



Stakeholder Comments
CPET consultation on proposed criteria on
‘National level application’ and ‘Conversion’
29th January – 10th March

In preparation for the 2010 review of certification schemes to monitor their continued compliance with UK government timber procurement *policy* [Criteria for Evaluating Category A Evidence](#) (May 2006) will be updated to include new social criteria. The update of the guidance will also consist of a general update and the addition of two new clarifying guidance criteria on ‘Conversion; and ‘National level application’. Criterion and guidance on interpretation has been drafted by the Technical Panel and is presented below.

CPET invited all stakeholders to submit views and comments on the inclusion of new clarifying guidance criteria on ‘conversion; and ‘national level application’.

The comment period closed on 10th March, 2010. All comments will be reviewed and if this suggests any changes are required to the proposed criteria this will be referred to the Technical Panel and the CPET Reference Board. Final criteria will be included in *the Criteria for Evaluating Category A Evidence* prior to the 2010 assessment of the certification schemes.

All comments received will be collated and published on the CPET website. Please let us know if you wish to remain anonymous.

1. Proposed ‘Conversion’ criterion

The criterion has been developed to take account of the issue of certification of “plantations” converted from natural/semi-natural forests and is proposed to be added as a new criterion in section 2 ‘Certification’ of the CPET Criteria for Evaluating Category A Evidence.

The following wording on the ‘Conversion’ criterion has been drafted by the Technical Panel

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

1.1. Comments on proposed 'Conversion' criterion

Please outline your comment as it relates to the 'Conversion' criterion and guidance on interpretation noted above.

PEFC Council

General Comment:

PEFC Council welcomes the opportunity to comment on the further elaboration of the CPET criteria.

It is an important principle that any changes finally agreed upon in this consultation round should be implemented at a future round of assessments. This is because certification systems have to be provided adequate time to make any necessary changes to their documentation, using their multi-stakeholder consultation and decision making processes, and subsequent implementation, as required by CPET. It should be noted that adequate time should also be afforded to national systems to allow them to implement any changes made to international certification systems through their multi-stakeholder consensus decision making processes.

Specific Comment:

The purpose of certification is to demonstrate that forest management practices maintain or increase the forests and other wooded area, and enhance the quality of the economic, ecological, cultural, and social values of forest resources and it is therefore clear that no certification system should be the cause of, or encourage conversions of natural and semi-natural forest ecosystems to plantations, and it is right that procurement policies should ensure that certification systems in themselves do not act as the driver for conversions.

However

- 1) There should be exceptional circumstances under which conversion are tolerated.
- 2) It is not clear what is meant by certain cut off dates and how CPET will interpret its guidance, but there is a general presumption in legal systems that requirements should not be implemented retrospectively thus penalising operators who were in compliance at the time of certification.

The issue of "conversions" not only touches on environmental aspects but also social aspects of sustainable development, as well as sovereignty issues which the UK government is well placed to consider the implications of.

The current focus of the criterion is on forest biodiversity and / or the health and vitality of the forest ecosystem. It does not consider the social and development aspects as well as sovereignty issues.

To best promote the objective of the criterion without disregarding the social, development and sovereignty aspects will require the criterion to be modified. The guidance on interpretation focuses on "certain cut off dates". Whilst this may certainly affect the environmental considerations, it may have a negative impact on addressing the social, development and sovereignty issues. Whilst certification and the market rewards of certification should never be the cause for conversions, they should also not act as barriers to a country's social and sustainable development objectives. This is why it might be better for CPET to consider requiring certification systems to have a time period over which any conversion cannot be considered for the purposes of certification, instead of a set cut off date. This would ensure that certification is not a cause or incentive for conversions, but at the same time converted forests are not forever barred from attaining certification at some time in the future should they be sustainably managed.

PEFC UK**Comment:**

You have already received comments from PEFC Council. We re-iterate these comments in the following text. As mentioned by PEFC we again ask that any changes finally agreed upon in this consultation round should be implemented at a future round of assessments to allow the certification systems to have adequate time to make any necessary changes to their documentation, using their multi-stakeholder consultation and decision making processes.

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PEFC Denmark:

One of the basic principles for sustainable forest management is to maintain or increase forest and other wooded areas. PEFC Denmark therefore finds it logical for certification schemes not act as a driver for conversion of natural and semi-natural forest ecosystems into industrial forest plantations and by their means aims at securing the forest resource.

However

- 1) Since forest management practice differs in different parts of the world due to historical use of the forest, different development levels and most of all the biogeographical zones it can be difficult to make a clear definition of what

is meant by “plantation”. To add “industrial” in front of “forest plantation” gives a certain picture, but we would encourage CPET to try to give a more precise definition.

- 2) There should be exceptional circumstances under which conversion are tolerated. At the moment the rationale to prohibit conversions is to protect the biodiversity and thereby the “environmental” leg of the sustainability triangle. But please remember that conversion also touches on social aspects of sustainable development, as well as development and sovereignty issues which the UK government is well placed to consider the implications of.
- 3) It is not clear what is meant by certain cut off dates and how CPET will interpret its guidance. There is a general presumption in legal systems that requirements should not be implemented retrospectively thus penalising operators who were in compliance at the time of certification.

PEFC Canada

Forest certification schemes should encourage good forest management by promoting the maintenance of natural forest attributes through conservation of naturally occurring species, communities and ecosystems and by promoting the use of native species in reforestation. Rather than assessing forest certification schemes based on the limitations they place on conversion of natural forest to industrial forest plantations they should be assessed on the criteria they include for encouraging natural forest management. The focus of this criterion should be on an assessment of how the certification scheme promotes natural forest management rather than how it restricts conversion.

This criterion should also recognize circumstances where conversion to industrial forest plantations can be justified to provide for social and economic development aspects of sustainable forest management. In some cases concentrating intensively managed timber production in an area of industrial forest plantations can relieve the burden on the broader forest landscape. Forest areas outside the plantation area can be managed with reduced impact to conserve biodiversity and other natural forest attributes. Forest plantations under these circumstances should not be prevented from achieving certification.

Malaysian Timber Council (MTC) London

GENERAL COMMENTS

Certification systems should be allowed the discretion to either allow/disallow the certification of a particular forest area subjected to transformation as described within CEPT’s proposed requirements, which is to be exercised within their respective remits and in line with the scheme’s requirements on certification and independent third party audits.

Matters such as forest biodiversity and/or health and vitality of the forest ecosystem are elements considered within the assessment process in determining whether a certificate is to be issued or not, or suspended/withdrawn as the case may be.

Certification schemes should be given sufficient time to implement any changes if necessary to the scheme’s requirements, which will be subjected to agreement from multi-stakeholders’ consultations to fulfil procedural requirements under the scheme.

SPECIFIC COMMENTS

The guidance on ‘transformed after a certain date’ and ‘only in exceptional

circumstance' is vague.

The issue of forest conversion generally lies outside the mandate/authority of a certification scheme, whether national or international. In the case of developing countries, it is the norm that the government holds the national prerogative over land use. Any restrictions on conversions should bear in mind the sovereign rights of countries to develop in line with their respective economic and land use policies (the elements of sovereignty, development and social rights are currently missing from this criteria).

Based on the above, certification schemes will never be in a position to eliminate the conversion of forests altogether – this is equally applicable to the operations of certification schemes in both developed and developing countries. It is right that conversion should be limited as far as possible through any means possible, but converted forests should not be discriminated against perpetually from obtaining certification should they be sustainably managed at some point in the future. Barring plantation forests from obtaining certification perpetually, hence excluding such wood fibre from entering the wood product chain perpetually would defeat the purpose of reducing pressure on natural forests for wood fibre.

'Transformed after a certain date' implies a cut-off date. CPET's intention here is unclear. More importantly, such cut-off dates should not be implemented retrospectively, thus avoiding the risk of penalising parties in full compliance at the time certification took place.

Sustainable Forestry Initiative (SFI) Inc.

SFI Inc. feels that the guidance of allowing a "cut-off" date after which converted forests can no longer be certified is arbitrary and does not achieve the goal of the criterion. Setting a date does not ensure proper management of plantations already established and, existing standards that employ the use of a cut-off date typically allow exceptions to any conversion limits. Thus, SFI Inc. recommends removing this language from the guidance.

In the guidance, CPET should instead focus on the requirements of the programs to evaluate whether each has acceptable provisions for ensuring stand and landscape considerations including conservation of biodiversity, based on its national operating context. For example, SFI forest management certification only applies to forests in the US and Canada. The U.S. Forest Service reports that the decline in natural forest is about 0.1% a year, due to several causes such as urban development. In Canada the rate of conversion is 0%. This fact coupled with the fact that SFI requirements for forest management, which include protection of biodiversity, wildlife habitat, special sites and Forests with Exceptional Conservation Value, apply regardless of how a stand was grown, illustrates that in the US and Canada, the SFI program adequately addresses this concern.

Plantations serve very important purposes as well – they are absolutely critical to ensuring fiber supply for all of the wood and paper products our society needs. Without them, there would likely be significant increases in harvests from other forests that now are either not harvested or are only harvested very infrequently. Plantations allow for a smaller overall harvesting footprint while producing the same amount of fiber to meet society needs. While we understand the desire of CPET to protect forest biodiversity, CPET should recognize the fact that plantations, when they are certified contribute significantly to the long-term health and sustainability of forests around the world.

International Association of Machinists and Aerospace Workers Woodworkers Department. (IAMAW)

The IAMAW welcomes CPET's entry in the arena of social criteria for SFM.

International labour and the IMAW have been advocates for a strong social justice component of SFM for decades.

The current approach to conversion however, will in many tropical countries produce exactly the opposite outcomes from those you wish to obtain. Your current conversion approach will in many tropical countries pressure forest landowners to deforest their lands and convert them to non-forest uses like palm oil since they will not be able to generate sufficient revenues from their current low intensity forestry that your criteria seem to require.

Developing countries must find a balance between obtaining economic values, poverty reduction, expanding ecological diversity, and social justice. Arbitrarily dictating to them that any forest converted to a more industrial forest land use will have no markets leaves them little choice but to deforest the land and create income from palm oil or its equivalent.

CPET needs to develop a far more robust and rich tool to obtain the agreed upon goal of preserving and protecting as many natural forests as possible. The first step must be to keep as much forest land in forest land use as possible. This means providing for sufficient economic values to keep the land in forest use.

In the new carbon pollution world, protecting forests is more important than ever. Your proposed approach does not do this and appears to in fact be a driver for deforestation.

Your criteria are completely silent on conversions of forest land to non-forest uses. If a government orders the conversion of 1,000 hectares of natural forest land to soy production and certifies as natural areas another 1,000 hectares they suffer no economic loss under your proposal nor is there any economic disincentive. However, if instead of deforesting the land they order it managed more intensely you threaten them with loss of markets.

What is intended and is needed is to promote bio-diversity within the context of social justice and economic viability. This is better achieved by developing bio diversity requirements than by unilaterally determining that all conversions endanger forests and that all conversions “avoided” protect forests. Neither is true on the ground in the real world.

Finally, your conversion policy as currently stated appears to contradict the UK government’s position on the Millennium Development Goals. The UK CPET process appears to want to dictate to developing countries how they should use their forests instead of creating market drivers for SFM.

We would rather see 100 hectares of forest converted to forest plantations and managed and certified as SFM if it saves 1,000 hectares of natural forests than to ban all conversions and lose the entire forest.

Good goal wrong approach.

Forest Products Association of Canada (FPAC)

Criterion:

Recognition that a standard does not need to make explicit reference to a subject if it is already addressed through the legal requirements where that standard is applied is a very welcome addition to the new social criteria. We recommend that a general statement to that effect be included in a preamble to the document so that it applies to all criteria as appropriate.

For example, in this proposed “Conversion” criterion, there is no need for a standard to “include measures which limit the circumstances in which certification may be awarded to a forest” if “planned and systematic transformation...” is not an

issue where that standard is applied if a legal framework already limits conversion.

We would also suggest that wording for this criterion, consistent with the style used for in the rest of document, be modified to state “Management of the forest must limit planned and systematic transformation of forests in a concentrated period of time...”

Guidance:

As noted above, “provided by the certification scheme’s rules“ should be removed from the second paragraph of guidance, to read:

“A score of 2, 1 or 0 shall be awarded based on the degree of assurance provided that timber from forests that have been the subject of transformation as described in the criterion ...”

This serves to recognize the degree of assurance provided, whether it is stated in the standard or contained in the legal framework.

MTCC

General Comment

CPET should give the assessed schemes sufficient time to implement the necessary changes to the scheme which are needed to comply with the CPET requirements. This is particularly so with regard to changes to the standards used, which are the result of multi-stakeholder consultations. Changes such as the additional criterion on ‘conversion’ would need to be submitted to the stakeholders to seek their consideration and agreement.

Specific Comment

- 1) There should be provisions to allow for conversion, in cases where exceptional circumstances are encountered.
- 2) Restrictions on conversions should be carefully worded so as not to impinge on the sovereign right of developing countries which will need to convert part of their natural forest to forest plantations and non-forest land use, as part of the development plans of the country and in line with its national land-use policy

Confederation of European Forest Owners (CEPF)

The section under criteria should be written in a more readable way. As it is now one can read that there has to be a standard for ensuring that biodiversity is reduced, which is not something to aim for.

The PEFC standard for sustainable forest management should be used as the base for this criteria.

FSC UK

FSC UK supports this criterion, although words like ‘significantly’ are always open to different interpretations. We assume that commonsense will prevail when it comes to interpretation in this case.

2. Proposed ‘National level application’ criterion

The criterion addressing the application of international certification programmes at a national level is proposed to be added in a new section of the CPET Criteria Criteria for Evaluating Category A Evidence with the title “National Level Application”.

The following wording on the 'National level application' criterion has been drafted by the Technical Panel

Criteria	Guidance on interpretation
<p>International certification programmes must be implementing documented systems that ensure the fulfilment, within a reasonable and practicable timeframe, of all requirements which are applicable at a national level related to:</p> <ul style="list-style-type: none"> a. Forest standards; b. Certification; c. Accreditation; d. Chain of custody. 	<p>Assessment against this criterion shall consider not only the existence of systems but also the documented results of their implementation; for example, reports, made by the programme in question, on scheme endorsement.</p> <p>To score 2 every aspect of the criterion must be adequately addressed.</p> <p>Where this is not achieved but there are no major omissions a score of 1 can be awarded.</p>

2.1. *Comments on proposed 'National level application' criterion*

Please outline your comment as it relates to the 'National level application' criterion and guidance on interpretation noted above.
<p>PEFC Council</p> <p>General Comment:</p> <p>PEFC Council welcomes the opportunity to comment on the further elaboration of the CPET criteria.</p> <p>It is an important principle that any changes finally agreed upon in this consultation round should be implemented at a future round of assessments. This is because certification systems have to be provided adequate time to make any necessary changes to their documentation, using their multi-stakeholder consultation and decision making processes, and subsequent implementation, as required by CPET. It should be noted that adequate time should also be afforded to national systems to allow them to implement any changes made to international certification systems through their multi-stakeholder consensus decision making processes.</p> <p>Specific Comment:</p> <p>The rationale for this criterion is not clear from the documentation provided. PEFC's comments are thus based on the following assumptions:</p> <ol style="list-style-type: none"> 1) CPET recognises international schemes which represent national /sub national / other schemes/standards and CPET want to have assurances that all those schemes are meeting the CPET criteria 2) These assurances should be based on the scheme / standards assessment of documented procedures by an entity, independent of the assessed scheme/standard with transparency in the results of the process (public consultation/public reporting of assessment results etc) 3) Assurance of the implementation of said schemes/standards by the forest owners/managers is demonstrated through the certification process and the implementation of the scheme requirements for the certification bodies are demonstrated through their accreditation. These internationally recognised certification and accreditation processes are evidence and assurances in themselves that the scheme/standard is properly implemented on the ground. As such, these processes should not need to be duplicated again by

international schemes.

The criterion / guidance should be rewritten to state:

International certification programmes which endorse/recognise/accredit national / sub national or other schemes or standards shall have documented systems that ensure that those schemes or standards are meeting all requirements applicable within the stipulated timescales, at a national level related to

- a. Forest standards;
- b. Certification;
- c. Accreditation;
- d. Chain of custody.

The documented system shall provide for :

- 1) The assessment carried out by a body independent of the assessed scheme
- 2) The assessment process must include public consultation
- 3) The results of the assessment must undergo a peer/panel of experts review
- 4) The decision for endorsement/recognisation/accreditation must be made independently of the body making the assessment
- 5) The results and the assessment report must be publicly available.
- 6) The endorsement/recognisation/accreditation process must be subject to a complaints and appeals procedure.

PEFC UK

Specific Comments:

PEFC's comments are based on the following assumptions:

- 4) CPET recognises international schemes which represent national /sub national / other schemes/standards and CPET want to have assurances that all those schemes are meeting the CPET criteria
- 5) These assurances should be based on the scheme/standards assessment of documented procedures by an entity, independent of the assessed scheme/standard with transparency in the results of the process (public consultation/public reporting of assessment results etc)
- 6) Assurance of the implementation of said schemes/standards by the forest owners/managers is demonstrated through the certification process and the implementation of the scheme requirements for the certification bodies are demonstrated through their accreditation. These internationally recognised certification and accreditation processes are evidence and assurances in themselves that the scheme/standard is properly implemented on the ground. As such, these processes should not need to be duplicated again by international schemes.

The criterion/guidance should be rewritten to state:

International certification programmes which endorse/recognise/accredit national / sub national or other schemes or standards shall have documented systems that ensure that those schemes or standards are meeting all requirements applicable within the stipulated timescales, at a national level related to

- a. Forest standards;
- b. Certification;

c. Accreditation;

d. Chain of custody.

The documented system shall provide for :

- 7) The assessment carried out by a body independent of the assessed scheme*
- 8) The assessment process must include public consultation*
- 9) The results of the assessment must undergo a peer/panel of experts review*
- 10) The decision for endorsement/recognition/accreditation must be made independently of the body making the assessment*
- 11) The results and the assessment report must be publicly available.*
- 12) The endorsement/recognition/accreditation process must be subject to a complaints and appeals procedure.*

PEFC Denmark

PEFC Denmark welcomes this issue since it makes it clear that CPET wants to ensure that the requirements set by the certification schemes at international level to be implemented at national level both for the requirements for the forest management, chain of custody, certification and accreditation procedures is done and that this is ensured by a documented scheme endorsement process.

But the guidance could be more clear and we support the clarification made by PEFC Council.

PEFC Canada

We support the criterion on national level application of international certification programme requirements and agree that documented procedures must be in place and fully implemented by national or sub national programmes for:

- a. Forest standards development;
- b. Certification;
- c. Accreditation;
- d. Chain of custody.

We further suggest that the results of the assessments of national programmes against the international requirements be made public.

In addition, assessment of the national programmes and accreditation should be carried out by a body independent of the body that developed the standards.

Sustainable Forestry Initiative (SFI) Inc.

SFI Inc. feels that national standard setting bodies need flexibility to create standards that practically apply to the national context while still meeting the requirements of the international certification program. However, this flexibility should not result in programs allowing interim standards to have the same credibility and public recognition as endorsed standards.

For example, in 2009, close to half of FSC-certified lands globally were certified to an interim standard that had not yet been fully endorsed by FSC International. The other half were certified to one of the more than 30 other FSC standards. However, fiber from all these forests count as "certified" and are eligible to carry the same FSC label. On the other hand, PEFC allows countries with unendorsed standards to be members of PEFC, but these standards cannot qualify for the use of a PEFC logo,

nor does PEFC count any certifications under these standards towards PEFC certificates until they achieve endorsement. Therefore, we recommend that interim standards not be eligible for CPET assessment (and approval) until they have achieved endorsement by the international certification program.

International certification programs should be responsible for setting procedures for the timely endorsement of each national standard and should implement a transparent & consistent endorsement process for each candidate program. Forest companies with lands certified to the endorsed standard must then have annual audits conducted to ensure compliance with the endorsed standard.

Forest Products Association of Canada

Criterion:

We support the notion that international certification programs must provide assurance that all requirements for certification programs (forest standards, certification, accreditation, and chain of custody) are fulfilled.

Should requirements apply at the sub-national or regional level as well as the national level, the wording “sub-national or regional” should be added to ensure that the criterion is sufficiently broad. (e.g. “...fulfillment, within a reasonable and practicable timeframe, of all requirements which are applicable at a national, *sub-national or regional* level ...”)

Confederation of European Forest Owners (CEPF)

The PEFC standardisation and certification should be mentioned, accredited and recognised as a viable forest standard so as not to exclude private forest owners

FSC UK

I found this criterion very hard to understand and, I’m afraid, anything but ‘clarifying’! It required a phone call to get closer to what I think is its real meaning. I would like to propose that the introductory sentence reads:

International certification programmes that endorse national standards must implement documented systems that ensure the fulfilment, within a reasonable and practicable timeframe, of all requirements which are applicable at a national level related to:

This minor change of wording allows the criterion to continue to apply equally to FSC and PEFC. Both schemes endorse national forest standards, certification, accreditation and chain of custody procedures, although they adopt different approaches. Moreover such wording would not prejudice FSC’s continued requirement to use its ‘generic’ standards (particularly for forest management), which are in line with our own principles and criteria, in those countries that do not have the resources to write FSC-approved national standards.

This said, I agree wholeheartedly that international certification programmes are incomplete without these four elements.