

FSC RESPONSES TO STAKEHOLDER QUESTIONS:

FSC REMEDY FRAMEWORK WEBINAR SERIES APRIL 2022

This document captures the answers provided by FSC to the questions raised by stakeholders during the webinars hosted on the 5th and 6th of April and the 26th and 27th of April 2022 on the topic of the FSC Remedy Framework, Policy for Association, and Policy to Address Conversion.

A) Stakeholder questions about the FSC Policy for Association

- 1. Can you please confirm if the new PfA V3-0 will be applied to these organizations if approved: Asia Pulp and Paper, APRIL, Korindo and Roda Mas Group? Please explain every option in the Public Consultation part of 3.6 Applying revised Policy for Association for new applicants for association. Not understandable.**

The application scope of the revised Policy for Association (PfA) (V3-0) is part of the ongoing consultation. The consultation Question 3.6 lays out three options for the application of the PfA V3-0:

- 1) Apply revised PfA from effective date forward;
- 2) Apply revised PfA for past activities of organizations that are not associated with FSC on effective date (new joiners) and for already associated organizations from effective date forward; and
- 3) Apply revised conversion definition and triggers together with the revised corporate group definition for past activities of organizations that are not associated with FSC on effective date (new joiners) and for already associated organizations from effective date forward.

The options 2) and 3) would mean that the PfA V3-0 would be either fully (option 2) or partly (option 3) applied to past activities of organizations that are not associated with FSC on the effective date. The list referenced in the question includes both organizations that are and that are not associated with FSC currently. The decisive point would be the association status of an organization on the effective date.

The [FSC consultation platform](#) includes further assessment of these options

- 2. Concerns were raised on the use of the significant conversion threshold. Why did the Policy for Association technical working group not revise the Policy for Association to align with the new definition of conversion?**

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The Policy for Association technical working group adopted the definition of conversion used in the FSC Policy to Address Conversion, and the Policy for Association now includes an identical definition for the activity. This meant for example combining previously two separate unacceptable activities (forest conversion and High Conservation Value destruction) into one, to align with the Policy to Address Conversion.

The Policy for Association operates on a corporate level and the activities and consequences are always considered applicable for the entire corporate group. The most severe outcome of the violation of the Policy for Association is a disassociation from FSC, which would impact all entities in the group. The technical working group considered reasonable that a system that operates on a wider scope and with such severe consequences, should not operate on the same thresholds as decisions to certify defined operations. However, the triggers to investigate are set so that they are not excessively different from certification requirements to avoid any conversion of extensive scale. They were also considerably tightened and tied to forest management units instead of corporate group holdings alone, again to align with the Policy to Address Conversion.

This aspect is part of consultation (Question 3.5.) in the [FSC consultation platform](#).

3. Why is a maximum of 10.000 hectares of conversion is still allowed in this day and age?

The technical working group has proposed 10.000 hectares as one of the triggers for investigating significant conversion in violation of the Policy for Association, based on two public consultations in 2021. It represents the accumulated total of hectares converted by all the organizations in the corporate group. It should be considered in relation to other triggers, particularly that of the 10% limit within a forest management unit. The total is intended and used to prevent smaller conversion activities across several forest management units under corporate's control over time that by themselves would not trigger an investigation, but as a whole, add up to a large, converted area a corporate group is responsible for. On the other hand, it could theoretically provide a cap for issues with considerably large units where the percentage figure might not be sufficient alone. It should be noted also that the timeframe has been removed from the trigger, so it represents accumulating total instead of a total within certain timeframe (e.g. 5 years) which is the case currently. There are also thresholds other than scale of the conversion, such as existence of high conservation values, or other impacts of the activity which would not be tied to hectares or percentages.

This aspect is part of consultation (Question 3.5.) in the [FSC consultation platform](#).

4. Why do disclosure requirements for association not require proof of ownership for all operating and holding companies? Is this basic due diligence?

Disclosure requirements require disclosure of corporate group structure. The information provided will go through automated screening rather than inspection of each document. If risks are identified, FSC would raise further questions or launch an investigation where needed. The level of detail of the information requested will be determined in a follow up project focusing on development of the system to run the automated screening.

5. Why is FSC not doing its own due diligence (instead of requiring self-declarations from certified companies)?

In addition to self-declaration, FSC is planning to develop a system for risk-based screening of organizations that would like to join the system in the future, based on information the organizations will be required to disclose. This new feature is part of the Policy for Association revision which includes an introduction of a new disclosure procedure for this purpose.

6. Why does the definition of corporate group and examples of control not take a firm position? Why hasn't the Afi definition been integrated in full to the remedy procedure?

The policy has in full adopted the corporate group definition and all high-level parameters to determine a controlling relationship by Accountability Framework Initiative (AFI). The intention of a policy is to define the general principles rather than specifying detailed indicators or methodologies. The methodologies will be developed in collaboration with experts in the field, in line with the note included in the policy.

7. Will FSC make available the results from previous FSC consultation on the PfA Remediation Framework completed in August 2021?

A summary of the PfA Remediation Framework consultation conducted in July-August 2021 is available on the FSC process update site [here](#).

8. If a corporate group is already associated with FSC and then violations which took place 1994-2020 are found, what is the remedial mechanism?

If Policy for Association violations are confirmed through the evaluation process (FSC-PRO-01-009), the corporate group would be asked to fulfill both the core and the additional requirements in line with the FSC Remedy Framework (FSC-PRO-01-007).

9. What is the scope of the new PfA? If a company has exploited the control loophole, will it go under scrutiny or will it be cleared?

The application scope of the revised Policy for Association (PfA) (V3-0) is part of the ongoing consultation. The consultation Question 3.6 lays out three options for the application of the PfA V3-0:

- 1) Apply revised PfA from effective date forward;
- 2) Apply revised PfA for past activities of organizations that are not associated with FSC on effective date (new joiners) and for already associated organizations from effective date forward; and
- 3) Apply revised conversion definition and triggers together with the revised corporate group definition for past activities of organizations that are not associated with FSC on effective date (new joiners) and for already associated organizations from effective date forward.

For currently associated organizations the new corporate group definition would be applied for future, for any activities from the effective date onward. The alternatives 2) and 3) would mean that any newly joining (or previously disassociated) groups would need to confirm with Policy for Association or parts of it according to the new, wider corporate group definition if they wish to associate with FSC.

B) Stakeholder questions about the Policy to Address Conversion (PAC)

10. Are there major changes made to the definitions between this draft 5-4 and the earlier one?

There are no major changes in the definitions in the Policy to Address Conversion. Draft 3 was open for public consultation. Draft 4 was developed by the Working Group incorporating the feedback of the consultation and the major changes to that draft shared with stakeholders. Draft 5 incorporates the proposal for partial remedy in policy elements 3 and 7 based on input from external research and the Board of Directors. Moreover, some explanatory notes have incorporated to improve clarity.

11. What is the justification for the continued use of 5% as the definition for 'very limited portion'? What are examples of cases that would be acceptable as a very limited portion?

The PAC specifies that the very limited portion of conversion accepted in a management unit must produce long-term conservation and social benefits in the management unit, and not threaten High Conservation Values, nor any sites or resources necessary to maintain or enhance those High Conservation Values. The overarching idea was to not create obstacles for developing communities who may need to convert for socially and environmentally beneficial reasons.

The minimal conversion question was debated extensively in the M7 Working Group (WG) and previously consulted in past drafts. The policy elements in the PAC currently part of this consultation package is a result of that process. Through WG discussion and stakeholder feedback, it was agreed upon that some conversion may be necessary for any number of reasons, from communities developing on their lands, organizations setting aside areas for community use, and organizations having other land use within the management unit (MU).

There are a few additional safeguards to ensure that the concept of permitting a very limited portion of conversion is not abused. First, national standards can choose to set even stronger requirements if a very limited portion of conversion would be accepted or not. In addition, the Policy to Address Conversion (PfA) works to cap the 5%. The very limited portion can never exceed 10,000 hectares because of the definition of significant conversion defined in the PfA.

It is important to note that Policy to Address Conversion is working to strengthen FSC's status quo normative framework on the very limited portion. Currently, a 5% allowance is made, but it is not clear if this is permitted before certification, after certification, or both (Please see criteria 6.9 and 6.10 in FSC-STD-01-001 *FSC Principles and Criteria*). The change in the PAC means that it is clearly defined that a very limited portion of 5% can be converted in total and as a maximum, when providing social and environmental benefits and not threatening high conservation value (HCV) areas.

One such example for which FSC has made provisions is for the allowance of wind turbines in forest management units ([see here for the original directive](#)). Windmills have been deemed to provide strong enough environmental and social benefits to make a very limited portion of conversion permissible. Other examples might include conversion to restore other natural habitats, such as swamps and the establishment of projects such as a health clinic.

12. For partial environmental remedy why is this number 10%? In FSC certification, there is a requirement to protect and enhance high conservation value areas (HCV). Why not restore HCV?

To begin with, Principle 9 of the FSC Principles and Criteria requires organizations to mitigate damages to HCVs. That will not change because of the new Policy to Address Conversion, which further strengthen FSC definition of conversion by including HCV areas. The Policy to Address Conversion sets the requirement for partial remedy for organizations who were not involved in the conversion but acquired lands with conversion between 1994-31 December 2020. The PAC does not set a threshold.

The threshold is set by the FSC Remedy Framework. FSC has decided to set a specific threshold for environmental remedy based on Board direction that the environmental remedy for not responsible companies should be fair and feasible. An economic feasibility study was carried out with case studies in Africa, Latin America, and Southeast Asia. The 10% threshold was proposed based on the results of this study. The full study can be found on the [FSC Membership portal](#) and the summary of the report can be found on the consultation platform and [here](#).

Regarding HCV areas, the Environmental Baseline Assessment process outlined in section 10 of the FSC Remedy Framework takes HCV into account. Sections 16 and 17 set out further

requirements on the selection of the environmental remedy site (10% of the management unit in the case of organizations that were not involved in conversion).

In general, the Technical Working Group tasked with setting the Core Requirements of the FSC Remedy Framework (formerly set out in the draft Conversion Remedy Procedure) assessed feedback about HCVs, including from the HCV Resource Network. They discussed the difficulty of assessing HCV damage in the past and the difficulty of restoring HCV areas to their previous state. They agreed that it is feasible to remedy areas back to conditions conducive for the natural return of the HCV. This discussion influenced the creation of the initial environmental remedy threshold which is defined in the current version of the FSC Remedy Framework.

13. How will changes to Principles and Criteria that are needed for the Policy to Address Conversion to become effective be reflected in National Standards?

FSC will develop the normative elements (E.g.: Advice Note) needed to implement the policy, should its key aspects be approved by FSC members voting on Motion 37 at the General Assembly. The elements will take effect as soon as possible after the policy becomes effective. The next revision of the national standards will have to incorporate these changes.

13. Is there is a difference in responsibility for remedies for parties directly involved in the conversion and those not involved? If the organization obtained a concession permit in 2010 and in that area there has never been a concession permit, is the organization also responsible for the deforestation and conversion that occurred in the 1994-2010 period?

Yes, there is a difference in the remedy requirements between organizations directly involved in conversion and those who acquired lands converted between 1994-2020. Under the Policy to Address Conversion and the FSC Remedy Framework, it has been proposed, based on a Green Paper, White Paper, economic feasibility study, and feedback from the Board of Directors, that the liability stays with the land. In this case, for an organization that acquired land that was converted between 1994-2020, the organization would be required to complete partial remedy to be eligible for forest management certification. This would include partial environmental remedy and full remedy of priority social harms.

C) Stakeholder questions about the draft FSC Remedy Framework

14. Why is FPIC a mandatory part of the framework to decide on remedy? Does FPIC apply to workers or local peoples? Why is FPIC required within Remedy Framework?

The principle of Free Prior and Informed Consent (FPIC) is a mandatory part of the FSC Remedy Framework. It is required in this context because it is a core part of the FSC system and this is because it is an internationally recognized principle and practice that is enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 on indigenous and tribal peoples. It must be implemented in all aspects of its application to cases where there are affected rights holders who have collectively held legal and/or customary rights (see the requirement at Chapter 3.3 of the [draft FSC Remedy Framework](#)). In the FSC Remedy Framework those rights holders for whom FPIC must be applied are referred to and defined as “affected customary rights holders”.

The definition for *affected customary rightsholders* is: “Persons and groups, including Indigenous Peoples, traditional peoples and local communities with legal or customary rights whose free, prior and informed consent is required to determine management decisions. (Source: “Affected rights holders” definition in FSC- STD-60-004 V2-0)”

The principle of FPIC does not apply to workers in the context of the FSC Remedy Framework. It does however apply to local peoples who have collectively held legal rights and/or who have customary rights. Please see the [FSC Guidelines for the Implementation of FPIC \(FSC-GUI-30-003 V2.0\)](#) for more information about the application of the principles of FPIC in the context of FSC certification.

15. Is there an auditable standard or procedure for independent verification of FPIC at each stage where it is required from customary rightsholders? Can the FSC Remedy Framework be strengthened by an auditable procedure for independent verification of FPIC at each stage when FPIC is required? 3.2 says FPIC must be documented. What evidence is required? Why doesn't the Remedy Framework outline evidence needed for verification? Can this be added?

Please see the [FSC Guidelines for the Implementation of FPIC \(FSC-GUI-30-003 V2.0\)](#) developed by FSC, where detailed guidance is provided on the application of FPIC.

FPIC is required throughout the application of every aspect of the FSC Remedy Framework where there are affected customary rights holders.

There are no plans to develop specific FPIC procedures for the Remedy Framework, the FSC FPIC Guidelines above apply.

Regarding documenting FPIC, the evidence required and outlining the evidence needed for verification (i.e. indicators): Guidance on documentation of the FPIC process is available in the FPIC Guidelines document referenced above (on p13). In general, full records should be kept of the whole FPIC process that is undertaken. The Remedy Framework itself does not outline a full list of verification indicators because it is a procedure. Verification indicators will need to be outlined as part of the FSC Third Party Verifier's process of preparation to verify compliance with the Remedy Framework.

16. Is the FSC Remedy Framework related to Motion 37 which must be approved by members at the General Assembly? If the motion is not approved, what happens to the Remedy Framework?

The FSC Remedy Framework is not an explicit focus of Motion 37, however, the FSC Remedy Framework is related to Motion 37 because the motion concerns the changes that need to be made to the FSC Principles & Criteria (P&C) in order to introduce the Policy to Address Conversion (PAC). Specifically relevant to the FSC Remedy Framework, Motion 37 would revise Criterion 6.10 to reflect the PAC's provision for remediation of conversion activities that took place between November 1994 and 31 December 2020. This is inherently connected to how the FSC Remedy Framework sets out to remedy harms resulting from the conversion described in the PAC. Motion 37 also proposes a new definition for conversion to apply after 2020 in Criterion 6.9 and a strict stance on no certification of lands that were converted after 2020 in a new Criterion 6.11. These changes to the two criteria are not linked to the FSC Remedy Framework because the scope of these requirements covers the timeframe of 1994-2020.

If Motion 37 is passed, FSC will be able to implement the changes to the P&C needed to carry out this entire package of work. If Motion 37 is not passed, FSC would still be able to implement the FSC Remedy Framework for cases involving violations of the Policy for Association (PfA), but the scope of the FSC Remedy Framework would no longer apply to the certification of converted lands.

14. What is the rationale to differentiate restoration & conservation in the remedy elements?

From the perspective of the FSC PfA Remediation Framework and the previous drafts of this framework, the rationale for differentiating between restoration and conservation activities was to set up a process by which achieving remedy would be feasible and realistic.

In certain instances, restoration of the actual site where the harm took place may not be possible or may require an extraordinarily long timeframe for implementation. Incorporating the concept of conservation as one of the tools or methods for remedy, enables more adaptability of the framework in different contexts, while maintaining the overall objective of driving positive impacts in the world's forests. The on-the-ground situation and context of each case where the FSC Remedy Framework is implemented will be unique and providing flexibility in the tools used for achieving remedy will be needed.

17. Why is the return of converted lands developed without FPIC of affected customary rights holders not a trust building measure & mandatory requirement ?

Land restitution is one way that social harm might be remedied, and this is recognised within the Remedy Framework within the definitions of remedy, remedy of harm and restitution. It is not the only way that remedy can occur. In each case the respective remedy must be negotiated between the rights holders and the organization concerned and this must take place with FPIC applied when cases involve affected customary rights holders.

18. What is priority social harm? Who will verify and determine priority social harms? Who pays for the process to determine priority social harms?

Priority social harms are social harms prioritized, where applicable, by an FPIC-based process with affected rights-holders or identified in consultation with affected stakeholders by the Independent Assessor. Such social harms include conflicts that have arisen while harms were left unaddressed, especially those that are preventing remedy from being initiated or achieved. They also include legitimacy conflicts.

For cases of conversion, an independent assessor determines if there are affected stakeholder, affected rightsholders, and/or affected customary rightsholders. When no affected rights holders or affected customary rights holders are present, social harms can be identified by the organization or another professional (such as an Independent Assessor). When rights holders are present, an Independent Assessor must be employed for this task.

For cases of unacceptable activities, an independent assessor analyses the registry of harm and identifies cases for remedy ahead of priority social harms being identified.

The cost of determining priority social harms, as with other steps of the Remedy Framework, is borne by the organization or corporate group.

19. Does UNGP aligned grievance mechanism mean that all principles for non-judicial mechanisms must be met, including transparent reporting on all cases raised? Can FSC require disclosure of the status of all grievances, including the status of any agreements from conflict resolution processes?

The Remedy Framework requirement is to ensure that there is a grievance mechanism where "approaches, outcomes and remedies are "rights-compatible" and align with UN Guiding Principles on Business and Human Rights (UNGPs) and are based on Free, Prior, and Informed Consent (FPIC)* processes." (Chapter 3: 2.2.e).

UN Guiding Principle 31 point (e) defines: "Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;"

The UNGP Commentary on Principle 31 states "Communicating regularly with parties about the progress of individual grievances can be essential to retaining confidence in the process. Providing transparency about the mechanism's performance to wider stakeholders, through statistics, case studies or more detailed information about the

handling of certain cases, can be important to demonstrate its legitimacy and retain broad trust. At the same time, confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary;"

Therefore, while there is no specific requirement in the FSC Remedy Framework for reporting to wider stakeholders on individual cases of grievance, the above guidance recommends transparency through the provision of key information and at the same time ensuring confidentiality of dialogue and identity information when needed. FSC does not interpret this as a recommendation to disclose the details of all grievance cases per se.

With regards to conflict resolution processes, such processes, when they are between rights holders and the organization or corporate group and there are harms to be remedied, are viewed in the same way as all approaches to remedy of harm: there will be a remedy process agreement and a remedy agreement that will be linked to a Remedy Plan that will in turn be made publicly available except for confidential information (e.g. through FPIC the rights holder may not give permission for their case to be made publicly available). If there are not harms to be remedied in relation to conflict cases then there is no mechanism for disclosure of status or details of the case.

20. Is it a requirement for the 'registry of harm' to be published?

It is not a requirement for the registry of harm to be made publicly available.

21. Who chooses the members of the Core Dialogue Group? Who decides the composition? Why are interested stakeholders not part of the Core Dialogue Group? What is the definition of interested stakeholder? Who decides on its composition?

The requirement for Core Dialogue Groups is part of an additional requirement (Chapter 3:14.2) that calls for the corporate group to develop remedy of harm dialogue procedures and this must include procedures for establishing Core Dialogue Groups. These groups are made up of the key parties (the corporate group and legitimate representatives of affected rightsholders) related to the harms in question with provision for additional trusted advisors and in some environmental cases, interested stakeholders. The composition is decided by the corporate group based upon the procedures it is required to develop. FSC will provide further guidance on this after the approval of the package of work.

Interested stakeholders are any person, group of persons, or entity that has shown an interest, or is known to have an interest, in the activities of the organization. Interested stakeholders can participate in the Core Dialogue Groups under very specific circumstances: In the case of environmental harms "where they represent expertise in environmental issues that is not otherwise present in the *Core Dialogue Group** and there is the specific written consent of *affected rights holders***" (Remedy Framework Chapter 3;14.2.a.iv); where they are legitimate representatives of affected rights holders (as determined by the affected right holders themselves) (Chapter 3:14.2.a.iii); or where the affected rights holders (or their legitimate representatives) determine the interested stakeholder is a trusted advisor and give specific written consent for them to be part of the Group. The reason for these conditions on interested stakeholder participation in the Core Dialogue Groups is to ensure that the voices of the affected rightsholders are heard most strongly and that it is only with their consent that other parties are in the Group.

22. Does FSC require public disclosure of minutes of the Core Dialogue Group, including lists of attendees?

This is not currently a requirement. Please provide this as a consultation suggestion if desired.

23. Proving customary rights is not easy task. Will this effort be verified by a third party?

The identification of associated parties in cases of conversion or unacceptable activities is undertaken by an independent assessor (see Remedy Framework Chapter 3:7) as part of the Baseline Assessment process and this in turn is assessed by the Third Party Verifier. This process must be undertaken in consultation with affected stakeholders and relevant environmental and social experts, apply FPIC, follow best practice guidelines and take measures to prevent intimidation and corruption (see Chapter 3:5.1).

24. Does the FSC Remedy Framework require public disclosure of: The Harms Analysis, Remedy Plan, and full verification reports? Does the FSC Remedy Framework require public disclosure of recommendations by the Third Party Verifiers, or decisions made to suspend remedy processes?

There is no requirement in the Remedy Framework to publicly disclose the Baseline Assessment or resultant Harm Analysis Report. The approved Concept Note and a summary of all the elements and components of the Remedy Plans, excluding confidential information, do need to be made publicly available on the FSC Remedy Progress Website. There are currently no specific requirements for public disclosure of all recommendations by the Third Party Verifier, however, the Third Party Verifier shall submit a report on the findings to FSC when The Organization or corporate group seeking association has not achieved certification. Summaries of this report shall be made publicly available on the FSC Remedy Framework Website.

25. What are the indicators in assessing the success that a company has completed remedy? Is it only carrying out the process or must it be completed?

Verification indicators that both the organization/corporate group and the Third Party Verifier will use to determine compliance with the specific remedy actions set out in the Remedy Plan(s) are set as part of the remedy planning process (see Remedy Framework Chapter 3:23.2.g). For cases of unacceptable activities there is a requirement that there participatory appraisal involving the rights holders and members of Core Dialogue Groups to assess whether remedy has been sufficiently implemented (see Chapter 3:29.3).

26. What are the definitions and indicators that guide which affected groups or indigenous groups are involved in management decisions?

Affected rights holders, including affected customary rights holders (including indigenous peoples), must be directly involved in reaching remedy process agreements and the remedy agreements with the organization or corporate group. In the case of affected stakeholders that are not rights holders, they are not involved in specific remedy agreements, however they are consulted at key points during the remedy of harm process, including during the Baseline Assessments and on the Remedy Plans. Affected rights holders are not required to be involved in day-to-day management decisions taken by the organization or corporate group.

27. While implementing the Remedy Plan, can the forest management unit (FMU) have the chance of being certified as an incentive?

The organization can apply for certification of the FMU in the case of conversion once the Initial Implementation Threshold within the Remedy Plan has been reached verified by the Third Party Verifier.

28. Many companies are awaiting finalization of FSC Remedy Framework to start reassociation. What are FSC's plans for having adequate capacity to manage the reassociation process?

Processes for ending disassociation with FSC will be started after the FSC Remedy Framework has been approved. The organizations are in different stages in their remedy and improvement journeys, and individual timelines will be developed with them for their processes. It is also possible for the organizations to start working already beforehand on many aspects that will contribute towards the remedy plan and the timelines required by the process. Running the processes will be based on work carried out mainly by third party experts and the organizations themselves, together with the affected parties, rather than by FSC.

29. Regarding the term additionality, what does it mean? What role does it play in the Remedy Framework?

Additionality is described as:

- Additionality outside the *management unit**: *Conservation** and/or *restoration** outcomes over and above those already achieved or planned to be achieved, and that would not have been achieved without the support and/or intervention of *The Organization*. Projects must either be new (i.e. not already being implemented or planned), amended or extended so that *conservation** and/or *restoration** outcomes are enhanced beyond what would have been achieved, or planned or funded to be achieved without *The Organization* planning to *remedy** for historical conversion.
- Additionality inside the *management unit**: *Conservation** and/or *restoration** outcomes above and beyond those required by the applicable FSC standards. (Source: FSC-POL-01-007 V1-0-D5-4)

Additionality is mentioned in three places in the Remedy Framework. In these instances, additionality must be verified when selecting remedy actions. You can find those references at Chapter 3: 8.2, 16.4d, and 23.2ii in the [draft of the FSC Remedy Framework](#).

30. Why is there a cut-off date of 2020 for conversion when there was dissatisfaction with the 1994 cut-off date? Is the Policy to Address Conversion cut-off date is accepted by FSC Board of Directors?

The 2020 deadline is based on feedback from stakeholders and the FSC Board of Directors. It is in alignment with international zero deforestation commitments.

31. For social harm, are only harms that took place in the converted area considered?

No, the social baseline assessment considers harms assessed in the *impact areas** (Chapter 3: 9.3 of the Remedy Framework), which area areas affected by the conversion or unacceptable activities.

32. Are the remedy activities timebound?

Yes, the Remedy Plan must include timeframes and milestones for the completion of the Initial Implementation Threshold, Association Threshold and all other remedy actions. (See Chapter 3: 23.2a and 23.2b of the Remedy Framework.)

33. If a farmer grows crops on a converted area, does he have to implement the Remedy Framework?

The Remedy Framework provides a pathway to remedy for environmental and social harm caused by conversion* since 1994 and before December 31, 2020 and for commission of PfA V2-0 unacceptable activities* for organizations* and corporate groups* that seek:

- Association against FSC-POL-01-004 Policy for Association V2-0; and/or
- FSC certification against National Forest Stewardship Standards or Interim National Standards; or

- FSC certification against FSC-STD-30-010 Controlled Wood Standard for Forest Management enterprises.

If the farmer is seeking certification as outlined above for forests planted on farmland that was converted between 1994-2020, and the farmer is not a small-scale smallholder, meaning that he has over 50 hectares of land, then he would have to conform with the requirements of the FSC Remedy Framework.

34. What is the process to determine a third-party verifier?

A third-party verifier is an independent, third-party company or organization approved by FSC International who has expertise in environmental and social harm and remedy required to verify compliance of remedy processes. FSC approves the third party verifier based on the expertise required to evaluate social and environmental harms and plans to remedy these harms. FSC may also contract the third party verifier directly until FSC has ended the disassociation from the corporate group. The costs are then reimbursed fully by the corporate group before the disassociation can end.

35. Why does the organization/corporate group do the mapping of affected areas not an independent assessor appointed by the FSC and funded by the organization?

The technical working group tasked with developing the core requirements (formerly the Conversion Remedy Procedure) developed this requirement and it was included in past consulted drafts. Affected rights holders, affected stakeholders and experts must also be consulted during this process (6.3).

36. What's the difference between 10% of remedy area and 10% for conservation?

In the partial remedy concept for organizations that were not directly or indirectly involved in the conversion but that have acquired lands that were converted between 1994-2020, the Remedy Framework sets out two thresholds based on two policy elements from the Policy to Address Conversion. First, 10% of the area of the converted land must be remedied. Remedy is defined as correcting or returning something to as near as possible to its original state or condition. Actions to restore and protect the land may be necessary. Then, the land must be set aside for conservation. Management activities for conservation may range from zero or minimal interventions to a specified range of appropriate interventions and activities designed to maintain, or compatible with maintaining, these identified environmental or cultural values.

37. Does conforming with the Remedy Framework lead to FSC forest management certification?

For cases involving remedying harms caused by conversion between 1994-2020, organizations can become eligible for forest management certification by complying with the core requirements of the FSC Remedy Framework. Organizations must reach the Initial Implementation Threshold before becoming eligible for certification. For cases involving remedying harms caused by the unacceptable activities, conforming with the core and additional requirements of the FSC Remedy Framework leads to the opportunity to become associated with FSC once the Association Threshold has been reached.

38. If approved, will the new definitions of rightsholders offered by the Remedy Framework will be aligned with those from the IGIs?

This is currently being discussed within FSC. Please provide feedback on the consultation question on this topic so it can be considered.

39. When selecting sites for remedy, does that land need to be within the forest management unit (FMU) that will be certified? When there is full remedy, what uses are acceptable after the land has been remedied?

The site for remedy is not required to be in the FMU, however according to Chapter 3: 16.4c, site selection shall be prioritized in consecutive order to identify areas that are either:

- i. The actual sites of *conversion** or *unacceptable activities**;
- ii. In the *impact area**;
- iii. Adjacent to the *impact area**;
- iv. Within the *landscape** where the *conversion** or *unacceptable activities** occurred, or within the province or country where the *conversion** or *unacceptable activities** occurred.

According to Chapter 3: 17.4 provides additional requirements on how the site selection must be justified.

To remedy an area, it must display ecological equivalence: The same specific type of *natural forest** or *High Conservation Value** is restored or conserved as was destroyed. That area can then be sustainably harvested in conformance with FSC's standards, outside of the 10% of the remedied area set aside for conservation according to 17.4ii of the Remedy Framework and 10% required to be set aside by the existing IGLs.

Please see Chapter 3: 16 and 17 for the full requirements on site selection.

40. Are there any plans to adapt the FSC Remedy Framework for specific regions/continents in the future?

No, however each remedy process will be contextualized and adapted to each scenario as described in the steps of the FSC Remedy Framework.

41. Do the studies done by certificate holders previously (conversion, HCV, biodiversity, ESIA's) contribute towards the scope of harm & action plan?

Yes. This is described in Chapter 3: 8.1: Where *The Organization** or *corporate group** has already undertaken assessments prior to implementing this procedure, the assessments required by this framework may be informed by the prior assessments.

D) General Stakeholder Questions

42. Why does the cut-off date not allow an organization that converts after 2020 to be certified but still allows association?

This is a question currently open for consultation and feedback is welcome. It is question 3. Please see the [consultation platform](#) or the offline version [here](#) for a full explanation of the options and the Policy for Association Technical Working thinking on this issue.

43. How would the new policies impact certification such as Controlled Wood, especially regarding the difference between past, present, and future conversion?

For the purpose of the Policy to Address Conversion, Forest Management certification refers to certification against a National Forest Stewardship Standard, Interim National Standard, or FSC-STD-30-010 Controlled Wood Standard for FM enterprises, so the Policy to Address Conversion would apply to controlled wood.

In terms of association, the rules are the same for all certificate holders, regardless of the type of certification. After a violation of the Policy for Association, an organization and their corporate group may be disassociated and required to remedy according to the FSC Remedy Framework.

FSC will develop the normative elements (E.g.: advice note) needed to implement the Policy to Address Conversion, should its key aspects be approved by voting on Motion 37 at the

General Assembly. The elements will take effect directly after the policy becomes effective. The next revision of the CW standard will incorporate these changes.

44. Some key questions being asked during the consultation were presented. Will comments that do not fall within the scope of these questions still be considered?

The PAC and the PfA have been through extensive prior consultations and editing by a Working Group and Technical Working Group respectively and agreed on by consensus. Therefore, apart from the policy elements asked about in the current consultation, FSC is not inviting feedback on other aspects of the documents. For the FSC Remedy Framework, there are open comment boxes near the end of the consultation where feedback is requested on any aspects of the document. These comments will be analysed and decided upon after the close of the consultation.

45. Will the final PfA & PAC policies and Remedy Framework being presented to the board for approval in August be shared with members in advance of the meeting?

Generally, FSC does not share final drafts of policies and procedures after they have been consulted before they are approved by the Board of Directors. Therefore, this is not part of the workplan.

46. How will FSC verify the legal structure and ownership of the smallholder concessions?

Principle 1 of FSC's Principles and Criteria: Compliance with Laws verifies legal tenure and land use rights. The Policy to Address Conversion defines dispensation criteria for small-scale smallholders with less than 50 hectares to incentivize certification and discourage speculative conversion. There is no exemption for small-scale smallholders in the Policy for Association.

47. Are both the Policy for Association and Policy to Address Conversion applied to all certificate holders and members? How will these be implemented by NGOs or retailers?

The Policy to Address Conversion and Policy for Association have different scopes. The Policy for Association applies to all certificate holders and members. The organizations could be for example companies, NGOs or retailers. The policy is applied to all of them, regardless of their organizational type. The Policy to Address Conversion applies to organizations who are trying to achieve certification of forest management units in relation to National Forest Stewardship Standard, Interim National Standard, or FSC-STD-30-010 Controlled Wood Standard for FM enterprises.

48. What is definition of involvement and no involvement? Is it related to shareholders?

'Involvement' is determined by an organization belonging to the corporate group within the same majority ownership structure with the entity responsible for the unacceptable activity, defined in Policy for Association FSC-POL-01-004 V2-0. 'Direct involvement' refers to situation where the associated organization is firsthand responsible for the activity, and 'indirect involvement' refers to a situation where the associated organization is part of the same corporate group structure with the organization responsible for the activity. 'No involvement' refers to situations where the organization or its corporate group was not responsible for the activity.

49. Why are there multiple definitions of conversion?

FSC's position of conversion has evolved over time. The Policy to Address Conversion clarifies this.

Applicable definition of conversion		
Pre-November 1994	Between November 1994 and 31 December 2020	Post December 2020
The <i>Policy to Address Conversion</i> does not apply to conversion that took place prior to November 1994.	The new definition in the <i>Policy to Address Conversion</i> does not apply to conversion that took place prior to the policy's cut-off date. Instead, the stipulations by Criteria 6.9 and 6.10 in the <i>FSC Principles and Criteria (P&C)</i> apply, basically considering as conversion a change from natural forests to plantations or other land uses.	The new definition in the <i>Policy to Address Conversion</i> applies: Conversion: A lasting change of <i>natural forest cover*</i> or <i>High Conservation Value*</i> areas, induced by <i>human activity*</i> . This may be characterized by significant loss of <i>species diversity*</i> , habit diversity, structural complexity, ecosystem functionality or livelihoods and cultural values. The definition of <i>conversion*</i> covers gradual forest degradation as well as rapid forest transformation.

The FSC Remedy Framework allows organizations to remedy conversion from between 1994 and 2020 and therefore uses the middle definition in the figure above.

The Policy for Association uses the post December 2020 definition of conversion. 'Significant' conversion is used as a trigger to start evaluations of Policy for Association violations. It is applied to the whole corporate groups instead of single management units only. See also question 2 in this document.