



Forest Stewardship Council®



Technical Working Group to develop Continuous Improvement Procedure

Terms of Reference and Operating Rules

13 December 2019

WORKING GROUP SUMMARY	
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Working language:	English

PROJECT SUMMARY	
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PROJECT INFORMATION

1 Introduction and background

In 2016 and early 2017, regional stakeholder engagement events confirmed that the main barriers preventing smallholders in the global South from accessing FSC certification are:

- the FSC policies and standards are perceived to be too complex;
- the process of becoming certified is perceived as inflexible; and
- there are limited technical skills on the ground to implement forest management and/or group standard requirements.

The perception that FSC policies and standards are too complex to understand and too challenging for smallholders to implement on the ground is making FSC less competitive, contributing to slower growth rates of FSC-certified forests, and creating an unfavourable brand image.

To address these barriers, the FSC International Board of Directors has approved the development of a **Continuous Improvement procedure**.

The idea behind the 'Continuous Improvement' concept is to allow smallholders and communities to be initially certified based only on a subset of forest management requirements, offering flexible steps towards conformity with the remaining requirements within a defined timeframe. It does this by distinguishing between 'Critical Criteria' that must be met from the start, and 'Continuous Improvement Criteria' that are expected to be achieved in a progressive manner over a specified timeframe.

'Critical Criteria' are considered the crucial elements for achieving responsible forest management in a given country or region. Together with an action plan that details how the remaining criteria (i.e. 'Continuous Improvement Criteria') will be conformed with, Critical Criteria are mandatory elements for users of this solution, a prerequisite for achieving FSC certification. Failure to conform to any criterion under this category would result in a failure to obtain an FSC certificate.

The concept is proposed to be integrated into a new international procedure, which is meant to be available both for countries with and without Standard Development Groups (SDG), allowing the concept to be implemented in a wide range of scenarios e.g. complementing national forest management standards (NFSS) or interim standards (INS) or as a stand-alone alternative for smallholders and communities.

This procedure is being developed under the umbrella of the New Approaches for Smallholders and Communities Certification (or 'New Approaches') project, which was mandated by the membership to explore and implement mechanisms for improving access for smallholders and communities, ensuring that the full potential of scale, intensity and risk considerations would result in simplified standards (Motion 2017:46). The motion also mandated to look for alternatives that can decrease certification costs and to assess the feasibility of different approaches.

Previous related work at FSC

The need for stepwise approaches towards certification had already been identified by the FSC membership and, between 2005 and 2012, FSC developed an idea called the 'modular approach programme' (MAP). MAP was developed to allow smallholders and communities to achieve full conformity with the applicable national standard over a five-year period by moving from conformance with all national legal requirements, to conformance with the five Controlled Wood requirements, and finally achieving full FSC certification.

More recently, at the 2014 FSC General Assembly (GA), an iconic motion (Motion 2014:83) requested the development and implementation of a new approach to certification addressing the current challenges faced by indigenous groups and traditional forest communities. FSC members and stakeholders worked to address that motion and the New Approaches team ensured continuous efforts to integrate the learnings and findings of Motion 2014:83, through joint meetings, calls and participation in 'Continuous Improvement' field tests. Those efforts will continue in the next steps and further development of a solution adapted to smallholders and communities.

2 Set up of the project

FSC will establish a **Technical Working Group (TWG)** to deliver on the tasks and responsibilities outlined in these Terms of Reference (ToR).

In addition to the TWG, the following bodies are involved in the project, established in line with FSC-PRO-01-001 V3-0:

A **Project and TWG Coordinator**, who is a Performance and Standards Unit (PSU) member, is appointed by the Director Policy Operations, to:

- overall project management (workplan, timelines, communications, budget planning);
- coordinate the TWG and the Consultative Forum;
- ensure that the TWG operates responsibly and in accordance with its Terms of Reference and applicable procedures;
- plan and organize the public consultations;
- organize online calls and meetings, draft agendas for the meetings, draft minutes of the meetings and maintain recordings of the process;
- liaise with technical coordinators during the development process and the pilot/field testing phase of the procedure;
- manage communications with Project Supervisor and Policy Steering Group;
- be in charge of the technical writing of the procedure, if needed with the support from an external technical writer;
- coordinate with other FSC colleagues and seek other expertise as necessary.

Administrative support to the project in processing the contracts, booking venues and caterings for the physical meetings, booking the flight tickets and processing the invoices and expense claims in due time will be provided by PSU administrative assistants.

Two **Technical Coordinators**, appointed by the Director Policy Operations, to provide technical input, background for discussion and guide the TWG. The Technical Coordinators make technical recommendations and provide references to the TWG, propose topics for discussion and how these are linked to the policy and other normative documents. They provide possible impacts of the policy on other normative documents, possible scenarios, etc. They will also coordinate the pilot/field tests of the procedure, and act as intermediaries between the results on the ground in the region and the development process at international level.

A **Project Supervisor** is appointed by the Director Policy Operations to supervise the process and to support the working group in reaching its goals.

A **Facilitator** is appointed to support the TWG, facilitate online calls and face to face meetings and solve case specific concerns.

A **Technical Writer** to draft the procedure with the input from the Technical Working Group and taking into consideration the feedback from the public consultations and the result from the field tests. This task will be implemented by the Coordinator, with the support of an external technical writer if needed.

The **Policy Steering Group** (PSG) is a new steering committee established to govern all policy development and revision processes in accordance with FSC-PRO-01-001. It basically replaces the multitude of individual steering committees that are in place for the various policy and standard-setting processes. The PSG has a fixed composition of FSC senior management team members and will start its operations from January 1st, 2020.

A **Consultative Forum** is a self-selecting group of interested/affected members, certificate holders, certification bodies and other stakeholders interested in providing ongoing, direct and meaningful input into the process.

An organogram is provided in **Annex 3**.

WORKING GROUP INFORMATION

3 Tasks and responsibilities of the Technical Working Group

The members of the TWG will work together throughout the process, discussing issues and interacting with each other as a group through online calls, email communication and meetings as necessary and/or required by the Coordinator.

In particular, the members of the TWG shall:

- Provide detailed input to the development of draft versions of the procedure in accordance with this Terms of Reference;
- Ensure that all members of the Technical Working Group have the opportunity to express their opinions and concerns;
- Seek and consider advice on all aspects of the development from the FSC colleagues, Board of Directors, certification bodies, Consultative Forum members, certificate holders and other FSC stakeholders;
- Participate in stakeholder outreach and information-sharing fora, as needed;
- Attend all online calls and face to face meetings of the development process;
- Review and consider comments received in the public consultation round(s);
- Consider input from field/pilot tests during the development process;
- Consider results from previous activities implemented as part of the development of the Continuous Improvement concept (workshops in Latin America and working group results in East Africa);
- Recommend when a draft is ready for public consultation;
- Recommend when the final draft is ready to be sent for decision making by the FSC Board of Directors.

4 Selection of Technical Working Group members

A call for expressions of interest (supported by Curricula Vitae) will be launched for identifying the candidates of the Technical Working Group, which will be comprised of 5 or 6 members.

Members of the Technical Working Group will be selected by the Policy Steering Group according to the following criteria:

- 1) Ability to provide specific technical input on one or more of the following:
 - a. Forest management evaluations, both with individual and group FSC forest management certification. Experience as an auditor.

- b. FSC forest management certification of smallholders in different regions, including, if possible, in Africa. Experience as certificate holder or as certification body.
 - c. FSC forest management certification of communities in different regions, including, if possible, in Latin America. Experience as certificate holder or as certification body.
 - d. Management of forest management groups (experience as Group Entity), in general and with smallholders in particular.
 - e. Experience working on stepwise approaches, based on FSC's previous initiatives (e.g. MAP) or Continuous Improvement based on other certification schemes' examples (e.g. SAN).
 - f. Knowledge of FSC chain of custody or FSC trademark requirements is a plus.
- 2) Understanding of the potential impact of the procedure on affected stakeholders, and the existing FSC normative framework;
 - 3) To be open for new ideas and experiments;
 - 4) Understanding of and support for FSC's mission and vision;
 - 5) Desire to seek and reach consensus on controversial issues;
 - 6) Ability to review and comment on documents submitted in English;
 - 7) Track record on successful working groups is an asset;
 - 8) Availability to actively participate in the development process until approval of the procedure;
 - 9) Gender balance and balance of geographical regions, where possible.

Applicants who do not get chosen, may apply to participate in the Consultative Forum.

5 Expected outputs

The TWG is expected to deliver the following outputs:

- 1) Requirements for applicants and certificate holders to access the FSC system based on a Continuous Improvement concept, in relation to the applicable standard;
- 2) Critical criteria to be conformed to by certificate holders to achieve FSC certification based on Continuous Improvement;
- 3) Continuous Improvement criteria to be conformed to by certificate holders throughout the first certificate cycle to maintain FSC certification based on Continuous Improvement;
- 4) Requirements for the implementation plan that certificate holders need to develop and implement to maintain FSC certification based on Continuous Improvement;
- 5) Requirements / guidance on the incorporation of Continuous Improvement into FSC group certification;
- 6) Requirements for certification bodies to evaluate certificate holders that have achieved FSC certification based on Continuous Improvement;
- 7) Instructions for Standard Developers who wish to incorporate the Continuous Improvement concept into their national forest stewardship standards or interim national standards.

6 Work plan and time commitment

The TWG will be established after the approval of this ToR. The expected start-date for the Technical Working Group is February 2020, with a targeted completion date for all outputs by May 2021 for their approval in July 2021.

An estimated timetable is provided in **Annex 2**. The timetable and the detailed work plan will be updated as necessary.

The TWG will conduct most of its work via e-mail or similar means of electronic communication (e.g. Go-to meeting, Skype conference calls), and through one-on-one calls with the Coordinator when required. At least two face to face meetings are envisaged for completing the outputs of the TWG.

7 Language

The working language of the TWG is English.

All drafts for public consultation, as well as other documents, as requested and as possible, should be translated into Spanish. Documents may also be translated into other languages if requested by the Technical Working Group and depending on resource availability.

8 Structure and Accountabilities

The term of TWG members ends with the submission of the final draft for decision making.

Appointed TWG members are expected to adhere to the rules and regulations of this ToR and are expected to donate sufficient time to thoroughly fulfil their duties.

Appointed TWG members shall sign a cooperation agreement with FSC upon appointment.

The TWG is accountable to FSC. TWG members may be asked to leave the group by the Policy Steering Group if they are not fulfilling their duties properly.

9 Expenses and Remuneration

FSC is an international not-for-profit membership organization with limited funding. Participation in the TWG takes place on a voluntary non-paid basis.

FSC covers reasonable travel and accommodation expenses related to the workplan upon submission of the respective invoices and receipts, and if expenses are agreed upon in advance.

10 Confidentiality and conflict of interest

TWG members shall sign a confidentiality and non-disclosure agreement with FSC upon appointment.

Per default, non-attributable content of discussions and papers prepared by or presented to the TWG is not considered confidential, unless otherwise specified.

The TWG operates according to Chatham House Rules (See Annex 1, Glossary). So, while members of the TWG have full authority to share the non-confidential substance of discussions and papers, they shall not report or attribute neither the comments of individuals nor their affiliations outside of meetings, whether conducted face to face or virtual.

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.

11 Deliberations and Decision Making

In order for the TWG to meet and deliberate, there must be quorum, defined as a minimum of 3-4 TWG members (for a TWG of 5-6 members). The Coordinator will strive to select meeting dates and venues that allow for full participation of all Technical Working Group members.

All TWG members must participate in each point of decision-making. If member(s) are not present for a decision, then a provisional decision may be made, subject to participation by the absent member(s). Quorum is required for any provisional decisions, and full member participation is preferred.

The TWG shall strive and make every effort possible to take decisions by consensus (see Annex 1, Glossary). If consensus cannot be achieved, outstanding concerns shall be documented and presented to the FSC Board of Directors in the final report that accompanies the document presented for decision.

The Coordinators, FSC colleagues, Policy Steering Group members, liaison persons and any other supportive personnel shall not participate in any decision-making. If the TWG is not able to agree on critical discussion points, and a final draft within six (6) months after the final round of public consultation, the Policy Steering Group shall take a decision on how to move forward with the process.

Annex 1: Glossary

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

Chatham House Rule: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". The Chatham House Rule has the aim to encourage openness and the sharing of information at meetings.

Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests.

NOTE: Consensus should be the result of a process seeking to take into account the views of interested parties, particularly those directly affected, and to reconcile any conflicting arguments. It need not imply unanimity (adapted from ISO/IEC Guide 2:2004).

Technical WG (TWG): a group of experts appointed by FSC with professional experience in the field of question, to advise and provide content related input to the development or revision of an FSC normative document.

Annex 2: Estimated Timelines

Main Project Phases			
Phase / Task	Duration	Start	Finish
PSC approval for development		Sept 2019	Sept 2019
Appoint Coordinator		Nov 2019	Nov 2019
BoD approval for development	18-22 Nov	Nov 2019	Nov 2019
Approval of ToR by Steering Committee		Dec 2019	Dec 2019
Announcement of approved development and call for TWG applications	30 days, until Jan 17 th	Dec 2019	Jan 2020
Set up TWG	3 rd week of Jan	Jan 2020	Jan 2020
1 st online call		Feb 2020	Feb 2020
Preparatory online calls		Mar 2020	Mar 2020
Prepare draft document and index for 1 st in-person meeting		Jan 2020	Mar 2020
1 st TWG face to face meeting	<i>Carcavelos, Portugal</i>	30 th Mar 2020	3 rd Apr 2020
Online calls		Mar 2020	May 2020
Develop Draft 1		Jan 2020	May 2020
Public consultation of Draft 1		Jun 2020	Jul 2020
Pilot tests		Jun 2020	Jun 2022
Evaluation of comments public consultation		Aug 2020	Sep 2020
Prepare synopsis (consultation report)		Aug 2020	Sep 2020
Pilot tests initial results		Aug 2020	Sep 2020
2 nd TWG face to face meeting	<i>Seville, Spain</i>	23 rd Nov 2020	26 th Nov 2020
Development of Final Draft		Nov 2020	April 2021
Submit final draft to PSC for recommendation		April 2021	May 2021
Submit final draft to FSC Board for approval		May 2021	May 2021
Approval by FSC Board		Jun 2021	Jun 2021
Publication		Jul 2021	Jul 2021

Annex 3: Organogram

