

The logo for the Central Point of Expertise on Timber (cpet) consists of the lowercase letters 'cpet' in a white, sans-serif font, centered within a solid black rectangular box.

Central Point of Expertise on Timber

UK Government Timber Procurement Policy

Comments and responses on
Category A criteria

June 2006

Table of Contents

1. Forest Standards.....	3
1.1. Content of standards for legal compliance	3
1.2. Content of standards for sustainable variant.....	13
1.3. Standard-setting process	40
2. Certification.....	75
3. Accreditation	86
4. Chain of custody.....	90

The following is a compilation of all comments received as part of the public call for comments on the *Category A criteria and guidance* document. The comment period ran from 13th February until March 18th, 2006. A summary of comments and the CPET response was discussed with the CPET Reference Board, and many comments were taken in to account in the final version of the *Category A criteria and guidance* document. All comments are un-attributed.

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			
Legal use rights are noted in 1.1.1 and it seems that this requirement is best suited in that section. To request "tenure and use rights" also in 1.1.2 seems to imply that you are looking for something different there, and yet presumably a contractor will be working on the land of the forest owner/manager (already covered in 1.1.1) and therefore it is unclear how this is different. Also it should be made clear that provided there are legal rights to use the land, this is sufficient. Use rights seems to imply perhaps something different from legal rights, and I would think it would be hard for the UK government to get into the arena of arbitrating whether use rights are indeed upheld. Legality is hard enough to secure assurances around, never mind use rights, which could be interpreted as social rights, not legal rights.		1	Criterion 1.1.2 has been amended to state "other parties' tenure and use rights."
The criterion appears unambiguous: in order to meet the criterion the standard must contain an explicit statement that the forest owner/manager must holds legal use rights to the forest. The only possible ambiguity is over who may be considered to be the forest owner/manager; presumably the certification applicant (or applicants in the case of group certification		2	Forest owner/ manager means certification applicant. Guidance on interpretation provides explanation on scoring: If schemes are

Criteria	Guidance on implementation	Commentator	CPET responses
<p>schemes).</p> <p>It is difficult to imagine circumstances in which a scheme might be awarded a score of 1; a scheme standard either contains the requirement established by the criterion or it does not and therefore may score only 0 or 2.</p> <p>The guidance is not clear. If the intended meaning is that the test set by the criterion can be satisfied by compliance with the law, ie Criterion 1.1.2, that would be incorrect - the law does not determine whether the forest owner/manager holds legal use rights to the forest or not.</p>			<p>explanation on scoring: 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</p>
	<p>The guidance does not acknowledge the point made in our previous commentary that national laws do not clarify legal use rights. These rights are established in title deeds, leaseholds agreements, court cases (in some cases), but rarely in law. The provision of a score of 1 to schemes that do not explicitly address legal use rights but that are applicable only to countries where legal use rights are clear is erroneous. The only possible score should be 0 or 2.</p>	3	See response to comment 2.
<p>What should be considered as “legal” in countries where land tenure and property rights are not clearly defined?</p> <p>A minimum threshold should be defined for such cases, or a list of the countries where “legal use rights are not clear”?</p>		4	See response to comment 2.
<p>1.1.2 The standard requires compliance from both the forest management organisation and any contractors with local and national laws and codes of practice including those relevant to:</p> <ul style="list-style-type: none"> - Forest management - Environment 	<p>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 process has proposed that in such countries it will be necessary to have or develop a practical working definition of ‘legal’ or a set of core</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
<ul style="list-style-type: none"> · Labour and welfare · Health & safety · Tenure and use rights 	<p>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.</p>		
Comments on 1.1.2			
<p>This criterion duplicates partially (“tenure and use rights”) criterion 1.1.1. With the unnecessary duplication of requirements, some subjects are given undue weights.</p> <p>There is given no further information on the countries that have “unclear or conflicting” law. How shall be known which countries are supposed to have “unclear or conflicting” law?</p>		5	See response to comment 1.
<p>Legal compliance is covered by criteria 1.1.1</p> <p>Both criteria should be merged into one, taking into account the comment to criteria 1.1.1</p>		6	See response to comment 1.
<p>The criterion appears unambiguous.</p> <p>It is difficult to imagine circumstances in which a scheme might be awarded a score of 1; a scheme standard either contains the requirement established by the criterion or it does not and therefore may score only 0 or 2.</p> <p>The list of four subject areas must not be taken to be exclusive. Compliance is required with all laws and codes of practice applicable to the certified territory and persons managing the territory.</p> <p>The “guidance” is not guidance. It is merely an observation about the difficulty of establishing a clear definition of legality.</p>		7	<p>Compliance with the requirements of each criterion is on a 3-point scale:</p> <p>0: inadequately addressed and not acceptable.</p> <p>1: partially addressed</p> <p>2: acceptable.</p> <p>The guidance also provides context.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
CPET has deleted 'and codes of practice'. There is no explanation for this. If CPET considers this to be outside of the scope of a criterion for legality this is understandable, but not if it applies to sustainable as well. Compliance with relevant codes of practice should be added to the test of sustainability. The Guidance is still not helpful in deciding when a scheme should score 1 or 2 and needs to be changed to provide clarification		8	Criterion 1.1.2 has been amended to "legal requirements".
It seems to us that there is some duplication of the 1.1.1 criteria. If it should be relevant to use criteria for evaluating schemes there should not be a set of criteria where the same "issue" is validated several times in different places.		9	See response to comment 1.
See CSA comment in 1.1.1		10	See response to comment 1.
"Tenure and use rights" are referenced. Is this not covered in criterion 1.1.1 under "legal use rights to the forest"? If these two references are intended to be different, then it is unclear. If they, in fact, do overlap, then we suggest removing "tenure and use rights".		11	See response to comment 1.
Local and national laws: should be completed like: " <i>international, national and local laws or regulations.</i> " In Europe, EU regulations are very important in some of these matters. Tenure and use rights: should be deleted, as it is included in 1.1.1 <i>Land use planning</i> should be added at this list.		12	Criterion 1.1.2 has been amended to "legal requirements".

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. Reference to “tenure and use rights” is a duplication of criterion 1.1.1. It is not appropriate to have follow-on criteria which automatically result in lower or zero scoring as they are dependent on the previous criteria. This approach risks undue weights being given to specific issues. This issue is particularly of importance where DEFRA / CPET recognition depends on achieving a threshold scoring.</p> <p>2. CPET Guidance states that “in some countries laws may be unclear or conflicting making clear definition of legality difficult to achieve”. As this is subjective, CPET would need to consider producing a list of countries where the laws are, in its opinion, unclear or conflicting in order to achieve an objective interpretation.</p> <p>3. The language used in the Guidance is not precise enough. Statements such as “<i>it is now recognised</i>” have to be qualified i.e by whom etc.</p> <p>Suggestions:</p> <p>1. Either delete the concept of “some countries” being required to develop definition of “legal” supported by major stakeholders group or provide forest certification schemes with an explicit list of the countries which in CPET’s view have “....<i>unclear and conflicting laws</i>”.</p> <p>2. Exclude “tenure and use rights” as it is already covered by 1.1.1.</p>		13	<p>See response to comment 1.</p> <p>Guidance also provides context.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <ol style="list-style-type: none"> 1. Reference to “Tenure and use rights” is a duplication of criterion 1.1.1 2. National laws must be the legal basis for the standard, otherwise we would come into a conflict with national sovereignty. Do we don’t consider appropriate drafting “laws may be unclear or conflicting making clear definition of legality difficult to achieve”, and the sentence “It is now recognised” sounds subjective. We advise to use language coming from Plan of action and FLEGT Regulation 2173/2005, where reference to legality in producer countries is made: “In accordance with national legislation”. <p>Suggestions</p> <ol style="list-style-type: none"> 1. Exclude “tenure and use rights” as it is already covered by 1.1.1 2. Either delete the concept of “some countries” being required to develop definition of “legal” supported by major stakeholders group or provide forest certification schemes with an explicit list of the countries which in CPET’s view have “...unclear and conflicting laws”. 		14	See response to comment 13.
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.		

Criteria	Guidance on implementation	Commentator	CPET responses
Comments on 1.1.3			
<p>Comment:</p> <p>1. As the payment of royalties and taxes is in all cases defined by legislation, the scheme’s requirement for the compliance with legislation cannot be considered as partial compliance only.</p> <p>Suggestion:</p> <p>1. The scheme’s requirement for legal compliance should be considered as full compliance only.</p>		15	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.
<p>Comments:</p> <p>1. As the payment of royalties and taxes is all cases defined by legislation, the scheme’s requirement for the compliance with legislation cannot be considered as partial compliance only.</p> <p>Suggestion:</p> <p>1. the scheme’s requirement for legal compliance should be considered as full compliance only, and then a score of 2.</p>		16	See response to comment 15.
<p>This criterion could also have the guidance of “In general, compliance with the requirements in national laws can be implicit under legal requirements” The AFCS doesn’t use the equivalent of an FSC P&C as it is implicit in the legal requirements for the Australian Forestry Standard.</p>		17	See response to comment 15.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Guidance is confuse, regarding the scoring method.</p> <p>If payment is clearly required by law, an explicit requirement for legal compliance in the standard should score 2.</p> <p>If payment is not clearly required by law, an explicit requirement for compliance in the standard should score 1?</p>		18	<p>A score of 2 can be awarded if the scheme explicitly requires a payment of all relevant royalties and taxes.</p> <p>A score of 1 can be awarded if the scheme explicitly requires legal compliance.</p>
<p>The criterion is not as unambiguous as it could be specifically because the test that the standard has to pass is not clear:</p> <ul style="list-style-type: none"> • What has to be paid? <i>“all relevant royalties and taxes”</i> could be taken to extend to all payments in respect of the holding and exercise of forest use rights (lease rent, concession fees, stumpage fees) and all taxes arising from the business (corporation tax, VAT). If that is the intention, OK, but a scheme’s certification assessment procedures must address payments of all of these charges. • Who has to pay? Does the requirement to pay fall only on the certificate holder? Or does it fall on all persons that are involved in the management of the certified territory? 		19	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>See our previous comments. It is unclear what is to be paid by whom and by when. Guidance does not address this, but rather assumes that all payments are clearly required by law. While this is undoubtedly the case for many payments, it is not the case for all. Many payments are the subject of contracts, and failure to pay may be pursued under civil law by a party to a contract. Clearer guidance is needed. The only possible score should be 0 or 2.</p>		20	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>1.1.4 The standard requires compliance with the requirements of CITES.</p>	<p>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.</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	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			
<p>The guidance is confuse. As we understand, it must be stated as</p> <ul style="list-style-type: none"> • In countries which are CITES signatories and have incorporated the requirements into national law, the compliance can be implicit under legal requirements. • In countries which are CITES signatories and have not incorporated the requirements into national law, CITES requirements must be explicitly stated in the standard. • In countries which are not CITES signatories, CITES requirements must be explicitly stated in the standard. <p>A scoring criteria must be provided.</p>		21	The guidance has the same meaning as suggested.
<p>1° this criterium deals with CITES, a trade agreement; it should be deleted from this section or moved to Chain of custody.</p> <p>2° the addition of “international “ in 1.1.2 allows to take into account any international legally binding instrument dealing with the matters listed in 1.1.2, without any duplication in other criteria.</p>		22	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. The guidance is based on the assumption that the requirement 1.1.4 refers to “standards for legal compliance” of forest management.</p> <p>2. The CITES agreement restricts and controls the trade of endangered species and as such does not provide requirements which would be applicable for forest management. Rather the requirements are applicable to the trade of materials from forests and thus this requirement is very pertinent to chain of custody.</p> <p>Suggestion:</p> <p>1. Compliance with CITES should be removed from the section dealing with forest management (1.1) to the section focused on chain of custody (4) as CITES is not relevant to forest management but to trade.</p>		23	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>Comments:</p> <p>Rather the requirements are applicable to the trade of materials from forests and thus this requirement is very pertinent to chain of custody.</p> <p>Suggestion:</p> <p>1. Compliance with CITES should be reinforced in the section focused on chain of custody (4).</p>		24	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The criterion appears unambiguous.</p> <p>According to the guidance, a standard that does not contain an explicit requirement will comply with the criterion if the standard is applicable only in countries that have signed CITES (by virtue of compliance with criterion 1.1.2). The guidance appears to allow acceptance of standards that apply in countries that have signed CITES but have not transposed the provisions of CITES into their national legislation. This is not acceptable. Reliance on criterion 1.1.2. should be sufficient only if all the CITES signatory countries in which the standard in question can be applied have transposed the provisions of CITES into their national law.</p>		25	See response to comment 21.

1.2. Content of standards for sustainable variant

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.2.1 Certification standards must be based on a widely accepted set of international principles and criteria defining sustainable or responsible forest management at the forest management unit level, such as:</p> <ul style="list-style-type: none"> · Intergovernmental processes designed for use at FMU level · ITTO Criteria · FSC P&C 	<p>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.</p> <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</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	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.		
Comments on 1.2.1			
<p>Second bullet - ITTO criteria - should be removed since it is covered for the first one. ITTO is an intergovernmental process, designed to be used at FMU level.</p> <p>Third bullet should be removed, since is illogic that a standard evaluation system uses as evaluation reference one of the standards to be evaluated.</p>		26	See response to comment 38.
<p>Therefore CFFP is of the opinion that criterion 1.2.1 should be review in conformity with CPET statement "It is not possible to define detailed global standard for forest management because of huge variation in climate, vegetation, topography, social-economic context" and explicitly wording for the need to develop national standard should appear in this criterion.</p> <p>In CFFP opinion it is also not acceptable that FSC P&C appear as a example in criterion 1.2.1 as these could be covered by the words "or equivalent" after the intergovernmental processes. Criterion 1.2.1, as it is worded today, means that any national FSC scheme will be instantly scored "2" instead of being subject an objective analysis according to the criterion.</p>		27	See response to comment 38.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.2.1: We support the statement that “<i>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.</i>”, but this does not provide any guidance. The statement shows why development of forest standards should be at national level or at least adapted to national level. We suggest that the need to develop standards at national or sub national level is added as a part of the criterion.</p> <p>Furthermore the FSC P&C should not be mentioned as a set of criteria since it is specific to one of the schemes going through the assessment.</p>		28	See response to comment 38.
<p>With respect to criterion 1.2.1 we propose to leave the “Intergovernmental processes designed for use at FMU level” as the only reference basis for certification standards. ITTO can be considered as intergovernmental process and the listing of FSC’s own criteria means a discrimination of other approaches. It would be better to evaluate the equivalence of all non-intergovernmental, private or other processes with the requirements of the intergovernmental processes.</p> <p>Much more important would be the addition of a requirement in the CPET catalogue which explicitly states that certification standards shall be developed at national or sub-national level and be based on international processes.</p>		29	See response to comment 38.
<p>As CPET’s intention is to assess the compliance with CPET’s criteria, all scheme specific (i.e. schemes under CPET assessment) references should be removed. If such references (i.e. reference to FSC P&C) occur, the CPET assessment regarding the scheme in question is meaningless, as scheme’s own document is used as requirement base.</p>		30	See response to comment 38.
<p>Proposal</p> <ul style="list-style-type: none"> • Remove criteria 1.2.2 through to 1.2.6 • Expand criterion 1.2.1, or the guidance to this criterion, to make clear that certification schemes must demonstrate implementation of effective procedures to ensure that standards address all aspects of forest management contained in the 		31	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. These changes have not been made.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>ensure that standards address all aspects of forest management contained in the referenced international principles and criteria of sustainable or responsible forest management.</p> <p>Rationale</p> <p>Rather than checking the content of standards against an inadequate set of “sustainability” criteria defined internally by CPET, it would make more sense to assess whether certification schemes operate effective procedures to ensure that standards do actually address the aspects of forest management contained in one or other of the referenced “widely accepted sets of international principles and criteria”. For example:</p> <ul style="list-style-type: none"> • Did the standards-setting process involve comparative studies or gap analysis between the certification standard and the international forestry principles? • During the standard-setting process, was there a specific requirement to structure the certification standard around the international forestry principles? • What checks are made within international frameworks such as FSC or PEFC to ensure standards conform to the international principles? <p>If there are any doubts over the veracity of scheme procedures, CPET could undertake its own spot checks of the certification standards used by particular schemes against the international sustainable forestry principles to which they claim adherence.</p>			
<p>1° We do not agree with the use of “at the FMU level”, to be replaced by “at the operational level”, like in the MCPFE Peolg;</p> <p>In fact, during the discussions leading to Peolg, it was decided to use “at the operational level”, because FMU level is a very variable scale depending on the countries land tenure conditions (a few hectares in Belgium, for instance, very large areas in some countries).</p> <p>Operational level is more suited to sustainable forest management and practices</p>		32	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. These changes have not been made.</p> <p>See also response to comment 38.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>recommendations, as some of these recommendations are applicable at the property level (use of chemicals for instance), while other recommendations are to be managed at a larger level (integrated pest management, big game management ... for instance).</p> <p>2° ITTO criteria is included in intergovernmental processes; there is no need to repeat this: delete the bullet</p> <p>3° FSC P&C is a specific process and not a generic reference like for intergovernmental processes: it should be replaced by "International non-governmental processes designed for use at the operational level and demonstrating their equivalence with the intergovernmental processes "</p>			
<p>We do not believe it is appropriate for the criteria to reference any specific certification scheme. The inclusion of only one damages the credibility of this process. We believe the references to intergovernmental processes designed for use the FMU level and to ITTO criteria are sufficient and that there should not be a specific reference to FSC P&C. This implies an immediate favourable bias to the FSC scheme.</p>		33	See response to comment 38.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>It is not clear that this criterion serves any useful purpose. It does not add materially to the specific requirements in 1.2.3, 1.2.4, 1.2.5 and 1.2.6 and is therefore redundant.</p> <p>Leaving aside redundancy, the criterion has a number of serious weaknesses:</p> <ol style="list-style-type: none"> 1. The mere basing of a standard on international principles and criteria does not provide assurance that the standard will ensure the outcomes sought by those principles and criteria. The phrase “must be based on” leaves a lot of room for argument over whether a scheme complies or does not comply. The phrase “at the forest management unit level” also leaves a lot of room for argument: is it sufficient that a set of P&C states that it is designed for use at the FMU level? Or is there some test of applicability to the FMU level that needs to be applied? 2. The non-exclusive list of principles and criteria creates problems. Do schemes that are expressly based on the Montreal criteria comply with the criterion or not, bearing in mind that the Montreal criteria were not designed for use at the FMU level? The criterion refers to ITTO criteria, but which ones? ITTO has published criteria and management guidelines. Which of these are considered relevant by CPET? 3. The phrases “<i>Certification standards</i>” and “<i>must be based on</i>” are inconsistent with the language of the preceding criteria, which use “<i>The standard</i>” followed by a verb phrase in the simple present. <p>The “guidance” is not guidance. Guidance would be something like: “The standard must state explicitly the set of principles and criteria on which it is based. If the standard does not follow the structure of the international principles and criteria on which it is based, it should include a conformance matrix to show how the standard incorporates each of the requirements of the international principles and criteria.”</p>		34	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. These changes have not been made.</p> <p>Guidance also provides context.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Our previous comments which stated that basing a standard on international PandCs does not provide assurance that the standard will ensure the outcomes sought by those PandCs, still stands. Admitting schemes that base their standards on criteria developed for national reporting with a score of 1 weakens the assessment. It has been made clear by the EU and FAO, among others, that national reporting criteria bear no relationship to FMU level SFM criteria. The assertion that <i>“it is important to base certification standards on accepted international principles”</i> in order <i>“to ensure consistency and avoid trade barriers”</i> is undermined by the admission of reporting criteria and is anyway highly dubious. We suggest that it would be better to delete the criterion or change the guidance to get rid of the ambiguity.</p>		35	The guidance does not contradict the requirement for the certification standard to apply at the FMU level.
<p>Comments</p> <p>The modelling of CPET’s criteria is very closely aligned to the FSC certification scheme. This is further demonstrated by Criteria 1.2.1, which uses the FSC P&C as an example of acceptable international principles and criteria for defining sustainable or responsible forest management. Using one certification scheme’s (FSC) principles and criteria as the CPET criterion to assess and compare that scheme and other forest certification schemes would most likely bias the results of any review process.</p> <p>Conclusion and recommendations</p> <p>CPET’s stipulation of FSC’s P&C as a model of acceptable international principles and criteria might be regarded as providing further bias towards the FSC certification scheme. This matter needs to be rectified, as it might unfairly discriminate against non-FSC certification schemes during any review and assessment of certification schemes.</p>		36	See response to comment 38.
<p>Comments:</p> <ol style="list-style-type: none"> 1. The CPET statement “It is not possible to a define detailed global standard for forest management because of huge variation in climate, vegetation, topography, socio- 		37	See response to comment 38.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>economic context” does not provide any guidance on the interpretation of criterion 1.2.1 but is says the reasons why standards shall be developed at national level or adapted to the national level. This is indeed very relevant and the need to develop standards at national or sub national level thus appear explicitly in the wording of the criterion and be consider in the score.</p> <p>2. Criterion 1.2.1 explicitly mentions ITTO Criteria which is also considered as an “intergovernmental processes designed for use at FMU level”.</p> <p>3. In addition we propose the deletion of the FSC P&C as these could be covered by the words “or equivalent” after the intergovernmental processes. The reason for the deletion is that it is meaningless to use one certification’s scheme’s own PC&I as the CPET criterion to assess that scheme since it de facto has to get a scoring of “2” by virtue of being specified in the criterion. Rather it would be more meaningful for non-intergovernmental, voluntary, private of other processes to demonstrate their equivalence with the intergovernmental processes.</p> <p>Suggestions:</p> <p>1. The criterion 1.2.1 should explicitly state that certification standard shall be (i) developed at national or sub-national level and (ii) shall be based on a widely accepted set of international principles...</p> <p>2. Delete the reference to FSC P&C. The words “or equivalent” should be added to allow any scheme now or in the future which may wish to develop it onw PC&I to demonstrate equivalence with intergovernmental processes support and committed to by the UK Government. Examples should be deleted. If examples are given, all the relevant C&I Processes should be equally mentioned: So we request to include MCPFE C&I in the text.</p>			
<p>Comments:</p>		38	The examples of international principles

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1. The CPET statement "<i>It is not possible to define a detailed global standard for forest management because of huge variation in climate, vegetation, topography, socio-economic context</i>" does not provide any guidance on the interpretation of criterion 1.2.1. Rather it provides the reasons why standards shall be developed at national level or adapted to the national level. This is indeed very relevant and the need to develop standards at national or sub national level should thus appear explicitly in the wording of the criterion.</p> <p>2. Criterion 1.2.1 explicitly mentions ITTO Criteria which is also considered as an "intergovernmental processes designed for use at FMU level". It could therefore be deleted from the examples.</p> <p>3. In addition we propose the deletion of the FSC P&C as these could be covered by the words "<i>or equivalent</i>" after the intergovernmental processes. The reason for the deletion is that it is meaningless to use one certification's scheme's own PC&I as the CPET criterion to assess that scheme since it <i>de facto</i> has to get a scoring of "2" by virtue of being specified in the criterion. Rather it would be more meaningful for non-intergovernmental, voluntary, private or other processes to demonstrate their equivalence with the intergovernmental processes.</p> <p>Suggestions:</p> <p>1. The criterion 1.2.1 should explicitly state that certification standards shall be (i) developed at national or sub-national level and (ii) shall be based on a widely accepted set of international principles...</p> <p>2. FCS P&C shall be taken out as they are specific to one scheme only and the words "<i>or equivalent</i>" should be added to allow any scheme now or in the future which may wish to develop its own PC&I to demonstrate equivalence with intergovernmental processes supported and committed to by the UK Government.</p>			<p>have been moved from the criterion to the guidance.</p> <p>The guidance on interpretation addresses the need for certification standards to be adapted to local conditions.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
We were a bit astonished to find that on certification scheme seems to be set as criteria to judge in principle the same and other certification schemes. This puts a serious question mark on the impartial role of the evaluation process.		39	See response to comment 38.
1.2.2 The standard must be performance-based.	<p>There are two types of standards – performance and management system. Only performance standards 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 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.</p>		
Comments on 1.2.2			
<p>“The standard must be performance-based.” This requirement may raise differences in opinion among stakeholders, as there may be several interpretations of what constitutes a “performance-based’ standard.</p> <p>It would be more appropriate to revise the criterion to read, “The standard must <i>include</i> performance-based <i>requirements</i>”. This revised text would be consistent with the guidance for criterion 1.2.2, “...the standard must address the requirements set out in 1.2.3 - 1.2.6 as performance elements”.</p>		40	The guidance has been amended, changing “standards” to “requirements”.

Criteria	Guidance on implementation	Commentator	CPET responses
We are a bit confused whether there are ambiguous elements missing up performance requirements in standards and “performance standards”. We have not been able to sort it out, but find the criteria and the guidance unclear.		41	See response to comment 40.
<p>If considering a performance-based standard as one including only performance-based requirements, we see the following problems:</p> <ul style="list-style-type: none"> • Any performance-based standard will ensure a defined level of performance only if a threshold is provided for each requirement. Without any reference, it is impossible to assess the compliance for any performance-based requirement. Obviously, is not possible to define a set of compliance levels for all the sustainability related requirements, considering the wide spectrum of social, environmental and economic conditions over the world. Therefore, a minimum set of performance-based requirements should be defined, in order to ensure a common performance for all the assessed standards. • Beside this, there is a major issue regarding this criteria. Forestry is a long term activity. Bad practices effects are evident only after a rotation period, several years after executed. Any SFM standard must not be only performance-based, due to the great number of aspects where no performance level can be fixed a priori. System-based requirements will ensure that damaging effects are prevented, specially over water, soil and biodiversity. These requirements can also be used as references for all the aspects where no threshold performance level is available before one or more rotation periods, as they actually are, in the criteria 1.2.3, 1.2.4 and 1.2.5. <p>This is a major inconsistency on the CPET criteria, and it shall be addresses, since no sustainability goal can be achieved without an appropriate combination of system-based and performance-based requirements.</p>		42	See response to comment 40.

Criteria	Guidance on implementation	Commentator	CPET responses
	Guidance for a score is unclear: when does a scheme get a 0, a 1 or a 2?	43	The guidance on scoring has been amended.
	<p>How many performance-based elements should the standard contain in order for it to comply with the criterion, and which aspects of forest management should be addressed in the standard by performance-based requirements? Would it not be better to identify the aspects of forest management that should be controlled by performance-based standards or to lay down more specific, performance-based requirements in the CPET criteria?</p> <p>The verb phrase “<i>should be</i>” is not consistent with the language of other criteria. For consistency the verb phrase should be “is” or “must be”.</p> <p>The certification scheme’s assessment procedures are as important as the content of the standard. The assessment procedures should include assessments of whether specific outcomes required by the standard have been achieved and should not rely only on an assessment of whether the certification applicant’s systems and procedures are likely to deliver the outcomes. (More on this under criterion 2.3 below.)</p> <p>The “guidance” is not guidance, merely a justification for the criterion and a repetition of the requirement. The guidance should define “performance-based”, and do so in an unambiguous way.</p> <p>In the criterion’s present form possible scores of 1, 2 and 3 are appropriate because of the wide variation in the degree to which schemes are performance-based and lay down performance-based requirements.</p>	44	See responses to comments 40 and 43.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The standard must be performance-based. This seems like a fair requirement as does the guidance supporting it. However, the whole issue of performance-based vs. system-based is a thorny one with many people having many different interpretations around the issue. For example, in my opinion, if a standard says "soil quality must be maintained" that is performance based, whereas others might say that more specificity is required and/or numeric quantification. Hence, I don't think this is going to be an easy criterion for CPET to objectively assess, and I believe it will raise a lot of contention amongst stakeholders, because of the difference in opinion on the issue of what constitutes a performance-based standard, and what does not. It is better to say what you are after, than to use a term like "performance" based. If you want air and water quality to be maintained say it, if you want sites of special biological significance to be maintained for the long-term than say it, and whatever it is that you request, ensure it is based on informed-science, and not on perceptions which may or may not be consistent with the promotion of sustainable forest management. And in my opinion, you do ask for these types of things in 1.2.3, 1.2.4, 1.2.5, 1.2.6 which therefore makes me wonder what the benefit of 1.2.2 is - other than controversy.</p>		45	See response to comment 40.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. The CPET classification of standards is not correct. There are no performance – based and system based standards only performance based and system based requirements. Based on the CPET classification, a standard which includes both performance based and system based requirements could only be considered as either a performance or a system based standard.</p> <p>2. The statement “(which may be in addition to system requirements)” could be interpreted that there shall be system requirements and in addition there shall be performance requirements. Such a standard where “in addition are performance requirements” should still be based on CPET classification considered as “system – based standards”.</p> <p>3. The approach in which the scheme compliance of one criterion is influenced by or influences the compliance scoring in other criteria is an example of the accumulator effect already outlined for 1.1.2 (in this case compliance with 1.2.3 – 1.2.6 will be used for determination of compliance with 1.2.2). Either the scoring should not be dependent on the compliance with 1.2.3 – 1.2.6 in which case it would be sensible have 1.2.2 as a separate criterion OR the requirements of 1.2.2 should be incorporated in 1.2.3 – 1.2.6 with the deletion of 1.2.2. Please note that the fact whether a standard includes performance based requirements (in CPET classification “performance standard”) or not is dependent on whether or not its content does not meet the requirements of 1.2.3 -1.2.6).</p> <p>Suggestions:</p> <p>1. The criterion should be re-written to read “<i>The standard must include performance based requirements</i>”</p> <p>2. CPET should either delete the relationship of criterion 1.2.2 with criteria 1.2.3-1.2.6 or delete the criterion 1.2.2 and incorporate the requirement for performance directly into criteria 1.2.3 -1.2.6.</p>		46	<p>See response to comment 40.</p> <p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <ol style="list-style-type: none"> 1. The CPET classification of standards is not correct. There are no performance-based and system-based standards only performance based and system based requirements. Based on the CPET classification, a standard which includes both performance based and system based requirements could only be considered as wither a performance or a system based standard. 2. The statement “(which may be in addition to system requirements)” could be interpreted that there shall be system requirements and in addition there shall be performance requirements. Such a standard where “in addition are performance requirements” should still be based on CPET classification considered as “system-based standards”. 3. The approach in which the scheme compliance of one criterion is influenced by or influences the compliance scoring in other criteria is an example of the accumulator effect already outlined for 1.1.2 (in this case compliance with 1.2.3 –1.2.6 will be used for determination of compliance with 1.2.2). Either the scoring should be dependent on the compliance with 1.2.3 – 1.2.6 in which case it would be sensible have 1.2.2 as a separate criterion OR the requirements of 1.2.2 should be incorporated in 1.2.3 – 1.2.6 with the deletion of 1.2.2. Please note that the fact whether a standard includes performance based requirements (in CPET classification “performance standards”) or not is dependent on whether or not its content does not meet the requirements of 1.2.3-1.2.6). <p>Suggestions:</p> <ol style="list-style-type: none"> 1. The criterion should be re-written to read “The standard must include performance based requirements” 2. CPET should either delete the relationship of criterion 1.2.2 with criteria 1.2.3-1.2.6 or delete the criterion 1.2.2 and incorporated the requirements for performance directly into criteria 1.2.3-1.2.6. 		47	See response to comment 46.

Criteria	Guidance on implementation	Commentator	CPET responses
See comments on 1.2.1		48	n/a
<p>Proposal</p> <ul style="list-style-type: none"> Remove criterion 1.2.2 (even if 1.2.3-1.2.6 are to be maintained) <p>Rationale</p> <p>There are specific objections to criterion 1.2.2. There is nothing inherently superior about “performance standards” in relation to “management standards”. Both have an important role to play in forest certification. As stated, performance standards are designed to guarantee a defined level of performance. But when dealing with the huge variety of forest situations, over-zealous application of a single set of performance requirements over a large area may be positively damaging. Such an approach can contribute to uniformity in the forest environment and may also undervalue the local and technical knowledge of forestry staff in the field. So performance elements have to be adjusted very carefully to match local circumstances. Through their flexible and adaptive approach, and their focus on staff training, management systems approaches to certification are proving an extremely powerful tool in the forestry environment.</p> <p>Research undertaken by FII Limited for the Confederation of European Paper Industries (see www.forestrycertification.info) indicates that in practice, most – perhaps all - forest certification schemes include both management system as well as performance based requirements. The actual application of nearly all schemes relies heavily on management systems in which performance elements of the standards are established as targets. This approach has been adopted by the UK Forest Enterprise to demonstrate conformance with the FSC standard, just as it has been adopted by companies certified through the SFI Program in North America.</p> <p>Judging from the assessments already undertaken, it seems that CPET has been forced to be flexible in its interpretation of this criterion. This is clear, for example, from CPET’s scoring of</p>		49	See response to comment 46.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>the CSA scheme which is given full marks for its use of performance-based standards. This is despite the fact that CSA exemplifies a particularly original and effective use of the “management systems approach”. Under CSA, performance standards are not defined in the scheme documents, but they have to be developed at a local level through a mandatory public consultation process.</p> <p>Given the degree of flexibility that CPET has been forced to build into the interpretation of this criterion, one wonders if it has any real value as an objective basis for assessment.</p>			
<p>All of the major systems contain systems and performance requirements. We would suggest the criteria be revised to reflect what is stated in the guidance column and that the criterion be re-written to read “<i>The standard must include performance based requirements.</i>”</p>		50	See response to comment 40.
<p>We have a problem with these five indicators, which are dealing with requirements included, for instance, in the MCPFE Peolg, but not with all these requirements (for instance, economic profitability of forest management or impacts on employment are not taken in consideration, whilst these elements are included in SFM concept).</p> <p>CPET can not give a restrictive definition of SFM, in contradiction with the intergovernmental processes taken as reference!</p> <p>For instance, in our experience of SFM certification in Wallonia, the setting standards body has taken in consideration the full list of PEOLG, and give priorities levels between these PEOLG a posteriori, after an in-depth evaluation of their impacts in the Regional context.</p> <p>CPET is giving priorities before such an evaluation, which is not acceptable.</p> <p>We suggest to replace these 6 criteria with a reference to MCPFE Peolg, or equivalent recommendations from processes as in criteria 1.2.1.</p>		51	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.2.3 The standard should ensure that harm to ecosystems is minimised. In order to do this the standard must include requirements for:</p> <ul style="list-style-type: none"> a. Appropriate assessment of impacts and planning to minimise impacts; b. Protection of soil, water and biodiversity; c. Controlled and appropriate use of chemicals and use of Integrated Pest Management wherever possible. d. Proper disposal of wastes to minimize any negative impacts. 	<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 most of the issues are covered, 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>		

Criteria	Guidance on implementation	Commentator	CPET responses
Comments on 1.2.3			
<p>An additional requirement must be included, regarding Monitoring. No harm minimizing measure will be efficient in the long term without a monitoring and feedback information process.</p> <p>The scoring criteria are not clear. Which should be the scoring if one of the requirements is not covered at all?</p>		52	<p>Monitoring is included in 1.2.4b.</p> <p>The scoring guidance has been amended.</p>
<p>Use of ‘adequately addressed’ – what is the mechanism for an objective assessment of the standards or the scheme to these criteria – can evidence other than the ProForest assessment be used in the review ie other assessments by consultants?</p> <p>What is the definition of ‘most’ in the guidance which relates to the dot points in each criterion – for 3 dot points, is it 1 or 2 out of 3; for 4 dot points, is it 2 or 3 out of 4 and for 5 dot points, is it 3 or 4 out of 5 – this is very open to interpretation unless bounds are placed on the ‘most’ requirements.</p>		53	<p>The scoring guidance has been amended.</p>
<p>Comments:</p> <ol style="list-style-type: none"> 1. UK participates in MCPFE process and is a signatory State of Lisbon Ministerial Conference Resolution L2, and the Set of Improved Pan European C&I approved in Viena 2003. This set of C&I for SFM and the Operative Guidelines from Lisbon have been adopted at the highest level. Therefore, we understand that such compromises undertaken at the Ministerial level must be reflected when implementing policies. In the present evaluation of standards, we find out that Paneuropean C&I for SFM haven’t been sufficiently taken into account. 2. If the UK Government wishes to refrain form developing its own global definition of SFM as outlined by criteria 1.2.3-1.2.6, then it could of course refer to the MCPFE “or equivalent”. 		54	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p> <p>The PEOLG is now referenced in the guidance to criterion 1.2.1.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>3. Through the development of criteria 1.2.3-1.2.6 the UK Government is developing its own global definition of sustainable forest management. Following the UK Governments own principles and values, such a process should be open and participatory and should include a “balance of interest categories”. As the UK Government definition of sustainable forest management 1.2.3-1.2.6 is global and influences stakeholders outside the UK territory, the stakeholders representing various interests in forest management operating at the global level should be invited to participate in the process and in the decision making process (e.g. through the CPET reference board) following criteria 1.3.2 and 1.3.3.</p> <p>Suggestions</p> <ol style="list-style-type: none"> 1. The UK Government should recognise that to develop a global definition and criteria for SFM is a task which should not be performed without the broad participation of affected stakeholders, including those outside UK. 2. Take MCPEF C&I as a basis of work for the assessment, not starting from the scratch. 3. It is recommended therefore the criteria 1.2.3-1.2.6 be deleted and reference to MCPEF, in particular the PEOLG (to which the UK Government is a signatory and which defines operational level requirements for SFM in Europe), or equivalent be made. Concerning the schemes outside Europe, other relevant intergovernmental processes for SFM or equivalent, should be used as an equivalent. <p>Alternatively UK Government should consider the merits of setting up a global platform for developing minimum criteria for SFM for its procurement policy.</p>			

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. Through the development of criteria 1.2.3 -1.2.6 the UK Government is developing its own global definition of sustainable forest management. Following the UK Governments own principles and values, such a process should be open and participatory and should include a "<i>balance of interest categories</i>". As the UK Government definition of sustainable forest management 1.2.3 -1.2.6 is global and influences stakeholders outside the territory, the stakeholders representing various interests in forest management operating at the global level should be invited to participate in the process in the decision making process (e.g. through the CPET reference board) following criteria 1.3.2 and 1.3.3</p> <p>2. If the UK Government wishes to refrain from developing its own global definition of SFM as outlined by criteria 1.2.3-1.2.6, then it could of course refer to the MCPFE "<i>or equivalent</i>".</p> <p>Suggestions:</p> <p>1. The UK Government should recognise that to develop a global definition and criteria for SFM is a task which should not be performed without the broad participation of affected stakeholders, including those outside UK,</p> <p>2. It is recommended therefore the criteria 1.2.3 -1.2.6 be deleted and reference to MCPFE, in particular the PEOLG (to which the UK Government is a signatory and which defines operational level requirements for SFM in Europe), or equivalent be made. Concerning the schemes outside Europe, other relevant intergovernmental processes for SFM or equivalent, should be used as an equivalent</p> <p>3. Alternatively UK Government should consider the merits of setting up a global platform for developing minimum criteria for SFM for its procurement policy.</p>		55	See response to comment 54.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>We strongly recommend that the British government maintain their support to the MCPFE process and refrain from developing separate definitions of sustainable development – as we find that the criteria 1.2.3 – 1.2.6 could imply. This will create confusion and weaken the claimed goal of the document, namely supporting the work towards sustainable development.</p>		56	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>Concerning the drawing up of criteria 1.2.3 to 1.2.6, we wonder how relevant this approach really is, seeking as it does to provide a new definition, without any consultation with the interested parties, of the environmental, economic and social sections of sustainable forest management. In our opinion it would be more appropriate to use the intergovernmental guidelines for forest protection in Europe (Helsinki, 1993, Lisbon, 1998, Vienna, 2003), of which the U.K. and France are signatories, as a basis for defining sustainable forest management. Regarding sustainable forest management outside of Europe, other intergovernmental guidelines comparable to the Helsinki guidelines do exist and it would be a good idea to refer to them.</p> <p>We are therefore recommending that criteria 1.2.3 to 1.2.6 are deleted and are replaced by references to intergovernmental guidelines for forest protection throughout the world.</p>		57	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>1.2.3 – 1.2.6: these criteria set up the UK government's global definition of sustainable forest management. These should have been elaborated through an open and participatory process with balanced representation of interest if the UK Government's own principles and values should have been followed. That has – as far as we know - not been the case.</p> <p>We recommend that the UK Government make references to international agreements on sustainable forest management as for example the MCPFE and PEOLG or equivalent, instead of making its own definitions.</p>		58	<p>See response to comment 54.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The scope of the criteria 1.2.3- 1.2.6. is too narrow to define sustainability in forestry and it is not adaptable into to assessment of internationally operating certification schemes.</p>		59	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>At one level the criterion appears unambiguous - the desired outcome on the ground in a certified forest is clear - "harm to ecosystems is minimized" (note, though the use of "should include" in the second sentence - change to "includes" or "must include"). However, no standard can ensure that harm to eco-systems will be minimized. A standard can only provide a degree of assurance that harm will be minimized and then only if the standard is implemented. The criterion would reflect better the connection between a certification standard and what happens on the ground if it were to state: "The requirements specified in the standard are sufficient to provide a high degree of assurance that the harmful impacts of operations carried out by, or with the authority or prior knowledge of, the certificate holder are minimized."</p> <p>The question facing the assessor is: what evidence would justify a score of 1 or 2? The criterion muddies the waters by stating that the standard "<i>should include</i>" (change this to "includes" or "must include") requirements in respect of four specific aspects of forest management, implying that the test of adequacy might be the presence or absence of requirements for the four specific requirements. Two points need to be considered in this connection. First, the list of four requirements cannot be taken to be exclusive. Second, even if the list were exclusive, a standard could include all four of the requirements but still fail to provide a high degree of assurance that harm to ecosystems is minimized. This is because the criterion merely states that the standard must include requirements in respect of the listed aspects of forest management but does not state what the nature of the requirements must be. For example, a standard might include a requirement that "the certified entity shall ensure that soil, water and biodiversity are protected". If the assessor is focused on whether the</p>		60	<p>Wording of criterion has been amended from "should" to "must".</p> <p>The scoring guidance has been amended.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>standard includes requirements for the four specific requirements, such statements would be enough for a score of 2. However, it would not be enough to satisfy the condition “harm to ecosystems is minimized”.</p> <p>If the listing of four specific aspects of forest management is unhelpful, would the first sentence of the criterion be sufficient on its own? Almost certainly not. It leaves too much room for argument as to what requirements a standard should contain in order to provide a high degree of assurance that harm to ecosystems is minimized. The criterion needs to be expanded with more detailed requirements, for example: “the standard requires that an assessment of environmental impacts is carried out and an avoidance/mitigation plan prepared before undertaking any potentially damaging operations, the avoidance/mitigation plan is implemented during the operations, a post-operation damage assessment is carried out, a written report of the damage assessment is prepared and, in the event that damage was caused, operational procedures are strengthened.”</p> <p>There are many aspects to minimizing harm, all of them important, yet they are scored as one. It is likely that the assessor will find it difficult to award the appropriate score at the level of the criterion if there are doubts over the degree of compliance in respect of any one aspect.</p> <p>There is duplication between criterion 1.2.3, 1.2.4, 1.2.5 and 1.2.6. At the level of the first sentence of each criterion we have “<i>harm to ecosystems is minimized</i>”, “<i>productivity of the forest is maintained</i>”, “<i>forest ecosystem health and vitality is maintained</i>” and “<i>biodiversity is maintained</i>”. There are two forms of duplication. First, criterion 1.2.3 will be satisfied in respect of the certified territory (though not necessarily in respect of adjoining ecosystems) if the other three criteria are met. Second, at the level of the specific aspects of forest management listed under each criterion, management planning is cited in three of the criteria and planning to avoid negative impacts is cited in two. One possible effect of this second form of duplication is that a standard that has a lot to say on management planning and planning to avoid negative impacts, might score highly simply because these aspects figure under more</p>			

Criteria	Guidance on implementation	Commentator	CPET responses
<p>than one criterion.</p> <p>The guidance allows the assessor to use provisions in law as evidence of compliance. The assessor has to judge whether “such issues are adequately covered by legal requirements”. It is difficult to imagine that CPET assessors have time to research all of the relevant laws of a country in order to be able judge with confidence whether the issues are adequately covered. Furthermore, some schemes do not require assessment of compliance with the law (see under criterion 2.3 below). For these reasons, provisions in law should not be admissible as evidence of compliance.</p>			
	<p>A score of 1 can be awarded if “<i>most of the issues are covered</i>”. It’s not clear what this means. If it means that one of the four requirements does not have to be addressed at all, the guidance is not clear. Guidance for a score is unclear. The proxy of national law is only acceptable if CPET can provide assurance that it reviews national laws to ensure that coverage of a requirement is adequate.</p>	61	The scoring guidance has been amended.
<p>1.2.4 The standard should 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>c. Operations and operational procedures which minimise impacts on the range of forest</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 most of the issues are covered, 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 standard.</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
<p>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>			
Comments on 1.2.4			
<p>The scoring criteria must ensure that each requirement is covered, at least at a minimum level. Each one of them is absolutely necessary for the forest productivity maintenance.</p> <p>Bullet b requires “Monitoring which is adequate to check compliance with all requirements, together with review and feedback into planning.” In this case, the word “all” may push the monitoring activities to a non efficient level, which would be the required to cover all the requirements. As most controlling systems, forest monitoring activities can not be intensive to big forested areas. A sampling method should be adequate for some issues; a more strict control must be applied to critical activities, such as harvest operations, or chemical use, where human health and safety are involved. This level differentiation is not possible due to the “all”.</p>		62	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this clause of the criterion.</p> <p>The scoring guidance has been amended.</p>
<p>There is no guidance, only the justification for including the criterion.</p> <p>Also see comment on 1.2.3.</p>		63	The scoring guidance has been amended.
Unclear guidance as under 1.2.3		64	The scoring guidance has been amended.
1.2.5 The standard should ensure that forest ecosystem health and vitality is maintained. In order to do this the standard must include	The first sentence sets out the goal of the criterion. Compliance will be assessed against the list of requirements.		

Criteria	Guidance on implementation	Commentator	CPET responses
<p>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>To score a 2, each requirement must be adequately addressed. Where this is not achieved, but most of the issues are covered, 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 standard.</p>		
Comments on 1.2.5			
<p>Bullet b states “Management of natural processes, fires, pests and diseases.” Natural processes can not be managed. The management planning and preventive measures can be designed taking into considerations the common natural processes risks. Therefore, we propose the following text: “Management planning considering natural processes and disturbances, such as fires, pests and diseases.”</p> <p>The scoring criteria must ensure that each requirement is covered, at least at a minimum level. Each one of them is absolutely necessary for the forest productivity maintenance.</p>		65	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this clause of the criterion.
<p>There is no guidance, only the justification for including the criterion.</p> <p>Also see comments on 1.2.3</p>		66	The scoring guidance has been amended.
<p>Unclear guidance as under 1.2.3</p>		67	The scoring guidance has been amended.
<p>1.2.6 The standard should ensure that biodiversity is maintained. In order to do this the standard must include requirements for:</p>	<p>The first sentence sets out the goal of the criterion. Compliance will be assessed against the list of requirements.</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
<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>To score a 2, each requirement must be adequately addressed. Where this is not achieved, but most of the issues are covered, 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 standard.</p>		
Comments on 1.2.6			
<p>Biodiversity expressions as rare, threatened and endangered species; key ecosystems or habitats, or species of high value are not directly identifiable. Therefore, a scientifically assess must be performance before the implementation of any biodiversity maintenance activity.</p> <p>The scoring criteria must ensure that each requirement is covered, at least at a minimum level. Each one of them is absolutely necessary for the forest productivity maintenance.</p>		68	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this clause of the criterion.</p> <p>The scoring guidance has been amended.</p>
<p>There is no guidance, only the justification for including the criterion.</p> <p>Also see comments on 1.2.3</p>		69	The scoring guidance has been amended.
Unclear guidance as under 1.2.3		70	The scoring guidance has been amended.

1.3. Standard-setting process

Criteria	Guidance on implementation	Commentator	CPET responses
----------	----------------------------	-------------	----------------

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.3.1 The standard-setting process must be 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.</p>	<p>Consistency or equivalence can be assessed by reference to the list of key requirements in Annex 1.[CURRENTLY BEING DRAFTED]</p> <p>Note: This criterion is relevant for legality if a definition needs to be developed as discussed in 1.1.2 above. However, where legality is simply compliance with all relevant legal requirements, no process is needed.</p>		
Comments on 1.3.1			
<p>Before accepting any equivalent code or guide as an option, its contents must be know. It is not logical that key list of requirements to assess consistency or equivalence is to be submitted to public consultation after this document.</p>		71	The annex simply presents the requirements of the criterion in a checklist format.
<p>ISO is recognised by Governments worldwide but we question the recognition of ISEAL at the international level in comparison to ISO. Is there an equivalent to ISO which unites the worldwide conformity assessment – we don't believe so and by default ISEAL has the same standing as ISO.</p> <p>HOW CAN A STAKEHOLDER COMMENT ON ANNEX 1 IF IT HASN'T BEEN PROVIDED?</p> <p>It must be an incomplete review of the document when all the supporting papers are not provided to be read in the context of the document. All stakeholders deserve the right to comment on the full and complete documentation. CPET should either lengthen the review period by supplying the Annex for comment or provide for a further review and comment period when all the documentation is available and use this as a preliminary comment period.</p>		72	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p> <p>The annex simply presents the requirements of the criterion in a checklist format.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. CPET should consider adding the words “<i>or equivalent</i>” in the criterion behind the ISO Guide 59 reference and deleting the reference to ISEAL as there is no publicly or internationally recognised agreement that the latter is equivalent to the former.</p> <p>2. We are concerned that the full documentation including Annex 1-3 are not available for comment and public consultation and trusts that sufficient opportunity is given to comment on these prior to their adoption in the future by CPET.</p> <p>3. As there is only one certification scheme being assessed by UK Government which uses ISEAL, it seems logical that evidence of equivalence should be provided, rather than Government conferring on ISEAL the equivalent status to the ISO document through the CPET criteria by default.</p> <p>4. Annex1 (once it is drafted) would allow for alternative options from the private or voluntary sector to be assessed for equivalence to ISO Guide 59 so ISEAL can be assessed.</p> <p>Suggestion</p> <p>1. Delete the reference to the ISEAL document from the criterion as it can be covered by the term “<i>or equivalent</i>” if it has been found by the UK Government to be thus.</p>		73	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p> <p>The annex simply presents the requirements of the criterion in a checklist format.</p>
<p>Comments:</p> <p>1. CPET should consider adding the words “or equivalent” in the criterion behind the ISO Guide 59 reference and deleting the reference to ISEAL as there is no publicly or internationally recognised agreement that the latter is equivalent to the former.</p> <p>2. We are concerned that the full documentation including Annex 1-3 are not available for comment and public consultation and trusts that sufficient opportunity is given to comment on these prior to their adoption in the future by CPET.</p>		74	See response to comment 73.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Suggestions:</p> <p>1. Delete the reference to the ISEAL document from the criterion as it can be covered by the term “or equivalent” if it has been found by the UK Government to be thus.</p> <p>Extend the deadline. The whole documentation must be available and a period for comments and contribution must be open</p>			
<p>The “Codes of Good Practice” of ISO Guide 59 on the one hand and of ISEAL on the other hand must not be regarded as equivalent. Only ISO and the International Accreditation Forum (IAF) can be regarded as publicly and internationally recognised. As IAF has not been recognising FSC as accreditation body FSC, MSC and a few other associations have founded ISEAL to conceal this deficiency. In our view ISEAL has to be deleted in criterion 1.3.1 and FSC encouraged to comply with IAF principles/requirements.</p>		75	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>As currently written, this criteria assumes an equivalency between ISO Guide 59 and the ISEAL Code of Good Practice for Setting Social and Environmental Standards when, in fact, this is not the case. ISEAL goes beyond ISO Guide 59 and includes additional elements specific to social and environmental standards and advocates that such measures be considered a legitimate basis for discriminating between products. ISO Guide 59 should be a sufficient measure for these criteria and we recommend that the reference to ISEAL be deleted. Further, the reference to ISEAL implies government endorsement of a voluntary standard that favors discrimination amongst like- products and is an implicit bias toward FSC – the only forest certification scheme to be a member of ISEAL.</p>		76	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>In line with our former comment we strongly question the reference to ISEAL in the criteria.</p>		77	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The use of ISEAL’s documentation as a requirement base is questionable, as ISEAL offers/allows certification systems (i.e. the systems that are assessed by the DEFRA/CPET) to be full members of the ISEAL Alliance and thus directly influence the content of ISEAL documents such as this “ISEAL Code of Good ...”. In the production of ISO documents the certification systems do not have direct influence on the decision making and thus there is not similar contradiction of interests.</p>		78	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p>
<p>We look forward to receive the draft of Annex 1 (<i>Checklist for assessing consistency with ISO Guide 59: Code of Good Practice on Standardisation and the ISEAL Code of Good Practice for Setting Social and Environmental Standards</i>) and the opportunity to provide feedback.</p>		79	<p>See response to comment 71.</p>
<p>The criterion appears unambiguous with the possible exception of “or equivalent”, which leaves open the question of what constitutes equivalence.</p> <p>The phrase “<i>should meet</i>” is not consistent with other criteria – change to “must meet” or “meets”.</p> <p>The “guidance” is not guidance. Assuming that the requirements of ISO Guide 59 and the ISEAL Code of Good Practice cannot be interpreted in substantially different ways, the only subject on which guidance may be necessary is on the equivalence of other sets of requirements to ISO and ISEAL requirements.</p>		80	<p>The criterion has already been amended to read “must be”.</p> <p>See response to comment 71.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>"The standard setting process <i>should meet</i> the requirements of ISO ... etc" changed to "The standard setting process <i>must be consistent with</i> the requirements of ISO ... etc". If the intention is that the process must conform to ISO and equivalent requirements, the criterion should use "<u>must conform to</u>". The guidance uses the word <i>consistency</i>, which we believe should be changed to <i>conformance</i>. The guidance notes that the criterion comes into play for assessment of legality, if a definition needs to be developed as discussed under criterion 1.2.2. The wording is unclear. Presumably the intended meaning is: if a scheme applies or admits into its procedures definitions of legality that have been developed by national processes, those processes must meet the requirements of criterion 1.3.1.</p>		81	The criterion has already been amended to read "must be consistent be".
<p>The standard-setting process must be consistent with the requirements of ISO Guide 59 ..or..ISEAL... This language is weakened from the old CPET criteria which stipulated "must meet the requirements of ISO...". I am unsure why you have weakened this requirement, at a time when there is increased acceptance of the benefits that an ISO process provides to standards setting.</p>		82	The criterion has been amended for consistency with other criteria, using "must" and "consistent".
<p>"The standard-setting process must be consistent with the requirements of ISO Guide 59...". This criterion has been made less rigorous than the original, "The standards-setting process <i>should meet</i> the requirements of ISO Guide 59...". We suggest either retaining the original wording or revising the proposed wording to read, "...must be consistent with the requirements of ISO Guide 59: Code of Good Practice for Standardisation <i>or equivalent</i> or the ISEAL Code of Good Practice..."</p>		83	See response to comment 82.
<p>1.3.2 The standard-setting body must include balanced representation of economic, environmental and social interest categories.</p>	<p>There is no universally accepted definition of 'sustainable forest management' but it has been widely accepted that it must be based on an appropriate combination of economic, environmental and social interests. In practice this means making compromises between</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>competing interests. The only way this can be done is through balanced participation. Therefore, each of the three major interest categories – economic, environmental and social - needs to be represented.</p> <p>To score a 2, balanced representation must be achieved. A score of 1 can be given where each interest category is genuinely represented, but balance is not achieved.</p>		
Comments on 1.3.2			
<p>The criterion is unambiguous. If a scheme’s standard setting body has balanced representation of the three interest categories, the scheme complies with the criterion and should be scored 2. If representation of the three interest categories on the standard setting body is not balanced, the scheme does not comply with the criterion and should be scored 0. The only room for argument is over the interest category into which an organization represented on the standards-setting body falls, and whether the organizations that represent one category on the standards-setting body are fully representative of all the organizations in that category.</p> <p>Note that the requirement is in respect of the actual composition of the standard setting body. A scheme’s rules concerning the composition of the standard setting body are not a sufficient test of compliance with the criterion.</p> <p>The “guidance” is not guidance. The only guidance that would seem to be necessary is: (i) it is the actual composition of the standard setting body that should be assessed; (ii) how to assess compliance with the phrase “balanced representation of economic, environmental and social interest categories” - if a scheme allows standards to be set by a body that excludes major interests or allows the body to ignore comments made by major interest groups, the</p>	84	See response to comment 107.	

Criteria	Guidance on implementation	Commentator	CPET responses
scheme's rules are not adequate.			
A significant addition to the guidance allows schemes that do not have balanced representation in their standards setting bodies to be awarded a score of 1 if each interest category is " <i>genuinely represented</i> ". The guidance contradicts the criterion, which states unequivocally that that the standards setting body must contain balanced representation. There is no guidance as to what " <i>genuinely represented</i> " means. We suggest to keep the original text.		85	See response to comment 107.
<p>We are in complete agreement with your statement of how sustainable forest management should be carried out. Sustainable forest management must be defined by all the interested parties, whatever their background, with them expressing their standpoints and their expectations regarding the environmental, economic and social functions of the forest.</p> <p>However, it would be too simplistic to say that issues surrounding the environmental functions of the forest are only represented by nature conservation organizations.</p> <p>As an example, the vast majority of the members of the three PEFC France colleges play an important role in environmental and social issues. This is particularly the case for the following members:</p> <ul style="list-style-type: none"> • The role of the CNPPF (National Centres and Regional Centres of Forest Ownership) is to put forward proposals for all issues relating to the forestry / wood industry, sustainable development of the forest and its economic, environmental and social functions (Art. L.221-8 of the Forest Code). The CNPPF supports the CRPF (Regional Centres of Forest Ownership) thus helping their sustainable development work in private forests. (Art. L.221-1 of the Forest Code). • The ONF (National Forestry Office), a public body in charge of the management of public forests, takes into account the social and environmental functions of the forest, notably through its ISO 14001 certification procedure. 		86	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<ul style="list-style-type: none"> • FNCOFOR (National Federation of Forest Municipalities), an association administered by local councillors, always takes into account the environmental, social and economic interests in the forest. • The Entrepreneurs des Territoires, a union for forestry industry businesses, has a quality procedure that aims to promote safety in the forest as well as social aspects. • Comité 21 (the French committee for environment and sustainable development) was created in 1995 in accordance with the law of 1901. It is directly linked to the Rio commitments and is the foundation stone of sustainable development in France • FNE (France Nature Environment) is the French federation of nature and environment conservation associations. Founded in 1968 and state-approved in 1976 it is made up of 14 national associations, 32 federations and regional associations, 80 département (county) associations and 3000 local nature and environment conservation associations governed by the laws of 1901 and 1908. • The Union des Fédérations de Chasseurs (Federation of Field Sports) has a strong social interest as it represents more than a million hunters in France. The hunters are obviously concerned about the quality of habitats and forest fauna. • Fédération des Sociétés des Amis des Forêts (Federation of Friends of the Forest Groups) was founded in 1907 and aims to ensure that plant and animal populations and scenic monuments and sites in forests are conserved and protected. Since its creation, the federation has continuously carried out campaigns to heighten the awareness of young people and the public in general about forest protection. The federation is a founding member of the Union Internationale pour la Conservation de la Nature (World Conservation Union). <p>PEFC France is currently finalizing a table which shows the main objective (social, economic or environmental) of each of its members as well as their secondary objectives. We really hope</p>			

Criteria	Guidance on implementation	Commentator	CPET responses
<p>that this sort of table will help people to better understand our system and in particular that it will clarify our decision making process and will show how the representative nature of the members of PEFC France.</p> <p>In conclusion, we would like criterion 1.3.2 to be re-written in the following way: “forest certification schemes must be drawn up in an environment which is open to all of the interested parties so that the process is as democratic and participative as possible. The parties which are representing one or several interests can be organized according to their role in the forest: producers, industrialists, forest users, representatives of civil society, government and research...”</p>			
<p>Comments:</p> <ol style="list-style-type: none"> 1. Criterion 1.3.2 is not in compliance with EU Public Procurement Policy Directive 2004/18/EC because of the compulsory element for the participation of all stakeholder groups in the standard setting. Any provision that would make the participation of a certain stakeholder group mandatory cannot be considered as a correct interpretation of Directive 2004/18/EC. 2. The criterion 1.3.2 is not in compliance with ISO Guide 59 which requires that the standard setting process shall be open to all interest parties and does not require the participation of some or all interest parties as precondition for the standard setting process. ISO Guide 59, chapter 6.5 states that “...respective consensus building procedures should provide for balanced representation of interest categories”. This is not the same as to require “genuine” participation or representation of stakeholder groups as stated in the Guidance. 3. The difference between a scoring of “0” and “1” will result in a scheme acceptance as “sustainable”. Regardless of the points made above, the use of them term “genuine representation” is ambiguous and subjective to be used for such an important decision as the total acceptance (or not) of a scheme. 		87	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>4. The classification of stakeholders into just one of the three “environmental, social and economic interests” is artificial, subjective and not a measurable requirement. For most organisations with an interest in forest management, it is not possible to attach or allocate just one single interest as they represent two or even all three interests – social, economic and environmental at the same time (e.g. scientific and academic bodies usually represent all three interests, family forest owners organisations have economic as well as social and environmental. State authorities including those managing the public resource have all three interests_)</p> <p>5. The pre-definition of balance of representation into social, environmental and economic interest categories does not allow local stakeholders to determine their own representation model which would be the most suitable and appropriate to the local conditions. The strict interpretation of a balance of social, environmental and economic interest would only allow a chamber system based on three interest categories with equal voting rights to comply fully with the criterion.</p> <p>Suggestions:</p> <ol style="list-style-type: none"> 1. The criterion should be rewritten to be focused on the opportunity for all stakeholders to participate in standard setting processes. The criterion should be “Participation in the standard setting process at all levels shall be accessible to all interest parties”. 2. The criterion and guidance should be focused on standards setting procedures having provisions for balance representation rather than participation of specific or all interest groups. The concept of social environmental and economic interest categories should be replaced by an open list of stakeholder groups. The criterion should state “the standards setting procedures must provide for balanced representation of interest categories such as forest owners/ managers, forest based industries; trade unions; social and environmental community; scientific and academic community; public authorities etc.” 			

Criteria	Guidance on implementation	Commentator	CPET responses
<p>There is an emphasis placed on interest categories as there is no requirement for a chamber system as used by the FSC. Each standard setting body will have its own expression of the mix of interest categories which will display the full range of environmental, social, economic and cultural interests in forest management – this criterion cannot be wedded to a pre-conceived notion of how a standard setting body is structured.</p> <p>What is the expression of balance – is it implying equal numbers of seats/members for the environmental, social and economic interests; does it recognise the process of invitation to participate and the lack of participation by some interest categories; does it recognise the requirements of national standard setting bodies who have their own expression of representation which a forest management standard setting body may adhere to under accreditation from a national body.</p>		88	See response to comment 107.
<p>It is our opinion that the central value regarding this issue is impartiality. A balanced representation clearly derives from impartiality, and therefore, it is a desirable condition but not enough itself. The focus should be kept in the way to ensure that the standard-setting body takes decisions based on impartial criteria, considering the interest of all the involved and interested stakeholders.</p> <p>Interested stakeholders must be invited to participate and to exercise its right to vote, but they can not be forced to. As a voluntary process, sustainability certification and all the related process (including the standard-setting process) shall care to provide all the required opportunities and resources for all stakeholders to participate and understand the meaning and relevance of the process. Any commitment beyond this is absolutely desirable, but not achievable. Therefore, the focus shall be kept in the way the standard-setting body evidence its commitment with a participative and impartial process.</p>		89	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Criterion 1.3.2. is not in compliance with the EU Public Procurement Policy Directive 2004/18/EC and not in compliance with ISO Guide 59. In the Public Procurement Policy Directive there is no provision that different stakeholders <u>must</u> participate in the development of a standard. ISO Guide 59 requires as well that a standard setting process shall be open to all interesting parties. There is no provision that requires certain stakeholders' participation in the process. Stakeholders must have the <u>opportunity</u> to participate.</p> <p>The predefinition of the categories economic, environmental and social is not realistic as most organisations represent at least two or even the three categories. A list of the groups that shall participate shall be made, e.g. forest owners, environmental organisations, social community, etc.</p>		90	See response to comment 107.
<p>CPET process 2nd review is changing the interpretation of ISO Guide 59 with the new guidance for criterion 1.3.2. In fact, CPET is adding an additional requirement for the participation of some or all interest parties as a precondition for the standard setting. It should be noted that what is stated in ISO Guide 59, chapter 6.5, does not mean that genuine participation or representation of stakeholders is obligatory but rather voluntary. CPET's interpretation actually forces such participation, enabling a type of "veto" and should be reviewed. Additionally, it seem that this requirement is in conflict whit criterion 1.3.3, which state that no decision can be made in the absence of agreement from the majority of an interest category. From CFFP understating of the wording used, if an interest category wants to boycott the standard setting process, refusing to participate, the whole process can abort with negative consequences in general.</p>		91	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.3.2: In the introduction the ISO is introduced as providing excellent baseline requirements and the ISO guide 59 is mentioned for the development of standards. We don't find the criteria in compliance with the ISO guide 59 which require that the standard setting process is open to all interested parties and it doesn't require the participation of some or all interested parties as a precondition in the standard setting process.</p> <p>Furthermore we find the classification of stakeholders into the three categories "environmental, social and economic" too subjective since a lot of stakeholders often have more than one interest. It will make the measurement of "balanced representation" difficult. And we don't like the opportunity for a group interest to make standard setting impossible simply by not participating in the process.</p> <p>Instead of focusing on the three categories it could be useful to make a list of different stakeholders with interest in sustainable forest management.</p>		92	See response to comment 107.
<p>This criterion is obviously based on the "three chamber" model of FSC rather than on ISO procedures. ISO Guide 59 requires that the standard setting process <u>shall be open to all stakeholders</u> but it does not set the participation of all stakeholders as precondition. Consequently criterion 1.3.2 should be rewritten focusing on the <u>possibility</u> for all stakeholders to participate in the standards setting. Otherwise FSC Germany could not be endorsed by CPET due to the lack of forest owner representation and PEFC Germany because of the lack of prominent ENGOs.</p> <p>So we propose to provide an open list of stakeholder groups (such as forest owners, timber and paper industries, ENGOs and trade unions).</p>		93	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>In societies, such as the Nordic countries including Finland, it is artificial to predefine interest categories such as ecological, economic and social interests as many of the stakeholders in the modern multifunctional forestry represent several interests - ecological, economical and social - simultaneously. It is not acceptable that in the name of pre-defined 4/7 “balanced participation” one player/stakeholder could represent other players/stakeholders without their authorization. Therefore the present wording of criterion 1.3.2. and 1.3.3. should be deleted and replaced by wording, which recognises democratic standard-setting with open participation with equal terms for all interested parties and consensus seeking decision making with impartial handling of disagreements.</p>		94	See response to comment 107.
<p>This criterion does not respect the definitions of the reference documents of the criterion 1.3.1. This “Criteria” text implies that the forest certification scheme (which is assessed according to CPET criteria) should have mandate to make/force different stakeholders to participate the process. Such a view is contradictory to the principle of open and voluntary participation in forest certification.</p>		95	See response to comment 107.
<p>It is impossible to find a link between “participation” and “dominance” in such a way that CPET is stating. CPET’s reasoning implies that if all of the players of one predefined interest category decide not to participate the standard-setting process, “a single interest” (i.e. some other interest) is thus dominating the process. On practical level such an interpretation would mean that staying on the outside of the process could be more efficient than participation. If such an interpretation is accepted, it would not exclude the dominance of “a single interest”, but it would offer any of the interests a chance to halt the process by staying on the outside of the standard-setting process.</p>		96	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The word “balanced” is problematic in this context, as in internationally accepted documentation the participation/representation is characterised by the words “openness” and “voluntary participation”. The use of the word “balanced” in CPET criteria sets the forest certification schemes responsible for stakeholders’ possible decisions NOT to participate the standard-setting process.</p> <p>The role of the “Guidance” text as a whole is unclear. In the beginning of the text the problem of defining the “sustainable forest management” is addressed, then the importance of making compromises is communicated and then “balanced participation” is introduced as a means to solve these questions. The “Guidance” text should be revised totally.</p> <p>In the “Guidance” text there are words/phrases such as “genuinely represented”, which make the requirement even more unclear than it used to be and should be deleted, as the word “genuinely” opens space for all kinds of subjective interpretations</p> <p>The following question needs to be repeated here: To whom is this text aimed at? Is it there for the forest certification schemes to understand and accept the CPET criteria or is it there influence the UK policy makers or is it there to form ground for CPET’s scoring purposes? add “of stakeholders” to the end of the Criterion, for clarity.</p>		97	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>We feel that in some situations, the interest of a particular organization cannot be conveniently divided into either environmental, economic or social interest, and therefore there must be some flexibility in the interpretation regarding how the balance of interest is achieved in a particular national or regional context. For example, in Malaysia, particularly Peninsular Malaysia, where the FMU managers are the State Forestry Departments, the interest of the Forestry Department in managing the publicly-owned forests within the FMU will cover economic, environmental as well as social aspects. In such a situation, can a fourth group comprising the resource managers (e.g. Forestry Department, Wildlife Department) be represented and balanced representation is considered to be achieved?</p> <p>In addition, confining the representation to environmental, economic and social interest categories would be contradictory to what is specified in ISO Guide 59.</p> <p>The assessment on whether each interest category is genuinely represented is rather subjective. It would therefore be appropriate for the CPET to provide some detail of the criteria that it would use to determine whether a particular scheme has taken the necessary measures to ensure genuine representation of the interest groups. In our context, how would CPET assess a situation where representatives of all stakeholder groups in the country are invited, but some organizations intentionally stay away from the standard-setting process, but subsequently circulate world-wide their complaints that their views have been ignored?</p>		98	See response to comment 107.
<p>1. How to define “balanced representation”? It is necessary that any interest parties can have access to the standard setting process; but the definition of “balanced” is difficult; is it in reference with number of people in each interest group? Is in reference with capacity of action in a large area of forest?</p> <p>2 The classification of interest group in one of the three categories is not easy, as many of them can be classified in two or three categories. For this reason, this criterium should be more open to allow an adequate representation of all interested parties, with an organisation adapted to the national or subnational situations</p>		99	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>For example, in our experience of SFM certification in Wallonia, the setting standards body include five “chambers”; many of the members can not be classified in one single of the three category.</p> <p>These groups or chambers are: forest owners and managers (public and private owners and managers, forest experts); forestry contractors, scientists (forestry and ecology), environmentalists (EONG) and forest users (hunters, green sports associations...); it is obvious that both awnners, scietists, forest contractors organisation are dealing both with economical, ecological and/or social interests.</p> <p><u>Proposition:</u></p> <p>The 1.3.2 criterion could be written: “Participation in the standard setting process must be open to all interest representative parties, such as public and private forest owners and managers representatives, forest based industries organisations, trade unions, social and environmental NGO; scientific and academic institutions, forests users associations, etc., at the different stages of the process.”</p>			
<p>Criterion 1.3.2 is not in compliance with ISO Guide 59. ISO Guide 59 requires that the standard setting process shall be open to all interest parties, however, it does not require the participation of some or all interest parties as a precondition for the standard setting process. ISO Guide 59, chapter 6.5 states that “...<i>respective consensus building procedures should provide for balanced representation of interest categories.</i>” This is not the same as to require “<i>genuine</i>” participation or representation of stakeholder groups as stated in the Guidance.</p> <p>In addition, the guidance leaves too much to the individual bias of the assessor. We believe the guidance needs to be more specific to ensure consistency in application. Some terms, like “social interests,” have a broad range of interpretation. CPET must recognize that representation of social interests within scheme governance is defined differently by the specific schemes to ensure a proper reflection of national circumstances. A good example lies</p>		101	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>within the SFI program where a third of the SFB membership is dedicated to social interests and includes a professional logger, an individual family forest landowner, two academics and a former public servant.</p> <p>The term “genuine representation” is ambiguous and unquantifiable, and therefore, subject to mis-interpretation, inconsistent application and bias.</p> <p>The criterion and guidance should be focused on the opportunity for all stakeholders to participate in the standards setting processes. Standards setting procedures that include provisions for balanced representation should be the focus, rather than participation of specific or all interest groups. In addition, the concept of social, environmental and economic interest categories should be replaced by an open list of stakeholder groups. We would suggest a revision as follows: <i>“Participation in the standard setting process at all levels shall be accessible to all interested parties. The standards setting procedures must provide for balanced representation of interest categories such as forest owners/ managers, forest based industries; trade unions; social and environmental community; scientific and academic community; public authorities etc.”</i></p>			

Criteria	Guidance on implementation	Commentator	CPET responses
<p><i>"... Proforest has strictly categorised an "environmental interest category" that could be possibly over voted in voting. SFCA does not categorically define an environmental chamber, however, the chamber of other interested parties dealing with forest and forest environment at national or sub-national level is presented. It is also necessary to mention that interests of individual chambers are not strictly determined, however intersected in many areas. The interests of the forest owners in Slovakia are not purely economic as their main aim is to maintain their property in accordance with the international commitments of the Slovak Republic and valid international and national legislation. This means that forest owners represent also ecological and social interest and thus they respect the principles of sustainability. Therefore, it not possible to state categorically that environmental interest is represented by the environmental interest category only. "</i></p> <p>The idea of this text was to show, that many stakeholders may have a couple of different interest but not only one, according to which they should be strictly categorised into the above mentioned categories.</p> <p>Therefore, for criterion 1.3.2 we suggest not to define strictly these interest categories, as the whole process should be available for any stakeholder with any interest.</p>		102	See response to comment 107.
<p>Comments</p> <p>NAFI is concerned with CPET's requirement to classify stakeholders as belonging to only one of the three major interest categories, based on whether they represent social, economic or environmental interests. This requirement is subjective and bares no reflection of the stakeholder's involvement in the preparation, management or utilisation of forest certification schemes. 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>		103	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Based on the process of review that would be acceptable to CPET 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 is clearly biased towards a chamber system based on the three interest categories, such as that contained in the FSC certification scheme. The proposed system would 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> <p>Conclusion and recommendations</p> <p>CPET's classification of stakeholders into only one of the three major interest categories (social, economic and environmental) needs to be addressed. This approach would limit effective stakeholder participation in the standard setting process. The adoption of this classification system, which mirrors the FSC's chamber system, would most likely bias any CPET certification scheme review in favour of the FSC or highly similar schemes.</p>			

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>We would especially point out that the criterion 1.3.2 is not in compliance with the EU public procurement policy. The possibility for all stakeholders to participate should be emphasised, but not the mandatory participation of certain stakeholder groups.</p> <p>It is also vital to accept that the division into groups or categories, such as those predefined by CPET, is not always relevant in areas where people live, of and by their forest. In the same way as we find multifunctional forest important, we should also recognise that individuals as well as organisations might have multiple roles and interests. The allocation of one category (environmental, economic or social) is impossible for forest owners and local people who have roles and interests in all categories when real sustainable management and generation management of forest apply.</p> <p>It is also vital to differ between people with real personal interest and their democratic organisations and interest groups without democratic foundation behaving on behalf of themselves and claiming to represent interest of other people.</p> <p>In the guidance to 1.3.2 we cannot find proper reference to the British government accepted MCPFE process where definitions of sustainable forest management is better established than the guidance indicates.</p> <p>We find that 1.3.2 and the guidance seems to imply a “chamber system” that is unsuitable to manage a multistakeholder process on forestry issues and seems to be misleading.</p> <p>We suggest that the 1.3.2 should be rewritten in a way that require the all interest parties have the possibility to access the process and representation of interests should be balanced, but not dependent of some kind of categorisation or groupings.</p>	104	See response to comment 107.
<p>Artificial categories of “interest” Criteria 1.3.2 and 1.3.3 are based on balanced representation and decision making of three interest categories namely social, economic and</p>		105	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>environmental Such a classification of stakeholders is artificial as most organisations with an interest in forest management have more than just one of the stated interests. In addition, the approach is inappropriately restrictive as Agenda 21 (Rio documents) for example defines 9 major groups of civil society and stipulates a “<i>holistic and balanced</i>” consideration of the three different aspects of forestry, rather than balanced representation or decision making of three interest categories.</p>			
<p>Comments:</p> <p>1. Criterion 1.3.2 is not in compliance with EU Public Procurement Policy Directive 2004/18/EC because of the compulsory element for the participation of all stakeholder groups in the standard setting. Article 23, paragraph 6 of the EU Public Procurement Policy Directive 2004/18/EC says that public contracting authorities can refer, under certain conditions to eco- label criteria, including forest certification provided that all stakeholders can participate in their development. Therefore, any provision that would make the participation of a certain stakeholder group mandatory cannot be considered as a correct interpretation of Directive 2004/18/EC.</p> <p>2. The criterion 1.3.2 is not in compliance with ISO Guide 59 which requires that the standard setting process shall be open to all interest parties and does not require the participation of some or all interest parties as a precondition for the standard setting process. ISO Guide 59, chapter 6.5 states that “...<i>respective consensus building procedures should provide for balanced representation of interest categories</i>”. This is not the same as to require “<i>genuine</i>” participation or representation of stakeholder groups as stated in the Guidance.</p> <p>3. The difference between a scoring of “0” and “1” will result in a scheme acceptance as “sustainable”. Regardless of the points made above, the use of the term “<i>genuine representation</i>” is ambiguous and subjective to be used for such an important decision as the total acceptance (or not) of a scheme.</p> <p>4. The classification of stakeholders into just one of the three “environmental, social and</p>		107	<p>The criterion has been amended to read “seek to ensure balanced representation”.</p> <p>The guidance and scoring have been amended to reflect the amended criterion, using the concept of a range of “stakeholder groups”, that together comprise the three interest categories.</p> <p>The participation of any specific stakeholder groups is not required as a precondition for the standard setting process.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>economic interests” is artificial, subjective and not a measurable requirement. For most organisations with an interest in forest management it is not possible to attach or allocate just one single interest as they represent two or even all three interests – social, economic and environmental at the same</p> <p>time (e.g. scientific and academic bodies usually represent all three interests, family forest owners organisations have economic as well as social and environmental. State authorities including those managing the public resource have all three interests.). Such a categorisation is even more inappropriate in the cases where an individual is allowed to participate in the standard setting process. For example a categorisation such as Mr X represents social interest because he is a forest worker or Mrs Y represents economic interest because she studied economics is not logical.</p> <p>5. The pre-definition of balance of representation into social, environmental and economic interest categories does not allow local stakeholders to determine their own representation model which would be the most suitable and appropriate to the local conditions. The strict interpretation of a balance of social, environmental and economic interest would only allow a chamber system based on three interest categories with equal voting rights to comply fully with the criterion.</p> <p>6. Although the reasoning why the CPET criteria 1.3.2 and 1.3.3 use the restrictive definition of interest categories as economic, environmental and social is not explicitly stated in this paper, the PEFC Council understands from the footnotes included in the recent CPET assessment of PEFC member schemes that the Rio Declaration 1992 has been used as the justification . <i>“These categories are consistent with international definitions of sustainability, which describe it as being a balance between environmental protection, economic growth and social development (e.g. The 1992 Declaration of Rio on Environment and Development).”</i> CPET Report on PEFC schemes 2006.</p> <p>It should be noted however that the Rio documents (e.g. Rio Declaration or Agenda 21) do not</p>			

Criteria	Guidance on implementation	Commentator	CPET responses
<p>define the interest categories as “social, economic and environmental” only. They also do not specify or require a “balance” amongst such interest categories as interpreted by CPET.</p> <p>7. As for example Agenda 21 defines 9 major groups of civil society http://www.un.org/esa/sustdev/mgroups/about_mgroups.htm , it is inappropriate to refer to the Rio documents as the justification for the restricted definition of interest categories and requirements for the balance of representation and decision making as is currently stated in CPET criterion 1.3.2 and 1.3.3</p> <p>Suggestion:</p> <p>1. The criterion should be rewritten to be focused on the opportunity for all stakeholders to participate in standards setting processes. The criterion should be “<i>Participation in the standard setting process at all levels shall be accessible to all interest parties</i>”.</p> <p>2. The criterion and guidance should be focused on standards setting procedures having provisions for balance representation rather than participation of specific or all interest groups. The concept of social environmental and economic interest categories should be replaced by an open list of stakeholder groups. The criterion should state “<i>the standards setting procedures must provide for balanced representation of interest categories such as forest owners/ managers, forest based industries; trade unions; social and environmental community; scientific and academic community; public authorities etc.</i>”</p>			
<p>Compliance with EU Public Procurement Policy Directive 2004/18/EC Criteria 1.3.2, is not in compliance with the above directive as currently presented in the documentation. An alternative wording for 1.3.2 is suggested which the UK Government might like to consider (see detailed response later).</p>		106	See response to comment 107.
<p>We agree to the idea of balanced representation of interests. But we protest strongly to the wording in the criteria and guidance that seems to imply that “interests” should be categorised or put into three “groups” unilaterally predefined by the UK Government itself. In the sustainable managed multifunctional forest many stakeholders represent</p>		108	See response to comment 107.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>multifunctional interests. In a relatively small, open and transparent society – the Nordic model – good governance and consensus based communities we have to adopt other models than division into groups with contradictory interests.</p> <p>The division of interests into a limited category of parties is not the way of judging certification systems.</p> <p>In the guidance it is referred to “genuine” representation of interests. We suggest that this term is changed into “democratic” representation of interests. Since this is criteria meant for use in public procurement, representation not build on democratic basis should not be accepted.</p>			
<p>1.3.3 The decision-making process adopted by the standard-setting body must ensure:</p> <ul style="list-style-type: none"> · No individual person or organisation can veto the process; · 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>The way in which decisions are made is as important as who is in the standard-setting group since balance is so critical.</p> <p>Decisions should be made with no single interest category (economic, environmental or social) able to dominate and no major stakeholder group left out. Provided that each interest category is genuinely represented in the standard-setting body, this can be achieved in practice by a consensus-based process or by a voting system which ensures balanced weighting between stakeholder groups.</p> <p>To achieve a score of 1 the requirement that no decision can be made in the absence of agreement from the majority of an interest</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	category must be achieved.		
Comments on 1.3.3			
<p>The test “<i>no single interest can dominate the process</i>” has been deleted. However, the test is retained in the guidance. We suggest to keep the original text, especially given the agreement that it was the guidance and not the criteria themselves that needed to be reviewed.</p>		109	The criterion has been amended, with the first bullet point deleted, and the second bullet point reinstated.
<p>The criterion is ambiguous. It is not clear whether assessment against the three conditions should be confined to the way in which the standard-setting-body takes into account the views of its members in reaching a decision, or should extend to the way in which the views of persons who have engaged in the standard-setting process as consultees are taken into account. For example, if an NGO with a large membership is not represented on the standards-setting body but has engaged in the process and maintains an objection, can the standard-setting body ignore the objection and adopt the standard and still be in compliance with the criterion? The guidance does not shed any light on the matter.</p> <p>The phrase “<i>should ensure</i>” should be changed to “<i>must ensure</i>” or “<i>ensures</i>”.</p> <p>Guidance. The first sentence is a justification for the criterion. The first half of the second sentence simply repeats the second bullet of the criterion. The second half of the second sentence – no major stakeholder group should be left out of decisions – may point to an assessment that is broad rather than narrow in scope (see paragraph 0) but is not clear. The last sentence is helpful as far as it goes but does not help with the matter of whether the assessment should be narrow or broad.</p>		110	See response to comment 124.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Once again, impartiality is the targeted issue. Balanced representation and no voting restrictions are meant to guard the process impartiality. In this sense, the requirements of a consensus-based process seems to achieve in a proper way the objective, if all the interest categories has had the opportunity to participate. Therefore, the last bullet text is proposed as “No decision can be made in the absence of agreement from the majorities of interest categories”</p>		111	See response to comment 124.
<p>Again, this needs to recognise the process of invitations to stakeholders to participate and the disinclination of the opportunity by stakeholders to take up the invitation as a genuine approach for representation – a veto cannot be set up outside the standard setting body from interests invited to participate but not participating.</p>		112	See response to comment 124.
<p>Retain the middle bullet “No single interest can dominate the process”. Whether intentionally or not, the Forestry Commission of Great Britain dominated the revision process of the United Kingdom Woodland Assurance Standard during 2003-2006. The FC had the resources for staff time for the UKWAS support unit, it is the normative and regulatory agency for the country and is also the largest commercial operator. Attempts to raise funds for an independent chairman for the revision process came to nothing because the private sector producers felt that the commercial operations of the FC would support their point of view (and that has been generally but not invariably true) and so would not agree to co-fund. This dominance meant that the FC’s own priorities took precedence at the beginning of the review. Only after the FC was satisfied were a broader range of concerns taken on board. What was effectively a two-stage process was lengthier than it would probably have been under independent chairmanship and with an independent secretariat.</p>		113	See response to comment 109.
<p>Comments:</p> <ol style="list-style-type: none"> 1. Compliance with 1.3.3 is dependent upon compliance with criterion 1.3.2 which is again an example of the accumulator effect. 		114	See response to comment 124.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>2. Representation of interest categories in the standards setting process is already covered in 1.3.2 and should not be repeated here as it currently is in the Guidance.</p> <p>3. This criterion is all about the manner in which decisions are reached in a standards setting process. One of the key objectives of a standard setting process is to reach consensus amongst stakeholders involved in the standard setting process (ISO Guide 59). As compliance with ISO Guide 59 is already an explicit criterion (Criterion 1.3.1) this criterion is an unnecessary duplication of requirements.</p> <p>4. Criterion 1.3.3 as worded is contradictory to its objective if consensus was meant as the objective. The criterion statement that “no individual person or organisation can veto the process” also discriminates those standard setting bodies which have decided to base their decision making procedures on unanimous decision making. In other words everybody has a “veto” rights. Such a procedure is applied for example by UKWAS (whose results are currently endorsed by both FSC and the PEFC Council)></p> <p>5. If a score “1” is only achievable when “no decision can be made in absence of agreement from the majority of an interest category” then it is clear from the documentation that a “2” for this criterion is only achievable if compliance with 1.3.2 and its definitions of “interest categories” is reached.</p> <p>6. The text of the guidance distinguishes between a consensus based process and a voting system. However it should be noted that a voting system is part of the consensus based process as demonstrated by the fact that all standardisation bodies both at international (ISO) as well as national level (e.g. BSI etc) are using voting mechanisms to meet the requirements of ISO Guide 59 for reaching consensus.</p> <p>Suggestions:</p> <p>1. Delete criterion 1.3.3 as it duplicates the requirement of reaching consensus as required by criterion 1.3.1 (compliance with ISO guide 59).</p>			

Criteria	Guidance on implementation	Commentator	CPET responses
<p>2. Should the UK Government wish to re-emphasise the decision making procedures, then the criterion should be compatible with ISO Guide 59 – Criterion should state that the formal approval of the standard shall be based on the evidence of consensus and the Guidance should provide the definition of consensus as stated in ISO Guide 2. It is clear from the ISO Guide 2 definition of consensus that this does not require a unanimous decision and such consensus building mechanisms can also be based on appropriate voting procedures.</p> <p>The criteria 1.3.3 and 1.3.2b should not artificially pre-define interest categories as “environmental, social and economic”, since the task of defining appropriate interest categories should be in the competency of the stakeholders themselves within the standards setting process at the local level and based on the local situation.</p>			
	<p>Regarding criterion 1.3.3, this actually seems to be redundant due to the ISO standard Guide 59 (which deals with the need to seek a consensus) and which is echoed in criterion 1.3.1 and also due to the need to ensure that parties are represented in a balanced way which is also brought up in criterion 1.3.2. We are therefore proposing that criterion 1.3.3 should be deleted.</p>	115	See response to comment 124.
<p>This criterion is linked to 1.3.2.: if there is a non-compliance with 1.3.2, there is automatically a non-compliance with 1.3.3.</p> <p>The requirement of balanced weighting between predefined interest categories allows only a chamber system based on the three interest categories with equal voting rights. This manner restricts the flexibility of standard setting bodies and their stakeholders.</p> <p>ISO Guide 59 defines the consensus amongst stakeholders as key objective. As ISO Guide 59 is already a requirement (1.3.1.), criterion 1.3.3. is again a duplication of requirements.</p> <p>Criterion 1.3.3. shall be deleted and when not, be compatible with ISO Guide 59 and ISO Guide 2. Interest categories shall not be predefined.</p>		116	See response to comment 124.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>We are of the opinion that our comments to 1.3.2 lead to the conclusion that 1.3.3 should be deleted. It seems to us that 1.3.3 duplicates elements of or the whole criterion 1.3.2 and even justifies our criticism of 1.3.2 even further. The representation question and the suggested artificial grouping of people or interests are detrimental.</p> <p>We find the 1.3.3 contradictory in terms. It is required that no individuals or “groups” should be able to veto the process on one hand. On the other hand 1.3.3 implies that a “group” can veto the process by staying away from the process. In our ears is this is the construction of a no-show veto, if one accepts the notion of “groups”.</p>		117	See response to comment 124.
<p>Decision-making process. While standards in use in Canada will not have a problem to meet this criteria, from my perspective, I believe if you stick to requiring ISO as per 1.3.3 then you can avoid differences of opinions in terms of what is appropriate for CPET to be requiring at a national level, and also avoid controversy as to whether this criterion is being applied fully to all.</p> <p>Also, I am aware that all PEFC standards, are being assessed against criterion 1.3.3. and I have some thoughts on this. PEFC has much more rigorous requirements around standard-setting and consultation across its endorsed standards than FSC does. Moreover, FSC does not even require the equivalent of 1.3.3 in its certifications that are based on an auditor's checklist. Hence, if any umbrella scheme should be assessed for compliance to 1.3.3. it should be the variety of FSC non-endorsed-standards (also known as interim-standards) that are the basis of the majority of FSC certifications. Refer to comment dedicated to this topic under "equal treatment of standards" (in other comments).</p>		118	See response to comment 124.
<p>We would suggest the criteria “No single interest can dominate the process” under 1.3.3 should be retained. We do not understand the final paragraph in the Guidance on Interpretation related to this criteria and perhaps this could be reworded to give greater clarity.</p>		119	See responses to criteria 109 and 124.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.3.3: This is another example of the accumulative effect mentioned above. The criterion is dependent on the compliance with criterion 1.3.2. If there is no balanced representation it is impossible to score "1" or higher.</p> <p>We support the principle of a consensus based process, which is a part of ISO guide 59. And since compliance with the ISO guide 59 is required in criterion 1.3.1 the criterion 1.3.3 is an unnecessary duplicate.</p>		120	See response to comment 124.
<p>If the process is meant to be democratic, and as majority is a foundation of democracy, criterion 1.3.3 should be deleted. Another reason for deleting it is because it repeats the requirement outlined in 1.3.1 (referring to ISO Guide 59) and because a certification scheme can only comply with 1.3.3 if it complies also to criterion 1.3.2.</p>		121	See response to comment 124.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The Criterion 1.3.3 deals more or less with the same topic as the Criterion 1.3.2. Also in the “Guidance” text there is a lot of duplication. The Criterion 1.3.2 and 1.3.3 should be put together.</p> <p>The “Guidance” text introduces “consensus-based processes” and “voting systems”, although a voting system is part of the consensus based processes for reaching consensus.</p> <p>In Criteria 1.3.2 and 1.3.3 a set of interest categories (economic, environmental and 5/7 social categories) is set out as the only acceptable option. As this classification is not drawn from ISO documents or any other internationally accepted documents, CPET should communicate, why this determination has however be seen as the only possible option. The phrase “ The way in which decisions are made is as important as who is in the standard-setting group since balance is so critical” is theoretical and it does not offer understandable ground for CPET’s reasoning.</p> <p>The CPET Criterion 1.3.3 does not distinguish or make any reference to forest certification schemes, which allow the use of the so-called use of interim standards. In case of such standards the certification body dominates the decision on the standard, as the certification body develops the standard for auditing purposes without any consensus-seeking process.</p>		122	See response to comment 124.
<p>Artificial categories of “interest”</p> <p>Criteria 1.3.2 and 1.3.3 are based on balanced representation and decision making of three interest categories namely social, economic and environmental Such a classification of stakeholders is artificial as most organisations with an interest in forest management have more than just one of the stated interests. In addition, the approach is inappropriately restrictive as Agenda 21 (Rio documents) for example defines 9 major groups of civil society and stipulates a “<i>holistic and balanced</i>” consideration of the three different aspects of forestry, rather than balanced representation or decision making of three interest categories.</p>		123	See response to comment 124.
<p>Comments:</p>		124	See responses to comments 107 and 109.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1. Compliance with 1.3.3 is dependent upon compliance with criterion 1.3.2. which is again an example of the accumulator effect. The amendments in the Guidance explicitly links this criterion with 1.3.2 meaning non compliance with criterion 1.3.2. will automatically mean non-compliance with 1.3.3.</p> <p>2. Representation of interest categories in the standards setting process is already covered in 1.3.2 and should not be repeated here as it currently is in the Guidance. The arguments on representation covered in our comments under 1.3.2 are also valid and applicable here due to the wording of the Guidance. The Guidance reference to the balanced weighting between the three predefined interest categories seriously restricts and penalises the flexibility of standards setting bodies and their stakeholders at national and local level in determining the an appropriate balance of stakeholders in the decision making.</p> <p>3. This criterion is all about the manner in which decisions are reached in a standards setting process. One of the key objectives of a standard setting process is to reach consensus amongst the stakeholders involved in the standard setting process (ISO Guide 59). As compliance with ISO Guide 59 is already an explicit criterion (Criterion 1.3.1) this criterion is an unnecessary duplication of requirements.</p> <p>4. Criterion 1.3.3 as worded is contradictory to its objective if consensus was meant as the objective. The criterion statement that “<i>no individual person or organisation can veto the process</i>” also discriminates those standard setting bodies which have decided to base their decision making procedures on unanimous decision making. In other words everybody has a “veto” right. Such a procedure is applied for example by UKWAS (whose results are currently endorsed by both FSC and the PEFC Council).</p> <p>5. If a score “1” is only achievable when “no decision can be made in absence of agreement from the majority of an interest category” then it is clear from the documentation that a “2” for this criterion is only achievable if compliance with 1.3.2 and its definitions of “interest categories” is reached.</p>			<p>The guidance, including the scoring guidance, has been amended to clarify the requirements relating to “interest categories” and “stakeholder groups”, in terms of both consensus-based processes and voting mechanisms.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>6. The text of the guidance distinguishes between a consensus based process and a voting system. However it should be noted that a voting system is part of the consensus based process as demonstrated by the fact that all standardization bodies both at international (ISO) as well as national level (e.g. BSI etc) are using voting mechanisms to meet the requirements of ISO Guide 59 for reaching consensus.</p> <p>Suggestions:</p> <p>1. Delete criterion 1.3.3 as it duplicates the requirement of reaching consensus as required by criterion 1.3.1 (compliance with ISO guide 59).</p> <p>2. Should the UK Government wish to re-emphasise the decision making procedures, then the criterion should be compatible with ISO Guide 59 – Criterion should state that the formal approval of the standard shall be based on the evidence of consensus and the Guidance should provide the definition of consensus as stated in ISO Guide 2. It is clear from the ISO Guide 2 definition of consensus that this does not require a unanimous decision and as such consensus building mechanisms can also be based on appropriate voting procedures.</p> <p>3. The criteria 1.3.3 and 1.3.2 should not artificially pre-define interest categories as “environmental, social and economic”, since the task of defining appropriate interest categories should be in the competency of the stakeholders themselves within the standards setting process at the local level and based on the local situation.</p>			
<p>We find that 1.3.3 in many ways seems to duplicate the 1.3.2 criteria and further underlines our critic of the foregoing.</p> <p>The balance of interest is generally taken care of in the first criteria. The last bullet point in 1.3.3 also seems to imply that it is possible to divide interests into unique categories, which is not the case. Further the last bullet points seem to introduce a possibility to veto the process that contradicts the first bullet point.</p>		125	See response to comment 124.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The standard setting process must be open to representatives of interest groups, not to individual person. That's why, in the proposed text for 1.3.2, the words "organisations, associations, institutions..." are added.</p> <p>A "consensus decision" should be the rule. This is included in ISO Guide 59: so this criterion is redundant and can be deleted, as 1.3.1 ask for consistence with ISO Guide 59</p>		126	See response to comment 124.

2. Certification

Criteria	Guidance on implementation	Commentator	CPET responses
<p>2.1 Certification must be undertaken by an individual or body whose organisation, systems and procedures conform to appropriate ISO guidance, or publicly available equivalent. 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 	<p>Note if this is not delivered by the scope of the accreditation, then the checklist in Annex 2 must be completed. .[CURRENTLY BEING DRAFTED]</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
requirements for bodies operating assessment and certification/registration of environmental management systems (EMS).			
Comments on 2.1			
Individual are not considered by ISO guide 2 as allowed to undertake certification processes. ISO guide 2 clearly states requirements for certification body (“legal or administrative entity that has specific authorities and composition...”)		127	The criterion has been amended to delete “individual”.
CPET’s wording/criteria follows partly the definitions of ISO Guides. Partly the CPET Criteria text includes options that are not in line with ISO requirements (individuals as certification bodies?). CPET has not communicated, if this contradiction is intentional (i.e. to allow not only ISO practises, but also some other practises, which CPET has seen appropriate) or is it just due to inaccurate wording.		128	See response to comment 127.
The “Guidance” text refers to Annex 2, which however is not under this consultation.		129	The annex simply presents the requirements of the criterion in a checklist format.
<p>The criterion is ambiguous. The phrase “<i>appropriate ISO guidance</i>” leaves it open to the assessor to decide which ISO guide(s) should be used to test compliance with the criterion. The phrase “publicly available equivalent” is not an absolute expression unless it is made clear that equivalence means that the other guidance contains all of the requirements of the relevant ISO guidance.</p> <p>Guidance is needed as to which ISO guides or which parts of which ISO guides should be used for the assessment.</p> <p>For absolute clarity as to the test set by the criterion, it might be better to apply Annex 1 in all cases (after making sure that Annex 1 contains all relevant requirements). If this were done, criteria 2.1 and 2.3 could be merged.</p>		130	The criterion has been amended by moving the “applicable” ISO guidance to the guidance.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>When has the FSC demonstrated ISO equivalence – is so, would be interested for ProForest to provide a direction to the publicly available documentation.</p> <p>Also see comment for 1.3.1 in regards to ANNEX 2.</p>		131	See response to comment 129.
<p>Certification should not be carried out by an <u>individual</u> but rather by an organization. All the three ISO Guides refer to “bodies” rather than individuals.</p> <p>We look forward to receive the draft of Annex 2 (<i>Checklist for assessing consistency with ISO Guides 62, 65 and 66</i>) and the opportunity to provide feedback.</p>		132	See responses to comments 127 and 129.
<p>In this criterion and following ones, the words “an individual” must be deleted.</p> <p>These words are in contradiction with the ISO Guides in reference, which are stating only “bodies”.</p> <p>For example, in our experience, the certification body has a certification committee: the role of this committee is to control the work of the auditors and to guaranty the quality of the certification audit: this guaranty is missing for an individual.</p>		133	See response to comment 127.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. ISO Guide 2, which defines definitions and terms used by ISO Guide 62, 65 or 66, distinguishes between the terms “body” and “person” and makes it clear that a “<i>body</i>” is a “<i>legal or administrative entity that has specific tasks and composition. Note: Examples of bodies are organisations, authorities, companies and foundations.</i>”</p> <p>2. The requirements of ISO Guide 62, 65, and 66 have been developed for certification bodies (as defined by ISO Guide 2) and therefore de facto exclude individuals in their own right.</p> <p>3. Should Government wish to allow individuals to carry out certification then it has to refer to other documents than ISO Guides 62, 65, 66 as the latter were not developed for individuals and cannot be met by them.</p> <p>4. A reference to “Annex 1” was included in the CPET criteria version September 2004 and we note that nothing has been developed yet. If CPET does not plan to develop an Annex, then the reference to nonexistent documents should be dropped. However if an Annex is developed, we trust that it will be also be subject to consultation.</p> <p>Suggestion:</p> <p>1. Delete the term “an individual” from the text.</p>		134	See responses to comments 127 and 129.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <ol style="list-style-type: none"> 1. ISO Guide 2 which defines definitions of terms used by ISO Guide 62, 65 or 66 distinguishes between the terms “body” and “person” and makes it clear that a “body” is a “legal or administrative entity that has specific tasks and composition. Note: Examples of bodies are organisations, authorities, companies and foundations.” 2. The requirements of ISO Guide 62, 65 and 66 have been developed for certification bodies (as defined by ISO Guide 2) and therefore de facto exclude individuals in their own right. 3. A reference to “Annex 1” was included in the CPET criteria version September 2004 and we note that nothing has been developed yet. If CPET does not plan to develop an Annex, then the reference to nonexistent documents should be dropped. However if an Annex is developed, we trust that it will be also be subject to consultation. <p>Suggestions: Delete the term “an individual” form the text.</p>		135	See responses to comments 127 and 129.
2.2 Certification is undertaken by an individual or body which is accredited to evaluate against forest management standards.			
Comments on 2.2			
An individual can not be accredited to evaluate against FMS.		136	See response to comment 127.

Criteria	Guidance on implementation	Commentator	CPET responses
The accreditation should be defined against IAF. A standard setting body cannot also be an accreditation body – there needs to be a clear separation of these functions if conformity assessment is to be regarded as credible		137	This is addressed by criterion 3.1 and guidance.
It would be helpful to make explicit the link between requirement 2.2 and requirement 3.1 under Accreditation. Alternatively, remove the criterion and integrate the test that it sets with 3.1.		138	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.
There is no clear guidance. We noted in our previous comments that it would be advisable to have a cross-reference to 3.1 or to integrate this criterion into 3.1.		139	Guidance has been added.
Suggestion of wording: “2.2 Certification is undertaken by a body which is: - accredited to evaluate against environmental standards and -specialist of forest management standards”		140	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.
Comment: 1. As an individual cannot be considered as a certification body, he/she cannot meet the ISO Guides 65, 62 and 66 requirements and as such he/she cannot be accredited against those ISO Guides. Suggestion: 1. Delete the term “an individual” from the criterion text		141	See response to comment 127.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comment:</p> <p>1. As an individual cannot be considered as a certification body, he/she cannot meet the ISO Guides 65, 62 and 66 requirements and as such he/she cannot be accredited against those ISO Guides.</p> <p>Suggestion Delete the term “an individual” from the text.</p>		142	See response to comment 127.
<p>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>	<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>		
Comments on 2.3			
<p>The criterion is ambiguous and the guidance does not provide any guide at all. Requirements for the auditing process must state at least the following issues:</p> <ul style="list-style-type: none"> • Time to be spent carrying out the audit: must be determined before the audit begins. A detailed schedule must be available, considering the total area or magnitude of the operations. • The audit team must have knowledge of all the themes covered by the audit. • Audit team composition must ensure an appropriated knowledge level for local issues, such as native vegetation and fauna, social customs and indigenous people rights. 		143	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.

Criteria	Guidance on implementation	Commentator	CPET responses
There is no guidance as to what merits a score of 1 or 2.		144	Scoring guidance has been added.
<p>The criterion appears unambiguous. Note that the subject of the criterion is the certification audit, not the certification scheme’s audit procedures. To assess a scheme, CEPT must study the way in which audits are carried out and must not rely on evidence from scheme rules governing audit procedures. If that is not the intention, the criterion should be revised.</p> <p>The criterion duplicates 2.1 in many respects. The duplication is reflected in the CPET assessment - PEFC was scored 2 against the criterion on the basis that the scheme’s certification procedures conformed to relevant ISO guidance (criterion 2.1) and therefore should be adequate. If criterion 2.1 is a sufficient test, criterion 2.3 is redundant and can be deleted. However, if 2.3 adds to 2.1, it should be retained.</p> <p>The “guidance” is not guidance, simply observation.</p>		145	<p>The criterion refers to “the requirements for certification audits”.</p> <p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</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.	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.		
Comments on 2.4			
Guidance is a justification of the criteria, and it does not provide any help to understand the suitability of the consultation, or the scoring system. To do so, it must advice on how long and how the stakeholders must be contacted and invited to participate.		146	Scoring guidance has been added.

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>There is no guidance as to what merits a score of 1 or 2. Our earlier comment that schemes must run fully inclusive consultations and take reasonable account of any comments received remains valid. Without such a process in place, which is also properly implemented in practice, a scheme should score 0.</p>	147	Scoring guidance has been added.
	<p>The criterion appears unambiguous. In order to meet the criterion in full, certification bodies must run a consultation process that engages external stakeholders in such a way that it achieves as a result that “all relevant issues relating to compliance with the standard are identified”</p> <p>The intended test might be that a scheme’s rules require certification bodies to run consultation processes that reach out to everyone who has information relevant to the assessment of compliance pass the test. If that is so, schemes that allow certification bodies to run consultation processes that are unlikely to reach everyone or that exclude people who have information relevant to the assessment fail the test. The procedures cited by CPET in the assessment of the PEFC and SFI schemes allow certification bodies to run exclusive information gathering processes. Neither scheme requires a process that could reasonably be assessed as meeting the test of the criterion. In spite of this both schemes were scored 2.</p> <p>A scheme may require certification bodies to run a fully inclusive consultation process but if the scheme does not require certification bodies to take reasonable account of all of the comments it receives, the scheme is no better than one that allows certification bodies to run an exclusive consultation process. The test of “takes reasonable account of comments received” is missing from the criteria.</p> <p>The “guidance” is not guidance, simply justification for the criterion.</p>	148	Scoring guidance has been added.

Criteria	Guidance on implementation	Commentator	CPET responses
Add ", and that stakeholders are informed how their expressed concerns have been addressed". The generic information provided through the public summary (Criterion 2.5) is often too general. I appreciate that certification authorities (CBs) don't like the extra work of responding to those who have made the effort to contribute to the audit.		149	Scoring guidance has been added.
For criterion 2.4 and 2.5 I do not understand why there is no tick in the "L" column.		150	Amendments to the criteria for legality have only been made where these have been considered necessary to improve clarity.
2.5 A summary of the results of the certification audit (excluding confidential information) must be publicly available to interested parties.	<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>		
Comments on 2.5			
The public availability of the information does not ensure that every stakeholder can access to it. Certification reports must be available in a way and shape corresponding to local communities capacities. For instance, internet publications are not reachable to some local communities. Therefore, the criteria text should be like "A summary of the results of the certification audit (excluding confidential information) must be publicly available to interested parties, in a way corresponding to their capacities. "		151	Scoring guidance has been added.

Criteria	Guidance on implementation	Commentator	CPET responses
For criterion 2.4 and 2.5 I do not understand why there is no tick in the “L” column.		152	Amendments to the criteria for legality have only been made where these have been considered necessary to improve clarity.
It is good for overall clarity that there is a requirement that the public summary must contain a summary of the findings with respect to conformance with the requirements of the forest management standard. It should be added that the public summary should be available on a website or on request within a 2 week period. If not the scheme should score 0. It is unclear when a scheme would score a 1.		153	Scoring guidance has been added.
<p>The criterion is unambiguous. What has to be made publicly available is “a summary of <u>the</u> certification audit”. This can only mean that the summary of the audit of the certified forest in which the timber being procured by the UK Government originates is available at the time of the CEPT assessment. However, the intended test is probably that the certification scheme requires summaries of all certification audits of all successful certification applicants to be made publicly available</p> <p>Assuming that our interpretation in paragraph 0 is correct, the CPET assessment should pay some regard to the amount of time that it takes to make the summary available and the manner in which it is made available.</p> <p>The guidance is not guidance, simply a justification for the criterion. Guidance would be something like: “The scheme’s rules require summaries of the assessments of all successful certification applicants to be posted on the scheme or certification body’s web site within two weeks after confirmation of certification. In order to score 2, summaries of the assessments of all certificate holders must have been posted. In order to score 1, all summaries related to certificates awarded in the previous 4 months must have been posted.”</p>		154	Scoring guidance has been added.
2.6 There is an accessible and	It is widely accepted good practice to ensure that		

Criteria	Guidance on implementation	Commentator	CPET responses
functioning mechanism for dealing with complaints and disputes which is open to any interested party.	any issues or concerns are dealt with efficiently and transparently, whatever their origin.		
Comments on 2.6			
As we noted in its earlier comments, the guidance is simply observation. There is no indication of what merits a 1 or 2.		155	Guidance also provides context.
The criterion appears unambiguous. The words “an accessible” are in the wrong place. Better would be: “There is a functioning mechanism for dealing with complaints and disputes that is open and accessible to any interested party.” The guidance is not guidance, simply a justification for the criterion. Guidance should usefully give examples of compliant and non-compliant mechanisms.		156	Guidance also provides context.
Guidance does not provide any guidance. To do so, guidance must specify how to evaluate and score the correspondence of the mechanisms with the local communities and interest parties capacities. Accessible and functioning is not enough information to assess the compliance with the criteria.		157	Guidance also provides context.

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</i> --	Note if this is not provided by the requirements of the certification system, or through membership of IAF (International Accreditation Forum) or another appropriate body then the checklist in Annex 3 must be completed.		

Criteria	Guidance on implementation	Commentator	CPET responses
<i>General requirements for accreditation bodies accrediting conformity assessment bodies or equivalent.</i>	.[CURRENTLY BEING DRAFTED]		
Comments on 3.1			
The expression “another appropriate body” is too ambiguous and provides no help on understanding the suitability of the body. “Equivalent” should be used instead of “appropriate”.		158	The guidance has been amended.
Is there any equivalent to ISO 17011 – if so, please provide a direction to the publicly available documentation for evaluation by stakeholders. Also see comment for 1.3.1 in regards to ANNEX 3.		159	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion. The annex simply presents the requirements of the criterion in a checklist format.
The criterion appears unambiguous. The guidance is not clear.		160	The guidance has been amended.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. It is not clear what the term “another appropriate body” means.</p> <p>Appropriate could mean anything and is too ambiguous and open to interpretation.</p> <p>2. A reference to “Annex 2” was included in the CPET criteria guidance version September 2004 and we note that nothing has been developed yet. If CPET does not plan to develop an Annex, then the reference to nonexistent documents should be dropped. However if an Annex is developed, we trust that it will be also be subject to consultation</p> <p>Suggestion:</p> <p>1. In order to keep consistency throughout the document the term “another appropriate body” should be changed to “or equivalent body”.</p>		161	See responses to comments 158 and 159.
<p>Comments:</p> <ol style="list-style-type: none"> 1. It is not clear what the term “another appropriate body” means. It is too ambiguous and open to interpretation. 2. A reference to “Annex 2” was included in the CPET criteria guidance version September 2004 and we note that nothing has been developed yet. If CPET does not plan to develop an Annex, then the reference to nonexistent documents should be dropped. However if an Annex is developed, we trust that it will be also be subject to consultation. <p>Suggestion</p> <p>In order to keep consistency throughout the document the term “another appropriate body” should be changed to “or equivalent body”.</p>		162	See responses to comments 158 and 159.

Criteria	Guidance on implementation	Commentator	CPET responses
	CPET does not define, by whom and how the “equivalence” with ISO 17011:2004 is assessed.	163	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.
	In “Guidance” text there is a phrase “another appropriate body”. The wording implies that CPET is aware which body there is in question, but it has not been seen appropriate to communicate the name.	164	The guidance has been amended.
	We look forward to receive the draft of Annex 3 [<i>Checklist for assessing consistency with ISO 17011:2004</i>] (<i>not ISO Guide 61</i>) and the opportunity to provide feedback.	165	The annex simply presents the requirements of the criterion in a checklist format.
	Regarding criterion 3.1, you state that accreditation must be awarded by an accreditation body which is a member of the International Accreditation Forum or by any other appropriate accreditation body. We consider the term “appropriate” to be ambiguous and therefore would like it replaced by the term “equivalent.”	166	The guidance has been amended.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Note if this is not provided by the requirements of the certification system, or through membership of IAF (International Accreditation Forum) or another appropriate body then the checklist in Annex 3 must be completed. .[CURRENTLY BEING DRAFTED</p> <p>Comments:</p> <p>1` The consultation process should be only organised only when all the documents are available, which is not the case for the annexes.</p> <p>2` The “accreditation” part is very weak. A general rule to be included in this part, as another criterion, is the <u>independence between the standard setting body and the accreditation body.</u></p> <p>Suggested wording:</p> <p>“3.2 Accreditation must be undertaken by a national or international body which is fully independent of the standard setting body.”</p>		167	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.</p> <p>The annex simply presents the requirements of the criterion in a checklist format.</p>

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 or auditor 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			

Criteria	Guidance on implementation	Commentator	CPET responses
The guidance is simply repetition / justification of the criterion. There is no indication of what merits a score of 1 or 2.		168	Guidance also provides context.
The words “or equivalent” introduces ambiguity into the criterion. Does it mean that the other set of requirements has to include all the requirements of the ISO Guides? If that is the case, it would be better to state that the body must operate in accordance with the provisions/requirements contained in the ISO Guides. The “guidance” is not guidance, simply a justification of the criterion.		169	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. Guidance also provides context.
Again, where is the equivalence documentation to ISO Guide 65 and ISO 17011 – it just can’t be left hanging in the air, it must be there or it isn’t; if this is to allow the FSC, provide the benchmarking of the FSC against ISO G65 and ISO 17011 for evaluation by stakeholders.		170	Amendments to the criteria have only been made where these have been considered necessary to improve clarity.
As the criterion 4.1 sets requirements for certified Chain of Custody, the meaning of “an equivalent” in Criterion 4.2 is unclear. It seems that CPET has recognised mechanisms (other than CoC) that follow/fulfil the Criterion 4.1 without being chain of custody systems. Such new mechanisms should be communicated publicly to make the certification schemes to see all the acceptable options.		171	Amendments to the criteria have only been made where these have been considered necessary to improve clarity.
The guidance should not include the word “competent”. A certification body must be accredited by an accreditation body, and therefore, its competence assessment is out of the scope of any CoC (or SFM) standard.		172	Requirements for accreditation are included in the criterion.
<p>Comments</p> <p>1. An auditor cannot operate in accordance with ISO Guide 65 as it defines requirements for certification body and not for an auditor. An auditor can never be accredited against ISO Guide 65.</p> <p>1. The term “just as for forest management” in the guidance is ambiguous.</p> <p>Suggestion:</p>		173	The criterion has been amended to delete “auditor”. Guidance also provides context.

Criteria	Guidance on implementation	Commentator	CPET responses
<ol style="list-style-type: none"> 1. The text of the criterion should be changed to: "Chain of custody certification shall be carried out by a certification body operation in accordance of ISO Guide 65 and accredited by an accreditation body operating in accordance of ISO 17011 or equivalent". 2. Delete the guidance text as it does not provide any added value or information. 			
<p>Comments:</p> <ol style="list-style-type: none"> 1. The term "<i>just as for forest management</i>" in the guidance is ambiguous since this could be understood as only referring to the words "<i>an accredited</i>" (in which case it would be criterion 3.1) or it could be interpreted as referring to the term "<i>certification</i>" in which case also criteria 2.1 to 2.6 would become applicable for chain of custody certification. 2. The text should be consistent with criteria under section 2 and 3. An auditor carries out the audit which is a part of the certification process. The certification body is responsible for the whole certification process. 3. An auditor cannot operate in accordance with ISO Guide 65 as it defines requirements for certification body and not for an auditor, e.g. an auditor can never make certification decision or to issue a certificate. An auditor can never be accredited against ISO Guide 65. <p>Suggestion:</p> <ol style="list-style-type: none"> 1. The text of the criterion should be changed to: "<i>Chain of custody certification shall be carried out by a certification body operating in accordance of ISO Guide 65 and accredited by an accreditation body operating in accordance of ISO 17011 or equivalent.</i>" 2. Delete the guidance text as it does not provide any added value or information. 		174	See response to comment 173.

Criteria	Guidance on implementation	Commentator	CPET responses
As the criterion 4.1 sets requirements for certified Chain of Custody, the meaning of “an equivalent” in Criterion 4.2 is unclear. It seems that CPET has recognised mechanisms (other than CoC) that follow/fulfil the Criterion 4.1 without being chain of custody systems. Such new mechanisms should be communicated publicly to make the certification schemes to see all the acceptable options.		175	Amendments to the criteria have only been made where these have been considered necessary to improve clarity.
The reference to “auditor” should be removed since the ISO Guide 65 refers to “bodies operating product certification systems”.		176	The criterion has been amended to delete “auditor”.
4.2 There must be a certified chain of custody in place from the forest of origin to the final product which provides a link between the certified material in the product or product line and certified forests.	This means that there must be an appropriate and valid chain of custody certificate or equivalent for each organisation in the chain from forest to final product which owns or processes the material in any way.		
Comments on 4.2			
Guidance must respect the requirement of the criteria, demanding for a chain of custody from certified forest to certified final product which owns or processes the material in any way.		177	The criterion and guidance have been amended to state “certified final product”.
There is no indication what merits a 1 or a 2.		178	Scoring guidance has been amended.
The criterion appears unambiguous. To pass the test set by the criterion, a scheme must require that a product that is claimed to be from a certified forest can be traced back to a certified forest through a certified chain of custody.		179	See response to comment 177.

Criteria	Guidance on implementation	Commentator	CPET responses
It is not clear what “or equivalent” to a chain-of-custody certificate means. We suggest that these words be deleted.		181	The guidance has been amended, such that “or equivalent” has been deleted.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. The object of this criterion is not clear. The whole document is supposed to include requirements for forest certification schemes. As the criterion is written, the object of the criterion is a company rather than a certification scheme. A certification scheme cannot have in place “certified chain of custody” as it is only a company that can have in place a certified chain of custody.</p> <p>2. The statement in the guidance that “<i>there must be an appropriate and valid chain of custody certificate or equivalent for each organisation in the chain from forest to final product which owns or processes the material in any way</i>” is not precise. Please note that the chain of custody is required from all companies in the chain which make claims on “certified raw material”.</p> <p>3. It is not clear what “<i>an equivalent</i>” to a chain of custody certificate means? Criterion 4.1 refers to ISO Guide 65 and ISO Guide 65 does not recognize any kind of equivalent to a certificate.</p> <p>4. Assessment of chain of custody (certification) is covered by criterion 4.1.</p> <p>Suggestion:</p> <p>Criterion should be rewritten to state: “<i>The scheme shall define requirements for chain of custody which provide a link between the certified raw material in the product and certified forests.</i>”</p> <p>Guidance for this criterion should state: “<i>Any company / organisation which is making its own claims on certified raw material in the product shall have in place a chain of custody which meets the scheme requirements.</i>”</p>		182	See responses to comments 177 and 181.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments</p> <ol style="list-style-type: none"> 1. The object of this criterion is not clear. 2. It is not clear what “an equivalent” to a chain of custody certificate means. Criterion 4.1 refers to ISO Guide 65 and ISO Guide 65 does not recognise any kind of equivalent of certificate. 3. Assessment of chain of custody (certification) is covered by criterion 4.1. <p>Suggestion</p> <ol style="list-style-type: none"> 1. Criterion should be rewritten to state: “The scheme shall define requirements for chain of custody which provide a link between the certified raw material in the product and certified forests.” 2. Guidance for this criterion should state:” Any company/ organisation which is making its own claims on certified material in the product shall have in place chain of custody which meets the scheme requirements.” 		182	See response to comment 182.
<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 ensures 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>		

Criteria	Guidance on implementation	Commentator	CPET responses
	NB If a scheme scores 0 for this criterion, it only affects acceptance of products containing uncertified material.		
Comments on 4.3			
There is no indication what merits a 1 or a 2.		184	Guidance also provides context.
Legal sources must be identified.		185	The guidance has been amended with further detail.
<p>The criterion is unambiguous. Schemes that do not have verifiable systems in place or whose systems do not ensure that all uncertified material used is from legal sources fail the test.</p> <p>All schemes fail the test because the criterion is too demanding - no system can provide 100% assurance that all uncertified material used is from legal sources. The phrase “that provides a high degree of assurance” would be more appropriate. Applying the CPET findings to this less demanding but still exacting test, PEFC passes, SFI fails (no verifiable system in place) and FSC products containing more than 70% certified content fail (no scrutiny of the uncertified portion).</p> <p>There is no guidance.</p>		186	The criterion has been amended to read “is designed to ensure”.
<p>Criterion 4.3 requires that ‘the uncertified material must be covered by a verifiable system which ensures that it is from legal sources.’</p> <p>We agree with the FERN/WWF analysis of CPET Criteria on this matter. For non certified wood it is both practical and cost effective to ‘avoid’ controversial sources such as illegal timber. The principle of avoidance and the adoption of a risk based approach in relation to non certified wood is a more realistic and practicable approach than insistence on 100% legal content where the risk is based on the existence of enforcement of legislation.</p>		187	See response to comment 186.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>4.4 If mixing of certified and uncertified material is allowed and criterion 4.3 is not met then the chain of custody must include information on the proportion of the wood in a product or product line coming from certified forests: it must show that it is 100% of the total.</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 and 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>This can only be achieved by ensuring segregation of certified and uncertified material throughout the production chain from forest to final product.</p> <p>NB This criterion is not applicable if schemes do not allow mixing of certified and uncertified material.</p>		
Comments on 4.4			
<p>There is no indication what merits a 1 or a 2.</p>		<p>188</p>	<p>This criterion has now been incorporated into criterion 4.3.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The wording implies that Chain of custody is required only to a very limited extent, as uncertified raw material by an unspecified “verification system“ is considered as equivalent to certified raw material coming from certified forest through certified chain of custody. In real life this means that 1 % of certified material can be enough to fulfil the requirement of this drafted criterion 4.5. Is this really the direction to which CPET wants to encourage the forest certification schemes to develop their chain of custody systems? As also here CPET may have some existing method in mind, the CPET should communicate more clearly what is meant here.</p>		189	See response to comment 188.
<p>Criteria seem incongruous – if have uncertified material into a product, it must be < 100% certified material but seems to be specifying 100% which means that all material is certified; it would be simpler to say that the UK Government recognises 100% or physical separation.</p>		190	See response to comment 188.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comments:</p> <p>1. If the scheme does not meet criterion 4.3 then DEFRA /CPET decision should be that the scheme is acceptable as proof of legality only for products which include 100 % certified raw material (precisely where only physical separation method was used in the whole chain from the forest to procured product). This criterion as written is relevant only to the DEFRA /CPET decision making process and not the certification scheme requirements.</p> <p>2. It is not clear if the statement "<i>If...criterion 4.3 is not met then the chain of custody must include information on the proportion of wood in a product</i>" means that the chain of custody of schemes, which meet criterion 4.4, do not need to provide information on the proportion of the wood in a product or not.</p> <p>3. Please note that the volume credit method can result in product being considered as including 100 % certified raw material.</p>	<p>Suggestion:</p> <p>1. Delete the whole criterion 4.4 and add to the guidance to criterion 4.3 a note to the effect that "<i>where a scheme does not meet the criterion 4.3, only products, certified against this scheme, where physical separation has been used throughout the production chain from forest to final product, will be accepted as meeting the legality requirements</i>".</p>	<p>191</p>	<p>See response to comment 188.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>Comment:</p> <p>1. This is part of criterion 4.3</p> <p>Suggestion</p> <p>1. Delete the whole criterion 4.4 and add to the guidance to criterion 4.3 a note to the effect that “where a scheme does not meet the criterion 4.3, only products, certified against this schemes, where physical separation has been used throughout the production chain from forest to final product, will be accepted as meeting the legality requirements”.</p>		192	See response to comment 188.
<p>4.5 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>	<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 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>NB If a scheme scores 0 for this criterion, it only affects acceptance of products or product lines containing more than 30%</p>		

Criteria	Guidance on implementation	Commentator	CPET responses
	uncertified material.		
Comments on 4.5			
<p>The criterion is unambiguous. Schemes that do not have verifiable systems in place or whose systems do not ensure that all uncertified material used is from sustainable sources fail the test.</p> <p>All schemes fail the test because the criterion is too demanding - no system can provide 100% assurance that all uncertified material used is from sustainable sources. The phrase “that provides a high degree of assurance” would be more appropriate. Applying the CPET findings to this less demanding but still exacting test, all schemes would still fail</p> <p>There is no guidance.</p>		193	<p>This criterion has now become criterion 4.4.</p> <p>This criterion is designed to test if mixed products meet the Government requirements on sustainability. Even if no certification schemes can meet this requirement, it is necessary to keep this criterion.</p> <p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity.</p>
<p>As stated, this criteria demands the verification of sustainability, for uncertified material, by a system different from SFM certification. The only requirements for this system are the demanded on criteria 1.2.3-1.2.6</p> <p>Criteria 1.2.2 compliance is verified by the compliance of criteria 1.2.3-1.2.6. Therefore, in an indirect way, criteria 1.2.2 is also required for sustainability verification (different from sustainability certification). At the same time, criteria 1.2.1 is intended to ensure the achievement of sustainability by any SFM standard. Hence, every requirement of criteria 4.5 is already covered by “1.2 Content standards for sustainable variant”.</p> <p>The logical question is then Why is this criteria necessary? Which is its contribution to sustainability assessment?</p> <p>By making this difference between certified and sustainable material, this criteria is in fact, allowing a mixing of 99% of uncertified but sustainable material and 1% of certified material as acceptable for the UK government. We believe without reliable certification systems there</p>		194	See response to comment 193.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>is no way criteria 1.2.3-1.2.6 can be sufficient to ensure the sustainability of wood material or forest products. If one considers the present document as a proof of SFM, then at least compliance with the whole document should be demanded, not only 1.2.3-1.2.6.</p>			
<p>This seems to have been added to cater for the FSC only as all other schemes require 70% as a minimum of certified material which is clearly designed to set the tolerable bounds to demonstrate sustainable forest management.</p> <p>The criterion and guidance refer to ‘a verifiable system’ which no one knows anything about and hasn’t been evaluated for compatibility with certification schemes which ensure percentages of certified material via chain of custody. What is the mechanism to show ‘sustainable source’ – it isn’t specified. This becomes a circular argument as what other system is there except forest management standards under a certification scheme – ISO 14001 or ISO 9001 doesn’t deliver.</p>		195	See response to comment 193.
<p>Criterion 4.5 appears to be inconsistent with the fifteen pages of detailed requirements for forest certification schemes. This criterion suggests unspecified and undefined system for uncertified wood to be considered as equivalent to certified wood from forest certification schemes. Our comment and suggestion is to simple delete this criterion since it does not make sense or is appropriate for the purpose of an objective evaluation of forest certification schemes.</p>		196	See response to comment 193.
<p>4.5: This criterion we simply can't understand. Does this mean that there is an option to have an unspecified an undefined system for uncertified wood to be considered as equivalent to certified wood from recognised forest certification schemes? That can't be the intention and the criterion should be deleted.</p>		197	See response to comment 193.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>The intention of this criterion is not clear. We are also not sure as to the verification system which will be used to assess compliance of the uncertified material from “sustainable forest sources” with criteria 1.2.3 to 1.2.6, i.e. whether it will be based on third-party assessment of the forest management and chain-of-custody, as is practised by the different certification schemes for certified material. Subject to further clarification from CPET, we wish to propose that this criterion be deleted.</p>		198	See response to comment 193.
<p>For practical purposes, this criterion should be deleted. All systems currently in operation will score a zero and thus this particular section in no way benefits the CPET process of evaluating certification schemes.</p>		199	See response to comment 193.
<p>Comments</p> <p>Criterion 4.5 is of serious concern to the Australian forest and timber industry. This criterion provides an option for uncertified wood to be assessed as being equivalent to wood products that have been certified against national forest certification schemes.</p> <p>From an Australian perspective, it would be unacceptable that the CPET review could provide a favourable assessment for a forest certification scheme that has as little as 30% of the wood under that certification scheme being obtained from certified forests. This goes against the UK Government’s own Timber Procurement Policy requirements.</p> <p>Conclusion and recommendations</p> <p>Criterion 4.5 is a serious concern from an Australian perspective as it provides an option for uncertified wood to be assessed as being equivalent to wood products that have been certified against national forest certification schemes. This goes against the UK Government’s own Timber Procurement Policy requirements.</p>		200	See response to comment 193.
<p>Criterion 4.5 seems to say if a product or product line have less than 70% certified wood then the rest must be <i>sustainable</i>. Please clarify whether the expectation is that there should be some kind of interim step between 'legal' and certified 'sustainable' to</p>		201	See response to comment 193.

Criteria	Guidance on implementation	Commentator	CPET responses
demonstrate this or whether this is an error. It is unlikely that any certification schemes could meet this requirement as it appears.			
Companies mixing certified and uncertified material in a product or product group would usually calculate a percentage certified content based on a rolling average over a specified time period (e.g. one year- but could be less for limited or sporadic orders). It would be useful if the guidance related to this point clarified this.		202	See response to comment 193.
<p>Comments:</p> <p>1. The criterion 4.5, which allows less than 70 %, conflicts the UK Government Timber Procurement Policy – Timber Procurement Advice Note November 2005, section 1.1 of Annex B which states: <i>“The Contractor shall take all reasonable steps to ensure that at least 70% (by volume or weight) of each category of timber and wood derived products acquired by the Contractor for supply or use in the performance of the contract shall be either - (a) ‘recycled timber’ as defined in the General Conditions of Contract paragraph 3; or (b) timber from a ‘sustainable source’ as defined below; or (c) a combination of (a) and (b).”</i></p> <p>2. The objective of this criterion is not clear. If it is an attempt to revive or recycle criterion 4.2.3 (for which all certification schemes score “0” in the original assessment and which resulted in CPET ignoring this criterion), then as it is currently worded, the criterion’s objective and how it would be implemented is still not clear.</p> <p>3. As the statement <i>“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.”</i> appears to be an attempt to revise the criterion 4.2.3 (September 2004 edition) for which all assessed forest certification schemes scored “0” and whose objective was never clear to either CPET panel members or the schemes being assessed, DEFRA / CPET should first consider clarifying what it is they want to achieve with this criterion and the provide clear and unambiguous guidance and indications as to how such a system should look like.</p>		203	See response to comment 193.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>4. Criterion 4.5 and criterion 4.6 (wrongly identified as 4.4 in the consultation document) allows uncertified raw material verified by an “undefined and uncertified verification system” to be considered as equivalent to certified raw material coming from certified forest through certified chain of custody. This criterion de facto allows a suppliers product being accepted if 1 % of the content is certified raw material and 99 % is uncertified but covered by “some verification system” that it comes from forest meeting 1.2.3 – 1.2.6.</p> <p>Suggestion:</p> <p>1. Delete the whole criterion as it is unrealistic to meet, it is unverifiable by CPET as no information or specification is provided for how such a system should look like and conflicts the UK Government Procurement Policy document. It also provides an alternative to certified raw material with no comparable thresholds (i.e. Criteria for standards setting, certification and accreditation).</p>			
<p>Comments:</p> <ol style="list-style-type: none"> 1. The objective of this criterion is not clear. 2. Criterion 4.5 and criterion 4.6 (<u>wrongly identified as 4.4 in the consultation document</u>) allows uncertified raw material verified by an “undefined and uncertified verification system” to be considered as equivalent to certified raw material coming from certified forest through certified chain of custody. <p>Suggestions</p> <ol style="list-style-type: none"> 1. Delete the whole criterion as it is unrealistic to meet, it is unverifiable by CPET as no information or specification is provided for how such a system should look like and conflicts the UK Government Procurement Policy document. It also provides an alternative to certified raw material with no comparable thresholds (i.e. Criteria for standards setting, certification and accreditation). 		204	See response to comment 193.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>This criterion appears to allow products / product lines that contain 30% or less uncertified material to be accepted under the sustainable variant without any guarantee of legality of the uncertified portion. It is hard to believe that this is the intention given the Government’s minimum requirement of legality in its purchasing policy and the requirements for legality contained in criteria 4.3 and 4.4. Criterion needs to be rewritten to counter this point. There is no indication of what merits a score of 1 or 2.</p>		205	See response to comment 193.
<p>4.4 (should be 4.6) If mixing of certified and uncertified material is allowed and criterion 4.5 is not met then the chain of custody must include information on the proportion of the wood in a product or product line coming from certified forests: it must show that it is at least 70% of the total.</p>	<p>To meet the requirements for ‘sustainable’, the UK government requires products or product lines to contain at least 70% material from sustainably managed forests. If this is being delivered by certified material then it is necessary to have a system which provides information indicating that it is 70% or more.</p> <p>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 		

Criteria	Guidance on implementation	Commentator	CPET responses
	<p>proportion of certified raw material entering the process.</p> <p>NB If a scheme scores 0 for this criterion, it only affects acceptance of products containing uncertified material.</p>		
Comments on 4.4 (should be 4.6)			
<p>Comments:</p> <ol style="list-style-type: none"> The objective of this criterion is not clear. The combination of 4.5 and 4.6 (incorrectly stated above 4.4) put certified and uncertified raw material, which is verified by some kind of system proving compliance with 1.2.3 – 1.2.6, on the same level. <p>Suggestion:</p> <ol style="list-style-type: none"> Delete both criteria 4.5 and 4.6 (<u>wrongly identified as 4.4 in the consultation document</u>) and replace them by a new criterion which states: “If the chain of custody allows mixing of certified and uncertified raw material (percentage based methods) then the chain of custody must provide information on the proportion of the certified raw material in the sold products.” 	206	This criterion is now incorporated into the guidance for criterion 4.4.	
<p>Comments:</p> <ol style="list-style-type: none"> Does this criterion mean that the chain of custody of schemes which meet criterion 4.5. do not need to “<i>include information on the proportion of the wood in a product of product line coming from certified orests</i>”? The combination of 4.5 and 4.6 (incorrectly numbered as 4.4) put certified and uncertified raw material, which is verified by some kind of system proving compliance with 	207	See response to comment 206.	

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1.2.3 – 1.2.6, on the same level. Will the same criteria concerning chain of custody also be required for “the verification system”?</p> <p>Suggestion:</p> <p>1. Delete both criteria 4.5 and 4.6 and replace them by a new criterion which states :<i>“If the chain of custody allows mixing of certified and uncertified raw material (percentage based methods) then the chain of custody must provide information on the proportion of the certified raw material in the sold products.”</i></p> <p>This would mean that a supplier with a certified chain of custody shall provide the contractor with information on the content of certified raw material, which is also subject to the certification audit, and based on this information the contractor can easily verify whether the supplier meets the 70 % threshold or not.</p>			
	<p>The guidance on interpretation for this requirement provides the example of 'mass balance' approaches where a portion of the product sold as certified is equivalent to the proportion of certified raw material entering the process. However, the criterion requires that 'the chain of custody should include'.. '70% of the total wood in a product or product line should come from certified forests'.</p> <p>Mass balance systems inherently do not allow for such calculations to be made- particularly once you are a few steps down the supply chain. If the intention is to allow certified products into the system which have been produced using a 'mass balance' approach, as for 4.5, there should be some kind of control over the non-certified portion. Such processes should ensure that the amount sold as certified should be equivalent to the proportion of certified input to the system.</p>	208	See response to comment 206.

Criteria	Guidance on implementation	Commentator	CPET responses
(should be 4.6 – a mistake in numbering). As with criterion 4.5 the criterion appears to allow products / product lines that contain less than 30% uncertified material to be accepted under the sustainable variant without any guarantee of legality of the uncertified portion. No indication of what merits a score of 1 or 2.		209	See response to comment 206.
4.6 (should be 4.7) 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.	If claims are not controlled, then the veracity of any claim made is in question. Note ISO 14020 contains general guidance on environmental labels and declarations.		
Comments on 4.6 (should be 4.7)			
Guidance to assess the clearly definition of the mechanism; the accuracy of the claims, and the nature and scope of the actions to be taken to prevent misleading or false claims must be provided. An appropriate scoring guidance is needed to evaluate each one of these indicators.		210	This criterion now becomes criterion 4.5. Guidance also provides context.
<p>Comment and suggestion:</p> <p>1. This criterion does not add anything as the whole chain of custody is a <i>clearly defined mechanism</i> for controlling all claims made about the certified nature of products which ensures that claims are clear and accurate. Third party certification of chain of custody prevents any false or misleading claims.</p> <p>2. Reference to ISO 14020 does not add anything to the criterion as ISO 14020 requirements are covered by the previous CPET criteria. Comments 1 and 2 demonstrate that this criterion is redundant.</p>		211	This criterion now becomes criterion 4.5. Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion. Guidance also provides context.
Comments:		212	See response to comment 211.

Criteria	Guidance on implementation	Commentator	CPET responses
<p>1. The objective of this criterion is not clear. This criterion does not add anything, third party certification of chain of custody prevents any false or misleading claims.</p> <p>2. Reference to ISO 14020 does not add anything and its requirements are covered by the previous CPET criteria and therefore the criterion is redundant.</p> <p>Suggestion: Delete whole criterion because it is redundant with previous CPET criteria.</p>			
(should be 4.7 – a mistake in numbering) No changes to guidance, which provides no indication of what merits a score of 1 or 2.		213	This criterion now becomes criterion 4.5. Guidance also provides context.
<p>The criterion appears unambiguous. A scheme that has a clearly defined mechanism that ensures that claims are clear and accurate <u>and</u> that action is taken to prevent any false or misleading claims complies with the criterion. A scheme that does not have a clearly defined mechanism, or has a clearly defined mechanism that does not ensure the required outcomes does not comply with the criterion.</p> <p>The “guidance” is not guidance, it is part justification and part information.</p>		214	Guidance also provides context.
<p>4.7 (should be 4.8) If recycled material is used there must be a verifiable system in place 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 	<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>		

Criteria	Guidance on implementation	Commentator	CPET responses
· Drift wood			
Comments on 4.7 (should be 4.8)			
<p>The following terms must be defined:</p> <p>Drift wood, by-products, co-products and post-consumer recycled wood.</p> <p>If the criterion takes into account drift wood, then construction wood and dead wood might be also considered. They all have different economical and environmental implications, and therefore, shall not be excluded.</p> <p>An appropriate scoring guidance is needed.</p>		215	<p>This criterion now becomes criterion 4.6.</p> <p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity.</p> <p>Guidance also provides context.</p>
(should be 4.8 – a mistake in numbering).		216	This criterion now becomes criterion 4.6.
<p>The criterion is ambiguous. Whereas criteria 4.1.3 and 4.2.2 use the phrase “which ensures”, criterion 4.2.1 uses “to ensure”. Thus it is not clear if a scheme will pass the test if it has in place a verifiable system that is <u>designed to ensure</u> that recycled material is from the listed categories passes, or if the system <u>must ensure</u> that recycled material is from the listed categories.</p> <p>If the intended test is that the system ensures that recycled material is from the listed categories, schemes that do not have verifiable systems in place or whose systems do not ensure that recycled material is from the listed categories do not comply with the criterion. On this basis the PEFC and SFI schemes merit a score of 0 because they do not have in place a system that ensures that recycled material is from the listed categories. CPET scored PEFC 1 and SFI 2.</p> <p>Neither of the interpretations in paragraph 0 is an appropriate test. Systems that are “designed to ensure” may provide only a low degree of assurance. On the other hand no system can provide 100% assurance that recycled material is from the listed categories. The phrase “that provides a high degree of assurance” would be more appropriate. PEFC and SFI</p>		217	<p>The criterion has been amended to read “designed to ensure”.</p> <p>Guidance also provides context.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>would also fail this test.</p> <p>There is no guidance.</p>			
<p>Why would drift wood be a material? It is inconceivable that such a product would be used in Australia but it must have significance in some certification schemes.</p>		218	Amendments to the criteria have only been made where these have been considered necessary to improve clarity.
<p>If a scheme currently does not use recycled material, it should not be assessed and scored against this criterion.</p>		219	Agreed. In guidance it states ‘if a scheme scores 0 for this criterion, it only affects acceptance of products containing recycled material.
<p>We would recommend that the criterion be re-drafted to add additional clarity to the statement. For example: <i>“If the recycled raw material is covered by the systems claims on certified raw material, then there must be a verifiable system to ensure that recycled raw material is from the following categories: ...”</i></p>		220	Amendments to the criteria have only been made where these have been considered necessary to improve clarity.
<p>Comments:</p> <p>1. It is not clear what the “extra verifiable system” is for this criterion as it is self evident from the purchase note and the supplier whether the material is pre-consumer, post-consumer or driftwood.</p> <p>2. The raw material can be considered by forest certification in several ways. It can be considered as (i) certified raw material (and then it is covered by the claim on the content of certified raw material or it could be considered as neutral or uncertified raw material (in both cases recycled raw material is not covered by the claims on certified raw material). This criterion should be applicable only in the case where recycled raw material is considered as certified raw material and is therefore covered by the claims on the content of certified raw material.</p>		221	<p>Amendments to the criteria have only been made where these have been considered necessary to improve clarity.</p> <p>See response to comment 217.</p>

Criteria	Guidance on implementation	Commentator	CPET responses
<p>3. The criterion as written is not applicable to forest certification schemes, rather it is for companies as certification schemes “do not use recycled raw material”.</p> <p>4. It is not clear why saw mill co-products are excluded and other pre-consumer recycled raw material are not.</p> <p>Suggestion:</p> <p>Change the criterion to read :<i>“If the recycled raw material is covered by the scheme’s claims on certified raw material, then there must be a verifiable system to ensure that recycled raw material is from the following categories: ...”</i></p>			
<p>Comments:</p> <ol style="list-style-type: none"> 1. Please provide in the guidance a definition of what the extra verifiable system is for this criterion as it is self evident from the purchase note and the supplier whether the material is pre-consumer, post-consumer or driftwood. 2. The raw material can be considered by forest certification in several ways. It can be considered as (i) certified raw material (and then it is covered by the claim on the content of certified raw material or it could be considered as neutral or uncertified raw material (in both cases recycled raw material is not covered by the claims on certified raw material). This criterion should be applicable only in the case where recycled raw material is considered as certified raw material and is therefore covered by the claims on the content of certified raw material. 3. The criterion as written is not applicable to forest certification schemes, rather its for companies as certification schemes “do not use recycled raw material”. 4. It is not clear why saw mill co-products are excluded and other pre-consumer recycled raw material are not. <p>Suggestion</p>		222	See response to comment 221.

Criteria	Guidance on implementation	Commentator	CPET responses
1. Change the criterion to read: "If the recycled raw material is covered by the scheme's claims on certified raw material, then there must be a verifiable system to ensure that recycled raw material is from the following categories..."			
We may have misunderstood, but find it important that we divide between forest certification and product applicable criteria. It is important not to mix criteria evaluating forest certification with criteria not connected to forest management.		223	Criteria in section 4 are used to assess a scheme's chain of custody systems.
Section 4.7 refers to a need for guidance on recycled material. In particular, it would be important to consider how products which are carrying a portion of post consumer recycled and certified material would be considered. Given that many products are increasingly carrying recycled content, would it be practical to count (post consumer) recycled material towards the percentage calculation for 'sustainable' sources in 4.5? Or could verified post consumer recycled material be included in the 'certified' category?		224	Amendments to the criteria have only been made where these have been considered necessary to improve clarity. No change has been made to this criterion.