

Behind the logo

The development,
standards and procedures
of the Pan European Forest
Certification scheme in
France



A report prepared for Fern

April 2001

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This report is part of a series, including a report on the PEFC and the FSC in Sweden; the PEFC and the FSC in Germany; the PEFC in Finland, the SFI in the US and the SCA in Canada. All reports are available at Fern's website: www.fern.org, as is a synthesis report based on these studies.

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1 HISTORY AND CURRENT STATE OF THE PEFC IN FRANCE

□ Meeting of Versailles, May 1998, the 14th and 15th

The idea for the PEFC scheme arose during the first formal meeting about sustainable forest management and certification, in Versailles in May 1998. At that time, the subjects of Sustainable Forest Management (SFM) and certification were creating controversy in France. The meeting was called to discuss among stakeholders the meaning of SFM in France. Attendees included:

- . forest owners (mainly their national representatives) ;
- . government officials ;
- . NGOs ;
- . industrialists (representatives of national federations)

At the end of the two-day seminar, no consensus was reached concerning what constitutes « sustainable management » and what the qualities of a good certification scheme are.

The debate focused mainly on the European level. Two out of three working groups dealt with « European specificities regarding sustainable management » and « Among usual solutions, is there a place for a European scheme? ». With this question, the idea of the PEFC was born and France had an active role in setting up the system through its federation of Forest owners.

□ Official launch of the Pan European Forest Certification Council (PEFCC) Paris, in June 1999

After several months of preparation, PEFC France was officially launched during a press conference on the 8th of March 2000. The French PEFC is legally called : Association Française de Certification Forestière. It is registered as an NGO (but not an environmental NGO).

□ Motivation for the creation of the PEFC.

From the beginning, the French forest owners' official position, like that of their European colleagues, has been that the Forest Stewardship Council (FSC) is irrelevant for small-scale forests (costs seemed to be unacceptable for forest owners, especially because of the highly fragmented structure of ownership) and that the FSC's Principles & Criteria are not adapted to European forests.

« The aim of the PEFC scheme is to establish an internationally credible forest certification framework for forest certification schemes and initiatives in European countries which will facilitate mutual recognition of schemes. PEFC will define the

basic requirements of forest certification and set up the institutional arrangements at Pan-European, national and sub-national levels » (PEFCC press file, June 1999)

French forest owners also hold that ancient tradition and direct intervention of the public authorities in forest management in France explain why, even today, forest policy is placed under the competence of the State. The essential part of framework-setting and organisational decisions, as well as the finance, come from the State. Mainly for this reason, PEFC France is very close to the forestry institutions and follows their functioning : objectives are defined at the regional level and implemented by the official forest bodies, the Centre Régional de la Propriété Forestière (CRPF, for private forests) and the Office National des Forêts (ONF, for public forests). The **CRPFs are regional bodies that aim to guide and develop the forest management of woods and private forests**. These Centers train and inform the forest owners regarding the management of their forests. They also define the Regional Production Objectives, which are validated by the Ministry of Agriculture, and forest owners are then obliged to take them into account in their management plans (these plans were compulsory above 25 ha – and since a new law, above 10 ha). CRPFs validate these management plans. Their responsibility stops here, they do not manage private forests. **The ONF is the manager of state and communal forests**. PEFC France aims to improve those institutions, and, by improving them, to improve forest management.

However, the unofficial motivation behind the launch of the PEFCC was that forest owners considered that the FSC did not take sufficient account of forest owners' voices, and was controlled by NGOs. (NB: The FSC voting structure is divided into three chambers : 1/3 economic sector, 1/3 environmental sector, 1/3 social sector).

This view is confirmed by the way chambers have been set up in the French PEFC (see the Annex for a list of members):

- . Chamber of producers;
- . Chamber of processors-users;
- . Chamber of consumers, which combines environmental NGOs, hunters, Agricultural chambers...etc.

□ French PEFC-certified forests

As the French scheme is still being developed and externally audited, no forest is yet PEFC certified. Once the scheme is approved, regional standards will have to be developed in each region by a **PEFC regional entity** (composed of regional representatives of the national institutions/bodies that are members of PEFC France, and other interested regional stakeholders). Once regional objectives and indicators are set, the CRPF and the ONF must commit (either in writing or by an ISO 14000 certification) to take them into account in their work – meaning, for the ONF, in its public forest management; and for the CRPF, in counseling and training forest owners. The whole process, from the regional objectives to the commitment of the forestry bodies, is then audited. Once this has been completed, the region becomes certifiable, and forest owners wanting to join send a letter committing themselves to the regional objectives. Through this documentary procedure, forest owners can

receive certification (a form letter is available, « Adhésion au système de certification forestière»). An on-site inspection is **not required** in PEFC France but is possible if the certifiers find it necessary during a regular re-audit of the region. What is to be checked, in the event of an on-site inspection, is left to the discretion of the certifier. **In any case, no field check takes place during the first year the certificate is awarded¹.**

Certain regions have started to develop their regional standards and it is likely that the first certifications will take place by the end of 2001.

□ Labelling / Chain of custody

The PEFC France labelling scheme is still being developed. The Chain-of-custody (CoC) scheme has been adapted to France.

The PEFC General Assembly asserts that

« The system has been elaborated in conformity with the French Consumer Code ; it takes into account the European certification standards, more particularly EN 45011 and EN 45012, and also ISO 9000 and ISO 14000 standards, and particularly working document ISO/TR 14061 (informative reference material for assistance in the use of ISO 14001 and ISO 14004 standards regarding environmental management systems by forestry organisations) and its annex H (case study France) ». - PEFC General Assembly, March 2000

The logo can be used for up to three years without the regions undergoing full certification : *« Considering the period of time required for implementing the ISO procedure within the concerned bodies [CRPF and ONF], the benefit of using the logo may be granted provisionally and for a maximum period of one year, renewable twice »².* This use is possible in regions where : the regional entity has been set up ; the review has been drawn up in conformity with the PEFC stipulations ; the SFM quality policy has been defined; the bodies (CRPF, ONF) are committed to obtaining ISO 9000 or 14000 certification within 2 years, and are already committed to implementing, without delay, the *« actions conforming to the SFM quality policy **that would have an urgent character** »* (emphasis added). All these elements must be verified by the certification body in order to grant provisionnal certification.

This means that, at least officially, bodies are not required to apply the full regional quality policy during the transition period.

AFCF (PEFC France) will be in charge of the scheme's credibility and compliance with the CoC rules. According to the Rules for the Verification of the Chain of Custody of Wood³, in order to obtain the CoC certificate :

- *« The company must operate a system for verifying the origin of its wood-based supplies (raw materials*

¹ Written comments from PEFC France to WWF dated 30 March 2001.

² *« French system of sustainable Forest Management certification », § 5*

³ Rules for the Verification of the Chain of Custody of Wood, Technical annex no IXa, adopted 26th October 2000.

and finished/semi-finished products).⁴»

- « The company must monitor and record this information.

If the company has doubts about the information, it should try to verify it. If the doubt persists, the supplies in question will be regarded as non-certified.⁵ » When labelling products, with full knowledge of the facts, the company must not use wood or wood fibre the source of which does not conform to AFCF specifications, such as wood derived from improper felling or taken without authorisation from forests protected by law.

- « A record is kept of the amount of raw material and wood-based products supplied, with a separate entry for each supplier, and a distinction should be made, where necessary, between certified and non-certified supplies.⁶ »
- « The company must establish and maintain its own system for controlling supplies of certified wood or wood-based products.

« This system of control must indicate the quantities and percentages of certified wood-based raw materials (inputs to storage or inputs to production). In the case of the parity method (see paragraph 7 below), quantities of products marketed with the label must also be shown.

The company makes any adjustment that will improve its system of control and ensure its reliability.⁷ »

« The information gathered must be recorded and kept for a period of five (5) years for control purposes.⁸ »

If these conditions are met, a certifier (accredited by the French Accreditation body and having a contract with PEFC France) may issue a certificate.

« The certificate is issued for a maximum period of five (5) years. » and « the company whose chain of custody has been certified will only be entitled to use the PEFC label once it has received the necessary authorisation from the AFCF⁹ ».

« A company can have its chain of custody certified for:

- the whole of its output;
- a single production unit (factory, production line);
- a range of products (for distributors). »

« The company chooses the method used for its chain-of-custody verification (see paragraph 7). »

The rules for the Verification of the Chain of Custody of Wood¹⁰ outline the following methods of CoC verification:

7.1. MINIMUM AVERAGE PERCENTAGE THRESHOLD

When the inventory of supplies shows that at least 70% of the wood-based raw materials are certified, all the products are eligible for the logo.

The proportion of certified raw materials must be measured in a unit of the kind prescribed in paragraph 11 of this document.

The origin of woods must be known for all supplies.

7.2. PARITY OF INPUT/OUTPUT RATES

The proportion of certified products in the company's output equals the proportion of certified (wood-based) raw material used in the manufacture of each category of product.

The aim of this method is to encourage the production of certified products, even if the proportion of certified raw material does not at first amount to 70%.

The origin of woods must be known for all supplies.

7.3. PHYSICAL SEPARATION

Certified wood-based raw materials are separated from other materials, both in space and in time. This separation concerns transport, storage, processing and distribution. Certified products are made up of 100% wood or fibre from certified forests. »

⁴ Ibid., point 5.1.1.

⁵ Ibid., point 5.1.1.

⁶ Ibid., point 5.1.2.

⁷ Ibid., point 5.2.

⁸ Ibid., point 5.3.

⁹ Ibid., point 5.4.

¹⁰ Technical annex no IXa.

In the final (7.3) case, it is guaranteed that the product contains 100% certified wood, and the claim on products can be 'from sustainably managed forests'. In the two first cases, the claim is 'promoting sustainable forest management' But as the logo can be used *without* a claim¹¹, the public will probably be unaware of these subtle (but important !) differences that make the label ambiguous.

*« Verification by the minimum average percentage threshold or input/output parity methods is based on a **rolling annual average**. (emphasis added)
In the initial phase, this average will be calculated by adding up monthly supplies until an entire year has been reached. ¹²»*

In effect, a great deal of time may pass (especially during the second year, when the rolling annual average is used) between the moment certified wood comes in and the moment labelled product comes out. Also, production could be separated in space, as a company can have certification for the whole of its output even if it operates at various sites. In a worst-case scenario, using input/output ratio, certified wood could enter one site and labelled products leave a separate site, if it is the same category of product. Using methods 7.1 and 7.2, it is possible that no link at all exists between the certified product and the certified forest. The consumer, seeing the claim mentioned above, would probably not be aware of this.

The minimum average threshold can be calculated all along the chain, from harvest to distribution, repeatedly diluting the real content of certified products. Indeed, this formula can be applied to all the chain of custody steps, that is :

- « *timber harvesting in appropriate form,*
- *processing,*
- *distribution, notably when batches of products are split up for retail, so that the form or quantity is not the same as when they were bought »¹³*

representing a long chain of changing hands.

Thus, one could have 70% of 70% of 70%...etc, if uncertified material is added in proportion of 30% at each step. With two transformation/repackaging using this procedure, products would contain only 50% of certified wood but would still carry the same claim as the products containing 70%. Again, even if again this is a worst-case scenario, the fact that it is possible within the PEFC rules undermines its credibility.

□ Forest types and sizes

The main justification for the PEFC was to create a scheme relevant to all kinds of European forests ; it is indeed applicable to all forest types and sizes. A more relevant debate concerns whether the PEFC certification scheme really improves forest management at the European level.

¹¹ « A PEFC product can carry the PEFC logo without a claim, but it is recommended to have a claim. » PEFC, Annex 7.

¹² Rules for the Verification of the Chain of Custody of Wood, Technical annex no IXa, at 9. « **PERIOD FOR MONITORING OF BATCHES** »

¹³ *Ibid.*, point 13, Implementation.

□ Level of certification

PEFC France has set up a system for regional certification, and forest owners can join the PEFC regional entity once the region qualifies for certification. The official position of the « French system of sustainable forest management certification »¹⁴ is :

*« **The certification** (i.e. PEFC certification) **of the regional entity**, of the Office National des Forêts and of the Centre Régional de la Propriété Forestière (i.e. ISO certification), alone or together with other regional private forest organisations [...] **entails the certification of the forests in the region**. The wood from these forests may benefit from the use of the logo, under the present system or those of the certification systems endorsed by the Association française de Certification Forestière » (emphasis added). - PEFC General Assembly, March 2000.*

Even if the region is certified, only when owners actually join do their holdings become effectively certified :

“The affiliated forest owners are recorded. The list is kept up-to-date by the regional entity and is available to the certification body or third parties for consultation. The regional entity also updates the list of the forest owners excluded from the benefit of the use of the logo. That list is confidential, but can be consulted by the certification body.”¹⁵

On-site verification of forests that are part of the scheme is not compulsory but rather is left to the certifier to decide. This definitely does not take place during the first audit, but may be carried when re-auditing regularly.

This regional approach is preferred¹⁶ but two other schemes can apply in the absence of regional certification : individual certification and group certification¹⁷. In both cases :

“The forest owners or their representatives need to establish a sustainable management quality policy, in compliance with the national reference and the regional reference if it exists. The implementation of this policy will have to be guaranteed by the introduction of a quality or environmental management system, sanctioned by an ISO 9 000 or 14 000 certification, applying at the relevant level.”¹⁸

The certifier will check both the conformity of the quality policy to the National guidelines and whether ISO certification has been obtained by the group or the forest owner. This is quite burdensome for a single forest owner ! Also, in these cases, there is no mention of stakeholder consultation with regard to defining the quality policy.

□ Costs of certification

¹⁴ PEFC General Assembly, « French System of Sustainable Forest Management Certification », final version adopted 8 March 2000.

¹⁵ PEFC General Assembly, « French System of SFM Certification », paragraph 4.2.1.

¹⁶ « certification will preferably be established at that level ».

¹⁷ PEFC General Assembly, « French System of SFM Certification », at 4.2.2.

¹⁸ PEFC General Assembly, « French System of SFM Certification » 4.2.1. Regional certification.

No figures are yet available in France concerning the costs of certification under the PEFC scheme.

However, Henri Plauche-Gillon, president of PEFC France declared:

« It is very hard today to say what will be the real cost per hectare of the certification process. This cost will not be the same for each region and will depend on the quality policy and on the sustainable management objectives defined in each region »¹⁹.

(Clearly, then, the PEFC principles and criteria will not be uniform even within the same country!)

2 QUALITY OF THE STANDARDS

□ Is the standard performance based?

Generally, the existing PEFC documents²⁰ do not create a performance-based standard, but give a number of issues to be considered at the regional level (for example, size of clear-cut...). A recent document (« Minimum standards for forest certification »), indicates that a number of specific items have to be included in the documents at the regional level (in a 'Quality charter for harvesting companies', in the "Regional Production Objectives", or in management plans). Although certain requirements are performance based (for example regarding: the ban of GMOs, harvesting methods to protect fragile soils, and prohibition of illegal cuts in the « Minimum standards »), these are frequently mitigated by phrases such as « where it is appropriate », « can include »...etc. Also, these minimum requirements have to be in place either at the time of certification or **within 5 years**, further mitigating the requirements. Finally and most importantly, except for the ban of GMOs, the PEFC minimum standards are minimum standards **to be respected at the documentary level** .

PEFC would be a performance-based standard if it included verification that documentary requirements are actually applied. However, since for certification in the first year, it is only required that that documents contain a certain number of items, it remains a system-based approach. A rigorous *system* gives no guarantee of *actual* performance ; it can only promote it. This is confirmed by PEFC France, which writes that « forest owners...join the scheme and **progressively** adopt the methods and precautions defined at the regional level »²¹ .

The following audits may eventually – but it is not compulsory – include field verification. Importantly, in the event of on-site monitoring, it is unclear **whether the certifier will look only at procedures or also at results** – the real difference between a performance or system approach. Existing documents refer only to verifying documents, but PEFC France confirms its willingness to include on-site

¹⁹ Henri Plauche-Gillon, PEFC Press release, 18 April 2000.

²⁰ The documents referred to in this section are « Guidelines of the French forest certification system for the establishment of sustainable management references at the regional level » and « Minimum Standards to be observed in Forest certification » of the application for the French PEFC scheme.

²¹ Comments from PEFC France to WWF dated 30th March 2001.

monitoring in the regional certification. This willingness is not an obligation, however, and if no on-site inspection takes place, no recourse is possible.

It is provided²² that if a forest owner has breached the law or « **seriously jeopardized** the sustainable management quality policy endorsed at the regional level » (emphasis added), he has to implement corrective measures within a set period of time, or be removed from the scheme. Thus, not only is the minimum level of on-site inspections not defined, but the threshold at which foresters must modify their management is vague, leaving each region to define what is considered « serious ». Thus no homogenous minimum requirement exists (in the field rather than on paper !) at the national level.

A system-based certification provides a framework for progressively improving management, in this case forest management. But it cannot, according to ISO rule²³, claim that a level of performance has been achieved. **By claiming that PEFC certification ensures sustainable forest management, it breaches the ISO rule for claims, at least until there is credible on-site verification of actual performance.**

□ Is the standard broadly in line with international agreements?

Although it does not refer to it, the standard is broadly in line with the Rio agreement, since the ecological role of forests is taken into account. However, it is more a guideline than a standard. The standard will be more precise once it is defined at the regional level ; it is too early to say whether environmental aspects will be strengthened.

The standard-setting procedure is not in line with the Rio Forest Principles, Agenda 21, or the Intergovernmental Panel on Forests proposals for action, which clearly indicate that local communities, environmental NGOs, etc., are to be part of decisions related to forests. Indeed, under the PEFC system, NGOs interests can be ignored in decision-making (i.e. 2 votes out of 6 in the users' chambers are reserved for environmental NGOs. Thus even if the PEFC has decided by consensus to date, were a vote to take place environmental interests could always be overruled. For this reason, WWF decided not to take part in the system).

Indigenous peoples rights : there are no indigenous peoples in metropolitan France, but local populations could include villagers surrounding the forest. They are not consulted in the process of certification (departing from the international sustainable development guidelines).

As for the overseas departments of France, their situation is considered specific and they are not covered by PEFC France. A specific appendix has yet to be defined by PEFC France²⁴.

²² « Non-Conformity – Preventive and Corrective Actions », Final draft adopted by the General Assembly, 8 March 2000.

²³ ISO/IEC guides 61, 62, ISO 14020.

²⁴ « It does not apply to the French overseas territories (DOM TOM), whose particular situation will be outlined in a specific appendix », « French system of SFM certification » p.1.

□ Does the standard reflect national regulations?

Yes. If a forest owner is in breach of the law, he must put corrective measures in place, as defined by the regional entity, within a set period of time. The regional entity keeps a file on this, and can :

- classify the file;
- remove the owner concerned from the list of owners participating in the certification scheme and put him on the list of excluded owners;
- undertake any appropriate action with regard to wrongful use of the logo.²⁵

In the « Minimum standards »²⁶, lawful cuts and lawful harvesting enterprises are required.

□ Does the standard include social, spiritual, environmental and economic values?

Social : Minor recommendations are made regarding labour, Non Timber Forest Products (NTFPs), and recreation²⁷. No other mention is made of employees' rights or smaller NTFP use (mushrooms...etc). The standard contains nothing about the social role of the firms at the local level.

Spiritual : « The forest sites with a high historical, spiritual or cultural (landscapes) value are recorded and managed in an appropriate way » (recommendation W²⁸).

Environmental : Regional quality objectives (regional PEFC standards)²⁹ should include: « *as much as possible* » biodiversity in managed forests ; the promotion of adequate management in high environmental quality forests, after their identification ; the establishment of a network of protected areas³⁰ ; the use of tree species either « indigenous species or introduced exotic species having proved to be adapted to the forest area over a sufficiently long period » (recommendation H) ; the adequate use of fertilizers³¹.

These recommendations will eventually be more precisely defined by the regional PEFCs, but may **be unevenly rigorous from one region to the next**, depending of

²⁵ « Non-Conformities – Preventive and Corrective Actions », Final draft adopted by the General Assembly, 8 March 2000.

²⁶ Adopted by the PEFC General Assembly, 23 January 2001.

²⁷ Cf : Guidelines of the French Forest Certification System for the Establishment of Sustainable Management References at Regional Level. For instance, « All forest contractors are urged to turn only to staff or companies qualified for the tasks to be done... » (recommendation U). A higher qualification of forest workers must be promoted (recommendation V). « The capacity for public recreation in the forest is measured and increased if necessary... » (Recommendation T). The use of NTFPs (« only with products that generate significant harvest quantities, e.g. cork »), and the promotion of their sustainable harvest and development (recommendation O).

²⁸ Guidelines of the French Forest Certification System for the Establishment of Sustainable Management References at Regional Level.

²⁹ such as « *preservation of a maximum number of types of stands, tree species in the dominant and dominated strata, dead standing or fallen trees (over a given diameter) and remarkable trees, plants grown beyond the economic optimum, edges and glades...* »

³⁰ Guidelines of the French Forest Certification System for the Establishment of Sustainable Management References at Regional Level., recommendations : P, Q, and R, P 9-10.

³¹ Guidelines of the French Forest Certification System for the Establishment of Sustainable Management References at Regional Level., recommendation J.

the consensus reached in the regional entity. To mitigate this the « Minimum standards » were adopted, but this document remains very general and mainly contains **documentary requirements**. GMOs are banned, but all other items have only to be included in documents³² : forest operations are to respect forest stands, « where relevant » protect of soil and water or fragile ecosystems « where appropriate » ...etc.

Regarding dead trees, for example, the minimum standard is to put « in which terms dead or old trees are maintained » in « awareness-raising documents of the CRPF and technical documents of ONF ». No **minimum** number of dead trees per ha is mentioned in these documents. This could very easily be done as, independently of certification, ONF has already fixed a minimum of one dead tree per ha at the national level. Not only will it be up to the regions to fix their own minimum (if any at all), but the requirement is to be verified in documents only, not in the forest, in order to obtain certification. Thus, the fact that the PEFC is system based weakens the standard, as 'progress' is enough to obtain certification, not actual fulfilment. Again, this is would not be a problem in itself if the claim of PEFC beside the logo were not « from sustainably managed forests », which indicates that a level of performance was attained.

The precautionary principle is taken into account with the ban of GMOs. Nevertheless, it is not taken into account in other parts of the standard³³.

Economic : Many recommendations contribute to the development of the economic value of the forest³⁴, but are mostly either based on the law (like the obligation of the reconstitution of the forest after a cut) or are not in the hands of the forest managers/owners (development of local transformation, monitoring of forest health...etc).

Another question concerns which actions are compulsory and which are voluntary for forest owners. Most of the « Minimum standards » are to be reflected in « the regional forest orientation », i.e. in the Regional Production Objectives set up by the CRPF in each region, based on ministerial and regional guidelines, and regional guidelines for ONF. The CRPF will therefore use the PEFC regional objectives to elaborate the Regional Production Objectives (officially approved by the Ministry of Agriculture. Forest owners will thus have to base their management plans on the framework developed by the PEFC regionally³⁵. This is not a problem in itself, except

³² Regional PEFC guidelines on SFM, a standard set of performance specifications for forest operation contractors, and the following official documents : Regional Production Objectives for private forests (see 1) and ORLAM and DILAM for public forests. When no regional certification exists, the documents for individual certification are the management plans and performance specifications for forest operation contractors.

³³ For instance, in recommendation I « stable and resistant stands » : « the proportion of mixed and/or irregular structure can be increased, [...], provided that this is scientifically, technically and economically justified », whereas studies at the national level mention a better resilience –and thus stability and resistance of the ecosystem- of mixed/irregular forests. With the coming modifications due to climate change, it is important to have ecosystem resistance rather than just stand resistance. This aspect has already been validated by ONF in its « guidelines » for restoration after storms.

³⁴ Monitoring forest health (Recommendation G), establishment of roads (F), wood harvest according to annual growth (L), the rapid reconstitution of a wood-productive forest after harvest (E), the development of local transformation (N) I.

³⁵ As CRPF approves management plans based on the Regional Production Objectives.

that it diminishes the voluntary aspect of improving forest management, which is the rationale for certification.

Further, this mixture of compulsory and voluntary efforts might confuse forest owners – and the public – about who is responsible for verifying its application. An independent label (PEFC is a « private initiative ») should make it clear that the state is not guarantor of the label.

□ Is the standard set at a regional or national level?

A national framework (guidelines and suggested indicators) is given, on which basis regional PEFC entities set up their criteria and indicators. If no regional certification standard is in place, individual or group certification is possible, based on the national standards.

□ Is the formulation of the standard broad or specific?

The standard is formulated in very broad terms at the national level. For example : « ...the area of regeneration felling and clear-cut in even-aged forests is planned in relation to their economic, social and ecological (soil and water) impact ³⁶». The « Minimum standards » are more specific³⁷, but the adaptation of these guidelines at the regional level will probably result in regional standards that vary greatly in terms of quality, at least if the procedures set in the official PEFC documents are followed without additional requirements.

3 STANDARD-SETTING PROCEDURE

□ Do official guidelines for the standard-setting process exist?

Yes. The standard-setting process is carried out by members of PEFC at the national and then at the regional level. The certifier will check that regional standards are in line with the national PEFC guidelines, minimum requirements, and procedures. There is no public consultation (with a procedure for taking into account comments) either during the standard setting process or during the certification. Although the standard was available on the web-site, there was no official consultation process with clearly defined rules, until it went officially for endorsement by PEFC.

The definition of the regional standards is as follows³⁸ :

³⁶ Annex VI: Guidelines of the French Forest Certification System for the Establishment of Sustainable Management References at Regional Level, p.4.

³⁷ E.g. « roads have to minimize the impact on ecosystems », « technical documents mention the maintenance of dead wood ».

³⁸ PEFC General Assembly, « French System of SFM Certification» p.3.

- review of the state of forests in the region, according to the 6 pan-European criteria and the PEFC guidelines. This will mainly be based on existing statistics at the regional level.
- Definition of the SFM quality policy, based on the above review. The regional entity defines goals to be achieved and specifies the various cases of non-conformity. It also identifies the bodies that can implement this quality policy in the field (In all likelihood, the ONF for public forests, and the CRPF for private forests. The latter guide and develop the forest management plans of private forests, but do not manage or monitor it). These bodies must then receive the ISO label (9000 or 14000) in order for the region to be certified.

☐ Do official requirements for the standard-setting committee exist?

Yes. PEFC France, at the national level, must be composed of 3 colleges³⁹ : producers, consumers and processors-users. The regional PEFC entity must follow the same model⁴⁰.

☐ Which groups were involved in formulating the standards?

All stakeholders were invited, but WWF refused to participate, as it felt its voice could not be sufficiently heard in the voting system. The following participated :

Producers :

Forestry bodies : Associations of CRPF, association of forest experts (CNIEFEB), public forest managers (ONF), Applied forest research body (IDF), Union of forest cooperatives (UCFF).

Forest owners : Federation of private owners (FNSPFS), federation of forest-owning communes (FNCF).

Processors-users :

Forestry industry : Wood use federation (CIB), wood development committee (CNDB), pulp and paper producers federation (AFOCEL), Wood trade federation (commerce du Bois), National federation of wood (FNB), Union of wood industries (UIB).

Consumers :

Government : Assembly of Regions (APCG)

Social group: assembly of agricultural chamber (APCA), hunters federation (UFC).

Environmental NGOs : federation of French ENGOS (FNE), Nicolas Hulot Foundation

Other : Committee 21 (Forum of ENGOS and industry to discuss the themes of sustainable development).

³⁹ Article 4 of PEFC statutes –Annex II.

⁴⁰ PEFC General Assembly, « French System of SFM Certification» p 4 : « each regional entity, which is legally recognised, is organised in various colleges, under the same conditions of the French PEFC ; voting and majority rules are the same ».

At the regional level, interested parties have been invited to join the regional entities, in addition to the regional representatives of the above parties. It is too early to say if the composition will differ greatly from the national level.

□ What are the decision-making rules?

According to the statutes, « PEFC France is governed by a Board of directors, a third of whom belong to each college »⁴¹. « It can deliberate provided that at least half of the members are present or represented and that each college is represented ». It « takes its decision by majority of the members present or represented ».

The General Assembly, « decides by simple majority of the votes present or represented », and « each college has the same number of votes ». Regarding the choice of certification bodies, « it decides by 2/3 majority of the votes present or represented »⁴².

Extraordinary assemblies (for modification of the statutes or the dissolution) « decide by 2/3 majority, simple majority being required within each college ».

Thus, an environmental NGO member of PEFC France could be systematically ignored due to the voting rules and the actual division in college (2 votes out of 6 in the user chamber). As yet, most assemblies seem to have worked on the basis of consensus. No vote has been required to date.

At the regional level, the rules are supposedly the same. Nevertheless, « the regional entity operating decisions shall be based on the principle of consensus. In case it cannot be achieved or when it deals with the development of the sustainable quality policy, the following majority rules apply : each college has the same number of votes, decisions are taken by 2/3 majority of the votes present or represented, and simple majority is required within each college »⁴³. Again, it is very likely that French NGOs will never reach 50% of the vote at regional level, as is already the case at the national level. **In other words, if consensus cannot be attained on a crucial point, no recourse is available for NGOs to be heard within the official framework of the PEFC.**

For this reason international ENGOs feel environmental aspects will not be sufficiently taken into account in the PEFC system.

□ Have other groups, such as scientists, governments, provided input into the standard-setting process?

To our knowledge, other groups have not provided input into the standard-setting process. However, the applied research organisation Institut de Développement Forestier (IDF) is a member, and scientific aspects may have been taken into account.

⁴¹ Statutes of the French PEFC Association, adopted 8 March 2000, Article 6.

⁴² Statutes of the French PEFC Association, adopted 8 March 2000, Article 5.

⁴³ PEFC General Assembly, « French System of SFM Certification» at 4.1.3.

□ Who approved the standard ?

The General Assembly, on the 8th of March, 2000. The standard has not yet been approved by the PEFC Council. The regional standard was approved by the General Assembly of the regional entity.

An independant certifier then verifies the conformity of these goals with PEFC France's national guidelines. PEFC France is undergoing assessment by an independent consultant in order to be endorsed by PEFC, at the time of printing of this report.

□ Is there evidence that the standard-setting process has been unduly influenced by vested interests?

Certain NGOs refused to participate in the process from the outset perceiving, first, that the scheme had largely been developed by industry and, next, that their votes could always be out-weighed. Of those entities participating, decision-making to date has been based on consensus. It seems therefore that those interests that are represented are in agreement.

4. CERTIFIERS / CONSULTATION PROCESS

□ Accreditation of Certifiers

Certification bodies must first be accredited by the COFRAC (Compagnie française d'Accréditation) or by another member of European Accreditation (EA). In order to be accredited, Certification bodies' main obligation is to meet the EN 45011 directive demands.

Their role is to :

- . control conformity with the chain of custody ;
- . issue or withdraw PEFC certificates ;
- . keep records of claims and disputes ;
- . take appropriate and preventive action within the AFCF (PEFC France) mandate;
- . carry-out of independent audits (of documentation in the first year, but perhaps more in-depth later);
- . control the use of the certificate.

Once the certification body is COFRAC-accredited, it must also be mandated by the Association française de Certification Forestière (AFCF) to carry out an audit. This mandate will be validated by COFRAC, as to avoid vested interest between the certifier and PEFC.

Nevertheless, the PEFC General Assembly has an « open » position regarding « specific situations »:

« Certification bodies must be accredited by national accreditation bodies so as to ensure the credibility of the certification work and to facilitate mutual recognition. However, where for some reason this is not possible or practical and an adequate credible alternative exists, a special application, requesting exemption from this clause and outlining the alternative procedures to ensure credibility, can be made to the General Assembly ».

PEFCC G.A., March 2000

This derogation regarding accreditation is so loosely defined it seems almost any interest could find its way into an accreditation body. This is permitted by PEFC France but it seems, from available documents, that such situations will be avoided by PEFC France.

□ Certification process

In March 2000, the PEFC General Assembly defined its certification process as follows :

*Application for certification*⁴⁴: “:

Once a forest body⁴⁵ has engaged in the ISO certification process, applications for certification can be submitted to the certifying body. These applications must be submitted with the relevant documentation, i.e. a description of SFM quality policy and the regional reference; the documentation giving details of the applicant's operations; and a description of conditions needed to meet the SFM quality policy and regional reference.

It also identifies the body applying for ISO certification and the details relevant to that body.

*Evaluation process*⁴⁶:

The Certification body checks the membership and operating modalities of the regional entity; conditions for the definition of the SFM quality policy and regional reference and conformity between these and the ISO objectives.

*Report*⁴⁷:

Following the audit of the documentation, the Certification Body gives the applicant entity a summary report; the applicant can respond to the report generally and describe specific actions needed to address non-conformities. The Certification bodies checks that these actions are carried out. ‘After assessment by the bodies, *the applicant entity decides to what extent the report will be made public (emphasis added)*’⁴⁸.

⁴⁴ PEFC General Assembly, « French System of SFM Certification» at 4.3.1.1.

⁴⁵ « The bodies indicated under § 4.1.2. will be the one(s) likely to significantly influence the sustainable management of private properties. In all cases, it will be the *Office National des Forêts* for the State and communal owned forests and the *Centre Régional de la Propriété Forestière*, alone or together with other forest organisations, for the private forests”, PEFC General Assembly, « French System », at 4.2.1.

⁴⁶ PEFC General Assembly, « French System of SFM Certification» at 4.3.1.2.

⁴⁷ PEFC General Assembly, « French System of SFM Certification» at 4.3.1.3.

⁴⁸ *Ibid.*

*Decision regarding certification*⁴⁹:

After considering the ISO certificates and its evaluation, the Certification body may decide to certify the region in its entirety or in part. Any non-conformities noted previously in the report but not corrected will entail the rejection of the application either entirely, or in the part concerned by the non-conformity. It notifies both the applicant and the Association Française de Certification Forestière of the certificate's validity. Certification is valid for a maximum of 5 years, but is terminated if the body loses its ISO certification.

*Control and renewal audits*⁵⁰:

Periodically, the Certification Body checks the regional entity and the bodies' continued compliance with ISO and their SFM quality policy described above. This shall include updating the indicators of the review.

According to PEFC France this audit will take place annually. This procedure does not mention on-site verification of actual practice, but according to PEFC members, the auditor will have the possibility to carry this out during the periodic audits. **In any case on-site verification will not take place during the first audit, nor will it be compulsory during the periodic audits.** It seems this will be left to the auditor's discretion. This poses the problem, as mentioned above, of the claim that a level of actual performance has been attained, whereas this is a system-based certification.

Generally, the system lacks transparency, given that the results of the audit will not be made public, unless the regional entity so chooses.

Two complementary elements will be audited during regional certification⁵¹:

- The conformity of the strategy followed at regional level, including: that the inventory drawn up in the first phase considers the 6 criteria, as well as the indicators and guidelines that apply at operational level; that the elaboration of the regional SFM quality policy and regional reference are in conformity with the rules (§ 4.1.3); and that the ONF (public forests) and the CRPF (private forests) hold an ISO 9000 quality management certificate or ISO 14000 environmental quality management certificate.
- *The ISO certification attributed to each of these bodies.*

No stakeholder consultation occurs during the certification of the region, which means local interests in a given forest are not addressed. This is not in conformity with the Rio Forest Principles, as well as the Major Groups chapter of Agenda 21 and the IPF proposals for action (see 2), where local communities/interests should be given a say.

A mechanism exists for bringing complaints to the certifier regarding the issuance of certificates, as does a dispute panel at the national level⁵². Three members make up the panel : a forest-owner, a representative of the wood industry and an individual representing consumers and forest goods and services.

⁴⁹ PEFC General Assembly, « French System of SFM Certification» at 4.3.1.4.

⁵⁰ PEFC General Assembly, « French System of SFM Certification» at 4.3.1.5.

⁵¹ PEFC General Assembly, « French System of SFM Certification» at 4.1.4. See also Annex VIII "Basis for sustainable forest Management procedures".

⁵² PEFC General Assembly, « French System of SFM Certification» at 4.4.2.

5. TRANSPARENCY OF THE ORGANISATION

Transparency is minimal, as standards have been made public only after their final approval by the members of PEFC France ; no drafts were available before. Furthermore, once the documents were made public, no clear, official procedure for integrating comments was outlined, and thus no official consultation process took place. Standards are partly available on a French web-site, after their endorsement by PEFC France, and on the international PEFC web-site at the time of evaluation by the PEFC Council. Additional items have been made available on request. Beyond this, documents have not been circulated widely to French stakeholders for comments before going to audit for accreditation by PEFC.

Also, the results of the regional certification audits will not be made public, unless the regional entity chooses to do so. It is therefore not compulsory to inform the public of the grounds for approval or refusal of certification.

6. LABEL PROTECTION & CHAIN OF CUSTODY

It is the certifiers' role to issue and withdraw certificates. Regarding chain of custody, « the company whose chain of custody has been certified will only be entitled to use the PEFC label once it has received the necessary authorisation from the AFCF⁵³ ».

7. IS THE NATIONAL SCHEME ACCREDITED BY THE NATIONAL ACCREDITATION BOARD?

Yes. According to PEFC⁵⁴, an audit by COFRAC (national accreditation board) of the French PEFC will take place.

8. CONCLUDING CHAPTER

At the time of this study, it is not known whether the French scheme will be approved by PEFC Council ; some changes might yet occur. This conclusion is based on the documents submitted for accreditation, and on the draft commitment letter of forest owners.

The French scheme follows very closely the actual functioning of the forestry institutions : guidelines are adopted at the national level by the government, adapted by a working group (CRFPF) on the regional level, and put into practice by ONF for public forests and CRPF for private forests (who gives information and advice, and validates management plans). In the French PEFC scheme, The national PEFC provides guidelines to be adapted at the regional level by a regional PEFC, and applied by CRPF and ONF. The added value is the involvement of some NGOs (FNE), even if the voting right is not balanced, and an external audit of this process.

⁵³ Rules for the Verification of the Chain of Custody of Wood, Technical annex no IXa, adopted 26th October 2000, point 5.4.

⁵⁴ Response from PEFC to WWF, dated 30 March 2001.

It nevertheless lacks balanced decision-making between stakeholders, as stakeholders with economic interests dominate the chambers (2 out of 3). Environmental NGOs can always be overruled in the voting process (possessing less than half of the voices in one chamber).

Furthermore, the procedure for on-site verification of implementation of the standards in certified forests is unclear. There will be no on-site verification during the first audit of the region, but verification could occur during the following audits, if the auditors chooses. It remains uncertain, if verification takes place at all, whether this will involve mere documentary checks or a on-site verification for the sampled forests. In other words, for at least a year, forests will be certified simply through documentary procedures. This renders the claim made by the PEFC label problematic, since it indicates that sustainable management has been attained in the forest. According to ISO rules⁵⁵, a claim that a performance has been reached can not be made in a system-based certification, as the certificate merely ensures that progress has occurred, not that a level performance on the field has been reached.

Also, since no consultation occurs during certification, local stakeholders will not be able to express their points of view on the region being certified, nor on the forests obtaining the right to use the logo. Yet it is assumed that the PEFC regional entities represent the whole society – which is not the case.

Furthermore, as standards are very broad, and their quality will be mainly defined at the regional level, very large variations may appear from one region to the next, depending on the balance of power reached in each regional entity. The differences already noted in PEFC between countries, in terms of standards and procedures, will be replicated in France across the regions, despite Annex VIb, « Minimum standards », as these standards remain general⁵⁶. The whole system will thus probably encompass the best and the worst practices under the same logo.

The lack of credibility of the PEFC logo is underscored by the fact that, regarding the chain of custody, enterprises using 70% of certified wood can have 100% of their product labeled all along the manufacturing line. Thus, a product transformed by various enterprises that add 30% uncertified products at each step can still bear the PEFC logo. No mention is made of the percentage of certified wood content, only – and this is not compulsory – that the product « contributes to sustainable management » ; therefore only 70% of 70% of...70% of the wood need come from certified forest for products to bear the PEFC logo. Consumers are thus not informed about what is behind the label.

The French System takes a step towards a better integration of SFM principles in forest management by informing forest owners about the principles and about environmental and social objectives. Nevertheless, it does not sufficiently guarantee *actual* (not potential) good forest management of the forests from which the wood product is made, because, under this scheme, institutions (ONF, CRPF) are certified rather than the forests directly, and no on-site auditing takes place, at least during the first year.

⁵⁵ ISO/IEC guides 61, 62

⁵⁶ See dead wood example, above, Section 2.

These facts, combined with the loopholes opened by the French scheme (such as the minimum standards being compulsory in a time frame of 5 years only, and the possibility to use the logo for 3 years in the absence of ISO certification of the ONF and CRPF forest bodies, with only a commitment to obtain ISO certification within 2 years and to implement « urgent » matters) make it even less justified for the PEFC to claim that products come from sustainably managed forests. It is therefore not a credible label for stakeholders and consumers interested in a product that is guaranteed coming from well managed forests.

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Statutes of the French PEFC Association, final draft, 8 March 2000.

Adhésion au système de certification forestière, draft letter 23/01/01

Chain-of-Custody Certification of Woods, Final draft adopted on 26th october 2000

MEMBERSHIP LIST OF PEFC FRANCE

College I - Producers :

Association Nationale des Centres Régionaux de la Propriété Forestière
Compagnie Nationale des Ingénieurs Forestiers et Experts en Bois
Fédération Nationale des Communes Forestières
Fédération Nationale des Syndicats de Propriétaires Forestiers Sylviculteurs
Institut pour le Développement Forestier
Office National des Forêts
Union de la Coopération Forestière Française

College II – Wood industry / users :

Conseil Interfédéral du Bois /Comité National pour le Développement du Bois
Fédération des pâtes
Le Commerce du Bois
Fédération nationale du Bois
Union des Industries du Bois

College III – Consumers and other relevant parties :

Assemblée Permanente des Conseils Généraux
Assemblée Permanente des Chambres d'Agriculture
Comité 21
Fondation Nicolas Hulot
France Nature Environnement
Union des Fédérations de Chasseurs

