



Terms of Reference

REVISION OF REQUIREMENTS FOR USE OF THE FSC TRADEMARKS BY CERTIFICATE HOLDERS

FSC-STD-50-001



PROCESS SUMMARY

Process Title: Revision of Requirements for use of the FSC trademarks by certificate holders

Process Type: [Regular]

Scope: Revision

Type of WG: Expert working group

of Working Group members: (5) Five

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1. Background and introduction

FSC is revising the trademark standard FSC-STD-50-001 *Requirements for use of the FSC trademarks by certificate holders*. This document contains the requirements and guidelines for using the FSC trademarks by FSC certificate holders. It covers the labelling and promotion of products with FSC trademarks, as well as the promotion of an organization's status as an FSC certificate holder.

FSC is conducting a full revision of FSC-STD-50-001 V2-1. The most recent full revision of FSC-STD-50-001 was completed in 2017, while a minor revision was performed in 2020–2021. The FSC-STD-50-001 V2-1 was published on 1 January 2022 to include the new version of the FSC MIX label and statements to promote FSC controlled wood, as agreed in the controlled wood strategy in 2019.

1.1. Problem statement

- FSC's Trademark Management team manages a comprehensive customer care system and works directly with certification bodies and certificate holders on over 4,000 trademark use cases per year. In this framework, the Trademark Management team has collected a number of stakeholder change requests which help inform the revision of the standard.
- Aligning with market, product and technology trends is an objective of this revision. FSC commissioned in 2023 a labelling study to understand how FSC should evolve its labelling to align with clients' expectations, market and technology trends in product labelling. The insights from the study will inform the revision of the standard.
- The current version of the standard does not include requirements for using the FSC trademarks in contexts that are now crucial for certificate holders to market and promote their FSC-certified products, such as online marketplaces and social media. Furthermore, the standard would benefit from more pre-approved messaging to describe FSC and FSC-certified products, to support certificate holders to talk about FSC.
- Since the most recent revision, an Advice Note comprising requirements for use of the FSC trademarks by project certificate holders was published to align with the revised FSC Standard for Project Certification FSC-STD-40-006. Additionally, a number of 31 interpretations have been issued. Integration of all trademark use requirements within one document will improve readability and useability.
- With the increasing number of FSC-labelled products, certification bodies' work with approving trademark use for their clients is becoming more and more complex. Simplification of the trademark standard by focusing on high-impact requirements will support the uptake of FSC trademarks on the market while protecting FSC's integrity.
- Finally, upcoming legislation across the globe is introducing stricter requirements for claims substantiation and communication with the purpose of fighting greenwashing. These new requirements affect both companies making environmental claims, as well as certification schemes that support such claims. Consequently, FSC must implement normative changes to ensure legal compliance of FSC as a certification scheme as well as enable certificate holders to continue making credible claim with FSC.

The current revision process was kicked off in September 2023. As part of the conceptual phase, the process team has organized 15 webinars and workshops in various languages and carried out a focused consultation to determine the scope of the revision. The feedback received from stakeholders during the conceptual phase has been summarised in a consultation report.

1.2. Key objectives

The key objectives of the revision process are the following:

- Simplify the rules for using the FSC trademarks, while preserving the integrity and credibility of the FSC certification scheme.
- Reduce the number of requirements, allowing certification bodies to focus on high-impact requirements in their trademark approval work.
- Adapt to market and product trends as well as technological developments that impact labelling.
- Ensure compliance with new legislative developments in environmental labelling and claims.
- Align with the updated chain of custody normative requirements, as well with other revision processes of the FSC normative framework.
- Incorporate improved wording and remove ambiguous clauses.
- Incorporate relevant advice notes and interpretations.

1.3. Intended outcomes

Intended outcomes from the implementation of the requirements

Table 1 - Outcomes of the requirements

Title	Description of the outcomes
Reduced number and complexity of trademark use requirements	<p>Clear and simple trademark use requirements make it easier for certificate holders to use the FSC trademarks to label and promote their FSC-certified products.</p> <p>Certification bodies are able to focus on high-impact requirements in their trademark approval work.</p>
Reduced number of inquiries received about the application of the trademark requirements	<p>The revised requirements add clarity and certainty to the trademark rules for certificate holders, leading to fewer inquiries by stakeholders about the interpretation and application of such rules.</p>
Compliance with relevant legal requirements	<p>Rules on trademark use are aligned with existing and upcoming normative developments on substantiation and communication of claims, supporting compliance of both the FSC certification scheme and certificate holders.</p>
Future-proofing the FSC label	<p>The incorporation of new technologies for labelling enhances the informational value of the FSC label, allowing the inclusion of more information relevant to consumers.</p>
Enhanced use of the FSC marks online	<p>The introduction of clear and suitable rules for using FSC trademarks online, such as in online marketplaces and social media support certificate holders with promoting their FSC-certified products and their FSC certification.</p>
Streamlined promotion of FSC and FSC-labelled products	<p>The introduction of additional pre-approved statements describing FSC and FSC-labelled products, that are both attractive and accurate, will make it easy for certificate holders to talk about FSC.</p>

1.4. Scope of work of the working group members

The working group is expected to advise on the revision of the trademark use requirements related to the following topics:

- 1) Rules for labelling FSC-certified products. This includes, but is not limited to, graphic rules for using the FSC label, mandatory information to be included in the label, labelling innovations, rules for composite packaging, and labelling agreements between certified organizations.
- 2) Rules for promoting FSC-certified products and promoting certificate holder status. This includes, but is not limited to, promoting products online and offline, describing FSC and FSC-labelled products (FSC 100%, FSC MIX, FSC RECYCLED).
- 3) Rules for promoting FSC-certified projects.

1.5. Ongoing FSC processes and projects to align with

The current revision process must be aligned and incorporate the new requirements of the following processes:

- General requirements for FSC accredited certification bodies FSC-STD-20-001.
- Chain of Custody Certification FSC-STD-40-004.
- FSC Standard for Project Certification FSC-STD-40-006.
- Empowering Consumers Directive¹ gap analysis 2024.
- Green Claims Directive² gap analysis 2025 (if adopted).

1.6. Process type and process steps

Table 2 below provides an overview of the process type used in the present revision process, together with the decision-making bodies and implementation dates.

The revision of FSC-STD-50-001 is classified as a regular process.

Table 2 – Process types

PHASE	KEY STEP / ASPECT	REGULAR
Review / New requirements	New Requirements Report <i>or</i>	FSC staff
	Review Report	FSC staff
	Decision on Normative Framework Schedule	Director General
Conceptual	Consultation	Focused

¹ Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information

² Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims, COM(2023) 166 final, 2023/0085(COD)

	Process ToR	Process lead
	Deciding on the ToR	Director General
Working Group	Working group composition	Experts
	Deciding on working group composition	Director General
Drafting	Drafting	Process lead
	Consultation	Public or focused
Testing	Testing	Desk, field, or pilot testing
Final decision	Final decision	Policy and Standards Committee
Implementation	Publication date	6 months prior to effective date
	Effective date	1 st January/ 1 st July
	Transition end date	18 months after effective date

2. Establishing the working group

2.1. Organizational set up of the process

The table below depicts the roles and responsibilities of the different working group bodies.

Table 3 - Roles and responsibilities of the relevant working group bodies

Working group body	Roles and responsibilities
Process Lead	<ul style="list-style-type: none"> a) establish and execute the working group work plan; b) draft the requirements; c) design the structure and scope of the meetings; d) organize and lead working group meetings; e) provide the working group with relevant materials; f) represent FSC International, e.g., by providing inputs to the working group discussions, ensuring alignment with other ongoing processes within FSC; g) monitor adherence of the working group to the terms of reference; and h) report on working group performance and quality of deliverables to FSC management and the FSC Board of Directors.
Working Group:	<ul style="list-style-type: none"> a) provide input on the contents of the requirements; NOTE: the process lead is responsible for drafting the requirements b) proactively seek advice on requirements from their constituency; c) review results of consultations; d) adhere to the process terms of reference, including timelines and the collaboration rules; and e) recommend, object to or abstain from the draft which is submitted for consultation or for its approval.
Policy Steering Group (PSG)	<ul style="list-style-type: none"> a) provide input to approvals related to the implementation of the FSC-PRO-01-001 and as per delegation by the Director General (DG); b) providing direction on strategic questions that may impact certification uptake or cause major reactions by stakeholders, certification bodies (CBs) or certificate holders (CHs); c) monitoring and supervising the connectivity of policy work with other work areas in order to ensure alignment and integrity of projects; and d) oversight of Forest Stewardship Standards (FSS) development.
Project Supervisor	<ul style="list-style-type: none"> a) supervise the process and support the working group in reaching its goals.

2.2. Selection criteria for working group members

a) Technical skills:

- i) Experience in developing trademark use requirements or approving/auditing trademark use requirements or implementing/applying trademark use requirements.
- ii) Knowledge about one or more of the following topics would be an asset:
 - FSC Trademark use requirements for certificate holders and/ or promotional license holders.
 - FSC certification system.
 - Supply chains, printing technologies and industry sectors involved in product labelling.
 - Basic functioning of online marketplaces/e-commerce and digital environments.
 - Good practices for drafting, substantiating, and communicating environmental claims.
 - Other certification schemes trademark use requirements.
 - Relevant legislative framework on environmental and sustainability claims.
 - Best practices to fight greenwashing and greenhushing.

b) Soft skills:

- Ability to collaborate effectively in a team;
- Clear and concise communication skills, both written and verbal;
- Strong problem-solving skills;
- Ability to see the perspective of certificate holders that use the FSC trademarks;
- Resilience and ability to adapt to challenges;
- Strong organisational skills and ability to work systematically; and
- Demonstrated culturally appropriate behaviour.

c) Contribution:

- Seeking solutions,
- Delivering high-quality work, and
- Providing timely input.

d) Engagement:

- Participate actively in online calls and (potentially) in-person meetings
- Provide valuable input for the objectives of the process.
- Commit to creating a trustworthy work environment, and
- Demonstrate good judgement in conduct.

The process lead shall consider past performance of applicants in the evaluation of candidates. Where possible, FSC aims for a gender-balanced and geographically diverse working group.

2.3. Approval of the selected working group members and allocation of stipends

The Director General, or in some cases, the final decision-making body of the process in question, shall decide on the members of the working group and on the allocation of stipends.

2.4. Role of observers

Observers can be invited by the process lead to attend working group sessions but may only contribute to the discussions when agreed by the majority of working group members and cannot make decisions.

The formal decision-making responsibility of the WG is to recommend when drafts are ready for consultation and also to recommend that the final draft is ready for submission to the decision-making body.

2.5. Workplan and time commitment

Workplan

WG members are expected to donate sufficient time to thoroughly fulfil their duties as outlined in the work plan presented in Annex 1 below. The timetable and the detailed work plan shall be updated as necessary.

Communication

The WG will conduct most of its work via e-mail or similar means of electronic communication (e.g., MS Teams, teams meeting etc.), and through one-on-one calls with the process lead when required. Similarly, face-to-face meetings will be planned, if needed.

Meetings

The process lead will strive to select meeting dates and venues that allow for full participation of all WG members. The working group will conduct its deliberations via face to face or online meetings, with email communication for follow up. The proposed frequency and type of meeting is listed below, as well as in Annex 1:

- Regular meetings: online 1-2 hour catch-up meetings every two weeks via Teams
- In person kick-off meeting: December 2024
- Intensive work session, to prepare consultation: tentatively 11-12 February 2025
- Intensive work session, 1 month after consultation close: tentatively 8-9 July 2025.

2.6. Expenses and remunerations

Remuneration

FSC is an international not-for-profit membership organization with limited funding. Participation in the WG takes place on a voluntary non-paid basis. If required, a stipend can be granted by FSC on a case-by-case basis and on request for those participants that do not have alternative income or sponsoring means for their time input.

Traveling and accomodation

If required, FSC will cover reasonable travel and accommodation expenses related to the work plan upon submission of the respective invoices and receipts, and if expenses are agreed upon in advance.

2.7. Confidentiality and conflict of interest

Confidentiality

WG members shall sign a confidentiality and non-disclosure agreement with FSC at the beginning of their work. Per default, non-attributable content of discussions and papers prepared by or presented to the WG is not considered confidential, unless otherwise specified by FSC.

Conflict of Interest

WG members are expected to declare any conflicts of interest, where they arise. This will cause the person(s) to be excused from the discussion and to abstain from participating in decision-making.

2.8. Language

FSC provides translation support as necessary to facilitate the participation of non-English speaking working group members.

The working language of the working group shall be English.

3. Operating rules

3.1. Expectations of appointed working group members

Appointed working group members are expected to adhere to the rules and regulations of this ToR and working group members shall sign a cooperation agreement with FSC upon appointment.

Term Starting time/period: **Q4 2024.**

3.2. The term of working group members

The term of working group members ends with the submission of the final draft of the deliverables presented in the final draft set of requirements ('see section 1) to the Policy Steering Group and Director General (approve that the final draft is ready for submission to the decision-making body).

Term Completion time/period: **Q4 2025.**

3.3. Accountability of the working group

The WG is accountable to FSC International. WG members may be asked to leave the group by the Director General if they are not fulfilling their duties properly.

3.4. Deliberations and decision-making

Formal decision-making responsibility of the working group is to recommend when drafts are ready for consultation and to recommend that the final draft requirements are ready for submission to the decision-making body (PSC).

All working group members must participate in each point of decision-making. If any of the members are not present for a decision, then a provisional decision may be made, subject to participation by the absent members. Quorum is required for any provisional decisions, and full member participation is preferred. For the working group to convene and deliberate, a quorum of at least three out of five members is required.

The working group shall strive and make every effort possible to make decisions by consensus. If consensus cannot be achieved, outstanding concerns should be documented and presented to the Director General in the process evaluation form that accompanies the document presented for decision.

The process lead, FSC Staff, Policy Steering Group members and any other supportive personnel shall not participate in any decision-making relevant to the tasks and responsibilities of the WG as outlined in section 2.

If the working group is not able to agree on a final draft within three (3) months after presenting the revised draft requirements following the final round of consultation, the Director General shall take a decision on how to move forward with the process.

ANNEX 1: WORK PLAN AND ESTIMATED TIMELINES

Nr.	Tasks and Activities ¹	Lead ²	2024					2025												2026
			Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
1.	Drafting requirements – development of draft zero	PL	x	x																
2.	Call for WG candidates	PL		x	x															
3.	Approval of WG composition	DG				x														
4.	Establishment WG	PL				x														
5.	First F2F WG Kick-off meeting	PL					x													
6.	Bi-weekly online calls – development of draft 1	PL						x	x	x										
7.	Intensive work session – online	PL							x											

	or F2F – development draft 1																			
8.	Preparation consultation	PL								x										
9.	Analysis of consultation feedback	PL											x	x						
10.	Bi-weekly online calls – development of draft 2	PL									x	x	x	x	x					
11.	Intensive work session – online or F2F – development draft 2	PL												x						
12.	Sign off to submit to PSG	WG													x					
13.	Sign off to submit to PSC	PSG														x				
14.	PSC approval	PSC															x			
15.	Publication of revised standard	PL																		x

		<p>¹ For tasks of WG see section 2 of the ToRs</p>
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		<p>² Lead role or responsible body such as PL, WG, PSC, PSG, DG, PSC, BoD or other</p>
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