforts shall be made to avoid and minimize severe adverse impacts on dependent predators resulting from fishing of a stock under consideration that is also a key prey species.
- 3.2.6 Efforts shall be made to avoid and minimize adverse impacts of the unit of certification on the structure, processes and function of ecosystems that are likely to be irreversible or very slowly reversible.
- 3.2.7 Illegal fishing gear shall not be used by the unit of certification.
- 3.2.8 Issues related to unnecessary and unwanted catch and discards (3.2.1 and 3.2.2), endangered species (3.2.3), habitat (3.2.4), dependent predators (3.2.5), and ecosystem structure, processes and function (3.2.6) shall be incorporated into the setting of management objectives, management measures and outcome indicators for the unit of certification.
- 3.2.9 Applicants shall contribute to conserving multiple functions of the maritime and fishery industries, where appropriate, through participation in

² Detailed assessment criteria shall be described in “Requirements for Certification Bodies operating against the MEL-J Fisheries Management Standard”.

communal activities other than those associated with fishery production.

3.3 Consideration of ecosystem in enhanced fisheries

- 3.3.1 In the case of enhanced fisheries to ensure sustainable utilization of stocks, efforts shall be undertaken to minimize adverse impacts on the natural reproduction of the stock under consideration, taking into consideration the maintenance of the species characteristics and diversity between and within the species.
- 3.3.2 Management objectives shall be developed to maintain the natural reproductive stock components of the stock under consideration at a sustainable level, and management measures shall be implemented that are consistent with achieving these management objectives. A past record of good management performance could be considered as supporting evidence for the validity of the management measures and management system, taking into account the geographical conditions and historical backgrounds of the enhancement activities.
- 3.3.3 Production of stocking materials shall be conducted in an appropriate manner, taking into consideration factors such as genetic diversity, prevention of diseases, and the quality of stocking materials.