



Stakeholder Forum Report

PEFC Austria

Dutch Timber Procurement Assessment Committee
(TPAC)

The Hague, Netherlands

January 18, 2010

Introduction

The underlying document presents the contributions that have been posted on the *TPAC stakeholder forum* on PEFC Austria. The forum is an essential element of the assessment procedure of the Dutch *Timber Procurement Assessment Committee* (TPAC), which assesses timber certification systems on behalf of the Dutch Procurement Policy.

The forum discussion was structured along the lines of the seventeen principles of the Dutch Procurement Criteria for timber (see Box 1). The forum was open for discussion from September 8 until October 5, 2009. TPAC received 23 contributions from one organisation, WWF Netherlands.

Readers guide

The document is structured as follows. First, the related 'TPAS criterion' is listed with the stakeholders comment. If applicable, the reaction of the system manager of PEFC Austria is listed. Thereafter, TPAC gives its response and indicates how the comment relates to the final judgement of PEFC Austria.

For an overview of the Final Judgement of PEFC Austria, please see TPAC's public assessment report on PEFC Austria, which is available on the TPAC website (www.tpac.smk.nl).

Box 1 – The 17 Principles of the Dutch Procurement Criteria for Timber*

Sustainable Forest Management (SFM)

1. Legislation and regulation
2. Interests of stakeholders
3. Health and labour conditions
4. Biodiversity
5. Regulation functions
6. Production function
7. Contribution to local economy
8. Management system
9. Management group or regional association

Chain of Custody and Logo Use (CoC)

1. Chain of Custody system
2. Chain of Custody group certification
3. Logos and Labels

Development, Application and Management of Certification Systems (DAM)

1. Standard development
2. System manager
3. Decision making bodies and appeal procedures
4. Certification bodies and procedures
5. Accreditation

Remarks made on SFM Principle 2 – Interests of stakeholders

Criterion 2.2 **Effective communication with and consultation and participation of stakeholders takes place regarding the management of the forests.**

Comment WWF: This (criterion 2.2) is not required by PEFC Austria. It should be considered that this is an obligation which is directly addressed to the forest owner or forest manager and cannot be fulfilled by the regional entity which holds the certificate.

Question TPAC for PEFC Austria:

What other mechanisms for communication, consultation and participation of stakeholders are prescribed by PEFC Austria besides those within the Regional Committee and the mechanism described in PEFC criterion 6.5?

Answer PEFC Austria: Communication and consultation regarding the management of the forests, besides those within the Regional Committee and described in PEFC criterion 6.5, takes place on multiple levels.

Any stakeholder can consult with and participate within the formal structure of PEFC Austria.

PEFC has a separate budget (see also Statutes / A S), which is to a large extent allocated to public relations and communication in the form of:

- Projects, workshops, roadshows (all made public on the website www.pefc.at)
- Training courses
- Dissemination of information materials (available for download also on the website <http://www.pefc.at/content/downloadcenter/folder.php>)
- Consulting service and technical advice (also available online, e.g. <http://www.pefc.at/content/downloadcenter/leitfaden.php>)
- Press relations (also available online, e.g. http://www.pefc.at/content/aktuelles_presse/pressemitteilungen.php, http://www.pefc.at/content/aktuelles_presse/newsletter.php)

The PEFC Austria guidelines (A Guide 7.5) also specifically express that *"Forestry is very committed to public relations, e.g. by means of forest education and information on forest and sustainable forest management."*

Consultation and participation of stakeholders is provided by PEFC Austria through the various working groups and committees in example on standard setting etc.

This complements other activities such as the Austrian Forest Dialogue, a multi-stakeholder platform that is open to all interested parties and aims at building consensus regarding the Austrian national forest program, including forest management.

Response TPAC: TPAC concludes that:

Effective communication with stakeholders is addressed through criterion 6.5 of PEFC Austria. Consultation and participation is only addressed within the structure of the regional working group, stakeholders that for some reason can not, or will not participate in the working group are therefore not involved. In addition PEFC Austria

covers the criterion only at the regional level and not at the level of the forest management area.

Final score: Partially addressed.

Criterion 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.**

Comment WWF: PEFC Austria does not have a requirement related to this criterion.

Response TPAC: TPAC is informed that the Forest Development Plan (FDP), Hazard Zone Plan (HZP) and Forest Plan (FP) are the most important planning instruments of forest land use planning, and they are publicly available. In addition the Austrian Forest Inventory contains publicly available information concerning forest management. Because not all information is public available this criterion is assessed as 'partially addressed'.

Final Score: Partially addressed.

Criterion 2.5 **Adequate mechanisms are in place for resolving disputes regarding forest management, property/usage rights, work conditions, or social services.**

Comment WWF: PEFC Austria does not require in its SFM standard that owners or managers have dispute resolution procedures.

Question TPAC for PEFC Austria:

Please indicate whether the assumption is correct that disputes regarding property rights and social issues are covered by Austrian legislation.

Answer PEFC Austria: Disputes regarding property rights and social issues are covered by the Austrian legislation.

Property rights are mainly set in the Austrian Constitution.

There is a comprehensive amplitude of rules in the Austrian legislation regarding social issues, amongst others (in German):

- Arbeitsverfassungsgesetz,
- Angestelltengesetz,
- Allgemeines Bürgerliches Gesetzbuch,
- Arbeiterkammergesetz,
- Mutterschutzgesetz ,
- Väterkarenzgesetz,
- Arbeitszeitgesetz,
- Urlaubsgesetz,
- ArbeitnehmerInnenschutzgesetz,
- Gleichbehandlungsgesetz,
- and many more.

Response TPAC: Please note that TPAS does not require that each forest manager has a dispute resolution procedure. The dispute resolution procedure of the PEFC Austria regional Committee is therefore adequate. Disputes regarding property rights and social issues are covered by Austrian legislation as indicated by the reaction of PEFC Austria.

Final score: Fully addressed.

Criterion C 2.6. Objects of cultural and traditional economic value are identified and inventoried in consultation with the stakeholders and are respected.

Comment WWF: The standard of PEFC Austria does require that such sites are respected. However, this is not based on consultation with stakeholders and is limited to sites and trees and not to such objects in general.

Question TPAC for PEFC Austria:

The system manager is kindly requested to describe the procedures for identifying the sites with "recognised specific historical ... significance", and how these procedures are implemented.

Answer PEFC Austria: In addition to the PEFC criterion, objects of cultural and traditional value are protected by the Denkmalschutzgesetz (national heritage law). The law makes specific provisions for stakeholders consultation in § 26.

Response TPAC: The consultation of stakeholders in this context is addressed by Austrian legislation. This, in combination with the requirements of PEFC Austria, adequately addresses the TPAS criterion.

Final score: Fully addressed.

Remarks made on Principle 4. Biodiversity

Criterion 4.1 – Objects of high ecological value and representative areas of forest types that occur within the forest management unit are identified, inventoried and protected.

Comment WWF: The SFM standard of PEFC Austria does not require that 5% of the area has to be protected.

Question TPAC for PEFC Austria:

Could you indicate what percentage of PEFC certified forests is protected in Austria?

Answer PEFC Austria: Based on available information, it is estimated that minimum 20% of PEFC certified forests is protected in Austria.

Response TPAC: The observation of WWF on the standard of PEFC Austria is correct. However, it should be noted that the 5% that is mentioned in the TPAS criteria is a *Guidance*, not a strict requirement. In addition, TPAC is informed by PEFC Austria that "a minimum of 20% of PEFC certified forests is protected in Austria".

Final score: Fully addressed.

Criterion 4.6 – 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 with monitoring commercial exploitation.

Comment WWF: PEFC Austria does not require that knowledge of stakeholders is considered for monitoring the use of these resources.

Response TPAC: The analysis of WWF is correct; the standard of PEFC Austria does not specifically require that knowledge of stakeholders is considered for *monitoring* the use of non-timber forest products. However, PEFC Austria does require that exploitation of these resources is regulated, monitored and controlled. In addition, TPAC is informed that in practice, whenever relevant, knowledge of local people is taken into account.

Final score: Fully addressed.

Remarks made on Principle 5. Regulation functions

Criterion 5.1 – The soil quality of the forest management unit is maintained and, where necessary, improved, whereby special attention is given to shores, erosion-prone parts, and slopes.

Comment WWF: PEFC Austria does not include special safeguards for shores, riverbanks and slopes. Maximum altitude and maximum gradient are not defined.

Response PEFC Austria: Soil protection is inter alia covered especially by the guideline chapters 3.1, 3.3.3 and 6.1. Chapter 6.1 uses the term "protection forest". This term is a technical term, defined by the Austria Forest Law §21. Protection forests include shores, riverbanks, erosion-prone parts and slopes.

Response TPAC: WWF is correct in the observation that the standard of PEFC Austria does not specifically mention shores, riverbanks and slopes these are however included in the technical term "protection forest" defined by the Austria Forest Law.

Final score: Fully addressed.

Criterion 5.2 – The water balance and quality of both groundwater and surface water in the forest management unit, as well as downstream (outside of the forest management unit), are at least maintained and, where necessary, improved.

Comment WWF: The standard does not require consideration of downstream impacts of FM.

Response TPAC: Although not specifically mentioned, TPAC considers the downstream impact of forest management to be covered by the following PEFC Austria criteria (C&I Austria, §1.1 and 5.2):

§1.1 Forest management planning should aim to maintain or to increase forest and other wooded areas to an extent adapted to the region, and to maintain and enhance the quality of the economic, ecological, cultural and social values of forest resources, including soil and water.

§5.2 Forest management should aim to maintain and enhance welfare functions of forests for society particularly in those areas which fulfil a special water protection function (protection of water resources).

Final score: Fully addressed.

Remarks made on Principle 7. Local economy

Criterion 7.2 –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.

Comment WWF: The requirement is not covered by the Austrian PEFC standard.

Response TPAC: Please note that the TPAS criterion requires that: "insofar as not provided for otherwise, a contribution is made to the development of local infrastructure". Within the Austrian context, the infrastructure is provided by the state.

Final score: Not relevant.

Remarks made on Principle 8. Management aspects

Criterion 8.3 - Items that are essential for forest management are indicated on maps.

Comment WWF: The standard does not have provisions for this criterion (*SFM C8.3*).

Response TPAC: The PEFC Austria requires that items essential for forest management are indicated on maps, see *C&I Austria, criterion 3.4*
The forest management system should embrace a regionally adapted survey of the situation, which is as detailed as possible, as well as mapping (...)
In detail, the management system includes following fields:
- Detailed inventory and mapping, adapted to holding size and situation, of forest resources are to be established and maintained.

Final score: Fully addressed.

Criterion 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.

Comment WWF: As planning covers the whole region, monitoring of the impacts of forest management on individual FMUs and their surroundings is not required by the Austrian PEFC standard.

Question TPAC for PEFC Austria:

The system manager is kindly requested to indicate whether monitoring takes place at the level of the FMU and whether this monitoring involves the social, economic and ecological effects of forest management on the FMU and its surroundings.

Answer PEFC Austria: The monitoring of social, economic and ecological effects of forest management is done by means of the Sustainability Reports and the annually internal and external audits (surveillance audits and every 5 years re-audits) at regional and FMU level.

By the Sustainability Reports each of the criteria and indicators for sustainable forestry management (Appendix 1 / A SFM) is monitored and analysed periodically on the basis of defined data, as described in the PEFC Austria System Description (A SD):

"A sustainability report is to be drawn up on the basis of the "criteria and indicators for sustainable forestry management" for the regional level (Appendix 1), and it is to adhere to the organizational structure therein. The sustainability report for the region (regional report) is based on the existing data material, such as that of the inventory results (Austrian Forest Inventory), published results of surveys, and various further forestry planning instruments and data bases, as well as those of other fields. It should convey an image of sustainable forest management in the region, and formulate goals for continual improvement."

Consequence: Based on the Sustainability Report that was studied, the Committee concludes that that the scale of monitoring is adequate. The criterion is however partially addressed as social, economic and ecological effects of forest management are not specifically mentioned.

Final score: Partially addressed.

Criterion 8.5 – Forest management is based on scientific research and, if needed, information on comparable forests types.

Comment WWF: This is not explicitly required by the Austrian PEFC standard.

Response TPAC: Although PEFC Austria does not specifically require scientific research, TPAC considers it to be implied based on the following requirements:

The catalogue of criteria and indicators for SFM assessment has been elaborated in three steps:

- a. Analysis of legal regulations on SFM in Austria*
- b. Analysis of existing catalogues of criteria and indicators for SFM and elaboration of criteria and indicators for SFM in Austria*
- c. Analysis of existing official forest-related sources*
(...)

7.3 Professional Education, Research

- Forest organs are appropriately qualified and guarantee a professional implementation of the objectives of sustainable forest management according to PEFC.*
- (...)*

Forest holdings hire appropriately qualified people with special education and training in forestry (graduates in forestry, foresters, forest wardens) for forest management planning and controlling according to the Austrian Forest Law.

Final score: Fully Addressed.

Remarks made on Principle 9. Management group or regional association

Criterion 9.1 – Group or regional association is under the leadership and supervision of an independent legal entity.

- Comment WWF: The regional working groups are established under the umbrella of 'Landwirtschaftskammern' which are the regional representatives of the owners of agricultural and forest land. The working group itself is therefore not a legal entity and is not independent from the overall management of the 'Kammern'. The overall legal set-up is not fully clear but doubts remain as to the conformity of the Austrian system with this criterion (see: *PEFC Austria, June 2006: Systembeschreibung des Zertifizierungssystems nach PEFC in Österreich*, clause 3.1).
- Response TPAC: PEFC Austria documentation reads: *SD 3.1 Regional Committee (...) This regional committee is a working group of the Chamber of Agriculture, which thus makes it a legal entity.* This has been reaffirmed by PEFC Austria, TPAC therefor concludes that PEFC Austria meets this criterion.
- Final score: Fully addressed.

Criterion 9.2 – The management system of a group or regional association offers sufficient guarantee to fulfil criterion 9.3.

- Comment WWF: This cannot be evaluated on the basis of available information.
- Remark by TPAC: It is not clear to the committee what exactly is meant by the remark "this cannot be evaluated on the basis of available information." However, the remark gave cause to re-study the PEFC Austria procedures for system stability. The third bullet "Effort is made to achieve the targets formulated in the sustainability report" gave cause to the following question:
- Question TPAC for PEFC Austria:
Does the requirement "effort is made (...)" imply that the procedures for system stability can only guarantee that efforts are made by participants and not that they actually reach the targets formulated in the Sustainability Report?
- Answer PEFC Austria: The Question is caused by an imprecise translation from the original German text into English, which lets the translated version appear weaker and less strict than the original. A better translation would be:
- *the targets formulated in the sustainability report are achieved and...*
- Response TPAC: The standard of PEFC Austria holds enough guarantees to address criterion (see *Austrian Forest Certification Scheme System Description, June 2006. §3.1.4 Procedure for System Stability*)
- Final score: Fully addressed.

Criterion 9.3 - A group or regional association complies with the requirements set by the SFM standard of the certification system. In addition, each member of a group or regional association complies with these requirements, inasmuch as they apply to its operations.

Note: TPAC considers the comments of WWF on SFM Criteria 8.1 and 8.2 to be relevant for SFM C9.3

Comments WWF: SFM C 8.1: PEFC Austria does not require management planning at the level of individual forest management units. The chapter on 'planning' in the Austrian standard includes the overall development of the forest in the whole region which is under the regional certificate. The goals for this development are set by the regional entity which does not own or manage forest areas and thus does not have the authority to implement measures in the forest.

SFM C8.2 As only regional plans are required these aspects (*of a forests management plan*) are not dealt with in the standard at the level of individual forest management units.

Response TPAC: Please note that group certification usually implies that the entity holding the certificate does not own or manage the, usually large number of, forest holdings. This in itself is not hampering sustainable forest management as long as the certification system has sufficient guarantees that the requirements of SFM are met on the ground. To the opinion of TPAC, PEFC Austria has such guarantees.

Final score: Fully addressed.

Remarks made on CoC Principle 2. Chain of Custody group certification

Criterion 2.1 – A group has a juridical entity, which is responsible for the group as a whole.

Comment WWF: It should be considered that at the level of forest management the regional working group also serves as the 'group manager' for chain of custody as forest operations are the first part of the chain. Therefore the same analysis applies as for the role of the regional working group in FM (see above 9.1 and 9.2)

Response TPAC: As the Regional Committee is a legal entity, this criterion is met.

Final Score: Fully addressed.

Criterion 2.2 – The group has a management system that provides sufficient guarantees that C 2.3 will be met.

Comment WWF: See above, it is doubtful that this is really the case for the regional working groups which are responsible for CoC to be applied by forest management. This aspect of the Austrian system should therefore be closely evaluated by the TPAC.

Response TPAC: TPAC holds the opinion that the requirements of PEFC Austria provide sufficient guarantee that the criterion is met. Especially the following tasks of the Regional Committee are relevant in this context:

- drafting and implementing the regulations for system stability;
- acceptance or disqualification of participants in the regional certification and making relevant information available to the certification body;
- conducting internal controlling of the participating forest owners.

Final score: Fully addressed.

Remarks made on DAM Principle 1. Standard Development and Application

Criterion 1.2 – The standard development body comprises the relevant interested groups that serve the economic, social and environmental interests without undue dominance of one interest.

Comment WWF: Responsibility for the standard development is with PEFC Austria. Membership in the decision making entity includes one trade union and one environmental NGO. The other 6 members of this committee represent economic interests what can be considered undue dominance.

Question for PEFC Austria:

The system manager is kindly requested to indicate which organisations the members of the standard setting working group represent.

Answer PEFC Austria: As decision-making must be unanimous, there cannot be any undue dominance of one interest. This means that no member can be outvoted.

The members of the standard setting working group represent economic, social and environmental interests.

The current members of the standard setting working group are nominees of the following stakeholders:

- Umweltdachverband (environmental umbrella association, representing 38 member organisations and overall 1.3 Million Members in Austria!)
- Gewerkschaft Metall, Textil, Nahrung (Union, responsible for the forestry sector)
- Landwirtschaftskammer Österreich (Austrian Chamber of Agriculture)
- Waldverband Österreich (Austrian Forest Owner Cooperative)
- Österreichischer Forstverein (Austrian Forestry Society)
- Land & Forst Betriebe Österreich (Association of Austrian Land and Forest Owners)
- Fachverband der Holzindustrie (Association of the Austrian timber industries)
- Austropapier (Association of the Austrian paper industry)
- Bundesgremium des Holz- und Baustoffhandels (Association of the Austrian Timber Trade)
- Verband Druck- und Medientechnik (Association of Printers)

Numerous organizations have been invited to participate in the working group, including WWF Austria. Unfortunately, WWF Austria did not respond, and PEFC Austria would like to express its disappointment that WWF Austria actively chose to disassociate itself from the process and then WWF comments negatively on the system.

We, as all other national PEFC systems and PEFC International, welcome WWF and all other interested NGO to participate in the process.

Response TPAC: TPAC notes that in practice only one NGO participates in the standard setting body as well as one trade union. There are seven organisations representing forest owners and industry. For this reason TPAC concludes that undue dominance is not ruled out even though decisions are made by unanimous voting.

Final score: Partially addressed.

Remarks made on DAM Principle 4. Certification Bodies and Certification Procedures

Criterion 4.1 – The certification bodies are accredited on the basis of the requirements and guidelines in ISO 17021¹ 'Conformity Assessment - Requirements for Bodies Providing Audit and Certification of Management Systems' and/or ISO Guide 65 (EN 45011) 'General Requirements for Bodies Operating Product Certification Systems' and preferably on the basis of specific supplemental requirements for performance of conformity assessments according to the standards for sustainable forest management and the chain of custody.

Comment WWF: There is only one certification body listed as notified on the website of PEFC Austria. This body is accredited by the German accreditation body DAP. However, it is doubtful if DAP carries out accreditation against the requirements of the Austrian PEFC system. The certification body is not listed in the public directory on the DAP website and no procedures are available from the DAP website for assessment of certification bodies against the Austrian PEFC standard.

Accreditation procedures of DAP for the German PEFC system cover the work of the regional entities but do not encompass the accreditation for the forest management standard of PEFC Germany. If the same applies to the Austrian system accreditation does not cover the certification of forest management.

Questions for PEFC Austria:

The system manager is kindly requested to comment on the forum post:

- Is it correct that the only Certification Body which is relevant for PEFC Austria has been accredited by the German DAP?
- Does DAP carry out the accreditation of the Austrian CB as requested by TPAS criterion 4.1?
- Does the accreditation cover the certification of the Austrian forest management standard?

Answer PEFC Austria:

- It is not correct that there is only one Certification Body which is relevant for PEFC Austria. There are 11 certification bodies currently notified by PEFC Austria. They are accredited by different accreditation bodies. The list of certification bodies can be checked on the PEFC Austria website:

http://www.pefc.at/content/unternehmen_betriebe/zertifizierungsgesellschaften.php

The SGS-ICS is accredited by the DAP against the requirements of the Austrian PEFC Forest Management System.

- DAP carries out the accreditation of the Austrian CB as requested by TPAS criterion 4.1.
- The accreditation does cover the certification of the Austrian forest management standard.

A copy of the accreditation certificate will be sent attached to this document. The Accreditation number is DAP-ZE-3682.00 (*TPAC is in possession of this document, for more information contact TPAC (see www.tpac.smk.nl for contact details)*).

¹ ISO 17021 has replaced ISO Guide 62 (EN 45012) and ISO Guide 66. A transition period applies. ISO Guide 62 (EN 45012) and ISO Guide 66 may be used until September 2008.

PEFC requires CBs get to obtain accreditation from independent accreditation bodies. This ensures complete independence - different from FSC, which awards the accreditation to the CBs itself.

Response TPAC: The fact that accreditation of Austrian CBs is carried out by the German based DAP is no limitation for the effective accreditation of CBs. The certification under PEFC Austria meets the requirements of TPAC DAM criterion 4.1.

Final score: Fully addressed.

Criterion 4.2 – The certification contains an assessment of system documents, site visits, and sufficient consultation of external stakeholders.

Comment WWF: Certification procedures do not include the requirement to consult with stakeholders.

Response TPAC: The comment of WWF is in line with the TPAC assessment. Because the manual for on site audits of PEFC Austria does not require the consultation of external stakeholders, TPAC considers this criterion to be partially addressed.

Consequence: Partially addressed.

Criterion 4.3 – In case of group or regional certification an adequate sample of group members must be audited.

Comment WWF: The assessment procedures are not available from the PEFC Austria website. In general, the IAF guidance for the sampling of multi-site operations is not fully respected in regional certification under the PEFC system.

Response TPAC: Both IAF and PEFC Austria refer to ISO Guide 65. This ISO guide is written in rather general terms and therefore provides not much guidance for the description of sampling methods. The PEFC Austria sampling method requires that between 5 and 7% of the certified area is subject to an external audit each year (see *Austrian Forest Certification Scheme System Description, June 2006. 3.1.6 Internal Controlling and Management Evaluation*).

Final score: Fully addressed.

Criterion 4.4 – The certification agency makes the following items public in addition to the requirements in ISO 17021 and ISO Guide 65:

a. Summaries of assessment reports.

b. A list of the granted certificates.

Comment WWF: Certification bodies are not required in the Austrian PEFC system to make summary reports publicly available.

Response TPAC: The statement of WWF is correct. In practice the summary reports are available to the public, though not on the website.

Final score: Fully addressed.