

## PSU Derogation

<b>Code</b>	DER-STD-20-001_02 V1-1
<b>Requirement (s)</b>	FSC-STD-20-001 V4-0, Clause 1.2.2 and 4.1.7
<b>Request by CBs</b>	FSC should re-consider its understanding, that the client (applicant) has “obtained” (meaning: signed) the Trademark License Agreement (TLA) BEFORE signing the certification agreement, which needs to be in place before the main evaluation (STD-20-001 Clause 1.2.2).
<b>Rationale as provided by CB</b>	Requiring an applicant to sign a TLA before signing a certification agreement poses practical challenges to the certification body, as applicants are not yet registered in the FSC certification database at this stage, and it is unclear whether the applicant will pursue certification and/ or choose a different certification body.
<b>PSU conclusion</b>	<p>PSU acknowledges the practical concerns raised, in particular for implementing the new online system for signing TLAs, that makes it difficult to enforce a signed TLA before conducting certification activities. The core requirement that a certification is only granted when a client has signed a valid and most recent version of the TLA (clause 1.4.1) shall be maintained, but the following requirements (in strikethrough) are derogated and do not need to be conformed with from the effective date of this derogation:</p> <p>1.2.2 The certification body shall ensure that a legally enforceable certification agreement is signed by the certification body and the client prior to the main evaluation <del>and after the client has obtained a ‘License Agreement for the FSC Certification Scheme’.</del></p> <p>4.1.7 <del>The certification body shall ensure that applicants for certification obtain a ‘License Agreement for the FSC Certification Scheme’ before entering into a certification agreement with the certification body (see Clause 1.2.2).</del></p> <p>This derogation only affects the order of signing the certification agreement and the TLA. All other requirements as established in Clause 1.4.1 and 4.3.17 remain unchanged.</p>
<b>Scope of derogation</b>	<input checked="" type="checkbox"/> Generic (applicable by all certification bodies) <input type="checkbox"/> Specific (applicable only upon individual request and PSU confirmation)
<b>References</b>	NA
<b>Approval date</b>	11 November 2021
<b>Effective date</b>	01 December 2021



<b>Period of validity</b>	Until FSC-STD-20-001 V4-0 is replaced by a revised version.
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