

# **Points For Registration of Registered Certification Organizations and Registered Foreign Certification Organizations, Renewal of Registration, Authorization of the Fees Pertaining to Certification and Certification Business Rules and Others Relating to Supervision**

June 12, 2000

12 SYOKURYU. No.1783

Director-General of Food and Marketing Bureau

## **Purport**

Registration in Article 16, Paragraph 2 of the Law Concerning Standardization and Proper Labelling of Agricultural and Forestry Products (The Law No. 175 of 1950; hereinafter referred to as "the Law") quoted in Article 17-6, Paragraph 2 and Article 19-6-4, Paragraph 2 of the Law, renewal of registration in Article 16-2, Paragraph 1 quoted in Article 17-6, Paragraph 2 and Article 19-6-4, Paragraph 2 of the Law, authorization of the fees pertaining to certification in Article 15, Paragraph 8 of the Law (including the case quoted in Article 15-6, Paragraph 2, Article 15-7, Paragraph 4 and Article 19-5, Paragraph 3 of the Law), authorization of certification business rules in Article 17-2, Paragraph 1 of the Law quoted in Article 17-6, Paragraph 2 and Article 19-6-4, Paragraph 2 of the Law and supervision of Registered Certification Organization and Registered Foreign Certification Organization (hereinafter referred to as "Registered Certification Organizations, etc.") shall be in accordance with provisions in the Law, the Enforcement Ordinance of the Law Concerning Standardization and Proper Quality Labelling of Agricultural and Forestry Products (Government Ordinance No. 291 of 1951; hereinafter referred to as "the Government Ordinance") and the Enforcement Regulations of the Law Concerning Standardization, Proper Labelling of Agricultural and Forestry Products (Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries No.62 of 1950; hereinafter referred to as "the Regulation") and this notification.

## **Application for registration of Registered Certification Organizations, etc.**

1. Any legal person who seeks to obtain the registration of Registered Certification Organizations, etc. based on the provisions of Article 17-6, Paragraph 1 or Article 19-6-4, Paragraph 1 of the Law shall submit an original application and a copy to the Director-General of the Center for Quality Control and Consumer Service (hereinafter referred to as "Center." Refer to an attached table 1 for control area of each center), controlling the location of the applicant when the application is made by mail or hand. At this time, the amounts of a revenue stamp corresponding to a fee in such an amount as shall be fixed by Article 13 or Article 25 of the Government Ordinance shall be pasted on the original application describing required matters pursuant to Form No.1. And also documents prescribed in Article 54, Paragraph 2 of the Regulation (including the case quoted in Article 83 of the Regulation) (hereinafter referred to as

“attached documents”) shall be attached. When the application is made by a floppy disk, the application describing required matters pursuant to Form No.1 and a floppy disk recording the contents of attached documents must be submitted to the Director-General of the Center similarly with the amounts of a revenue stamp corresponding to a fee.

However, on the application for registration of Registered Foreign Certification Organization, the application shall be submitted to the Director-General of Tokyo Center for Quality Control and Consumer Service.

Also, the paid fee would not be returned after the acceptance of the application in whatever conditions may occur.

2. Any legal person who seeks to obtain the registration of a Registered Foreign Certification Organization in 1 above, must carry out the certification work at his place of business located in a foreign country prescribed by the Ministerial Ordinance of the Ministry of Agriculture, Forestry, and Fisheries as the country having a grading system judged to be at a level equivalent to that of the grading system in accordance with the Japanese Agricultural Standard concerning agricultural and forestry products relating to the application.

3. The documents concerning business plan and the income and expenditure budget in the next fiscal year in the attached documents may not be prepared owing to such inevitable conditions approved by the Director-General of the Center as that the budget in the next fiscal year is not decided at the time of application and the like in 1 above. At that time, the application shall be accepted on condition that the documents will be submitted as soon as they are prepared.

4. The application and attached documents in 1 above shall be written in Japanese except the name of the applying organization and the persons.

5. The Center, receiving the applications, etc., examines the contents and the like promptly and directs the applicants to revise when there is any problem.

Application for authorization of the fees pertaining to certification and certification business rules

1. Registered Certification Organizations, etc. who seek to obtain authorization of the fees pertaining to certification shall submit the application form No.2 which was already filled in and the documents mentioned by Article 27 of the Regulation quoted in Article 35, 40, 46 and 75 of the Regulation to the Director-General of the Center. However, the application for authorization of the fees shall be made together with the application for registration.

2. The Registered Certification Organizations, etc. applying the authorization of certification business rule shall submit an application describing required matters pursuant to Form No.3 in the way prescribed in -1, above to the Director-General of the Center. At this time, two of an original and a copy of the certification business rule describing matters prescribed in Article 59 of the Regulation (including the case quoted in Article 85 of the Regulation) shall be attached. However, the application for authorization of certification business rule shall be made together with application

for registration.

3. -4 and 5 shall be quoted in application for authorization of certification fee and certification business rule.

Procedures for registration of the Registered Certification Organizations, etc.

1. The Director-General of the Center shall select an examination team as soon as possible and settle an examination plan (except the one concerning the authorization of certification fee) considering standard processing period mentioned in when he receives applications described in and .

2. The Director-General of the Center shall examine the contents of the application and attached documents submitted pursuant to based on the examination plan described 1 above. The examination is made if they come under Article 16, Paragraphs 2 and 3, each Item of the Law quoted in Article 17-6, Paragraph 2 of the Law, and Article 19-6-4, Paragraph 2 of the Law, and standards prescribed in .

However, when the application for authorization of certification fee and certification business rule is made together with the application for registration, the examination on application for authorization shall be made pursuant to procedures described in V together with examination on the application for registration.

3. The Director-General of the Center may carry out an on-the-spot inspection in case of necessity in examination described in 2 above.

4. The Director-General of the Center shall prepare a report on the examination concerned when the examination described in 2 above is completed, and submit the report concerned to the Director-General, General Food Policy Bureau (change from Food and Marketing Bureau from June 6, 2001) with an original document of the application and attached documents.

5. The Minister for Agriculture, Forestry and Fisheries shall register the registration concerned if the application for registration is approved to conform to the registration requirements by examination reports submitted in 4 above. He shall file it in the register prescribed in Article 56 of the Regulation (including the case quoted in Article 83 of the Regulation) and notify the applicant of the registration. And also he shall make it public on an official gazette based on provisions of Article 16, Paragraph 5 of the Law quoted in Article 17-6, Paragraph 2 or Article 19-6-4, Paragraph 2 of the Law.

When it is decided not to register, the effect shall be informed the applicant concerned with its reasons.

Procedures for authorization of certification fee and certification business rule.

1. The Director-General of the Center shall examine the contents of the application submitted in in the examination of application for certification fee, based on the examination plan described in -1. The examination is made if they conform to the requirements for authorization prescribed in Article 3, Paragraph 2 of the Government Ordinance quoted in Article 5, Paragraph 2 of the Government

Ordinance. In the examination of application for certification business rule, the examination shall be made based on .

2. On the preparation of a report concerning examination described in 1 above, -4 is quoted.

3. The Minister for Agriculture, Forestry and Fisheries shall authorize the certification fee and the certification business rule and inform the applicant of the effect when the certification fee and the certification business rule are approved to be appropriate, based on the examination report and the like submitted in 2 above.

Also, when it is decided not to authorize, the effect shall be informed the applicant concerned with its reasons.

Confirmation of certification works carried out by the Registered Certification Organizations, etc. at the time of the registration.

1. The Director-General of the Center shall confirm the practice of the certification works to be carried out by the Registered Certification Organizations, etc. as soon as possible after the registration on the Registered Certification Organizations, etc. that are registered.

2. The Director-General of the Center shall submit the report to the Director-General, General Food Policy Bureau when the confirmation in 1 above is made.

Standard of requirements for registration and the like

The Minister for Agriculture, Forestry, and Fisheries shall not approve the registration and the renewal of registration when the applicant comes under the following items concerning Article 16, Paragraph 2, Item 2 to 4 of the Law quoted in Article 17-6, Paragraph 2 or Article 19-6-4, Paragraph 2 of the Law.

(1) When cumulative deficit is generated in financial state of the applicant (related to Article 16, Paragraph 2, Item 2 of the Law).

(2) On the composition of officers, when the following conditions or similar conditions are caused and it is recognized that they are likely to impede fair execution of the certification (related to Article 16, Paragraph 2, Item 3 of the Law).

However, when it is recognized that the certification work is carried out under the authority and responsibility of those who have no interests in agricultural and forestry products that are going to be certified, it does not apply to the case.

a. When the ratio of interested business party of the agricultural and forestry products to be certified, the same family relatives (relatives within a relation in the third degree and those who are in the special relation with him or her) or persons concerned in a specific corporation (officials, employees, large stockholders and the like) in officials exceed a half of the numbers of the present officials in principle (it shall be judged considering the decision making requirements in meeting of the board).

b. In a joint-stock corporation, when the stocks possessed by an individual or his family relatives (relatives within a relation in the third degree and those who are in the special relation with him or her) or persons concerned in one

corporation or specific corporation (officials, employees, large stockholders and the like) exceed 50% of the total number of stocks issued.

(3) On the business other than that concerning certification being carried out by the applicant, when the business concerned is related to design, manufacturing, sales, and mediation of the agricultural and forestry products to be an object of the certification, when that is a consultant business to provide advice and the like to those who are going to receive the certification and when it is recognized that the certification is liable to be unfair (related to Article 16, Paragraph 2, Item 4 of the Law).

#### Judgment of the authorization of certification business rules

For authorization of certification business rules of Registered Certification Organizations, etc., the decision if the certification business rules concerned is appropriate for the fair execution of the certification shall be made referring to “JIS Q0065 General Requirements for Bodies Operating Product Certification Systems” and “Codex Guidelines (Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods)” (limited to the certification concerning organic agricultural products and organic agricultural product processed foods).

#### Renewal of registration of Registered Certification Organizations, etc.

1. When the Registered Certification Organizations, etc. apply the renewal of registration, the application must be made during the period from four months to one month before the day that five years passed from the date when the registration or the renewal of registration was done.

2. The provisions under 1 and 3 through 5 of , , and shall quote renewal of registration. In this case, “Article 17-6, Paragraph 1 of the Law or Article 19-6-4, Paragraph 1 of the Law” appearing in -1 shall be read “Article 16, Paragraph 1 of the Law quoted in Article 16-2, Paragraph 2 of the Law quoted in Article 17-6, Paragraph 2 of the Law or Article 19-6-4, Paragraph 2 of the Law”; “Form No.1” appearing therein shall be read “Form No.4”; “Article 13 or Article 25 of the Government Ordinance” appearing therein shall be read “Article 15 or Article 27 of the Government Ordinance”; “Article 54, Paragraph 2 of the Regulation (including the case quoted in Article 83 of the Regulation)” appearing therein shall be read “Article 54, Paragraph 2 of the Regulation quoted in Article 58 or Article 84 of the Regulation”; “ and ” appearing in -1 shall be read “ ”; “Article 16, Paragraph 2 and 3 of the Law” appearing in -2 shall be read “Article 16, Paragraph 2 and 3 quoted in Article 16-2, Paragraph 2”; “Article 56 of the Regulation (including the case quoted in Article 83 of the Regulation)” appearing in -5 shall be read “Article 56 of the Regulation quoted in Article 58 or 84 of the Regulation”; “Article 16, Paragraph 5 of the Law” appearing therein shall be read “Article 16, Paragraph 5 of the Law quoted in Article 16-2, Paragraph 2 of the Law”; and “Article 16, Paragraph 2, Item 2 to 4 of the Law” appearing in shall be read “Article 16, Paragraph 2, Item 2 to 4 of the Law quoted in Article 16-2, Paragraph 2 of the Law”.

Notification on change of matters concerning certification works and on abolition of certification works.

1. The Registered Certification Organizations, etc. must notify the Director-General, General Food Policy Bureau of the changes on the following matters through the Director-General of the Center using Form No.5.

- a. Name and address of the Registered Certification Organizations, etc.
- b. Location of the office of the Registered Certification Organizations, etc. to carry out the certification
- c. Area where the certification is carried out
- d. Those who participate in the certification
- e. Members mentioned in Article 50 of the Regulation quoted in the Article 57, 58, 83 or 84 of the Regulation.
- f. Business other than certification work

2. When the Registered Certification Organizations, etc. abolish the certification works on the registration concerned, the Registered Certification Organizations, etc. concerned must report the abolition to the Director-General of the Center in advance. Also, when the Registered Certification Organizations, etc. do not apply the renewal of registration within the period described in -1, the Director-General of the Center judges that the certification work might be abolished, and have the Registered Certification Organizations, etc. concerned to request the abolition.

#### Standard processing period

The decision to approve or not to approve the registration of the Registered Certification Organizations, etc., the renewal of registration, and to authorize or not to authorize the certification fee and the certification business rule shall be carried out within 50 days in principle counted from the day that the Center receives documents concerning the application.

#### Duty of the Registered Certification Organizations, etc.

1. The Registered Certification Organizations, etc. shall report the results to the Director-General, General Food Policy Bureau through the Director-General of the Center promptly after the termination of each fiscal year concerning the certification works. The results shall include the business results and an income and expenditure report on the certification works, and an income and expenditure report and the status of property on the total of the Registered Certification Organizations, etc. in the previous fiscal year.

2. The Registered Certification Organizations, etc. shall report the effect to the Director-General, General Food Policy Bureau through the Director-General of the Center without delay when it is recognized that it comes under the provisions of Article 15-5 of the Law (including the case quoted in Article 15-6, Paragraph 2, or Article 15-7, Paragraph 4 of the Law) or Article 19-6 of the Law in the inspection prescribed in Article 59, Item 5 of the Regulation (including the case quoted in Article 85 of the Regulation).

Supervision of the Registered Certification Organizations, etc.

1. The Director-General of the Center shall prepare an annual plan on the inspection of all Registered Certification Organizations, etc. in the following fiscal year by the end of March every year, notify it the Registered Certification Organizations, etc. and also submit it to the Director-General, General Food Policy Bureau.

2. The Director-General of the Center observes certification and the like of the Registered Certification Organizations, etc. at site, interviews staff members in the Registered Certification Organizations, etc., inspects records and carries out other required checks and inspections based on the inspection plan described in 1 above.

3. When it becomes obvious as the result of the inspection that the Registered Certification Organization, etc. have problems to be corrected, the Director-General of the Center shall notify the Registered Certification Organizations, etc. concerned of the effect to take required measures for correction. He shall also submit the report including the result to the Director-General, General Food Policy Bureau, who shall take appropriate measures as the need arises.

**Form No.1 (relating to No. 2-1) (Tentative Translation)**

Date:

To: Minister for Agriculture, Forestry and Fisheries

Name of the organization:

Address:

Name of President:

**APPLICATION FOR REGISTRATION AS  
REGISTERED FOREIGN CERTIFICATION ORGANIZATION**

I, pursuant to the provisions of Article 19-6-4, Paragraph 1 of the Law Concerning Standardization and Proper Labelling of Agricultural and Forest Products (Law No. 175 of 1950), hereby make an application as follows for registration as Registered Foreign Certification Organization, accompanied by the document provided under Article 54, Paragraph 2 quoted in Article 83 of the Enforcement Regulations of the Law Concerning Standardization and Proper Labelling of Agricultural and Forest Products (Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries No.62, 1950):

Notice

1. Name and address of the Registered Foreign Certification Organization.
2. The classification of the agricultural and forest products concerning application for registration. (and its kind)
3. The requirement for registration that the applicant meets (each Item of Article 16, Paragraph 3 of the Law read and quoted in Article 19-6-4 paragraph 2) of the Law.
4. Matters relating to the management of certification business (e.g. organizations and policy to conduct the certification services).



5. Location of the place of offices where the certification services are conducted.

Name of offices	Location

6. Area where it intends to implement the certification.

Name of offices	Area where it intends to implement the certification

7. Number of people with the qualifications satisfying the standards stipulated by the Minister for Agriculture, Forestry and Fisheries under the provisions of Article 16, Paragraph 2, Item (1) of the Law read and quoted in Article 19-6-4, Paragraph 2 of the Law.

Name	Date of birth	Address
Total		persons

8. (If the applicant is engaged in any business other than certification business) outline of the said businesses and the relationship between the said businesses and the agricultural and forest products on which it intends to implement the certification.

Name of business	Outline of the said business	Relationship with the agricultural and forest products on which it intends to implement the certification

**Form No.2 (relating to No. 3-1) (Tentative Translation)**

Date:

To: Minister for Agriculture, Forestry and Fisheries

Name of the organization:

Address:

Name of President:

APPLICATION FOR AUTHORIZATION OF THE FEES  
PERTAINING TO THE CERTIFICATION

I, pursuant to the provisions of Article 15, Paragraph 8 quoted in Article 19-5, Paragraph 3 of the Law Concerning Standardization and Proper Labelling of Agricultural and Forest Products (Law No.175, 1950), hereby make an application as follows for authorization of the fees pertaining to the certification:

Notice

1. The Amounts of Fees.
2. The base for calculation of the amounts of fees.
3. The method for calculation of the amounts of fees.

- Notes:
1. As to the amounts of fees, the application shall carry all the fees provided by the Registered Foreign Certification Organization and the base and method for calculation of each fees shall be clarified.
  2. Forms of Notice 1 to 3 are at your discretion.

**Form No.3 (relating to No. 3-2) (Tentative Translation)**

Date:

To: Minister for Agriculture, Forestry and Fisheries

Name of the organization:

Address:

Name of President:

**APPLICATION FOR AUTHORIZATION OF THE  
CERTIFICATION BUSINESS RULES**

I, pursuant to the provisions of Article 17-2, Paragraph 1 of the Law Concerning Standardization and Proper Labelling of Agricultural and Forest Products (Law No.175, 1950) quoted in Article 19-6-4, Paragraph 2 of the Law, hereby make an application as follows for authorization of certification business rules:

**Notice**

1. Attached documents: 2 copies of Certification Business Rules.

**Form No.4 (relating to No. 9-3) (Tentative Translation)**

Date:

To: Minister for Agriculture, Forestry and Fisheries

Name of the organization:

Address:

Name of President:

**APPLICATION FOR RENEWAL OF REGISTRATION AS  
REGISTERED FOREIGN CERTIFICATION ORGANIZATION**

I, pursuant to the provisions of Article 16-2, Paragraph 1 of the Law Concerning Standardization and Proper Labelling of Agricultural and Forestry Products (Law No. 175 of 1950) quoted in Article 19-6-4, Paragraph 2 of the Law, hereby make an application as follows for renewal of registration as Registered Foreign Certification Organization, accompanied by the document provided under Article 54, Paragraph 2 quoted in Article 84 of the Enforcement Regulations of the Law Concerning Standardization and Proper Labelling of Agricultural and Forestry Products (Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries No.62, 1950):

Notice

1. Name and address of the Registered Foreign Certification Organization.
2. The classification of the agricultural and forestry products concerning application for registration. (and its kind)
3. The requirement for registration that the applicant meets (each Item of Article 16, Paragraph 3 of the Law read and quoted in Article 19-6-4 paragraph 2) of the Law.
4. Matters relating to the management of certification business (e.g. organizations and policy to conduct the certification services).

Notes: As to application items 5 to 8, Notice 5 to 8 of the Form No.1 shall be used.

**Form No.5 (relating to No. 10-1) (Tentative Translation)**

Date:

To: Minister for Agriculture, Forestry and Fisheries

Name of the organization:

Address:

Name of President:

**APPLICATION FOR RENEWAL OF REGISTRATION AS  
REGISTERED FOREIGN CERTIFICATION ORGANIZATION**

I hereby make an application as follows for change of the matter provided under Article 16, Paragraph 2 and 4 of the Law Concerning Standardization and Proper Labelling of Agricultural and Forestry Products (Law No.175 of 1950) read and quoted in Article 19-6-4, Paragraph 2 of the Law:

Notice

1. The matter to be changed.
2. Contents of the matter before and after the change.
3. Reason for the change.