



Stakeholder Forum Report

FSC International

Dutch Timber Procurement Assessment Committee
(TPAC)

March 2022

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1. Introduction

The Dutch Timber Procurement Assessment Committee (TPAC) assesses forest certification systems for the timber procurement policy of the Dutch government. In 2021 TPAC started the reassessment of FSC International against the Dutch Procurement Criteria. The procedure is now concluded with a positive judgement. A full overview of the scoring of TPACs final judgement of FSC International, can be found on www.tpac.smk.nl.

The stakeholder forum is an essential element of the TPAC assessment procedure.¹ On this forum TPAC collects information from stakeholders on how a certification system functions in practice. The underlying document presents the contributions that have been posted on the TPAC stakeholder forum on FSC International. The forum was open for discussion from July 12th until September 6th, 2021.

¹ <http://www.tpac.smk.nl/168/about/assessment-procedure.html>
TPAC Stakeholder Forum Report on FSC International – March 2022

2. Summary of stakeholder input and reaction TPAC

Two parties provided comments. Each are summarized in this chapter. TPAC has reviewed all the comments in detail. Details can be found in the next chapter.

The first party addressed *several elements of the Project Certification Standard of FSC*. The approach of the project certification and terminology is different from the other standard for chain of custody certification. TPAC studied the comments in detail, and came to the same conclusion that full compliance could not be observed regarding TPAS Criterion 3.1, which requires that certification claims shall be unambiguous. FSC formulated that full project certification can contain up to 2% non-controlled components, which is ambiguous. Because the project documentation shall contain clear statements if up to 2% non-certified (non-visible) material is included, FSC scored partially addressed (see details below). The overall CoC requirements showed compliance to the TPAS requirements. The next chapter shows the response to all specific concerns expressed.

The second party commented that the *requirements of TPAS could be more specific regarding impact of logging on women*. This comment did not contain concerns on FSC meeting TPAS requirements. Therefore TPAC has not further evaluated this comment in this reassessment process of FSC International. However the observation will be considered in the context of a possible revision of the TPAS requirements.

Concluding, the comments on the stakeholder forum did not result in a change of the assessment. Regarding mentioned topic, the concern was in line with the lower score as given by TPAC.

3. Original stakeholder inputs

3.1. Stakeholder nr.1 on FSC (International)

From: SHR

Reader guide

The table below shows the following:

- TPAS principles **(in bold)**
- The reaction of the stakeholder (plain black text). Note that the comments from SHR were added in the general box, as their content relates to different TPAS criteria.
- Reaction of TPAC **(in blue)**, reviewing the comments and the related FSC requirements. Where relevant, reference to TPAS and FSC requirements are included.

Below the table the conclusion on the stakeholder feedback is summarized.

Chain of Custody (CoC)	
Chain of Custody system	P 1. A Chain of Custody (CoC) must be in place from the forest unit of origin to the final point of sale, which provides a link between the certified material in the product or product line and certified forest units.
See comments below regarding C1.1. and C1.2 and C1.6	
Chain of Custody group	P 2. If Group certification of the CoC is allowed, the standard must require that the group as whole must comply with the same requirements which are posed on
-	
Logos and labels	P 3. Logos and labels that belong to the certification system and occur on products and documents shall have an unambiguous meaning and shall be applied in accordance with the rules established by the certification system.
See comments below regarding C3.1	

General comments
<p>First of all we like to compliment FSC in general for their efforts of protecting forests and stimulating the use of materials from these forest with all the different standards/products they have in the market.</p> <p>We like to address the fact that FSC has several claims and logo's and that these different product within FSC have different sets off requirements. These requirements differ greatly.</p> <p>The market sees FSC as one thanks to the branding of FSC but the market has to understand that not every FSC claim is the same.</p> <p>Newly adapted initiatives like FSC-STD-40-006 V2 (=“FSC voor projectcertificering”) facilitate probably companies at the end of the Chain of Custody. We recognize that this standard offers a new possibility</p>

for companies to be able to make a claim and also be able to use the FSC name but this newly developed standard does not comply with the TPAC requirements.

Firstly we like to remark that this standard and also not the version prior to this one, dated 2006-06-29, was previously assessed by TPAC. This standard was not part of the TPAC assessment of FSC in march 2015 (see last page:”

<https://www.tpac.smk.nl/Public/TPAC%20Assessments%20results/TPACPublicAssessmentReportFSCMAR2015.pdf>). This is therefore a new standard that had to follow the appropriate procedure and should not be part of this reassessment. It is not a reassessment for this specific standard. Please TPAC and FSC follow the correct procedure for this new standard.

→ **Reaction TPAC:**

TPAC has been made aware of this additional standard in the same period the request for the reassessment was given by the Dutch Ministry of Infrastructure and Water Management (I&W). For that reason, the assessment of this standard has been included in this assessment. The procedures for this reassessment are the same as for an initial assessment.

→ Secondly, TPAC has strengthened its procedure on monitoring changes in the standards of approved scheme owners, to further ensure that relevant changes are identified.

Secondly the various reasons why the “FSC voor projectcertificering” does not comply with the requirements;

-In general the Chain of Custody standard FSC-STD-40-004 , the well-known COC standard that complies with the TPAC requirements (was part of the assessment of TPAC march 2015), is NOT part of the normative documents of this “FSC voor projectcertificering” standard. See first of all the table A on page 8 and secondly the explicit sentence on this same page.

Quote: “The standards FSC-STD-40-004 and FSC-STD-40-006 cannot be combined in project certification.”

→ **Reaction TPAC:**

The analysis is correct that the 40-006 standard stands separately from the 40-004 standard. TPAC has considered that the requirements in the 40-004 standard cannot serve as evidence for the evaluation of the 40-006 standards. For this reason, the assessment matrix shows detailed conclusions for the two basic CoC standards (40-004 and 40-006) which exist parallel to each other within FSC.

-The fact that this “FSC voor projectcertificering” does not use the COC standard is also seen in Quote; “1.7 *The Organization shall demonstrate that only eligible materials were procured and used in FSC-certified projects. NOTE: This standard does not prescribe how this requirement should be met, but the information provided to the certification body shall be adequate to enable the verification that only eligible materials were used in projects and the claims made on projects are true and correct. (Red: FSC-STD-40-006 1.7)*”

Firstly this standard does not use the 40-004 and therefore does not lean on all the procedures which are in this standard. It is a standard on its own and there is no clear instruction/procedure described by FSC because it states for instance; “*This standard does not prescribe how this requirements should be met*”. This is not in accordance with the requirement: C1.2.

→ **Reaction TPAC on:** “... *there is no clear instruction/procedure described by FSC.*”

TPAC has assessed that FSC contains sufficient procedures that ensure requirements are met and controlled by certification bodies. See FSC-STD-20-011, which includes for instance :

“2.4 The certification body shall complete an analysis of the organization’s management control required to ensure that all applicable certification requirements are implemented over the full range of chain of custody operations, including the identification and analysis of the critical control points.”

“2.5 The certification body shall evaluate the capacity of the organization to implement its management system consistently and effectively as described. (...)

“2.6 The certification body shall evaluate each operational site within the scope of the evaluation (including a sample of participating sites of group and multisite certificates and non-FSC-certified project members in the case of project certificates) in order to make direct, factual observations to verify the organization’s conformance to all applicable certification requirements. The evaluation shall include: (...)

g) purchasing and sales documentation of any materials or products related to FSC certification (e.g. invoices, bills, transport documents, sales contracts);

h) confirmation that inputs described as FSC-certified or FSC Controlled Wood were covered by a valid FSC chain of custody certificate and supplied with the applicable FSC claims and certificate codes;”

This standard “FSC voor projectcertificering” therefore secondly allows certificate holders and their different certification bodies to make their own assessments, as long as they have “adequate information to enable the verification”. The Dutch phrase “gelijke monniken, gelijke kappen” cannot be maintained because it is up to their interpretation, the interpretation of certificate holders and the controlling certification bodies. Because of this risk of free interpretations and not having “gelijke monniken, gelijke kappen” international accreditation standards, and the TPAC requirements, does not allow free interpretations within their rules.

→ Reaction TPAC on equality (“gelijke monniken, gelijke kappen”):

Certification schemes are treated equally (gelijke monniken gelijke kappen) in the sense that they all have to comply with the same requirements as formulated in the TPAS. How compliance is reached is not part of the scope of TPAS nor of the assessment. Therefore, ways to reach compliance may vary.

The next comments relate to TPAS Chain of Custody requirements C 1.1 and C 1.2

“C 1.1: Each individual organisation in the CoC possesses an operational CoC system.”

“C 1.2 The management system of each organisation in the CoC provides sufficient guarantees that the requirements of the CoC standard are being met.”

-There is no compliance with c1.1 and c1.2

“3.2 The Organization shall establish an agreement with each non-FSC-certified project member, specifying at minimum that it shall:

a) conform to all applicable certification requirements and related organization’s procedures; “

Conclusion;

1) not all members have to be FSC certified. Therefore not all members have to have a COC system. This is not in compliance with the requirements. In these cases there is no (externally controlled) COC.

2) These non FSC certified members have to have an agreement with the organization. This agreement consists of different requirements, who is going to check this.... not an independent certification body is

checking these aspects with this non FSC certified supplier because this is not part of the agreement. It is based on a declaration of the company itself which is far from certification....

→ **Reaction TPAC:**

1) All individual organizations are required under FSC to have an operation COC system. FSC provides possibilities for several organizations to have a shared CoC system, in some cases specified tasks are not relevant for each individual organization within this control system (this is the case for e.g.: group members, multi-site members, organizations meeting the requirements for outsourcing companies and project-members). Project members, but also outsourcing companies, are not individually certified. However, they are controlled as the processes related to certified material are within the scope of the certified quality system of the certificate holder (the certificate holder is called 'the organization' within FSC (see e.g. 40-004 annex*). FSC has criteria stipulating how the certificate holder has to control these project members (see 40-006 3.2*). FSC also has requirements for the accredited certification bodies how to control these organizations (see 20-011 2.6*).

Concluding: some organizations in the chain of custody, like project members and outsourcing companies, are not individually certified, but they do function under, and are controlled by, a COC system which is certified by an accredited certification body.

2) A certified organization can only include project members that have signed a declaration, and have agreed that a certification body can audit the project member (see 40-006 3.2.d*). FSC also has requirements for the accredited certification bodies, which have to control these organizations (see 20-011 2.6*).

Concluding: project members are part of the certified process of FSC, and sufficient requirements are in place to comply to TPAS C 1.1 and C 1.2.

*Relevant standard references:

FSC-STD-20-011 V4-2

2.6 The certification body shall evaluate each operational site within the scope of the evaluation (including a sample of participating sites of group and multisite certificates and non-FSC-certified project members in the case of project certificates).

FSC-STD-40-006 V2-0

3.2 The Organization shall establish an agreement with each non-FSC-certified project member, specifying at minimum that it shall:

a) conform to all applicable certification requirements and related organization's procedures;

b) not make unauthorized use of the FSC trademarks (e.g. on the project member's products or website);

c) not further outsource any processing that would include the risk of adding non-eligible input materials to the project. In the case further outsourcing is needed, The Organization shall be informed by the project member and the new subcontractor shall be included in the scope of the certificate as a project member;

d) accept the right of The Organization's certification body to audit the project member;

e) keep and share with The Organization records of inputs, outputs, and delivery documentation associated with all materials covered by the agreement.

Annex 1: Terms and definitions

Organization: The person or entity holding or applying for certification and therefore responsible for initiating and managing the project certificate and demonstrating its conformity to the applicable requirements upon which FSC certification is based. For construction projects, this could be for example the architect, construction company manager, etc.

Project members: Entities/companies purchasing, transforming and/or installing forest-based material/products for a project (e.g. contractors, including joiners, carpenters, cabinet makers, etc.).

FSC-STD-40-004 V3-1: Annex 1: Terms and definitions

Outsourcing: The practice of contracting an internal business process (i.e. activities or tasks that produce a specific service or product) to another organization. Outsourcing activities usually take place outside the organization's facilities. However, the organization may establish outsourcing agreements with other companies operating within its facilities when the organization has no control or supervision over the activities performed by the contractor.

Organization: The person or entity holding or applying for certification and therefore responsible for demonstrating conformity to the applicable requirements upon which FSC certification is based (see also: FSC-STD-01-001 FSC Principles and Criteria for Forest Stewardship).

The next comments relate to TPAS Chain of Custody requirements C 3.1 b

"C 3.1. The system manager employs rules for the use of logos and labels and for supervision of compliance. The rules comprise at least:

(...)

b. unambiguous description of the claim that the logos and labels represent, including the requirement to communicate the actual or minimum percentages of SFM certified- and post-consumer recycled material included in the product or product line."

-There is no compliance with c3.1 (b)

Firstly; There has to be an unambiguous claim. In this standard "FSC voor projectcertificering" there are 3 different kinds of claims possible mentioned in 4.3 a)b)c). Three different claims, that different, cannot be unambiguous.

Secondly; In note 2 on the same page as 4.3 a percentage lower than 70% is allowed. This 70% used to be a minimum for the use of the logo and is in other schemes a minimum reference....

➔ **Reaction TPAC:**

Unambiguous does not exclude the possibility to make different kinds of claims. FSC has formulated which claims can be used in which case. Also note that TPAS does not include a minimum %.

The 70% threshold is relevant for claims pertaining to a badge or a product e.g. the joinery of a building. FSC clearly formulates in the FSC trademark standard in which cases different requirements apply (e.g. 50-001 2.8*).

*Relevant standard references:

FSC-STD-50-001 V2-1

*“Annex B. Additional trademark rules for group, multi-site, and project certificate holders
2. Special requirements for FSC project certification
2.8 For partial project certification, once the certificate has been issued, the FSC-certified elements shall be named with every use of the FSC trademarks. For example “The internal joinery in these offices is FSC certified”.*

- There is no compliance with c3.1 (b)

4.3.a a) Full project certification claim: The Organization can claim that a project is *fully certified* when all forest-based material/products used in the project, are claim-contributing inputs.

4.4 In the case of full project certification, the project may contain the quantity of up to two (2) % non-certified and non-controlled components, if they are not visible in the final project.

The combination of these two requirements makes it clear that the statement “fully certified” is not unambiguous because 4.4 allows 2% non-certified and EVEN non-controlled components.

→ **Reaction TPAC:**

TPAC agrees that the formulation of FSC is not unambiguous. However, FSC made provisions that projects with full ‘project certification’ claims, which contain up to two percent non-controlled products, shall always show this information in the project statement. The FSC standard clarifies the text of the project statement (see 40-006 7.1). Therefore the score of TPAS C 3.1 is partially addressed.

*Relevant standard references:

FSC-STD-40-006 V2-0

“7. Project statement

7.1 Once projects are finalized, The Organization shall issue a project statement for each project and where relevant, to sub-projects. The declaration template shall be approved by The Organization’s certification body and it shall include:

(...)

g) For full project certification that contain up to two (2) % of non-certified and non-controlled components (clause 4.4), the organization shall include the following disclaimer to the project statement “This project contains up to 2% of non-FSC-certified materials”.

The next comments relate to TPAS Chain of Custody requirements C 1.6

“C 1.6 If the system allows for mixing of SFM-certified and non-SFM-certified material, (one of) the following approaches shall be used:

- *mass balance claim: the proportion of the product sold as SFM certified is equal to the proportion of SFM certified material entering a process;*
- *percentage based claim: the percentage of SFM certified material in a product or product line is reported.”*

-There is no compliance with c1.6

4.4 In the case of full project certification, the project may contain the quantity of up to two (2) % non-certified and non-controlled components, if they are not visible in the final project.

This standard “FSC voor projectcertificering” allows the mixing of non-certified material with certified material. According to the requirements there has to be a mass balance claim or a percentage based

claim of SFM certified material. Neither of these two are prescribed in the standard “FSC voor projectcertificering”.

→ **Reaction TPAC:**

The project standard makes reference to a type of mass balance and percentage system.

To start, the standard describes which claims can contribute to a project claim. The project statement includes only those products which comply (see 40-006 4.2 below).

About the project the company can make a percentage claim or present a balance showing which parts are FSC compliant (see 40-006 4.3 below).

A percentage method is also used to ensure the maximum of 2% of non-certified components is not exceeded (see 40-006 4.4 below).

***Relevant standard references:**

FSC-STD-40-006 V2-0

4.2 The following inputs used in projects are considered claim-contributing inputs (i.e. these inputs can be claimed as being FSC-certified in the final project):

4.3 Based on the input materials used in a project, organizations can make the following claims:

a) Full project certification claim: The Organization can claim that a project is fully certified when all forest-based material/products used in the project, are claim-contributing inputs.

b) FSC claims on specific components of a project: The Organization can make claims about specific components or materials of a project that are FSC-certified (e.g. all windows of a specific construction project are FSC Mix 80% certified).

c) Percentage claims: The Organization can make FSC claims about a percentage of forest-based materials used in the final project that are claim-contributing inputs. The remaining forest-based materials of a project that are not claim-contributing inputs shall be sourced as preconsumer reclaimed wood, controlled material and/or FSC Controlled Wood. (...)

4.4 In the case of full project certification, the project may contain the quantity of up to two (2) % non-certified and non-controlled components, (...).

-There is no compliance with c1.6

FSC-STD-40-006 “4.4....

NOTE: The percentage calculation does not need to be precise, as long as The Organization is able to demonstrate that the amount of non-certified and non-controlled is not higher than two (2) %”.

Conclusion;

1) There is a) no clear instruction and b) it does not have to be precise (2% is very precise and very low but the calculation does not have to be precise and there is no instruction)

Reaction TPAC:

→ 1.a: clear instructions are provided, especially in FSC-STD-20-011 (see reference above).

→ 1.b: the relevant FSC requirement (FSC-STD-40-006 4.4*) stipulates that the certified organization has to be able to justify the amount is less than 2%. The calculation does not have to be precise in the sense that the percentage does not have to be known in detail, as long as

there is no doubt that it is below 2%. There is no risk identified that the formulation in the standard causes a risk of the 2% to be exceeded.

The relevant FSC requirement is:

FSC-STD-40-006 4.4:

4.4 In the case of full project certification, the project may contain the quantity of up to two (2) % non-certified and non-controlled components, if they are not visible in the final project. Some examples of these components are: (...)

NOTE: The percentage calculation does not need to be precise, as long as the Organization is able to demonstrate that the amount of non-certified and non-controlled is not higher than two (2) % (e.g. The Organization sourced 1 kg of non-controlled and non-certified dowels but sourced 100 kg of FSC-certified wood for the project).

2) This standard “FSC voor projectcertificering” therefore allows different organizations to make their own calculations and allows the certification bodies to make their own assessments, because “The percentage calculation does not need to be precise”. The Dutch phrase “gelijke monniken, gelijke kappen” cannot be maintained because it is up to their interpretation. Because of this risk of free interpretations and not having “gelijke monniken, gelijke kappen” international accreditation standards, and the TPAC requirements, does not allow free interpretations within their rules.

→ **Reaction TPAC on (2):**

See p6 above: Certification schemes are treated equally (gelijke monniken gelijke kappen) in the sense that they all have to comply with the same requirements as formulated in the TPAS. How compliance is reached is not part of the scope of TPAS nor of the assessment. Therefore, ways to reach compliance may vary.

Response TPAC

TPAC has reviewed all comments in detail. The approach of the project certification and terminology is different from the other standard for chain of custody certification. When reading the requirements in detail, all terminology and requirements showed compliance to the TPAS requirements, except for the requirements regarding the 2% non-verified material in full-project certification.

3.2. Stakeholder nr.2 on FSC (International)

From: T. Minter (Institute for Cultural Anthropology and Development Sociology, Leiden University)

Sustainable Forest Management (SFM)	
Interests of stakeholder	P 2. The interests of directly and indirectly involved stakeholders shall be taken into account.
<p><i>I would like to take this opportunity to draw particular attention for the impacts of logging on women, as I have specified in my earlier correspondence with Guus Borhardt and Gijs Dröge, which includes specific recommendations on the inclusion of 'gender' and 'women' in some of the TPAS criteria. To get a feeling of how encompassing the gender impacts of logging can be (in a non FSC context), please see: https://www.leidenanthropologyblog.nl/articles/women-on-the-cutting-edge-logging-and-gender-in-solomon-islands</i></p> <p><i>This is not to say that FSC does not already focus on gender issues in logging, however, I feel there is always room for improvement, and the TPAS criteria presently do not take this sufficiently into account.</i></p>	

Response TPAC

TPAC has noted the request including more specific requirements regarding the impact of logging on women. Presently this requirement is not included in the TPAS standard. Thus TPAC cannot evaluate the FSC standard against this requirement. However the comment will be considered in the process of revising the TPAS standard.

Standards

20-011	FSC-STD-20-011 V4-2 EN	- Chain of Custody Evaluations
40-004	FSC-STD-40-004 V3-1 EN	- Chain of Custody Certification
40-006	FSC-STD-40-006 V2-0 EN	- FSC Standard for Project Certification
50-001	FSC-STD-50-001 V2-0 EN	- Requirements for use of the FSC® trademarks by certificate holders

Acronyms

CoC	Chain of Custody
FSC	Forest Stewardship Council
FSC-STD	Forest Stewardship Council – Standard (coding used for FSC standards)
SFM	Sustainable Forest Management
TPAC	Timber Procurement Assessment Committee
TPAS	Timber Procurement Assessment System