



2006 Review of forest certification schemes

Submitted Comments and responses on the Forest Stewardship Council

December 22, 2006

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These comments were submitted as part of the 2006 Review of forest certification schemes. The comment period closed on the 24 of June 2006. Each comment has been assigned a number, based on the order in which they appear in the document below. Though the names of the stakeholders have been kept anonymous, each group or individual has been assigned a numbers which is consistent through all five of the 'scheme comment' documents, to facilitate identification of their comments by the stakeholders. These numbers are found under the heading 'Commentator'.

1. Forest Standards

1.1 Content of standards for legal compliance

Criteria	Guidance on implementation	Commentator	CPET responses
1.1.1 The standard requires that the forest owner/manager holds legal use rights to the forest	If schemes are only applicable to countries where legal use rights are clear then an explicit requirement for legal compliance is sufficient for a score of 1 even if legal use rights are not explicitly addressed. However, if the scheme can be applied in countries where legal use rights are not clear there must be an explicit requirement.		
Comments on 1.1.1			
No comments received.			
1.1.2 The standard requires compliance from both the forest management organisation and any contractors with local and national legal requirements including those relevant to: <ul style="list-style-type: none"> Forest management 	In general, compliance with the law means compliance with all relevant laws. However, it is now recognised in some countries laws may be unclear or conflicting making clear definition of legality difficult to achieve. The FLEGT ¹ process has proposed that in such countries it will be necessary to have or develop a practical		

¹ Forest Law Enforcement, Governance and Trade is the European Union's response to the problem of illegal logging and trade in associated timber products. The process of developing a working definition of 'legal' has been initiated for Indonesia.

Criteria		Guidance on implementation	Commentator	CPET responses
<ul style="list-style-type: none"> • Environment • Labour and welfare • Health & safety • Other parties' tenure and use rights 		working definition of 'legal' or a set of core laws which must be met which has support from major stakeholder groups. This can be done through a national standard-setting process or other appropriate means.		
Comments on 1.1.2				
1	Standards must be set and adopted according to grading levels and should be classified under one star, two star, three star forest. As management of community forestry in Cameroon still obey traditional practises, whereby the management council don't hold all rights in the management of the activities. And the indigenous rights is preserved and respected. Implementation of Set rules and scheme in this region has to obey the cultural practices. So it very difficult to ensure proper forest management by the entrust council. Community forest benefit in Kyoto protocol agreement, Case study BIMBIA BONADIKOMBO COMMUNITY FOREST June 2004: It reflects on the state of the Bimbia Bondikombo community forest within three continuous decades (1970s,1980s,1990s and mid 2000)		21	This comment was received after the deadline and therefore cannot be considered.
1.1.3 The standard requires payment of all relevant royalties and taxes		Where payment is clearly required by law, then an explicit requirement for legal compliance is sufficient for a score of 1.		
Comments on 1.1.3				
No comments received.				
1.1.4 The standard requires compliance with the requirements of CITES.		For standards which can only be applied in countries which are CITES signatories and have		

Criteria	Guidance on implementation	Commentator	CPET responses
	incorporated the requirements into national law this can be implicit under legal requirements. However, it must be explicit if the scheme can be used in non-signatory countries or countries which have not incorporated CITES requirements into national law.		
Comments on 1.1.4			
No comments received.			

1.2 Content of standards for sustainable variant

Criteria	Guidance on implementation	Commentator	CPET responses
1.2.1 Certification standards must be consistent with a widely accepted set of international principles and criteria defining sustainable or responsible forest management at the forest management unit level.	It is not possible to define a detailed global standard for forest management because of the huge variation in climate, vegetation, topography, socio-economic context etc. Therefore, certification standards need to be adapted to local conditions, but to ensure consistency and avoid trade barriers, it is important to base each standard on accepted international principles such as: <ul style="list-style-type: none"> • Intergovernmental processes designed for use at FMU level, for example the Pan- 		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>European Operational Level Guidelines (PEOLG).</p> <ul style="list-style-type: none"> • Requirements developed by an international organisation such as the ITTO Criteria • International principles developed explicitly for forest certification such as the FSC Principles and Criteria <p>Such international principles can be developed either to guide national planning and reporting, or to guide management at the scale of the forest management unit. As certification applies at the latter level it is appropriate to base certification standards on international principles designed for this use. However, use of a set of appropriate international criteria developed for national reporting or other uses is sufficient for a score of 1.</p>		
Comments on 1.2.1			
2	<p>The guidance to this criterion notes that higher level Principle and Criteria are acceptable when it comes to ITTO and FSC and yet for other inter-governmental processes the guidance goes beyond an assessment of consistency between the certification program and the intergovernmental criteria and requests consistency with the forest management unit (FMU) level and uses the Pan-European Operational Level Guidelines as an example. To the point of an even playing field being necessary, it does</p>	12	<p>The current guidance cites the FSC P&C, ITTO criteria and the Pan-European Operational Level Guidelines (PEOLG) as acceptable. Not all intergovernmental processes are designed for use at FMU level.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>not make sense that an FSC certification program must only show consistency with FSC Principles and Criteria, and yet another certification program that relies on inter-governmental criteria must show consistency beyond the intergovernmental criteria and drill down to the forest management unit level. Again, we are requesting that all systems be assessed equally.</p>		
<p>1.2.2 The standard must be performance-based.</p>	<p>There are two types of requirements – performance and management system. Only performance requirements guarantee a defined level of performance. Therefore, only standards which include performance requirements (which may be in addition to system requirements) can provide the basis for the delivery of the UK government requirements for legal compliance or sustainability.</p> <p>To score 2, the standard must address all of the requirements set out in 1.2.3 – 1.2.6 as performance elements, not as issues to be addressed by a management system without any minimum threshold of performance. To score 1, each of the criteria 1.2.3 – 1.2.6 must be at least partially addressed.</p>		
<p>Comments on 1.2.2</p>			
<p>No comments received.</p>			
<p>1.2.3 The standard must ensure that harm to ecosystems is minimised. In order to do</p>	<p>The first sentence sets out the goal of the criterion. Compliance will be assessed against</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
<p>this the standard must include requirements for:</p> <p>a. Appropriate assessment of impacts and planning to minimise impacts;</p> <p>b. Protection of soil, water and biodiversity;</p> <p>c. Controlled and appropriate use of chemicals and use of Integrated Pest Management wherever possible.</p> <p>d. Proper disposal of wastes to minimise any negative impacts.</p>	<p>the list of requirements.</p> <p>To score a 2, each requirement must be adequately addressed. Where this is not achieved, but there are no major omissions, a score of 1 can be awarded.</p> <p>Where an issue (for example, waste disposal) is adequately covered by legal requirements in all countries where a scheme can be used, it need not be explicit provided that legal compliance is required by the standard.</p>		
<p>Comments on 1.2.3</p>			
<p>No comments received.</p>			
<p>1.2.4 The standard must seek to ensure that productivity of the forest is maintained. In order to do this the standard must include requirements for:</p> <p>a. Management planning and implementation of management activities to avoid significant negative impacts on forest productivity.</p> <p>b. Monitoring which is adequate to check compliance with all requirements, together with review and feedback into planning.</p>	<p>The first sentence sets out the goal of the criterion. Compliance will be assessed against the list of requirements.</p> <p>To score a 2, each requirement must be adequately addressed. Where this is not achieved, but there are no major omissions, a score of 1 can be awarded.</p> <p>Where an issue is adequately covered by legal requirements in all countries where a scheme can be used, it need not be explicit provided that legal compliance is required by the</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
<p>c. Operations and operational procedures which minimise impacts on the range of forest resources and services.</p> <p>d. Adequate training of all personnel, both employees and contractors.</p> <p>e. Harvest levels that do not exceed the long-term production capacity of the forest, based on adequate inventory and growth and yield data.</p>	<p>standard.</p>		
<p>Comments on 1.2.4</p>			
<p>No comments received.</p>			
<p>1.2.5 The standard must seek to ensure that forest ecosystem health and vitality is maintained. In order to do this the standard must include requirements for:</p> <p>a. Management planning which aims to maintain or increase the health and vitality of forest ecosystems</p> <p>b. Management of natural processes, fires, pests and diseases.</p> <p>c. Adequate protection of the forest from unauthorised activities such as illegal logging, mining and encroachment.</p>	<p>The first sentence sets out the goal of the criterion. Compliance will be assessed against the list of requirements.</p> <p>To score a 2, each requirement must be adequately addressed. Where this is not achieved, but there are no major omissions, a score of 1 can be awarded.</p> <p>Where an issue is adequately covered by legal requirements in all countries where a scheme can be used, it need not be explicit provided that the standard assures legal compliance.</p>		

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Comments on 1.2.5			
No comments received.			
<p>1.2.6 The standard must seek to ensure that biodiversity is maintained. In order to do this the standard must include requirements for:</p> <p>a. Implementation of safeguards to protect rare, threatened and endangered species.</p> <p>b. The conservation/set-aside of key ecosystems or habitats in their natural state.</p> <p>c. The protection of features and species of outstanding or exceptional value.</p>	<p>The first sentence sets out the goal of the criterion. Compliance will be assessed against the list of requirements.</p> <p>To score a 2, each requirement must be adequately addressed. Where this is not achieved, but there are no major omissions, a score of 1 can be awarded.</p> <p>Where an issue is adequately covered by legal requirements in all countries where a scheme can be used, it need not be explicit provided that the standard assures legal compliance.</p>		
Comments on 1.2.6			
No comments received.			

1.3 Standard-setting process

Criteria	Guidance on implementation	Commentator	CPET responses
1.3.1 The standard-setting process must be	Consistency or equivalence can be assessed by		

Criteria	Guidance on implementation	Commentator	CPET responses
consistent with the requirements of <i>ISO Guide 59: Code of Good Practice for Standardisation</i> or the <i>ISEAL Code of Good Practice for Setting Social and Environmental Standards</i> or equivalent.	reference to the list of key requirements in Annex 1.		
Comments on 1.3.1			
3	This FSC Protocol fails to provide an appropriate means for open access to complaint, appeal and dispute procedures in relation to processes for standard setting, certification and accreditation. As this is a standard requirement of ISO Guidelines, including ISO Guides 59, .62, 65, 66, and ISO 17011, FSC fails to meet these guidelines. (see comment on 2..6)	1	The FSC P&C standard-setting process applicable to maintenance of the P&C is consistent with the ISEAL Code of Good Practice. See also responses under criteria 2.6 and 3.1.
4	<p>In its standard setting FSC not only follows existing international standards, but has been recognised formally as an international standard setting organisation itself by the WSSN (World Standard Services Network; www.wssn.net). The WSSN is the formal authority based in Geneva, which recognises international, regional and national standard setting organisations.</p> <p>FSC has been recognised formally as an international standard setting organisation in the area of forest management. To achieve this recognition FSC needed to prove that its procedures for developing forest management standards are not only compliant with accepted international protocols, but that it's standard setting activities are free of conflict of interest. As mentioned above, this was one more step we took in our effort to lead the global certification debate by providing the most credible standards.</p> <p>Recognition of FSC by WSSN as an international standard setting organisation is particularly relevant for the users of FSC standards, because the agreement "Technical</p>	19	Comment noted.

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>barriers to Trade” under WTO makes specific reference to national and international standard setting organisations and the requirements for avoiding standards becoming technical barriers to trade. I may point out that the FSC standard setting not only complies with <i>ISO/IEC Guide 59 – Code of good practice for standardization</i>, the <i>WTO Technical Barriers to Trade (TBT) Agreement Annex 3 Code of Good practice for the preparation, adoption and application of standards</i>, but also with the <i>ISEAL Code of good practice for the preparation, adoption and application of standards</i>, which is of particular relevance in this context.</p>		
<p>1.3.2 The standard-setting process must seek to ensure balanced representation and input from the economic, environmental and social interest categories.</p>	<p>It is widely accepted that ‘sustainable forest management’ is management which delivers an appropriate combination of economic, environmental and social benefits. In practice it is rarely possible to deliver all possible benefits all of the time so it is necessary to find appropriate compromises between competing interests.</p> <p>The only way to achieve balanced representation in practice is to ensure that the range of issues and viewpoints of the different stakeholder groups making up the economic, environmental and social interest categories are fed into and influence the standard-setting process.</p> <p>Major stakeholder groups include such groups as forest owners and managers, processors, buyers, governments, academics, conservation organisations, NGOs, workers, forest users,</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>indigenous groups, and communities.</p> <p>To score 2 the process must actively seek to ensure that the full range of stakeholder groups within each interest category are engaged and involved. A score of 1 can be achieved if the range of stakeholder groups within each interest category have access to the standard-setting process.</p>		
Comments on 1.3.2			
5	<p>In relation to the FSC certification of Briar Farm in the Meander Valley in northern Tasmania against the interim national standard, TCA was only involved at a National workshop held on 2-3 May 02, at the conference consensus could not be reached amongst the chambers as to whether to proceed with a single standard or separate standards for plantations and native forests. Whilst TCA national was nominated to a social working group, there was no involvement by the local Meander Branch of TCA in standard setting. When SmartWood arrived in Meander to undertake the certification inspection in June 2003, we consider that there had not been balanced representation and input into the standard setting process, and that the standards were imposed upon the community.</p>	3	<p>The comment refers to an event that occurred prior October 2004 and thus cannot be considered as part of the Review, as per the <i>Methodology</i>.</p>
6	<p>It is a major concern that FSC permits certification in the absence of approved standards through the use of draft or interim standards. According to the FSC's documents <i>FSC Certified Forests (April 2006)</i> and <i>FSC Accredited Forest Stewardship Standards (January 2006)</i>, 43% of the total area of forest certified by the FSC worldwide (73.9 million hectares), is done so against interim FSC standards and 83% of the countries with FSC certifications do not have approved FSC standards.</p>	14	<p>FSC has been assessed as partially compliant with CPET criterion 1.3.2.</p> <p>The standard-setting process for the FSC P&C adequately addresses this criterion. National and interim certification body standards are fully derived from the P&C.</p>

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	<p>The certifications carried out in countries where there are no ‘approved’ FSC Standards are done against the requirements of an FSC draft standard (if available in the country in question). Alternatively, certifications are completed against a set of requirements based on the FSC Principles as developed by the FSC certifiers in preparation for their audit. Both of these practices are not acceptable by international audit and certification rules.</p> <p><i>FSC-STD-20-003</i> states “In areas in which there is not yet an FSC-accredited Forest Stewardship Standard certification, bodies may therefore carry out certification according to their own ‘generic’ standards, adapted to account for the local conditions in the country or region in which they are to be used with input from local stakeholders.”</p> <p>Another major concern with FSC interim standards is the lack of requirement for the certification body to ensure participation of stakeholders. As stated in FSC-ST-20-003, “The certification body shall seek broad stakeholder comment on the adaptation of its generic standard....” meaning active participation of stakeholders is not required, only consultation.</p> <p>Also, the FSC interim standards are approved by certification bodies, which also act as the standard setting body, and the decision making process is carried out without any stakeholder involvement. An FSC interim standard, currently in use in Australia, is an example of the FSC’s failure to adequately involve key stakeholders in the decision making process. NAFI, as a national body representing the interests of Australia’s forest industry, has at no point been formally advised of, or invited to participate, in the development of this interim standard by FSC. NAFI has never received a draft FSC interim standard for comment or been informed of the standard’s official approval.</p>		<p>For local adaptation of certification bodies’ generic standards FSC-STD-20-003 section 3.1 requires that ‘<i>The certification body shall seek broad stakeholder comment on the adaptation of its generic standard to the area in which it is planned to be used.</i>’ Although certification bodies are required to maintain records of stakeholder comments, publicly available details of who the certification body has consulted during the process and how the certification body incorporates these into a particular interim standard are extremely limited.</p>
7	<p>The reality is that all FSC certifications are not a result of a certification to an endorsed FSC standard. CPET treats FSC certifications from forests with an endorsed FSC standard</p>	17	See response to comment no. 6

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>the same as FSC certifications from forests that were certified against a checklist that the certification body conducting the audit developed. While an auditor may attempt to secure local input when compiling these checklists, this does not reflect FSC's own endorsed standards development requirements, nor CPET's for that matter, and moreover the certification bodies do not collect local input in a systematic way. As per the ProForest report written for the Danish Government, the following statement is key:</p> <p>"a recent WWF/WB Alliance study finds out that publicly available details of who the CB (certification body) has consulted during the process and how the CB incorporates these into a particular interim standard are extremely limited". Hence, given that this report was written by an advocate of FSC, I think it is pretty clear that the assurances do not exist for CPET to assume that FSC interim standards meet the rigorous standards development criteria expected of FSC endorsed standards.</p> <p>These are very important issues given that the majority of countries with FSC certifications do not have FSC endorsed standards. It is my belief that FSC certifications from endorsed standards meet CPET's sustainability criteria, but FSC certifications from auditor checklists (interim standards) which represent the majority of FSC certifications do not. It would be nice if CPET recognized these two batches of FSC certifications differently, the former likely achieving the sustainability level, the latter most likely achieving the legality level (unless evidence can be provided of a standards development process that meets CPET criteria).</p>		
8	<p>All forest operations certified by certification bodies in the FSC Accreditation program operated by ASI to FSC standards, meet international FSC standards. It is not true that any forest management operation is certified under FSC 'without approved standards'. Moreover, it is also not true that auditors working for certification bodies develop standards.</p> <p>The FSC international standard referred to as the FSC Principles & Criteria (FSC-STD-01-</p>	19	See response to comment no. 6

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>001) is used in all FSC evaluations and provides an internationally recognised standard for responsible forest management. Hence an ‘approved’ standard is used in all certifications.</p> <p>In order to reflect diverse legal, social, economic, environmental and geographical conditions of forests in different parts of the world, the FSC Principles & Criteria require the addition of indicators that are adapted to national or sub-national conditions in order to be implemented at the forest management unit level. The international standard, the FSC Principles & Criteria, together with a set of such indicators accredited by FSC is often referred to as a ‘National Forest Stewardship Standards’.</p>		
9	<p>FSC allows certification against “interim FSC standards” (i.e. certification body’s own generic standard adapted for local conditions), which are developed and governed by certification bodies.</p> <p>FSC-STD-20-003:</p> <p><i>“In areas in which there is not yet an FSC –accredited Forest Stewardship Standard certification bodies may therefore carry out certification according to their own ‘generic’ standards, adapted to account for the local conditions in the country or region...”</i></p> <ul style="list-style-type: none"> a) For the purposes of FSC interim standards, FSC does not require the certification body, which operates as the standard setting body, to ensure participation of stakeholders. Only consultation with stakeholders is required (<i>“the certification body shall seek broad stakeholder comment”</i>) instead of stakeholders participation. b) Interim FSC standard are approved by certification bodies, which operate as standard setting bodies, and there is no stakeholder involvement in the decision making process. <p>The lack of stakeholder’s consultation and their participation in the standard setting and decision making is also concluded in a study carried out by ProForest (<i>Use of the</i></p>	22, 23	This comment was received after the deadline. See response to comment no. 6

Criteria	Guidance on implementation	Commentator	CPET responses
	<p><i>Questionnaire for Assessing the Comprehensiveness of Certification Schemes/Systems (QACC) Synthesis of Results, June 2005) referring to QAAC criteria 2.3 (Meaningful participation in decision making by all major stakeholder groups) and 2.4 (Based on procedures that strive to reach consensus, to avoid unilateral measures and/or discriminatory trade impacts. Equitable participation in decision making).</i></p> <p>The report states that: <i>“Certification bodies are not required to achieve consensus, and although CBs are required to maintain records of stakeholder comments, publicly available details of who the CB has consulted during the process and how the CB incorporates these into a particular interim standard are extremely limited.”</i></p> <p>In conclusion it is obvious that FSC does not meet the criteria 1.3.2 and 1.3.3 as the development of interim FSC standards does not ensure balanced participation of stakeholders (1.3.2) and their involvement in the decision making process.</p>		
10	<p>The FSC scheme allows certification assessments to be made against a standard prepared by the certification body. This is an interim measure to accommodate countries in which national standards have not yet been prepared in accordance with the FSC’s rules governing the composition of standard-setting bodies and decision-making processes. The measure is noted in the CPET findings against criterion 1.3.2 and 1.3.3. FSC was scored 2 against criterion 1.3.2. If the scope of the term “standard-setting body” is stretched to include the group of people consulted by the certification body, a score of 1 might be justified at most.</p>	24	See response to comment no. 6.
1.3.3 The standard-setting and decision-	The way in which the process is run and		

Criteria	Guidance on implementation	Commentator	CPET responses
<p>making process adopted must seek to ensure:</p> <ul style="list-style-type: none"> • No single interest can dominate the process; • No decision can be made in the absence of agreement from the majority of an interest category. 	<p>decisions are made is as important as the range of interests represented since an appropriate compromise will only be achieved if all the interest categories are able to influence the standard-setting and decision-making process.</p> <p>To achieve a score of 2 the standard-setting process must be designed to ensure that all three interest categories can influence the process equally and that the standard cannot be finalised in the absence of agreement from a majority of an interest category. In practice this can be achieved by:</p> <ul style="list-style-type: none"> • A process based on consensus where this means that a decision cannot be reached if any major stakeholder group sustains a strong objection; or • A process based on majority voting within each of the three interest categories. <p>Where neither of these approaches is followed, in order to achieve a score of 1 the scheme must ensure² that it would not be possible for a standard to be finalised if:</p>		

² If a process provides a genuine opportunity for any major stakeholder group to influence the content of the standard, but a group chooses not to participate, this would not constitute a failure.

Criteria	Guidance on implementation	Commentator	CPET responses
	<ul style="list-style-type: none"> • It would be possible for a major stakeholder group to be involved in the process but not able to significantly influence the content of the standard; and • The stakeholder group was strongly opposed to the content of the standard. 		
Comments on 1.3.3			
11	<p>[Organisation] considers that in relation to the Briar Farm certification the process was dominated by a single interest that being that of Tim Cadman’s view on environmental outcomes Supported by the landowner Greens politician Kim Booth and his wife. It should be noted that a major aim of this trial was to remove conflict on forest management as both Tim Cadman and Kim Booth were prominent in the forest protest at the near by Mothers Cumming’s Peak, having these two as the principal advocate of the Briar Farm certification removed immediately any potential for conflict.</p> <p>As noted above [comment on 1.3.1] no consensus had been reached at the National workshop.</p>	3	The comment refers to an event that occurred prior October 2004 and thus cannot be considered as part of the Review, as per the <i>Methodology</i> .
12	<p>The forest certification scheme FSC is not meeting the CPET criteria 1.3.2 and 1.3.3 because every time interim (generic) FSC standards are applied a balanced participation of stakeholders and their involvement in the decision making process is not guaranteed.</p> <p>In the FSC standard No. 20-003 it is written that <i>“In areas in which there is not yet an FSC –accredited Forest Stewardship Standard certification bodies may therefore carry out certification according to their own ‘generic’ standards, adapted to account for the local conditions in the country or region...”</i>.</p> <p>Consequently in the case of generic standards the certification body is acting as the</p>	11	See response to comment no. 6

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>standard setting body and approves the standard. FSC is not requiring any participation of stakeholders in the standard setting process and their involvement in decision making. Only a consultation with stakeholders is required during the development of the interim standards. But there neither a consensus has to be achieved nor the comments have to be integrated into the standard.</p> <p>FSC-STD-20-003 (“Local Adaptation of Certification Bodies Generic Standards”)</p> <ul style="list-style-type: none"> • The term “certification bodies generic standard” means that the certification body is responsible for development and governance of the standard. • No requirement of participation of stakeholders in the standard setting, only consultation. <p>Stakeholders are not allowed to participate in the decision making.</p>		
13	<p>FSC - as noted in paragraph 59c, in some countries certification takes place on the basis of interim standards prepared by the certification body. The FSC’s rules governing the development of interim standards allow the certification body to dominate decisions on the standard. In spite of what appears to be a fundamental failure against the test of the criterion, FSC was scored 1.</p>	24	See response to comment no. 6

Criteria	Guidance on implementation	Commentator	CPET responses
14	<p>Certification to a draft standard is not accepted in international standards practice. Development of a 'standard' by an audit team, based on the FSC principles is a clear case of conflict of interest. The audit team first sets the exam questions and then they mark it. There is obvious danger that this practice will influence the pass rate.</p> <p>This shows how much forest land has been certified to draft standards or "standards" that have been "developed" by auditors.</p> <ul style="list-style-type: none"> • Total area certified by FSC (9/11/05): 67,159,644 ha. -100 % • Area certified in countries with approved standards: 39,403,073 ha - 58.7 % • Area certified in countries without approved standards: 27,756,571 ha - 41.3 % • Countries with FSC certified forest land (9/11/05) - 65 = 100 % • Countries with FSC approved standards - 11 = 17 % • Countries without FSC approved standards - 54 = 83 % <p>At 41.3% of the total area of forest certified, the FSC practice of certification to standards that do not yet exist is not a vagrant anomaly but a common and accepted practice in the FSC system. This point is underlined by the fact that 83% of the countries with FSC certifications do not have FSC approved standards. The certifications carried out in countries where there are no 'approved' FSC Standards are done; against the requirements of an FSC draft standard (if available for the country in question); or against a set of requirements based on the FSC Principles as developed by the FSC certifiers in preparation for their audit. Both these practices are not acceptable by international audit and certification rules. There are also instances where 'conditional certifications' have been reported as certifications in order to increase 'market share'.</p> <p>All of these practices are significant departures from internationally accepted standards practice. Reference to an unbiased authority in ISO or BSI will confirm this.</p>	13	See response to comment no. 6

Criteria	Guidance on implementation	Commentator	CPET responses
15	<p>[Organisation] is concerned with the requirement of FSC's chamber system which classifies stakeholders into only one of the three major interest categories, based on whether they represent social, economic or environmental interests. This requirement is subjective and bears no reflection on the stakeholder's involvement in the preparation, management or utilisation of forest certification schemes.</p> <p>Generally, it isn't possible to allocate organisations with a stake in forest management to a single interest category as they commonly represent at least two and, at times, all three interest categories. For instance, scientific bodies and government forest management bodies would simultaneously be representatives of the social, economic and environmental interest categories.</p> <p>Under the FSC's chamber system, an individual stakeholder is only allowed to participate in the standard setting process on the basis that they represent just one interest category. For example, the categorisation that a forestry company involved in forest management and timber processing represents only economic interests, on the basis that they sell the timber, is not logical. This approach would prevent the forestry companies from promoting criteria that apply to their social, community and environmental performance.</p> <p>The strict interpretation of a balance between the social, environmental and economic interests of the FSC's chamber system does not allow stakeholders to utilise their own model of representation which might be the most representative and appropriate format for their local conditions. This approach denies stakeholders of a fundamental opportunity to participate effectively in the standard setting process.</p>	14	See response to comment no. 6

2. Certification

Criteria	Guidance on implementation	Commentator	CPET responses
<p>2.1 Certification must be undertaken by a body whose organisation, systems and procedures conform to applicable ISO guidance, or publicly available equivalent.</p>	<p>Applicable ISO guidance includes:</p> <ul style="list-style-type: none"> • ISO Guide 62:1996 General requirements for bodies operating assessment and certification/registration of quality systems • ISO Guide 65: 1996 General Requirements for bodies operating product certification systems • ISO Guide 66: 1999 General requirements for bodies operating assessment and certification/registration of environmental management systems (EMS). <p>Note if this is not delivered by the scope of the accreditation, then the checklist in Annex 2 must be completed.</p>		
<p>Comments on 2.1</p>			
<p>16</p>	<p>This FSC Protocol fails to provide an appropriate means for open access to complaint, appeal and dispute procedures in relation to processes for standard setting, certification and accreditation. As this is a standard requirement of ISO Guidelines, including ISO Guides 59, 62, 65, 66, and ISO 17011, FSC fails to meet these guidelines. (see comment on 2..6)</p>	<p>1</p>	<p>See responses under CPET criterion 2.6 and 3.1.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
17	<p>The FSC has no clear prohibition of FSC Accredited Certifiers carrying out both consulting services and then doing the certification audit. Again this is a clear case of conflict of interest. In effect, the consultant/auditor leans over the shoulder of the forest manager and provides information on how to pass the audit.</p> <p>The FSC sets up national bodies that develop national FSC standards based on the FSC Principles. The standard is reviewed by the FSC against FSC rules. There is no independent third party review as with the PEFC. The FSC accredits Certifiers and the Certifiers train and accredit auditors.</p> <p>There is no real separation of responsibilities as found in national standards institutions that are recognized members of the IAF.</p>	13	<p>FSC (FSC-STD-20-001 Section 1) requires that <i>'The certification body shall comply with the requirements of ISO/ IEC Guide 65:1996.'</i></p> <p>See also responses under CPET criterion 3.1.</p>
18	<p>FSC includes no formal requirements for forest operations to implement environmental management systems such as ISO 14001. Instead it sets out specific requirements for management systems appropriate to forestry. Also, FSC's procedures for the development of "generic standards" by FSC accredited Certification Bodies, fall short of conformance with the ISO Guide.</p>	14	<p>CPET criteria do not require implementation of environmental management systems.</p> <p>Also see response to comment no. 6.</p>
19	<p>It is not correct that 'FSC has no clear prohibition of FSC Accredited Certifiers carrying out both consulting services and then doing the certification audit'. All Certification Bodies certifying to FSC standards are continuously monitored for compliance with <i>ISO/IEC Guide 65: 1996 (E) General requirements for bodies operating product certification systems</i>, which is widely recognised as the most appropriate international standard for certification bodies operating product certification systems. This standard includes clear requirements that certification bodies do not provide consultancy services as to methods of dealing with matters which are barriers to the certification and that they do not provide any services which could compromise the confidentiality, objectivity or impartiality of certification processes and decisions.</p>	19	<p>Comments noted.</p> <p>See response to comment no. 16</p>

Criteria	Guidance on implementation	Commentator	CPET responses
2.2 Certification is undertaken by a-body which is accredited to evaluate against forest management standards.	The scope of the accreditation should include the elements set out in 2.3 - 2.6.		
Comments on 2.2			
No comments received.			
2.3 The requirements for certification audits must include assessment of systems and documentation together with verification of outcomes in the forest adequate to ensure that both system and performance requirements in the standard are being met.	<p>The make-up of the team, the sampling strategy and the amount of time spent carrying out the audit are all important in ensuring that sufficient objective evidence of compliance with the standard is collected to make the final decision robust.</p> <p>The possible scores against this criterion are either 0 or 2.</p>		
Comments on 2.3			
20	<p>The FSC often certifies forest management organizations despite serious non-conformities.</p> <p>The CPET assessment program should contract a consultant to carry out an independent review of audit reports, conditions to the certification, Corrective Action Requests and comments to be found on the websites of FSC Certifiers.</p> <p>The consultant must be completely independent of the FSC process, and be seen to be independent. Practically all interveners in the forest management certification arguments have a bias.</p>	13	This scheme review will consider any objective verifiable evidence relating to non-compliance with the documented scheme requirements. This comment does not include objective verifiable evidence.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>2.4 The certification audit must include sufficient consultation with external stakeholders to ensure that all relevant issues are identified relating to compliance with the requirements of the standard.</p>	<p>Consultation with external stakeholders is very important to establish whether there are any issues which might prevent full compliance with the standard which the audit team has not identified (eg seasonal issues not evident at the time of the audit, ongoing social conflicts) and to ensure that any interpretation of the requirements of the standard for the immediate local conditions is appropriate.</p> <p>To score 2, the stakeholder consultation must be designed to ensure identification of all relevant issues. To score 1, there must be some provision for consultation.</p>		
<p>Comments on 2.4</p>			
<p>No comments received.</p>			
<p>2.5 A summary of the results of the certification audit (excluding confidential information) must be publicly available to interested parties.</p>	<p>Sustainability can only be delivered by an appropriate balance of economic, social and environmental imperatives. It is important that representatives of each of these groups can monitor certification to make sure that the appropriate balance is being delivered.</p> <p>The information must, at a minimum, provide a summary of the findings with respect to conformance with the requirements of the forest management standard.</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	To score 2, the public summary must be available on a relevant website. To score 1, the summary must be electronically available to any interested party on request within a defined timescale.		
Comments on 2.5			
No comments received.			
2.6 There is an accessible and functioning mechanism for dealing with complaints and disputes which is open to any interested party.	It is widely accepted good practice to ensure that any issues or concerns are dealt with efficiently and transparently, whatever their origin.		
Comments on 2.6			
21	<p>The FSC rules and procedures for complaints and disputes with the FSC Board and Secretariat, with the FSC accredited certification bodies and with the FSC as an accreditation body are defined in the FSC Interim Dispute Resolution Protocol.</p> <p>The document states that: <i>“The FSC Dispute Resolution Protocol provides a system by which FSC members may resolve disputes that they may have with the Board, the Secretariat, or with FSC accredited certification bodies. (The Protocol is also available to nonmember certification bodies in disputes involving accreditation decisions. For convenience, this Executive Summary refers only to ‘members.’) Nonmembers with a complaint against the FSC must have their dispute presented by a member” and “11 Membership: With the exception of appeals of accreditation decisions, all Formal Complainants, both ‘Primary’ and ‘Secondary’ must be FSC members in good standing. And 11.2.2 Nonmembers with a complaint must get FSC members to file (and second) the complaint.”</i></p>	1	<p>This CPET criterion relates to mechanisms for dealing with complaints and disputes relating to the certification process.</p> <p><i>FSC-STD-20-001 Section 14 Appeals, Complaints and Disputes</i> refers to the requirements of ISO Guide 65 Clause 7 (<i>Appeals, Complaints and Disputes</i>).</p> <p>In addition, Section 14 requires that <i>‘The certification body shall publish summary information about the procedures for submitting complaints, appeals and disputes, and about the certification</i></p>

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>The FSC procedures do not allow non FSC members to submit complaints or disputes directly (they can only do it through an FSC member provided that s(he) agrees to submit the complaint.</p> <p>Also, the document states that:</p> <p><i>“12 Security: 12.1 When a Primary Complainant files its formal complaint (as specified under . 5.1), it must simultaneously post \$1000 (U.S.), in a form acceptable to the Executive Director, as security for the costs incurred in resolution of the dispute, or file a written request for a waiver or reduction of the security requirement.</i></p> <p><i>12.1.1 Each member filing as a Primary Complainant must either post \$1000 (U.S.) or file a written request for a waiver or reduction of the security requirement. 12.2 When a Secondary Complainant files its formal complaint (as specified under . 5.2), it must simultaneously post \$250 (U.S.), in a form acceptable to the Executive Director, as security for the costs incurred in resolution of the dispute, or file a written request for a waiver or reduction of the security requirement.</i></p> <p><i>12.2.1 Each member filing as a Secondary Complainant must either post \$250 (U.S.) or file a written request for a waiver or reduction of the security requirement.”</i></p> <p>The FSC procedures require the complainant to pay a fee as security for the costs incurred in resolution of the complaint. This is not “open access” as required by the ISO Guides referred by the CPET criteria. \$ 1000 is a massive amount of money for 1st world, never mind 3rd world stakeholders (e.g. forest owners) to pay and in practice excludes them from the disputes mechanism.</p> <p>It can be concluded that:</p> <ul style="list-style-type: none"> - FSC standard setting does not comply with ISO Guide 59 as it does not allow open access to complaint and appeal procedures. - FSC certification procedures do not comply with ISO Guide 65, 62, 66 as FSC Interim Dispute Resolution Protocol resolution does not allow open access to 		<p><i>body’s procedures for handling such complaints, appeals and disputes on the certification body’s website and make such information available in print on request.’</i></p> <p>If the complaint is not resolved by the certification body, the Interim Dispute Resolution Protocol provides for it to be referred to the accreditation body, ASI.</p> <p>See also responses under CPET criterion 3.1.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>complaint and appeals procedures.</p> <p>FSC accreditation procedures do not comply with ISO 17011 as the FSC Interim Dispute Resolution Protocol resolution does not allow open access to complaint and appeal procedures.</p>		
22	<p>It is also a major concern that according to FSC's <i>Interim Dispute Resolution Protocol (1998)</i>, people/organisations who are not members of FSC are not permitted to directly submit their complaints or disputes directly to FSC. Complaints or disputes from non FSC members may only be passed on to FSC through an FSC member, providing they agree to do so.</p> <p>As stated in Section 11 of the Protocol "all Formal Complainants, both 'Primary' and 'Secondary' must be FSC members in good standing...nonmembers with a complaint against the FSC must have their dispute presented by a member".</p> <p>This FSC Protocol fails to provide an appropriate means for open access to complaint, appeal and dispute procedures in relation to processes for standard setting, certification and accreditation. As this is a standard requirement of ISO Guidelines, including ISO Guides 59, 62, 65, 66, and ISO 17011, FSC fails to meet these guidelines.</p>	14	See response to comment no. 21.
23	<p>FSC Interim Dispute Resolution Protocol set up procedures for complaints and disputes with the:</p> <ol style="list-style-type: none"> 1. FSC Board and Secretariat, 2. FSC accredited certification bodies, 3. FSC as an accreditation body. <p><i>"The FSC Dispute Resolution Protocol provides a system by which FSC members may resolve disputes that they may have with the Board, the Secretariat, or with FSC accredited certification bodies. (The Protocol is also available to non-member certification bodies in disputes involving accreditation decisions. For convenience, this Executive Summary refers only to 'members.')</i> Non-members with a complaint against</p>	22, 23	This comment was received after the deadline but can be addressed through response to comment no. 21.

Criteria	Guidance on implementation	Commentator	CPET responses
	<p><i>the FSC must have their dispute presented by a member”</i></p> <p>The FSC procedures:</p> <ul style="list-style-type: none"> a) do not allow non FSC members to submit complaints or disputes directly (they can only do it through an FSC member provided that s(he) agrees to submit the complaint. <p><i>“11 Membership: With the exception of appeals of accreditation decisions, all Formal Complainants, both ‘Primary’ and ‘Secondary’ must be FSC members in good standing.</i></p> <p><i>11.2.2 Nonmembers with a complaint must get FSC members to file (and second) the complaint.”</i></p> <ul style="list-style-type: none"> b) require the complainant to pay a fee as security for the costs incurred in resolution of the complaint. This is not “open access” as required by the ISO Guides referred by the CPET criteria. \$ 1000 is a massive amount of money for 1st world, never mind 3rd world stakeholders to pay and in practice excludes stakeholders from the disputes mechanism. <p><i>“12 Security:</i></p> <p><i>12.1 When a Primary Complainant files its formal complaint (as specified under . 5.1), it must simultaneously post \$1000 (U.S.), in a form acceptable to the Executive Director, as security for the costs incurred in resolution of the dispute, or file a written request for a waiver or reduction of the security requirement.</i></p> <p><i>12.1.1 Each member filing as a Primary Complainant must either post \$1000 (U.S.) or file a written request for a waiver or reduction of the security requirement. 12.2 When a Secondary Complainant files its formal complaint (as specified under . 5.2), it must simultaneously post \$250 (U.S.), in a form acceptable to the Executive Director, as security for the costs incurred in resolution of the dispute, or file a written request for a waiver or reduction of the security requirement.</i></p> <p><i>12.2.1 Each member filing as a Secondary Complainant must either post \$250 (U.S.) or file a written request for a waiver or reduction of the security requirement.”</i></p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>In conclusion the following has to be stated:</p> <ul style="list-style-type: none"> - FSC standard setting does not comply with ISO Guide 59 as it does not allow open access to complaint and appeal procedures. - FSC certification procedures do not comply with ISO Guide 65, 62, 66 as FSC Interim Dispute Resolution Protocol resolution does not allow open access to complaint and appeals procedures. - FSC accreditation procedures do not comply with ISO 17011 as the FSC Interim Dispute Resolution Protocol resolution does not allow open access to complaint and appeal procedures 		

3. Accreditation

Criteria	Guidance on implementation	Commentator	CPET responses
3.1 Accreditation must be undertaken by a national or international body whose organisation, systems and procedures are consistent with ISO 17011:2004 <i>Conformity assessment -- General requirements for accreditation bodies accrediting conformity assessment bodies</i> or equivalent.	Note if this is not provided by the requirements of the certification system, or through other mechanisms such as the International Accreditation Forum's Multilateral Recognitions Arrangements then the checklist in Annex 3 must be completed.		
Comments on 3.1			
24	FSC accreditation procedures do not comply with ISO 17011 as the FSC Interim Dispute Resolution Protocol resolution does not allow open access to complaint and appeal	1	The FSC accreditation programme is now operated by Accreditation Services

Criteria	Guidance on implementation	Commentator	CPET responses
	procedures. [See comment on 2.6]		<p>International (ASI), a separate legal entity. FSC A.C. is the sole shareholder.</p> <p>Accreditation decisions are made by the FSC Board.</p> <p>The ASI Quality System Manual (<i>ASI-QMS-10-100</i>) and associated procedures has been evaluated as consistent with the requirements of <i>ISO 17011</i>.</p>
25	<p>The compliance of FSC's structure and accreditation process with ISO 17011 cannot be assured as it is not a member of the International Accreditation Forum (IAF) and there is no alternative mechanism in place to address this.</p> <p>FSC's conformance with international principles for standard setting, and specifically IAF guidelines, is questionable, as is FSC's complete independence between standard setting, accreditation of certification bodies, and the certification bodies themselves.</p> <p>FSC claims its accreditation program is based on ISO 17011, which states that accreditation bodies "shall not offer or provide, directly or indirectly, services to design, implement or maintain a certification scheme". However, FSC has come into conflict with ISO 17011 in one significant respect in that the same organisation (FSC) has responsibility for both recognition of standards and for accreditation of certifiers.</p> <p>FSC sets up national bodies that develop national FSC standards based on the FSC Principles. The standard is reviewed by the FSC against FSC rules and there is no independent third party review. FSC accredits Certifiers and the Certifiers train and accredit auditors. All of the certification bodies for the FSC are members of the FSC. Furthermore, there is a conflict of interest in that FSC has no clear prohibition of FSC Accredited Certifiers carrying out both consulting services and then doing the</p>	14	<p>The quoted text may arise from <i>ISO Guide 61</i> which was superseded by <i>ISO 17011</i>. The quoted text does not appear in <i>ISO 17011</i>.</p> <p>Section 4.3.6 of <i>ISO 17011 Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies</i> notes:</p> <p><i>'The accreditation body shall not offer or provide any service that affects its impartiality, such as</i></p> <p><i>a) those conformity assessment services that CABs perform, or</i></p> <p><i>b) consultancy.</i></p> <p><i>The accreditation body's activities shall not be presented as linked with consultancy. Nothing shall be said or</i></p>

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>certification audit.</p> <p>There is no real separation of responsibilities as found in national standards institutions that are recognised members of the IAF. Consequently, FSC often certifies forest management organisations despite serious non-conformities. See Attachment 1.</p> <p>FSC's document <i>ABU-GUI-10-111 - FSC Accreditation process for applicant certification bodies</i> (the only document relevant to accreditation on the FSC website), fails to supply sufficient evidence to support FSC's full compliance with ISO 17011. The document does not provide a definition of the accreditation body's structure, review and decision making processes and the competence of assessors.</p> <p>While FSC is a member of the International Social and Environmental Alliance (ISEAL), this does not guarantee FSC's compliance with ISO 17011. ISEAL is not committed to ensuring that its members comply with ISO 17011 and there are no procedures in place to assess the compliance of ISEAL members with ISO 17011.</p> <p>As there is currently no evidence through FSC documentation that assures FSC complies with ISO 17011, there is an urgent need for CPET and the UK Government to assess FSC's full compliance with ISO 17011. This could be carried out using CPET's Annex 3 checklist which until recently was "being drafted" by CPET.</p>		<p><i>implied that would suggest that accreditation would be simpler, easier, faster or less expensive if any specified person(s) or consultancy were used.'</i></p> <p>The FSC accreditation programme is now operated by Accreditation Services International (ASI), a separate legal entity. FSC A.C. is the sole shareholder.</p> <p>Accreditation decisions are made by the FSC Board.</p> <p>The ASI Quality System Manual (<i>ASI-QMS-10-100</i>) and associated procedures has been evaluated as consistent with the requirements of ISO 17011.</p>
26	<p>While FSC is a member of the International Social and Environmental Alliance (ISEAL), this does not guarantee FSC's compliance with ISO 17011. ISEAL is not committed to ensuring that its members comply with ISO 17011 and there are no procedures in place to assess the compliance of ISEAL members with ISO 17011.</p>	15	See response to comment no. 24
27	<p>No FSC document guarantees that FSC complies with ISO 17011:2004. The only publicly available document dealing with FSC accreditation ("FSC Accreditation Process for Applicant Certification Bodies") does not provide evidence on the compliance with ISO 17011:2004.</p>	11	See response to comment no. 24

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>In contrast to the accreditation bodies which are responsible for PEFC certification bodies FSC is not a member of IAF which would be a proof that that the FSC accreditation procedures are fulfilling ISO 17011:2004. The FSC membership in ISEAL (“International Social and Environmental Alliance”) cannot be taken as proof because the ISEAL requirements do not ensure compliance with ISO 17011:2004 and there is no assessment of ISO 17011:2004 within ISEAL.</p> <p>FSC Accreditation process for applicant certification bodies (ABU-GUI-10-111): No evidence on the compliance with ISO 17011:2004</p>		
28	<p>The UK CPET process should consider the accreditation requirements of certification bodies and the procedures, knowledge and systems that the certification bodies must have. Certifications to the CSA, SFI, and PEFC forest management standards must be conducted by a certification body that is accredited by a member of the International Accreditation Forum. The PEFC and other independent certification programs use auditors qualified by national auditor accreditation bodies like ANSI-RAB in the USA or CEEA in Canada. The auditors are employed by certification bodies that have been reviewed and accredited by independent third parties. In many cases these are national standards institutions such as the Standards Council of Canada. This is not the case with the FSC. The government of the UK should review the CPET assessment process to ensure that these practices are not allowed.</p>	13	See response to comment no. 24
29	<p>The FSC Accreditation program [...] is actually operated by the ASI-Accreditation Services International, and independent legal entity registered in Bonn, Germany. The <i>ASI operates the accreditation program in line with international norms, in particular the ISO standard 17011:2004 – Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies.</i> Furthermore in years 2004 and 2005 the FSC accreditation program was audited by a team of independent professionals for its compliance with the ISO standard 17011: 2004. The independent</p>	19	<p>Comment noted.</p> <p>See response to comment no. 24</p>

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>auditors concluded in their report' The audit team considers that the FSC's stakeholders can have confidence that current accreditations can be relied upon to demonstrate the holder's compliance with FSC requirements. This confidence stems from the audit team's confidence in the enthusiasm and sound technical background of the FSC accreditation officers and experts in the Accreditation business Unit (ABU). The audit team notes great improvements in accreditation performance over the past three years.' The accreditation auditors employed by ASI to implement the FSC accreditation program and to monitor compliance of accredited certification bodies, meet the requirements of and are registered by IRCA (<i>International Register for Certified Auditors</i>).</p>		
30	<p>The only document relevant to FSC accreditation presented at the FSC website (FSC Accreditation process for applicant certification bodies, http://www.fsc.org/keepout/en/content_areas/77/35/files/ABU_GUI_10_111_final.pdf) does not provide sufficient evidence on the full compliance of FSC with ISO 17011 (the document does not define the accreditation body's structure, quality system, decision making procedures, competence of assessors, etc.)</p> <p>FSC is not a member of IAF and there is therefore not a mechanism in place which would ensure that the FSC structure and accreditation procedures are in compliance with ISO 17011.</p> <p>FSC membership in ISEAL (International Social and Environmental Alliance) does not provide evidence on compliance of FSC with ISO 17011 as there is no ISEAL commitment to ensure members' compliance with ISO 17011 and there are no ISEAL procedures to assess the compliance with ISO 17011 (http://www.isealalliance.org).</p> <p>In conclusion there is no evidence in the FSC documentation nor is there a mechanism in place which would guarantee that FSC is in compliance with ISO 17011. CPET / DEFRA are requested to verify FSC's full compliance with ISO 17011 using the checklist</p>	22, 23	<p>This comment was received after the deadline and therefore cannot be taken into account.</p> <p>See response to comment no. 24</p>

Criteria	Guidance on implementation	Commentator	CPET responses
	which is under development as required by the guidance to the criterion.		

4. Chain of Custody

Criteria	Guidance on implementation	Commentator	CPET responses
4.1 Assessment of chain of custody must be undertaken by a certification body operating in accordance with ISO Guide 65 or equivalent and accredited by an accreditation body operating in accordance with ISO 17011 or equivalent.	Chain of custody certification must be undertaken by an accredited competent third-party just as for forest management certification.		
Comments on 4.1			
31	FSC accreditation procedures do not comply with ISO 17011 as the FSC Interim Dispute Resolution Protocol resolution does not allow open access to complaint and appeal procedures. [See comment on 2.6]	1	See response to no. 21
4.2 There must be a certified chain of custody in place from the forest of origin to the final certified product which provides a link between the certified material in the product or product line and certified forests.	<p>This means that each organisation in the chain from forest to final certified product which owns or processes the material in any way must have been audited to confirm that they are implementing chain of custody requirements and have a valid chain of custody certificate.</p> <p>The possible scores against this criterion are</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	either 0 or 2.		
Comments on 4.2			
No comments received.			
<p>4.3 If mixing of certified and uncertified material in a product or product line is allowed, the uncertified material must be covered by a verifiable system which is designed to ensure that it is from legal sources.</p>	<p>This requirement is relevant when mixing of certified and non-certified material is allowed. Mixing occurs whenever the following approaches are used: percentage labelling, volume accounting, input-output or processor certification.</p> <p>In such cases, in order to meet UK government requirements for legality, there must be a system in place which provides assurance that the uncertified material is from a legal source.</p> <p>The UK government requires all timber and wood products to be from legal sources. Therefore, if mixing of certified and uncertified material is allowed, in order to meet UK government requirements for legality, there must be a system in place which provides assurance that the uncertified material is from a legal source.</p> <p>If the certification system does not include requirements to ensure that the uncertified material is from legal sources, then only products which are 100% certified can be</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>accepted as providing assurance of legality.</p> <p>NB If a scheme scores 0 for this criterion, it only affects acceptance of products containing uncertified material.</p>		
Comments on 4.3			
32	<p>Criterion 4.3's guidance on interpretation states "If the certification system does not include requirements to ensure that the uncertified material is from legal sources, then only products which are 100% certified can be accepted as providing assurance of legality".</p> <p>Full compliance by all FSC chain of custody certificate holders is not required until 1 January 2007. Therefore, FSC currently fails to satisfy Criterion 4.3. FSC's document, <i>FSC-STD-40-005 - FSC standard for non FSC-certified controlled wood</i>, states "This standard is effective from 1st October 2004. All existing FSC chain of custody certificate holders mixing certified with non FSC-certified wood for the purpose of FSC labelling are required to comply with this standard by 1st January 2007".</p> <p>There does not appear to be any other FSC documentation which addresses the issue of verification of the legality of uncertified material contained in FSC 'mixed' products. Therefore, it can only be assumed that FSC does not meet Criterion 4.3 as there is currently no requirement to ensure that uncertified material is obtained legally for 'existing FSC chain of custody certificate holders'.</p>	14	<p>FSC has been assessed as partially compliant with this requirement, on the basis of:</p> <ul style="list-style-type: none"> • FSC-POL-40-001 FSC Policy on Percentage-based Claims May 2000 • FSC-STD-40-004 (version 1.0) FSC chain of custody standard for companies supplying and manufacturing FSC-certified products, 1st Oct 2004 • FSC-STD-40-005 (version 1.0) FSC standard for non FSC-certified controlled wood, 1st Oct 2004 <p>Assessment has taken into account effective dates for FSC standards.</p>
33	<p>I think you may be relying on the controlled wood standard in FSC circumstances to provide the legality and/or sustainability assurances you seek for the uncertified content, however at this time it may be premature to do so, as the controlled wood standard will not be required until January 2007 at the earliest, and several FSC</p>	17	<p>See response to no. 32</p>

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>proponents have indicated that the implementation deadline could be delayed further given the challenges associated with finalizing the controlled wood documents.</p>		
34	<p>In October 2004 FSC approved a document relating to the controlled wood verification by FSC certified manufactures (FSC-STD-40-005 FSC standard for non FSC-certified controlled wood</p> <p>Currently, FSC does not meet the CPET /DEFRA criterion 4.3 as full compliance of all companies with FSC chain of custody certificates is only required by 1 January 2007. At the moment, the FSC website does not provide any other document which would deal with verification of legality of uncertified element in FSC certified products.</p> <p><i>“B Standard Effective Date: This standard is effective from 1st October 2004. All existing FSC chain of custody certificate holders mixing certified with non FSC-certified wood for the purpose of FSC labelling are required to comply with this standard by 1st January 2007. (FSC-STD-40-005)”</i></p> <p>In conclusion it is apparent that FSC does not meet criterion 4.3 as FSC currently does not include requirements to ensure that the uncertified material is from legal sources. Therefore only products which are 100% certified (FSC Pure) can be accepted as providing assurance of legality.</p>	22, 23	This comment was received after the deadline but can be addressed through response to comment no. 32
4.4 If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3 – 1.2.6 above are being met.	<p>This requirement is relevant when mixing of certified and non-certified material is allowed. Mixing occurs whenever the following approaches are used: percentage labelling, volume accounting, input-output or processor certification.</p> <p>The UK government requires that 70% of the material in a product or product line is from</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>sustainable sources. To meet this requirement, if the proportion of uncertified material is more than 30% then there must be a system in place which provides assurance that the uncertified material is from a sustainable source.</p> <p>If such a system is not in place, then only material which contains 70% or more certified material can be accepted. Examples of approaches which provide such information include:</p> <ul style="list-style-type: none"> • Segregation: material from a certified forest is kept separate from uncertified material throughout the production process. • Percentage-based claims: the percentage of material in the product or product line from a certified forest is reported. • Mass-balance: the proportion of product sold as certified is equivalent to the proportion of certified raw material entering the process. <p>NB If a scheme scores 0 for this criterion, it only affects acceptance of products or product lines containing more than 30% uncertified material.</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
Comments on 4.4			
No comments received.			
<p>4.5 There is a clearly defined mechanism for controlling all claims made about the certified nature of products which ensures that claims are clear and accurate and that action is taken to prevent any false or misleading claims.</p>	<p>If claims are not controlled, then the veracity of any claim made is in question.</p> <p>Note ISO 14020 contains general guidance on environmental labels and declarations.</p>		
Comments on 4.5			
No comments received.			
<p>4.6 If recycled material is used there must be a verifiable system in place which is designed to ensure that recycled material is from the following categories:</p> <ul style="list-style-type: none"> • Pre-consumer recycled wood and wood fibre or industrial by-products but excluding sawmill co-products • Post-consumer recycled wood and wood fibre • Drift wood 	<p>Further guidance needs to be developed.</p> <p>NB If a scheme scores 0 for this criterion, it only affects acceptance of products containing recycled material</p>		
Comments on 4.6			
No comments received.			

5. Non-criteria-related comments

		Commentator	CPET responses
35	<p>In mid-February 2001 the UN FAO and ITTO held a certification conference in Rome. The objective was to demonstrate the obvious similarities and objectives of the various programs and to have peace declared. The process was to have the main forest certification organizations present their programs and have an open discussion. The result was a continuation of the competition. Which is a nice polite word for what is going on. At the end of the conference a man stood at the back of the room and made the following declaration: "Everybody should know that the WWF, Greenpeace, and other ENGO's that support the FSC will do everything in their power to destroy the credibility of any forest certification program that threatens the position of the FSC."</p> <p>Not being a European I did not recognize this statesman. I asked who it was? I was told that it was the senior WWF forest campaigner from Germany- one Heiko Liedeker by name. Shortly afterwards the first FERN report damning the PEFC appeared, authored by Saskia Ozinga et al. This competition between the FSC and all other certification programs has a long and nasty history.</p> <p>If CPET continues to accept the FSC scheme as being a guarantor of legality of management and harvest and sustainability of long-term forest management and ignores the fact that in Feb 2006, 41% of the area certified and in 83% of countries where certifications have been carried out the 'FSC Triangle' has only two sides (at best) you will invite disbelief and criticism of the CPET assessment. The fact of the matter is that this is a perfect case of the "The Emperor Has No Clothes".</p> <p>CPET must take one of two decisions in order to retain its credibility and honour. Remove the FSC from the list of approved certification schemes completely for a failure</p>	13	<p>See responses under CPET criteria 1.3.2/1.3.3.</p> <p>Comments are not relevant to specific criteria and thus cannot be taken into account as part of the Review.</p>

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	to observe what CPET itself states to be the fundamental rule of certification schemes “The Triangle”; OR Delete from the CPET approved list of origins all FSC certifications in countries where certifications have been carried out against these non-existent standards. The question that must be asked is: What would CPET’s decision be if ANY other certification scheme than FSC was granting certifications to non-existent standards? We all know the answer to this one.		
36	It is not true that I stated in my former position as Chairman of the WWF European Forest Team at the FAO conference in 2001 that ‘WWF, Greenpeace, and other ENGOs that support the FSC will do everything in their power to destroy the credibility of any forest certification program that threatens the position of the FSC’ . None of my comments during the conference could possibly be misunderstood as any such threat. I clearly recall that our (WWF’s) agreed strategy for the conference was to promote FSC because we (WWF) considered it the most credible system, but to abstain from commenting on the quality of any other certification schemes presented.	19	Not relevant to this review.
37	<p>A report recently commissioned by the <i>World Rainforest Movement</i> entitled ‘Greenwash: Critical analysis of FSC certification of industrial tree monocultures in Uruguay’ contained some serious criticisms of FSC certification in Uruguay. Click here for link to report. The report states:</p> <ul style="list-style-type: none"> • All of the foregoing clearly illustrates that none of the four (plantation) companies evaluated fulfils the mission of the FSC. • In the concrete case of Uruguay, the certification of these plantations does not contribute to promoting the sustainable management of forests, but instead serves to endorse the total destruction of the country’s main ecosystem. • Large-scale monoculture tree plantations established in Uruguay should have never been certified by the FSC, precisely because they are “environmentally, inappropriate, socially damaging and economically unviable”. 	14	This review does not include any assessment of the actual outcome of certification in the forest.

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<ul style="list-style-type: none"> If the (plantation) company cannot meet FSC requirements, SGS (the FSC Certification Body) has no problem with the company lobbying to change FSC's requirements, so that they can meet them. <p>A report by <i>The Rainforest Foundation</i> entitled 'Trading in Credibility: The myth and reality of the FSC' also provides some major criticisms of the FSC. Click here for link to report. The report states:</p> <ul style="list-style-type: none"> Serious flaws are being carried out in FSC's name, to the extent that the public cannot be assured that a wood product carrying an FSC logo comes from a well managed forest. Inherent weaknesses exist in the operational model of the FSC, where certification bodies (which compete for clients in the market) function as intermediaries between FSC and forest managers, with whom they have direct economic relations. These flaws have been allowed to develop in the absence of properly functioning disciplinary and control mechanisms. FSC's 'fast growth' strategy has promoted certification of non-compliant forest managers, undermined multi-stakeholder processes, and disregarded the policy context in targeted countries. The absence of defined 'major failings' in the FSC's Principles and Criteria is seriously problematic, and also results in consumers being misled about the 'guarantee' provided by FSC. Urgent structural, political and practical reform is fundamental if FSC is to survive as a credible mechanism for the certification of environmentally appropriate, socially beneficial and economically viable forestry <p>An example of one of the nine case studies in the report by <i>The Rainforest Foundation</i>,</p>		

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	<p>involved an investigation into FSC's certification of Thailand's Forest Industry Organisation (FIO). The main issues identified in the case study included:</p> <ul style="list-style-type: none"> • Serious failure on the part of the FSC Certifier (SmartWood) to take into account national forestry disclosure, as well as the potential legal and political consequences of the certification. • Lack of national/regional certification standards. • Partial certification, potentially legitimising a company widely recognised to be in need of major institutional reforms in order to become environmentally and economically 'sustainable'. • Weak consultation procedures. • Non-compliance with FSC P&C resulting in an 'aspirational certification'. • Inadequate public summary. <p>FSC's own investigations into the Rainforest Foundation's case study on FIO, Thailand has subsequently shown that the Foundation's concerns about these specific certifications were justified as FSC certification of FIO has subsequently been suspended.</p>		
38	<p>CPET has been focused over the course of the last year on ensuring PEFC endorsed national standards meet CPET standards development criteria, and yet FSC which is also an umbrella certification program that recognizes national/regional standards has not been subject to the same level of monitoring and compliance to ensure implementation at the national/regional level. The reality is that FSC certifications take place where FSC endorsed standards do not exist and many of those certifications therefore are not to a FSC endorsed standard. Well over 50% of countries with FSC certifications do not have FSC endorsed standards and therefore may not have standards development processes</p>	16	See responses under CPET criteria 1.3.2/1.3.3.

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	that meet CPET's criteria.		
39	<p>Difficult for management council to verify and estimate, could not be implement this rule as demand on forest product and use is very high WHILE direct income to forest owners are low since middle who are involve in the trade of forest products, resources and in BBCF are NOT trust worthy with prices they offer and sell on international market.</p> <p>Mount Cameroon report inventory report of bimbria bonadikombo community forest (June 2002): Recommend the proper payment of forest management staffs to avoid lobbying from contractors.</p>	21	This comment was received after the deadline and therefore cannot be taken into account.