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FSC POLICY

THE EXCISION OF AREAS FROM THE SCOPE OF CERTIFICATION

FSC-POL-20-003 (2004) EN

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FSC POLICY ON THE EXCISION OF AREAS FROM THE SCOPE OF CERTIFICATION

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The Forest Stewardship Council (FSC) is an independent, not for profit, non-government organisation based in Bonn, Germany.

The mission of the Forest Stewardship Council is to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC develops, supports and promotes international, national and regional standards in line with its mission; evaluates, accredits and monitors certification bodies which verify the use of FSC standards; provides training and information; and promotes the use of products that carry the FSC logo.

Background

The FSC International Center has been asked to provide guidance on several cases in which:

- A There are impacts on a forest management area which are beyond the full control of the forest managers, or
- B There are parts of a forest management area for which the management objectives do not meet the requirements for certification, but the managers wish to seek certification for the remaining areas.

A paper discussing the issues and making policy proposals was submitted to the FSC Board of Directors in July 2003.

The paper proposed that, subject to specific controls and safeguards, forest managers should be able to seek certification for the areas under management, although there may be impacts on part of their management area that are beyond their control. The paper also proposed that there are some circumstances in which it should be acceptable to take out, or 'excise' specific areas from the scope of the certificate, whilst the remaining area can receive FSC certification.

The proposals were discussed by the FSC Board of Directors and by other stakeholders during 2003. All the comments received recognised the difficulty of the issues concerned.

The principal concern raised was that by permitting 'excisions' or allowing certification to take place when some areas of forest are being damaged for reasons beyond the managers' control, a loophole might be created which could be abused by parties acting in bad faith. In contrast, a blanket prohibition of such excisions would permanently exclude large areas of forest from FSC-certification, limiting FSC's potential to impact positively in those forest areas.

As a result of the discussion and comments received a number of substantive changes were made to the original proposals and the revised policy was discussed again by the FSC Board of Directors in November 2003. After a final period of review, the policy was finalised in March 2004.

Implementation of the policy will be monitored to ensure that it is not being abused, and to permit future revision as more experience is gained.

1 The FSC Board of Directors recognises that, at the level of principle:

- 1.1 There are situations in which a forest area as whole may be considered to comply with FSC standards although there are specific areas of the forest in which all of the requirements are not met for reasons beyond the control of the managers.
- 1.2 There are occasions when it is acceptable to exclude or 'excise' specific areas from the scope of an evaluation without the necessary loss of an FSC certificate for the remaining area.

2 The FSC Board of Directors recognises the need for a clear, internationally consistent approach to the conditions under which such certifications may be permitted. The following criteria shall be applied:

- 2.1 Management of factors beyond the control of the forest managers FSC certification may take place if the following criteria are met:
 - a. The managers make all reasonable efforts to avoid any negative impacts taking place;
 - b. The management response to any negative impacts that occur is prompt and appropriate;
 - c. The overall management plan for the certified FMU takes full account of the likely impacts, including any necessary implications for budgeting, health and safety, adjustments to annual allowable cut for the FMU as a whole, etc.;
 - d. The area affected by the uncontrolled factors is a very limited proportion of the Forest Management Unit (FMU).

NOTE: More specific Indicators designed to fully implement these criteria at the national level may be developed in consultation with national stakeholders, and with the support of the FSC National Initiative in the areas affected. In the absence of nationally agreed indicators the international generic indicators specified in 3.1, below, shall be applied.

2.2 Excision of areas from scope of certification

There are occasions when it is acceptable to exclude or 'excise' specific areas from the scope of an evaluation without the necessary loss of an FSC certificate for the remaining area. Such excision may take place when the following criteria are met:

- a. The management of the excised area does not prevent compliance with FSC standards in the remaining FMU. *Inter alia* it shall be clear that the remaining area constitutes a viable FMU subject to a long term management plan in accordance with FSC Principle 7.
- b. The excised area is well defined, naturally delineated or artificially demarcated on the ground, mapped, and may be clearly distinguished from the remaining FMU.
- c. If management of the excised area remains in the control of the owners or managers of the remaining FMU, the management of the excised areas shall be verified by the certification body as being 'non-controversial', as defined by FSC¹. The definition currently proposed by the FSC Board of Directors is that:
 - i. there is no violation of traditional or civil rights;

¹ The concept of 'controversial sources' remains in development. This policy on 'excision' is referenced to the latest definition of controversial sources approved by the FSC Board of Directors, which may differ from that stated below.

- ii. High Conservation Values are maintained and HCV forest is not harvested unless in compliance with the requirements of FSC Principle 9
 - iii. there is no harvesting of Endangered Forest² areas;
 - iv. there is no planting of genetically modified (GM) trees;
 - v. there is no illegal harvesting;
 - vi. there is no conversion of natural forest to plantations or non-forest uses, with the exception of community forest areas where they are part of a community endorsed Land Use Plan.
- d. In the case that the applicant is evaluated for a joint forest management and chain of custody certificate, there shall be systems in place to ensure that wood harvested from the excised area is identified and treated as a 'non-FSC-certified' source, for the purpose of chain of custody and labelling.
- e. The following requirements for disclosure and reporting shall apply:
- i. The applicant for certification must make a full disclosure of all forest areas over which the applicant has some responsibility, whether as owner (including share or partial ownership), manager, consultant or other responsibility. The disclosure shall be documented in the certification report.
 - ii. If any areas are proposed for excision from the scope of the evaluation, the applicant must explain the reasons for this, and these reasons must be documented by the certification body in the certification report and in the public certification summary.
 - iii. The certification body shall be responsible for determining whether the stewardship of the forest lands not covered by the certificate compromises the applicant or certificate holder's demonstration of a long-term commitment to adhere to the *FSC P&C* (Criterion 1.6), and for evaluating whether this results in a serious failure by the applicant or certificate holder of FSC Principle 1. If the certification body concludes that this does result in a serious failure of Principle 1, then a certificate shall not be issued, or a condition or corrective action request shall be specified. If a condition or corrective action request is not complied with, an issued certificate shall be withdrawn.
 - iv. The certification body shall include the proposal for excision in the stakeholder consultation process for a main evaluation, or additionally and separately in the case of annual surveillance evaluations.
 - v. When the evaluation does not include all the forest areas in which the applicant is involved, the certification body must make an explicit statement in the certification report and in the public certification summary explaining the special controls that are in place to prevent confusion being generated as to which activities or products are certified, and which are not.
 - vi. As for all certificates, the certification body must ensure that all use by the certificate holder of the certification body name and logo, and the FSC name and Trademarks, are pre-approved by the certification body.

² The concept of 'Endangered Forest' refers to forests identified as being of extremely high ecological value, whose locations are specified on publicly available maps. Further guidance will be provided prior to finalisation of the definition of 'controversial sources'.

- vii. The certification body shall inform the FSC International Center when a certificate is issued from which land has been excised in compliance with this policy, within 10 days of the date of issue. The FSC International Center shall maintain an up-to-date list of all such certificates, which shall be available to the FSC Board of Directors on request.

3 The FSC Board of Directors considers that specific indicators and thresholds need to be defined in order to implement the criteria specified in *para 2.1*, above. In the absence of nationally developed, FSC approved indicators and thresholds the following generic indicators and thresholds are applicable:

3.1 Management of factors beyond the control of the forest managers

- a. Managers shall make all reasonable efforts to avoid negative impacts taking place. Such efforts shall include, as a minimum:
 - i. managers have used all reasonable efforts to prevent the uncontrolled activity from occurring,
 - ii. a documented analysis of the uncontrolled activity shall be carried out, including an explicit evaluation of any opportunities for reducing the level of activity and/or its impacts that may be influenced by the forest manager;
 - iii. demonstration that the forest manager has undertaken best efforts to reduce the level of activity, and/or its impacts, in accordance with the opportunities previously identified.
- b. Management response to any negative impacts that occur shall be prompt and appropriate;
 - i. The specific negative impacts (ecological, environmental, social, economic) of the uncontrolled activity shall be analysed and the results of the analysis shall be documented;
 - ii. The specific actions to be taken to remedy the negative impacts identified shall be defined;
 - iii. The specific actions thus identified shall be implemented for each affected site within 12 months of the uncontrolled activity being identified;
 - iv. Affected sites shall be monitored to evaluate the effect of the remedial actions.
- c. The overall management plan for the certified FMU shall take full account of the likely impacts, including any necessary implications for budgeting, health and safety, adjustments to annual allowable cut for the FMU as a whole, etc:
 - i. Areas affected by the uncontrolled activity shall be mapped;
 - ii. The annual allowable cut on the FMU as a whole shall take account of any loss or damage resulting from the uncontrolled activity;
 - iii. The risk of negative impacts on the health and safety of forest workers shall be assessed and documented, and actions defined and taken to protect forest workers against any identified risks;
 - iv. The specific actions to be taken to ameliorate any negative impacts shall be specified in the management documentation, and shall be implemented as described.
- d. The area affected shall not exceed 0.5% of the area of the FMU in any one year, nor affect a total of more than 5% of the area of the FMU;

3.2 Excision of areas from scope of certification

- 3.2.1 The criteria for determining when an area may be excised from the certified FMU are considered to be internationally applicable without the requirement for development of nationally specific indicators and thresholds.
- 3.2.2 However, in territories that have an approved FSC Forest Stewardship Standard, the FSC National Initiative may develop nationally (or sub-nationally) applicable indicators and thresholds which implement the criteria specified in 2.2, above, and/or which identify additional aspects which are considered 'controversial' in the territory concerned.
- 3.2.3 In all cases the national indicators and thresholds proposed by the National Initiative shall be supported by the consensus³ recommendation of the board of the National Initiative, and have the demonstrated broad support⁴ of FSC members in the country concerned.
- 3.2.4 The set of indicators and thresholds, once approved by the National Initiative, shall be forwarded to the FSC International Center and evaluated by the Accreditation Business Unit for compliance with the international criteria specified in 2.2. If approved, they shall be attached as an annex to the National Forest Stewardship Standard for the territory concerned.

4 Management of factors beyond the control of the forest managers

- 4.1 In territories that have an approved FSC Forest Stewardship Standard, the FSC National Initiative may develop nationally (or sub-nationally) applicable indicators and thresholds which implement the criteria specified in 2.1, above, and replace the generic criteria defined in 3.1, above.
- 4.2 In all cases the national indicators and thresholds proposed by the National Initiative shall be supported by the consensus⁵ recommendation of the board of the National Initiative, and have the demonstrated broad support⁶ of FSC members in the country concerned.
- 4.3 The set of indicators and thresholds, once approved by the National Initiative, shall be forwarded to the FSC International Center and evaluated by the Accreditation Business Unit for compliance with the international criteria specified in 2.1. If approved, they shall be attached as an annex to the National Forest Stewardship Standard for the territory concerned.
- 4.4 If the National Initiative proposes thresholds for area of impact that exceed those specified in 3.1, above, then a specific justification shall be provided, to be approved

³ Consensus is currently defined as "Agreement characterised by general support and the absence of a serious, sustained objection. In terms of voting at least two thirds of eligible votes shall be cast in favour of a proposal, with no votes against the proposal. The remaining votes may be abstentions or absent parties" (draft 1-0 *FSC-STD-60-006*).

⁴ Broad support is currently defined as "Agreement characterised by a wide and strong majority in favour of a proposal. In terms of voting this is defined as a two thirds majority based on a quorum of 50% of the eligible votes cast" (draft 1-0 *FSC-STD-60-006*). The definition applied to this excision policy shall be the definition developed during further consultation of *FSC-STD-60-006*, including any further changes.

⁵ See footnote 3.

⁶ See footnote 4.

by the FSC Executive Director and to be reported to the FSC Board prior to implementation.

5 Certification of areas previously excised from the scope of certification

- 5.1 If management of the excised area remains in the control of the owners or managers of the remaining FMU, the excised area may not subsequently be certified unless the managers are able to demonstrate that it has been restored to at least the same ecological condition as it was in at the time of its excision and all social problems regarding traditional or civil rights have been resolved.