

Van Den Biesen Boesveld Advocaten
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Reference: TPAC/11.134/MMH/cl
Subject: Response to Objection concerning PEFC International
Attachment: 2

The Hague, 7 June 2011

Dear Mr Van den Biesen,

On 23 July 2010 WWF Netherlands et al. lodged an objection against TPAC's positive Final Judgement on PEFC International. Herewith I attach TPAC's Response to the Notice of Objection.

Based on the information included in the Notice of Objection, the Committee concludes that there are no grounds for revising its Final Judgement on PEFC International. This means that the judgement continues to read: **'PEFC International – excluding MTCS - is conforming to the Dutch procurement Criteria for the Dutch Market'**.

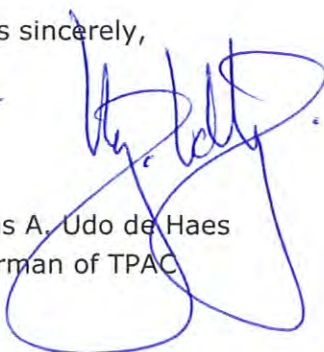
Please be informed that according to the SMK 'Complaint, objection and appeal regulations' both parties are entitled to lodge an appeal against this decision within six weeks. The procedure for doing so can be found in the TPAC User Manual.

I thank you for your time and consideration.

Yours sincerely,

i.a.

Helias A. Udo de Haes
Chairman of TPAC



Copies to:



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'RESPONSE TO NOTICE OF OBJECTION'

Response of the Timber Procurement Assessment Committee (TPAC) to the Notice of Objection which was filed by WWF Netherlands et al. against TPAC's final judgement of PEFC International

7 June 2011

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I - INTRODUCTION

1. The **Timber Procurement Assessment Committee (TPAC)** – hereinafter referred to as ‘the Committee’ or ‘TPAC’ – was installed in 2007 at the request of the former Minister of Housing, Spatial Planning and the Environment (VROM).¹ The task of TPAC is to assess certification systems for sustainable forest management against the Dutch Procurement Criteria for Timber within the context of the Dutch Procurement Policy. The Dutch Procurement Criteria have been adopted by the Minister of VROM in June 2008 after consulting the Dutch stakeholders.
2. The Committee is part of the independent foundation SMK (Stichting Milieukeur) and is financed by the Ministry of Infrastructure and Environment - the successor of the Ministry of VROM. The SMK standing orders offer stakeholders the **opportunity to file an objection** against the Final Judgement of the Committee concerning a certain certification system.
3. On 11 June 2010 the Committee published its Final Judgement on PEFC International which reads: **“PEFC International is conforming to the Dutch Procurement Criteria for the Dutch market.”** Out of eighteen principles,² PEFC achieved a score of 2 (the highest score) for 15 principles and a score of 1 for three principles.³
4. On 23 July 2010 TPAC received a **Notice of Objection** to its Final Judgement on PEFC International. The Notice of Objection was filed by Mr A.H.J. van den Biesen, attorney in Amsterdam, on behalf of five Dutch civil society organisations: Wereld Natuur Fonds (WWF Netherlands), Stichting Greenpeace, Stichting Nederlands Centrum voor Inheemse Volken (Netherlands Centre for Indigenous Peoples, NCIV), ICCO (the Dutch Interchurch Organisation for Development Cooperation) and Vereniging Milieudefensie (Friends of the Earth Netherlands) hereinafter referred to as the ‘Objectors’.
5. In this **‘Response to Notice of Objection’** the Committee responds to each of the objections raised by the Objectors. Where appropriate, the Committee has included a reference to the relevant paragraph of the Notice of Objection, for example (NoO#8). In Annex II, the Committee responds to the annex of the Objectors.

¹ Letter from the Ministry of Housing, Spatial Planning and the Environment to SMK “Sustainable Forestry Assessment Committee”, 1 November 2007.

² 9 Principles for Sustainable Forest Management (SFM), 3 principles for the Chain of Custody (CoC), 5 principles for the Development, Application and Management of certification systems and one principles for the Procedure on Endorsement of certification systems by a Meta-system (PEM).

³ SFM Principle 4 – Biodiversity, SFM Principle 8 on Monitoring and DAM Principle 3 on Decision-making bodies and appeal procedures.

II - COMMITTEE'S REMARKS ON PEFC INTERNATIONAL AND THE FINAL JUDGEMENT OF JUNE 2010

The scope of the assessment

6. TPAC started its assessment of PEFC International in March 2008. In October 2008 the Committee concluded that PEFC International was unable to meet the Dutch Procurement Criteria as specific social criteria were absent in the PEFC standard. The Committee notified the PEFC Council of its conclusions, upon which the PEFC Council committed to take advantage of its **revision process** to formulate new social criteria. In November 2009, the PEFC General Assembly adopted two criteria addressing *free and informed consent* of indigenous peoples and the public availability of forest management plans. In June 2010 TPAC judged – taking into account the newly adopted social criteria - that PEFC International is conforming to the Dutch Procurement Criteria (for an overview of the assessment timeline see Annex I of this document).
7. PEFC International is a so-called meta-system for Sustainable Forest Management. This means PEFC endorses national certification systems based on the assessment of these national systems against a PEFC meta-standard.⁴ At the time of assessment, PEFC operated three **meta-standards** for Sustainable Forest Management (SFM):
 - i. The PEOLG⁵ standard for mainly temperate forests;
 - ii. The ATO/ITTO⁶ standard for tropical forests in Africa;
 - iii. The ITTO⁷ standard for other tropical forests.
8. Up until now, all 28 national PEFC systems have been endorsed based on the **PEOLG meta-standard** with two exceptions:
 - i. The Malaysian MTCS, which has been endorsed based on the ITTO standard;
 - ii. PEFC Gabon, which has been endorsed based on the ATO/ITTO standard.
9. The Committee assessed the PEOLG meta-standard and all other relevant PEFC documents and procedures, including the ones that PEFC uses for verifying whether national systems meet the PEFC meta-standard. As substantiation, the Committee also assessed the national PEFC systems which are relevant for the Dutch market: Finland, Sweden, Germany, Belgium and Austria. All of these were found to conform to the Dutch Procurement criteria. Together these countries provide **89% of the PEFC timber** supplied on the Dutch market.⁸

⁴ For the endorsement procedure, also other PEFC requirements regarding procedures and organisation are taken into account.

⁵ Pan European Operational Level Guidelines

⁶ African Timber Organisation/ International Tropical Timber Organisation

⁷ International Tropical Timber Organisation

⁸ Figure provided by Probos, January 2011. See also 'Duurzaam geproduceerd hout op de Nederlandse markt in 2008', Probos, April 2010.

10. The Committee did not assess the **ATO/ITTO** meta-standard as there was - and is - no forest certified under PEFC Gabon. The **ITTO** meta-standard has not been assessed, as the Malaysian MTCS was assessed separately by TPAC (see section 14 and 15).
11. In November 2010, the PEFC General Assembly – following an extensive revision process – has adopted a **new international meta-standard** (PEFC ST 1003:2010) replacing PEOLG, ATO/ITTO and ITTO. As of May 2011, all endorsements – as well as the periodical re-endorsements - will be based on this new PEFC meta-standard.
12. **TPAC’s Final Judgement of PEFC International** was published in June 2010. This implies that the **two social criteria** adopted by the PEFC General Assembly in November 2009 were taken into account (see also section 6), whereas the new PEFC standard adopted in November 2010 was not.

The scope of the Final Judgement on PEFC

13. Based on a thorough assessment of the (inter)national PEFC standards, procedures and practices, the Committee concluded that PEFC International complies with the Dutch Procurement Criteria in June 2010. This positive judgement was however **limited to the ‘Dutch market’** because during the assessment process, the Committee received two cases describing potentially unsustainable forest management practices in SFI - and AFS- certified forests. As the North American SFI and Australian AFS – which fall under the PEFC umbrella – have no relevance for the Dutch market, the Committee judged that **“PEFC International is conforming to the Dutch Procurement Criteria for the Dutch market”**. The SFI and AFS cases are to be investigated in the period to come.
14. In March 2010, the Committee judged that the **Malaysian certification system MTCS** was conforming to the Dutch Procurement Criteria. However, following an objection filed by five NGOs, the Committee revised this judgement in October 2010.
15. **MTCS is the only certification system under the PEFC ‘umbrella’ that** has been endorsed against the ITTO meta-standard; all other national PEFC systems supplying certified timber are endorsed against the PEOLG meta-standard which was found to conform to the Dutch Procurement Criteria. The non-conformity of MTCS has therefore no bearing on the judgement of PEFC International other than the **‘exclusion of MTCS’**. The TPAC judgement for PEFC International – as of October 2010 – thus reads: **“PEFC International – excluding MTCS – conforms to the Dutch Procurement Criteria for the Dutch Market”**. It should be noted that as of May 2010, the ITTO meta-standard is no longer in use and that all future endorsements will be based on the **‘new’ PEFC meta-standard**.

III - RESPONSE TO THE OBJECTORS' PROCEDURAL CONSIDERATIONS

16. The Objectors state that it is almost impossible for the TPAC assessment procedure to lead to a truly balanced judgement as stakeholders have too little opportunities for input. The Committee contests that this is the case. The TPAC assessment procedure explicitly provides the opportunity for stakeholders to comment on a certification system during an on-line **stakeholder forum**. Thereafter the Committee reports in a transparent manner how account has been taken of all the information provided on this forum. Furthermore, it should be noted that TPAC is **one of SMK's** Committees of Experts; the procedures and working practices of the Committee are **laid down in SMK's constitution** and standing orders, including the **'Standing Orders for the Timber Procurement Assessment Committee' and the 'Complaints, Objections and Appeals Regulations'**. The latter offers stakeholders the opportunity to object to the Final Judgement of the Committee and, if necessary, to lodge an appeal. The Committee is therefore of the opinion that in this way due and proper account is taken of the various interests affected by the assessment of a certification system and that the assessment procedure, including the procedures for objection and appeal, lead to a balanced judgement (NoO#1 and NoO#2).
17. The objectors state the TPAC has insufficiently verified the information that was provided by PEFC International during the assessment process. The Committee is of the opinion that its assessment procedure on PEFC International – which took approximately two years – was very thorough (see also sections below). Not only did the Committee assess the international PEOLG meta-standard and all relevant PEFC procedures and documents, the Committee also assessed a number of national PEFC systems as substantiation. **Verification** of how the international requirements are addressed at national level was therefore amply performed. In addition verification of information was performed through the stakeholder fora and through the review of audit reports and other background information (NoO#1).
18. **The Objectors argue that TPAC's assessment procedure does not do justice to the principle of *audi alteram partem* (hearing both sides of the argument)**, because stakeholders have not been given an opportunity to express their views on the information provided by PEFC at each stage of the assessment procedure. Although **the Committee understands the Objectors' wish to be involved in all stages of the procedure**, it rejects the statement that it did not apply the above mentioned principle. While the Committee did not solicit the input from both sides at every stage of the procedure, the views of both sides were amply heard during different stages in the procedure. The Committee is of the opinion that its assessment procedure as described in section 16 of this document and in chapter 3 of the TPAC User Manual is sufficiently balanced. It wants to add that a balanced procedure does not require that both parties are consulted in an equally frequent way (NoO#1 to 5).

19. The Objectors argue that the **Committee's Assessment Matrix** insufficiently substantiates the score per Principle. The Committee wants to note that it has been a deliberate choice to keep the explanatory notes in the matrix concise. Nonetheless, the Committee will take this point into account and look into the possibility of giving more elaborate explanations in future assessment matrices (NoO#6).
20. Section 2 of the Notice of Objection **describes the Committee's assessment method as one of 'four cumulative steps'**. Just for clarification, the Committee wishes to inform that its scoring system does not consist of consecutive steps but of four equivalent *requirements* (NoO#7).
21. The Objectors argue that the applied **assessment method**, especially concerning the weighting of individual criteria, lacks transparency. The Committee wishes to underline that the Dutch Timber Procurement Assessment System (TPAS), including its assessment method was established by the former Minister of VROM. It should also be noted that TPAS is not a certification system in itself, but a so-called meta-system aiming at the assessment of a wide variety of certification systems. This has implications for the structure of the assessment method. The Committee wishes to clarify some elements of this method. The assessment method involves an assessment at two levels: principles and criteria. The final judgement is first and foremost based on the scores at the level of the principles. **At this level, TPAC's judgement is a mechanical process: a score of "0" for any of the principles leads to the final judgement "not conforming"**. The rationale of the scoring of individual criteria is to underpin the scoring at the level of the principles. The criteria residing under a principle indeed may not have equal weight in this process. The weight of a criterion may depend on a) the relevance of the criterion within the context of the certification system (i.e. forest type, legal context); b) the number of criteria residing under a principle; and c) the overall significance of a criterion for realisation of sustainable forest management (criterion 4.3 on conversion is for example more important for sustainable forest management than criterion 4.8 on waste management). This implies that the step from the scoring of the criteria to the scoring of the principles is indeed not mechanical (NoO#8 to 11).
22. The **assessment method** with broad principles and specific criteria has appeared to be very practical and with sufficient discriminative power. However, the Committee is open to investigate at a later stage whether still improvements can be made, aiming at an increase of the transparency of the method while upholding the flexibility which is necessary for the assessment of a wide variety of certification systems (NoO#8 to 11).

IV - RESPONSE TO THE OBJECTORS' SUBSTANTIVE CONSIDERATIONS

23. The Committee agrees with the **Objectors that PEFC International as a 'meta- or umbrella system' is essentially different from an international certification system** such as FSC International. FSC operates top-down; one general international standard forms the core of all national standards. In contrast, PEFC operates bottom-up; national (or regional) standards are assessed against an international meta-standard. The Committee, acknowledging the variety of national PEFC systems, has assessed the PEOLG meta-standard and the other documents which contain requirements for the national systems as well as the rules for verification. TPAC concluded that PEFC/PEOLG documents conform to the Dutch Procurement Criteria. Moreover, TPAC assessed standards and system documents of the PEFC systems which are relevant for the Dutch market. With the positive Final Judgement of PEFC Finland, Sweden, Germany, Belgium and Austria as much as 89% of the PEFC timber that is supplied on the Dutch market is found to conform to the Dutch Procurement Criteria. The Committee has also assessed the Malaysian MTCS, which after an initial positive judgement in March 2010 was judged as not conforming to the Dutch Procurement Criteria in October 2010 (see section 14 and 15). Taking the above into account, TPAC feels safe to claim that **the assessment of PEFC International** has been thorough. (NoO#15)
24. The Objectors state that should a new system be endorsed by PEFC, this system will be **automatically covered** by the positive TPAC judgement. The Committee confirms that this is the case; in its final judgement, the Committee concluded on the basis of its PEM criteria⁹ that the PEFC endorsement process is sufficiently robust to guarantee that new systems also conform to the Dutch Procurement criteria. (NoO#16 and #19).
25. The Committee however notes that the PEFC General Assembly recently adopted a **new meta-standard**. The TPAC User Manual requires that this standard is assessed by the Committee. If there is cause to also assess a *specific* national system, because a) this system is relevant for the Dutch market and b) there are reports of *irregularities* – the Committee, in consultation with the Ministry will decide on the assessment of this particular system. It should be noted that the Committee will only consider the assessment of national systems which have been endorsed against the new meta-standard.
26. The Objectors claim that the **exclusion** of national PEFC systems from the positive judgement of PEFC International is not possible. The Committee agrees that exclusion is *in principle* not possible because PEFC has one chain-of-custody. However, the Committee has excluded MTCS **which was judged as "not conforming"**

⁹ Procedure on Endorsement of certification systems by a Meta-system (PEM)

in October 2010. From a technical perspective the exclusion of MTCS was justified because MTCS is the only timber supplying PEFC system that was not endorsed against the PEOLG meta-standard. From a practical perspective the exclusion of MTCS has been feasible because MTCS is the only *tropical* system supplying PEFC certified timber. This means that timber traders and procurement officers are able to distinguish between timber species sourced from the tropical forests of Malaysia and the timber species sourced from temperate forests. (NoO#16).

27. The Objectors claim that a large number of certification systems that have been approved by PEFC International demonstrably do not meet the Dutch Procurement Criteria: **PEFC Slovakia, AFS, SFI, CERTFOR and PEFC Gabon**. TPAC rejects this claim: in their Notice of Objection, the Objectors have not provided comprehensive or conclusive information that one of these systems does not conform to the Dutch Procurement Criteria. For a reaction concerning CERTFOR and PEFC Gabon, the Committee refers to section 28 and 29 of this document. Concerning PEFC Slovakia, AFS and SFI, the Committee acknowledges that it has received cases on its Stakeholder Forum. After studying the case on PEFC Slovakia, the Committee concluded **that the reported acts of 'unsustainable forest management' were** in majority attributable to a bark beetle outbreak after a severe storm in 2004. Active pest control measures were performed also in areas normally excluded from forest management. However, no interference would also have had severe consequences for biodiversity and forest productivity, in particular also in old growth spruce forests. Because both management options would have had severe consequences, it was not an established truth what option was to be preferred. The Committee therefore has no reason to conclude that the activities taking place after the bark beetle outbreak justify a negative judgement of PEFC Slovakia. Regarding the cases on AFS and SFI, the Committee concluded in its Stakeholder Forum report that the cases were complex and should be investigated in more detail before the Committee could give a conclusive response. As the Committee also concluded that AFS and SFI do not have relevance for the Dutch market, there was no reason to withhold PEFC a positive judgement. All of the above was included in the Stakeholder Forum report of June 2010. Concerning MTCS, the Committee refers to section 14 and 15 of this document (NoO#17 and 18).
28. Concerning the supposedly non-compliance of a **Chilean PEFC certified company**, the Notice of Objection does not mention the name of the company, let alone any substantiation of the claim against this system, the claim can therefore not be taken into consideration (NoO#20).
29. Concerning **PEFC Gabon**, the Objectors state that the system documentation is available in French only and that PEFC has endorsed the Gabonese system in spite of a negative advice of the independent consultant assessing PEFC Gabon. The Committee points out that all relevant system documents are available in the English language on the PEFC International website. Concerning the advice of the consultant, the Committee wishes to inform that the consultant in his Final Report

has suggested that the negative recommendation was to be put aside. The report says: *"From a purely objective perspective FORM International has to conclude that the Gabonese Forest Certification Scheme (GFCS) does not conform to the requirements of the PEFC (...). However, the consultant would like to refer to (...) the following mitigating arguments that should be taken into consideration by the Board of Directors (...). At the time PAFC Gabon was erected and started working on the GFCS (2005), standard setting procedures were not sufficiently elaborated. As a consequence standard setting processes have not entirely been carried out in the correct way. (...). Nevertheless, the consultant thinks (based on the working documentation that was provided) that the elaboration of the ATO/ITTO forest management standard by the NWG was considerably participatory and based on consensus. The standard setting processes that were carried out by PAFC Gabon to elaborate the current GFCS cannot be repeated and solved. To solve these nonconformities, a new scheme with a correct SSP should be elaborated again from the beginning, which is a procedure of years."*¹⁰ This issue was taken into account in the decision making on the PEFC Gabon endorsement, as is reflected in the PEFC press release: *"PEFC International has limited the endorsement of the Gabonese scheme to three years instead of the usual five years, which means that PAFC Gabon is required to start its revision process almost immediately, utilising its modified standard setting procedures."*¹¹ Based on this information, the Committee sees no grounds to question the endorsement of PEFC Gabon (NoO#21).

¹⁰ Form International, Final Report Compliance Assessment PAFC Gabon, 5 January 2009.

¹¹ "A First for PEFC in Africa", PEFC International, 29 April 2009.

V – FINAL REMARKS AND CONCLUSIONS

30. TPAC did not assess the **new PEFC meta-standard**. However, the Committee notes that the new standard represents a strengthening of the PEFC requirements especially concerning:

- i. the rights of indigenous peoples (TPAS Principle 2);
- ii. the protection of biodiversity (TPAS Principle 4);
- iii. the protection of soil and water (TPAS Principle 5);

TPAC will in due time assess this new meta-standard.

31. When communicating its Final Judgement in June 2010, the Committee also announced the **research of cases related to the functioning of AFS and SFI**. This research will be performed as soon as possible.

32. Based on the information provided by the Objectors in their Notice of Objection and its Annex, the Committee has adjusted the scores of two criteria (SFM C5.1 and C8.5). However, the Committee concludes that there are **no grounds for revising its Final Judgement on PEFC International**. The judgement of TPAC therefore continues to reads that PEFC International – excluding MTCS - is conforming to the Dutch Procurement Criteria for the Dutch market.

ANNEX I – TIMELINE OF THE ASSESSMENT PROCESS

<u>Mar 2008</u>	TPAC starts the assessment procedure of PEFC International.
<u>Oct 2008</u>	TPAC informed the PEFC Council that PEFC International does not meet the DPC because specific social criteria are absent.
<u>Nov 2009</u>	PEFC General Assembly adopts social criteria.
<u>Mar 2010</u>	TPAC judges MTSC as conforming to the DPC.
<u>April 2010</u>	NGOs file an objection on MTCS.
<u>June 2010</u>	TPAC judges PEFC International as conforming to DPC.
<u>Oct 2010</u>	TPAC revises its positive judgement on MTCS.
<u>Nov 2010</u>	PEFC General Assembly adopts new meta standard.
<u>May 2011</u>	Entry into force of the new PEFC meta standard.

ANNEX II

ANNEX II

Introduction

In this Annex, TPAC responds to the detailed comments of the objectors included in their '*Annex to the Notice of Objection*' dated 23 July 2010. The '*Annex to the Notice of Objection*' elaborates on the comments made earlier by WWF during the TPAC stakeholder forum. For this reason TPAC already responded to most of the issues in its Stakeholder Forum report dated June 2010. Only in those cases where the Objectors provided new information or new reasoning, the Committee has written a response which can be read below.

In two cases, the comments of the Objectors have instigated the Committee to revise its score on criterion level (SFM criterion 5.1 and 8.5). The overall Judgement of PEFC International is however unchanged.

SFM – Sustainable Forest Management		
TPAS Criteria	Score PEFC	Summary objectors comments and Response TPAC
C1.4 <i>The forest management unit is sufficiently protected against all forms of illegal exploitation, illegal establishment of settlements, illegal land use, illegally initiated fires, and other illegal activities.</i>	≈	<p>The objectors state that as PEFC also operates in countries with weak legal frameworks, the PEFC requirement is not sufficient to justify the score 'partially addressed'.</p> <p>TPAC replies that PEFC requires: "<i>National laws, regulations, programs and policies shall be respected in forest management and certification. Certification schemes may not contradict legislation and any apparent violations of the legislation shall be taken into consideration in internal and external audits</i>". This requirement implicitly includes protection against illegal activities.</p> <p>TPAC is of the opinion that for the forest regions relevant for the Dutch market, the PEOLG requirements deliver a level of assurance which justifies the score 'partially addressed'. TPAC concludes there are no grounds for revising this score.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the protection against illegal activities further strengthened through the following criterion:</p> <p><i>5.7.2 Forest management shall provide for adequate protection of the forest from unauthorised activities such as illegal logging, illegal land use, illegally initiated fires, and other illegal activities.</i></p>

C2.1	<p><i>The legal status of the management of the forest management unit and claims of the local population, including indigenous peoples, regarding the property/tenure or use rights in the forest management unit or a portion thereof have been inventoried and are respected.</i></p>	=	<p>The objectors state concerning TPAS criterion 2.1, 2.2 and 2.3 that:</p> <ul style="list-style-type: none"> i. changes in the PEFC standard need to be done through a participatory revision process; ii. it is premature to take into account the new criteria concerning indigenous rights as various national PEFC schemes may not comply with them; iii. PEFC International needs to take measures to ensure that national schemes comply. <p>TPAC responds that:</p> <ul style="list-style-type: none"> i. The new social criteria were the result of a participatory revision process as is demanded by the requirements for 'PEFC Technical Documents Developments Procedures' (PEFC GD 2001:2009); ii. The practice of certification systems is one of 'continuous improvement' and continuous revision of documents. This implies that it is virtually impossible to avoid that on occasion some of the timber supplied on the market is verified against old criteria and some timber is verified against new criteria. All national PEFC standards that have been revised since November 2009 – when the new criteria concerning indigenous rights were adopted - meet these new criteria. Furthermore, the Committee calls to mind that the five national PEFC/PEOLG systems that were assessed by the Committee - Finland, Sweden, Germany, Belgium and Austria – are all conforming to the criteria of TPAS Principle 2. iii. All national standards that apply for PEFC endorsement are assessed against the new standard. For the currently endorsed standards there is a transition period which ends in May 2013. This means that in May 2013 all national standards have been assessed against the new PEFC meta-standard, including the new criteria on indigenous rights. Should national systems be unable to meet the new standard, (re-) endorsement will not take place. What measures PEFC is taking to ensure that national systems will pass (re-) endorsement is not of any concern to TPAC. <p>TPAC concludes that there is no reason to revise the score 'fully addressed'.</p>
C2.2	<p><i>Effective communication with and consultation and participation of stakeholders take place regarding the management of the forests.</i></p> <p><i>Guidance: A plan and reports on how and when communication with stakeholders takes place are considered to be indicators of effective communication.</i></p>	≈	<p>The objectors state that PEFC does not guarantee stakeholder consultation.</p> <p>TPAC responds that PEFC requires that "(...) <i>Forest management activities shall be conducted in recognition of the established framework of legal, customary and traditional rights, which shall not be infringed upon without the free and informed consent of the holders of the rights, including the provision of compensation where applicable. Where the extent of rights is not yet resolved or is in dispute there are processes for just and fair resolution. In such cases forest managers shall, in the interim, provide meaningful opportunities for parties to be engaged in forest management decisions whilst respecting the processes and roles and responsibilities laid out in the policies and laws where the certification takes place</i>"</p> <p>The reference to "free and informed consent" and "meaningful opportunities for parties to be engaged in forest management decisions" imply consultation and participation. Because PEFC does not <u>explicitly</u> refer to consultation and participation, TPAS criterion 2.2 is awarded the score 'partially addressed'. TPAC concludes there is no reason to revise this score.</p>

C2.3	<p><i>The local population and indigenous peoples have a say on forest management on the basis of free and informed consent, and hold the right to grant or withhold permission and, if relevant, receive compensation where their property/use rights are at stake.</i></p> <p><i>Guidance: Free and informed consent is interpreted in the sense that the activity will not be undertaken before the relevant consent is given.</i></p> <p><i>Guidance: The local population and indigenous peoples can only prevent activities through withholding their consent where their property/use rights are at stake.</i></p>	=	See C2.1
C2.4	<p><i>The forest management plan and accompanying maps, relevant monitoring results and information about the forest management measures to be applied are publicly available, except for strictly confidential business information.</i></p> <p><i>Guidance: Public availability implies that if stakeholders should have limited access to certain media, the management plan is dispersed through other channels. Depending on the level of detail in the management plan, the full plan or a summary should be available.</i></p> <p><i>Guidance: Wherever practical and necessary, information on the forest management can also be communicated to the people in the forest through in situ markings or information displays.</i></p>	≈	<p>The objectors state that:</p> <ol style="list-style-type: none"> i. TPAC should have verified that management plans are available. ii. The omission of maps and monitoring data is not acceptable. <p>TPAC replies that:</p> <ol style="list-style-type: none"> i. In its assessment of five PEOLG/PEFC systems, TPAC has verified the availability of management plans. ii. PEFC requires that: <i>“A summary of the forest management plan or its equivalent, which contains information about the forest management measures to be applied, is publicly available, except for confidential business and personal information”</i>. Because the criterion does not specifically mention maps or monitoring results, criterion 2.4 is awarded the score ‘partially addressed’. <p>TPAC concludes that there is no reason to revise the score ‘partially addressed’.</p>
C2.5	<p><i>Adequate mechanisms are in place for resolving disputes regarding forest management, property/usage rights, work conditions, or social services.</i></p> <p><i>Guidance: In case of a conflict of significant dimension, the FMU will not be certified.</i></p>	=	<p>The Objectors state that:</p> <ol style="list-style-type: none"> i. Certification is not excluded in cases of conflict; ii. The PEFC dispute resolution mechanism is not working properly. <p>TPAC replies that:</p> <ol style="list-style-type: none"> i. The guidance <i>“In case of a conflict of a significant dimension, the FMU will not be certified”</i> is only relevant prior to the certification decision. The Objectors have not

			<p>demonstrated that FMUs were certified in spite of existing disputes 'of significant dimension'.</p> <p>ii. The objectors have also not demonstrated that the resolution mechanism of PEFC is not working properly. The Objectors refer to 'examples from field reports'. The only 'examples' TPAC has received from the Objectors are the four cases that were brought to the TPAC stakeholder forum. Only concerning one case (on SFI-Weyerhaeuser) an official complaint has been filed. This complaint has been dealt with by the responsible certification body QMI – SAI Global. The CB concluded in November 2010 that "<i>Weyerhaeuser Company had the appropriate environmental management systems in place that met the Objectives, Performance Measures and Indicators of the SFI standard</i>". This outcome does not demonstrate that the PEFC dispute resolution mechanism is not working properly.</p> <p>TPAC concludes that there is no reason to revise the score 'fully addressed'.</p>
C3.1	<p><i>The forest manager must take adequate health and safety measures, at least in compliance with relevant legislation and in accordance with ILO conventions, in order to protect the personnel, including contractors and their employees and, where appropriate, the local and indigenous population.</i></p> <p><i>Guidance: The core conventions of ILO in relation to this criterion are:</i></p> <ul style="list-style-type: none"> • <i>Convention 155 - Occupational Safety and Health and its accompanying Recommendation No. 164;</i> • <i>Convention 161 - Occupational Health Services and its accompanying Recommendation No. 171.</i> 	=	<p>The objectors state that PEFC does require ILO Convention 155 and 161.</p> <p>TPAC replies that PEFC refers to the ILO Code of Practice in Forestry Work. This 132-page document is very elaborate and is based - amongst others - on the ILO conventions 155 and 161.</p> <p>TPAC therefore concludes that there is no reason to revise the score 'fully addressed'.</p>
C4.1	<p><i>Objects of high ecological value and representative areas of forest types that occur within the forest management unit are identified, inventoried and protected.</i></p> <p><i>Guidance: 5% is considered to be a relevant proportion.</i></p>	=	<p>The Objectors state that:</p> <ol style="list-style-type: none"> i. The key biotopes mentioned by PEFC are unsuitable for logging which means they are not selected with an aim for conservation; ii. High biodiversity values will not receive adequate protection; iii. PEFC-INT does not demand the High Conservation Value Forest concept; iv. TPAC's guidance of 5% protection of representative areas is misleading. <p>TPAC responds that:</p> <ol style="list-style-type: none"> i. Although the key biotopes mentioned by PEFC are generally not suitable for logging,

		<p>this does not mean that they are not vulnerable in harvesting operations (for example infrastructure and log ponds). Their protection is therefore equally important.</p> <p>ii. PEFC requires that:</p> <ul style="list-style-type: none"> a. <i>"Forest management planning shall aim to maintain, conserve and enhance biodiversity on ecosystem, species and genetic level and, where appropriate, diversity at landscape level."</i> (PG 4.1.a); b. <i>"Forest management planning and terrestrial inventory and mapping of forest resources shall include ecologically important forest biotopes, taking into account protected, rare, sensitive or representative forest ecosystems"</i>. (PG 4.1.b) c. <i>"Special key biotopes in the forest such as water sources, wetlands, rocky outcrops and ravines shall be protected or, where appropriate, restored when damaged by forest practices."</i> (PG 4.2 i) <p>TPAC verified through the assessment of five national systems that these PEOLG requirements deliver a level of assurance which justifies the score 'fully addressed'.</p> <p>iii. Please note that the concept of High Conservation Value Forest is not required by the Dutch Procurement Criteria.</p> <p>iv. The guidance of 5% protection of representative areas has been taken into account in the assessment of the national PEFC systems (Sweden, Finland, Austria, Germany etc.). The Guidance is therefore not at all misleading.</p> <p>TPAC therefore concludes that there is no reason to revise the score 'fully addressed'.</p> <p><i>New meta-standard</i></p> <p>It should be noted that in the new PEFC meta-standard the protection of objects of high ecological value and representative forest areas is further strengthened amongst others through the following criterion:</p> <p><i>5.4.2 Forest management planning, inventory and mapping of forest resources shall identify, protect and/or conserve ecologically important forest areas containing significant concentrations of:</i></p> <ul style="list-style-type: none"> <i>a) protected, rare, sensitive or representative forest ecosystems such as riparian areas and wetland biotopes;</i> <i>b) areas containing endemic species and habitats of threatened species, as defined in recognised reference lists;</i> <i>c) endangered or protected genetic in situ resources; and taking into account</i> <i>d) globally, regionally and nationally significant large landscape areas with natural distribution and abundance of naturally occurring species.</i>
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C4.2	<p><i>Protected and endangered plant and animal species are not exploited for commercial purposes. Where necessary, measures have been taken for their protection and, where relevant, increase of their population.</i></p> <p><i>Guidance: Plant species include tree species.</i></p>	≈	<p>The Objectors state that the 'empty forest syndrome' may occur if the forest is protected but the fauna is not protected against poaching.</p> <p>TPAC replies that indeed the PEOLG criteria do not explicitly address poaching. It should be noted however that the TPAS criteria also do not explicitly address poaching.</p> <p>Because the PEOLG requirements are less specific than the TPAS criteria, the score 'partially addressed' is awarded. TPAC concludes that there is no reason to revise this score.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the protection of species is further strengthened amongst others through the following criterion:</p> <p><i>5.4.3 Protected and endangered plant and animal species shall not be exploited for commercial purposes. Where necessary, measures shall be taken for their protection and, where relevant, to increase their population.</i></p>
C4.3	<p><i>Conversion of forests in the FMU to other types of land use, including timber plantations, shall not occur unless in justified exceptional circumstances.</i></p> <p><i>Guidance: Exceptional circumstances are for example natural disasters. In addition, conversion can take place if the area to be converted is insignificant, if it enables clear long term conservation benefits, or if it is based on undisputed governmental decisions.</i></p> <p><i>Guidance: The forest manager of a plantation should aspire to make clear how the plantation helps in relieving pressure from natural forests; for instance when the plantation is established on degraded land instead of by conversion of natural forest.</i></p>	≈	<p>The Objectors state that as conversion is not prohibited by PEFC, valuable high biodivers forests can be converted into poor plantation forests.</p> <p>TPAC replies that PEFC requires:</p> <ul style="list-style-type: none"> • "Forest management planning should aim to maintain or increase forest and other wooded area and enhance the quality of the economic, ecological, cultural and social values of forest resources,..." (PG 1.1.a) and • "Forest management practices should safeguard the quantity and quality of the forest resources in the medium and long term..." (PG 1.2 a). <p>The PEOLG criteria have a specific focus on the <u>quality</u> of the forest. The conversion of 'valuable high biodivers forests' into 'poor plantations' as the Objectors state can therefore not be in compliance with the PEOLG criteria. TPAC therefore concludes that although the PEOLG criteria do not explicitly address conversion, these criteria deliver a level of assurance which justifies the score 'partially addressed'. TPAC underlines that this has been verified through the assessment of PEFC Germany, Finland, Sweden, Belgium and Austria.</p> <p>TPAC concludes that there is no reason to revise the score 'partially addressed'.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the protection against conversion is further strengthened through the following criterion:</p> <p><i>5.1.11 Conversion of forests to other types of land use, including conversion of primary forests to forest plantations, shall not occur unless in justified circumstances where the conversion:</i></p> <p><i>a) is in compliance with national and regional policy and legislation relevant for land use and</i></p>

			<p><i>forest management and is a result of national or regional land-use planning governed by a governmental or other official authority including consultation with materially and directly interested persons and organisations; and</i></p> <p><i>b) entails a small proportion of forest type; and</i></p> <p><i>c) does not have negative impacts on threatened (including vulnerable, rare or endangered) forest ecosystems, culturally and socially significant areas, important habitats of threatened species or other protected areas; and</i></p> <p><i>d) makes a contribution to long-term conservation, economic, and social benefits.</i></p>
C4.4	<p><i>In case of plantations native species are preferred and a relevant proportion of the plantation shall be allowed to regenerate to natural forest.</i></p> <p><i>Guidance: 5% is considered to be a relevant proportion.</i></p>	≈	<p>The objectors state that PEFC does not require that plantations contain natural forest.</p> <p>TPAC replies that indeed the PEOLG criteria lack this element. Because the other element of TPAS criterion 4.4. - the preference for the use of native species - is addressed; TPAC has concluded that criterion 4.4 is 'partially addressed'.</p> <p>TPAC concludes that there is no reason to revise this score.</p>
C4.5	<p><i>Plantations shall not be established through the conversion of valuable natural forests after 1997.</i></p> <p><i>Guidance: Degraded land and degraded forest may be converted into plantations if this is ecologically and economically beneficial and if the owner or user has no relation to the actors behind the degradation.</i></p>	≠	<p>The objectors state that PEFC as a whole should be dismissed because TPAS criterion 4.5 "<i>Plantations shall not be established through the conversion of valuable natural forests after 1997</i>" is inadequately addressed by PEFC.</p> <p>TPAC replies that indeed TPAS criterion 4.5 is inadequately addressed by PEFC. TPAC is however of the opinion that this in itself should not lead to a dismissal of the entire PEFC system for reasons outlined below.</p> <p>For the forest regions relevant for the Dutch market the difference between plantations and natural forests is often blurred. For example, most of the forests in the Netherlands and Germany were originally planted in the 19th century. These 'plantations' thereafter evolved into what can now be considered natural forests. Because the difference between plantations and natural forests is unclear in the temperate zone, the PEOLG meta-standard does not differentiate between the two. TPAC concludes that it would not be justified to reject PEFC International because of this.</p> <p>In this respect, TPAC could also argue that TPAS criterion 4.5 is 'not relevant' for the temperate - forest regions relevant for the Dutch market.</p>
C4.6	<p><i>The exploitation of non-timber forest products, including hunting and fishing, are regulated, monitored and controlled. Insofar as relevant, knowledge of the local population, indigenous peoples, and locally active environmental organisations is utilised in monitoring commercial exploitation.</i></p>	=	<p>The objectors state that:</p> <ol style="list-style-type: none"> i. PEFC does not explicitly mention the monitoring of fishing and hunting; ii. TPAC should have verified that monitoring and controlling of fishing and hunting indeed takes place. <p>TPAC replies that:</p> <ol style="list-style-type: none"> i. Although the PEOLG criteria do not explicitly address the monitoring of hunting and fishing, TPAC is of the opinion that for the forest regions relevant for the Dutch market, the PEFC requirements deliver a level of assurance which justifies the score

			<p>'fully addressed'.</p> <p>ii. The Committee verified through the separate assessment of the five most important national PEFC/PEOLG systems for the Dutch market - Finland, Sweden, Germany, Belgium and Austria - that on national level indeed forest management conforms to the Dutch Procurement Criteria.</p> <p>TPAC therefore concludes that there is no reason to revise the score 'fully addressed'.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the regulation and monitoring of the exploitation of non-timber forest products is further strengthened through the following criterion:</p> <p><i>5.3.7 Where it is the responsibility of the forest owner/manager and included in forest management, the exploitation of non-timber forest products, including hunting and fishing, shall be regulated, monitored and controlled.</i></p>
C4.7	<i>Genetically modified organisms are not used.</i>	=	<p>The objectors state that in order to fully address criterion 4.7, PEFC should ban GMOs.</p> <p>TPAC replies that the TPAS criterion does not require a ban on GMOs. TPAS requires that "<i>Genetically modified organisms are not used</i>". The PEFC General Assembly decision reads: "<i>As the PEFC Council has not yet made a decision on GMO's, it cannot, at this stage, consider GMO's as part of its certified material</i>". This means that until this decision is revoked, PEFC meets the TPAS requirement.</p> <p>TPAC therefore concludes that there is no reason to revise the score 'fully addressed'.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the following criterion is included:</p> <p><i>5.4.7 Genetically-modified trees shall not be used.</i></p>
C5.1	<p><i>The soil quality of the forest management unit is maintained and, where necessary, improved, whereby special attention is given to shores, riverbanks, erosion-prone parts and slopes.</i></p> <p><i>Guidance: Thresholds for allowable maximum altitude and maximum gradient are relevant indicators for the prevention of soil erosion.</i></p>	<p>=</p> <p>↓</p> <p>≈</p>	<p>The objectors state that PEFC does not mention soil quality and that PEFC limits itself to enhance the 'protective functions of forest for society'.</p> <p>TPAC replies that indeed the PEFC requirements are less specific than the TPAS requirements. Although PEFC does mention soil quality in PG 1.1.a. "<i>Forest management planning should (...) enhance the quality of the economic, ecological, cultural and social values of forest resources, including soil and water.</i>" The Committee has come to the conclusion that the score should be revised to 'partially addressed'.</p>

			<p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the protection of soil is further strengthened through the following criteria:</p> <p><i>5.5.1 Forest management planning shall aim to maintain and enhance protective functions of forests for society, such as protection of infrastructure, protection from soil erosion, protection of water resources and from adverse impacts of water such as floods or avalanches.</i></p> <p><i>5.5.3 Special care shall be given to silvicultural operations on sensitive soils and erosion-prone areas as well as in areas where operations might lead to excessive erosion of soil into watercourses. Inappropriate techniques such as deep soil tillage and use of unsuitable machinery shall be avoided in such areas. Special measures shall be taken to minimise the pressure of animal populations.</i></p>
C5.3	<p><i>Important ecological cycles, including carbon and nutrient cycles, which occur in the forest management unit, are at least maintained.</i></p> <p><i>Guidance: e.g., no lowering of groundwater table on peat soils, avoidance of turbidity of streams, measures which avoid large leakage of nutrients after logging.</i></p>	=	<p>The Objectors state that nutrient cycles are not mentioned.</p> <p>TPAC replies that although the wording of PEFC does not address the maintenance of nutrient and carbon cycles, the PEOLG criteria do in practice result in the maintenance of these cycles through the following: "<i>balancing harvesting and growth rates</i>", "<i>techniques that minimise (...) damage to (...) soil or water resources</i>" and "<i>with due regard to nutrient off take</i>".</p> <p>TPAC therefore concludes that there is no reason to revise the score 'fully addressed'.</p>
C5.7	<p><i>The use of chemicals is only permitted if maximum use of ecological processes and sustainable alternatives proves insufficient. The use of class 1A and 1B pesticides, as drafted by the World Health Organisation, and of chlorinated hydrocarbons is not permitted.</i></p>	=	<p>The Objectors state that PEFC does not stop and prevent pollution of the environment by toxic chemicals.</p> <p>TPAC replies that PEFC provides sufficient guidance for Certification Bodies not to tolerate the use of toxic chemicals if other options are available through the following requirements:</p> <ul style="list-style-type: none"> • "<i>The use of pesticides and herbicides shall be minimised, taking into account appropriate silvicultural alternatives and other biological measures.</i>" (PG 2.2.c) • "<i>Inappropriate use of chemicals or other harmful substances or inappropriate silvicultural practices influencing water quality in a harmful way shall be avoided.</i>" (PG 5.2.b) <p>To the opinion of TPAC the score 'fully addressed' is therefore justified.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard chemical use is further regulated through the following criteria:</p>

			<p>5.2.8 <i>The use of pesticides shall be minimised and appropriate silvicultural alternatives and other biological measures preferred.</i></p> <p>5.2.9 <i>The WHO Type 1A and 1B pesticides and other highly toxic pesticides shall be prohibited, except where no other viable alternative is available.</i></p> <p>5.2.10 <i>Pesticides, such as chlorinated hydrocarbons whose derivatives remain biologically active and accumulate in the food chain beyond their intended use, and any pesticides banned by international agreement, shall be prohibited.</i></p> <p>5.2.11 <i>The use of pesticides shall follow the instructions given by the pesticide producer and be implemented with proper equipment and training.</i></p> <p>5.2.12 <i>Where fertilisers are used, they shall be applied in a controlled manner and with due consideration for the environment.</i></p>
C7.2	<i>Insofar as not provided for otherwise, a contribution is made to the development of local physical infrastructure and of social services and programmes for the local population, including indigenous peoples. This contribution is made in agreement with the local population.</i>	≈	<p>The Objectors state that “consider new opportunities for employment” is not equal to making a contribution to the development of local physical infrastructure etc.</p> <p>TPAC replies that the full PEFC criterion reads:</p> <ul style="list-style-type: none"> • <i>“Forest management planning should aim to respect the multiple functions of forests to society, have due regard to the role of forestry in rural development, and especially consider new opportunities for employment in connection with the socio-economic functions of forests.”</i> (PG 6.1.a) <p>To the opinion of TPAC this requirement, including the reference to “have due regard to the role of forestry in rural development” justifies the score ‘partially addressed’.</p>

C8.5	<p><i>Forest management is based on scientific research and, if needed, information on comparable forests types.</i></p>	<p>= ↓ ≈</p>	<p>The Objectors state that PEFC does not require forest management to be based on scientific research.</p> <p>TPAC replies that PEFC requires "<i>Forest management practices shall make the best use of local forest related experience and knowledge, such as of local communities, forest owners, NGOs and local people.</i>" For the PEOLG countries local knowledge will generally include scientific knowledge. However, the Committee agrees with the Objectors that scientific knowledge is not specifically addressed by PEFC. For this reason, the score is changed to 'partially addressed'.</p> <p>New meta-standard</p> <p>It should be noted that in the new PEFC meta-standard the use of scientific research in forest management is further strengthened through the following criterion:</p> <p><i>5.6.14 Forest management shall be based inter-alia on the results of scientific research. Forest management shall contribute to research activities and data collection needed for sustainable forest management or support relevant research activities carried out by other organisations, as appropriate.</i></p>
C8.6	<p><i>Forests are managed by professional staff and forest workers. Adequate periodic training secures the level of skills, including knowledge of relevant laws and treaties.</i></p>	<p>=</p>	<p>The objectors state that PEFC does not refer to the training of employees.</p> <p>TPAC replies that PEFC requires: "<i>Forest managers, contractors, employees and forest owners shall be provided with sufficient information and encouraged to keep up to date through continuous training in relation to sustainable forest management.</i>" TPAC verified through the separate assessment of five national systems that indeed this PEOLG criterion delivers a level of assurance which justifies the score 'fully addressed'. TPAC therefore concludes that there are no grounds for revising this score.</p>

CoC – Chain of Custody			
TPAS Criteria		Score PEFC	Summary objectors comments and Response TPAC
<i>C1.1</i>	<i>Each individual organisation in the CoC possesses an operational CoC system.</i>	=	<p>The objectors state that in the regional certification of PEFC, individual forest owners do not have a CoC certificate. This implies, according to the Objectors, that certified and uncertified material can be unduly mixed.</p> <p>TPAC replies that regional certification is a kind of group certification. Within the context of group certification it is very common – see also other certification systems - that individual group members do not have a CoC certificate. Instead the group head is the holder of the CoC certificate. This group head also has the responsibility to supervise that the rules of the certificate are observed including those pertaining to separating certified and uncertified material.</p> <p>TPAC concludes that there are no grounds for revising the score 'fully addressed'.</p>
<i>C1.2</i>	<i>The management system of each organisation in the CoC provides sufficient guarantees that the requirements of the CoC standard are being met.</i>	=	<p>The objectors state that as a certain country scheme (MTCS) does not fulfil the TPAS criteria and PEFC certified products cannot be related to an individual PEFC scheme, PEFC as a whole should be rejected.</p> <p>For its response, TPAC refers to section 26 of the main document.</p>

C1.4	<p><i>If the system allows for mixing of SFM-certified and non-SFM-certified material, the non-SFM certified material is covered by a verifiable system to ensure that it is from non-disputed, at least legal sources. This applies to new-, including pre-consumer recycled material, and post-consumer recycled material.</i></p> <p><i>Guidance: For post-consumer recycled material it is sufficient if its status as post-consumer material is ascertained by the verifiable system; the legality of the origin of the timber is not taken into account. In contrast, for pre-consumer recycled material the legality of the origin must be ascertained by the verifiable system.</i></p>	=	<p>The objectors state that PEFC products may include timber from <i>controversial sources</i>.</p> <p>TPAC replies that indeed the PEFC requirements concerning the mixing of SFM certified and uncertified material are less than optimal because controversial sources are defined as <i>"illegal or unauthorised harvesting."</i> The TPAS criterion however also focuses on legality as it requires: <i>"the non-SFM certified material is covered by a verifiable system to ensure that it is from non-disputed, at least legal sources."</i></p> <p>TPAC concludes that there is no reason to revise the score 'fully addressed'. But it also concludes that both the TPAS criterion and the PEFC criterion are eligible for improvement. In the next TPAS revision process, this issue will be addressed.</p>
C2.2	<p><i>The group has a management system that provides sufficient guarantees that C 2.3 will be met.</i></p>	=	<p>The objectors state that:</p> <ul style="list-style-type: none"> i. the certificate holder has no control over the forest management unit; ii. TPAC should have verified that PEFC management systems are sufficiently robust. <p>TPAC replies that:</p> <ul style="list-style-type: none"> i. All members in the group have legal or contractual links with the central office, including commitments by the members to implement the CoC in accordance with the standard. The central office (certificate holder) can exclude a member from the given group, if non-conformity is observed. This justifies the score 'fully addressed'. ii. TPAC has verified that the PEFC CoC management systems are sufficiently robust through the separate assessment of five national PEFC systems. <p>TPAC concludes that there are no grounds for revising the score 'fully addressed'.</p>

DAM – Development Application and Management of certification systems

TPAS Criteria		Score PEFC	Summary objectors comments and Response TPAC
C1.1	<i>The development process of the standard fulfils the requirements established in the ISEAL 'Code of Good Practice for Setting Social and Environmental Standards', the ISO Guide 59 'Code of Good Practice for Standardisation' or equivalent requirements. The development process and application of the standard at least fulfil the following criteria: 1.2. through 1.10.; 2.1. and 2.2.; 3.3. through 3.6. of this assessment table.</i>	=	<p>The Objectors state that:</p> <ol style="list-style-type: none"> i. PEFC is not certified against ISO Guide 59. ii. TPAC should have verified that PEFC fulfils the criteria of ISO Guide 59. <p>TPAC replies that:</p> <ol style="list-style-type: none"> i. The TPAS criteria do not demand certification against ISO Guide 59. ii. TPAC indeed verified that the PEFC requirements are in line with the ISO Guide 59. <p>TPAC concludes that there are no grounds for revising the score 'fully addressed'.</p>
C1.2	<i>The standard development body comprises the relevant interested groups that serve the economic, social and environmental interests without undue dominance of one interest.</i>	≈	<p>The objectors state that the PEFC standard development bodies are characterised by undue dominance of the economic interest.</p> <p>TPAC replies that PEFC requires the following:</p> <ul style="list-style-type: none"> • "(...) <i>All relevant interested parties will be invited to participate in this [process of development of certification criteria].</i>" • "(...) <i>The invited parties should represent the different aspects of sustainable forest management and include, e.g. forest owners, forest industry, environmental and social non-governmental organisations, trade unions, retailers and other relevant organisations at national or sub-national level.</i>" (A2 3.4.1) • "<i>No single concerned interest shall be allowed to dominate the process.</i>" (GL 5/2006) <p>In practice, the social and/or environmental interests are indeed weakly represented, partially because various interested groups – including WWF - choose voluntarily not to participate in the PEFC standard setting processes in spite of being invited. Based on this information, TPAC has concluded that criterion DAM 1.2 is 'partially addressed'. TPAC sees no ground to revise this score.</p>

C1.3	<p><i>Decisions of the standard development body are made, if possible, by consensus. If consensus is not reached, qualified majority voting applies.</i></p> <p><i>Guidance: The most common requirement for a qualified majority is a two-third majority, other requirements can apply as long as the different interests are taken into account.</i></p>	=	<p>The objectors state in DAM criterion C1.3 through C1.10 that as ‘the standard setting did not comprise the relevant interested groups and was dominated by the economic interest’.</p> <p>According to the Objectors this should lead to the failure of all criteria under DAM Principle 1.</p> <p>TPAC replies that that principle 1 has 10 separate criteria which all should be assessed separately and exclusively. See also TPAC’s response under C 1.2.</p>
C3.1	<p><i>The decision-making and advisory bodies comprise the relevant interested groups without undue dominance of one interest.</i></p> <p><i>Guidance: In case certain interest groups are not represented, TPAC will examine the reason why this is the case. In addition, it will be examined whether the interest is represented through other means. If TPAC holds the opinion that given interests are unjustifiably absent, this will be taken into account in the assessment of the criterion.</i></p>	≈	<p>The Objectors state that PEFC decision making bodies do not comprise the relevant interested groups that serve the economic, social and environmental interests.</p> <p>TPAC replies that indeed in general the social and environmental interests are weakly represented in PEFC decision making bodies. TPAC however also notes that interested groups often voluntarily choose not to participate in the PEFC decision making bodies in spite of being invited. This may also be caused by the fact that FSC International does not allow its Board members to also participate in the decision making bodies of another certification system. TPAC concludes that the weak representation of the social and environmental interests in the PEFC decision making bodies can only be partially attributed to PEFC.</p> <p>Taking all of the above into account, TPAC has awarded the criterion the score ‘partially addressed’. TPAC sees no ground to revise this score.</p>
C3.2	<p><i>Decisions of decision-making and advisory bodies are made, if possible, by consensus. If consensus is not reached, majority voting applies.</i></p>	≈	<p>The Objectors state that as consensus is not required, the economic interest can dominate the decision making process.</p> <p>TPAC replies that indeed PEFC does not explicitly require consensus and that for this reason the criterion is awarded the score ‘partially addressed’ and the related Principle 3 is awarded the score of ‘1’ instead of ‘2’. It should be noted that on national level consensus is in most cases is required.</p> <p>TPAC concludes that there are no grounds for revising the score ‘partially addressed’.</p>
C4.3	<p><i>In case of group or regional certification an adequate sample of group members must be audited.</i></p>	=	<p>The Objectors inform TPAC about the IAF document for “Certification of multiple sites based on sampling”. They underline the importance of an adequate sample in the certification procedure.</p> <p>TPAC thanks the objectors for sharing the IAF Mandatory Document (IAF MD 1:2007). TPAC has been informed by the IAF that the document is mandatory for all certification bodies accredited by an IAF accreditation body. Compliance with the IAF document is guaranteed as</p>

			<p>PEFC requires that: "<i>Certification bodies (...) shall be accredited by a national accreditation body. (...) Accreditation bodies shall be a part of the International Accreditation Forum (IAF) umbrella and implement procedures described in ISO/IEC 17011:2004 and other documents recognised by the above organisation.</i>" (A6 5).</p> <p>TPAC concludes that there are no grounds for revising the score 'fully addressed'.</p>
C4.4	<p><i>The certification agency makes the following items public in addition to the requirements in ISO 17021 and ISO Guide 65:</i></p> <ol style="list-style-type: none"> <i>1. summaries of assessment reports</i> <i>2. list of the granted certificates</i> 	=	<p>The Objectors state that</p> <ol style="list-style-type: none"> i. Summaries of the audit reports must be available through the internet or similar; ii. PEFC summary reports are not detailed enough especially they, lack CARs. <p>TPAC agrees with the Objectors that summaries of audit reports are preferably made available online. Also TPAC agrees that CARs are preferably included in the summary reports. However, both issues are not specified in the TPAS criterion 4.4 and therefore PEFC fully addresses this criterion. TPAC commits however to address the issues during the next revision process of the Dutch Procurement Criteria. In addition, TPAC will discuss the issues with PEFC International.</p> <p>TPAC concludes that there is currently no ground to revise the score "fully addressed".</p>

General

Summary objectors comments and Response TPAC

The Objectors state that stakeholders are not involved after a system is approved.

TPAC replies that it will involve stakeholders as much as possible, also after a system is approved. The TPAC User Manual for example provides the opportunity for stakeholders to report irregularities concerning a specific certification system. TPAC will then investigate these irregularities and will - if necessary - reach out to stakeholders to acquire additional information. A separate assessment of the certification system, including a stakeholder forum, can also be considered.

The Objectors claim that TPAC agrees with the Objectors stand point that PEFC International does not guarantee compliance of all underlying systems with the TPAS criteria.

TPAC underlines that it has thoroughly assessed PEFC International including all PEFC procedures and documents that PEFC uses to verify whether national systems meet the PEFC meta-standard. As substantiation, the Committee also assessed the national PEFC systems which are relevant for the Dutch market: Finland, Sweden, Germany, Belgium and Austria. All of these were found to conform to the Dutch Procurement criteria. Based on this thorough assessment, TPAC concludes that indeed PEFC International provides the guarantee that national systems comply with the TPAS criteria.

The Objectors state that the TPAS criteria are sometimes vague and that TPAC should profit from experiences of other assessments such as those performed by CPET.

TPAC agrees that the Dutch Procurement Criteria are to be periodically revised and improved. The TPAC User Manual provides for such a periodical revision. The experiences of CPET and other international organisations will certainly be included in this revision process.