



FREQUENTLY ASKED QUESTIONS

**Remedy Process and FSC's Role as a
Facilitator**



INTRODUCTION

The FSC Remedy Framework entered into force in July 2023 to remedy the harms caused by conversion and unacceptable activities as well as to pave the way for organizations and other stakeholders to embark on a journey of healing and regeneration through a verified process. Organizations who implement the FSC Remedy Framework to address past harms undergo a remedy process.

Through this set of Frequently Asked Questions (FAQs), find out more about the remedy process and FSC's role as a facilitator.

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1. How does the FSC ensure that companies who wish to end their disassociation, remedy the harm they caused and demonstrate that no deforestation had taken place during the disassociation period?

The company must conform with the requirements of the FSC Remedy Framework. This includes the identification and mapping of all conversion under the control of the corporate group since 1994 and requirements for monitoring if any further unacceptable activities are taking place within the disassociation period.

2. How does FSC ensure the independence of Third Party Verifiers?

FSC approves Third Party Verifiers for each remedy case. Applicants must demonstrate their qualifications and expertise and complete the FSC conflict of interest declaration form. If they are selected for the case, they sign a legal contract ensuring no conflicts of interest and agree to keep FSC apprised of any emerging conflicts during the contract. The FSC Remedy Framework also specifies that the Third Party Verifier and certification body are separate entities prior to the certification stage, i.e. when carrying out remedy.

3. What measures are in place to address potential conflicts of interest in the appointment of consultants, such as Third Party Verifiers, Independent Assessors, for the remedy process?

When expressing interest to be considered by FSC as an Independent Assessor or Third Party Verifiers and enter the pool of experts the organization must submit a conflict of interest declaration for their organization which is reviewed by FSC for financial, managerial, familial, or mission related conflicts. After an organization is admitted to the pool of experts, it must submit a conflict of interest declaration form for each member of the proposed team that will be working on a specific case before being contracted as an Independent Assessor or Third Party Verifier.

4. How will reporting on the remedy process be handled, and what information will be made publicly available?

The FSC Remedy Framework has specific requirements for information that must be made publicly available in all cases. This includes:

- Anti-corruption and anti-bribery commitment and measures;
- The approved Concept Note, excluding confidential information;
- Summary of all elements and components of the Remedy Plan, excluding confidential information;
- Summary of the Third Party Verifier monitoring reports; and
- Third Party Verifier findings in the case that the implementing organization or corporate group has not achieved association or certification.

Additional information must be made available in cases of non-conformity with the Policy for Association including:

- Independent monitoring of Policy for Association conformity;
- Annual summaries of the corporate group's progress towards developing Remedy Plan(s) and implementing remedy of harm;
- Summary descriptions of Core Dialogue Groups;
- Map methodology summaries and maps; and
- A summary of the total area (including types of habitat) that needs to be remedied through restoration and conservation.

5. How does the FSC ensure that all environmental claims made in a company's marketing and reporting during the remedy process are thoroughly vetted and verified to prevent greenwashing?

There is specific information which must be made publicly available by the corporate group that is implementing the remedy process. The FSC Remedy Framework includes these reporting requirements. There are also requirements that the company must follow and agree to in a Memorandum of Understanding with FSC which limit what information the organization can share and how they can share it.

6. What steps does FSC take when a complaint is filed against a company that is not certified, including disassociated company, is found to be using the FSC label?

FSC takes prompt action as this is considered to be a case of trademark infringement. Necessary legal action is taken against such companies.

7. How does FSC verify control relationships between different entities within a corporate group? What steps are being taken to ensure this process is rigorous and transparent?

FSC has developed internal guidance for evaluating the nexus of control exercised between legal entities developed by FSC experts and external law firms. FSC provides a list of all entities in the corporate group on each remedy case page which can be accessed here: <https://connect.fsc.org/current-cases/remedy-cases>

8. What is FSC's due diligence process to ensure that the scope of remedy for a corporate group (entities within the corporate group that are required to implement the remedy process) remains up-to-date and relevant?

Prior to signing the remedy agreement with a corporate group, FSC receives a list of entities that fall within the scope of the remedy process. This list of entities is reviewed by FSC. Subsequently, as a part of FSC's continuous due diligence process, a corporate group review is conducted for complex corporate groups and high-risk remedy clients before the remedy agreement is renewed after the first year. FSC also commissions corporate group reviews by external experts.

9. What is the importance of having a complete list of entities that fall within the scope of the remedy process?

In the beginning phases of the remedy process, an environmental and social baseline assessment is carried out. An Independent Assessor works with stakeholders and rightsholders to prioritize the harm. It is important to have a complete list of related entities to understand the scope of the environmental and social harm related to the unacceptable activities, and consequently, the remedy activities which will need to be included in the Remedy Plan.

10. How will stakeholders be involved in the remedy process, and what information will be disclosed to them?

The FSC Remedy Framework includes extensive requirements for the involvement of different stakeholders and rightsholders in the remedy process. There are requirements about what information will be disclosed depending on the stakeholder and rightsholders' level of engagement in the process and the step in the process.

11. What is the expected timeline for implementing the FSC Remedy Framework, what specific criteria will be used to evaluate whether the remedy is effective and how will progress be monitored?

There is no one specific timeline for implementing the FSC Remedy Framework. The environmental and social harm that the organization is responsible for remedying can vary widely, as can the ecosystem in which the harm took place. The Remedy Plan includes a participatory process to select remedy actions, set indicators for success, and set timelines. The FSC Remedy Framework sets thresholds for when the organization can apply for association and/or certification.

In general, cases involving remedying according to the core and additional requirements will take longer than cases involving remedying according just to the core requirements. The initial Memorandum of Understanding between FSC and the organization lasts at least two years, but it would be expected to renew this agreement multiple times. Progress is monitored in various ways according to the requirements of the FSC Remedy Framework. This includes by the organization itself, by participatory processes with stakeholders and rightsholders, and by the Third Party Verifier.

12. Is there an appeals process for stakeholders who disagree with the remedy decisions, and how can they participate?

There are various ways for stakeholders to express disagreement with remedy decisions. The establishment of a grievance mechanism is open to affected stakeholders and their representatives. The grievance mechanism establishes a process through which grievances concerning business-related human rights abuse can be raised and remedy can be sought, following the criteria outlined in the UN's Guiding Principles on Business and Human Rights (legitimate, accessible, predictability, equitable, transparency, rights compatible, continuous learning, engagement and dialogue).

There are also requirements in the FSC Remedy Framework about how stakeholders and rightsholders must be consulted and how it must be verified that they are in agreement with the remedy process. Feedback about disagreement could be given at those points.

The FSC Remedy Framework also specifies that the FSC Dispute Resolution System may be used by stakeholders or other parties if they disagree with the findings or decisions of the Third Party Verifier.

13. Does the FSC Remedy Framework also apply to suppliers of wood and forestry products to organizations implementing the Remedy Framework?

The scope of the FSC Remedy Framework does not apply to suppliers of organizations implementing the remedy process. Through the remedy agreement that organizations sign with FSC to remedy unacceptable activities, they make commit to no conversion in their supply chain.

14. What resources is FSC making available to help Indigenous Peoples and Local Communities gain the knowledge and capacity they need to participate meaningfully in the remedy process in actual cases?

The FSC Remedy Framework contains a mandatory Annex with the elements and steps of the Right to Free, Prior and Informed Consent (FPIC) process which in its entirety shall be considered for developing and conducting FPIC processes. In addition, FSC will be working to co-create materials to support communication around FSC and the remedy procedures for Indigenous Peoples and Local Communities.

15. How will the rights of Indigenous Peoples and legal and customary rights holders to FPIC be assured in remedy sites if these are outside original management units?

Independent Assessors are responsible for interacting with affected rights holders and ensuring FPIC is practiced in the remedy sites. Third Party Verifiers are responsible for verifying the practice of FPIC throughout the remedy process.



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