

SYNOPSIS REPORT OF CONSULTATION COMMENTS

**FSC-PRO-01-007 FSC Remedy Framework and
FSC-POL-01-007 Policy to Address Conversion
11 March to 10 May 2022**

Published: 15 March 2023



**FORESTSTM
FOR ALL
FOREVER**

Title:	Synopsis Report of Consultation Comments
Contact for comments:	FSC International – Performance and Standards Unit Adenauerallee 134 53113 Bonn Germany Phone: +49 -(0)228 -36766 -0 Fax: +49 -(0)228 -36766 -65 Email : psu@fsc.org

LIST OF ABBREVIATIONS

CRP	Conversion Remedy Procedure
FM	Forest Management
FPIC	Free, Prior, and Informed Consent
FSC	Forest Stewardship Council
PAC	Policy to Address Conversion
PfA	Policy for Association
PSU	Performance & Standards Unit
RF	FSC Remedy Framework
TPV	Third Party Verifier
TWG	Technical Working Group (specifically, the technical working group involved in the development of the Conversion Remedy Procedure)
WG	Working Group (specifically, the working group involved in the development of the Policy to Address Conversion)

CONTENTS

List of abbreviations	2
Foreward and introduction	4
Introduction	4
Background information on the processes	4
1. Public consultation participation overview	6
2. Methodology for the analysis of public consultation results	8
Quantitative analysis	8
Qualitative analysis	8
Prioritization exercise	8
Roles in assessing comments	8
3. Summary of consultation results & responses	9
Policy to Address Conversion	9
The FSC Remedy Framework	12
Five year waiting period	12
Supply chain harms	13
Differentiation affected rights holders	15
Site selection	18
Partial remedy	20
Areas for conservation	23
Concept note	24
Impact	25
Accessibility	27
Additional Priority Comments	28

© 2023 Forest Stewardship Council, A.C. All Rights Reserved
FSC® F000100

You may not distribute, modify, transmit, reuse, reproduce, re-post or use the copyrighted materials from this document for public or commercial purposes, without the express written consent of the publisher. You are hereby authorized to view, download, print and distribute individual pages from this document subject for informational purposes only.

FOREWARD AND INTRODUCTION

Introduction

FSC would like to thank members and stakeholders for their participation in the public consultation on FSC-PRO-01-007 V1-0 D1-0 *FSC Remedy Framework*, FSC-POL-01-007 V1-0 D5-4 *Policy to Address Conversion*, and FSC-POL-01-004 *Policy for Association* D5-0 that took place between 15 March 2022 and 14 May 2022. The suggestions and comments were of great importance to the development of the next drafts.

This synopsis report has been prepared in accordance with Clause 5.12 of *FSC-PRO-01-001 V3-1 Development and Revision of FSC Normative Documents Procedure* and contains an analysis of the range of stakeholder groups who submitted comments, as well as a summary of the issues raised in relation to the questions posted during the public consultation period. A general response to the comments and an indication as to how the issues were addressed are provided in the document.

Background information on the processes

Policy for Association

The Policy for Association (PfA) is an expression of the values shared by organizations associated with FSC. It defines unacceptable activities that associated individuals, organizations and their corporate groups commit to avoid in both certified and non-certified operations and thereby determines which organizations and individuals can or cannot be associated with FSC.

FSC-POL-01-004 V2-0 *FSC Policy for the Association of Organizations with FSC* dates to 2011. A regular revision process was initiated and carried out by a working group in 2014-2017 and an advanced draft was developed. Due to other development work starting in FSC, directly impacting the PfA, the draft was not finally approved, and the process was put on hold.

In 2021, the revision process was restarted, and a new Technical Working Group established to complete the revision of the PfA. The development process included two full rounds of public consultation. This consultation was targeted on specific questions on timeframes and scope for the application of the PfA.

The Policy for Association V-3 was approved in August 2022 and became effective as of 1 January 2023.

Policy to Address Conversion

At the General Assembly 2017, the membership approved Motion 7. This motion requested that FSC puts into place a mechanism to develop a holistic policy on conversion which will guide the review and revision of relevant FSC Principles and Criteria, and indicators across the system. The goal of the motion was to create a holistic approach regarding compensation for past conversion, in terms of restoration and/or conservation for environmental values and restitution for socio-economic values. To address Motion 7, FSC established two processes:

- 1) a chamber balanced Working Group (WG) to develop a holistic Policy on Conversion, and
- 2) a Technical Working Group (TWG) to focus on the implementation of the Policy.

The WG developed a draft of the Policy to Address Conversion, including input from two rounds of public consultation. The WG reached consensus on the draft, except for Policy Element 3. Questions on Policy Element 3 and a new, but related Policy Element 7.3d were included in this consultation. For more information on the evolution of these Policy Elements, please see the [consultation materials](#). The Board of Directors tasked the Secretariat with consulting two key questions in order to finalize these Elements.

The Policy to Address Conversion (PAC) was approved by the FSC Board of Directors in August 2022. Motion 37 was passed at the 9th FSC General Assembly in October 2022. This Motion enabled key

changes to the FSC Principles and Criteria which were needed for the PAC to become operational. The PAC will become effective 1 July 2023.

FSC Remedy Framework

During the revision and development of the Policy to Address Conversion and the Policy for Association FSC was simultaneously defining the remediation requirements for violations of the PfA and for past conversion in the PfA Remediation Framework and the FSC Conversion Remedy Procedure (CRP) respectively. Ultimately, considering that the two processes dealt with conversion and its remedy and there were significant synergies and overlaps across these processes, the two documents were combined in 2021 into a single Remedy Framework.

In merging the provisions of the CRP and the PfA Remediation Framework into the Remedy Framework, FSC is ensuring alignment to set clear and consistent rules around forest conversion and remedy.

- **The development process for the CRP** (whose content has become the core requirements of the Remedy Framework) was linked to Motion 7/2017. The secretariat convened a TWG, which operated between December 2020 and July 2022.
- **The development process for the PfA Remediation Framework** grew out of the development of a roadmap for Asia Pulp & Paper for ending its disassociation. There was extensive stakeholder input on what would become the additional requirements of the Remedy Framework. This included one public consultation of the roadmap and 4 in-person meetings with a variety of international and Indonesian stakeholders.

Overall, there were three consultations of the CRP, one public and one targeted consultation of the PfA Remediation Framework, and this consultation of the Remedy Framework (RF).

This consultation covered key alignment questions which arose during the merging of the two former documents.

The FSC Remedy Framework was approved in December 2022 by the FSC Board of Directors and becomes effective as of 1 July 2023.

1. PUBLIC CONSULTATION PARTICIPATION OVERVIEW

Overall, 134 stakeholders participated in the consultation. Eighty-two consultation respondents submitted comments via the FSC Public Consultation Platform while 52 respondents provided comments via letter.

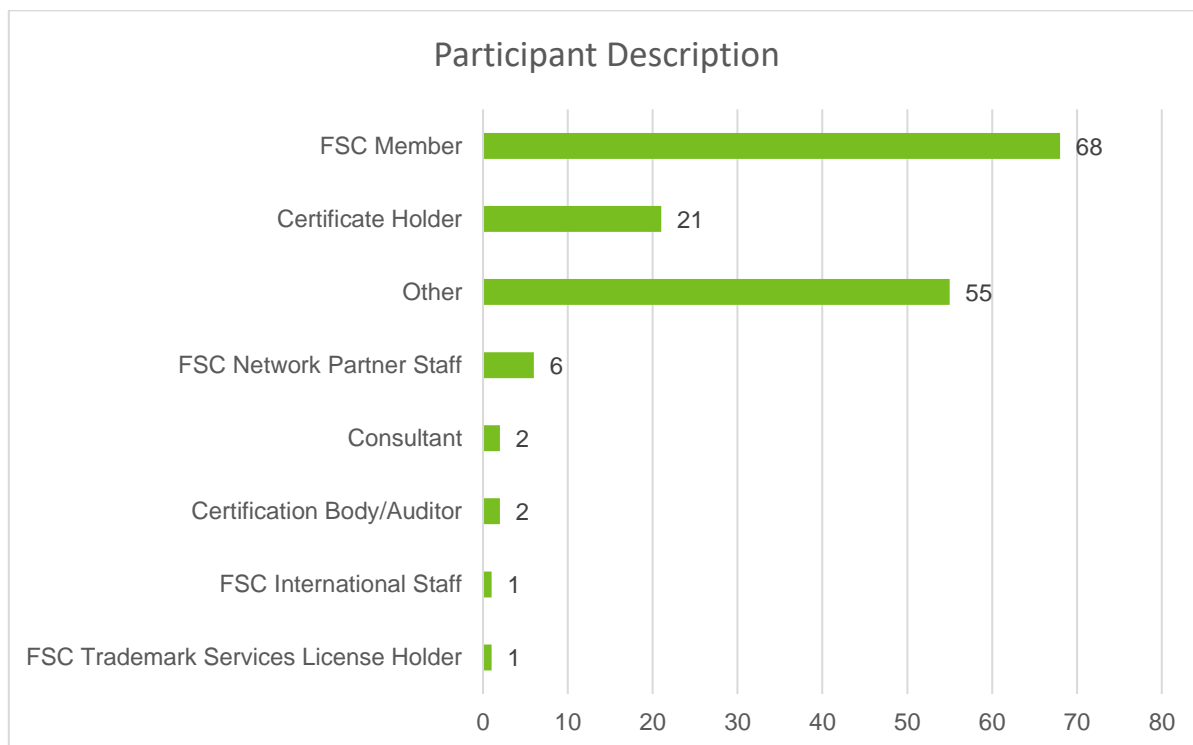
The 82 participants who participated on the Public Consultation Platform came from 34 countries. The participants' regional representation is demonstrated below:



Countries with the top number of respondents	
Country	Number of respondents
Indonesia	45
United States	11
Australia	10
Brazil	10

Number of respondents by region	
Region	Number of respondents
Asia-Pacific	65
Europe	24
Latin America	22
North America	15
Africa	8

Participants in the public consultation platform were also asked to identify themselves by role and chamber.



Participants could choose more than one option (e.g., a member may also be a certificate holder), so the sum of numbers is greater than the total number of respondents.



2. METHODOLOGY FOR THE ANALYSIS OF PUBLIC CONSULTATION RESULTS

A three-step methodology was implemented for the analysis of consultation results. The process involved quantitative analysis, qualitative analysis, and a prioritization exercise.

Quantitative analysis

Quantitative analysis was conducted by developing pivot charts for the questions. Analysis was done considering the requirement that all FSC normative documents should consider the aims and aspirations of all members, the three FSC chambers, and 'northern' and 'southern' membership. The analysis was completed along the following categories: (1) general stakeholders' feedback; (2) FSC membership feedback, including chamber-based, sub-chamber based and northern and southern hemisphere-based consultation results.

Qualitative analysis

Following the quantitative analysis, an Excel tab was developed providing the results for each sub-chamber of FSC membership along with a comprehensive summary of individual comments from respondents. Non-members' feedback was analysed in similar in-depth fashion.

Prioritization exercise

Following the completion of qualitative analysis, a prioritization exercise was conducted to allow for structured assessment of feedback across chambers and ensure a balanced presentation of sub-chamber views. Comments from members and stakeholders were assessed considering whether the concern was a common theme shared across chambers or the concern was specifically expressed within a chamber.

Roles in assessing comments

Policy to Address Conversion (Questions 1 & 2)

The development of proposals based on the responses related to the Policy to Address Conversion was carried out by the FSC Secretariat, as the WG that developed the policy had been already dissolved as of December 2020.

Policy for Association (Questions 3 & 4)

The development of proposals based on the responses related to the Policy for Association was carried out by the Policy for Association Technical Working Group and they are not part of this synopsis report. See the synopsis report on additional questions related to the Policy for Association [here](#) and more on this process [here](#).

FSC Remedy Framework

Core requirements (Questions 7-14)

The development of proposals based on the responses related to the core requirements of the FSC Remedy Framework was carried out by the M7 Technical Working Group. Two FSC social chamber member experts were also in attendance during the M7 TWG meetings to provide feedback when relevant.

Additional requirements (Question 5 & 6)

The development of proposals based on the responses related to the additional requirements of the FSC Remedy Framework was carried out by the FSC Secretariat. For question 5, input was additionally gathered from the PfA TWG.

3. SUMMARY OF CONSULTATION RESULTS & RESPONSES

Below is a summary of key topics on which stakeholders and members provided feedback. Each key topic contains the question posted during public consultation, quantitative results, and qualitative results. The qualitative results include an assessment and conclusions on how the comments were incorporated into the final document. In the qualitative assessment, additions to the text are marked in green and deletions marked in red and denoted as such: ~~deletion~~.

The “Conclusion of topic” column below reflects the status in the final documents. In some cases, after the initial analysis and agreements, changes were made to the document due to editorial reviews, input from the Policy & Standards Committee and/or Board of Directors, or due to Motion 45 which was approved at the 9th FSC General Assembly in October 2022.

Policy to Address Conversion

Question 1: Do you agree that the requirement for the restitution of priority social harms and partial remedy of environmental harms for organizations that have acquired a management unit where conversion occurred between 1994 and 2020 represent an adequate compromise as a solution to close the ownership loophole, provided that the FSC Remedy Framework provides a threshold that does not preclude a positive business case?

Q1. Quantitative results:

Overview:

In total 66 out of 82 respondents answered this question, of which 41 were members.

An outline of the results shows that:

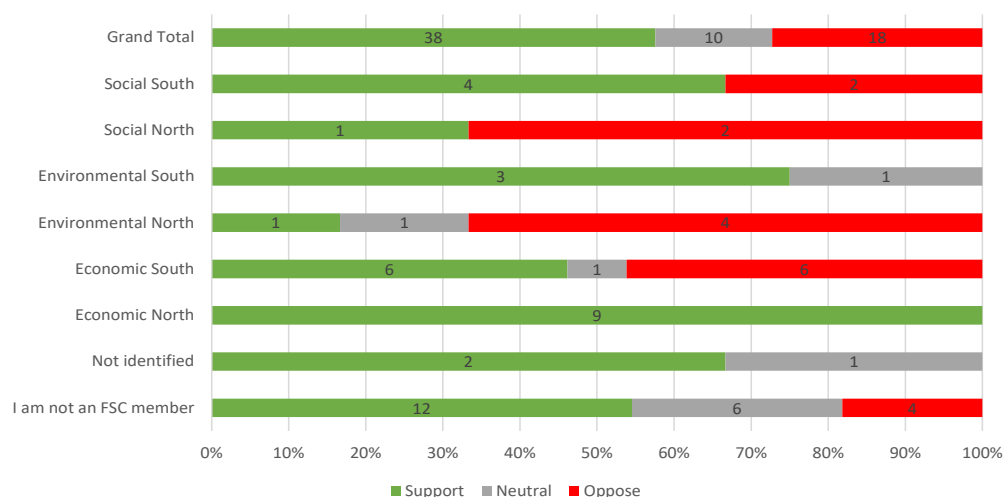
Support-38

Neutral-10

Oppose-18

Results by FSC membership status

Totals, Members by subchamber, and Non-members



Q1. Qualitative results

Comment	Response	Conclusion of topic
Conditional agreement with the concept, depending on the threshold set in the Remedy Framework.	See Question 9 below for more on the threshold set by the Remedy Framework.	The restitution of priority social harms and partial remedy of environmental harms for organizations that have acquired a management unit where conversion occurred between 1994 and 2020 was maintained in the PAC, Element 3.
It represents an adequate compromise to close the ownership loophole.	<p>This aligns with the guidance from the Board of Directors. At the 88th Board of Directors meeting, the Board affirmed the following:</p> <p>a) Policy Element 3 shall link the environmental and social remedy liability with the land and not with the organization, and</p> <p>b) Fair and feasible remediation will be required for organizations not involved in conversion but that acquired converted area.</p>	
Conditional agreement with the concept, depending on the definition of involvement. Preference for involvement as defined by PfA V-3.	Because the period for remedy in the PAC is 1994-2020, the concept for involvement is based on PfA V-2. This could be reconsidered depending on the outcomes of the PfA TWG on Question 4 of this consultation, but they decided to not go forward with broad retroactive application.	
Sense of injustice with those who do not receive remedy for conversion that happened pre-1994.	The Policy for Association covers the most egregious cases of violations of human rights and remedy would be required. Otherwise, the 1994 date has been used throughout the FSC system as a starting point.	
<p>Full remedy should be required regardless of involvement.</p> <p>PAC should adopt the definitions of involvement as defined in PfA V-3. A methodology must be adapted to establish corporate control.</p>	<p>This would not be a compromise for closing the ownership loophole following the guidance from the Board received by the Secretariat at the 88th meeting of the Board of Directors.</p> <p>Because the period for remedy in the PAC is 1994-2020, the concept for involvement is based on PfA V-2. This could be reconsidered depending on the outcomes of the PfA TWG on Question 4 of this consultation, but they decided to not go forward with broad retroactive application.</p>	
<p>Partial remedy for non-involved organizations is too costly</p> <p>Consider setting different requirements for different levels of SIR (scale, intensity and risk) of the operations.</p>	<p>Eliminating the concept of partial remedy would not be a compromise for closing the ownership loophole following the guidance from the Board received by the Secretariat at the 88th meeting of the Board of Directors.</p> <p>How the requirements are set are relevant to setting the threshold as asked in Question 9-10 of this consultation.</p>	

Question 2: Do you agree that the remedy plan for organizations involved conversion shall designate part or all of the restored area for conservation purposes, provided that the FSC Remedy Framework provides a feasible threshold?

Q2. Quantitative results

Overview:

In total 70 out of 82 respondents answered this question, of which 42 were members:

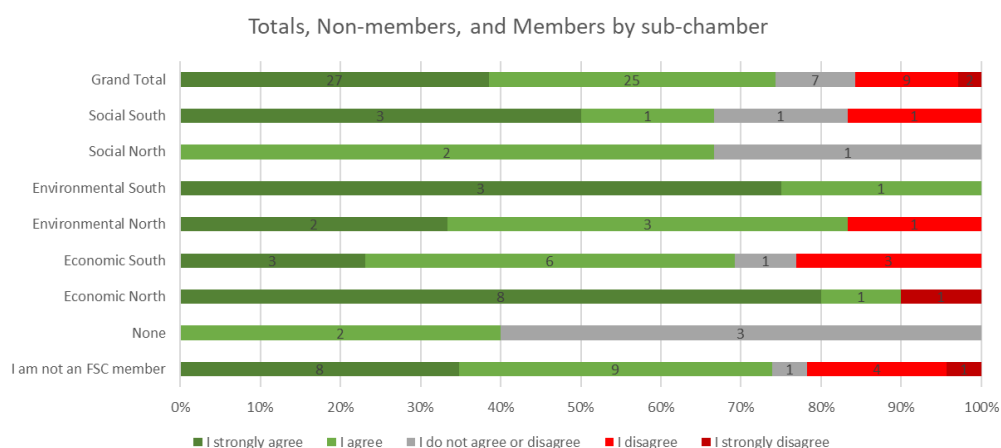
An outline of the results shows that:

Support-52

Neutral- 7

Oppose-11

Results by FSC membership status



Q2. Qualitative results

Comment	Response	Conclusion of topic
Conditional agreement with the concept, linked to the threshold set by the Remedy Framework	See Question 9 below for more on the threshold set by the Remedy Framework. No change was made to the PAC to reflect this comment.	The inclusion of additional conservation areas has been maintained in the PAC in Element 7.3d.
More guidance should be given about appropriate site selection.	Guidance on site selection for remedy can be found at the procedure level in the Remedy Framework. No change was made to the PAC to reflect this comment.	
Feasible while contributing to conservation.	This aligns with the guidance from the Board of Directors.	
Most or all of the remedied area should be managed for conservation.	This would not be a compromise for closing the ownership loophole following the guidance from the Board received by the Secretariat. No change was made to the PAC to reflect this comment.	

Comment	Response	Conclusion of topic
There are instances where the restored area may need to make provision for community livelihoods within the landscape.	<p>This would possibly be permitted under the 5% allowance of minimal conversion which requires proof of social and conservation benefits.</p> <p>It may also be part of the remedy plan under the Remedy Framework, especially for the majority of the restored area which is not set aside for conservation.</p> <p>No change was made to the PAC to reflect this comment.</p>	
This concept needs to be harmonized with local laws in different countries where there is either higher expectations or a history of expectations not being met by the forest industry	<p>It is not possible to harmonize a global policy with all local laws. However, where local laws require higher rates of conservation, Principle 1: Compliance with Laws of FSC-STD-01-001 would still apply.</p> <p>No change was made to the PAC to reflect this comment.</p>	

The FSC Remedy Framework

Five years waiting period

Question 5: Do you agree with FSC setting a five-year waiting period for corporate groups seeking to end disassociation with FSC on the commission of any new unacceptable activities?

Q5. Quantitative results

Overview:

In total 63 out of 82 respondents answered this question, of which 41 were members:

An outline of the results shows that:

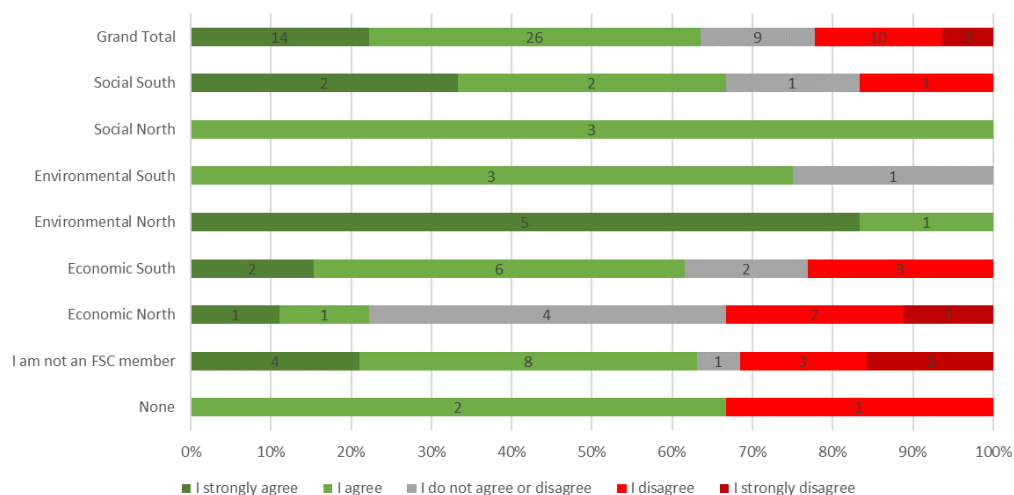
Support - 40

Neutral- 9

Oppose - 14

Results by FSC membership status

Totals, Non-members, and Members by subchamber



Q5. Qualitative results

Comment	Response	Conclusion of topic
The 5 year wait is appropriate.	The TWG agrees to maintaining the 5 year waiting period.	The five year waiting period has been maintained, for Organizations seeking certification after conversion.
The 5 year wait is too short.	See above.	
The 5 year wait is too long.	The PfA TWG decided to remove the five year waiting period, for corporate groups that engaged in unacceptable activities because it does not align with the scope of the PfA.	There is no five year waiting period to start remedying harm for association. See <i>Eligibility</i> in the <i>Introduction</i> to the Framework.

Supply chain harms

Question 6: Does limiting the addition of the wood and wood-based supply chain to an extraordinary measure, rather than a default requirement, address the feasibility of the implementation of the remedy process while still being able to address the most extraordinary cases?

Q6. Quantitative results

Overview:

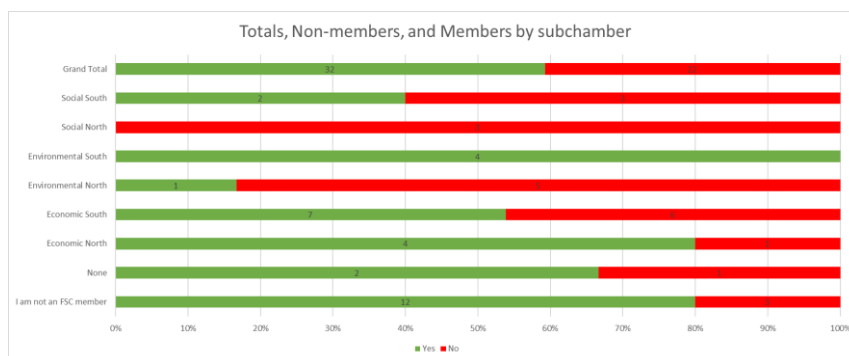
In total 54 out of 82 respondents answered this question, of which 36 were members:

An outline of the results shows that:

Yes - 32

No- 22

Results by FSC membership status



Q6. Qualitative results

Comment	Response	Conclusion of topic
The proposed approach is appropriate.	No changes were made to the Framework directly as a result of the consultation because additional supply chain controls were deemed to be beyond scope of the FSC Remedy Framework and Policy for Association.	At the 93 rd Meeting of the Board of Directors, the Board agreed that due to the magnitude or
Inputs from conversion and PfA violations should be more		

Comment	Response	Conclusion of topic
<p>consistently excluded from FSC supply chains.</p> <hr/> <p>Explicit thresholds are needed for extraordinary cases.</p>		<p>gravity of harm, FSC can stipulate the application of the FSC Remedy Framework for the wider corporate group before association or ending disassociation.</p> <p>For the scope of the wider corporate group, the definition of corporate group under FSC-POL-01-004 Policy for Association V3-0 would be applicable. In some cases, the wider corporate group would include entities in the wood and wood-based supply chain.</p> <p>Motion 45 passed at the 9th FSC General Assembly required an advice note on this topic.</p> <p>See ADV-10-004-01 <i>Scope of remedy for outstanding magnitude or gravity of harm caused</i> for information on the criteria on assessing the magnitude and gravity of harm.</p>

Differentiation affected rights holders

Question 7: Is the distinction between affected customary rights holders and affected rights holders meaningful and comprehensible in the document?

Q7. Quantitative results

Overview:

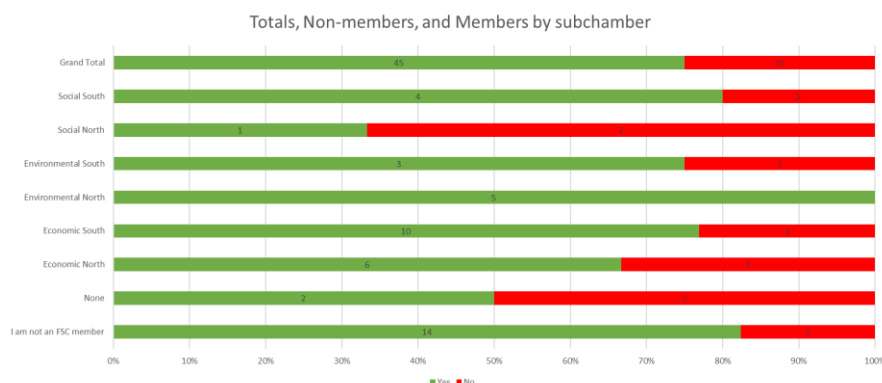
In total 60 out of 82 respondents answered this question, of which 39 were members:

An outline of the results shows that:

Yes - 45

No- 15

Results by FSC membership status



Q7. Qualitative results

Comment	Response	Conclusion of topic
The distinction is appropriate.	<p>The TWG agrees.</p> <p>The terms were kept distinct, but renamed.</p> <p>Those designated as “customary rights holders” in Draft 1 of the Remedy Framework were renamed “affected rights holders” to align with the existing term used throughout the FSC normative framework.</p> <p>A new term, “impacted rights holders” was created to a broader group which was designated as “affected rights holders” in Draft 1 of the Remedy Framework.</p> <p>See below for more info.</p>	The distinction has been maintained.
The distinction is not appropriate (for unclear reasons).	<p>The terminology has been simplified and clarified in the Framework.</p> <p>The TWG edited the definitions to read:</p> <p>Affected rights holders Impacted rights holders*: <i>Rights holders* impacted or who have suffered harm, including affected rights holders* persons and groups with legal or customary rights* whose free, prior and informed consent* is required to determine management decisions.</i></p>	<p>For the definitions, see the <i>Terms & Definitions</i> section.</p> <p>For the explanatory note, see “Key to identification of stakeholders and rights holders**”</p>

Comment	Response	Conclusion of topic
	<p><i>Affected customary rights holders*: Persons and groups, including Indigenous Peoples, traditional peoples and local communities with legal or customary rights whose free, prior and informed consent is required to determine management decisions. (Source: “Affected rights holders” definition in FSC-STD-60-004 V2-0)</i></p> <p>An explanatory note was also added at the beginning of the document</p> <p><i>NOTE: Various groups of stakeholders and rights holders* are involved in the implementation of the FSC Remedy Framework.</i></p> <p>Two different groups of <i>rights holders*</i> are prioritized when making agreements during the <i>remedy*</i> process and require careful consideration and determination:</p> <ul style="list-style-type: none"> • <i>Affected rights holders*</i> is a term defined in the FSC-STD-60-004 V2-0 <i>International Generic Indicators</i>. This definition is maintained in the <i>FSC Remedy Framework</i>. It refers to individuals or groups with legal or <i>customary rights*</i> whose <i>Free, Prior and Informed Consent*</i> is required to determine management decisions, and who are affected by <i>conversion*</i> and/or <i>unacceptable activities*</i>. • <i>Impacted rights holders*</i> is a new term used in the <i>FSC Remedy Framework</i> to refer to individuals or groups with legal or <i>customary rights*</i> who have suffered <i>harm*</i> caused by <i>conversion*</i> and/or <i>unacceptable activities*</i>. This is a broader group than <i>affected rights holders*</i> because the <i>Free, Prior, and Informed Consent*</i> of all <i>impacted rights holders*</i> may not be required to determine management decisions. This group includes <i>affected rights holders*</i>. 	
<p>The distinction is appropriate if FPIC and customary rightsholder agreements are clearly required, etc.</p>	<p>The TWG added a requirement, which confirms and clarifies that the entire remedy process shall be FPIC compliant:</p> <p><i>3.2 The Organization* or the corporate group* shall consider relevant guidance from FSC-GUI-30-003, FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent.</i></p> <p>At the Concept Note approval stage, the TWG added:</p>	<p>The exact wording and clause numbers have changed since the final TWG input.</p> <p>For the requirements applying to the entire remedy process, see 4.2 in Chapter 3.</p>

Comment	Response	Conclusion of topic
	<p><i>22.3 The Third Party Verifier* shall consult with affected customary rights holders* to confirm an FPIC-based process is being properly implemented.</i></p> <p><i>22.4 The Third Party Verifier* shall consult with affected rights holders* and customary rights holders* to confirm that the Concept Note's proposed remedies are acceptable to them.</i></p> <p>At the Remedy Plan approval stage, the TWG added:</p> <p><i>24.4The Third Party Verifier* shall consult with affected customary rights holders* to confirm an FPIC-based process is being properly implemented.</i></p> <p><i>25.4 The Third Party Verifier* shall consult with affected rights holders* and affected customary rights holders* to confirm that the Remedy Plan's remedies are acceptable to them.</i></p> <p>For Remedy Plan changes prior to full implementation, the TWG added:</p> <p><i>24.10 Where the changes materially affect agreements with affected rights holders* (see 23.5), the changes are agreed to by the rights holders*.</i></p>	<p>For the requirements at the Concept Note approval stage, see 23.3 and 23.4.</p> <p>For the requirements at the Remedy Plan approval stage, see 25.3 and 25.4.</p> <p>For the Remedy Plan changes, see 25.10.</p> <p>Motion 45 approved at the 9th FSC General Assembly called for additional specific requirements. Due to this motion, there are additional FPIC verification points at 7.4, 8.3, and 9.3 in Chapter 3.</p> <p>A new requirement was added at 4.2 which requires conformance with a new Annex 6: Elements and Steps for an FPIC Process.</p>

Site selection

Question 8: Is the distinction between conservation outcomes for conversion activities and an optimization of environmental values considering both conservation and restoration for unacceptable activities meaningful? Due to the variety of unacceptable activities possibly resulting in environmental harms, should site selection consider both conservation and restoration in optimizing environmental values?

Q8. Quantitative results

Overview:

In total 53 out of 82 respondents answered this question, of which 35 were members:

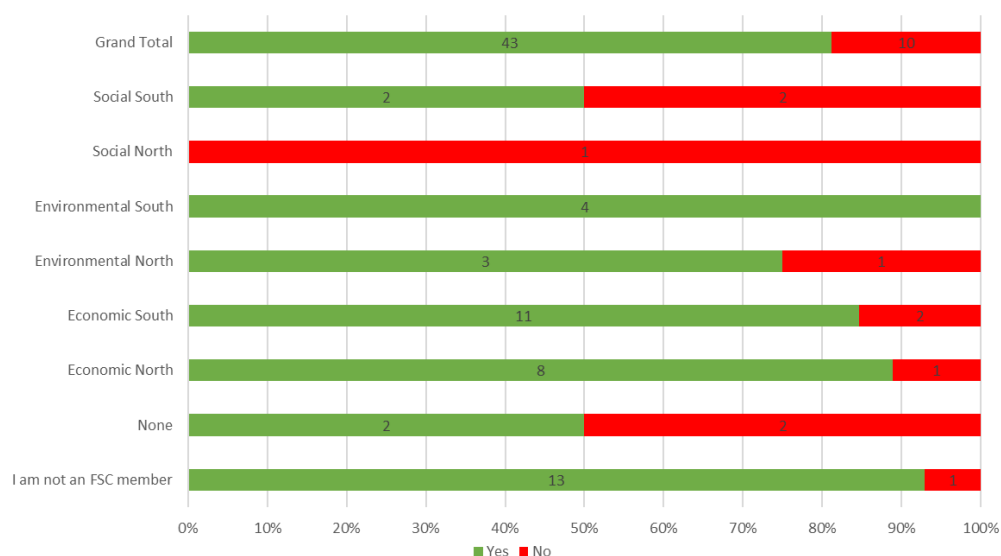
An outline of the results shows that:

Yes - 43

No- 10

Results by FSC membership status

Totals, Non-members, and Members by subchamber



Q8. Qualitative results

Comment	Response	Conclusion of topic
The distinction is good.	See below.	-
The distinction is confusing; the two sets of outcomes should be aligned; restoration should be an option for conversion.	<p>At 17.1 and 17.4, the requirements have been simplified and aligned, e.g., restoration is recognized as potentially applicable to both conversion and PfA violations.</p> <p>The TWG edited the clauses to read:</p> <p><i>17.1 Environmental remedy* shall consist of one or more of the following restoration* and/or conservation*;</i></p> <p><i>a. For unacceptable activities*:</i></p> <p><i>i. Restoration*, including: substitution*, enhancement* and protection*; and/or</i></p>	For the final version of these clauses, see 18.1, 18.3. and 18.5.

Comment	Response	Conclusion of topic
	<p>ii. Conservation*:</p> <p>b. For conversion*: As in 17.1.a with the addition of reforestation.</p> <p>17.4 When evaluating how to maximize environmental remedy* outcomes, The Organization* or the corporate group* shall justify the site selection and the choice of project and / or activity in relation to other options available to it. Justifications may include increased scale* of project and impact of remedy* actions related to the extent of any harm* caused; focus on more critical habitats, ecosystems and species; or a focus on priority activities* (see 19).</p> <p>a. The focus is on maximizing conservation* and/or restoration* outcomes.</p> <p>b. For conversion*:</p> <p>i. The focus is on maximizing conservation* outcomes;</p> <p>i. As a minimum, The Organization* directly or indirectly involved* in conversion* shall set aside 10% of the selected site area for conservation*.</p> <p>ii. The Organization* not directly or indirectly involved* in conversion*, but that has acquired lands affected by conversion*, shall set aside the full 10% of the remedied area for conservation*.</p> <p>iii. The 10% of land reserved for conservation* shall be in addition to land required by IGI 6.5.5. Criterion 6.5.</p> <p>c. For unacceptable activities*: The focus is on maximizing conservation* and/or restoration* outcomes.</p>	

Partial remedy

Question 9: Do you agree that an environmental remediation threshold of 10% of the size of the converted area which has to be fully designated to conservation, along with the remedy of priority social harms, is a fair and feasible way to address environmental and social harms caused by the original conversion? Please note that these 10% would come on top of the 10% conservation area network requirement already required by the International Generic Indicators.

Q9. Quantitative results

Overview:

In total 60 out of 82 respondents answered this question, of which 40 were members:

An outline of the results shows that:

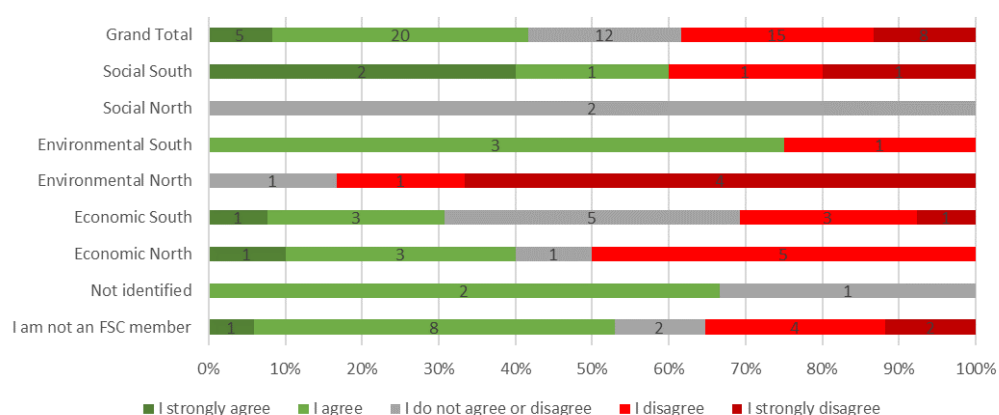
Support - 25

Neutral- 12

Oppose- 23

Results by FSC membership status

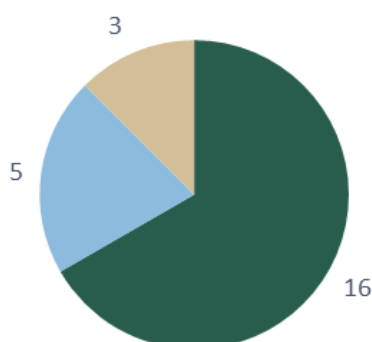
Totals, Non-members, and Members by subchamber



Q9. Qualitative results

For this question, to better understand why the respondents disagreed with the proposed threshold, further analysis was done of the qualitative result to identify the sentiments:

Why respondents disagreed with 10% Threshold



Comment	Response	Conclusion of topic.
The 10% threshold is acceptable for partial remedy.	The Framework has been edited to make the conservation expectation more clear and to be embodied via protection measures. The TWG agreed that threshold itself is out of scope for the TWG.	A PSC recommendation raised the threshold to 20%. This was approved by the Board and remains in the final document.
The threshold should be higher, e.g., 25-30%, 30-50%, 100%, or variable.	See above.	See 18.5.

Question 10: If you do not agree with this proposal, what would be your suggested threshold for environmental remediation of the converted area?

Q10. Quantitative results

Overview:

In total 39 out of 82 respondents answered this question, of which 30 were members:

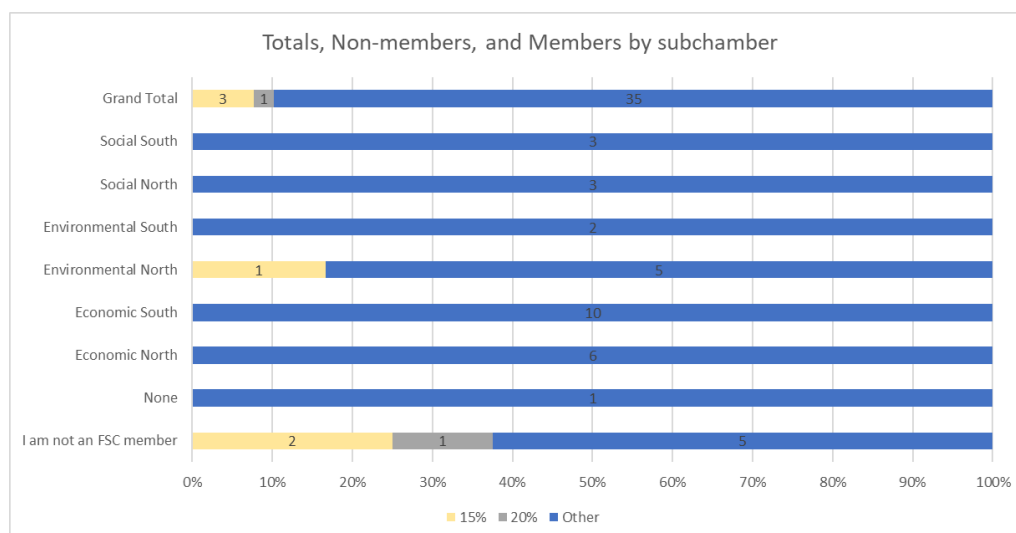
An outline of the results shows that:

15% - 3

20%- 1

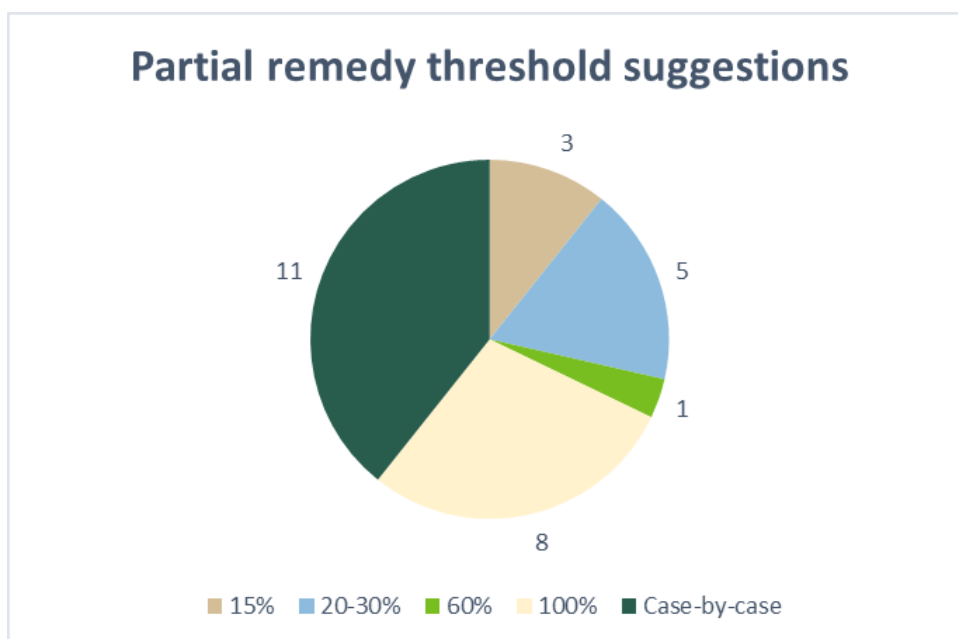
Other- 35

Results by FSC membership status



Q10. Qualitative results

For this question, to better understand participant responses, further analysis was done of the qualitative result to identify proposals suggested under the “Other” option of the posed question:



Comment	Response	Conclusion of the topic.
100% of the converted area should be remedied.	The TWG agreed the threshold is out of scope for the TWG because it is a political decision.	A PSC recommendation raised the threshold to 20%. This was approved by the Board and remains in the final document. See 18.5.
The threshold should depend on context or be process-based.	See above.	

Areas for conservation

Question 11: Do you agree that 10% of the converted area should be dedicated to conservation purposes in order to implement Policy Element 7.3.d of the PAC (See Section 3.3. of this consultation)? This applies to both organizations that were involved in conversion, and those who have acquired converted lands, as stipulated in 17.4 of the FSC Remedy Framework.

Q11. Quantitative results

Overview:

In total 61 out of 82 respondents answered this question, of which 41 were members:

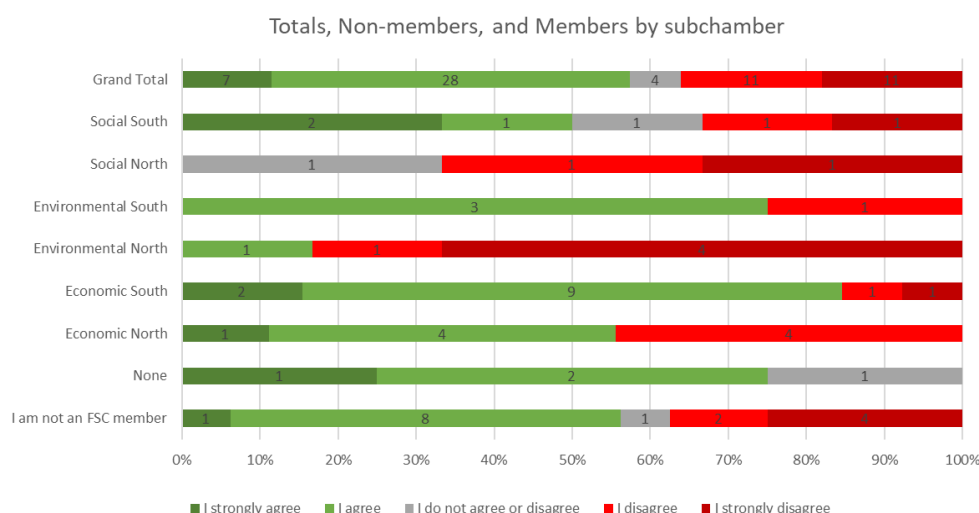
An outline of the results shows that:

Support - 35

Neutral- 4

Oppose- 22

Results by FSC membership status



Q11. Qualitative results

Comment	Response	Conclusion of topic
Agree that 10% should be dedicated to conservation.	See below.	A PSC recommendation raised the threshold to 20%. This was approved by the Board and remains in the final document. See 17.4.b.i, 18.4.b, 18.4.c, and 18.4.d.
Much more than 10% should be conserved, e.g., 20%, 50%, or 100%.	The Framework has been edited to make the conservation expectation clearer and to be embodied via protection measures. The TWG agreed the threshold itself is out of scope for the TWG because it is a political decision which could determine who enters FSC and who doesn't.	
10% is not the right amount (no explanation).	See above.	

Concept note

Question 12: Should the Concept Note phase be eliminated?

Q12. Quantitative results

Overview:

In total 60 out of 82 respondents answered this question, of which 39 were members:

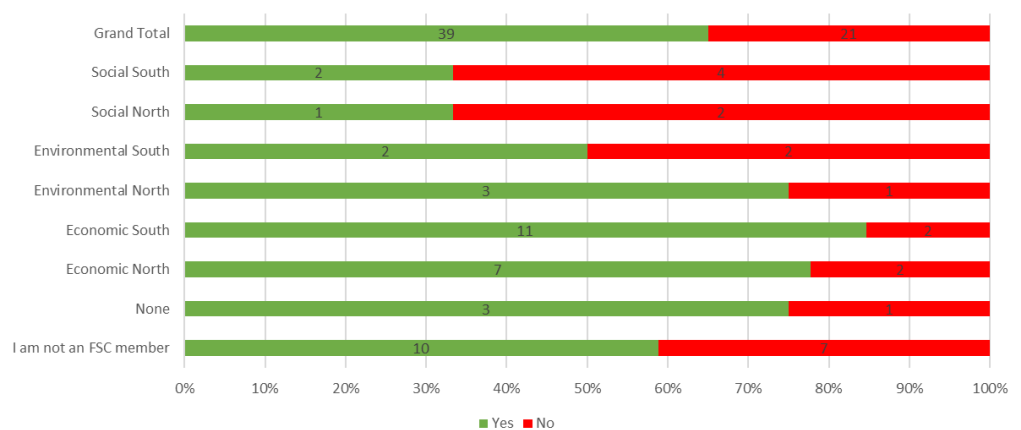
An outline of the results shows that:

Yes - 39

No- 21

Results by FSC membership status

Totals, Non-members, and Members by subchamber



Q12. Qualitative results

Comment	Response	Conclusion of topic
The Concept Note requirement can be removed (reasons unstated).	See below.	The Concept Note was maintained. See Chapter 3, Part 4.
Concept Notes can be removed if FPIC is more clearly/consistently required.	See below. See the TWG response to Question 7 for improvements made in relation to FPIC.	
Concept Notes should be required; the Notes are important as feasibility studies and public commitments.	The TWG considers the Concept Note stage too integral to the process to eliminate. It has been retained.	

Impact

Question 13: How confident are you as a stakeholder that the current draft of this framework can deliver on this intended impact?

Q13. Quantitative results

Overview:

In total 60 out of 82 respondents answered this question, of which 41 were members:

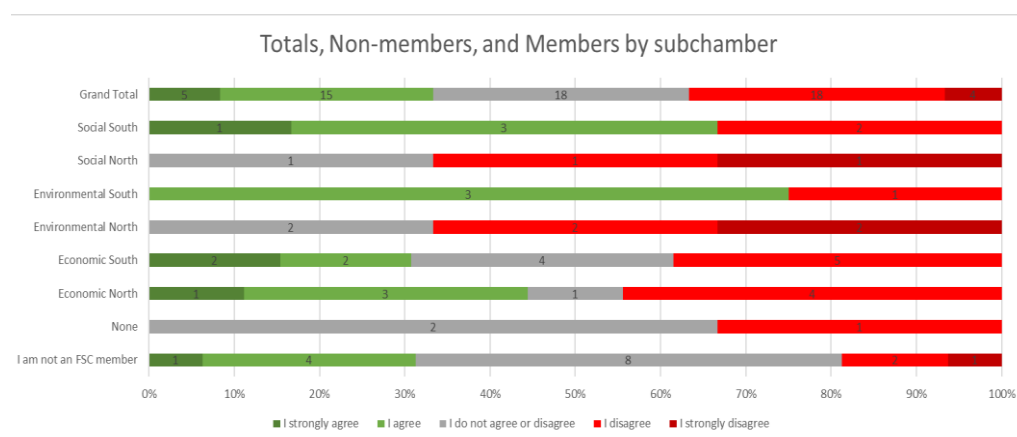
An outline of the results shows that:

Support - 20

Neutral- 18

Oppose- 22

Results by FSC membership status



Q13. Qualitative results

Comment	Response	Conclusion of topic
The Framework can deliver the impact (reasons unstated).	See below.	-
The Framework needs improvement to deliver impact, e.g., corporate group definition, PfA v3 alignment, social harm procedures, larger partial remedy, consistent FPIC, etc.	Numerous improvements have been made to the Framework. FPIC requirements have been clarified; see the TWG response at Question 7 above. Per a PSC recommendation, the partial remedy requirement has been increased; see Questions 9 and 10 above. The relationship with PfA v3 has been clarified but not changed. The corporate group definition has not been changed, but it has been clarified that the scope of corporate groups must be third party verified. Other verification requirements have been made more explicit; see the TWG responses at “Additional Priority Comments” (Chapters 3.5 and 3.7) below.	For the verification of scope of corporate groups, see 23.7.
The Framework needs improvement to deliver, e.g., greater clarity, less complexity.	Numerous improvements have been made to the Framework. The organization of the Framework and its provisions has been revised and clarified. Introductory overviews of each Chapter and Part have been added. The role of “core” and “additional” requirements in the Framework has been clarified. Circularities among definitions have been reduced. See “Additional Priority Comments” (Terms & Definitions) below for other clarifications to various definitions, etc. Separate Guidance documents will also be considered.	Additional rounds of editorial changes have been made since the dissolution of the TWG in order to streamline wording, without changing intent.

Accessibility

Question 14: Taking into account all of the supplementary materials provided, do you think the FSC Remedy Framework is presented in a comprehensive and understandable manner?

Q14. Quantitative results

Overview:

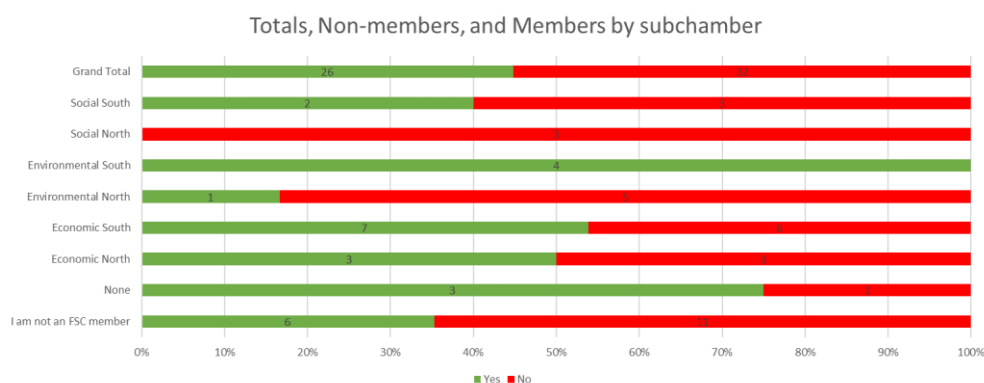
In total 58 out of 82 respondents answered this question, of which 37 were members:

An outline of the results shows that:

Yes - 26

No- 32

Results by FSC membership status



Q14. Qualitative results

Comment	Response	Conclusion of topic
The Framework is comprehensive and understandable.	-	-
The Framework is confusing, has inconsistencies, is too open to interpretation	Numerous improvements have been made to the Framework based upon the earlier questions in the consultation. Terms & Definitions were reviewed for circularity. Annex 1 provides greater clarity about requirements being verified by the Third Party Verifiers.	Numerous editorial rounds have attempted to clarify and simplify the document without losing important aspects of the procedure. In additions to changes in wording, multiple diagrams and tables have been added.
The Remedy Framework should align with PfA V3.	This version of the Remedy Framework is needed to correspond to the time period when PfA v2 was applicable.	FSC-PRO-01-004 <i>FSC Remedy Framework</i> is aligned with FSC-POL-01-004 V3 <i>Policy for Association</i> .

Additional Priority Comments

Scope; various locations

Comment	Response	Conclusion of the topic
The Framework needs to consistently align with PfA v3 and apply to all entities within corporate groups.	Complete application of PfA v3 will be covered by another version of the Remedy Framework. (See Question 14). However, it has been clarified that Third Party Verifiers are to confirm the scope of corporate groups, and be given access to all information needed for such verification.	For the verification of scope of corporate groups, see 23.7. For required access to information to confirm the scope of corporate groups, see 2.1.d of Chapter 3.

Terms & Definitions

Comment	Response	Conclusion of the topic
The definition of corporate group needs to be more robust.	The definition is beyond the scope of the M7 TWG and this Framework, but the topic will be addressed in a version of the Framework that will implement PfA v3. See above for related clarifications that were made to the Scope of the Framework.	See FSC-PRO-01-004 for the version of the Remedy Framework which corresponds to PfA v3.
PSU: The Conversion Threshold definition has inconsistencies.	The TWG agreed to revise the subtitle of Box 1 as follows, to avoid misinterpretations: <i>Stepwise diagram of degradation of natural forests and forest conversion threshold.</i>	The conversion threshold was removed from PRO-01-007. It related to degradation leading to conversion, which is covered in the definition of conversion applying after 31 December 2020, which is beyond the scope of this document. The conversion threshold definition was revised in the PAC and is included in PRO-01-004.
PSU: Inconsistencies and excessive cross-references among definitions of conservation and protection.	The definitions and their use have been clarified and simplified. "Protection" has been defined as its own term, rather than a sub-definition of "conservation." The definition of "conservation" was edited to read: Conservation/Protection: These words are used interchangeably when referring to m- Management activities designed to maintain the identified environmental or cultural values in existence long-term. Management activities may range from zero or	For updated definitions, see the <i>Terms and Definitions</i> section.

Comment	Response	Conclusion of the topic
	<p><i>minimal interventions to a specified range of appropriate interventions and activities designed to maintain, or compatible with maintaining, these identified values. (Source: Adapted from FSC-STD-01-001 V5-2). Also refer to the definition of Protection* that is a sub-definition under Restoration / Ecological Restoration in this Glossary.</i></p> <p>In addition, the term “conservation” is now used at 20.2, which now reads:</p> <p><i>The priority activities* shall, at a minimum, reduce ongoing social harm* and demonstrate ecosystem* management and protection conservation* and shall include remedy* of:</i></p> <p>See also the revisions shown at the TWG response to Question 8.</p>	

Various terms and definitions need more clarity/refinement.	<p>“Independent observers:” no changes were made to the definition.</p> <p>“Reforestation:” The term was removed from the definitions and clause 17.1.b, as being both unnecessary and open to misinterpretation.</p> <p>The M7 TWG revised the definition of “priority social harms” to read:</p> <p><i>Priority social harms: are social harms* prioritized; where applicable, by an FPIC-based process with affected customary rights-holders* or identified in consultation with affected rights holders* or affected stakeholders* by the Independent Assessor*. Such social harms include conflicts that have arisen while harms were left unaddressed, especially those that are preventing remedy* from being initiated or achieved. They also include legitimacy conflicts.</i></p>	For updated definitions, see the <i>Terms and Definitions</i> section.
---	--	--

Chapter 2

Comment	Response	Conclusion of the topic
Requirements regarding fires and GHG emissions should be removed.	The requirements were maintained, but edits were made to make them risk-based, so only organizations who have carried out unacceptable activities related to environmental harm are subject to these requirements.	See 3.1 of Chapter 2.
Chapter 2 needs to more clearly address loss of traditional lands.	Trust building measures serve as reassurance to operate in the stakeholder environment.	No changes were made.

Comment	Response	Conclusion of the topic
	<p>Additional pre-conditions for addressing PfA violations are also in PRO-01-009 <i>Processing PfA Complaints</i>.</p> <p>Specific harms, such as loss of traditional lands, can be addressed in the remedy process in Chapter 3.</p>	

Chapter 3.1

Comment	Response	Conclusion of the topic
Grievance mechanisms need to align with UN Guiding Principles and provide public disclosure.	The M7 TWG agreed that no change should be made to the Framework. The Framework's definition of "grievance mechanism" already references the UN Guiding Principles, which do not require disclosure of grievances. They agreed that confidentiality of pending claims also needs to be respected.	For the definition of <i>grievance mechanism</i> , see the <i>Terms and Definitions</i> section.

Chapters 3.1, 3.2, and 3.3; Terms & Definitions

Comment	Response	Conclusion of the topic
Independent assessors and verifiers need to have basic qualifications, and be truly independent.	<p>For Third Party Verifiers, it has been clarified that FSC shall approve the Verifiers. See 2.6 in Chapter 3, and the definition of <i>Third Party Verifier</i>.</p> <p>For independent assessors, the M7 TWG revised the definition to read:</p> <p><i>Independent Assessor: An expert entity without conflict of interest who is not subject to The Organizations or the corporate group's' authority, influence, or control, and whose qualifications are verified by FSC International.</i></p> <p>See 2.5 in Chapter 3 and the definition of <i>Independent Assessor</i>.</p>	Upon implementation in July 2023, FSC will pilot contracting Independent Assessors directly.

Chapter 3.2

Comment	Response	Conclusion of the topic
Baseline assessments need improvement, e.g., done independently, done per explicit methodologies, etc.	The M7 TWG maintained that baseline assessments should be conducted by independent assessors when rights holders are involved.	See 10.1.a.i.

PSU: Clarification is needed, of who identifies priority social harms.

The M7 TWG revised the following clause to clarify who is responsible: See 14.1.

Priority social harms shall be identified by an Independent Assessor*, including through consultation with affected rights holders*, affected stakeholders* and FPIC-based engagement with affected customary rights holders*. ~~and~~ The results shall be documented in the Harms Analysis Report.*

Chapter 3.3

Comment	Response	Conclusion of the topic
Core Dialogue Group membership needs more clarity and less corporate group influence.	Inconsistencies between the definition of “Core Dialogue Group” and clause 15.3 have been corrected. At clause 15.3.ii, it has been affirmed and clarified that the diversity of affected rights holders is to be represented. Limits on the number of corporate group representatives have also been addressed; see the responses at Annex 1 below for changes made to address requirements previously covered by Remedy Governance Bodies.	See 15.3.
Clarify when more than one Core Dialogue Group is required, or whether one Group can operate regionally.	No changes were made to the Framework. Flexibility is needed.	-
Reforestation is problematic, e.g., implicit in restoration, but can be misinterpreted as plantations.	At 18.1, the M7 TWG agreed to remove the reference to reforestation because it was deemed unnecessary and open to misinterpretation. See the revised language at the M7 TWG response to Question 8.	See 18.1.

Chapters 3.4 and 3.5

Comment	Response	Conclusion of the topic
Concept Notes and Remedy Plans should be approved by affected rights holders and customary rights holders.	<p>The Framework requires Organizations and corporate groups to enter into agreements with impacted rights holders (which include customary rights holders) for Remedy Plans’ activities.</p> <p>In addition, the Framework has been clarified to require verification of implementation of FPIC</p>	No further changes were made on this topic.

processes at the Concept Note and Remedy Plan phases. and verification that affected rights holders find the Remedy Plan acceptable. See Question 7.

Chapter 3.5

Comment	Response	Conclusion of the topic
Remedy Plan summaries should be public.	The Framework requires that a summary of Remedy Plan elements, excluding confidential information, be publicly available on request.	See 25.8 and 34.2.c.iii.

Chapters 3.5 and 3.7

Comment	Response	Conclusion of the topic
Objective standards are needed for verification/auditing of Remedy Plans.	<p>A new Annex has been developed to explicitly list the Remedy Framework clauses that must be verified by Third Party Verifiers. (See <i>Annex 1: Third Party Verification Checklist</i>.)</p> <p>The TWG added this clause to address the overall verification expectation:</p> <p><i>28. Monitoring by the Third Party Verifier</i></p> <p><i>28.1 To ensure the objectives of the FSC Remedy Framework are achieved and the proper process is followed, the Third Party Verifier* shall verify the elements found in Annex 1: Verification Checklist at the relevant stages of the process.</i></p> <p>Verification has also been more explicitly required at key stages of the remedy process. For example, see the TWG response at Question 7 for new FPIC-related verification clauses.</p>	<p>See section 28.</p> <p>For the verification Annex, see <i>Annex 1: Third Party Verification Checklist</i>.</p>
PSU: The role of certification bodies as potential verifiers needs to be clarified.	The M7 TWG agreed that certification bodies may assume the role of Third Party Verifiers* once The Organization* is eligible for certification. A new Annex has been developed to clarify the potential role of certification bodies in the context of the Framework. (See <i>Annex 5: Requirements for Certification Bodies</i> .)	See <i>Annex 5: Requirements for Certification Bodies</i> .

Chapter 3.7

Comment	Response	Conclusion of the topic
---------	----------	-------------------------

Safeguards are needed for Remedy Websites and other communications to avoid undue market recognition of Organizations/corporate groups before Plans are finalized and sufficiently implemented.	<p>The M7 TWG agreed to add the following clauses to the Framework, to clarify who is responsible for Remedy Websites, and to ensure the status of remedy processes is properly understood:</p> <p><i>34.1 The Third Party Verifier* shall establish and maintain a FSC Remedy Progress Website*.</i></p> <p><i>a. The website shall prominently indicate that the remedy process does not constitute FSC certification or association.</i></p> <p><i>b. The website shall link to information summarizing the progress and outcomes that must be attained before certification or re-association decisions may be initiated.</i></p> <p><i>34.3 The Organization* or corporate group* shall commit to prominently featuring a link to the FSC Remedy Progress Website* in any communications materials or websites related by The Organization* or the corporate group* that reference the remedy* process.</i></p>	See 34.1 and 34.3.
PSU: Potential mis-alignment in how the Association Threshold is depicted in different parts of the Framework.	It was affirmed that the Association Threshold is based on completion of priority activities for remedy of harm related to PfA violations, and that association decisions are not expected to wait for full implementation of Remedy Plans.	See 30.1, 20.1.b, and the definition of <i>Association Threshold</i> .

Annex 1

Comment	Response	Conclusion of the topic
PSU: Redundancy amongst Core Dialogue Groups and Remedy Governance Bodies (RGBs), and limited role of RGBs in the Framework.	Remedy Governance Bodies (RGB) have been removed from the Framework. The Framework's requirements for Core Dialogue Groups (CDGs) have been refined to cover the few additional points that were addressed in the RGB provisions, e.g., the question of how many members of a RGB or CDG may represent corporate groups. FSC staff also note that if CDGs wish to establish RGBs, they still have the option to do so, i.e., the Framework does not preclude the use of RGBs.	For the requirements for Core Dialogue Group composition, see 15.3.a. Other relevant clauses include 15.4 and 15.5.

Annex 3; various locations

Comment	Response	Conclusion of the topic
An auditable procedure is needed for addressing	The TWG agreed a separate procedure is not required, and no changes were made to Annex 3.	See <i>Annex 1: Third Party Verification Checklist</i> .

social harm. The Annex 3 indicators are not sufficient.

However, the new verification Annex may help address some of the concerns (see *Annex 1: Third Party Verification Checklist*).

Annex 4

Comment	Response	Conclusion of the topic
Annex 4 (Policy for Association Indicators) should align with the FSC prohibition on GMOs and be more explicit on other topics.	An indicator for GMOs has been added to the Annex, to align with the existing PfA and the indicators for other elements of the PfA: <i>Documented evidence that the corporate group* has introduced genetically modified organisms to forestry operations.</i>	See Part I.1.e in <i>Annex 4: Indicators for Evaluating Conformity with the Policy for Association of Organizations with FSC</i> .
PSU: Annex 4 (Policy for Association Indicators) should reference regional and national guidance on HCV definitions.	A footnote has been added to Annex to reference such guidance (see <i>Annex 4: Indicators for Evaluating Conformity with the Policy for Association of Organizations with the FSC</i>).	See Footnote 9 at <i>Annex 4: Indicators for Evaluating Conformity with the Policy for Association of Organizations with FSC</i> .



FSC International – Performance and Standards Unit

Adenauerallee 134

53113 Bonn

Germany

Phone: +49 -(0)228 -36766 -0

Fax: +49 -(0)228 -36766 -65

Email : psu@fsc.org