

## **FSC Policy for Association**

### **Compilation of comments received during second stakeholder consultation**

**10 February 2016**

This document contains all comments received during the second consultation of the revised draft FSC-01-004 *Policy for the Association of Organizations with FSC*. It also includes initial observations by the FSC Quality Assurance Unit on how the comments may be addressed in any further revisions to the FSC Policy for Association before a final version is recommended to the FSC Board of Directors. A Consultation Report is also available on the FSC Policy for Association webpage that provides more detailed analysis of the stakeholder who participated in the consultation, the key issues raised, and how they were considered.

In total, 35 stakeholders participated:

- Seven stakeholders representing environmental interests
- Three stakeholders representing social interests
- 21 stakeholder representing economic/forestry industry interests
- Three certification bodies
- One Network Partner

Ref #	Comment	Proposed Change	QAU Observation	Contributor
General	<p>The Policy of Association is getting more and more complex. In my view, the focus has shifted from being a document establishing values which define organizations desiring to be associated with FSC to a quasi-legal document focused on determining when organizations may not be associated with FSC. This is an unfortunate development, whether justified or not. It changes the perception of FSC from an organization with a positive mission supported by positive committed stakeholders to an organization that views itself as at risk from those who might take advantage of the Brand. This defensive position is leading to increasingly prescriptive standards and policies. This in turn adds cost and complexity for certificate holders and certification bodies, and is likely to require the FSC organization to become larger, more complex and more costly to operate.</p>		<p>We have tried hard to strike the fine balance between having a brief policy statement that expressed shared values AND provided sufficient detail to understand how to interpret and apply it and that will not require countless interpretation and Advice Notes in order to ensure consistent and clear application (which was one of the main objectives of this revision).</p>	Verso Corp
General	<p>We welcome the opportunity to comment on this 2<sup>nd</sup> draft, and offer sincere thanks to the individuals involved in trying to resolve this thorny and complex issue.</p> <p>Whilst fully understanding the need for a Policy of Association, there is an obvious risk that this policy and associated documents are becoming overly complex. I understand that FSC only has capacity to review a small number (circa 5-6) of cases each year. Each of these cases will be unique and require a Board of Director's decision. Rather than attempting to codify all possible issues, FSC should simply set out the unacceptable activities, and the procedure for responding to a complaint.</p> <p>In effect each decision is judged individually on its merits anyway, this cannot be a "standard" against which an organisation will be audited.</p>		<p>We have tried hard to strike the fine balance between having a brief policy statement that expressed shared values AND provided sufficient detail to understand how to interpret and apply it and that will not require countless interpretation and Advice Notes in order to ensure consistent and clear application (which was one of the main objectives of this revision).</p>	Confor

	<p>If FSC does not have the resource or capacity to undertake in depth pro-active then it is pointless writing overly complex procedural documentation, which cannot be supported in reality.</p>			
	<p>The challenge in FSC still is a huge number of documents. Again FSC makes a policy and an additional "user-friendly" PfA guidance document in which issues are clarified. In addition there will be "procedural documents that describe how to implement the policy" (as it is already now). FSC should now streamline the work in order to reduce the number of documents by including important issues to one policy paper in a way that they are understood without additional guidance.</p> <p>In the case suggested by FSC, the members can understand the real content and meaning of the policy only by reading the guidance document. Therefore, we are not able to make a decision on the policy paper before seeing the guidance document also. They should be made (and <u>sent to public consultation</u>) at the same time.</p>		<p>Agreed that it is a challenge.</p> <p>The 'user-friendly' guidance is intended to help orient stakeholder to the policy, as well as to explain how this policy is tied to the rest of the PfA Normative Framework.</p> <p>There is a fundamental difference between a policy and procedures, and they need to remain separate. Similarly, they can go through separate consultations since they are separate though build off each other.</p> <p>If anything, there may be less that needs to go into the policy that is really more procedural, but we wanted to provide some background to the procedures so that the full PfA Normative Framework would be understood.</p>	<p>Metsa</p>
	<p>The challenge in FSC still is a huge number of documents. Again FSC makes a policy and an additional "user-friendly" PfA guidance document in which issues are clarified. In addition there will be "procedural documents that describe how to</p>		<p>See above</p>	<p>SE WSF</p>

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	With multiple normative documents that are necessary to fully implement the Policy for Association (PfA), FSC must keep the PfA draft until the associated documents have gone through the FSC process and are available for review by FSC stakeholders.	Delay the implementation of this document until all normative and reference documents that are included within have been updated and released.	The procedures are separate from the policy and the procedures should not affect the policy elements. Preference to not wait until the end of 2016 or longer to finalize this policy.	AFPA

	<p>With multiple normative documents that are necessary to fully implement the Policy for Association (PfA), FSC must keep the PfA draft until the associated documents have gone through the FSC process and are available for review by FSC stakeholders.</p>	<p>Delay the implementation of this document until all normative and reference documents that are included within have been updated and released</p>	<p>See above</p>	<p>KapStone</p>
	<p>Due process assumes a presumption of innocence until proven guilty. The PfA should make this explicit by adding language that the party accused should be treated as innocent until the association decision is made. The filer of the complaint, FSC, and all associated parties must be held to a journalistic standard of ethics (presumption of innocence) to avoid defamation.</p>		<p>This issue is more appropriately addressed in the Complaints Procedure. We cannot provide all the details of that procedure within this policy; the language in the policy is meant as a general overview. This will be made clear in the policy.</p>	<p>Danzer</p>
	<p>The draft PfA still includes several unclear points and therefore, Metsä Group emphasizes the importance of the third public consultation.</p>		<p>The comments from this consultation are helping us further revise the policy so that points of confusion are made more clear. The Policy &amp; Standards Committee and FSC Board will ultimately decide whether another consultation is necessary, though it is felt that another consultation will</p>	<p>Metsa</p>

			not have sufficient benefit to warrant further delays in completing the process and that clarity can be provided within this current process.	
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	The draft PfA still includes several unclear points and therefore, FFIF emphasizes the importance of the third public consultation.		See above	FFIF
	Had another read through of the second draft and can't find any obvious omissions etc. I think the various new elements are a good step forward and now we just have to see how the policy will hold up in practice. No doubt further adjustments may have to be made in due course in the light on new experiences, but that's all part of the process of continuous improvement. For the moment all good.		Thank you	Hubert Kwisthout
	Shorten down the introduction and remove the self-praising parts.		We are working to further revise these non-substantive elements, some of which were provided for background for the purposes of the revision.	NEPCon
	We agree with many of the changes that were made in the current draft. Thank you for taking our comments into consideration. In particular, some important items we agree with are: 1. Scope of application of PfA is limited to activities in forests or the forest products sector. 2. "Proactive PfA evaluation" mechanism has been dropped from formal inclusion in the PfA. We further agree that, if this mechanism is to be		Thank you for your comment	Resolute

	<p>developed, it should be incorporated into a revision of the existing PfA Complaints Procedure and that this should be pursued via established procedures for revising normative documents.</p> <p>The comprehensive Due Diligence procedure that was outlined in the previous draft is being deferred.</p>			
	<p>Thank you for all the changes and improvements made in this Draft 2. Those address many of the comments I submitted on Draft 1. They are well explained in Draft 2, and I feel this is now a much clearer document.</p>		<p>Noted and you are welcome</p>	<p>Keith Moore</p>
	<p>As constructed, the PfA is totally focused on Economic Chamber members, and very specifically on certificate holders. There are no performance standards whatsoever for members of the other chambers. So, Environmental Chamber and Social Chamber members can hang off buildings, trespass, harass customers, physically impede legal activities, etc., with no consequences to their FSC membership.</p> <p>I was very hopeful that this policy revision would be the first step in FSC truly becoming a partnership between the Chambers, and move the organization to the next level of performance and credibility. As written, this is simply more of the same old model of Environmental and Social telling the Economic chamber what to do. For whatever it is worth, I always ask myself the same question on the myriad of policy revisions, "If I were a new, potential certificate holder and/or FSC Economic Chamber member, would this policy encourage or discourage my participation?" The answer here is clearly NO.</p>	<p>The Policy needs to be re-written to be more generic and applicable to all members. As stated in previous comments, I recommend going to the P&amp;C and identifying criteria and indicators that are readily applicable to all members. Use those as the basis for unacceptable activities.</p>	<p>Agreed that the six unacceptable activities are very much tied to forestry/forest product operations, as that was the original purpose of the PfA (to address the partial certification issue).</p> <p>Significant expansion of the unacceptable activities (the policy elements) was beyond the scope of this revision. Further, the P&amp;C is also focused on forestry, so basing unacceptable activities of NGOs on the P&amp;C wouldn't make sense either.</p> <p>Certificate holders are also the only organizations that have contracts with both the CB and with FSC, making it necessary for FSC to have a mechanism to cancel both contracts (and multiple contracts</p>	<p>Potlatch</p>



			within one affiliated group). For members, etc. there is only the contract with FSC and FSC can decide to cancel the contract if warranted.	
	<p>NEPCon agrees that there is a need for a mechanism to disassociate from organisations involved in controversial activities.</p> <p>NEPCon strongly recommend FSC to integrate the PfA into the existing assurance, accreditation and complaint system instead of establishing a complicated and expensive parallel system.</p> <p>NEPCon find it difficult to evaluate the draft sent out for consultation without implementing procedures for due diligence evaluation and for processing complaint. PfA and the implementing procedures needs to be evaluated together.</p>		<p>It is not clear how the PfA could be integrated into the accreditation standard/complaint system since they have some fundamental differences.</p> <p>There are existing DDP and Complaints Procedure that make the policy currently understandable.</p>	NEPCon
	The text of the policy should be written clearly and its contents must allow for proper implementation; you can not make the mistake again free interpretations that may arise. It should be a revision of the Spanish version.		Thank you for pointing this out. The final version will be proofread by multiple native Spanish speakers who with strong knowledge of FSC and this policy.	Paula Montenegro
Scope: Intro – When and how the policy is used	Thank you for clarifying the use (how and when) of the Policy for Association.		You are welcome	Metsa
	Thank you for clarifying the use (how and when) of the Policy for Association.		See above	UPM
	Thank you for clarifying the use (how and when) of the Policy for Association.		See above	SE WSF
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	Thank you for clarifying the use (how and when) of the Policy for Association.		See above	FFIF
	The revised text in the last para: "Allegiations of		Thank you for your	Metsa

	breaches of the FSC PfA...." is well written.		comment	
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	The revised text in the last para: "Allegiations of breaches of the FSC PfA...." is well written.		See above	UPM
	In the 1 <sup>st</sup> sentence, relative to acceptance and evaluation of allegations of breaches of the PfA, the condition that this occur "only upon presentation of substantiated evidence" is very important and should be left as written. We strongly agree with this revision from the previous draft.		Thank you for your comment.	Resolute
	Define "substantiated" in paragraph 5: "Allegations...will be accepted...only upon presentation of substantiated evidence." Stakeholders filing complaints should be given guidance on what substantiated evidence is.	To establish by proof or competent evidence. The FSC Director General and staff evaluating the complaint must have training in evidentiary procedure or hire professionals in that field to make the determination of the substantiation of the evidence provided. All FSC systems, rules, policies, procedures must be implemented fully before processing complaints under the PfA. FSC must make diligent effort to follow all of the policy elements and publicly disclose the rationale for accepting the complaint (with	Any additional detail to this section would be going beyond this policy into the territory of the complaints procedure.  The points here will be considered in the revision of the complaints procedure.	Danzer

		citations to the policy elements).		
	The 2 <sup>nd</sup> sentence, which asserts that “disassociation will be considered as a measure of last resort” and will be imposed only when organizations “do not have the appropriate systems and protocols in place to avoid the occurrence of unacceptable activities” is very important and should be left as written. We strongly agree with this revision from the previous draft.		Thank you for your comment	Resolute
	The last sentence that states that “The policy also allows FSC to impose other, less punitive, consequences for violations, depending on the gravity of the violation” is very important and should be left as written. We strongly agree with this revision from the previous draft.		Thank you for your comment	Resolute
	In principles NEPCon agrees with the 6 different categories. However, it should be clear that we are talking about major violations with all of them. “Significant” is mentioned under bullet point 4 and 5, but not under the other points. Mistakes can happens within any organisation – e.g. single cases of legal violations can be found within almost any FSC certified organisations. If the scale of a violation will not cause termination of a FSC certified organisation if it happens within an FSC certified operations should not lead to disassociation in case it happens in a related non-FSC certified organisation.	Clarify scale	This was discussed for the other categories and it was considered not necessary as well as challenging to define exactly what is meant by ‘significant’ for these other categories. We attempted to address this by providing greater orientation to the intended use and application of the PfA.	NEPCon
	Wording means that companies that breach the PfA but have ‘appropriate systems and protocols’ would not be able to be disassociated.	“...the FSC PfA. Whether or not the organisation has the appropriate systems and protocols in place to avoid the occurrence of unacceptable	That was not the intent and we will revise to make it clear that disassociation is meant for systemic failures, deliberate actions and not oversight, etc.	Greenpeace and Leonie van der Maesen

		<p><u>activities shall be taken into consideration in any decision on disassociation.</u>“</p>	<p>These points are also covered in more detail in the PfA complaints procedure (Section 5).</p> <p>Suggested wording makes the intent of the sentence irrelevant.</p>	
	<p>Wording means that companies that breach the PfA but have ‘appropriate systems and protocols’ would not be able to be disassociated.</p>	<p>“...the FSC PfA. <u>Whether or not the organisation has the appropriate systems and protocols in place to avoid the occurrence of unacceptable activities shall be taken into consideration in any decision on disassociation.</u>“</p>	<p>See above</p>	<p>Forests of the World</p>
	<p>The most common misunderstanding we come across among stakeholders/CHs/FSC local staff/ASI is that it is CBs who investigate allegations of breaches of the PfA (outside the scope of certificate). Suggest minor amendment either in text here and/or add text in Q&amp;A.</p>	<p>Allegations of breaches of the FSC PfA against associated organizations will be accepted and evaluated by FSC only upon presentation of substantiated evidence that the associated organization (or an affiliated group) was, or is, accountable for violating the FSC PfA. CBs do not investigate allegations of breaches of the FSC PfA which are related to activities outside of the scope of certificate”</p> <p>And/or text in the FAQ/explanatory guidance to say that FSC, not CBs, carry out investigation if</p>	<p>Part of this concern is being addressed in the interpretation of the accreditation standard. For the PfA, we can make it clear that the PfA and PfA complaints are managed by FSC.</p>	<p>Soil Assoc</p>

		substantiated evidence is provided...etc		
	Regarding above comment on expectation that CBs investigate allegations of breaches of PfA rather than FSC, this misunderstanding is compounded by the fact that FSC-PRO-20-001 v1-1 talks about 2 phases of implementation of the PfA, but the second phase has never been implemented. So while it states in section 3 that CBs are only to check that a declaration has been signed, section 4 and Annex A begin to talk about other criteria that a CB may audit: "Examples of indicators that CB auditors may use to support the evaluation of the organization's compliance with Clause 1.5 and 1.6 of FSC-STD-40-004 V2.1." – (clauses 1.5 and 1.6 of 40-004 refer to PfA commitment).	Suggest requiring a simultaneous review of FSC-PRO-20-001 to align with general approach on PfA complaints/due diligence procedure FSC-PRO-10-004	Once PfA is complete, we will make sure all related documents are aligned. Thank you for emphasizing the need for this point.	Soil Assoc
	<i>"Allegations of breaches of the FSC PfA against associated organizations will be accepted and evaluated only upon presentation of substantiated evidence that the associated organization (or an affiliated group) was, or is, accountable for violating the FSC PfA. Disassociation* will be considered as a measure of last resort against associated organizations and their affiliated groups that violate the FSC PfA, and that do not have the appropriate systems and protocols in place to avoid the occurrence of unacceptable activities."</i>  The text mixes the use of present and past tense, this is somewhat confusing as to the instances in which the policy applies.	Please use present and past tense everywhere it is applicable.	Thank you for pointing this out. We have/will edited/edit accordingly.	WWF
Scope: PfA complaints for activities that occur within the scope of the	Regarding question as to whether 20-001 should be revised to incorporate automatic suspension where violation of PfA within scope of certificate: given that 20-001 has only just been revised and approved, I'd suggest not. The new 20-001 (v4) in any case opens a route to instigating suspension by saying that a Major NC must be issued when a non-conformity "affects the integrity of the FSC system". The categories of PfA violations are so serious that I would expect Major CARs to be issued by any CB who identified any of these within the scope of the	Either:  1. rely on the fact that a PfA violation within the scope of certificate would be so serious that it would result in a Major or several Major CARs anyway under 20-001v4, meaning either correction within 3 months or	Great feedback. Agree that there could be a challenge with the recommendation to insert this into 20-001. Since this is fundamentally an issue with the complaints procedure (since the policy applies and the question is specific to the process for addressing	Soil Assoc

certificate	certificate (with the possible exception of illegal harvesting which might incorporate a minor infringement of eg. buffer zone or felling license, but still strictly illegal)	suspension (this is the option I'd prefer), or:  2. do an interpretation to the FSC-STD-20—001 v4 (effective April 2016) to either section 4.3.13b or one of the suspension clauses to say that in cases of a serious violation of PfA within scope, then suspend (although I still have a doubt about illegality, given that there may be very minor legal infringements, so prefer the first option)	complaints in these situations), it will be further vetted in the revision of the complaints procedure. We will consider leaving this section out of the policy entirely.	
	FSC-STD-20-001 has been already finalized.  Evaluation of issues within the certification scope should be fully delegated to certification bodies and the certification decision should be done based on the evaluation of P&C (IGIs) and grading of nonconformities should be done according to the requirements in 20-001 with the relevant timeline for conformance.		Thank you for your comment	NEPCon
	This is what is currently done for CW/FM certification. Any NC identified with a requirement for one of the 5 CW categories results in an automatic major nonconformances and suspension of certificate. This requirement leads to situations where certificates are suspended due to relatively minor issues (e.g., maintains of records related to stakeholder consultation).  This is viewed as a weakness in the current CW/FM system and needs to be considered if this is to be applied for all FSC certifications for PfA criteria. NC should only lead to automatic suspension if the NC	Any revisions to 20-001 that specifies nonconformances with PfA unacceptable activity requirements shall lead to automatic suspension of certificate needs to be clearly defined with guidance developed to ensure that certificates are not suspended for minor issues that do not materially impact	Great feedback. Agree that there could be a challenge with the recommendation to insert this into 20-001. Since this is fundamentally an issue with the complaints procedure (since the policy applies and the question is specific to the process for addressing complaints in these situations), it will be further vetted in the	RA

	results in fundamental failure to meet criteria object and clear NC with the PfA unacceptable activities (and not minor issues related to procedure or documentation). Clear guidance and accreditation rules will be needed from FSC on this.	the organizations achievement of the intent of the PfA.	revision of the complaints procedure. We will consider leaving this section out of the policy entirely.	
	The policy should cover certified operations. There have been cases where certified operations have incurred faults elements Policy Association, and have kept the certificate; in certain cases, ineffectiveness or slow processes in the FSC. This has drawn criticism and has affected the reputation of the FSC.		This was discussed in the last wg meeting and it is not clear how a unacceptable activity, which is also covered in the P&C, would not be addressed by the CB dispute resolution process, and also more rapidly than a PfA process that has much longer timelines.  However, we are revisiting to see if there is an option to look at PfA complaints within a certified operation while not conflicting with the CB process. See also comment to Soil Assoc above	Paula Montenegro
	It makes sense for a Certification Body to have jurisdiction over violations that happen within the scope of a certificate. It is unclear from the request for stakeholder input if the suspension applies to the certificate or the PfA		The recommendation is that if the unacceptable activity is covered under the certificate, for example, destruction of HCVs within a certified forest, then it would lead to automatic suspension of the certificate.	Verso Corp
	In general I agree with the text explaining that the "policy addresses situations taking place outside the scope of a certificate. I agree that in regard to the 6 unacceptable activities, that are within the scope of a certificate, those should be first addressed by the	Yes, revision of CB accreditation standard Clarification on situations "within the scope of a certificate.	If I understand your comment correctly, the unacceptable activities to which you refer are not covered in the FM or CW	Keith Moore

	<p>responsible certification body.</p> <p>Yes, it would be appropriate to revise the CB accreditation standard in this way.</p> <p>However, as per my comments re the list of unacceptable activities, I think there are unacceptable activities that are unrelated to the existence or validity of a certificate. So if that is accepted, either in the PfA as I prefer, or outside the PfA in some other mechanism as suggested on page 1 of the FAQ, then there will be questions of how to apply the PfA (or the other unnamed mechanism) while there is an existing or suspended certificates. I am not sure how to handle that – but it will occur even in the event of another mechanism suggested by the FAQ document. It would not be appropriate to get a CB to address that problem through the certificate.</p> <p>So I agree that in most cases the application of the PfA will be on activities outside of scope of a certificate. But there might be situations where the activities are by an organization holding a certificate.</p>		<p>standard and therefore would be considered “outside the scope of the certificate” and a PfA complaint could be lodged.</p>	
	<p>The clarification that the PfA is intended to address only unacceptable activities that are taking place “outside the scope of the certificate” is a good one. We strongly agree with this revision from the previous draft.</p> <p>Regarding the “Note to Stakeholders” box relative to this issue, we strongly agree that this purpose be reaffirmed, as is being recommended.</p>		<p>Thank you for your comment</p>	<p>Resolute</p>
	<p>The policy applies to certificate license agreement holders. Of course the PfA should then also automatically apply for activities within the scope of the certified area. The PfA should always be controlled by FSC itself, and not through the CAB and accreditation standard.</p> <p>PfA is fundamental. To only be able to file a PfA complaint after the respective certificate has been withdrawn by the CAB is turning things upside-down.</p>	<p>This policy is intended to address situations where one or more of the unacceptable activities are taking place ‘inside or outside the scope of the certificate’.</p>	<p>This was discussed in the last wg meeting and it is not clear how a unacceptable activity, which is also covered in the P&amp;C, would not be addressed by the CB dispute resolution process, and also more rapidly than a PfA process that has much longer</p>	<p>Ecohout</p>



		Remove the part “(For unacceptable activities that take place within..... and the affiliated group”	timelines.  However, we are revisiting to see if there is an option to look at PfA complaints within a certified operation while not conflicting with the CB process. See also comment to Soil Assoc above	
	The complaint raised against Danzer was under the scope of a certificate, Danzer immediately informed its certifying body who performed an investigation at least three months before the complaint was filed, and yet, the certification mechanism to address complaints was circumvented by a direct, albeit late, complaint under the PfA.	Language used in the various documents, notably 004 and 009 is inconsistent. 2.2 and 2.3 in 009 are much more specific than the Scope language in 004 or the explanations in the Q&A document.	Thank you for pointing this out. The intent of the language in 004 is really more of an overview and background to what is and should actually be addressed in 009. We are working to make this more clear and address issues/requirements within the Normative Document that is relevant.	Danzer
	The Certification Body Accreditation Standard should be expanded as suggested to include automatic suspension but only after a full and fair investigation, due process, and opportunity for appeal. The language as-is is too vague to inform the reader.		Noted. If this general approach is used, then further consultation will take place to make sure we get the language right.	
	Metsä Group emphasizes that revision process of the PfA and Certification Body Accreditation Standard are two separate processes and, therefore, we should not provide our perspective on the need to revise the latter one in this consultation.		The issue being considered is a PfA issue and therefore it is part of PfA revision. Alignment of standards/policies is often done and necessary.  If this general approach is used, then further consultation will take place to make sure we get the language right.	Metsa

	SE WSF emphasizes that revision process of the PfA and Certification Body Accreditation Standard are two separate processes and, therefore, we should not provide our perspective on the need to revise the latter one in this consultation.		See above	SE WSF
	UPM emphasizes that revision process of the PfA and Certification Body Accreditation Standard are two separate processes and, therefore, we should not provide our perspective on the need to revise the latter one in this consultation.		See above	UPM
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	FFIF emphasizes that revision process of the PfA and Certification Body Accreditation Standard are two separate processes and, therefore, we should not provide our perspective on the need to revise the latter one in this consultation.		See above	FFIF
	Scope should include FSC certified operations. If there are major non-compliance of the 6 PfA elements in FSC certified operations then it would be a major reputation risk to have the delay of having to go through the process of a complaint to first suspend or terminate the certificate. FSC is often accused of being too slow – do not repeat this here and add another layer of complaint before jumping to the necessary action of disassociation. This is does not conflict with nor is intended to disagree with the stated main purpose of the policy which is activities taking place outside of an FSC certified operation or area. It simply leaves the option open for the eventuality, as has been the case in the past, that unfortunately major breaches of the PfA 6 elements can be found in FSC certified operations.	Change the text in the scope to remove the clauses that says FSC certified operations are not within the scope of the policy.	This was discussed in the last wg meeting and it is not clear how a unacceptable activity, which is also covered in the P&C, would not be addressed by the CB dispute resolution process, and also more rapidly than a PfA process that has much longer timelines.  However, we are revisiting to see if there is an option to look at PfA complaints within a certified operation while not conflicting with the CB process. See also comment to Soil Assoc	Greenpeace and Leonie van der Maesen

			above	
	<p>Scope should include FSC certified operations. If there are major non-compliance of the 6 PfA elements in FSC certified operations then it would be a major reputation risk to have the delay of having to go through the process of a complaint to first suspend or terminate the certificate. FSC is often accused of being too slow – do not repeat this here and add another layer of complaint before jumping to the necessary action of disassociation. This is does not conflict with nor is intended to disagree with the stated main purpose of the policy which is activities taking place outside of an FSC certified operation or area. It simply leaves the option open for the eventuality, as has been the case in the past, that unfortunately major breaches of the PfA 6 elements can be found in FSC certified operations.</p>	<p>Change the text in the scope to remove the clauses that says FSC certified operations are not within the scope of the policy.</p>	<p>This was discussed in the last wg meeting and it is not clear how a unacceptable activity, which is also covered in the P&amp;C, would not be addressed by the CB dispute resolution process, and also more rapidly than a PfA process that has much longer timelines.</p> <p>However, we are revisiting to see if there is an option to look at PfA complaints within a certified operation while not conflicting with the CB process. See also comment to Soil Assoc above</p>	<p>Forests of the World</p>
	<p>Because we are talking about the integrity of the FSC and how items are applied to the largest FSC group (certificate holders) anything done in this space needs to be a full transparent process!</p> <p>Is the accreditation standard and full CB implementation going to be a good fit for issues that will be a non-conformance that an FSC secretariat or board would normally decide. How is FSC going to know what CBs have done with regard to suspensions surrounding an ultimate PFA issue out of audits? Will this be a transparent process? Will consistency occur within Certification Bodies?</p>	<p>We recommend a full publication of this 20-011 revise or any documents, interpretations, or side standard instances where wording will be used and guidance provided to certification bodies on the PFA. <u>Limited consultation of membership, key members or certification bodies only is not enough.</u></p>	<p>If this approach is adopted, then there would be further consultation (with all interested stakeholders) to ensure that we get it right.</p>	<p>Int'l Paper</p>
	<p>Support the suggestion to revise the accreditation standard to clarify how to address concerns relating to unacceptable activities within the scope of a</p>	<p>Revise the accreditation standard accordingly</p>	<p>Thank you for your comment</p>	<p>FSC UK</p>

	certificate			
	if the accreditation standard doesn't say yet what is proposed "it is recommended that the <i>Certification Body Accreditation Standard</i> (FSC-STD-20-001) be expanded to address this: non-conformities with criteria/indicators that overlap with the PfA unacceptable activities would lead to an automatic suspension", it would be good to ensure consistency and that it is added	The points in the accreditation std that address this issue should be strengthened to capture this issue.	Thank you for your comment	WWF
	Regarding the question of whether the Certification Body Accreditation Standard should be expanded to provide for automatic suspension where there are non-conformities with criteria/indicators that overlap with PfA unacceptable activities, we are not in favor of this proposal. If the CB standard were to be expanded as such, then this would not be consistent with the "successional tool" concept outlined in the 2 <sup>nd</sup> paragraph of the PfA scope section. The certification process already provides fair, adequate, effective, and timely means of addressing non-conformities, and this process should be allowed to play out. Automatic suspension could be too arbitrary or severe in certain circumstances. It would not be fair or appropriate, for example, to impose an immediate suspension for a minor non-conformity that the organization could, and was willing to, readily address, simply because that non-conformity overlapped PfA requirements. If the non-conformity is major and egregious, the certification process is already set up to deal with that quickly and decisively. Furthermore, there could be grey areas about what constitutes an "overlap" in "criteria/indicators." Who then would have the final say as to whether an overlap existed? We are in favor of the "successional tool" concept.		Agreed that if we go with this approach then more guidance, thresholds, etc. need to be provided. This would all be further consulted on.	Resolute
	AF&PA does not believe an expansion of the FSC-STD-20-001 Certification Body Accreditation Standard is necessary. Non-conformities will be raised through the certification process that already		This is true, though there is concern that such issues are not addressed adequately given that they	AFPA

	has processes in place to address those non-conformities, including major non-conformities.		are also PfA issues.	
	According to this paragraph, the PfA will deal with situations outside the FSC system (ex. out of the certificate scope) and it is complemented with FSC-PRO-01-008, but it is not clear if this procedure will end up in the disassociation of one company.	Suspension should not be automatic. There should be time and processes to rectify major non-conformities and that is what the audits do, regardless if there is overlap with PfA.	The issue then is that the same activities would have greater consequences if they happened on non-certified operations than if they happened on certified operations. This needs to be addressed, as well as to make sure that something that would qualify as a PfA violation does, in fact, lead to a suspension in a certified operation. The mechanics of this is what we still need to figure out.	SSC Americas
	The CB Standard (FSC-STD-20-001) should not be expanded. Violations of the PfA should not lead to an automatic suspension. Suspected violators should be given the opportunity to rectify issues through the current non-conformance process.		This is true, though there is concern that such issues are not addressed adequately given that they are also PfA issues.	KapStone
	Suspension should not be automatic. There is more positive influences if time and processes to rectify can be accepted and implemented.		While this may be true, the same could be stated for a complaints process/disassociation on non-certified operations.  This would mean that the same activities would have greater consequences if they happened on non-certified operations than if they happened on certified operations.	Georgia Pacific
Scope: timeframe for when a	A timeframe is necessary to be established. As it is written, the organizations are responsible for unacceptable activities that occurred in any time in the past. This can extend to periods where the	Add the following explanation note: PfA is applicable only to violations that	The wg discussed this at a previous meeting and recommended to not include an absolute	Klabin

<p>past unacceptable activity can still be considered a PfA violation</p>	<p>organizations were not affiliated/associated to FSC and/or for unacceptable activities that occurred before the existence of the PFA.</p>	<p>occurred after the association with FSC. Violations before the association will be evaluated by Due Diligence Evaluation for the Association with FSC (FSC-PRO-10-004) and, after the association are no longer allegation object.</p>	<p>timeframe in the policy – it is case-dependent. This will be included in the policy.  Correct that, in theory, the DDP should screen applicants that were involved in an unacceptable activity prior to association; however, if that does not happen, then we cannot cancel the right to address the issue if warranted (based on above).</p>	
	<p>It is necessary delimit the reach of PFA along the time. As it is written, the organizations are responsible for unacceptable activities that occurred in any time in the past. This can extend to periods where the organizations were not affiliated to FSC and/or for unacceptable activities that occurred before the existence of the PFA.</p>	<p>Add the following explanation note: PFA is applicable only to violations that occurred after the association with FSC. Violations before the association will be evaluated by Due Diligence Evaluation for the Association with FSC (FSC-PRO-10-004) and, after the association are no longer allegation <i>object</i>.</p>	<p>See above</p>	<p>Araurco</p>
	<p>It is necessary delimit the reach of PFA along the time. As it is written, the organizations are responsible for unacceptable activities that occurred in any time in the past. This can extend to periods where the organizations were not affiliated to FSC and/or for unacceptable activities that occurred before the existence of the PFA.</p>	<p>Add the following explanation note: PFA is applicable only to violations that occurred after the association with FSC. Violations before the</p>	<p>See above</p>	<p>CMPC</p>

		association will be evaluated by Due Diligence Evaluation for the Association with FSC (FSC-PRO-10-004) and, after the association are no longer allegation object.		
	It is necessary delimit the scope of PFA along the time. As it is written, the organizations are responsible for unacceptable activities that occurred in any time in the past. This can extend to periods where the organizations were not affiliated to FSC and/or for unacceptable activities that occurred before the existence of the PFA.	Add the following explanation note: PFA is applicable only to violations that occurred after the association with FSC. Violations before the association will be evaluated by Due Diligence Evaluation for the Association with FSC (FSC-PRO-10-004) and, after the association are no longer allegation object.	See above	Suzano
	It is necessary delimit the reach of PFA along the time. As it is written, the organizations are responsible for unacceptable activities that occurred in any time in the past. This can extend to periods where the organizations were not affiliated to FSC and/or for unacceptable activities that occurred before the existence of the PFA.	Add the following explanation note: PFA is applicable only to violations that occurred after the association with FSC. Violations before the association will be evaluated by Due Diligence Evaluation for the Association with FSC (FSC-PRO-10-004) and, after the association are no longer allegation object.	See above	IPEF

Scope: Intent	Add Information gathering:	"...intent to engage in an unacceptable activity may trigger additional information gathering and monitoring on the part of FSC...."	Good suggestion. Thank you.	WWF
	We agree with the decision of the Working Group that intent to engage in an unacceptable activity is not sufficient grounds to trigger a complaint. We are not opposed to including the language that "intent to engage...may trigger other, proactive measures and monitoring..."		Thank you for your comment	Resolute
	Inclusion of the section on "intent" is good. Similarly the parts on the "consequences" page 10 Thank you.		Thank you for your comment	Keith Moore
	I agree within the scope that intent to engage in unacceptable activity is not sufficient grounds to trigger a complaint. Complaint should only be accepted if sufficient proof is presented that unacceptable activities have occurred.		Thank you for your comment	KapStone
	Intent: We agree that "intent" to engage in unacceptable activity is not sufficient grounds to trigger a complaint. Complaints should be based on unacceptable activity that has occurred.		Thank you for your comment	AFPA
	Metsä Group agrees that the <i>intent</i> to engage unacceptable activity is not enough to trigger a complaint. However, it is now suggested that an intent to engage in an unacceptable activity may trigger other, proactive measures that will be listed in the policy itself. So the intent will be included in the PfA in a way or another. Metsä Group cannot support that without seeing an exact list of "other proactive methods" and also knowing the methods with which FSC is aim to collect information of the possible intent to engage unacceptable activities.	Deletion of the intent to engage.	Deleting the 'intent' language would mean that complaints could be filed based on intent to engage in the unacceptable activity (which your comment implies to disagree with)  Additional detail would make this policy overly prescriptive and it is not clear why such detail is necessary.  Further, this is meant to engage with organizations	Metsa



			so that they remain associated with FSC.	
	<p>SE WSF agrees that the <b>intent</b> to engage unacceptable activity is not enough to trigger a complaint.</p> <p>However, it is now suggested that an intent to engage in an unacceptable activity may trigger other, proactive measures that will be listed in the policy itself. So the intent will be included in the PfA in a way or another. SE WSF cannot support that without seeing an exact list of "other proactive methods" and also knowing the methods with which FSC is aim to collect information of the possible intent to engage unacceptable activities.</p>	Deletion of the intent to engage.	See above	SE WSF
	<p>FFIF agrees that the <b>intent</b> to engage unacceptable activity is not enough to trigger a complaint.</p> <p>However, it is now suggested that an intent to engage in an unacceptable activity may trigger other, proactive measures that will be listed in the policy itself. So the intent will be included in the PfA in a way or another. FFIF cannot support that without seeing an exact list of "other proactive methods" and also knowing the methods with which FSC is aim to collect information of the possible intent to engage unacceptable activities.</p>	Deletion of the intent to engage.	See above	FFIF
	<p>UPM agrees that the <b>intent</b> to engage unacceptable activity is not enough to trigger a complaint.</p> <p>However, it is now suggested that an intent to engage in an unacceptable activity may trigger other, proactive measures that will be listed in the policy itself. So the intent will be included in the PfA in a way or another. UPM cannot support that without seeing an exact list of "other proactive methods" and also knowing the methods with which FSC is aim to collect information of the possible intent to engage unacceptable activities.</p>	Deletion of the intent to engage.	See above	UPM
	<p>However, it is now suggested that an intent to engage in an unacceptable activity may trigger other, proactive measures that will be listed in the policy itself. So the intent will be included in the PfA</p>	Deletion of the intent to engage.	See above	Kotkamills Oy

	in a way or another. FFIF cannot support that without seeing an exact list of "other proactive methods" and also knowing the methods with which FSC is aim to collect information of the possible intent to engage unacceptable activities.			
Scope: Affiliated Group	Add * after affiliated group	The <i>FSC Policy for Association</i> applies to all associated organizations* and their affiliated groups*.	Good catch. Thank you!	SSC Americas
Definitio ns:  General	Where the terms and definitions refer to other standards, presumably the definitions will be included in full rather than referring the reader to other documents?	Include definitions rather than directing to other documents	It is generally preferred by FSC to have one centralized document for definitions to which all other documents refer. However, if this is confusing then we will look into it.	FSC UK
Definitio n:  Associati on	It is unclear how an organization that only holds a license agreement for promotional purposes, and is not a member or certificate holder, could commit violations which can only occur within "forestry and forest products sector". The recommendation makes sense to reduce the complexity of the system.		Thank you for your comment	Verso Corp
	We agree that the PfA should not apply to organizations that hold license agreements for use of the FSC label for promotional purposes only, and who are not also members or certificate holders.		Thank you for your comment	Resolute
	Metsä Group sees that the PfA should not cover organizations that hold licence agreements for use of the FSC label for promotional purposes only. On the other hand, Metsä Group highlights that all the Organizations related to FSC should follow same kind of rules. Does FSC have any suggestions how to handle unacceptable actions of the Organizations having hold licence agreements? The way how to make this Policy for Association to fit to all Organizations related to FSC is to make it		Thank you for your comment  We are working on how to best address organizations that fall outside the scope of the PfA, to address more detail on how contracts would be cancelled, etc,	Metsa

	simple and user-friendly to implement and follow without high bureaucracy and extra costs.		though the existing procedure FSC-PRO-01-008, could currently be followed.	
	<p>SE WSF sees that the PfA should not cover organizations that hold licence agreements for use of the FSC label for promotional purposes only. On the other hand, SE WSF highlights that all the Organizations related to FSC should follow same kind of rules. Does FSC have any suggestions how to handle unacceptable actions of the Organizations having hold licence agreements?</p> <p>The way how to make this Policy for Association to fit to all Organizations related to FSC is to make it simple and user-friendly to implement and follow without high bureaucracy and extra costs.</p>		See above	SE WSF
	<p>PfA should not cover organizations that hold licence agreements for use of the FSC label for promotional purposes only. On the other hand, all the Organizations related to FSC should follow same kind of rules. Does FSC have any suggestions how to handle unacceptable actions of the Organizations having hold licence agreements?</p> <p>The way how to make this Policy for Association to fit to all Organizations related to FSC is to make it simple and user-friendly to implement and follow without high bureaucracy and extra costs.</p>		See above	Kotkamills Oy
	<p>FFIF sees that the PfA should not cover organizations that hold licence agreements for use of the FSC label for promotional purposes only. On the other hand, FFIF highlights that all the Organizations related to FSC should follow same kind of rules. Does FSC have any suggestions how to handle unacceptable actions of the Organizations having hold licence agreements?</p> <p>The way how to make this Policy for Association to fit to all Organizations related to FSC is to make it simple and user-friendly to implement and follow without high bureaucracy and extra costs.</p>		See above	FFIF
	UPM sees that the PfA should not cover		See above	UPM

	<p>organizations that hold licence agreements for use of the FSC label for promotional purposes only. On the other hand, UPM highlights that all the Organizations related to FSC should follow same kind of rules. Does FSC have any suggestions how to handle unacceptable actions of the Organizations having hold licence agreements?</p> <p>The way how to make this Policy for Association to fit to all Organizations related to FSC is to make it simple and user-friendly to implement and follow without high bureaucracy and extra costs.</p>			
	<p>Agreed with the working group that licence agreements for the use of the FSC label should <i>not be covered</i>, as it is covered otherwise and better in the trademark licence agreement (TLA) (cf. pfa meeting minutes):</p>		<p>Thank you for your comment</p>	<p>WWF</p>
	<p>Refers to organisations that hold licence agreements for use of the FSC label for promotional purposes only. Although this wording is in the note and not the policy itself, perhaps it should be noted that these organisations can only use the FSC trademarks for promotional use (not the label) should any similar wording be included in the policy</p>	<p>Amend "label" to "trademarks" should such wording be included in the actual policy.</p>	<p>Thanks for the edit! It wont' be in the actual policy, but important tor refer to it correctly in other places.</p>	<p>FSC UK</p>
	<p>Support the inclusion of non-certified licence holders within the Policy. If they are to be excluded, a clear process needs to be defined should complaints be raised against such licence holders allegedly associated with the stated unacceptable activities.</p> <p>There is already a feeling that the non-certified licence holders benefit disproportionately from the FSC system and the proposal to exempt them from the PfA requirements could exacerbate this.</p> <p>The communications regarding the exclusion of non-certified licence holders would need to be handles very sensitively. Why would a certified retailer have to comply when their non-certified competitor doesn't? Why is the reputational risk to FSC any less? How does someone raise a complaint regarding a non- certified licence holder and how would such a complaint be handled?</p>	<p>Include non-certified licence holders or develop a policy for dealing with complaints regarding such organisations</p>	<p>Per the FAQ and other background information, there are significant reasons why this sector should not be included, and this was carefully considered when making this recommendation.</p> <p>We are in discussions on what the procedure is for entities that are not covered under this policy. One option is that it follows the existing FSC-PRO-01-008.</p>	<p>FSC UK</p>

<p>Definition Disassociation</p>	<p>In the definition of Disassociation, it should be more clear what does it means. It is not clear for me If a disassociated company lost immediately all the certificates? What is the role of the CB in these cases? Disassociation also implies that the company cannot be member of FSC?</p>		<p>Further details are provided in the complaints procedure, for example the timeframe between a disassociation decision and when contracts are terminated. Any more detail would go beyond what is needed in a definition as it is more procedural.</p> <p>We can add license and member agreements if it is helpful.</p> <p>The CB does not have a role, as the PfA is managed by FSC.</p>	<p>SSC Americas</p>
	<p>Disassociation - <i>The termination of all existing contractual relationships between FSC and the associated organization and affiliated group.</i></p> <p>This mean that an affiliated group could be associated with FSC? The definition only consider associated organization. What happen in the case of a big company (holding), which has several FSC licenses? All the companies are disassociated in case of one of them is involved in one or more unacceptable situation?</p>		<p>The definition includes affiliated group.</p> <p>Yes, the affiliated group is disassociated.</p>	<p>SSC Americas</p>
	<p>The use of the word "usually" in "Disassociation decisions are taken by the FSC Board of Directors, usually due to a breach ....." seems to suggest that there are other grounds for disassociation apart from those listed in the policy. If this is the case these should be listed in the policy, otherwise remove the word usually. Furthermore it suggest that the process of dissociation is partly regulated and there is an arbitrary element to it to be wielded at the discretion of the board.</p>	<p>delete usually.</p>	<p>Thank you for pointing this out. It appears to make sense to delete and will be considered.</p>	<p>WWF</p>
<p>Definition:</p>	<p>This is not a sentence. Try:</p>	<p>An entity which has an association with FSC is</p>	<p>The actual definition is "an entity which has an</p>	<p>Danzer</p>

Associat ed Org		responsible for...	association with FSC.” The remainder of the sentence is meant to qualify what this means with respect to the policy.	
	To provide greater clarity of the definition for purposes of this policy. We support this definition of Organization for the purposes of this policy	For the purposes of this policy, the term <i>Organization</i> refers to the totality of legal entities to which the entity applying for association is affiliated, including through their subsidiaries/affiliates, <del>parent companies</del> , and joint ventures or those of their parent company	Not sure, but it seems you are referring to an old definition. We no longer refer to this entity as an Organization, but have divided into two terms: associated organization and affiliated group.	RAN
Definitio n:  Affiliated Group	Review the definition for affiliated group, since it is very general. It is not possible to determine the responsibility of the different legal entities in the case of violation of the core values of FSC from one of the members of the group. Affiliated group is similar to “holding”  Also, what is the limit of affiliated group? All?	Example of definition: Two or more corporations that are related through common ownership. An affiliated group consists of a parent corporation and one or more subsidiary corporations. The parent corporation must own at least 80% of its subsidiary's stock and consolidates the subsidiaries financial statements with its own. Affiliated Group Definition   Investopedia <a href="http://www.investopedia.com/terms/a/affiliated-group.asp#ixzz3yUoXEMp8">http://www.investopedia.com/terms/a/affiliated-group.asp#ixzz3yUoXEMp8</a>	Thank you. We will look into this to make sure that the definition fits its intent	SSC Americas

	This addition of "affiliated groups" makes the breadth of the application much clearer. Thank you. But the definition still depends on 'control" and on the definition of "accountable"		Thank you for your comment	Keith Moore
	With this broad definition, FSC will greatly expand the scope and extent of the intended focus of forest certification. This definition and concept of affiliated group is unworkable in the reality of how companies are organized. This concept will force currently certified companies to abandon their certification and discourage other companies from becoming certified.		This is not a change to the policy, which has always included the 'affiliated group' although it is not defined in the current policy.  This definition was negotiated by the wg taking this point into consideration and finding the right balance for achieving the intent of the policy	KapStone
	By continuing to include such a broad definition for "Affiliated group," FSC is proposing to greatly expand its focus to areas far outside of the traditional forestry space (and anticipated certificate scope). Some certificate holders have corporate ownerships that can include businesses in the consumer goods, electronics, and other industries where FSC does not have expertise. These "sister companies" may not have any direct relation or impact on the organization associated with FSC, and this PfA could become a barrier for those associated organizations who share the goals of good forestry with FSC. Further, even if a sister organization is in the forest product industry and choose not to maintain FSC certification, they should not be impacted by a sister company's certification status. By including this definition, FSC's focus being distracted from the forests and diverted to other arenas which are far from the scope of forest certification.	FSC must narrow the scope of the PfA to the organization that is certified.	This is not a change to the policy, which has always included the 'affiliated group' although it is not defined in the current policy.  This definition was negotiated by the wg taking this point into consideration and finding the right balance for achieving the intent of the policy	AFPA
	Similar rationale to above: if the PfA does not cover the minority share holdings or JVs then the policy will not be fully addressing the FSC reputational	Affiliated group  The totality of legal	This definition was negotiated by the wg taking this point into	Greenpeace and Leonie van der

	risks that the PfA was designed to address.	entities to which an associated organization is affiliated in a corporate relationship in which either party controls <u>or has a stake, share or financial interest</u> in the performance of the other (e.g. parent or sister company, subsidiary, joint venture, etc.)	consideration and finding the right balance for achieving the intent of the policy	Maesen
	Similar rationale to above: if the PfA does not cover the minority share holdings or JVs then the policy will not be fully addressing the FSC reputational risks that the PfA was designed to address.	<b>Affiliated group:</b> The totality of legal entities to which an associated organization is affiliated in a corporate relationship in which either party controls <u>or has a stake, share or financial interest</u> in the performance of the other (e.g. parent or sister company, subsidiary, joint venture, etc.)	See above	Forests of the World



	<p>The change from “organization” to a combination of terms, “Associated Organization” and “Affiliated group” should be considered in light of those entities which are involved in forestry, not those entities (or affiliates) where those affiliates are not remotely involved in the production chains of forest products.</p> <p>The challenges of expecting that all of the policy elements would apply to a company’s affiliation up and down (subsidiaries and parent) regardless of the fact that perhaps only one of the companies is engaged in forestry activities are very significant. We maintain our concerns with this definition and approach.</p> <p>Additionally, common ownership does not equate to control of affiliated entities or even knowledge of their operations. In diverse corporate structures the costs of obtaining proof points for affiliated entities not engaged in the forest products industry would be high with no discernible benefit to the industry. Even the PfA October meeting (notes October 2015) noted in its discussion on “does the policy apply to non-certificate holder license holders?” that “...it would greatly increase the cost of due diligence and bear the risk of overstretching the whole system....These companies are to a great extent not remotely involved in the production chains of forest products...” This is the same argument that applies to the issue of affiliates and control.</p>	Apply to the company’s affiliates engaged in forest products only.	Focus is on those in the forestry/products sector and those that control performance of them	Georgia-Pacific
	Associated” organization, or “affiliated group” language will allow for expansion of the PfA beyond the intent of its language. The concept of control is a sufficient descriptor of what entities should be subject to the PfA.	Remove the parenthetical “or affiliated group” from the language.	Control is focused on the activity and not the entities to which this policy applies. Both terms are needed for this.	Int’l Paper
	For purposes of this policy, applicants to FSC should disclose all forest and forest product business relationships with whom they have a significant material ownership or joint venture relationship, whether directly or through their parent	NEW: Material Ownership Interest – includes all subsidiaries and associate companies in	Such an expansion would be pretty significant in terms of what was negotiated.	RAN

	<p>company. In general accounting and business valuation terms, this would include both, <b>subsidiaries</b> generally defined as ownership of above 50%, <b>and associate companies (affiliates)</b> generally defined as ownership of a significant portion of voting shares, usually 20-50%. For accounting purposes, investments in associate companies are treated as a return on capital and are not recognized on an investors income statement as equity income.</p> <p>The FSC could explore of applying the “Probation” concept with Organizations whose associate companies or joint ventures are found to be in violation of the PfA. This would then be used for a fixed period in order to allow the member time to work with and use their relationship with the company to resolve the issues, or failing that to exit from the relationship. Note, however, that we are not in favour of establishing “Probation” status for Organizations own operations and activities or as a result of non-compliance of any direct subsidiaries and/or those of its parent company.</p>	the forests and forest product sectors of an applicant Prganization		
Definition: Control	<p>Definition of Control – this must be kept at a high level, particularly with regard supply chain contracts. Chain of Custody requirements are already explicit, duplication by this policy will only confuse matters.</p>	Simplify	Thank you for your comment, though not clear how you would want this simplified while providing for clarity	Confor
	<p>In the 2<sup>nd</sup> bullet, strike “commercially equivalent” because it is a subjective and not explicitly defined term and revise with more definitive wording.</p> <p>We strongly agree with the wording in the last phrase of the 2<sup>nd</sup> bullet: “...such commercial relationship <u>may</u> be used as evidence of control,” and this should be left as written.</p>	<p>Re-word the sentence that begins with “However”:</p> <p>However, where an organization has a commercial relationship with another legal entity that meets the criteria given in the bullet immediately below, such ....”</p>	Thank you. We will consider these points.	Resolute
	<p>It is not necessary to say “but are not limited to” in the 2<sup>nd</sup> sentence because the intent is made clear in</p>	Delete “but are not limited to” in the 2 <sup>nd</sup>	Thank you. We will consider these points.	Resolute

	the 1 <sup>st</sup> sentence. The 2 <sup>nd</sup> sentence should be stated in absolute terms for clarity.	sentence.		
	The criteria for determining control when there is less than or equal to 50% share interest should be as definitive as possible. Possible grey areas in interpretation and application should be eliminated as much as possible. Control should be deemed to exit only when it is absolutely clear that the organization actually has control. Control should not be deemed to exist based on arbitrary or vague criteria.	Add the following criteria after the 1 <sup>st</sup> sentence:  Control may be deemed to exist in cases where there is less than or equal to 50% share interest AND there is a contractual relationship among the owning parties that explicitly gives control to the organization.	Thank you. We will consider these points.	Resolute
	We continue to have concerns with the definition of control as it would improperly insert FSC in the role of determining commercial relationships, creating ambiguity and uncertainty for companies attempting to comply.		Agreed that it is not as clear-cut as "indirect involvement" but it does better meet the intent of the policy.	AFPA
	We have concerns with the control definition and puts FSC in the role of determining commercial relationships. This creates inconsistency and confusion for certified companies trying to conform.	The Pfa should be confined to the activities conducted within the scope of the FSC certificate for a certified entity.	This would run contrary to the intent of the policy. The certification standard covers activities conducted within the scope of the FSC certificate for a certified company.	KapStone
	The definition "control" is still very unclear. Metsä Group supports the suggestion (Summary of the 3 <sup>rd</sup> meeting) to include examples of " <i>control</i> " to annex. The version including those annexes should be sent to consultation.	Addition of examples of "control" to annex.	Examples will be provided.	Metsa
	The definition "control" is still very unclear. SE WSF supports the suggestion (Summary of the 3 <sup>rd</sup> meeting) to include examples of " <i>control</i> " to annex. The version including those annexes should be sent to consultation.	Addition of examples of "control" to annex.	See above	SE WSF
	The definition "control" is still very unclear. UPM supports the suggestion (Summary of the 3 <sup>rd</sup> meeting) to include examples of " <i>control</i> " to annex.	Addition of examples of "control" to annex.	See above	UPM

	The version including those annexes should be sent to consultation.			
	The definition "control" is still very unclear. KM supports the suggestion (Summary of the 3 <sup>rd</sup> meeting) to include examples of "control" to annex. The version including those annexes should be sent to consultation.	Addition of examples of "control" to annex.	See above	Kotkamills Oy
	The definition "control" is still very unclear. FFIF supports the suggestion (Summary of the 3 <sup>rd</sup> meeting) to include examples of "control" to annex. The version including those annexes should be sent to consultation.	Addition of examples of "control" to annex.	See above	FFIF
	It is not clear how commercial control as equivalent to the organizational control can be checked and proven. It may need the deep analysis of commercial relationship that can be the confidential information. The company that is not associated with FSC but may be suspected being commercially controlled by FSC associated organisation, will not disclose the information and not obliged.	To avoid the subjective judgement, the definition of indirect involvement better addressed the possibility of evaluation. It is recommended to keep only obvious, measurable relationships between organisations that can be considered as control. Other financial and commercial relationships are not straightforwardly indicate the level of control	The challenge within indirect involvement is that it was based on 50% ownership as a proxy for determining involvement, and this was found to be not always catch accountability. The new definition at a minimum will catch the 50% ownerships (unless proven otherwise), and will be able to evaluate other cases.	NEPCon
	The definition of control is not the most appropriate, it is not properly adjusted to ensure the respect of the six criteria laid		Unclear what is meant by this. Control applies to all 6 unacceptable activities.	Paula Montenegro
Definition  Accountability	I propose to have two definitions: a) one for accountability (a standard definition, for example: The obligation of an individual or organization to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner. It also includes the responsibility for money or other entrusted property. <a href="http://www.businessdictionary.com/definition/accountability.html#ixzz3yUzng4Un">http://www.businessdictionary.com/definition/accountability.html#ixzz3yUzng4Un</a>		It is not clear why we would revise the definition to this one, or add two.	SSC Americas

	b) one for Accountable...			
	Accountability exists when the associated organization or affiliated group had or has control* of the entity that engaged, or is engaging, in an unacceptable activity. The associated organization and entity that engaged in an unacceptable activity could be the same?		Correct.	SSC Americas
	New definition of 'Responsibility':  As per "disclosure" comment above. Under the UN Guiding Principles and Human Rights Framework, a distinction is made between the impacts caused by business enterprises meeting e.g., the "control" threshold, as per this draft PfA policy document, and impacts that do not meet the "control" thresholds but which are directly linked to a business enterprises operations, products or services. Responsibility to address these impacts exists independent of the type of relationship, however, although they do have "different implications for the nature of an enterprise's responsibilities." These responsibilities also extend to supply chain relationships.	<b>ADD</b> definition of responsibility. Can be based on UN Guiding Principles on Business and Human Rights framework. <a href="http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf">http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf</a>  Proposed definition (modified from OHCHR). <i>"Responsibility" – A guiding principle that business enterprises a) avoid causing or contributing to adverse traditional and/or human rights impacts or other unacceptable activities through their own activities and address such impacts when they occur, and b) seek to prevent or mitigate adverse impacts or unacceptable activities that are directly linked to their operations, products, services by their business relationships, even if</i>	It seems that we would not need to add a new definition but rather revise the definition of accountability to include these elements, including the issue of accountability for supplier actions even when the organization did not have control of them.  This would be quite an expansion of the current scope of the PfA, and for reasons stated in the FAQ and other notes, it may be very appropriate to have companies do this, but is it the role of the FSC certification scheme to require/enforce it?  Similar to the issue of 'knowingly' this is the fundamental question that will be taken to the FSC Board.	RAN

		<i>they have not contributed to these impacts.</i>		
	Responsible (Liability): This concept associated with the control also fails because it refers to the policy does not apply when control over a related company is not exercised, even though they know they are doing wrong things.	This concept is not aligned with the spirit of the FSC, it should be revised general concept	This would be quite an expansion of the current scope of the PfA, and for reasons stated in the FAQ and other notes, it may be very appropriate to have companies do this, but is it the role of the FSC certification scheme to require/enforce it?  Similar to the issue of 'knowingly' this is the fundamental question that will be taken to the FSC Board.	Paula Montenegro
	Insufficient to define accountability by control. This does not solve the problem of breaches of the any of the 6 elements by minority shareholdings and joint ventures – one of the key issues that the WG was established to address. This would mean as high as 49% share holdings would be out of the scope of the policy. Does this mean that the Economic Chamber is proposing that it is acceptable for FSC to be associated with serious human rights abuses, significant damage to HCVs or significant forest clearance, as long as it is done by an entity the associated organisation doesn't have control over? All progressive corporate environmental and social policies refer to <i>'irrespective of stake or location'</i> or equivalent language. APP has a policy of accountability for any entity and JV irrespective of stake or share. If an associate organisation has a minority share or JV that is in non-compliance then it should divest of that share to bring itself into compliance and protect the FSC from being associated with these controversial activities.  Secondly it is unclear how degree of control will be	<b>Accountable (Accountability)</b>  Accountability exists when the associated organization or affiliated group had or has control* of, <u>has a stake, share or a financial interest in, or is knowingly purchasing from, the entity that engaged, or is engaging, in an unacceptable activity.</u>	This would be quite an expansion of the current scope of the PfA, and for reasons stated in the FAQ and other notes, it may be very appropriate to have companies do this, but is it the role of the FSC certification scheme to require/enforce it?  Similar to the issue of 'knowingly' this is the fundamental question that will be taken to the FSC Board.	Greenpeace and Leonie van der Maesen

	<p>determined, especially when there is such a lack of transparency and information provided on entities. Companies that carry out activities in breach of the 6 elements of the PfA are deliberately non-transparent and secretive in order to hide these activities and protect their shareholders.</p>			
	<p>Insufficient to define accountability by control. This does not solve the problem of breaches of the any of the 6 elements by minority shareholdings and joint ventures – one of the key issues that the WG was established to address. This would mean as high as 49% share holdings would be out of the scope of the policy. Does this mean that the Economic Chamber is proposing that it is acceptable for FSC to be associated with serious human rights abuses, significant damage to HCVs or significant forest clearance, as long as it is done by an entity the associated organisation doesn't have control over? All progressive corporate environmental and social policies refer to <i>'irrespective of stake or location'</i> or equivalent language. APP has a policy of accountability for any entity and JV irrespective of stake or share. If an associate organisation has a minority share or JV that is in non-compliance then it should divest of that share to bring itself into compliance and protect the FSC from being associated with these controversial activities.</p> <p>Secondly it is unclear how degree of control will be determined, especially when there is such a lack of transparency and information provided on entities. Companies that carry out activities in breach of the 6 elements of the PfA are deliberately non-transparent and secretive in order to hide these activities and protect their shareholders.</p>	<p><b>Accountable (Accountability)</b></p> <p>Accountability exists when the associated organization or affiliated group had or has control* of, <u>has a stake, share or a financial interest in, or is knowingly purchasing from, the</u> entity that engaged, or is engaging, in an unacceptable activity.</p>	<p>See above</p>	<p>Forests of the World</p>
	<p>It is necessary to restrict the responsibility to activities directly related to the productive process of certified forestry products.</p>	<p>Accountable (Accountability)</p> <p>Accountability exists when the associated organization or affiliated group had or has control* of the</p>	<p>This would overly narrow the definition to not meet the intent of the policy</p>	<p>Klabın</p>

		entity that engaged, or is engaging in, an unacceptable activity. This entity must be directly related to the productive process of FSC certified products.		
	<i>It is necessary to restrict the responsibility to activities directly related to the productive process of certified forestry products.</i>	<i>Accountable (Accountability) Accountability exists when the associated organization or affiliated group had or has control* of the entity that engaged, or is engaging in, an unacceptable activity. This entity must be directly related to the productive process of FSC certified products.</i>	See above	Arauco
	It is necessary to restrict the responsibility to activities directly related to the productive process of certified forestry products.	<b>Accountable (Accountability)</b> Accountability exists when the associated organization or affiliated group had or has control* of the entity that engaged, or is engaging in, an unacceptable activity. This entity must be directly related to the productive process of FSC certified products.	See above	CMPC
	It is necessary to restrict the responsibility to activities directly related to the productive process of certified forestry products.	<b>Accountable (Accountability)</b> Accountability exists when the associated	See above	IPEF



		organization or affiliated group had or has control* of the entity that engaged, or is engaging in, an unacceptable activity. This entity must be directly related to the productive process of FSC certified products.		
	It is necessary to restrict the responsibility to activities directly related to the productive process of certified forestry products.	<b>Accountable (Accountability)</b> Accountability exists when the associated organization or affiliated group had or has control* of the entity that engaged, or is engaging in, an unacceptable activity. This entity must be directly related to the productive process of FSC certified products.	See above	Suzano
Extending accountability to actions of suppliers where there is no control of those actions	While I can understand the desire to extend accountability in such a way, I think practically this would often be impossible to find evidence for prior knowledge. There may be situations where there are public allegations, which you might reasonably assume the purchaser to be aware of, but an allegation is not the same as evidence: so the purchaser would not know that that the supplier was engaged in an unacceptable activity.	I think extending accountability in this way would be too impossible to prove in many situations	Thank you for your comment	Soil Assoc
	It is difficult to evaluate or prove if customer intentionally purchased the wood from unacceptable activities or not. Moreover, the material can be sold with FSC claim and FSC shouldn't discredit itself giving a		Comment is not clear. This would be for material that does not have an FSC claim.	NEPCon

	message that FSC certified noncompliant material may circulate in the market and customers can't rely on the FSC claim in purchase document and need to have additional DDS. The actions should be taken towards the party that is involved in unacceptable activities, not to customers of this material.			
	We are unequivocally opposed to expanding the definition of control to any situations where the organization or affiliated group does not have control. This includes situations involving purchasing from a supplier "knowing" that the supplier was engaged in an unacceptable activity. A requirement such as this has the potential to be far overreaching. It will be difficult to define, prove, and apply in a consistent and practical way the concept of "knowing." While we understand and agree that it is not proper or ethical for an organization to "knowingly" and blatantly purchase from an offending supplier, this requirement is not one that is readily implemented in policy. The line has to be drawn somewhere, for practical purposes.		Thank you for your comment. These points will be added to the FSC Board consideration.	Resolute
	Stakeholder Input Needed: Yes! It is minimal due diligence that once you know about an unacceptable activity by a supplier, you stop purchasing from that supplier. It is not possible that this is not a condition if due diligence is a stipulation of association.		If I understand correctly, this comment is in favour of expanding the definition of 'control' to include the 'knowingly' clause.	Danzer
	The definition of control related to an "associated organization" is still unclear. We do recognize that this is an issue being taken to the FSC Board. We do want to raise some additional questions that FSC should think about. In a commercial relationship, how can control be measured? There are instances where an organization buys wood but we would not know if FSC would determine that is control. What would cause that control (beyond ownership shares)? Is it we are the only buyer for that supplier? How would we even know how much of a supplier's volume we represent? Is there a time reference (supply purchases vary depending who is in the market at any one time)? This will remain a	Questions raised for FSC board consideration (see Comment)	Thank you for your comments. These points will be added to the FSC Board consideration.	Georgia-Pacific

	challenge within the supply chain system and could present unworkable requirements.			
	Accountability under the PfA should not go beyond control of the organization as this can lead to multi-interprettable, multi-debatable situations.	Do not include accountability beyond control.	Thank you for your comment	WWF
	Control: it is not really acceptable that it 's argued that you may not have control of a legal entity not related, perhaps you don't have control over their decision but you have control over yours. When purchasing a product you are always in control from whom you buy.	It's your decision from who you get your products so you can have the decision not to buy from a unrelated company that has bad social and environmental practices and that is in conflict with FSC values.	This is different from our definition of 'control', though to your point, we are looking at this through the definition of 'accountability' and the points you raise will be added to the FSC Board consideration.	Ana Young
	<p>While I can see value in assigning different types of responsibilities for violations of PfA based on whether there is "Control", as this document is currently constructed, responsibilities are truncated to limit obligations only to those companies with which there is control. This policy needs a framework which also specifies responsibilities to affiliates and joint ventures where "control", as defined, does not exist, but the company still has obligations to act responsibly.</p> <p>In terms of the "Control" stakeholder note, para 2, section b), we support inclusion of activities under the organizations control, and this includes supplier selection. One of the basic tenets and purposes of the FSC is to create supply chains that link products from responsible forest management to end consumers. Fundamental to this is an obligation to know your suppliers as part of a responsible Organizations own due diligence systems. There is a "should have known" expectation here, and certainly a once known responsibility. We support this proposal, although we would see it not as a "further expansion". Rather, failure to address this would be considered a further "narrowing".</p>		These points will be added for consideration by the FSC Board.	RAN
	The challenges between identifying when a	We reiterate and agree	These points will be	Int'l Paper

	<p>company has continued sourcing either knowingly or unknowingly are too difficult to determine.</p>	<p>with the position that expanding the definition of accountability to include situations where an organization simply knowingly purchases from an entity that violates the PfA is unworkable. FSC is not in a position to determine what “knowingly” means. Not to mention that such an expansion would require FSC to determine whether a supplier, likely not a certificate holder, has violated the PfA (a process that requires significant work that would be impossible against a non certificate holder). There would be ample opportunity for abuse of this provision, an overburdening of the FSC system, and an ultimate dilution of the very effort the PfA sets out to complete.</p>	<p>added to the FSC Board consideration</p>	
	<p>The definition of control and accountability should not encompass scenarios where the organization does not have control. Further, attempting to define “knowingly” in the PfA is impossible and open to a range of interpretations, making this impossible to implement and apply to organizations that fall under the PfA in practice.</p>		<p>These points will be added to the FSC Board consideration</p>	<p>AFPA</p>
	<p>The definition of control and accountability should not encompass scenarios where the organization does not have control. Further, attempting to define</p>		<p>See above</p>	<p>KapStone</p>

	“knowingly” in the PfA is impossible and open to a range of interpretations, making this impossible to implement and apply to organizations that fall under the PfA in practice.			
	The proposal suggests that those who do not have control over the operations or entities with which it is associated would not be subject to FSC dissociation. I see unacceptable that a member of FSC is associated in business with entities known beforehand that they are violating the fundamental values of the FSC. As the behavior of FSC members is a matter of ethics, being only associated with an entity that violates the principles of FSC makes the FSC member becomes an accomplice to the entity with which it is associated, independent of the degree of control or shareholding you have.	Disassociation should apply when the member of the FSC is associated with another entity that violates the values of FSC, independent of the degree of control or ownership that the member may have on the entity with which it is associated.	These points will be added to the FSC Board consideration	Lincoln Quevedo
	As per Stakeholder Input Requested, requires that any definition of association or accountability must included when purchases of wood products are knowingly made from suppliers in breach of the PfA.	Add ‘knowingly purchasing from a supplier who is in breach of the PfA’	These points will be added to the FSC Board consideration	Greenpeace and Leonie van der Maesen
	FoW recommend an addition to the text.	Add ‘knowingly purchasing from a supplier who is in breach of the PfA’	These points will be added to the FSC Board consideration	Forests of the World
	Accountability is directly linked to “control”. I do favour an expansion of the concept of “accountability” to go beyond financial control – ie as per the example in the Note to Stakeholder” where there is not control over a supplier, but awareness of unacceptable activities by the supplier.  I also favour going back to direct and indirect involvement in which the definition includes “control” as defined here, but also includes “supply chain” as in your example, and management – where organization directs or plans unacceptable things to happen, but does not have the ownership to control them.		These points will be added to the FSC Board consideration	Keith Moore
	A customer is not always in position to know all activities that a supplier is engaged in. It would be difficult to establish that an organization purchased	Recommend not holding an organization responsible for supplier	Thank you for your comment. Also, the certification audit	Verso Corp

	from a supplier knowing that they were engaged in an unacceptable activity.	activities for PfA purposes. If issues are discovered, they should be handled through the certificate audits.	does not cover PfA issues or issues outside the scope of the certificate or actions of suppliers outside the chain of custody. Not clear how any issues would be handled by the certificate audits.	
	How would we establish whether a company knew their supplier was engaged in an unacceptable activity?	Consider implications of expanding the definition of accountability (suggest not expanding).	These have been heavily considered, as listed in the various background documents. The issue is being taken to the FSC Board.  Re the specific point raised, one way could be to put the burden of proof on the stakeholder to demonstrate beyond reasonable doubt that the company knew...	FSC UK
	In general, the choice of suppliers and the relationship with them is established through contract and it is made based on organization's ethical codes, in a way that would not be scope of PfA defining this. Example: A FSC-certified organization has no control regarding services that a contracted company provides to other organizations, even if this involves planting GMO trees for example. The only control that the FSC-certified organization have is that the contracted organization do not plant GMO trees on its areas for purposes other than research and field tests – as the PfA states.  Another point that needs to be well discussed is how to consider that a given situation was "knowingly", because sometimes this is strongly associated to media coverage and it is well known that there are cases where some reports do not represent exactly what is happening to a given		This point will be added for FSC Board consideration	Klabin

	organization.			
	<p><i>In general, the choice of suppliers and the relationship with them is established through contract and it is made based on organization's ethical codes, in a way that would not be scope of PFA defining this.</i></p> <p><i>Example: A FSC-certified organization has no control regarding services that a contracted execute to other organizations, even if this involves planting GMO trees. The only control that the FSC-certified organization have is that the contracted organization do not plant GMO trees on its areas for purposes other than research and field tests – as the PFA states.</i></p> <p><i>Another point that needs to be well discussed is how to consider that a given situation was "knowingly", because sometimes this is strongly associated to media coverage and it is well known that there are cases where some reports do not represent exactly what is happening to a given organization.</i></p>		See above	Arauco
	<p>In general, the choice of suppliers and the relationship with them is established through contract and it is made based on organization's ethical codes, in a way that would not be scope of PFA defining this.</p> <p>Example: A FSC-certified organization has no control regarding services that a contracted execute to other organizations, even if this involves planting GMO trees. The only control that the FSC-certified organization have is that the contracted organization do not plant GMO trees on its areas for purposes other than research and field tests – as the PFA states.</p> <p>Another point that needs to be well discussed is how to consider that a given situation was "knowingly", because sometimes this is strongly associated to media coverage and it is well known that there are cases where some reports do not represent exactly what is happening to a given organization.</p>		See above	IPEF

	<p>In general, the choice of suppliers and the relationship with them is established through contract and it is made based on organization's ethical codes, in a way that would not be scope of PFA defining this.</p> <p>Example: A FSC-certified organization has no control regarding services that a contracted execute to other organizations, even if this involves planting GMO trees. The only control that the FSC-certified organization have is that the contracted organization do not plant GMO trees on its areas for purposes other than research and field tests – as the PFA states.</p> <p>Another point that needs to be well discussed is how to consider that a given situation was "knowingly", because sometimes this is strongly associated to media coverage and it is well known that there are cases where some reports do not represent exactly what is happening to a given organization.</p>		See above	CMPC
	<p>In general, the choice of suppliers and the relationship with them is established through contract and it is made based on organization's ethical codes, in a way that would not be scope of PFA defining this.</p> <p>Example: A FSC-certified organization has no control regarding services that a contracted execute to other organizations, even if this involves planting GMO trees. The only control that the FSC-certified organization have is that the contracted organization do not plant GMO trees on its areas for purposes other than research and field tests – as the PFA states.</p> <p>Another point that needs to be well discussed is how to consider that a given situation was "knowingly", because sometimes this is strongly associated to media coverage and it is well known that there are cases where some reports do not represent exactly what is happening to a given organization.</p>		See above	Suzano
Part 1:	No issues with changes in a,b,d,e,f.		Thank you for your	Verso Corp



Unacceptable activities - General			comment	
	Policy Elements – agree with proposal		Thank you for your comment	Confor
	<p>Regarding activities b (traditional or human rights) and c (ILO), we strongly agree that the scope should be specific to violations that occur within forestry and the forest products sector.</p> <p>Regarding activity c (ILO), if the PfA is finalized before the ILO issue is resolved, then the final PfA document must explicitly recognize and clearly state that requirements relative to activity c are non-applicable until the ILO issue is resolved.</p> <p>Regarding activity f (GM trees), we agree with the clarification and revised language.</p>		<p>Thank you for your comment.</p> <p>It will be made clear either in the policy or elsewhere how the ILO requirements should apply</p>	Resolute
Unacceptable activities – Definitions	Definitions of “forest”, “plantation”, “Genetically Modified” refer to FSC-STD-01-001 without version number. The definitions of all of these are different between v4 and v5.2 of the FSC STD. Both versions are currently valid. Same with definition of HCV referred to under Significant conversion definition	Suggest copying over the definitions from v 5.2 of FSC-STD-01-001: however see note below re: need for distinction between definitions of “forest” and “natural forest”	Will look at this and rectify. Thanks for pointing it out.	Soil Assoc
Unacceptable activities – Scope	Doesn't make sense to restrict only to forestry. There are instances where corporate groups also have agribusiness operations that have operations on the lands of traditional forest dependent communities in forest landscapes e.g. palm oil, sugar, rubber, soya. This should be within the scope of the PfA.	b. violation of traditional or human rights within the forestry and forest product sector <u>or agribusiness within forest landscapes.</u>	Previous wg discussions and agreement was to focus it on what is practical and what FSC can effectively address, which was forestry. Opening up was considered to be too broad to be able to handle.	Greenpeace and Leonie van der Maesen
	Respect for traditional rights and human rights can not be restricted to the forestry sector. Rights must be respected by every human being in any field. If	For HCVs, Remove the word forest and apply	This was deliberated by the wg with the final understanding that a) the	Paula Montenegro

	<p>this range is maintained, it may be that there are organizations that "respect" rights only in forestry operations and can do anything in other activities (agriculture, livestock, etc.)</p> <p>Also for HCVs, Only forests are mentioned and are not considered other important ecosystems such as wetlands and grasslands</p>	<p>this to any HCV areas</p>	<p>intent of the PfA was to cover CoC and this revision therefore meets that intent without expanding the scope of the PfA elements and b) it is not practical for FSC to enforce/have oversight of all these. Yes, there should be respect for traditional and human rights everywhere, but it was not seen as practical for FSC, and through the PfA, to address all these risks.</p> <p>Regarding HCVs, it is a concept/framework that is specific to FSC, and FSC HCV assessments are for forests.</p>	
	<p>Letter d. Forests are not the only HCVs existing in the landscape; other forms of HCV ecosystems can be affected by forestry operations, like wetlands, habitats of endangered species, traditional or sacred sites, temporary nesting sites, etc., and are part of the landscape where operations are carried out. HCV can be large ecosystems to the landscape level with large populations' species or water sources of vital importance to population or to the hydrological cycle, etc. All these landscape sites (HCVs) can be disturbed in various forms by forestry operations (roads, harvesting, pollution, etc.).</p> <p>HCV outside of FMU can be affected as results of non-sustainable forestry operations, i.e. water pollution, forest fires, tree species pollen dissemination in plantation monocultures, etc.</p> <p>There are consistent and repetitive cases of HVCs affected by the industrial part of the forest products</p>	<p>Significant damage to high conservation values by forestry operations, in or outside the forestry management unit by FSC certified organizations</p> <p>As well as related organizations and individuals</p>	<p>HCVs for the purposes of FSC are not assessed/identified in these areas so there is no way to know whether it is HCVs being damaged. WG agreement to limit scope to something manageable that can actually be effectively addressed.</p>	<p>Alfredo Unda</p>

	<p>cycle, i.e. here, a large scale forestry operation company where one of its pulp plant is being accused of breaches mostly related to industrial liquid waste (wastewater) enclosure, with sanctions bordering US \$30 million, described as "very serious, major and minor", where actions are damaging a High Conservation Value site for its biological conservation values classified as a Ramsar site, between other damages, like the river with massive fish deaths and some people hospitalized because of the polluted river water. Information can be provided on request.</p>			
	<p>We appreciate that the Scope of the PfA has been clarified to limit the application of this document to forestry, forest products, and the forest products sector.</p>		<p>Thank you for your comment</p>	<p>AFPA</p>
	<p>Due to the reputational risk to FSC, the scope should extend beyond the forestry and forest products sector</p>	<p>Extend scope in relation to violations of traditional or human rights</p>	<p>This was deliberated by the wg with the final understanding that a) the intent of the PfA was to cover CoC and this revision therefore meets that intent without expanding the scope of the PfA elements and b) it is not practical for FSC to enforce/have oversight of all these. Yes, there should be respect for traditional and human rights everywhere, but it was not seen as practical for FSC, and through the PfA, to address all these risks.</p>	<p>FSC UK</p>
	<p>Limiting the scope of unacceptable activities involving human rights and the ILO core conventions within the forestry or forest products sector is the correct approach. The system is</p>	<p>Applicable</p>	<p>Thank you for your comment</p>	<p>Suzano</p>

	already to complex to deal with non-forestry related issues.			
	The decision to limit the scope of unacceptable activities involving the violation of traditional or human rights and the ILO core conventions within the forestry or forest products sector was great! With this, FSC can be focused on establishing safeguards where FORESTS and forest products are involved.		Thank you for your comment	Klabi SA
	The scope limitation of unacceptable activities involving the violation of traditional or human rights and the ILO core conventions within the forestry or forest products sector was great! With this, FSC can be focused on establishing safeguards where the forest certification is in fact applied.		See above	Arauco
	The scope limitation of unacceptable activities involving the violation of traditional or human rights and the ILO core conventions within the forestry or forest products sector was great! With this, FSC can be focused on establishing safeguards where the forest certification is in fact applied.		See above	IPEF
	The scope limitation of unacceptable activities involving the violation of traditional or human rights and the ILO core conventions within the forestry or forest products sector is perfectly appropriated. With this, FSC can be focused on establishing safeguards aligned with his vision and mission, that area related to forests.		See above	CMPC
Unacceptable activities – illegal harvest/rade	<p>The definition of “illegal harvesting” should be clarified for the purpose of the policy. It is suggested to align it with the FSC CW (version 3), which is aligned to the EU Timber Regulation.</p> <p>There may be situations when one or several laws are partly violated. Also “law” should be clarified. In different countries, there may be interpreted differently. According to the current definition, it lead to illegal harvesting. E.g. harvesting method is chosen incorrectly, or fee payment is delayed etc. and thus one of the normative that is the part of the law is violated. In FM evaluation, only minor</p>	For illegal harvesting and trade, it is proposed to use the same language as for conversion and HCVF damage definitions – using “significant”.		NEPCon

	nonconformity can be raised but according to the policy it may cause the disassociation with FSC, such a big difference.			
Unacceptable activities – HCVs	<p>In the explanatory notes it is said that: "...it is expected that they make use of available tools such as FSC national or centralized risk assessments, and have mitigation strategies in place in situations where potential risk to HCVs exists."</p> <p>Metsä Group sees that FSC brings national and centralized risk assessments to companies' all work in forests even though these assessments are built for controlled wood procurement under CoC certification.</p>	Deletion of the explanatory note on NRAs and CNRAs.	Not clear why this would be a problem or concern. These NRAs/CRAs could be used as tools to know the presence of HCVs so that this category can be complied with.	Metsa
	<p>In the explanatory notes it is said that: "...it is expected that they make use of available tools such as FSC national or centralized risk assessments, and have mitigation strategies in place in situations where potential risk to HCVs exists."</p> <p>UPM sees that FSC brings national and centralized risk assessments to companies' all work in forests even though these assessments are built for controlled wood procurement under CoC certification.</p>	Deletion of the explanatory note on NRAs and CNRAs.	See above	UPM
	<p>In the explanatory notes it is said that: "...it is expected that they make use of available tools such as FSC national or centralized risk assessments, and have mitigation strategies in place in situations where potential risk to HCVs exists."</p> <p>SE WSF sees that FSC brings national and centralized risk assessments to companies' all work in forests even though these assessments are built</p>	Deletion of the explanatory note on NRAs and CNRAs.	See above	SE WSF

	for controlled wood procurement under CoC certification.			
	<p>In the explanatory notes it is said that: "...it is expected that they make use of available tools such as FSC national or centralized risk assessments, and have mitigation strategies in place in situations where potential risk to HCVs exists."</p> <p>FSC brings national and centralized risk assessments to companies' all work in forests even though these assessments are built for controlled wood procurement under CoC certification.</p>	Deletion of the explanatory note on NRAs and CNRAs.	See above	Kotkamills Oy
	<p>In the explanatory notes it is said that: "...it is expected that they make use of available tools such as FSC national or centralized risk assessments, and have mitigation strategies in place in situations where potential risk to HCVs exists."</p> <p>FFIF sees that FSC brings national and centralized risk assessments to companies' all work in forests even though these assessments are built for controlled wood procurement under CoC certification.</p>	Deletion of the explanatory note on NRAs and CNRAs.	See above	FFIF
	We strongly agree with the explanatory note that makes it clear that the organization is not expected to conduct systematic HCV assessments, and it is very important that this be retained.		Thank you for your comment	Resolute
	It is our understanding that the intent is that the mitigation strategies referred to in the explanatory note are not necessarily or specifically "Control Measures" that may be identified in the NRAs and CNRAs. Otherwise, it would be the equivalent of implementing the Controlled Wood standard to non-	Add an additional sentence at the end of the Explanatory Note: "It is not expected that these mitigation strategies are necessarily or	Unclear why that is necessary and is a lot of detail to add to the policy. The NRAs/CRAs are meant as a tool for knowing where HCVs are present.	Resolute

	certified entities, and that would be well beyond the scope of the PfA. This should be made absolutely clear in the Explanatory Note.	specifically any of the Control Measures that may be identified in NRAs or CNRAs.”		
	The explanatory note is not properly raised. In addition, the names of the ENR and ENCR are not properly referenced, and may be caused confusion. any reference to the relevant documents Controlled Wood is made.	It is preferable to delete the note, if it does not adequately account for the process to be followed. Even, it must be reformed if the certificate covers certified operations.	Unclear why there is a preference to delete the note.  Spanish version will be properly translated/referenced, etc. in the final version.	Paula Montenegro
	This explanatory note is an important addition for the usability of the PfA, and will be important to maintain in the final PfA document.		Thank you for your comment	AFPA
	The explanatory note is beneficial and helpful to realize the reality of implementing and complying with the PfA. This should be included in the final document.		Thank you for your comment	KapStone
	Letter D: I don't think this phrase is clear. I will give in two ways in which is not:  1. Who has to do the damage the forest manager/employee or any industry manager/employee? I think that any industry that relates to FSC has to be accountable for damaging HCV.  2. Not all HCV are in forest and to which the forestry sector is related, for example: i- A cultural (resource) traditional site may not be in a forest (e.g., it could be in a forest road) but still be of high value for communities or indigenous people;  A wetland is part of a forest or not? Not all areas that are within forest are forest -trees- it could be a different vegetational community that exist within the landscape. So under this unclear concept I can	d. Significant damage to high conservation values by FSC certified or associated organizations and individuals.	For all the categories, it is implied that this applies to the FSC certified organization and individuals – that's why we define it upfront as 'associated organization' and 'affiliated group', as well as whether they had control over any other entity involved in it.  HCVs in the context of this policy as those defined by FSC, which is specific to forests. There would be no mechanism for verifying/evaluating/asses sing damage to HCVs if	Ana Young

	damage a HCV.		not in forests.	
Unacceptable activity - Forest Conversion	Not clear in definitions section here whether the definition of "Forest" is the definition of "Natural Forest" or whether it is the definition of "Forest". This is important as "Forest" is defined as "a tract of land dominated by trees", which includes plantations: so eg. "significant conversion of forests to plantations" would not make sense. I think "forest" in clauses 1a – d applies to both natural forest and plantation, whereas "forest" in clause 1e applies to natural forest only.	Have 2 definitions 1) forest 2) natural forest, and use "natural forest" in the conversion clause 1e. Also will need to use term "natural forest" in parts of definition of "significant conversion", but not in other parts (eg. conversion of HCV "natural forest" but % of total "forest") Recommend a proof read of whole document for this	Forest is meant to cover everything but plantations, which I thought was how it is defined in V5. Will look into this.	Soil Assoc
	The definition qualifies that the percentage and area thresholds are specific to national jurisdiction. This is not consistent with explanatory notes which implies these thresholds are applicable for all forest managed by associated organization and the affiliated group	If it is the intent to define significant conversions thresholds at the national jurisdiction, than the first bullet point under explanatory notes should specify national jurisdiction.	It is not completely clear what the concern is.  This is a spatial issue, not an ownership issue. We are not looking at how many hectares of HCVs have been converted (any conversion of HCVs is considered significant). For the numeric and percentage thresholds, we are looking at whether the totality of amount/percent is within one contiguous area or spread out.	RA
	Minor point – I think there needs to be an "or" between the three suggested thresholds –  Also – The third bullet about other factors to be taken into consideration is a good one. Is there a way to get that into the definition.  It is important because, standing alone, the		Since there is not an 'and', the 'or' is implied, but can be added.  Some of the other considerations are listed, but this is not meant to be	Keith Moore



	thresholds 10,000 ha and 10% in five years seem pretty high.		an exhaustive or prescriptive list. These will be in the policy, however, so the thresholds are not standing alone.	
	The word “triggers” infers a singular amount that is used to judge absolutely when a criterion has been met. The intent stated in the rest of the definition seems to infer that the thresholds are guidelines. Exceeding the thresholds may trigger an investigation, but it is not necessarily a trigger “for determining whether forest conversion is considered to be significant.”	Change “triggers” to “guidelines.”	Triggers seems to be the best word to describe it.	Resolute
	Disagree that conversion above the thresholds may not mean disassociation. The thresholds should be real thresholds.	<p>Explanatory Notes:</p> <ul style="list-style-type: none"> <li>- the 10,000 ha and 10 percent thresholds represents the total percentage or area of forest managed by the associated organization and the affiliated group.</li> <li>- these thresholds are intended as triggers for determining whether forest conversion is considered to be significant. Conversion that is less than these thresholds may still allow for a complaint to be filed. Conversely, conversion that exceeds these</li> </ul>	<p>These were always understood to be triggers. Further, if we change the upward trigger then we would also need to change the downward one, meaning 9,999 hectares would not be considered conversion, and this doesn't seem like the correct way to determine whether conversion is significant and causing impacts.</p> <p>It was acknowledged that the thresholds are fairly arbitrary and, since the wg was not the proper body to try and revise these thresholds, it seemed appropriate to consider them as triggers.</p> <p>Through the complaints process, it is hard to see how meeting these thresholds would not constitute a PfA violation</p>	Greenpeace and Leonie van der Maeson

		<p><del>thresholds does not automatically lead to disassociation but will lead to a case by case investigation according to the PfA complaints procedure</del></p>		
	<p>FoW totally disagree that conversion above the thresholds may not mean disassociation. The thresholds must be real thresholds!</p>	<p>Explanatory Notes:</p> <ul style="list-style-type: none"> <li>- the 10,000 ha and 10 percent thresholds represents the total percentage or area of forest managed by the associated organization and the affiliated group.</li> <li>- these thresholds are intended as triggers for determining whether forest conversion is considered to be significant. <del>Conversion that is less than these thresholds may still allow for a complaint to be filed. Conversely, conversion that exceeds these thresholds does not automatically lead to</del></li> </ul>	<p>See above</p>	<p>Forests of the World</p>

		<del>disassociation but will lead to a case-by-case investigation according to the PfA complaints procedure.</del>		
	It states that a member's conversion that exceeds the thresholds allowed by the FSC (10,000 ha, 10%) does not mean it will automatically be dissociated, it will be a case-by-case basis. This may encourage the conversion above the thresholds under the hope of justifying such conversions and load the FSC with endless investigations of each case. My opinion is that whoever violates the thresholds is the subject of dissociation.	Members exceeding the conversion threshold (10,000 ha, 10%) will be disassociated from the FSC.	<p>These were always understood to be triggers. Further, if we change the upward trigger then we would also need to change the downward one, meaning 9,999 hectares would not be considered conversion, and this doesn't seem like the correct way to determine whether conversion is significant and causing impacts.</p> <p>It was acknowledged that the thresholds are fairly arbitrary and, since the wg was not the proper body to try and revise these thresholds, it seemed appropriate to consider them as triggers.</p> <p>Through the complaints process, it is hard to see how meeting these thresholds would not constitute a PfA violation</p>	Lincoln Quevedo
Unacceptable activity – ILO	We appreciate the recognition in the PfA Note to Stakeholders that the ILO Core Conventions issue is outside the scope of the PFA revision process, and the policy will be aligned with the outcome of a separate Working Group process established to	The proposed PfA should state that appropriate language will be inserted once the issue is resolved,	We will look into referencing the Dec 2012 agreement in the policy so this is clear.	Georgia-Pacific

	<p>address the issue, we object to inclusion of any language requiring commitment with the Core Conventions until the issue is resolved . However, in the interim, we do suggest clarifying that in the policy (see “proposed change”)</p>	<p>or in the alternative, should include the following language consistent with the December 2012 agreement:</p> <p>“Consistent with applicable national law and practice, shall respect (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation.”</p>		
	<p>While we appreciate the recognition in the PfA Note to Stakeholders that the ILO Core Conventions issue is outside the scope of the PFA revision process, and the policy will be aligned with the outcome of a separate Working Group process established to address the issue, we object to inclusion of any language requiring commitment with the Core Conventions until the issue is resolved</p>	<p>The proposed PfA should state that appropriate language will be inserted once the issue is resolved, or in the alternative, should include the following language consistent with the December 2012 agreement:</p> <p>“Consistent with applicable national law and practice, shall respect (a) freedom of association and the effective recognition of</p>	<p>We will look into referencing the Dec 2012 agreement in the policy so this is clear.</p>	<p>AFPA</p>

		the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation.”		
	It is important to include that the ILO Core Conventions issue is outside the scope of the PFA revision process, and the policy will be aligned with the outcome of a separate Working Group process established to address the issue. However, the inclusion of any language requiring “commitment with the Core Conventions” should be removed until the issue is resolved	<p>The proposed PfA should state that appropriate language will be inserted once the issue is resolved, or in the alternative, should include the following language consistent with the December 2012 agreement:</p> <p>“Consistent with applicable national law and practice, shall respect (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation.”</p>	We will look into referencing the Dec 2012 agreement in the policy so this is clear.	KapStone
	Policy element 1(c) does not expressly defer to the ILO working group.	Assure that the language of the final	This will be made clear	Int'l Paper

		PfA recognize the existence of the ILO working group and assure there is no confusion regarding the requirement that the results of the ILO working group will dictate how this issue is addressed within the PfA.		
Unacceptable activity – GMO	GMO why allowing field trials. How much is a field trial? Sorry but this is opening a door for GMO in FSC and it would not be read right from the public view	Eliminate field trials	It would be field trials for the purpose of research, which is allowed as per the GMO policy (which we have no mandate to change as part of this revision).  We can clarify that the field trials are being done for research purposes.	Ana Young
	It is our position that the term “introduction” should refer to the point of introduction into the environment. Where the intent of GMO field research is testing towards commercial purposes, it should be treated as planting or growing for commercial purposes.		While clearly the intent of research is for commercialization, the FSC GMO policy allows for research that is not on certified forests or as controlled material in FSC Mix products. This revision process has no mandate to change that policy.	RAN
	Further clarify why it has changed regarding GMOs. It should keep what is stated in the Controlled Wood standard, which has already been approved		We have not changed the policy but rather worked to define what is meant by introduction, which had been assumed to mean commercialization (there are currently FSC certified companies doing research on GMOs and	Paula Montenegro

			they have not been disassociated). Controlled Wood standard is different and must hold certificate holders to a higher ground because it relates to the FSC product. The PfA is looking at non-certified and non controlled wood.	
	Policy element 1(f) requires significant expertise and work beyond that available from the existing working group. The issue of genetically modified trees should not be decided by this group.	Set this policy element as a place-holder pending further consideration by an appropriately convened expert working group.	Thank you for your comment	Int'l Paper
	It is clear that the term “plant and growing” for commercial purposes is better, BUT at same time, still brings a level of unclarity to the system. The ideal point of assessment of a given breach to PFA is when the wood is harvesting. FSC IC came to Suzano for assessing a possible scenario where Suzano could use a given area wood for commercial purposes. In fact there are many cases where a research might make sense from a breeding perspective (i.e. development of super-families, which requires back-crossin of GM with non-GM materials, resulting in literally thousands of progenies that we need to field test to best suit materials to site specific conditions. With the term, “planting and growing” we give room to a false interpretation that “large” experiments like the super-families might be and attempt to “hide” commercial planting into research label. In fact even if Suzano plants hundreds of hectares of GM trials, this is 0,0xx % of total planted area, and with the super-families, it is very possible to reach this scale. Therefore, to avoid this, we believe the best time to evaluate the PfA GM clause breach is during the harvesting. It is a clear moment when the wood will be discarded, sold, donated, burnt, etc. PfA should use this moment as the element for considering a GM PfA Breach.	Add a note: For this policy, the intent of commercial purposes will be assessed during harvesting of a given GM field trial area.	The wg deliberated this point thoroughly and recognized that the concerns about GM trees are not with them in a product (once harvested) but their potential/perceived environmental and social impacts on-the-ground. As such, it was decided that there needs to be limits related to planting/growing them. Sticking to the intent of trying to define the term ‘introduction’, it was decided that this was for commercial purposes and meaning NOT for research purposes (or selling the materials from the research). This is the language that was therefore chosen. Overall, this is a larger FSC policy/strategy issue that the wg recommends	Suzano

			be discussed meaningfully and carefully.	
Addition al Unacceptable activities	I recommend to add one category: corruption. Could be related with bad commercial practices (for example, collusion)		The wg discussed corruption and decided that it would not be possible for FSC to determine corruption. However, it may be more realistic to include if it is proven in a court of law. Will reconsider.	SSC Americas
	<p>It is still my opinion that the list of “unacceptable activities” that are grounds for disassociation should include something like “activities that breach established policies and/or procedures established by FSC or bring FSC or its members into disrepute”.</p> <p>I think this is an important tool for the Board to have in its tool kit. It would be used very judiciously, in extreme situations well beyond the norms of public disagreements and vigorous debates. But it should be there, within existing policy for use if situations arise.</p> <p>The FAQ (bottom of page 1) state “in some situations, an organization may be damaging the integrity of the FSC system in ways that are outside the scope of the PfA. In these cases, FSC reserves the right, after due process, to cancel trademark licence, membership and other agreements”. So the need is recognized.</p> <p>However it is unclear to me how that would be accomplished, and if it can be accomplished then it could simply be added to the Policy for Association as a grounds for doing what is suggested. It would be cleaner to have these potential tools in 1 document.</p>	<p>Expand the list of “unacceptable activities”.</p> <p>In the event of non-consensus at the WG, I suggest this question also be put to the Board.</p>	<p>This was felt to be hard to prove, measure, etc.</p> <p>If there is non-consensus meaning that some wg members object to including it while others object to not including it, then it will be brought up to the board. If this is not the case, then it can also be pointed out to the board as a separate issue to be addressed through a separate process.</p> <p>This may also be an issue to address in the TLA revision.</p>	Keith Moore
Part II: Due Diligence	Any due diligence process conducted by a certificate holder or potential certificate holder must be simple, straightforward and cost effective. It should not become a barrier, either because of its’ complexity or the time required to complete the		The technical body established to help develop the DDP will take this into account	Verso Corp



	<p>application and approval process.</p> <p>We would like the opportunity to contribute to the further development of the Due Diligence Procedure. We are not certain that we have the correct draft since the document we found is extremely short and did not seem to correspond in sufficient detail to this policy.</p>		<p>Great – you are on!</p> <p>We decided to NOT include the DDP as part of this second consultation, as we are now establishing a technical body to design/develop the DDP before we continue with consultation on it.</p>	<p>RAN</p>
	<p>The purpose of the PfA is to identify and manage reputational risks and the credibility of the FSC, its brand, members and all other entities associated with it. It is one of FSC's fundamental risk management tools.</p> <p>The foundation of such a policy starts with disclosure of information by applicants. Full and transparent disclosure by applicants of the comprehensive set of affiliated groups in the forests and forest product sectors, regardless of whether there is a majority or minority controlling interest, is fundamental and essential. Companies invest in other companies for strategic business reasons. Even if they do not have full operational or management control, the relationships are material and the company is linked to these affiliations, for which it still has certain responsibilities, and through which association the FSC is exposed to potential risks to its credibility which this policy is intended to help manage.</p> <p>Current definitions of “accountable”, “affiliated group”, “associated organizations”, “control” would now seem to preclude companies from disclosing other relationships material to the policy’s original intent. Obligations may differ under the policy for affiliates under commercial management control and those not, but full disclosure of both should be required.</p>	<p>Modification an/or addition of terms and definitions consistent with full disclosure requirements for material ownership, joint venture and other commercial relationships under Part 1</p> <p>Inclusion in FSC-PRO_01-004 of full disclosure requirements and annual and/or timely updating of changes to material relationships as part of due diligence and good standing procedures.</p> <p>Add, include full disclosure expectations and obligations as part of Policy Implementation.</p> <p>To enable effective implementation of Part 3, ensure mechanism/procedure for stakeholder access</p>	<p>Thank you for all this information – it is exactly what we will be looking to address in the DDP revision.</p>	<p>RAN</p>

		to disclosure declarations. Failure to make proper disclosure to be included as “a breach of this policy” and subject to consequences under Part 4.		
	We agree that the due diligence procedures should not be included in the PfA until a technical committee works on this. We think that developing the user-friendly guidance document is a good idea.		Thank you for your comment	Resolute
	AF&PA agrees with the removal of the Due Diligence section of the PfA. The inclusion of a software-based process was not necessary or proper for the PfA.		To be clear, we are not eliminating the DDP. We are convening a technical body to help design it before further consultation on it.	AFPA
	agree with the removal of the Due Diligence section of the PfA. The inclusion of a software-based process was not necessary or proper for the PfA.		See above	KapStone
	Moving this original proposed element to only a screening process for new incoming certificate holders will lower the burden required for implementation. Highlighting the expectations in a clear manner is important.	Run this process similar to the trademark process where it is easy and transparent to see the direction of the working group and where specific issues are brought up in advance of the first consultation through stakeholder polling.	OK	Int'l paper
	Metsä Group sees that a technical committee should discuss approach and technique required for DD procedure. The chamber balance should be guaranteed (both north and south sub-chambers). The work may not result in increased bureaucracy and costs to the Organizations. It is important to emphasize the text of the Summary of the 3 <sup>rd</sup> meeting:		The same sub-chamber balanced wg will oversee the DDP revision. A separate technical body is being established to design/develop it and will take all comments received on the DDP to-date into account.	Metsa

	<i>The due diligence procedure (DDP) needs to be 'fit for purpose' while recognizing that there are 30,000+ certificate holders (not including members) that would need to undergo this procedure in order to identify the "handful of organizations" possibly violating the PfA."</i>			
	<p>UPM sees that a technical committee should discuss approach and technique required for DD procedure. The chamber balance should be guaranteed (both north and south sub-chambers). The work may not result in increased bureaucracy and costs to the Organizations.</p> <p>It is important to emphasize the text of the Summary of the 3<sup>rd</sup> meeting:</p> <p><i>The due diligence procedure (DDP) needs to be 'fit for purpose' while recognizing that there are 30,000+ certificate holders (not including members) that would need to undergo this procedure in order to identify the "handful of organizations" possibly violating the PfA."</i></p>	<p>Self-declaration of the existing PfA should not be changed until the technical committee has finalized its work. Otherwise extra confusion is caused in the Organizations (applicants and associated). It should be clearly mentioned in the PfA.</p>	<p>The self-declaration will not change. We feel it is important, however, to make sure that applicants understand the PfA before signing the self-declaration, and that is what is being discussed.</p>	UPM
	<p>SE WSF sees that a technical committee should discuss approach and technique required for DD procedure. The chamber balance should be guaranteed (both north and south sub-chambers). The work may not result in increased bureaucracy and costs to the Organizations.</p> <p>It is important to emphasize the text of the Summary of the 3<sup>rd</sup> meeting:</p> <p><i>The due diligence procedure (DDP) needs to be 'fit for purpose' while recognizing that there are 30,000+ certificate holders (not including members) that would need to undergo this procedure in order to identify the "handful of organizations" possibly violating the PfA."</i></p>	<p>Self-declaration of the existing PfA should not be changed until the technical committee has finalized its work. Otherwise extra confusion is caused in the Organizations (applicants and associated). It should be clearly mentioned in the PfA.</p>	See above	SE WSF
	<p>technical committee should discuss approach and technique required for DD procedure. The chamber balance should be guaranteed (both north and south sub-chambers). The work may not result in increased bureaucracy and costs to the Organizations.</p>	<p>Self-declaration of the existing PfA should not be changed until the technical committee has finalized its work. Otherwise extra</p>	See above	Kotkamills Oy

	<p>It is important to emphasize the text of the Summary of the 3<sup>rd</sup> meeting:</p> <p><i>The due diligence procedure (DDP) needs to be 'fit for purpose' while recognizing that there are 30,000+ certificate holders (not including members) that would need to undergo this procedure in order to identify the "handful of organizations" possibly violating the PfA."</i></p>	<p>confusion is caused in the Organizations (applicants and associated). It should be clearly mentioned in the PfA.</p>		
	<p>FFIF sees that a technical committee should discuss approach and technique required for DD procedure. The chamber balance should be guaranteed (both north and south sub-chambers). The work may not result in increased bureaucracy and costs to the Organizations.</p> <p>It is important to emphasize the text of the Summary of the 3<sup>rd</sup> meeting:</p> <p><i>The due diligence procedure (DDP) needs to be 'fit for purpose' while recognizing that there are 30,000+ certificate holders (not including members) that would need to undergo this procedure in order to identify the "handful of organizations" possibly violating the PfA."</i></p>	<p>Self-declaration of the existing PfA should not be changed until the technical committee has finalized its work. Otherwise extra confusion is caused in the Organizations (applicants and associated). It should be clearly mentioned in the PfA.</p>	<p>See above</p>	<p>FFIF</p>
	<p>Due Diligence and Pro-Active PfA Evaluation – this is becoming far too complicated – there are over 30,000 Certificate Holders and FSC only has the capacity to review circa 0.02% - self declaration is adequate. If there is a complaint from stakeholders then it can be dealt with.</p>	<p>Simplify</p>	<p>DDP and Proactive PfA are not being proposed in this revision, so not sure what to simplify. We will take your comments into consideration for those processes. Thanks, in advance.</p>	<p>Confor</p>
	<p>Difficult to comment on 2.1 without further information of the due diligence procedure. Has any consideration been given to incorporating the procedure into this document so that all the necessary information is in the one place?</p>	<p>Further information required on the procedure in order for this section to be considered.</p>	<p>There was not an expectation to comment on the DDP. We have nothing yet developed to comment on. This section of the policy has not changed from the current one. Right now, it is expected that the organization sign the self-declaration</p>	<p>FSC UK</p>

Investigation of Allegations: Proactive evaluations	Metsä Group still questions the need for proactive evaluation of allegations. First it should be very carefully analysed, why and what kind of "a more comprehensive revision of the complaints procedure" we actually need. Metsä Group suggests a clear costs and benefits analyses focusing both on the Organizations and FSC itself.		Thank you for your comment. We will consider it as we work to revise the PfA complaints procedure.	Metsä
	UPM still questions the need for proactive evaluation of allegations. First it should be very carefully analysed, why and what kind of "a more comprehensive revision of the complaints procedure" we actually need. UPM suggests a clear costs and benefits analyses focusing both on the Organizations and FSC itself.		See above	UPM
	SE WSF still questions the need for proactive evaluation of allegations. First it should be very carefully analysed, why and what kind of "a more comprehensive revision of the complaints procedure" we actually need. SE WSF suggests a clear costs and benefits analyses focusing both on the Organizations and FSC itself.		See above	SE WSF
	KM questions the need for proactive evaluation of allegations. First it should be very carefully analysed, why and what kind of "a more comprehensive revision of the complaints procedure" we actually need. A clear costs and benefits analyses focusing both on the Organizations and FSC itself.		See above	Kotkamills Oy
	FFIF still questions the need for proactive evaluation of allegations. First it should be very carefully analysed, why and what kind of "a more comprehensive revision of the complaints procedure" we actually need. FFIF suggests a clear costs and benefits analyses focusing both on the Organizations and FSC itself.		See above	FFIF
	We would like to discuss this proposal further.		Great – happy to discuss and get your input as we work to revise the PfA complaints procedure!	RAN
	strongly supports FSC proactively investigating	Include the	Agreed. We will work on	Greenpeace

	alleged or potential PfA breaches. This is essential to avoid complex and costly complaints processes and to get FSC on the front foot with managing to a high level it's reputation risk.	development of a Proactive PfA Evaluation mechanism.	this through the revision of the PfA complaints procedure. For reasons previously stated, it did not work to make this an 'add on' to the existing procedure.	and Leonie van der Maesen
	FoW strongly supports FSC proactively investigating alleged or potential PfA breaches. This is essential to avoid complex and costly complaints processes and to get FSC on the front foot with managing to a high level it's reputation risk.	Include the development of a Proactive PfA Evaluation mechanism.	See above	Forests of the World
	AF&PA agrees with the removal of the Proactive PfA Evaluation mechanism that had previously been proposed.		Thank you for your comment. To be clear, it is removed from the PfA revision process and will be re-visited in the revision of the PfA complaints procedure	AFPA
	I agree with the removal of the Proactive PfA Evaluation mechanism that had previously been proposed.		See above	KapStone
	Agree that a Proactive PfA Evaluation mechanism would be ill-advised.		Thank you for your comment. A proactive element to the complaints procedure is still being considered, but not part of this revision.	Verso Corp
	We strongly agree that the "Proactive PfA Evaluation" mechanism is not being included in the PfA. We agree that, if this mechanism is to be developed and implemented, it should be pursued via a formal and more comprehensive revision of the PfA Complaints Procedure.		Thank you for your comment	Resolute
Consequences of a Breach - Probation	We strongly agree with the added clarification of "...if there is substantiated evidence...."		Thank you for your comment	Resolute

	There should be consequences for FSC members who bring unsubstantiated allegations. This PfA draft is focused on consequences for certificate holders, but does not address potential abuse by social and economic chamber members who can damage certificate holders' credibility and reputation through campaigning and making questionable allegations. These activities ultimately reflect on FSC.		Unsubstantiated evidence will not be considered. Beyond that, it isn't clear what FSC could do	Verso Corp
	The concept of probation is new. I don't think is correct to define this phase, it would be another stage in the dissociation process that is already quite difficult to prove and confront for all parties. This probation stage will bring more pain, lack of transparency, more costs (monetary and non-monetary) and lobby.	Eliminate	See the FAQ and other background materials for the reasons behind wanting to include this option. Mostly, it is believed to be an effective way for achieving on-the-ground improvements in a timely manner. If approved, there will be conditions and factors for its use, which will be further detailed as part of the PfA complaints procedure revision.	Ana Young
	Support the inclusion of the Probation option		Thank you for your comment	FSC UK
	We would like to discuss this proposal further. See also comments above.		Great – happy to discuss!	RAN
	We agree with the inclusion of probation as a consequence of breaching the policy.		Thank you for your comment	AFPA
	I agree with the inclusion of probation as a consequence of breaching the policy.		See above	KapStone
	Introducing a probation is introducing an unnecessary grey zone. If an organization is found to be in breach, then there can only be one consequence: disassociation, with condition(s) to re-associate	Remove 4.1.b	See the FAQ and other background materials for the reasons behind wanting to include this option. Mostly, it is believed to be an effective way for achieving on-the-ground improvements in a	Ecohout

			timely manner. If approved, there will be conditions and factors for its use, which will be further detailed as part of the PfA complaints procedure revision.	
	As per Stakeholder Input Request, disagree with the probation proposal. We don't see how you can be partially in compliance with the PfA and thus grounds for leniency.	Delete the probation proposal	Noted. The wg considered these and other similar points in the first round and came to agreement on probation with conditions/factors, and provided the best rationale they could for it. It's not considered a grounds for leniency, but an opportunity for having more effective results (in some situations).	Greenpeace and Leonie van der Maesen
	FoW find it to be contradictory that you can be partially in compliance with the PfA.	Delete the probation proposal	See above	Forests of the World
	Metsä Group supports the addition of the point b) Probation, with time-bound conditions.		Thank you for your comment	Metsa
	SE WSF supports the addition of the point b) Probation, with time-bound conditions.		See above	SE WSF
	UPM supports the addition of the point b) Probation, with time-bound conditions.		See above	UPM
	FFIF supports the addition of the point b) Probation, with time-bound conditions.		See above	FFIF
	supporting the addition of the point b) Probation, with time-bound conditions.		See above	Kotkamills Oy



	<p>3.1 Any stakeholder, including FSC, can call for an investigation if there is substantiated evidence that an associated organization or affiliated group is suspected of a breach of this policy as listed in Part I.</p> <p>If the PfA is intended to identify unacceptable situations outside the system, it will be difficult to identify them. How do you see the process to get this information?</p>		Not sure we understand the question or concern, but the process would be the same as it currently is.	SSC Americas
	Alternative b could be consider as a <i>suspension of the association?</i>		Yes	SSC Americas
	Stakeholder input requested on "factors and conditions that would guide the decision to grant a probation rather than disassociation"	Add: Whether the unacceptable activity is presently alleged, adjudicated, or proven by an impartial tribunal	This can be further considered in the complaints procedure	Danzer
	Probation – this is essential and Organisations must have the right to respond. It is impossible to produce a list of circumstances where an organisation should/should not be placed on probation – simply rely on "case law" to fine-tune the regulations based on real experience	Simplify	I think we need some factors/conditions as guidance but also that it should be built over time, as suggested. Not sure how to strike this balance, or whether we want to leave it out of the policy so that it doesn't become too prescriptive and instead have it in the complaints procedure, though this then leads to questions about when probation is used and what are the conditions..	Confor
	We agree with all factors that determine when probation, rather than dissociation, should be granted (FAQ), except concerning "reputational damage already done", because this parameter is very subjective, immeasurable and can be associated to false complaints or groundless reports. Furthermore, it is relevant also a better	1. Factors determining when probation, rather than dissociation, should be granted: first-time violation how long the organization was	For systemic/oversight, we are not sure what the problem is.  Regarding reputational damage, we believe that this should be a	Klabin

	<p>wording to the item related to the cause of the unacceptable activity, clarifying that probation should happen when the cause of the allegation is not systemic/recurrent. Organizations should have an action plan demonstrating that initiatives/measures have been take to the resolution of the raised conflicts.</p>	<p>involved in the unacceptable activity, and whether it has stopped doing it <del>oversight</del> cause of the unacceptable activity <del>(systemic or oversight)</del> number of unacceptable activities violated clarity on whether accountability for the unacceptable activity can be established timespan over which the conditions can be met <del>reputational damage already done.</del></p>	<p>consideration, though clearly this is not a prescriptive or exhaustive list and are considerations.</p>	
	<p>We agree with all factors that determine when probation, rather than dissociation, should be granted (FAQ), except concerning "reputational damage already done", because this parameter is very subjective, immeasurable and can be associated to false complaints or groundless reports. Furthermore, it is relevant also a better wording to the item related to the cause of the unacceptable activity, clarifying that probation should happen when the cause of the allegation is not systemic/recurrent. Organizations should have an action plan demonstrating that initiatives/measures have been take to the resolution of the raised conflicts.</p>	<p><i>1. Factors determining when probation, rather than dissociation, should be granted:</i></p> <ul style="list-style-type: none"> <li>• <i>first-time violation</i></li> <li>• <i>how long the organization was involved in the unacceptable activity, and whether it has stopped doing it</i></li> <li>• <i>oversight cause of the unacceptable activity (<del>systemic or oversight</del>)</i></li> <li>• <i>number of unacceptable activities violated</i></li> <li>• <i>clarity on whether accountability for the unacceptable activity can be established</i></li> </ul>	<p>See above</p>	<p>Arauco</p>

		<ul style="list-style-type: none"> <li>• <i>timespan over which the conditions can be met</i></li> </ul> <del>reputational damage already done.</del>		
	<p>We agree with all factors that determine when probation, rather than dissociation, should be granted (FAQ), except concerning "reputational damage already done", because this parameter is very subjective, immeasurable and can be associated to false complaints or groundless reports. Furthermore, it is relevant also a better wording to the item related to the cause of the unacceptable activity, clarifying that probation should happen when the cause of the allegation is not systemic/recurrent. Organizations should have an action plan demonstrating that initiatives/measures have been take to the resolution of the raised conflicts.</p>	<p>1. Factors determining when probation, rather than dissociation, should be granted:</p> <ul style="list-style-type: none"> <li>• first-time violation</li> <li>• how long the organization was involved in the unacceptable activity, and whether it has stopped doing it</li> <li>• <del>oversight</del> cause of the unacceptable activity (<del>systemic or oversight</del>)</li> <li>• number of unacceptable activities violated</li> <li>• clarity on whether accountability for the unacceptable activity can be established</li> <li>• timespan over which the conditions can be met</li> </ul> <del>reputational damage already done.</del>	See above	IPEF
	<p>We agree with all factors that determine when probation, rather than dissociation, should be granted (FAQ), except concerning "reputational damage already done", because this parameter is very subjective, immeasurable and can be associated to false complaints or groundless reports. Furthermore, it is relevant also a better</p>	<p>1. Factors determining when probation, rather than dissociation, should be granted:</p> <ul style="list-style-type: none"> <li>• first-time violation</li> <li>• how long the organization was</li> </ul>	See above	CMPC

	<p>wording to the item related to the cause of the unacceptable activity, clarifying that probation should happen when the cause of the allegation is not systemic/recurrent. Organizations should have an action plan demonstrating that initiatives/measures have been take to the resolution of the raised conflicts.</p>	<p>involved in the unacceptable activity, and whether it has stopped doing it</p> <ul style="list-style-type: none"> <li>• <i>oversight</i> cause of the unacceptable activity (<del>systemic or oversight</del>)</li> <li>• number of unacceptable activities violated</li> <li>• clarity on whether accountability for the unacceptable activity can be established</li> <li>• timespan over which the conditions can be met</li> </ul> <p>reputational damage already done.</p>		
	<p>We agree with all factors that determine when probation, rather than dissociation, should be granted (FAQ), except concerning "reputational damage already done", because this parameter is very subjective, immeasurable and can be associated to false complaints or groundless reports. Furthermore, it is relevant also, a better wording to the item related to the cause of the unacceptable activity, clarifying that probation should happen when the cause of the allegation is not systemic/recurrent. Organizations should have an action plan demonstrating that initiatives/measures have been take to the resolution of the raised conflicts.</p>	<p>1. Factors determining when probation, rather than dissociation, should be granted:</p> <ul style="list-style-type: none"> <li>• first-time violation</li> <li>• how long the organization was involved in the unacceptable activity, and whether it has stopped doing it</li> <li>• <i>oversight</i> cause of the unacceptable activity (<del>systemic or oversight</del>)</li> <li>• number of unacceptable activities violated</li> <li>• clarity on whether</li> </ul>	See above	Suzano

		<p>accountability for the unacceptable activity can be established</p> <ul style="list-style-type: none"> <li>timespan over which the conditions can be met</li> </ul> <p><del>reputational damage already done.</del></p>		
	<p>We strongly disagree with the condition related to the suspension of trademark use during the probation period, since this would be as impacting as dissociation to a certified organization.</p>	<p>2. Conditions placed on the organization that must be met during the probation period:</p> <ul style="list-style-type: none"> <li>compensation plan for damages and impacts</li> <li>short-term and time-bound action plan for resolving the issues that led to the violation</li> <li>improved due diligence to ensure future preventative actions</li> <li><del>suspension of trademark use</del></li> <li>transparency in the decision to grant probation rather than disassociation</li> </ul> <p><del>others, as decided by the PFA complaints panel</del></p>	<p>These are considerations by the complaints panel. These will also be further vetted in the revision of the complaints procedure</p>	<p>Klabin</p>
	<p><i>We strongly disagree with the condition related to the suspension of trademark use during the probation period, since this would be as impacting as dissociation to a certified organization.</i></p>	<p>2. Conditions placed on the organization that must be met during the probation period:</p> <ul style="list-style-type: none"> <li><i>compensation plan for damages and impacts</i></li> <li><i>short-term and</i></li> </ul>	<p>See above</p>	<p>Arauco</p>

		<p><i>time-bound action plan for resolving the issues that led to the violation</i></p> <ul style="list-style-type: none"> <li>• <i>improved due diligence to ensure future preventative actions</i></li> <li>• <del><i>suspension of trademark use</i></del></li> <li>• <i>transparency in the decision to grant probation rather than disassociation</i></li> </ul> <p><del><i>others, as decided by the PfA complaints panel</i></del></p>		
	We strongly disagree with the condition related to the suspension of trademark use during the probation period, since this would be as impacting as dissociation to a certified organization.	<p>2. Conditions placed on the organization that must be met during the probation period:</p> <ul style="list-style-type: none"> <li>• compensation plan for damages and impacts</li> <li>• short-term and time-bound action plan for resolving the issues that led to the violation</li> <li>• improved due diligence to ensure future preventative actions</li> <li>• <del><i>suspension of trademark use</i></del></li> <li>• transparency in the decision to grant probation rather than disassociation</li> </ul> <p><del><i>others, as decided by the PfA complaints panel</i></del></p>	See above	IPEF
	We strongly disagree with the condition related to	2. Conditions placed on	See above	CMPC

	<p>the suspension of trademark use during the probation period, since this would be, in practice, the same impact that a disassociation to a certified organization.</p>	<p>the organization that must be met during the probation period:</p> <ul style="list-style-type: none"> <li>• compensation plan for damages and impacts</li> <li>• short-term and time-bound action plan for resolving the issues that led to the violation</li> <li>• improved due diligence to ensure future preventative actions</li> <li>• <del>suspension of trademark use</del></li> <li>• transparency in the decision to grant probation rather than disassociation</li> </ul> <p><del>others, as decided by the PfA complaints panel</del></p>		
	<p>We strongly disagree with the condition related to the suspension of trademark use during the probation period, since this would be as impacting as dissociation to a certified organization. A possible way out is to evaluate the suspension on a case by case basis, i.e., if there is a clear, tangible reputational risk to FSC (which is unlikely to trigger a probation, but rather a disassociation), than FSC could enforce the suspension, otherwise no suspension should be applicable.</p>	<p>2. Conditions placed on the organization that must be met during the probation period:</p> <ul style="list-style-type: none"> <li>• compensation plan for damages and impacts</li> <li>• short-term and time-bound action plan for resolving the issues that led to the violation</li> <li>• improved due diligence to ensure future preventative actions</li> <li>• <del>suspension of trademark use</del></li> <li>• transparency in the</li> </ul>	<p>See above</p>	<p>Suzano</p>

		decision to grant probation rather than disassociation others, as decided by the PfA complaints panel		
	<p>We agree with revising “conditional association” to “probation” and the revised language around that. The factors and conditions that would guide the decision to grant probation rather than disassociation will be subjective and up to the judgement of the FSC Board on a case-by-case basis. We offer the following factors that could be considered:</p> <ul style="list-style-type: none"> <li>▪ How blatant or egregious the offence is</li> <li>▪ Whether the organization had full knowledge at or near the top echelons</li> <li>▪ Whether the organization had controls in place in good faith and yet failed, or whether the organization had blatant disregard for due diligence and controls.</li> <li>▪ How readily the offence would be to rectify</li> </ul> <p>The significance of the damage to FSC’s reputation, and to that of all other organizations associated with FSC that are abiding by the rules</p>		Thank you and these additional points will be considered if we move ahead with allowing for this option of probation	Resolute
	<p>The factors for probation rather than disassociation as outlined in the Q &amp; A are sufficient. There should be a maximum probation time specified for instance 6 months. The organizations’ ability to address the issues within a set time frame is telling of the gravity and “rooting” of the unacceptable activities.</p> <p>The scope of the probation shall be clarified in the Q &amp;A as well as the trademark use revocation needs to be clarified on / off product. This important guidance and should be part of the policy rather than stated in the Q&amp;A.</p>	Add guidance on probation to the Policy text.	This is a procedural issue, not a policy one. Can add a reference to it, but cannot provide all the details.	WWF
	I disagree with probation. You either comply or you do not		Noted. The wg considered these and other similar points in the first round	Paula Montenegro



			and came to agreement on probation with conditions/factors, and provided the best rationale they could for it.	
	<p>Factors where “probation” can be considered:</p> <ol style="list-style-type: none"> <li>1. Significant conversion occurred prior to association and was mandated as condition of acquiring concession (this is common in SE Asia).</li> <li>2. The breach of PfA was self-identified and corrective actions implemented prior to PfA complaint. E.g., tenure dispute, active restoration of converted areas.</li> <li>3. Allegation of PfA breach is currently being considered by part of a formal litigation/legal process. Probation could be considered until legal proceeding are concluded.</li> </ol> <p>The impact of the breach is repairable and company has demonstrated commitment adhere to PfA and make restitution.</p>		Thanks for these additional points which, if the decision is made to include this option, will be considered.	RA
	A second consequence is reasonable. However, it makes the process more complicated and subject to more interpretation. The greater the number of evaluations and interpretations needed, the longer the process will take. The process should be as streamlined as possible so that PfA questions can resolved on a timely basis.		It is believed that this will help resolve PfA issues quicker. It would not require an additional evaluation, just the option to impose a different consequence.	Verso Corp
	It is necessary to clarify in the normative document that only allegations with pertinent proofs can trigger a dissociation process or probation.	Add the following note: NOTE: Only allegations based on clear evidences can trigger a dissociation process or probation.	This is described in the introductory section and is also in the PfA complaints procedure. The PfA Complaints procedure is very detailed with respect to the type of information (and substantiated evidence) that is needed. If necessary, this can be described in the supplementary background/guidance	Klabin

			document.	
	It is necessary to clarify in the normative document that only allegations with pertinent proofs can trigger a dissociation process or probation.	Add the following note: NOTE: Only allegations based on clear evidences can trigger a dissociation process or probation.	See above	Arauco
	It is necessary to clarify in the normative document that only allegations with pertinent proofs can trigger a dissociation process or probation.	Add the following note: NOTE: Only allegations based on clear evidences can trigger a dissociation process or probation.	See above	IPEF
	It is necessary to clarify in the normative document that only allegations with pertinent proofs can trigger a dissociation process or probation.	Add the following note: NOTE: Only allegations based on clear evidences can trigger a dissociation process or probation.	See above	CMPC
	It is necessary to clarify in the normative document that only allegations with pertinent proofs can trigger a dissociation process or probation.	Add the following note: NOTE: Only allegations based on clear evidences can trigger a dissociation process or probation.	See above	Suzano
Re-association	We do not believe that BoD should be responsible of giving assistance to organizations that breached FSC precepts in order to bring them to the system again. BoD has so little time to meeting comparing to the amount of important deliberations that are under their responsibilities that makes no sense spend time trying to reconnect to organizations that breached the PFA. Experts of FSC system giving special treatment to actors that violated their rules does not make sense. It is interesting for FSC to have a strategic approach to bring those organizations back to the system, but it should be FSC staff's role.	The text is good but its implementation towards the way explained in the comment would be relevant	This is FSC staff's role, though the BoD is responsible for PFA decisions and that would be their job here (same as their current role that they are the ones that decide to disassociate and specify and conditions for renewal) – staff develops/implements/makes recommendations and BoD makes final decisions and provides oversight	Klabir
	We do not believe that BoD should be responsible	The text is good but its	See above	Arauco

	of giving assistance to organizations that breached FSC precepts in order to bring them to the system again. BoD has so little time to meeting comparing to the amount of important deliberations that are under their responsibilities that makes no sense spend time trying to reconnect to organizations that breached the PFA. Experts of FSC system giving special treatment to actors that violated their rules does not make sense. It is interesting for FSC to have a strategic approach to bring those organizations back to the system, but it should be FSC staff's role.	implementation towards the way explained in the comment would be relevant		
	We do not believe that BoD should be responsible of giving assistance to organizations that breached FSC precepts in order to bring them to the system again. BoD has so little time to meeting comparing to the amount of important deliberations that are under their responsibilities that makes no sense spend time trying to reconnect to organizations that breached the PFA. Experts of FSC system giving special treatment to actors that violated their rules does not make sense. It is interesting for FSC to have a strategic approach to bring those organizations back to the system, but it should be FSC staff's role.	The text is good but its implementation towards the way explained in the comment would be relevant	See above	IPEF
	We do not believe that BoD should be responsible of giving assistance to organizations that breached FSC precepts in order to bring them to the system again. BoD has so little time to meeting comparing to the amount of important deliberations that are under their responsibilities that makes no sense spend time trying to reconnect to organizations that breached the PFA. Experts of FSC system giving special treatment to actors that violated their rules does not make sense. It is interesting for FSC to have a strategic approach to bring those organizations back to the system, but it should be FSC staff's role.	The text is good but its implementation towards the way explained in the comment would be relevant.	See above	CMPC
	BOD should give guidance, but definitively NOT be responsible of giving assistance to organizations that breached FSC to bring them back to the system again. I am sure this is not the intent of the text, so	Rephrase based on the comments in the comment column.	See above	Suzano

	need to make it clear that BOD will supervise the re-association but not be part of the process per se.			
	We agree with adding this section, along with the provisions included in it.		Thank you for your comment	Resolute
Other – Overall PfA Complaints Process	<p>“In these cases FSC reserves the right – after due process – to cancel trademark license, membership and other agreements.”</p> <p><i>Due Process</i> is defined generally as: fair treatment ... especially a citizen's entitlement to notice of a charge and a hearing before an impartial judge. Due Process means that the rules, policies and procedures are implemented so that the “accused” understands the system and can launch an adequate defense.</p> <p>Due process fails when the PfA is allowed to be used to bypass the system and engage FSC Directors directly. The PfA does not have as its purpose, an appellate function. PfA cannot be used to appeal uncomfortable decisions taken in the normal course of resolving complaints according to the established mechanism: operational level, certification body, then ASI, and then, if all systems are failing, then use the PfA as a last resort.</p> <p>The Policy for Association Complaints is incorporated by reference, so our comments on that policy with regard to due process are presented here:</p> <p>In the Danzer case, the stakeholder did not attempt to resolve the grievance by discussion, negotiation or mediation but used the formal complaint</p>	<p>FSC must in practice require that stakeholders follow all sections of the policy, or the legitimacy of the whole policy and the fairness of the proceeding fails.</p> <p>“Try a panel of 4 with the fourth an independent (of FSC and the parties) arbitrator chosen by the Director.</p> <p>The defendant shall be given a reasonable opportunity to present a defense in person before the Complaints Panel.</p> <p>Where the Complaints Panel takes decisions contrary to the Policy, those justifications should be included in the parts of the report made public or at least made available to the defendant.</p> <p>The FSC Complaints Panel is not intended to be a common law (precedent setting) authority. If a decision to accept a complaint</p>	Outside the scope of this revision	Danzer

	<p>procedure as a first instance; certainly not a last resort.</p> <p>In the Danzer case, the complaint moved forward despite the fact that conditions 4.3.7 and 4.3.8, and arguably others, were not met.</p> <p>An “impartial” panel of three is unlikely to be balanced especially when only one chamber could be said to represent the point of view of the Defendant</p> <p>The Complaints Panel in the Danzer case did not “contact the defendant to contribute to the fact finding, to request relevant information, or to hear their position.” Instead the defendant was limited to a single opportunity to submit a written response to the allegations (5.19). This does not constitute an opportunity to be heard (due process).</p> <p>“A recommendation to disassociate from an organization should normally only be taken for organizations and individuals with repeated instances of violations against Policy for Association rather than in cases of isolated incidents.” The Complaints Panel in the Danzer case chose to ignore 5.21</p> <p>A standard of “clear and convincing evidence” cannot be met if the Defendant is not interviewed or allowed to present evidence. (See previous case discussion.)</p>	<p>would create precedent or alter the established policy, the question must be referred to the General Assembly of Members.</p>		
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Other – revision process	<p>I have to say that I have not received the mail (dated 27-1-2016) for consultation; I got the information from another member.</p> <p>The web site for consultation in not friendly, you have to download and open a zipped file to access to the information; think in a person that has difficulties with accessing to this type of file, that perhaps doesn't know about zip files. The webinar or video did not work.</p>		Apologies for this, and we will work on improvements for a more effective, efficient, and rewarding consultation process for all stakeholders.	Ana Young
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