
CPET Category A Technical Panel

Report of the Technical Panel meeting on 19-20 November 2009

Submitted by the Technical Panel to CPET on 30 November 2009

1 Introduction

The CPET Technical Panel (TP) met on 19-20 November at ProForest's office in Oxford to prepare advice to CPET on the following:

- Social aspects of sustainable forest management in the Government's definition of sustainable forestry and in the CPET Criteria for Evaluating Certification Schemes (Category A Evidence) (referred to as CPET Criteria throughout this report);
- How the governance of certification at a national level by international certification programmes might be addressed in the CPET Criteria;
- What amendments should be made to the CPET Criteria to take account of the recommendations which the TP made in 2008;
- How the issue of certification following conversion of natural/semi-natural forest might be addressed in the CPET Criteria.

The TP made all of its decisions on the basis of unanimity.

2 Social aspects

2.1 Definition

CPET asked the TP to propose:

- (i) text concerning social aspects of forestry for inclusion in the Government's definition of sustainable forestry; and
- (ii) criteria and guidance that would incorporate the subject matter of the definition into the CPET Criteria for evaluating certification schemes.

The TP took account of:

- (i) DEFRA's proposed addition to the definition of sustainable forestry;
- (ii) CPET's draft proposed definition (which was based on DEFRA's proposed addition to the definition of sustainable forestry and the responses to the DEFRA consultation);
- (iii) the responses to the DEFRA consultation;
- (iv) the Chatham House report "Social issues in timber procurement policies" written by Duncan Brack, fourth draft, January 2009; and
- (v) the report "Common Framework. Comparison of timber procurement policy criteria for forest standards, certification, accreditation, chain of custody and labelling", June 2008.

The TP proposes to CPET that the following text should be added to the definition of sustainable forestry as point 2.9:

"Management of the forest must have full regard for the interests of indigenous peoples, local communities and forest workers. In order to achieve this, the definition of 'sustainable' must include requirements for:

- *Identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest;*
- *Mechanisms for resolving grievances and disputes, including those relating to tenure and use rights, to forest management practices and to work conditions;*
- *Safeguarding the basic labour rights and health and safety of forest workers.”*

The proposed text is reproduced at Annex A together with DEFRA’s proposed addition to the definition of sustainable forestry and CPET’s draft proposed definition for comparison.

2.2 Criteria

The TP agreed that the following criteria and guidance should be added to the CPET Criteria in order to incorporate the social aspects of forestry reflected in the proposed addition to the definition:

Criteria	Guidance on interpretation	L	S
<i>1.2.w. The standard must require that the legal, customary and traditional tenure and use rights of indigenous peoples and local communities related to the forest are identified, documented and respected.</i>	<i>To score 1 every aspect of the criterion must be adequately addressed. To score 2 the standard must include a requirement for a process of free, prior and informed consent. Where the criterion is adequately addressed by legal requirements in all countries where a scheme can be used, the standard need not make explicit reference to the subject matter of the criterion provided that the standard requires legal compliance.</i>		✓
<i>1.2.x. The standard must require that appropriate mechanisms are in place for resolving grievances and disputes including those relating to tenure and use rights, to forest management practices and to work conditions.</i>	<i>To score 2 each aspect of the requirement must be adequately addressed. Where this is not achieved but there are no major omissions for any aspect a score of 1 can be awarded. Where the criterion is adequately addressed by legal requirements in all countries where a scheme can be used, the standard need not make explicit reference to the subject matter of the criterion provided that the standard requires legal compliance.</i>		✓
<i>1.2.y. The standard must ensure that the basic labour rights of forest workers are safeguarded. In order to do this the standard must include requirements</i>	<i>To score 2 each requirement must be adequately addressed, for example by reference to all of the core ILO conventions¹. Where this is not achieved</i>		✓

¹ The core ILO conventions are those conventions which form the basis for the ILO Declaration on Fundamental Principles and Rights at Work covering:

- *freedom of association and the effective recognition of the right to collective bargaining (conventions 87 and 98);*

Criteria	Guidance on interpretation	L	S
<p><i>concerning the following:</i></p> <ul style="list-style-type: none"> - <i>freedom of association and the effective recognition of the right to collective bargaining;</i> - <i>the elimination of all forms of compulsory or enforced labour;</i> - <i>the effective abolition of child labour;</i> - <i>the elimination of discrimination in respect of employment and occupation.</i> 	<p><i>but there are no major omissions a score of 1 can be awarded.</i></p> <p><i>Where the criterion is adequately addressed by legal requirements in all countries where a scheme can be used, the standard need not make explicit reference to the subject matter of the criterion provided that the standard requires legal compliance.</i></p>		
<p><i>1.2.z. The standard must require that appropriate safeguards are put in place to protect the health and safety of forest workers and forest users.</i></p>	<p><i>To score 2 the requirement must be adequately addressed, for example by reference to relevant ILO conventions or national/local legal requirements. Where this is not achieved but there are no major omissions a score of 1 can be awarded.</i></p> <p><i>Where the criterion is adequately addressed by legal requirements in all countries where a scheme can be used, the standard need not make explicit reference to the subject matter of the criterion provided that the standard requires legal compliance.</i></p>		✓

The following points of the TP’s discussion serve to explain the above criteria and guidance:

- The TP considered whether to include all three elements in one criterion or to separate them. The TP noted that environmental aspects of sustainable forestry are addressed by several criteria. The TP agreed that the three elements of the social dimension of sustainable forestry in the Government’s definition should be expressed as separate criteria in order that the social dimension should have a prominence and weighting for purposes of scoring comparable to that of the environmental dimension.
- The TP decided to separate basic labour rights and health and safety into two criteria because basic labour rights are addressed by an internationally recognised core set of ILO conventions and health and safety are addressed by other ILO conventions which are not part of the core set.
- Regarding guidance related to coverage of the requirements of criteria in legislation, the TP agreed that the wording used in the current guidance was confusing². The TP

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- *the elimination of all forms of compulsory or enforced labour (conventions 29 and 105);*
 - *the effective abolition of child labour (conventions 138 and 182);*
 - *the elimination of discrimination in respect of employment and occupation (conventions 100 and 111).*

² The current guidance uses the wording: “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”.

agreed the new wording which is used in the guidance in the above table. The TP also proposes to CPET that the new wording should be applied to all existing criteria where relevant.

- In drafting the criteria the TP adapted the wording of the definition so that the language followed that used in the existing criteria.
- The TP agreed that the criteria should address the following points which were not included in CPET’s internal draft criteria:
 - the tenure and use rights of indigenous peoples;
 - the principle of free, prior and informed consent with regard to tenure and use rights;
 - health and safety of forest workers.

3 Governance of certification at a national level by international certification programmes (Annex B)

CPET asked the TP to consider how the issue of governance of certification at a national level by international certification programmes could be addressed in the evaluation of certification schemes.

The TP agreed that the most effective way of addressing the issue would be to add a new criterion to the CPET Criteria as follows:

<i>Criteria</i>	<i>Guidance on interpretation</i>	<i>L</i>	<i>S</i>
<p><i>n.n.n International certification programmes must be implementing documented systems that ensure the fulfilment, within a reasonable and practicable timeframe, of all requirements which are applicable at a national level related to:</i></p> <p><i>a. Forest standards;</i></p> <p><i>b. Certification;</i></p> <p><i>c. Accreditation;</i></p> <p><i>d. Chain of custody.</i></p>	<p><i>Assessment against this criterion shall consider not only the existence of systems but also the documented results of their implementation; for example, reports, made by the programme in question, on scheme endorsement.</i></p> <p><i>To score 2 every aspect of the criterion must be adequately addressed.</i></p> <p><i>Where this is not achieved but there are no major omissions a score of 1 can be awarded.</i></p>	✓	✓

The TP agreed that any criteria addressing the application of international certification programmes at a national level should be in a new section of the CPET Criteria which could be given the title “National Level Application”.

The TP stresses the importance of including evidence of implementation: the existence of documented systems on its own would not provide sufficient assurance that all requirements applicable at a national level are being fulfilled.

4 Amendments to the CPET criteria to take account of the TP’s comments from 2008

The TP proposes the amendments presented in Annex B to take account of the TP’s comments from 2008.

5 Certification following conversion of natural/semi-natural forest

The TP was asked to think of ways in which Category A evaluations could take account of the issue of certification of “plantations” converted from natural/semi-natural forests.

The TP agreed that the issue could be addressed by adding the following requirement as a new criterion in section 2 of the CPET Criteria:

Criteria	Guidance on interpretation	L	S
<i>n.n.n The certification scheme must include measures which limit the circumstances in which certification may be awarded to a forest, the character of which has been subject to planned and systematic transformation in a concentrated period of time so as to significantly reduce the forest’s biodiversity and/or health and vitality of the forest ecosystem; for example, the conversion of natural forest or forest with many of the characteristics of natural forest to industrial forest plantation.</i>	<i>Certification schemes may limit the circumstances in which affected forests may be certified in whatever ways they consider appropriate, for example by allowing certification of forests transformed after a certain date to be certified only in exceptional circumstance. A score of 2, 1 or 0 shall be awarded based on the degree of assurance provided by the certification scheme’s rules that timber from forests that have been the subject of transformation as described in the criterion will enter the supply chain as timber from certified forests only in clearly defined and justifiable circumstances.</i>		✓

6 Other points

The TP noted that the subject matter of criterion 1.3.1 in the CPET Criteria should be added to the Government’s definition of ‘sustainable’ forestry.

CPET Technical Panel
30 November 2009

Annex A

CPET Technical Panel, CPET and DEFRA Proposed Additions to the Definition of Sustainable Forestry to Address Social Issues

1. CPET Technical Panel proposed definition

Management of the forest must have full regard for the interests of indigenous peoples, local communities and forest workers. In order to achieve this, the definition of 'sustainable' must include requirements for:

- Identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest;
- Mechanisms for resolving grievances and disputes including those relating to tenure and use rights, to forest management practices and to work conditions;
- Safeguarding the basic labour rights and health and safety of forest workers.

2. CPET internal draft for the TP

Management of the forest must ensure that the interests of local communities and forest workers are maintained. In order to achieve this, the definition of sustainable must include requirements for:

- Identification, recognition and respect of customary and traditional tenure and use rights related to the forest
- Mechanisms for resolving disputes relating to tenure and use rights or forest management
- Freedom of workers to organise and negotiate collectively, in accordance with ILO Conventions 87 and 98.

3. DEFRA basis for developing social criteria

a. clarification, recognition and respect of legal, customary and traditional rights related to the forest;

b. mechanisms for dispute resolution between timber production operators logging in the forest and local people and

c. freedom of workers to organise and negotiate.

Annex B

Criteria	Guidance on interpretation	L	S
1.1.4 The standard requires compliance with the requirements of CITES in signatory countries.	The possible scores against this criterion are either 0 or 2.	✓	

Deleted: For standards which can only be applied in countries which are CITES signatories and have 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.

Criteria	Guidance on interpretation	L	S
1.2.2 The standard must be performance-based.	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. To score 2, criteria 1.2.3 – 1.2.6 must be scored 2. To score 1, each of the criteria 1.2.3 – 1.2.6 must be at least partially addressed.		✓

Deleted: the standard must address all of the requirements set out in

Deleted: as performance elements, not as issues to be addressed by a management system without any minimum threshold of performance.

Criteria	Guidance on interpretation	L	S
2.1 Certification must be undertaken by a body whose organisation, systems and procedures conform to applicable ISO guidance, or publicly available equivalent.	Applicable ISO guidance includes: – ISO/IEC 17021:2006 – Conformity assessment – Requirements for bodies providing audit and certification of management systems – ISO Guide 65: 1996 – General Requirements for bodies operating product certification systems Note if this is not delivered by the scope of the accreditation, then the checklist in Annex 2 must be completed.	✓	✓

Deleted: <#>Guide 62:1996 General requirements for bodies operating assessment and certification/registration of quality systems¶

Deleted: <#>ISO Guide 66: 1999 General requirements for bodies operating assessment and certification/registration of environmental management systems (EMS).¶

Criteria	Guidance on interpretation	L	S
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.	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. Therefore, the possible scores against this criterion are either 0 or 2.	✓	✓

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Criteria	Guidance on interpretation	L	S
2.5 A summary of the results of the certification audit (excluding confidential information) must be publicly available to interested parties.	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. The information must, at a minimum, provide a summary of the findings with respect to conformance with the requirements of the forest management standard. To score 2, the public summary must be available on a relevant website. To score 1, the summary must be available to any interested party on request within a defined timescale.		✓

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Criteria	Guidance on interpretation	L	S
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 .	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. Therefore, the possible scores against this criterion are either 0 or 2.	✓	✓

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Criteria	Guidance on interpretation	L	S
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: <ul style="list-style-type: none"> • Pre-consumer recycled wood and wood fibre or industrial by-products but excluding sawmill co-products <u>unless certified</u> • Post-consumer recycled wood and wood fibre • Drift wood 	Further guidance needs to be developed. NB If a scheme scores 0 for this criterion, it only affects acceptance of products containing recycled material	✓	✓