

CPET Category A 2010 Review of FSC Stakeholders' comments and responses

November 2010

The forest certification schemes approved as 'Category A evidence' are reviewed biennially to ensure that they continue to provide evidence of compliance. The methodology was based on schemes requirements set out in publicly available documentation. Evidence of non-compliance submitted by stakeholders was also considered.

Comments contained in this document were submitted as part of the 2010 Review of forest certification schemes. The comment period closed on the 14th May 2010. Though the names of the stakeholders have been kept anonymous, each comment has been assigned a number, and has grouped according to the CPET criteria.

CPET collated all comments received from stakeholders and sent these to FSC. FSC provided feedback on some but not all criteria. The Technical Panel took into account of stakeholders comments when assessing the schemes.

This document is consisted of 2 parts. The first part contains comments specifically relevant to CPET criteria. It also includes FSC responses to the comments when a feedback was provided by FSC. The second part contains comments which are not directly related to CPET criteria.

1. Comments on CPET criteria

Comment number	Criterion 1.2.7 The standard must require that the legal, customary and traditional tenure and use rights of indigenous peoples and local communities related to the forest are identified, documented and respected.	Feedback from scheme	CPET comment
1	The FSC standard fails to require that traditional tenure rights of indigenous peoples and local communities related to the forest are identified, documented and respected. Identification, documentation and respect of traditional tenure	FSC did not provide feedback on this comment.	The Technical Panel took this comment into consideration during their review of FSC.

	rights of indigenous peoples and local communities related to the forest are neither mentioned in <i>Principle #2: Tenure and use rights and responsibilities</i> , nor in <i>Principle #3: Indigenous peoples' rights</i> .		
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Comment number	Criterion 1.2.9 The standard must ensure that the basic labour rights of forest workers are safeguarded. In order to do this the standard must include requirements concerning the following: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of compulsory or forced labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation.	Feedback from scheme	CPET comment
2	<p>FSC does not meet this criterion. Within the FSC system, forest managers are obliged only to comply with the ILO Conventions which have been ratified in a country (see FSC-POL-30-401 (2002) EN). Forest managers are only “expected to comply” with fundamental ILO core conventions elsewhere. How they would even know what the requirements are is highly suspect.</p> <p>Brazil</p> <p>Brazil has not ratified ILO 87.</p> <p>P1.c3. of the <i>SCS Interim Standard For the Certification of Forest Plantations in Brazil</i> requires only that “<i>In signatory countries, the provisions of all binding international agreements such as CITES, ILO Conventions, ITTA, and Convention on Biological Diversity, shall be respected</i>” without making any special provision concerning ILO 87.</p>	<p>FSC CERTIFICATION AND THE ILO CONVENTIONS FSC-POL-30-401 (2002) EN</p> <p>This policy states:</p> <p>‘...forest managers are expected to comply with the eight core (fundamental) ILO conventions in all ILO member countries, by virtue of their country’s ILO membership, even if not all the conventions have been ratified...’</p> <p>‘...these elements will be taken as a necessary component of certification requirements, whether or not they are explicitly included in the applicable Forest Stewardship Standards...’</p> <p>So, in China, where there is currently no FSC</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

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	<p>As Brazil has not ratified C.87, the standard fails to meet the CPET criterion, with both certification body and forest owner completely aware of any additional potential "expectations".</p> <p>China</p> <p>China has not ratified ILO 29, ILO 105, ILO 87, and ILO 98.</p> <p>The <i>FCP Interim Standard For Natural and Plantation Forest Management Certification in China Under the Forest Stewardship Council</i> requires that "1.3.1) Forest managers are aware of which binding international agreements apply to the nation in which their forest operations reside (see Annex 2); 1.3.2) Forest managers demonstrate a sensitivity to all binding international agreements and endeavor to respect their requirements, at a level of effort scaled to the size and intensity of the forest operation" without making any specific provisions concerning ILO 29, ILO 105, ILO 87, and ILO 98.</p> <p>As China has not ratified ILO 29, ILO 105, ILO 87, and ILO 98, the standard fails to meet the CPET criterion, with both certification body and forest owner completely aware of any additional potential "expectations".</p>	<p>National Standard approved (but in development) the adapted CB standards must address the core ILO conventions.</p> <p>In Brazil, where the Terra Firme Standard is waiting revision of the P&C in order to complete a revision process, certificate holders still has to apply the core ILO conventions '...whether or not they are explicitly included in the applicable Forest Stewardship Standards...'</p>	

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	<p>Conclusion</p> <p>FSC fails to meet the CPET Criterion 1.2.9. The examples and documentary evidence demonstrate that</p> <ul style="list-style-type: none"> • FSC does not mandatorily require compliance with all fundamental ILO conventions, and • the FSC premise that forest managers are "expected" to comply with the fundamental ILO conventions is not practiced. Neither the Brazil nor the China standard make any reference to the conventions that have not been ratified in these countries, thus this does not need to be checked by auditors, and forest managers are likely completely unaware of this "expectation". • There is a high potential that other areas within the FSC system that do not define definite requirements are also not realized in practice. <p>The omission to require compliance with fundamental ILO conventions (4 out of 8 !!! in the case of China) should be considered as major.</p>		

Comment number	Criterion 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.	Feedback from scheme	CPET comment
3	<p>FSC does not comply with these two criteria (<i>includes 1.3.2</i>)</p> <p>ISEAL 5.6.1 requires that "The public consultation phase for standards development or revision shall include at least two rounds of comment submissions by interested parties, where necessary." ISEAL allows for a single round of consultation under the following condition: "Assuming adequate outreach has taken place in the first round, one round of comments may be sufficient in the following circumstances [...] adequate outreach has taken place in the first round, resulting in a balanced participation of interested parties and where stakeholder participation goals have been met"</p> <p>ISEAL requires in 5.5.2: "When identifying interested parties, standard-setting organisations shall include those stakeholders with an expertise relevant to the subject matter of the standard, those that are materially affected by the standard and those that could influence the implementation of the standard. The standard-setting organisation shall ensure that materially affected parties make up a meaningful segment of the participants."</p> <p>Materially affected parties are those that will be directly impacted by the application of the standard. Ideally, the standard-setting organisation should support the participation of materially affected parties that have relevant expertise in the subject matter of the</p>	<p>FSC did not provide feedback on this comment on CPET criterion 1.3.1.</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

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	<p>standard. However, if this is not the case, the standard-setting organisation should identify other participants with relevant expertise."</p> <p>CPET 1.3.1. & 1.3.2 – ISEAL 5.6.1</p> <p>FSC only requires one round of comments in FSC STD 60-006 for interim standards and SLIMF standards:</p> <p>7.3: "At a minimum, the following drafts shall be prepared:</p> <ul style="list-style-type: none"> a) a first draft, which shall be widely distributed to stakeholders for comment; b) a second draft, which takes account of the initial stakeholders comments and shall be tested in the forest; c) a 'forest-tested' draft, which takes account of the results of the testing in the forest as specified in section 9, and which shall be widely distributed to stakeholders for comment; d) a 'pre-approval' draft, which takes account of stakeholder comments on the forest-tested draft. <p>NOTE: An FSC accredited Certification Body Standard, adapted for the proposed territory and scope of the National/Regional Forest Stewardship Standard in accordance with FSC-STD-20-</p>		

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	<p>002, may be accepted as having fulfilled (a) and (b) above. The representative forest management units shall have been certified to the CAB Standard and the 'forest-tested' draft at (c) shall consider any stakeholder concerns that have been raised with the CAB."</p> <p>CPET found that <i>"The process of local adaptation of certification bodies' generic forest stewardship standards does not comply with the requirement: 'seek to ensure balanced representation' because there is no standard setting body in the process."</i></p> <p>As the so-called interim standards fail to ensure balanced participation or representation of interested parties according to the analysis by CPET in the 2008 assessment of FSC, two rounds would need to be required by FSC to be compliant with ISEAL.</p> <p>"7.4 The process for developing standards limited in their application to small and/or low intensity managed forest areas may be based on a minimum of one 'forest-tested' draft which shall be widely distributed for stakeholder comment, and one 'preapproval' draft which may be submitted to the Standards Development Group to recommend for approval by FSC.</p> <p>ISEAL does not foresee any circumstances that could be applied to allow for a reduced number of consultations for small and/or low intensity managed forest areas.</p> <p>Furthermore, in countries such as Denmark forests of up to 1.000</p>		

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	<p>ha qualify as "SLIMF" within the FSC system. Given that 99.8% of all forest holdings in Denmark are smaller than 1000 ha, a FSC National Standard for Denmark can potentially be developed with only one round of consultations.</p> <p>Consequently, the FSC requirements do not meet <u>ISEAL 5.6.1</u></p> <p>CPET 1.3.1. & 1.3.2 – ISEAL 5.5.2</p> <p>FSC STD 60-006 does not contain any specific requirements concerning the identification of those stakeholders that are materially affected, nor does it make any provisions to ensure that materially affected parties make up a meaningful segment of the participants.</p> <p>The required structure for the Standards Development Group (4.2: "The Standards Development Group shall have three separate chambers representing social, environmental and economic interests [...]") may actually be an obstacle to materially affected parties making up a meaningful segment of the participants.</p> <p>The provisions in place for the Consultative Forum also do nothing to ensure the involvement of materially affected parties – just the opposite: They ensure that NGOs make up a meaningful segment without any consideration for materially affected parties (Annex A, 6: "It is essential that Non Government Organizations (NGOs) are engaged in the process where they exist, but this does not preclude relevant Government Organizations from contributing.").</p>		

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	Consequently, the FSC requirements do not meet <u>ISEAL 5.5.2</u>		
4	<p><i>(same comments for 1.3.1, 1.3.2 and 1.3.3)</i></p> <p>CPET's previous review already noted that the process of local adaptation of certification bodies' generic forest stewardship standards does not, or does not fully, comply with these three CPET criteria, but still awarded a score of 1.</p> <p>This score is not justified: An initial internet search indicated that there are close to 110 interim standards just by three certification bodies, SmartWood, Woodmark and SCS, alone, and only 30 approved national standards. This means that the vast majority of standards used to assess within the FSC system do not comply, with the CPET criterion.</p> <p>A score of 1 therefore seems to be overly lenient, especially given that FSC has still not put into practice the Policy Motion #48 concerning the phasing out of interim - five years after the motion was passed at the General Assembly 2005.</p> <p>In fact over 60% of FSC's certified are is still certified to interim standards (www.fsc.org) and this area has probably increased since 2005. For example nearly 20 million hectares of Russian forests are still certified to interim standards even though FSC has endorsed and national standard.</p>	<p>Firstly, it is misleading to state that '...most of the forest certification was assessed against interim standards instead of approved national standards...' as the number of countries with approved national standards does not directly correlate with the area certified under approved national standards. Many of the countries with large areas certified also have developed national standards. There are indeed exceptions to this rule, such as the Congo Basin, but FSC is putting a large amount of resources into development of national standards in this region and stakeholders, such as Greenpeace, WWF and IFIA are urging FSC to take the time to get the standards right rather than rush this process.</p> <p>As for consultation requirements for CBs, FSC STD-20-002 sets out the requirements for CBs to adapt their generic standards. Consultation requirements are set out in section 7 and have been strengthened to aid the incorporation of draft standards and consultation processes conducted by National Initiatives or Standards</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

Comment number	Criterion 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.	Feedback from scheme	CPET comment
		<p>Development Groups. For example:</p> <p>'7.4 The certification body may seek the agreement of an FSC-accredited National Initiative or registered Standards Development Group within the territory covered by the scope of the adapted standard and engage the group in conducting the consultation on the Generic Standard where applicable. Approval by the group is a means to demonstrate that there is no sustained objection to the indicators as adapted.'</p> <p>Please also see CPET findings 1.3.1 regarding the comments on the time limit for phasing out the use of interim standards.</p>	
5	<p><i>(same comments for 1.3.1, 1.3.2 and 1.3.3)</i></p> <p>CPET previous review already noted interim standards do not, or not fully, comply with these three CPET criteria, but CPET still awarded a score of 1.</p> <p>This score is not justified: An initial internet search indicated that there are more than 120 interim standards by certification bodies, but only 30 approved national standards. Consequently, CPET's assessment needs to focus on whether interim standards, which make up 80% or more of all FSC standards, meet the CPET criteria.</p>	See FSC response on comment 4	The Technical Panel took this comment into consideration during their review of FSC.

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	<p>A score of 1 therefore seems to be overly lenient and unjustified.</p> <p>In this context, please also note that FSC has moved on Policy Motion #48 concerning the phasing out of interim standards - five years after the motion was passed at the General Assembly 2005.</p> <p>I also do not agree with CPET's potential justification "that the FSC International P&C, which is the basis for national and CB generic standards, went through a lengthy development process in which there was broad representation by all stakeholder interests" - if this can be used as a justification, then there would not be any need at all to assess FSC for standard-setting, yet local adaptation of standards of of fundamental importance!</p>		

Comment number	Criterion 1.3.2 The standard-setting process must seek to ensure balanced representation and input from the economic, environmental and social interest categories.	Feedback from scheme	CPET comment
6	<p><i>(same comments for 1.3.2 and 1.3.3)</i></p> <p>More than 30 regional or national standards have been approved by FSC International. In addition, many products bearing the FSC label come from the 30 per cent of FSC-certified lands that are certified to one of literally dozens of generic standards. These generic standards do not meet CPET Criteria 1.3.2 and 1.3.3, which call for balanced representation and input from economic,</p>	See FSC response on comment 4.	As comment 4.

Comment number	Criterion 1.3.2 The standard-setting process must seek to ensure balanced representation and input from the economic, environmental and social interest categories.	Feedback from scheme	CPET comment
	<p>environmental and social interest categories and seek to ensure no single interest dominates the process.</p> <p>In 2009, the FSC Policy and Standards Unit issued <i>Structure, Content and Local Adaptation of Generic Forest Stewardship Standards (FSC-STD-20-002 (V3-0) EN)</i>, which states: "In areas in which there is not yet an FSC-accredited Forest Stewardship Standard certification bodies may therefore carry out certification according to their own 'generic' standards, adapted to account for the local conditions in the country or region in which they are to be used with input from local stakeholders."</p> <p>6.8 of this document states: "The certification body is not required to seek or develop a consensus with stakeholders regarding its modification of its generic standard (also see Clause 7.4). The certification body shall make meaningful accommodation of stakeholder concerns."</p> <p>Note: The above is from an updated version of the direction document that was in effect when many existing generic standards were developed. This wording appears under 4.5 in the original document.</p> <p>The forward of <i>Structure, Content and Local Adaptation of Generic Forest Stewardship Standards</i> states: "The process of local adaptation of the certification body's generic standard is not designed to be a substitute for the process for developing an FSC regional, national or sub-national Forest Stewardship Standard.</p>		

Comment number	Criterion 1.3.2 The standard-setting process must seek to ensure balanced representation and input from the economic, environmental and social interest categories.	Feedback from scheme	CPET comment
	<p>Nevertheless it allows examples of forest certification in a country. Such examples can be useful tools for explaining and demonstrating the potential benefits as well as the limits of forest certification.”</p> <p>While the generic standards may not be viewed as a substitute for a regional, national or sub-national standard, the fact remains that products from these lands carry the FSC label. Buyers have no way of knowing they are sourcing products from lands that do not meet key FSC requirements such as balanced representation.</p> <p>Certification bodies have developed dozens of these generic, or interim, forest standards, and usually the same certification body then uses them as a basis to certify the forests. A quick search shows that SmartWood has more than 60 generic standards, Soil Association (Woodmark) almost 30; and SCS Scientific Certification Systems almost 20 – with more developed by SGS Qualifor, Bureau Veritas Certification, GFA Consulting Group, EuroPartner Ltd.</p>		
7	Same as comment number 3	See FSC response on comment 4	As comment 4.
8	Same as comment number 4	See FSC response on comment 4	As comment 4.
9	Same as comment number 5	See FSC response on comment 4	As comment 4.
10	FSC does not meet this criterion. FSC-STD-20-003 (V2-1) EN specifies the requirements to be met by all FSC-accredited certification bodies carrying out FSC forest evaluations of FMUs	FSC did not provide feedback on this comment.	The Technical Panel took this comment into consideration during

Comment number	Criterion 1.3.2 The standard-setting process must seek to ensure balanced representation and input from the economic, environmental and social interest categories.	Feedback from scheme	CPET comment
	<p>located in areas not covered by an FSC accredited or preliminarily-accredited regional, national or sub-national Forest Stewardship Standard.</p> <p>FSC-STD-20-003 (V2-1) EN does not contain any requirement concerning the balanced representation and input from economic, environmental and social interest categories in the standard setting process itself. Stakeholder input is limited to the adaptation of the generic standard to the area in which it is planned to be used (3.1), and only occurs after the initial draft standard is set.</p> <p>Note that FSC-STD-20-003 (V2-1) also violates principles concerning the objectivity and impartiality, as the standard-setting entity is at the same time the entity that performs certifications. If the body that sets the standard is the same body that audits against the standard, then there is a clear conflict of interest.</p> <p>Given the extent to which generic or interim standards are used within the FSC system, a vast number of standards developed under FSC fail to meet this criterion.</p>		<p>their review of FSC.</p>

Comment number	Criterion 1.3.3 The standard-setting and decision-making process adopted must seek to ensure: <ul style="list-style-type: none"> No single interest can dominate the process; No decision can be made in the absence of agreement from the majority of an interest category. 	Feedback from scheme	CPET comment
11	Same as comment number 4	See FSC response on comment 4	As comment 4.
12	Same as comment number 5	See FSC response on comment 4	As comment 4.
13	<p>FSC does not comply with the requirement that the standard-setting and decision-making process adopted must seek to ensure:</p> <ul style="list-style-type: none"> No single interest can dominate the process; No decision can be made in the absence of agreement from the majority of an interest category. <p>FSC STD 60-006,10.3:</p> <p><i>"If a final draft cannot be agreed within the time specified in the Standards Development Group's work plan, the advice of the Policy and Standards Unit shall be sought as to how to proceed, with the option to extend the time specified for completion by up to one year to carry out further work prior to seeking the recommendation of the Standards Development Group for a revised draft. If after this period consensus cannot be achieved the Facilitator shall present a report to the Policy and Standards Unit proposing how to proceed and seeking a decision on this proposal from the FSC Executive Director.</i></p> <p>NOTE: The decision of the FSC Executive Director shall be final."</p> <p>Given that the FSC Executive Director can make a final decision if a final</p>	See FSC response on comment 4	As comment 4.

Comment number	Criterion 1.3.3 The standard-setting and decision-making process adopted must seek to ensure:	Feedback from scheme	CPET comment
	<ul style="list-style-type: none"> No single interest can dominate the process; No decision can be made in the absence of agreement from the majority of an interest category. 		
	draft cannot be agreed, a single interest can dominate the process and decisions can be made in the absence of agreement from the majority of an interest category.		
14	Same as comment number 6	See FSC response on comment 4	As comment 4.

Comment number	Criterion 2.1 Certification must be undertaken by a body whose organisation, systems and procedures conform to applicable ISO guidance, or publicly available equivalent.	Feedback from scheme	CPET comment
15	<p>While FSC STD 20 001 v3.0, 1.1 requires that "<i>The certification body shall comply with the generic requirements of ISO/IEC Guide 65: 1996 (E)</i>", FSC specifies in 1.3: "<i>In the event of any conflict between requirements specified by ISO/IEC Guide 65: 1996 (E) and FSC-STD-20-001 or other FSC standards or requirements, guidance and interpretation provided by FSC shall prevail.</i>" This means that certification bodies cannot be in compliance with ISO requirements. The FSC criterion clearly states that there are conflicts between ISO/IEC 65 and FSC standards. Given that in these case as FSC standards or requirements, guidance and interpretation provided prevail and overrule ISO guidance, FSC cannot be in compliance with the CPET criterion.</p> <p>For example, FSC STD 20 001 v3.0, 2.1 violates the principle of non-</p>	FSC did not provide feedback on this comment.	The Technical Panel took this comment into consideration during their review of FSC.

Comment number	Criterion 2.1 Certification must be undertaken by a body whose organisation, systems and procedures conform to applicable ISO guidance, or publicly available equivalent.	Feedback from scheme	CPET comment
	discrimination as specified in ISO/IEC Guide 65: 1996 (E) Clause 4.1)		

Comment number	Criterion 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.	Feedback from scheme	CPET comment
16	FSC does not meet this requirement when it comes to group certification. FSC-STD-20-007 (V3-0) EN refers to <i>FSC-STD-30-005 FSC Standard for Group Entities</i> as the standard to be applied for group certification in a number of criteria (3.2.2.d, 5.2.2 etc). As there is no officially approved <i>FSC-STD-30-005</i> by default it is unclear according to which requirements certification bodies audit for group certification, and in how far any such requirements meet the CPET criterion.	FSC did not provide feedback on this comment.	The Technical Panel took this comment into consideration during their review of FSC.

Comment number	Criterion 2.7 The certification scheme must include measures which limit and clearly describe and justify 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 with the consequence of significantly reducing 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.	Feedback from scheme	CPET comment
17	Why FSC does not comply with 2.7 (and 1.2.3. – 1.2.10)	CPET 2.7 asks that a scheme '...must	The Technical Panel took

Comment number	Criterion 2.7 The certification scheme must include measures which limit and clearly describe and justify 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 with the consequence of significantly reducing 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.	Feedback from scheme	CPET comment
	<p>At an initial glance, FSC may appear to be meeting this criterion by 6.10 - "Forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion: a) entails a very limited portion of the forest management unit; and b) does not occur on high conservation value forest areas; and c) will enable clear, substantial, additional, secure, long term conservation benefits across the forest management unit."</p> <p>However, FSC makes it possible for forest conversions to take place in a certified forests through its excision policy (FSC-POL-20-003 (2004) EN). This policy states that "There are occasions when it is acceptable to exclude or 'excise' specific areas from the scope of an evaluation without the necessary loss of an FSC certificate for the remaining area." Furthermore, "The management of the excised area does not prevent compliance with FSC standards in the remaining FMU."</p> <p>FSC-POL-20-003 does not include any measures which limit and clearly describe and justify the circumstances in which certification may be awarded to a forest, as FSC-POL-20-003 states that "There are occasions when it is acceptable to exclude or 'excise' specific areas from the scope of an evaluation without the necessary loss of an FSC certificate for the remaining area."</p>	<p>include measures which limit and clearly describe and justify circumstances in which certification may be awarded to a forest...' in relation to, for example, conversion.</p> <p>It cannot be disputed that FSC scheme includes such measures and that these measures are clearly described in the FSC Excision Policy. The excision policy only allows for things to be excluded that are out of the control of the forest manager. As such, conversion by the manager would not qualify for excision.</p>	<p>this comment into consideration during their review of FSC.</p>

Comment number	Criterion 2.7 The certification scheme must include measures which limit and clearly describe and justify 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 with the consequence of significantly reducing 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.	Feedback from scheme	CPET comment
	<p>It is important to note that there are no specific limits to the application of FSC-POL-20-003. It can e.g. also be used for areas where tenure rights are disputed, HCVF etc. and other requirements as laid out in CPET 1.2.3-1.2.10.</p> <p>General remark</p> <p>I note that CPET has not considered FSC-POL-20-003 in its 2008 assessment of FSC. Given the applicability to CPET 1.2.3 - 1.2.10 and 4.4, it is unclear why CPET omitted the excision policy, especially as it appears to be commonly used when forest management and certification requirements are in conflict. Furthermore, there are a number of FSC policies, guidance notes and policies that were not considered by CPET (some of them would shed quite a different light on FSC - see e.g. documentation on derogations: FSC bans the use of chemicals only to be able to charge a fee to allow for the later use of them....) In fact, it appears that CPET only considered one policy and one guidance</p>		
18	FSC allows conversions to take place. While FSC P&C 10.9 says that "Plantations established in areas converted from natural forests after November 1994 normally shall not qualify for certification", it clearly	FSC did not provide feedback on this comment.	The Technical Panel took this comment into consideration during

Comment number	Criterion 2.7 The certification scheme must include measures which limit and clearly describe and justify 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 with the consequence of significantly reducing 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.	Feedback from scheme	CPET comment
	<p>allows for this "in circumstances where sufficient evidence is submitted to the certification body that the manager/owner is not responsible directly or indirectly of such conversion". Such a requirement does not limit and clearly describe and justify circumstances in which circumstances may be awarded as required by CPET.</p> <p>Clearly, ownership change cannot be considered a "justifiable" reason for conversions to take place as the potential for abuse is too high.</p> <p>Chris Lang writes in this context: "Once again, this raises several questions. What does the word "normally" mean in the first sentence? How does FSC define "sufficient evidence"? What happens if a company buys a plantation operation after 1994, from a company that cleared forest to make way for the plantations? Can the company that bought the plantation be certified? How much investigation do certifying bodies have to carry out into allegations that companies hired local people to clear forests?</p> <p>Clearly there are several serious problems with the FSC-certification of industrial tree plantations. By certifying large areas of monocultures, FSC is undermining its own legitimacy." (http://chrislang.org/2009/02/06/plantations-poverty-and-power-section-3/)</p>		<p>their review of FSC.</p>

Comment number	Criterion 3.1 Accreditation must be undertaken by a national or international body whose organisation, systems and procedures are consistent with ISO 17011:2004 Conformity assessment -- General requirements for accreditation bodies accrediting conformity assessment bodies or equivalent.	Feedback from scheme	CPET comment
19	<p>Accreditation for FSC is undertaken by ASI under ASI-PRO-20-101-Accreditation v2.0, which is not in compliance with ISO 17011:2004 – consequently, FSC cannot meet this criterion</p> <p>ASI-PRO-20-101-Accreditation v2.0 does not make any reference to ISO 17011:2004 (apart from mentioning it under 3.1 as "Associated documentation"), and more detailed review is likely to provide evidence that it does not meet ISO 17011:2004.</p> <p>One example: ISO 17011:2004 requires impartiality (chapter 4.3) and requires in 4.3.1: "The accreditation body shall be organized and operated so as to safeguard the objectivity and impartiality of its activities."</p> <p>ASI is a wholly-owned subsidiary of FSC and was led by the same Managing Director (Andre de Freitas) for a long time, and I have been told that they even share office space and employees. Any such organization and operation cannot be consider as safeguarding objectivity and impartiality.</p> <p>Please note that the previous assessment undertaken by CPET mentions a document called "ASI-PRO-20-110", but this document does not seem to exist and if it does it is not publicly available.</p>	<p><u>ASI response: 6 September 2010</u></p> <p>With more than 5 years experience in the field of accreditation, ASI became an associate member of the ISEAL Alliance in 2007. ASI is continuously contributing to ISEAL initiatives and following the development of the ISEAL Verification Code to accreditation bodies. ASI is currently evaluating the decision to apply for full membership of the ISEAL Alliance.</p> <p>ASI operates a quality management system consistent with the requirements of ISO /IEC Guide 17011:2004. In June 9 and June 10 2009, ASI conducted an internal audit led by a well known international auditor in the field of accreditation (Mr. Richard Bradley) who evaluated ASI compliance with ISO/IEC 17011: 2004. All Nonconformities derived from this process were appropriately addressed by ASI and</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

Comment number	Criterion 3.1 Accreditation must be undertaken by a national or international body whose organisation, systems and procedures are consistent with ISO 17011:2004 Conformity assessment -- General requirements for accreditation bodies accrediting conformity assessment bodies or equivalent.	Feedback from scheme	CPET comment
		<p>closed by the auditor following an onsite verification process on June 24 2010, with document review complete 1 July 2010.</p> <p>Please also see CPET finding on 3.1 for further information.</p>	

Comment number	Criterion 4.4 If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3 - 1.2.6 above are being met.	Feedback from scheme	CPET comment
20	<p>FSC-POL-20-003, 2.2c states that "If management of the excised area remains in the control of the owners or managers of the remaining FMU, the management of the excised areas shall be verified by the certification body as being 'non-controversial' (which would be considered "Controlled Wood" today as FSC has updated its definition . This is a clear violation of CPET 4.4: Timber from conversions (or timber from areas that for other reasons were excised) are considered "Controlled Wood" and make up the uncertified part of certified material. Given that FSC has a 50% threshold for chips and fibre products, this</p>	<p>CPET Criterion 4.4 relates to mixed sources. From reading the 'full comments', comment number 20 makes this assertion from, it would seem, a partial reading of the Policy FSC-POL-20-003.</p> <p>The commentator uses 2.2c to contest that material from excised areas may be included in the FSC certified material</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

Comment number	Criterion 4.4 If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3 - 1.2.6 above are being met.	Feedback from scheme	CPET comment
	<p>material is not meet CPET 1.2.3-1.2.6 as required.</p> <p>General remark</p> <p>I note that CPET has not considered FSC-POL-20-003 in its 2008 assessment of FSC. Given the applicability to CPET 1.2.3 - 1.2.10 and 4.4, it is unclear why CPET omitted the excision policy, especially as it appears to be commonly used when forest management and certification requirements are in conflict. Furthermore, there are a number of FSC policies, guidance notes and policies that were not considered by CPET (some of them would shed quite a different light on FSC - see e.g. documentation on derogations: FSC bans the use of chemicals only to be able to charge a fee to allow for the later use of them....) In fact, it appears that CPET only considered one policy and one guidance</p>	<p>from the FMU. They also imply that this could come from conversion, when conversion is one of the categories of Controlled Wood which would not qualify for excision.</p> <p>If you read on in FSC-POL-20-003 under 2.2d it states:</p> <p>'In the case that the applicant is evaluated for a joint forest management and chain of custody certificate, there shall be systems in place to ensure that wood harvested from the excised area is identified and treated as a 'non-FSC-certified' source, for the purpose of chain of custody and labelling.'</p> <p>This material could then be treated as Controlled Wood.</p>	
21	The only addition to the Joint Submission is that we wish to reinforce the alternative suggestions made by the International Centre in regard to Criterion 4.4. We know that the question of the proportion of uncertified material in FSC products is of concern to CPET, resulting in a	FSC did not provide feedback on this comment.	The Technical Panel took this comment into consideration during their review of FSC.

Comment number	Criterion 4.4 If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3 - 1.2.6 above are being met.	Feedback from scheme	CPET comment
	<p>nil score for us on this in the past. Hence I have been back in contact with the International Centre to obtain more information to support their input into this criterion.</p> <p>First can I address the issue of some FSC certified products (chip and fibre) not meeting the threshold of 70% until end-2015? This is a very recent decision which has not yet been communicated to our stakeholders, although the message will go out over the coming weeks. The slippage results from an FSC Study showing that, due to rapidly increasing demand, there will not be sufficient certified material in existence in these categories to enforce a change in percentage across the board within the next 4 years. An insistence on a more truncated timeline would result in companies that process chip and fibre either leaving the FSC system entirely or withdrawing large parts of their manufactured ranges. On balance, such a hiatus would be considerably more detrimental to FSC's overall aims than allowing an extension in a few, admittedly important, specific manufacturing sectors.</p> <p>However, <u>only</u> 'early adopters' will be awarded the extension (i.e., those products already within certification). All newly-certified products from 2011 onwards will be expected to meet the 70% rule. You will also be aware that other sectors, particularly that of solid wood, already have to meet the rule.</p> <p>Finally on the 'slippage' to 2015 of chip and fibre, it might be helpful to</p>		

Comment number	Criterion 4.4 If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3 - 1.2.6 above are being met.	Feedback from scheme	CPET comment
	<p>point out that FSC is taking action where it has the power to improve supply, rather than merely waiting for the marketplace to make the adjustments for itself. For example, major UK book publishers committed to FSC were part of a delegation organised by the International Centre last year to convince Finnish forest owners that there is a healthy market for FSC-certified pulp in the UK and that committing to our forest management standards is a worthwhile business proposition.</p> <p>Turning to the arguments for greater consideration of our credit system, you are aware that our rules here require that the proportion of product sold as certified is equivalent to the proportion of certified raw material entering the process. We therefore consider that FSC certified products produced under this system as meeting CPET requirements, because it is only those products produced under the percentage system that can be labelled as FSC certified with a minimum of 70% FSC content entering the process (or 50% in the case of chip and fibre products as mentioned above).</p> <p>Finally I have been asked to emphasise our efforts to introduce the controlled wood concept into the uncertified element, rather than any form of self-declaration on sourcing.</p> <p>Taking all these grounds into account, we believe we have a strong case, as argued by the International Centre, for scoring at least a 1 on</p>		

Comment number	Criterion 4.4 If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3 – 1.2.6 above are being met.	Feedback from scheme	CPET comment
	Criterion 4.4.		

Comment number	Criterion 5.1 International certification programmes that endorse national/sub-national schemes or standards 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: a. Forest standards (section 1); b. Certification (section 2); c. Accreditation (section 3); d. Chain of custody (section 4).	Feedback from scheme	CPET comment
22	<p>FSC does not comply with these three criteria.</p> <p><u>CPET 5-1 –</u></p> <p>FSC does not have any system that ensures the fulfilment of all requirements which are applicable at national level.</p> <p>There is neither monitoring nor verification for standards developed on the basis of FSC-STD-20-002 (V3-0) EN, which is the standard used for the development of the majority of FSC standards.</p> <p>In fact, there appears to be no requirement for communication at all between the CB and FSC International before, during or after the standard setting process, so FSC might not even be aware of the existence of a new standard.</p>	<p>FSC 2005 Motion P48: Motion to phase out the use of interim certification standards. The PSU has strived to fulfill the mandate of this motion, and continues to update the Board and membership on progress towards achieving this motion.</p> <p>A March 2010 FSC Board paper states: ‘As soon as the P&C review is completed PSU will develop generic indicators to replace the interim standards.’</p> <p>The justification for the delay in achieving the motion is that Generic</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

Comment number	Criterion 5.1 International certification programmes that endorse national/sub-national schemes or standards 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: a. Forest standards (section 1); b. Certification (section 2); c. Accreditation (section 3); d. Chain of custody (section 4).	Feedback from scheme	CPET comment
	<p>There is no documented system in place that ensures fulfilment of all requirements applicable at national level for standards developed under <u>FSC-STD-20-002 (V3-0) EN.</u></p> <p>Whether such a system exists for the few standards developed on the basis of FSC-STD-60-006 (V1-2) EN is also highly questionable.</p> <p>There does not seem to be any requirement that ensure fulfilment of all requirements which are applicable at national level.</p> <p>The only requirements that somehow deal with this is 12.3, which requires a report that includes the "continued relevance of the standard" but "continued relevance" does not ensure fulfilment. Furthermore, it appears there is no evidence that any such review report was ever compiled.</p> <p>As a result, there is no documented system in place that ensures fulfilment of all requirements applicable at national level for standards developed under <u>FSC-STD-60-006 (V1-2) EN.</u></p>	<p>Indicators which can be applied globally will need to undergo due process and be consulted amongst the FSC membership and other stakeholders. As the FSC Principles and Criteria are being revised at present, consulting on a set of Generic indicators for the current P&C would not be practicable. Generic Indicators will then follow the approval of the revised P&C. Further discussion with the membership and key stakeholders is underway in order to agree an efficient and appropriate mechanism to adapt the Generic Indicators as required in over 80 countries with FSC Forest Management Certificates and also adapt existing national and regional FSC Forest Stewardship Standards.</p> <p>In the mean time, where approved National Standards exist, which are more than 5 years old; FSC has offered National Initiatives extensions to their</p>	

Comment number	Criterion 5.1 International certification programmes that endorse national/sub-national schemes or standards 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: a. Forest standards (section 1); b. Certification (section 2); c. Accreditation (section 3); d. Chain of custody (section 4).	Feedback from scheme	CPET comment
		<p>approval so that the next revision of these standards can take account of the revised Principles and Criteria. The alternative would be to replace these national standards with CB adapted Standards for a short period. This, it is felt, would cause a great deal of discontent with local stakeholders and disruption to certificate holders. Some of the approved standards on the list have also opted to continue their process of revision. FSC STD 60 006 was approved in June 2009 and is designed to facilitate the timely completion of national standards development and revision.</p> <p>9 countries of the 19 listed on the approved list as having approved FSC Standards have either new or revised standards since FSC appointed a dedicated staff member to oversee development of national standards in 2008. A further 17 national standards</p>	

Comment number	Criterion 5.1 International certification programmes that endorse national/sub-national schemes or standards 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: a. Forest standards (section 1); b. Certification (section 2); c. Accreditation (section 3); d. Chain of custody (section 4).	Feedback from scheme	CPET comment
		are currently in development bringing the total number of countries engaged in standards processes close to half of the total number of counties where FSC Forest management certification operates. Through further national and regional processes following the revision of the P&C and the introduction of Generic Indicators FSC will ensure that all countries in the system have a national standard.	

2. Other comments

Comment number	Other comments	Feedback from scheme	CPET comment
23	<p>These comments refer to the following criteria in the <i>Forest Stewardship Council Regional Certification Standards for British Columbia</i></p> <p>Criterion 3.1</p> <p style="padding-left: 40px;">Indigenous peoples shall control forest management on their</p>	FSC did not provide feedback on this comment.	This comment relates to the outcomes of certification and is outside the scope of the review.

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>lands and territories unless they delegate control with free and informed consent to other agencies.</p> <p>3.1.2 If requested by a relevant First Nation(s), a protocol agreement(s) has been reached that provides for the nature of the relationship between the parties, including:</p> <ul style="list-style-type: none"> a) How the parties will establish and conduct their relationship; b) The roles and responsibilities of the parties; c) The interests of the parties; d) A description of appropriate decision-making authorities for all parties; and, e) Provides the framework for subsequent agreements necessary to give effect to the protocol. <p>3.1.4 The manager has obtained free and informed consent, normally in writing, for the management plan from the appropriate First Nation(s) after either:</p> <ul style="list-style-type: none"> a) jointly developing the plan according to the process set out in a joint management agreement, or, b) consulting with the First Nation(s) on the plan. <p>Criterion 5.6</p> <p>The rate of harvest of forest products shall not exceed levels which can be permanently sustained.</p> <p>5.6.1 The rate of timber harvest for the management unit is based on</p>		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>a documented and comprehensive analysis, incorporating the following:</p> <ul style="list-style-type: none"> a) the management objectives and strategies for the full range of forest resources as set out in the management plan, including those for restoration; b) practices employed to implement the strategies and operational approaches in the management plan, including those for restoration; c) up-to-date inventories and the best available growth-and-yield data and projections; d) land base reductions to account for areas that are reserved or unavailable for harvest due to economic or operational limitations; e) volume reductions to account for stand level retention and recruitment for ecosystem components such as snags, wildlife trees and coarse woody debris; f) non-recoverable losses such as those resulting from fires, insects and disease; and, g) reductions required to protect non-timber values and forest-dependent economic activities. <p>Criterion 6.5</p> <p>Written guidelines shall be prepared and implemented to: control erosion; minimize forest damage during harvesting, road construction, and all other mechanical disturbances; and protect water resources.</p> <p>6.5.1 The manager maintains and/or restores riparian functions along</p>		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>rivers, streams, wetlands, lakeshores and marine shores by:</p> <ul style="list-style-type: none"> a) completing an integrated riparian assessment for the management unit, or each riparian assessment unit within the management unit, according to the framework found in Appendix B (Requirements for Riparian Management), or if not, in a manner that meets the intent and addresses all the issues raised in the framework; and, b) implementing a riparian management regime that is consistent with the results of the assessment and meets or exceeds the retention budgets for Reserve Zones and Management Zones specified in Table 3 of Appendix B (Requirements for Riparian Management). <p>Criterion 7.1</p> <p>The management plan and supporting documents shall provide:</p> <ul style="list-style-type: none"> a) Management objectives. b) Description of the forest resources to be managed, environmental limitations, land use and ownership status, socio-economic conditions, and profile of adjacent lands. c) Description of silvicultural and/or other management system, based upon the ecology of the forest in question and information gathered through resource inventories. d) Rationale for rate of annual harvest and species selection. e) Provisions for monitoring of forest growth and dynamics. 		

Comment number	Other comments	Feedback from scheme	CPET comment
	<ul style="list-style-type: none"> f) Environmental safeguards based on environmental assessments. g) Plans for the identification and protection of rare, threatened and endangered species. h) Maps describing the forest resource base including protected areas, planned management activities and land ownership. i) Description and justification of harvesting techniques and equipment to be used. <p>7.1.1 A long-term management plan that confirms the manager's commitment to the FSC-BC Regional Standards by describing long-term objectives, management strategies and operational approaches that comply with the Standards, is maintained and updated at least every five years (See FSC BC Guidance – A Companion document to the FSC Regional Standards for BC – Guidance on Planning). The management plan includes:</p> <ul style="list-style-type: none"> a) measurable management objectives and management indicator(s) by which their achievement can be assessed; b) management objectives that address short- and long-term time frames as applicable, and which are sufficiently specific to provide a basis for developing operational strategies and practices; c) depiction of the specific geographic area to which management objectives apply (e.g., management unit, 		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>specific reserve, local community);</p> <ul style="list-style-type: none"> d) a rationale, including underlying assumptions, for each management objective; and, e) incorporates objectives derived from ongoing public participation (See also Indicator 4.4.1) and objectives identified through the First Nations protocol (See also Indicator 3.1.2). <p>Criterion 9.1</p> <p>Assessment to determine the presence of the attributes consistent with High Conservation Value Forests will be completed, appropriate to scale and intensity of forest management.</p> <p>9.1.1 The manager has completed an assessment to determine the presence of High Conservation Value Forests (HCVF) and associated conservation attributes within or pertaining to the management unit according to the assessment framework found in Appendix D, or if not, in a manner that meets the intent and addresses all the issues raised in the framework (see also 9.1.2). The assessment is carried out by qualified specialists, including consultation with directly affected persons and relevant interests (e.g., First Nations, regulatory agencies, local communities, conservation organizations).</p> <p>9.1.2 The HCVF assessment:</p> <ul style="list-style-type: none"> a) is based on the best available information including scientific, traditional and local knowledge; b) is conducted using a hierarchical approach that includes 		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>consideration and identification of HCVFs and HCVF attributes at global, regional, landscape and site levels;</p> <ul style="list-style-type: none"> c) identifies conservation attributes associated with each HCVF present, the significance of each conservation attribute, and measurable thresholds for their maintenance; d) includes documentation of underlying assumptions, uncertainties in data and knowledge and how they have been dealt with, and the rationale behind management recommendations; and, e) includes independent, third party input from and review by qualified specialists. <p>9.1.3 When identified during the assessment, HCVF(s) and, where they can be represented spatially, associated conservation attributes are delineated on maps consistent with the scale of the designation and the HCV (e.g., global, national, regional, large home range, isolated occurrence). This is done in a manner that clearly demonstrates the location of the HCVF(s) in relation to the management unit. Where there is a need to maintain confidentiality regarding the location of a sensitive site, the exact location of the HCVF or conservation attribute is not mapped or the information is otherwise held in confidence.</p> <p>9.1.4 The assessment recommends management strategies and practices that will maintain or restore identified HCVF conservation attributes consistent with the precautionary approach including:</p> <ul style="list-style-type: none"> a) specific management measures to maintain or restore 		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>the conservation attributes (e.g., reserves, silvicultural practices, access management);</p> <p>b) development and application of a risk assessment methodology appropriate to the conservation attribute to be maintained or restored (see also FSC BC Guidance – A companion document to the FSC Regional Standards for BC – Guidance on Environmental Risk Assessment);</p> <p>c) development and application of a monitoring program; and,</p> <p>d) development and application of an adaptive management strategy appropriate to the conservation attribute and its level of sensitivity.</p> <p>9.1.5 The assessment report, including the manager’s proposed strategies and measures for the maintenance of HCVFs and conservation attributes, with accompanying rationale, has been made available for review by qualified specialists, directly affected persons and relevant interests (e.g. First Nations, regulatory agencies, local communities, conservation organizations).</p> <p>9.1.6 The advice and comments received through the reviews referred to in indicator 9.1.5 and the response to them, are documented and maintained by the manager, and are made publicly available. Where the results of the assessment are contested by qualified specialists, directly affected persons and/or relevant interests; the onus is on the manager to prove that HCVFs and their associated conservation attributes have been adequately identified and assessed, and will be maintained under</p>		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>the proposed management strategies</p> <p>9.1.7 The assessment report is updated every five years or more frequently depending on the sensitivity of the conservation attributes. The update includes new information garnered through consultation, monitoring (See also Indicators 8.1.1-8.1.6 and 9.4.1-9.4.3) and adaptive management.</p> <p>Criterion 9.3</p> <p>f) The management plan shall include and implement specific measures that ensure the maintenance and/or enhancement of the applicable conservation attributes consistent with the precautionary approach. These measures shall be specifically included in the publicly available management plan summary.</p> <p>g)</p> <p>9.3.1 The manager documents in the management plan and supporting operational plans the measures necessary to maintain or restore each identified HCVF or conservation attribute.</p> <p>9.3.2 The management strategies and measures selected to maintain or restore conservation attribute(s) are consistent with a precautionary approach, and with respect to each HCVF or conservation attribute, the manager shows that the measures:</p> <p>h) will create conditions with a very high probability of securing the long-term maintenance or the restoration the HCVF or conservation attribute;</p>		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>a) are being implemented; and,</p> <p>i) are proving effective or are adapted as required based on the results of</p> <p>a) monitoring (See also Indicators 9.4.1-9.4.3).</p> <p>Forest Stewardship Council instructions to certification bodies:</p> <p><i>FSC Glossary of terms FSC-STD-01-002 (2004)</i></p> <ul style="list-style-type: none"> • “non-compliance: non-fulfilment of a requirement of a standard. A non-compliance may be considered minor or major: • minor non-compliance: a temporary, unusual or non-systematic non-compliance, for which the effects are limited; • major non-compliance: a non-compliance for which the effects prejudice the achievement of the objectives of the standard. A number of minor non-compliances may be considered to have a cumulative effect, and therefore be considered together to constitute a major noncompliance.” <p>“non-compliance with Forest Stewardship Standard: failure to meet the threshold requirement(s) of an indicator of a Forest Stewardship Standard. Such non-compliance may be considered 'minor' or 'major':</p> <ul style="list-style-type: none"> • minor non-compliance with a Forest Stewardship Standard : a non-compliance may be considered minor if: <p>- it is a temporary lapse, or</p> <p>- it is unusual/ non-systematic, or</p>		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>- the impacts of the non-compliance are limited in their temporal and spatial scale, and</p> <p>-prompt corrective action has been taken to ensure that it will not be repeated, and</p> <p>-it does not result in a fundamental failure to achieve the objective of the relevant FSC Criterion.</p> <p><i>Structure and Content of Forest Stewardship Standards</i> (FSC-STD-20-002 (V2-1) EN))</p> <p>Page 11 Note 13: “Action(s) taken to correct a non-compliance may continue over a period of time (normally up to one (1) year, but in exceptional circumstances up to two (2) years). The certification body shall determine whether such action is considered adequate.”</p> <p>In December 2009, a total of 846,395 hectares of temperate rainforest near Bella Coola on British Columbia’s central coast (an area commonly known as the Great Bear Rainforest) was certified to the Forest Stewardship Council. SmartWood awarded the certificate to the Coast Forest Conservation Initiative (five companies operating in the area) despite 15 “minor con-conformances”.</p> <p>Among these non-conformances were:</p> <ul style="list-style-type: none"> - failure to obtain consent from all “interested” First Nations - failure to consult with First Nations on the management plan - no supporting analysis for the rate of timber harvest 		

Comment number	Other comments	Feedback from scheme	CPET comment
	<ul style="list-style-type: none"> - incomplete assessment report and management strategies for High Conservation Value Forests, and no program to manage High Conservation Value Forests <p>A news release issued Dec. 10, 2009 by environmental organizations with an interest in the Great Bear Rainforest stated: “Examples of FSC certified forest practices include: recognition of title and rights of the First Nations living in the Great Bear Rainforest, careful management of forests with significant concentrations of biodiversity and endemic species (such as the coastal wolves and Spirit bears found in the region), maintaining forests, and deciding how much can be logged without compromising ecosystem integrity.”</p> <p>A close look at the audit report shows these kinds of statements are not true since many of the claims are not being met on the ground.</p> <p>Specific details related to certification audit</p> <p>The following points are taken from the December 2009 Summary of SmartWood FSC Assessment Audit – Coast Forest Conservation Initiative (CFCI) Management Area in Mid-Coast Timber Supply Area.</p> <p>Consultation with First Nations Criterion 3.1</p> <p>The audit found that CFCI members had not completed protocol agreements with all First Nations who signified an interest, as required under indicator 3.1.2. Surprisingly, the corrective action request did not call for a completion of protocol agreements – it called for CFCI members to “significantly advance the completion of protocol agreements with all interested First Nations where there are active</p>		

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>operations”.</p> <p>While the audit report (Page 37) says development cannot proceed unless an interim process for consultation with First Nations is in place, it also says First Nations believe consultation has decreased over the last few years and they have concerns about the effectiveness of the consultation process.</p> <p>Rate of harvest Criterion 5.6.1</p> <p>The audit found allowable rates of harvest are not based on an analysis that meets the requirements of Indicator 5.6.1. “There has been no separate analysis performed for the areas of land managed by the 3 CFCI members to determine a sustainable rate of harvest from that land area that is based on up-to-date inventory, the available operable land base and that reflects current harvesting practices. The current allowable rates of harvest are therefore not based on an analysis that meets the requirements of this Indicator. Information leading to the current rates of harvest is out of date and being revised.” (CAR 12/09, page 40). The forest manager is allowed two years to correct this non-compliance.</p> <p>Riparian assessments Criterion 6.5</p> <p>The audit report says CFCI members have not identified riparian assessment units or completed assessments within riparian units that follow the framework set out in Appendix B of the BC Standard. (CAR 18/09, page 42).</p> <p>Management plan Criterion 7.1</p> <p>The certification audit says CFCI members do not have a long-term</p>		

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	<p>management plan as required by Indicator 7.1.1 to comply with the environmental, social and economic – and First Nations – requirements of the BC standard. (CAR 21/09, page 44) They have two years to correct this non-compliance. It further notes that CFCI members did not consult with First Nations about the sustainable forest management plan.</p> <p>High Conservation Value Forests Criteria 9.1 and 9.3</p> <p>The audit says CFCI members have not completed specific measures to ensure maintenance of identified conservation attributes. It says the High Conservation Value Forests assessment report does not identify specific areas or attributes, and does not provide sufficient detail about management strategies and measures that will maintain or enhance the identified attributes. (CAR 23/09, page 45) On top of this, no program has been established to monitor the status of High Conservation Value Forests and conservation attributes. (CAR 24/09, page 45). SmartWood allowed two years for corrective action.</p>		
24	<p>Criterion: FSC Appalachia Standard Criterion 6.10 and Indicator 7.1.c.1</p> <p>6.10. Forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion:</p> <ul style="list-style-type: none"> a) Entails a very limited portion of the forest management unit; and b) Does not occur on high conservation value forest areas; and c) Will enable clear, substantial, additional, secure, long term conservation benefits across the forest management unit <p>7.1.c.1. Silvicultural system(s) and prescriptions are based on the</p>	FSC did not provide feedback on this comment.	This comment relates to the outcomes of certification and is outside the scope of the review.

Comment number	Other comments	Feedback from scheme	CPET comment
	<p>integration of ecological and economic characteristics (e.g., successional processes, soil characteristics, existing species composition and structures, desired future conditions, and market conditions). (see also 6.3.a., forest regeneration and succession)</p> <p>There is a great deal of concern about forest lands in the southern United States. Environmental campaigner Dogwood Alliance (www.dogwoodalliance.org/content/view/20/37/) says its goals are to protect and restore the South's endangered forests, end unsustainable forestry practices, and increase the industry's use of post-consumer recycled and other environmentally preferable sources of fiber in the production of paper. Dogwood also says: "We promote forestry practices that meet high standards of environmental responsibility, such as those exemplified in the Forest Stewardship Council (FSC) certification standards."</p> <p>The record on the ground suggests that FSC certification does not necessarily meet Dogwood's high expectations.</p> <p>The <i>Forest Management 2007 Annual audit Report for: The Forestland Group</i> (page 12) included a major corrective action request calling for the Forestland Group to stop classifying products as FSC certified when the fiber comes from an area being converted to a coal mine. On the surface it is surprising to find that the solution was simply to remove the area to be converted from the certification.</p> <p>Here's what the corrective action request said: "TFG shall develop an excision policy for mine permit lands in conformance with FSC Policy FSC-POL-20-003 (2004, Version 1-0) and shall excise such lands from the</p>		


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	<p>TFG certificate in as soon as the management objective changes from forest management to mining (i.e., when TFG is first notified of the intent to seek a mine permit by the subsurface rights owner and TFG initiates salvage prescriptions).”</p> <p>(Note: The sequence of audits suggests the land conversion took place between the 2006 and 2007 annual surveillance audits. Although the products were sold as FSC-certified, the buyer was not certified so the fiber was never used in certified products.)</p> <p>But what is most surprising is to discover that allowing FSC-certified operations to convert lands to other uses, and then avoid non-compliance by simply removing them from the area certified seems to be quite acceptable. It even has a policy <i>The Excision of areas from the scope of Certification FSC-POL-20-004 (2004)</i>.</p> <p>This policy states:</p> <ol style="list-style-type: none"> 1. The FSC Board of Directors recognises that, at the level of principle: <ol style="list-style-type: none"> 1.1 There are situations in which a forest area as whole may be considered to comply with FSC standards although there are specific areas of the forest in which all of the requirements are not met for reasons beyond the control of the managers. 1.2 There are occasions when it is acceptable to exclude or ‘excise’ specific areas from the scope of an evaluation without the necessary loss of an FSC certificate for the remaining area. 		

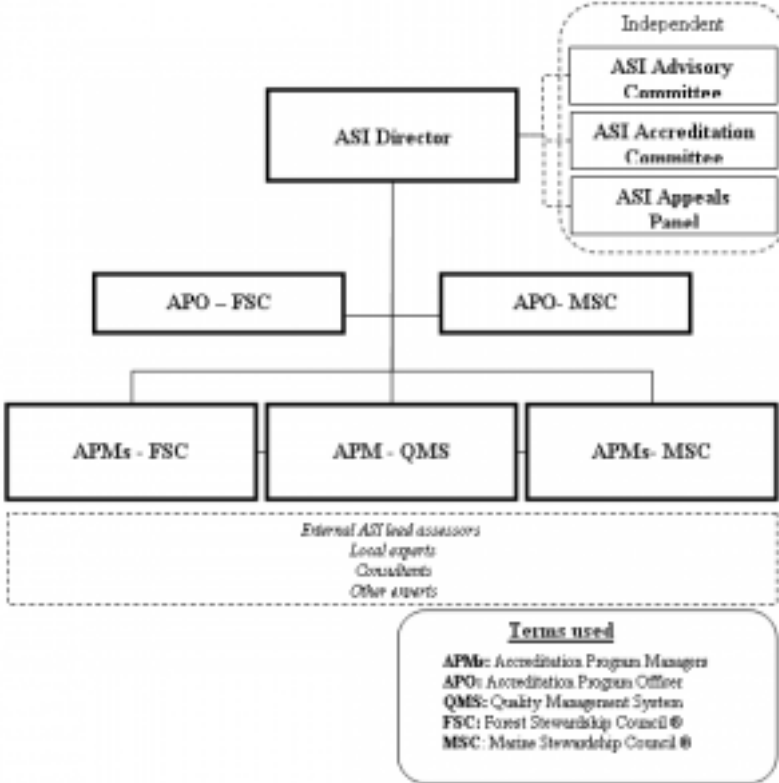
Comment number	Other comments	Feedback from scheme	CPET comment
	<p>The 2008 audit for the Forestland Group closed the corrective action request because The Timberland Group did what it was told – it removed the deforested land from the certified area and retained its FSC certification. Here’s the evidence to close the corrective action request (page 5 of the audit report): “TFG has developed and implemented an excision policy for lands that will be mined. Closed with CAR verification audit on 12/19/08.”</p>		
25	<p><i>FSC Principles and Criteria for Forest Stewardship</i> (FSC-STD-01-001 (2004))</p> <p>Principle #3: Indigenous peoples' rights</p> <p>The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.</p> <p>Criterion 3.1 Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies.</p> <p>FSC Principles and Criteria for forest management (Principle 3, Criterion 3.1) make it clear that indigenous peoples “shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies”.</p> <p>The National Boreal Standard applies to Canada’s northern boreal forest. The standard background says (page 22) that the boreal is by far the most expansive of Canada’s forest regions, encompassing 35% of Canada’s total land area and 77% of the country’s forested area. “The</p>	<p>FSC did not provide feedback on this comment.</p>	<p>The Technical Panel took this comment into consideration during their review of FSC.</p>

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	<p>boreal forest is an important source for the livelihood, culture and spirituality of Indigenous Peoples, and provides a critical source of income for many northern communities. Approximately 80% of Indigenous communities in Canada are located within the boreal forest.”</p> <p>What is surprising is that despite the fact the standard itself acknowledges the immense importance of the boreal region to indigenous peoples, companies can be certified to the FSC National Boreal Standard when they are non-compliant with Principle 3. They are not required to obtain informed consent – “best efforts” is sufficient.</p> <p>Page 39 of the National Boreal Standard includes Intent 3.1, which states:</p> <p>“The onus is on the applicant to make best efforts to obtain informed consent, understanding that there may be exceptional circumstances that may influence whether or how consent is achieved...The applicant is expected to make best efforts to obtain a positive acceptance of the management plan based on the Indigenous communities having a clear understanding of the plan.”</p> <p>In November 2005, an Ad-Hoc Indicator 3.1.2. Interpretations Committee released a report, which states (page 2):</p> <p>“...the Intent of the standard clearly allows for certification to take place even in a situation where there is not an agreement with an affected Indigenous Community. In such circumstances the applicant needs to be able to demonstrate that it has made ‘best efforts’ to reach agreement, and that it is making progress towards reaching agreement in the future.”</p>		

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	<p>Page 37 of the National Boreal Standard includes an Intent 3, which states:</p> <p>“Where an Indigenous community does not want to enter into a written agreement, this requirement is waived. The applicant must demonstrate...that efforts were made to obtain written agreement and that the Indigenous community is satisfied with the management plan. Where written agreements are not obtainable, FSC certification is intended to support progress over time toward reaching written agreement.”</p>		
26	<p>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.</p> <p>Comment: it is not clear whether this criterion refers to the forest owner/ manager and/or to one or more operators in the COC.</p> <p>1.1.4 The standard requires compliance with the requirements of CITES in signatory countries.</p> <p>The possible scores against this criterion are either 0 or 2.</p> <p>Comment: this is to be regarded as an unnecessary example of “all relevant laws”</p> <p>1.3.1 The standard-setting process must be consistent with the requirements of ISO Guide 59: Code of Good Practice for Standardisation or the ISEAL Code of Good Practice for Setting Social and Environmental Standards or equivalent. Consistency or equivalence can be assessed by</p>		<p>This comment partly relates to the CPET criteria, which is outside the scope of this review.</p> <p>The Technical Panel also took this comment into consideration during their review of FSC.</p>

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	<p>reference to the list of key requirements in Annex 1.</p> <p>Comment: it should be examined whether Iseal is sufficiently independent in combination to FSC which in art.1.2.1 is mentioned under: International principles developed explicitly for forest certification such as the FSC Principles and Criteria. Such international principles can be developed either to guide national planning and reporting, or to guide management at the scale of the forest management unit. As certification applies at the latter level it is appropriate to base certification standards on international principles designed for this use.</p> <p>The websites of ISEAL and ASI reveal the following whereas (on top of this info) it appears that FSC and ASI are housed in the same premises and whereas essential ASI vacancies are on the web already for a long time. It could well be that there is not sufficient guarantee to prevent conflicts of interest.</p> <p>ISEAL's Board of Directors is comprised of representatives of all full members of the organisation. It meets twice annually.</p> <p>2.1.1. Executive Committee</p>		

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	 <p data-bbox="360 616 1173 679">2.1.1.1. Chair: Andre de Freitas, Executive Director, Forest Stewardship Council</p> <p data-bbox="360 707 1211 954">A forester by training, Andre Giacini de Freitas has extensive background in forest certification. Prior to his current role as FSC Executive Director, Mr. de Freitas served as FSC Head of Operations and FSC Head of Policy and Standards. Previously, he managed Imaflora (a Brazilian NGO and SmartWood affiliate), developed the social and environmental policy for Rabobank in Brazil, and worked as regional forest coordinator for forest workers unions in Latin America.</p> <p data-bbox="360 979 696 1007">3. Organizational Structure</p> <p data-bbox="360 1032 1211 1169">ASI-Accreditation Services International (ASI) is a limited liability company (GmbH) registered under German law. Sole shareholder of ASI is the Forest Stewardship Council (FSC), registered as an Association Civil in Mexico.</p>		

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	 <p>It appears that the director of FSC, is director of ISEAL as well and full owner of ASI: ASI-Accreditation Services International is an independent accreditation body which delivers accreditation and other relevant</p>		

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	<p>services to the Forest Stewardship Council, the Marine Stewardship Council and other certification schemes worldwide.</p> <p>ASI- Accreditation Services International demonstrates a high level of professionalism in all spheres of its business activities which include:</p> <ul style="list-style-type: none"> • ASI accreditation services for international certification schemes such as FSC and MSC • ASI marketing services derived from information available on ASI database system • ASI training framework and registration programs for auditors, national initiatives and national standards • Trademark management and licensing schemes for the management of the FSC trademark • New projects relating to certification of conservation <p>ASI-Accreditation Services International works with a large enough resource base to meet even the most demanding of accreditation needs and a small enough team to maintain true flexibility and a personal focus that is so often lost in organizational exchanges.</p> <p>4. FSC AC</p> <ul style="list-style-type: none"> - FSC AC is the parent organization and is located in Mexico. FSC AC has three subsidiary organizations: FSC IC, Accreditation Services International (ASI), and FSC Global Development (FSC GD). The FSC Group structure reflects the different responsibilities within the FSC Group. 		

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	<ul style="list-style-type: none"> - Andre de Freitas, Director General <p>5. FSC IC</p> <ul style="list-style-type: none"> - FSC IC is responsible for FSC’s policy and standards development, network and stakeholder relations, and communication. <p>5.1.1. Director's Office Andre de Freitas, Managing Director</p> <p>2.1 Certification must be undertaken by a body whose organisation, systems and procedures conform to applicable ISO guidance, or publicly available equivalent. Applicable ISO guidance includes:</p> <p>ISO/IEC 17021:2006 – Conformity assessment – Requirements for bodies providing audit and certification of management systems</p> <p>ISO Guide 65: 1996 General Requirements for bodies operating product certification systems Note if this is not delivered by the scope of the accreditation, then the checklist in Annex 2 must be completed.</p> <p>Comment: does this imply that FSC, which relates to ISEAL and ASI for its standard setting and accreditation procedures, has to be assessed against annex2? and accreditation against annex 3 ?</p>		