

FSC PROCEDURE

Transfer of FSC Certificates and License Agreements

FSC-PRO-20-003 (V1-0) EN



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TRANSFER OF FSC CERTIFICATES AND LICENSE AGREEMENTS

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The Forest Stewardship Council (FSC) is an independent, not for profit, non-government organization established to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is where the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations

INTRODUCTION

The FSC accreditation program -managed by ASI- aims to ensure that all FSC certificates meet FSC's requirements. This allows for the mutual recognition of FSC certificates between all accredited certification bodies.

FSC does not encourage the movement of clients between certification bodies, but recognizes that there may be circumstances in which such movement is legitimate and appropriate.

FSC's objective in such case is to ensure that clients are treated fairly and objectively, whilst ensuring that transfer between certification bodies cannot become a tool by which clients can evade or avoid their obligations to comply with FSC certification requirements or any contractual obligations.

Notes on use of this procedure

The option to transfer a certificate is voluntary.

However, all aspects of this procedure are considered to be normative for those who are involved in an agreed transfer process.

Notes on development of this procedure

Previous Version 1-0 and 1-1 were published by ASI as ASI-ADV-20-003.

Version 1-0 of FSC-PRO-20-003 (this document) is based on the previous ASI advice note (ASI-ADV-20-003) and is replacing it with immediate effect. In addition to the previously agreed transfer rules, this procedure defines the steps to be taken regarding the license agreement and the database entry.

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A Scope

This procedure is mandatory for FSC-accredited certification bodies and FSC certificate holders that are involved in the process of transferring an FSC certificate.

B Procedures effective date

Effective upon approval.

C Terms and definitions

For the purposes of this procedure, the terms and definitions given in *FSC-STD-01-002 FSC Glossary of Terms* and the following apply:

Active certificate: A certificate that is not suspended, withdrawn, terminated or expired. Only active certificates can be transferred.

Expired certificate: A certificate that reached the expiry date without having been renewed by the issuing certification body.

Invalid certificate: A certificate that is withdrawn, terminated or expired. A certificate that has been suspended is still a valid certificate (but inactive) and subject to the AAF. A certificate may also become invalid if the certification body loses its accreditation subject to withdrawal of accreditation. An invalid certificate cannot be transferred.

Preceding certification body: The certification body that first issued a certificate and that was contract partner until the certification contract was taken over and terminated.

Succeeding certification body: The certification body that takes over a certificate from a preceding certification body. Prior to the transfer process, the succeeding certification body must establish a new contract and becomes the new contract partner of the certificate holder.

Suspension of certificate: The temporary removal by the certification body of all or part of a certificate holder's scope of certification pending corrective action by the certificate holder. A suspended certificate cannot be transferred.

Termination of certificate: Cancellation of the certification contract by either party according to contractual arrangements. Also referred to as voluntary withdrawal or cancellation.

Transfer of certificate: Moving the responsibility for maintaining an active FSC certificate from one certification body to another.

Valid certificate: A certificate that is not withdrawn, terminated or expired. A certificate that is suspended is also considered valid, but not active.

Withdrawal of certificate: The irrevocable removal by the certification body of all or part of a certificate holder's certification as a result of noncompliance with certification requirements or contractual commitments.

D **References**

The following referenced documents are indispensable for the application of this document. For references without a version number, the latest edition of the referenced document (including any amendments) applies.

FSC-STD-20-001 The application of ISO/IEC Guide 65:1996 (E) by FSC-accredited certification bodies

Normative documents superseded and replaced by this standard:

ASI-ADV-20-003 V1-1 Certificate transfer

1 Issuing of a certificate to a former certificate holder after expiry or termination of the certificate

- 1.1 An FSC-accredited certification body may issue an FSC certificate to a new client at any time after the expiry or termination of the client's existing certificate with another certification body, based on a full evaluation according to FSC certification requirements.
- 1.2 If the main audit for this client is conducted within a period of twelve (12) months from the expiry or termination of the former certificate, the succeeding certification body shall consider any major or minor CARs which had not been closed at the time of expiry / termination. ASI will send these CARs to the succeeding certification body within three (3) months of the transfer upon request.

NOTE: Terminated certificates are visible for certification bodies in the FSC database.

2 Fundamental principles for a transfer of certificates

- 2.1 FSC certificates can only be transferred once within the 5-year's period of validity of a certificate. If a client wishes to change certification body more than once within the 5-year's period, a full FSC certification evaluation shall take place.
- 2.2 FSC certificates cannot be transferred in the following situations:
 - a) The certificate is suspended;
 - b) Majors CARs have not been closed (they need to be closed to the satisfaction of the preceding certification body before the certificate can be transferred);
 - c) The parties involved in the transfer cannot agree on the transfer date;
 - d) Relevant documentation about the certificate holder (records, history of CARs) is not being made available to the succeeding certification body.

NOTE: If the succeeding certification body is able to receive all relevant documentation from the certificate holder directly, a transfer of documentation according to 2.2 d) is not required.

3 Transfer procedure

- 3.1 The holder of an active certificate (i.e. a certificate that is not suspended, withdrawn, terminated or expired) should inform their current certification body that they are applying for a certificate transfer with another certification body.
- 3.2 The transfer of a certificate shall be conducted as follows:
 - a) The period of validity of an FSC certificate shall not exceed five years. Thus, the expiry date of the succeeding certificate shall be the same as the expiry date of the preceding certificate;
 - b) The scope of the succeeding certificate shall be the same as the scope of the preceding certificate. If the certificate holder is requesting a change in scope, the succeeding certification body shall evaluate this request in line with relevant requirements from FSC-STD-20-001;
 - c) All minor corrective action requests that are applicable to the preceding certificate shall remain applicable to the succeeding certificate, and shall be evaluated by the succeeding certification body according to the defined timelines;
 - d) The results of any ASI surveillance assessment or spot audit regarding the compliance of the certificate holder to certification requirements shall be applicable to the succeeding certification body;

- e) The succeeding certification body shall propose a transfer date to the preceding certification body and the certificate holder on which all rights and obligations for maintaining the certificate shall be passed from the preceding to the succeeding certification body. Both certification bodies shall keep a record of the agreed date;
- f) The succeeding certification body shall carry out a transfer audit within three (3) months of the agreed transfer date according to the requirements for a surveillance evaluation as outlined in FSC-STD-20-007 and FSC-STD-20-011 respectively. This audit shall include a review all pending minor CARs which were issued by the preceding certification body.

NOTE: If the on-site transfer audit is conducted in a way that satisfies all the formal requirements for a main evaluation, a new 5-years certificate may be issued.

4 Transfer of the license agreement

- 4.1 The license agreement (and thus the license number) for the FSC certification scheme stays valid in case of a certificate transfer and therefore does not require any transfer from one certification body to another.

NOTE: By migrating the database entry (see below), the license agreement will be transferred automatically.

5 Migrating the database entry in case of certificate transfers

- 5.1 Prior to the date of transfer, the preceding certification body shall remove all data from the certificate holder's entry in the FSC database (<http://info.fsc.org>) that they consider to be confidential.

NOTE: All objects, files/attachments and associated history records that are not removed by the transfer date will be transferred to the succeeding certification body.

- 5.2 Prior to the date of transfer, the succeeding certification body shall submit a request to FSC (database@fsc.org) containing the new certificate code they would like to allocate to the transferred certificate holder. This request shall be submitted to FSC no later than ten (10) business days prior to the scheduled transfer date.

- 5.3 On the date of transfer, FSC updates:

- a) The ownership of records to the succeeding certification body;
- b) The CB code and number to the requested code;
- c) The certificate status history with a status of 'Transferred' and in the comments field will be included the old certificate code and new certificate code. The date from field will be the date of transfer, the date to field will blank.

NOTE: The old certificate code will appear in a separate field on the certificate record which can be searched in future from the public certificate search.

- 5.4 Following the transfer, the succeeding certification body shall check the database entry for correctness and completeness.

6 Annual Administration Fee (AAF)

- 6.1 The payment of the AAF for transferred certificates is regulated in the FSC AAF Policy.