

# Outcome of TPAC's stakeholder forum on PEFC-Germany

Public report  
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## Background

This document deals with the reactions of stakeholders on the functioning of PEFC-Germany in practice, posted on the online stakeholder forum which took place from June 24 until July 24, 2008. This forum is an essential element of the assessment procedure of the Dutch *Timber Procurement Assessment Committee* (TPAC). TPAC is commissioned by the Dutch Ministry of Environment to assess whether forest certification systems meet the *Dutch Procurement Criteria for Timber*. The internet stakeholder forum provides a platform for the stakeholders to comment on the practice of the certification systems.

The final assessment of the system is based on desk studies of all relevant documentation of the PEFC-Germany standard, additional information provided by the system manager of PEFC-Germany and posts on the internet stakeholder forum. For the complete assessment of PEFC Germany by TPAC, see the '*Public Report: Final Assessment of PEFC-Germany*'

([http://www.tpac.smk.nl/webadmin/Final%20assessment%20PEFC%20Germany%20111108\(1\).pdf](http://www.tpac.smk.nl/webadmin/Final%20assessment%20PEFC%20Germany%20111108(1).pdf)).

## The Stakeholder Forum on PEFC-Germany

In total, TPAC has received seven posts on the stakeholder forum of PEFC Germany. Five reactions relate to the following four principles on Sustainable Forest Management (SFM): Principle 1, on Legislation and Regulation, Principle 2, on Interest of stakeholders, Principle 5, on Regulation functions and Principle 8, on Management system. Two reactions refer to the Development, Application and Management of Certification (DAM): Principle 3, on decision-making bodies and objection and appeal procedures and Principle 4, on Management group or regional association.

## Outline

The document is structured as follows. Per criterion first, the post on the stakeholder forum itself and a short summary of the post are given. Thereafter, the related criterion and the preliminary assessment are stated. When provided, the reaction of the system manager regarding the forum post is given. Thereafter, TPAC indicates how the post relates to the final assessment of TPAC. This is concluded with the consequences for the given criterion. Finally, per principle the final score is given, together with the – possibly adapted – scores for the relevant criteria. Note: Box1 indicates the meaning of the scores used.

Box1: The tables below depict the possible scores for criteria and principles.

Scores for Criteria	
=	Fully addressed
≈	Partially addressed
≠	Inadequately addressed
n.r.	Not relevant
c.o.	Covered otherwise in legal and social context

Scores for Principles	
2	Fully addressed
1	Partially addressed
0	Inadequately addressed
n.r.	Not relevant

## Remarks made on Principle 1 (SFM): Legislation and regulation

### **P 1. Legislation and regulation**

Author: Dr. Uwe Sayer, FSC working group Germany

Posted: 7/2/2008 10:12:24 AM

#### **Legal use rights of forests**

The procurement requirements demand in C1.1 that the forest manager holds legal use rights to the forest. PEFC-Germany is accredited in regions. The certificate is handed over to regional associations which do NOT have legal rights to the forest nor have ownership. Once a certificate is issued to a region (depending on a regional sustainability report) forest owners can join by subscribing a self-declaration that they will follow PEFC-Germany regulations.

Summary: Regional associations which receive the certificate do not have legal use rights or ownership.

Criterion C 1.1 (SFM)

Preliminary score: Fully addressed

Response PEFC G.: None

Comment of TPAC: The intention of this criterion is to ensure that timber is produced by entities that have legal access to forest resources. Although the association which holds the certificate may not in itself have legal use rights or ownership, the forest managers do.

Consequence for the assessment by TPAC:  
None

#### **Final score of SFM principle 1 (including C 1.1):**

<b>Legislation and regulation</b>	<b>P 1. Relevant international, national, and regional/local legislation and regulations shall be respected. To that end the system requires that:</b>	<b>2</b>
Requirements of forest manager	C 1.1. The forest manager holds legal use rights to the forest.	=

## Remarks made on Principle 2 (SFM): Interests of stakeholders

### **P 2. Interests of stakeholders**

Author: Dr. Uwe Sayer, FSC working group Germany

Posted: 7/2/2008 10:22:00 AM

#### **Public availability**

Dutch procurement requirements demand under C 2.4: 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. In PEFC Germany regions are certified. In PEFC-Databases (<http://register.pefc.cz/search1.asp>) Germany holds 13 PEFC-certificates. These certificates do not have any legal ownership of forests nor do they have management plans for forests. Forests owner participate on a voluntary basis with a self-declaration. The participating forest owners are publicly not known nor identifiable by public PEFC-databases. Researches on management-plans of participating forest owners are not researchable, identifiable and in many cases it is likely that they do not exist (for example in many cases of very small forest owners).

#### **Attachments:**

[/files/discussion/discussions\\_articles/1/174/20080702173520489\\_AppendixIII\\_190105.doc](/files/discussion/discussions_articles/1/174/20080702173520489_AppendixIII_190105.doc)

Summary: Management plans of participating forest owners do not exist or are not publicly available.

Criterion: C 2.4 (SFM)

Preliminary score: Inadequately addressed

Response PEFC G.: None

Comment of TPAC: TPAC is aware of this limitation in the PEFC Germany system. This forum reaction underlines the assessment of TPAC, which states that this criterion is inadequately addressed by PEFC Germany.

Consequence for the assessment by TPAC:  
None

#### **Final score of SFM principle 2 (including C 2.4):**

<b>Interests of stakeholders</b>	<b>P 2. The interests of directly and indirectly involved stakeholders shall be taken into account. To that end the system requires that:</b>	<b>1</b>
Public availability	C 2.4. 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.	≠

## Remarks made on Principle 5 (SFM): Regulations functions

### **P5 Regulation functions (redirected from P4, Biodiversity)**

Author: not disclosed

Posted: 7/2/2008 10:22:00 AM

#### **Use of pesticides**

Under C 5.7. of the Dutch procurement regulations the use of chemicals is only permitted if maximum use of ecological processes and sustainable alternatives proves insufficient. It is unclear in this context what is meant by insufficient. PEFC Germany allows, if there are grave dangers, to use pesticides under the control of an expert, which can be the manager himself. Wood piles at the forest road can be protected with pesticides without a written expert opinion (see document under 2.2). It is difficult to decide if pesticide use on wood pile is something that should be allowed under the scope of "maximum use of ecological processes and sustainable alternatives proves insufficient". PEFC Germany itself clarified some years ago in a press release, that pesticides are forbidden, but the use on wood piles is explicitly allowed.

Summary: PEFC Germany allows the use of pesticides on wood piles without a written expert opinion per case. It is unclear whether this is in compliance with C 5.7.

Criterion C 5.7 (SFM)

Preliminary score: Fully addressed

Response PEFC G.: None

Comment of TPAC: TPAC is aware that criterion 5.7 leaves room for interpretation. The attachment included by the writer contains attachment III of the PEFC standards for Germany which was also used by TPAC to base its assessment upon (see the table above under 'comparison'). The document states that pesticides are only used when alternatives are not sufficient and that a written opinion by an expert is needed before the use of pesticides is allowed. This written opinion is not necessary for wood piles, however, it is stated in the document that also in the case of wood piles other protective measures shall have priority. Based on this information TPAC concludes that criterion 5.7 is sufficiently addressed.

Consequence for the TPAC assessment:  
None

#### **Final score of SFM principle 5 (including C 5.7):**

<b>Regulation functions</b>	<b>P 5. The regulation function and quality, health, and vitality of the forest shall be maintained and where possible enhanced. To that end the system requires that:</b>	<b>2</b>
Chemicals	C 5.7. 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.	=

## Remarks made on Principle 8 (SFM): Management system

### P 8. Management system

Author: Not disclosed

Posted: 7/2/2008 5:44:20 PM

#### Requirement of management systems in absence of ownership

The Dutch procurement requirements demand a management system with various elements (management plan, maps, monitoring,...). As said on P1, PEFC-certificates in Germany are issued on regions without legal ownership of forests. Participating forests owners (on the basis of a voluntary commitment) are not identifiable. Thus it is unclear if management plans and related documents are existing in all participating forest enterprises.

Summary: Management plans, maps and monitoring plans for individual forest management units (FMUs) are not publicly available; hence it is unclear whether these plans exist.

Criterion C 8.2 – C 8.3 – C 8.4 (SFM)

Preliminary score: Partially addressed - partially addressed - inadequately addressed

Response PEFC G.: None

Comment of TPAC: The concerns raised related to the public availability of management plans, maps and monitoring plans is assessed under criterion 2.4 (see p3 of this document). Concerning the content of the management plans, etc., the PEFC documentation and criteria show that forest management plans and maps are required, but not up to the level formulated in the Dutch Procurement Criteria for Timber. Therefore criteria 8.2 and 8.3 are assessed as partially addressed ( $\approx$ ). Criterion 8.4 on monitoring is assessed as inadequately addressed ( $\neq$ ).

Consequence for the TPAC assessment:  
None

**Final score of SFM principle 8** (including C 8.2, C 8.3 and C 8.4):

Management system	P 8. Sustainable forest management shall be realised through a management system. To that end the system requires that:	1
Forest management plan	C 8.2. There is a forest management plan, consisting of, or dealing with at least: a. a description of the current condition of the forest management unit b. long-term objectives c. the average annually allowable cut per forest type, and, if relevant, the annual allowable exploitation of non-timber forest products, based on reliable and current data d. budget for the implementation of the forest management plan	$\approx$
Maps	C 8.3. Essential elements for forest management are indicated on maps.	$\approx$
Monitoring	C 8.4. The implementation of the forest management plan and the ecological, social, and economic effects of forest management on the FMU and its surroundings are monitored periodically on the basis of adequate data.	$\neq$

## Remarks made on Principle 3 (DAM): Decision-making bodies and objection and appeal procedures

### **P 3. Decision-making bodies and objection and appeal procedures**

Author: Not disclosed

Posted: 7/2/2008 5:58:18 PM

#### **Decision making**

C 3.1. The decision-making and advisory bodies comprise the relevant interested groups without undue dominance of one interest. The decision making body of PEFC Germany is the board (DFZR) which has 20 seats. 10 seats are reserved for forest owners, which shows that Forest owners have - by statutes - always a veto-right on any decision and will have always a majority in conflicting decisions (see C1.3 standard development). The remaining 10 seats are shared between timber trade (3), trade unions (2), environmental groups (2), contractors (1) and others (1). Details on composition see website of PEFC Germany or statutes in English attached (AppendixV\_050705.DOC).

Summary: Different stakeholders are not without undue dominance represented as half of the representatives in the Board of PEFC Germany are forest owners.

Criterion C 3.1 (DAM)

Preliminary score: Partially addressed

Response PEFC G.: None

Comment of TPAC: The information in this forum reaction corresponds with findings of TPAC.

Consequence for the TPAC assessment:  
None

#### **Final score of DAM principle 3 (including C 3.1):**

<b>Decision-making bodies and objection and appeal procedures</b>	<b>P 3. Decision-making bodies shall reflect the interests of stakeholders and shall provide for adequate procedures for objection and appeal regarding the decisions made and the functioning of the decision-making bodies. To that end the system requires that:</b>	<b>1</b>
Composition	C 3.1. The decision-making and advisory bodies comprise the relevant interested groups without undue dominance of one interest.	≈

## Remarks made on Principle 4 (DAM): Management group or regional association

### **P 9. Management group or regional association (redirected to DAM P4, C 4.3)**

Author: Not disclosed

Posted: 7/2/2008 5:47:50 PM

#### **Regional approach and sampling methods**

PEFC-Germany is based on a sampling system where 5-10% of the participating forest owners are assessed each year. Once a problem is identified in a sample or in a group of samples, it is addressed to be corrected only in the assessed sample, whereas from a statistical perspective the problem should be addressed on the proportion of the whole area for which the sample is representative. This is not the case in PEFC-Germany so far.

Summary: Monitoring of group certificates is inadequate as measures are only undertaken against owners who are assessed (5-10% of the total each year). This implies that 90-95% of the owners is not assessed and is possibly getting away with non-compliance.

Criterion C 4.3 (DAM)

Original score: Fully addressed

Comment of TPAC: Based on additional information gathered to answer the post, TPAC concluded that in practice the samples size used for auditing is not sufficient. In Appendix IV of the PEFC Germany criteria an example provided indicates that a large part of the forest area is audited with a very low frequency.

Consequence for the assessment by TPAC:  
Criterion 4.3 is altered from fully addressed to partially addressed.

#### **Final score of DAM principle 4 (including C 4.3):**

<b>Certification bodies and procedures</b>	<b>P 4. Certification bodies shall be independent and shall be competent to assess sustainable forest management and the chain of custody system. To that end the system requires that:</b>	<b>1</b>
Procedure for assessment	C 4.3. In case of a group certification an adequate sample of group members must be audited.	≈