



EXPRESSION OF INTEREST: REMEDY CLIENT

For companies interested in pursuing remedy for
conversion or unacceptable activities

28/08/2024



Title: Expression of Interest: Remedy Client

Updated on: 28 August 2024

Contact for comments: FSC Global Development
Adenauerallee 134
53113 Bonn
Germany

Email : remedy@fsc.org

**© 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.

CONTENTS

| | | |
|-----------|------------------------------------|-----------|
| 1. | Background information | 4 |
| 2. | Initiating a remedy process | 6 |
| 3. | Pre-Remedy Questionnaire | 7 |
| 4. | Frequently asked questions | 11 |
| 5. | List of annexes | 12 |
| 6. | Remedy pathways | 13 |
| 7. | Privacy statement | 14 |

1. Background information

About FSC

FSC is a non-profit membership organization that provides a certification tool to enable sustainable management of forests. Currently, over 200 million hectares of forests worldwide are certified to FSC standards. It is widely regarded as the most rigorous forest certification system among NGOs, consumers, and businesses alike to maintain healthy and resilient forests. FSC's responsible forestry standard is a proven solution to tackle today's deforestation, climate, and biodiversity challenges. The standard is based on ten core principles and is linked to strict chain of custody and forest management certifications.

Found on millions of forest-based products around the world, FSC's "check tree" label verifies sustainable sourcing from forest to consumer. Choosing FSC helps to preserve forests, wildlife and clean water and supports the Indigenous Peoples, forest workers and communities who depend on them. www.fsc.org.

FSC Mission: Our mission is to promote environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC Vision: The true value of forests is recognized and fully incorporated into society worldwide. FSC is the leading catalyst and defining force for improved forest management and market transformation, shifting the global forest trend toward sustainable use, conservation, restoration, and respect for all.

Key Facts About FSC International

- FSC Group is composed of the parent organization, based in Mexico and its three wholly owned subsidiaries based in Germany.
- Head office in Bonn/Germany includes one non-profit entity (FSC International Center gGmbH) and two for-profit entities (FSC Global Development GmbH and ASI-Assurance Services International GmbH)
- 200 employees worldwide active in over 40 countries with certificates in over 120 markets
- Trusted by NGOs. FSC is uniquely supported by the world's most trusted environmental organizations, such as [WWF](#), [Rainforest Alliance](#), [Sierra Club](#), [National Wildlife Foundation](#) and more. It is also the only forest-based certification scheme which is a member of [ISEAL Alliance](#), the global association for social and environmental standards systems.
- Trusted by consumers: FSC is the most recognized forest certification label with 54 per cent of global consumers expressing high levels of trust in FSC's role to protect forests.
- Trusted by the private sector: FSC is the preferred certification scheme for many companies worldwide and is the most used by members of the Fortune 500. FSC is preferred by major brands like IKEA, H&M, McDonald's, and Tetra Pak, and FSC has over 50,000 chain of custody certificate holders, more than any other forest-based certification scheme.

Fundamentally balanced: FSC is the pioneer of a multi-stakeholder governance system that gives equal weight to economic, environmental, and social chambers – an approach respected by many NGOs as the gold standard.

About this project

In 2023, FSC introduced new major changes to the system by publishing Policy to Address Conversion and FSC Remedy Framework. With these changes, FSC demonstrates its contributions to global commitments to end deforestation and to advance the restoration of lost environmental values and the restitution of social harms.

The Policy to Address Conversion strengthens FSC's fundamental principles on conversion of natural forests and High Conservation Value areas while providing avenues to remedy and compensate for social and environmental harms caused by past conversion. Moreover, the policy strengthens FSC's commitment to end deforestation by establishing a new conversion cut-off date where land converted after 31 December 2020 is not eligible for certification.

These changes pave a route by which millions of hectares of forests converted between 1 December 1994 and before 31 December 2020 can be restored and then become managed in a responsible manner according to the FSC Principles and Criteria and ultimately FSC-certified. With this, FSC becomes more relevant in the restoration space as a tool that provides market incentives to restore deforested and degraded land.

FSC has published a set of requirements for remedying past social and environmental harms: the FSC Remedy Framework. Through the Remedy Framework, FSC is at the forefront of creating a route for non-judicial access to remedy in the forestry sector, thereby encouraging restoration and social remedy. The FSC Remedy Framework FSC-PRO-01-007 defines permanent and effective measures required for remedying past social and environmental harm caused by unacceptable activities as stipulated by the Policy for Association Version 2, or caused by conversion between 1 December 1994 and 31 December 2020 as stipulated by the Policy to Address Conversion. The FSC Remedy Framework FSC-PRO-01-004 defines the measures based on Policy for Association Version 3, which is effective for all harms caused from 1 January 2023 onward.

2. Initiating a remedy process

FSC staff and interested remedy clients (companies) will work together to initiate a remedy process. Below is a simplified overview of the expected phases and roles of the remedy initiation process. These can vary slightly based on which version of the Remedy Framework is applicable (See 6. Remedy pathways, below).

| Company role | FSC role |
|---|--|
| Phase 1: General Interest | |
| Company expresses interest in pursuing a remedy process with FSC. | FSC receives inquiry, answers immediate questions, and provides EOI form. |
| Phase 2: Information Gathering | |
| Company completes and sends Pre-Remedy Questionnaire to FSC (See Section 3). | FSC reviews EOI form and requests clarification. FSC schedules initial meeting and drafts agenda. |
| Phase 3: Follow-Up | |
| Company participates in initial meetings. Company provides follow-up information as requested by FSC, including about resources available to pursue remedy and systems in place to prevent future harms from occurring. Company conducts self-assessment of indicators found in Annex 4 of the Remedy Framework and shares findings with FSC. | FSC presents slides, answers questions, and requests clarification. FSC agrees on next steps with company. FSC requests follow-up information from company to deem readiness for a remedy process. FSC determines remedy pathway based on information shared by company (see Section 6). |
| Phase 4: Determination of the Scope of the MOU Parties | |
| For conversion: Company provides information on ownership of the Management Unit(s) -- For unacceptable activities: Company provides access to business information in order to confirm the scope of the corporate group. Company provides feedback about corporate group findings. Company agrees with the scope of corporate group to be involved in the remedy process. Company secures permission to sign MOU on behalf of the corporate group. | For conversion & unacceptable activities: FSC determines with whom it signs a Memorandum of Understanding. -- For unacceptable activities: FSC conducts analysis on according to FSC-ADV-10-004-01 (See Annex 5.10), makes a proposal for application of the Advice Note, and receives approval from FSC International Board of Directors. FSC does internal corporate group review. FSC determines if external review is needed and if so, contracts and manages consultant. |
| Phase 5: Memorandum of Understanding | |
| Company reviews and signs an MOU. | FSC drafts, reviews, and signs the MOU. |
| Phase 6: Third Party Contracting | |
| Company chooses preferred Independent Assessor (IA) and Third Party Verifier (TPV) from pre-approved list or makes proposal(s) for new candidate(s) to be added to the list. Company contracts IA and TPV. In exceptional cases FSC may contract the TPV directly. (See IA and TPV Summaries in Section 5.) | FSC shares TPV and IA pre-approved list. FSC analyzes new candidates for IA and TPV lists, if applicable. FSC conducts conflict of interest check and qualification check for the preferred TPV and IA. |

3. Pre-Remedy Questionnaire

Please provide the information requested in the Pre-Remedy Questionnaire below. If information is not initially available to complete all field, please provide as much information as possible. These details will be used to assist FSC staff to better answer questions and prepare for next steps. This is for informational purposes only and FSC keeps these responses confidential. Please see section 7. Privacy Statement for further information.

| # | Item | Response |
|---|---|----------|
| 1 | Contact person name and title | |
| 2 | Contact person email address | |
| 3 | Other company contact people, titles, and email addresses | |
| 4 | <p>Main contact person’s level of familiarity with FSC</p> <p>5-Very knowledgeable, ex: currently or previously associated or certified by FSC</p> <p>4-Knowledgeable, ex: some level of professional knowledge related to FSC and/or forest certification</p> <p>3-Somewhat knowledgeable, ex: some level of general knowledge of FSC as a consumer or reader of the FSC website</p> <p>2-Little knowledge, ex: read information in</p> | |

| | | |
|---|---|--|
| | Background section of this document 1-No knowledge | |
| 5 | The company seeking remedy for: -Conversion -Unacceptable activities -Both -Unknown | |
| 6 | Names of the legal entity/entities involved in conversion and/or unacceptable activities | |
| 7 | Names of legal entities currently certified by FSC | |
| 8 | Time range of the conversion/unacceptable activities occur | |
| 9 | Describe the concession area(s), including: -Country, region, province -Owner and operator of each concession area (if more than one is listed in question 6 above) -Number of hectares per concession area -Hectares converted per concession area -Date of the conversion/unacceptable | |

| | | |
|----|---|--|
| | <p>activities per concession area</p> <p>-Past and current state of high conservation value areas</p> <p>-Areas set aside for conservation or protection</p> <p><i>Information can be included in a separate attached document if desired</i></p> | |
| 10 | <p>Did any conversion occur in the concession area between 1 December 1994-31 December 2020, prior to the company acquiring the areas?</p> | |
| 11 | <p>Give overview of any confirmed, suspected, or alleged social issues related to the concession areas.</p> | |
| 12 | <p>Provide relevant allegations or reports in the media related to the conversion or activities to be remedied.</p> | |
| 13 | <p>Provide any HCV assessments and/or social and environmental baseline assessments which were carried out prior to the events in questions (conversion,</p> | |

| | | |
|----|--|--|
| | unacceptable activities, etc.) | |
| 14 | Have any social and/or environmental remediation actions already taken place to address the environmental or social issues described above? | |
| 15 | Please share your initial questions or concerns. | |
| 16 | <p>Is there any additional printed information the company would like to share with FSC? If so, please send to FSC with this completed form.</p> <p><i>Ex: Project proposals, environmental impact assessments, maps, internal reports, academic studies, journalistic reports, etc.</i></p> | |

4. Frequently asked questions

1. How long will a remedy process take?

There is no one specific timeline for implementing the 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 RF. This includes by the organization itself, by participatory processes with stakeholders and rightsholders, and by the Third Party Verifier.

2. Who pays for a remedy process?

The company pursuing remedy is solely responsible for the costs associated with the remedy process, including costs associated with hiring a Third Party Verifier and Independent Assessor, FSC staff costs, and implementation of the remedy actions.

3. Who is involved in a remedy process?

The roles of the participating parties are defined in detail in the FSC Remedy Framework. In addition to the role of the company in remedy, the procedure outlines requirements for impartial actors, such as the Third Party Verifier, Independent Assessor, and independent experts and observers. It also includes extensive requirements for the involvement of different stakeholders and rightsholders in the remedy process. The extent of the harm and how different actors were affected influence the role they play in the remedy process.

4. How is a remedy process verified?

There are identification activities and verification points throughout the remedy process which must be carried out by an Independent Assessor and Third Party Verifier. Examples of these verification items include proper identification of stakeholders and remedy sites, the Remedy Plan, and FPIC processes. FSC has a pre-approved list of candidates for these roles which will be shared at the appropriate stage of initiating a remedy process. Other candidates for these roles can be added to the list if they meet criteria and are approved by FSC.

5. What are the benefits of a remedy process?

The FSC remedy process is a non-judicial, verified process to address past environmental and social harms. It assists companies in having a standardized and inclusive plan to follow which can enhance environmental services of forest areas and improve relationships with stakeholders.

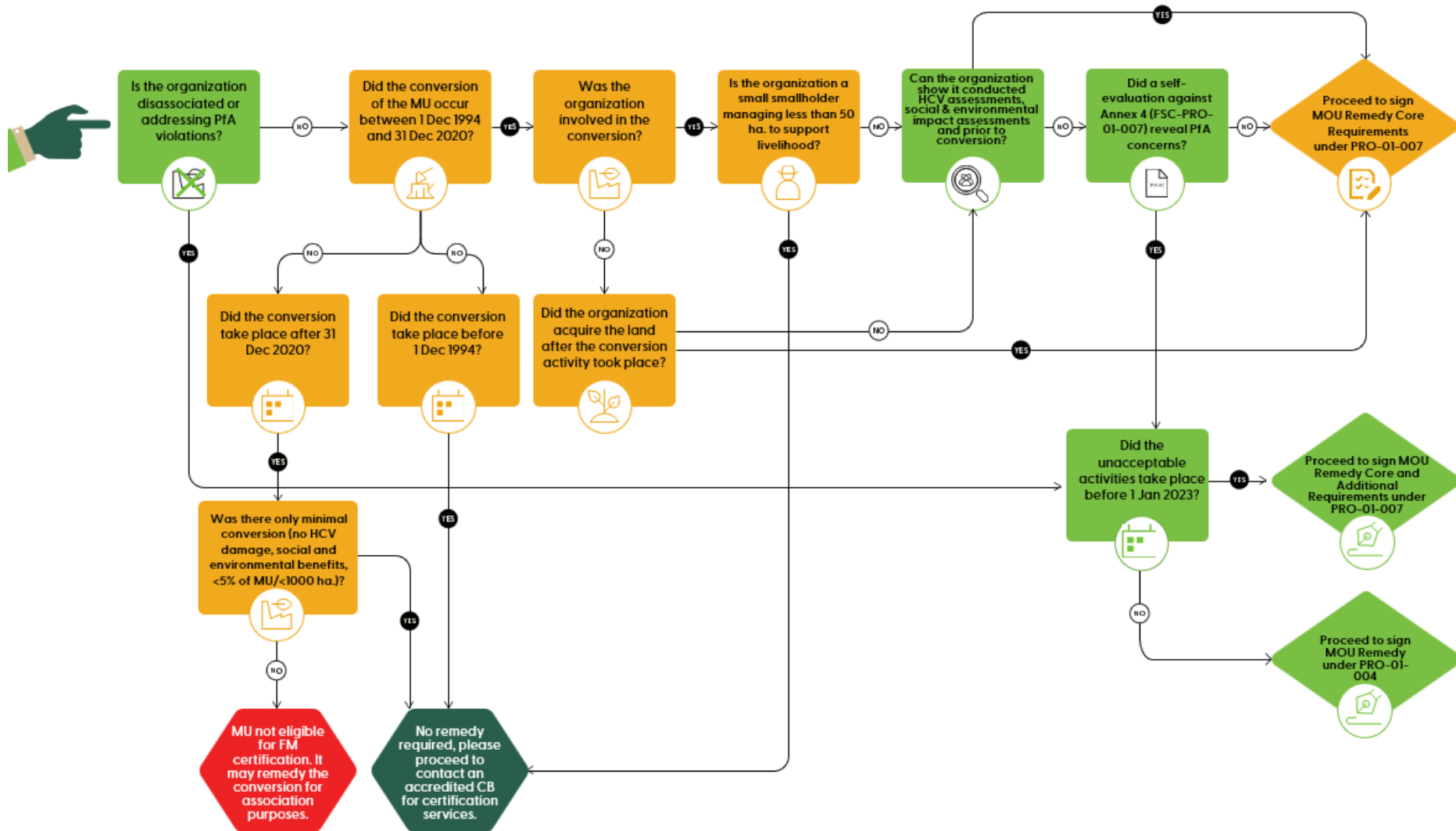
5. List of annexes

Please find the following supplemental documents linked:

| Number | Document name | Description |
|--------|--|--|
| 5.1 | Remedy One-Pager (attached as PDF) | Overview of the FSC remedy process |
| 5.2 | Third Party Verifier Summary | Overview of the role of the Third Party Verifier |
| 5.3 | Independent Assessor Summary | Overview of the role of the Independent Assessor |
| 5.4 | Corporate Group Summary | Overview of how the corporate group is defined and assessed |
| 5.5 | FSC-PRO-01-007 FSC Remedy Framework | The procedures defining the remedy processes and the role and content of independent assessments |
| 5.6 | FSC-PRO-01-004 FSC Remedy Framework | |
| 5.7 | Policy for Association V2 | Policies that define unacceptable activities that have caused the harm assessed in independent assessments, and the scope of the application within the corporate group |
| 5.8 | Policy for Association V3 | |
| 5.9 | Policy to Address Conversion | Policy that defines FSC's approach to address past and future conversion of forests and High Conservation Areas, stipulating the timeframe and type of conversion that falls under remedy requirements and consequently will become eligible for certification |
| 5.10 | FSC-ADV-10-004-01 Scope of application of FSC Remedy Framework for outstanding magnitude or gravity of harm caused | Criteria on assessing harms to determine the definition of corporate group to be applied to a remedy process |
| 5.11 | FSC-STD-30-010 V3 Controlled Forest Management | Standard that aligns Controlled Forest Management with the Policy to Address Conversion |

6. Remedy pathways

This flowchart can be used to determine which requirements and which version of the FSC Remedy Framework will be applicable.



7. Privacy statement

Thank you for your interest in participating in the remedy client expression of interest process (hereinafter “Remedy Client EOI Process”). We at FSC Global Development GmbH (“FSC GD”, or “FSC”) respect your privacy and want you to understand how we collect, use, and share business and/or personal data about you in compliance with applicable data protection laws in relation to the processing for the Remedy Client EOI Process.

This Privacy Statement covers our data collection practices and describes your rights to access, correct, or restrict our use of your business and/or personal data. Except where we provide you a link to a different privacy statement or reference to other privacy documentation, this Privacy Statement applies when you provide data for Remedy Client EOI Process.

1. EOI Process Description

EOI Process is the process of collecting business information prior to pursuing a remedy process according to FSC-PRO-01-007/004 *FSC Remedy Framework* with FSC GD. The aim of the Remedy Client EOI Process is to facilitate efficient communication and mutual understanding between the company and FSC staff (hereinafter “Purpose”). FSC GD acts as ‘controller’ of the data you provide.

2. What Personal Data We Collect

For the Remedy Client EOI Process, we need to collect and/or store some business and/or personal data, which can include the following:

- Full name (title, first name, middle name, last name)
- Name of company interested in pursuing remedy and name of company currently certified and/or associated with FSC
- Contact details, incl. address, email, phone number
- Company background and activities
- Company staff names, titles and its qualifications (for the EOI Process)
- Description of concession areas
- Communication with FSC, including questions and concerns about the remedy process

3. How We Collect Your Personal Data

We process business and/or personal data provided to us directly by you by submitting the form for the Remedy Client EOI Process or in the follow-up communication. By submitting Remedy Client EOI form, you are informed that your personal data is processed in accordance with Art. 6 para 1 lit. f GDPR to process your business and/or personal data for the purposes indicated in this privacy statement.

If the personal data you provided needs to be corrected, please, indicate the changes by sending the email to procurement_tenders@fsc.org.

4. How We Use Your Personal Data

We are not using your business and/or personal data for anything else beyond the Remedy Client EOI Process or the processing described in this Privacy Statement.

The data that you provide will be accessible and will be processed by the authorized FSC Staff (including the employees and consultants of FSC GD, and, where applicable and if specified in the Request for Proposal document, the employees and consultants of FSC International Center gGmbH), in order to communicate efficiently and proceed with a remedy process.

5. Who We Share Your Personal Data With

All personal data we process for the Purpose of this Privacy Statement is processed by FSC staff for the purposes described above in section 1.

If the personal data that we collect from you needs to be transferred to, and processed by a processor based outside of the European Economic Area (EEA), we will take steps, such as including contractual clauses into our contracts with such processors or controllers, that would ensure that your personal data is safe and treated securely and in accordance with this Privacy Statement. Other than that, we do not share the personal data with other third parties, unless described in this Privacy Statement or is required to do so by law.

6. How Long We Keep Your Personal Data

We will keep your data for 2 years following the submission of the Remedy Client EOI form in the Remedy Client EOI Process. Upon your request, we provide you with information about the personal data we hold about you. Furthermore, upon request we rectify or delete your personal data, as far as no statutory storage requirements apply. For details on your rights, please see the respective section below.

7. Security

We are committed to ensuring the privacy of your personal data. In order to prevent unauthorized access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the personal data we collect online.

8. Your Rights

We would like to make sure you are fully aware of all your data protection rights. You are entitled to the following:

- The right to access enables you to receive information on whether we process your personal data as well as a copy of the personal data we process about you.
- The right to rectification enables you to have any incomplete or inaccurate personal data we hold about you corrected, though we may need to verify the accuracy of the new personal data you provide to us.
- The right to erasure enables you to ask us to delete or remove personal data where there is not a good reason or legitimate interest for us to continue to process it.
- The right to restrict processing enables you to ask us to suspend the processing of your personal data under specific circumstances.
- The right to data portability enables you to request that we provide you or a third party of your choosing with the personal data which you have provided to us (in a structured, commonly used, machine-readable format).

·The right to object enables you to object to our processing of your personal data where we rely on our legitimate interest as legal basis. In some cases, we may demonstrate that we have compelling legitimate grounds to process your personal data which override your rights and freedoms.

·The right to make a complaint to the competent data protection authority. We would, however, appreciate the chance to deal with your concerns so if you have any questions or concerns regarding our processing of your personal data please contact us at privacy@fsc.org.

If you would like to exercise one of your data protection rights, please do not hesitate to contact us at privacy@fsc.org or our Data Protection Officer at the contact details set out below.

9. How to Contact Us

If you have questions about this Privacy Statement, the personal data we hold on you, or you would like to exercise one of your data protection rights, please do not hesitate to contact us:

Email us at: privacy@fsc.org

Postal Address and further company details:

FSC Global Development GmbH,

Adenauerallee 134, 53113 Bonn, Germany

Phone: 0049 (0) 228 36766 0

Fax: 0049 (0) 228 36766 30

Managing Director: Kim Bering Becker Carstensen

Commercial register: Bonn HRB 15990

VAT-Ident-No: DE258067376

If you have a complaint about our use of your personal data, please contact our Data Protection Officer to address your complaint:

Scheja & Partner Rechtsanwälte

Mr. Boris Reibach

Adenauerallee 136, 53113 Bonn

Tel.: +49 (0) 228-227 226-0

Fax: +49 (0) 228-227 226-26

E-mail: info@scheja-partner.de

Contact form: <http://www.scheja-partner.de/kontakt/kontakt.html>

Website: www.scheja-partner.de

10. Changes to our Privacy Statement

We reserve the right to unilaterally change this Privacy Statement from time to time to ensure that it complies with current legal requirements or to implement changes to our Services in the Privacy Statement, for example, when introducing new services. In this case FSC GD will send a notification regarding any changes to your email address which is known to FSC GD.

This Privacy Statement was last updated on 5 August 2024.



FSC Global Development

Adenauerallee 134

53113 Bonn

Germany

Email : remedy@fsc.org