



## EU TIMBER REGULATION

# IMPLEMENTATION GUIDE FOR FSC CERTIFICATE HOLDERS AND OTHER COMPANIES SELLING FSC PRODUCTS IN THE EU

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## Part 1: Introduction

On 3 March 2013, the European Union Timber Regulation (EUTR) came into force. This Regulation is intended to ban illegal timber and products derived from such timber from the EU market. With this guide FSC aims to clarify how the FSC certification scheme is helping companies that produce and/or trade FSC certified products, including FSC Controlled Wood (CW)<sup>1</sup> materials, to comply with the EUTR. The guide also highlights the considerable advantages of working with FSC certified products and/or materials.

For more general information about the EUTR, please refer to the section of the European Commission's [website](#) that focuses on this topic. For an introduction to the FSC's views on the EUTR, please see the '[Questions & Answers about FSC and the EU Timber Regulation](#)' on the FSC website.

*This guide explains how 'operators' can use the FSC system as part of their due diligence system (DDS). Towards the end of this guide we point out how such operators can explain to competent authorities why and how the FSC certification scheme is applicable, both as a risk assessment tool and a risk mitigation tool.*

*As there are many, and repeated, references to websites and documents throughout this guide, we have listed these in full in Part 4 (References and links), in addition to including hyperlinks in the text.*

## Is this guide relevant to me and my company?

This guide is only relevant to FSC certified products and CW materials that also fall under the scope of the EUTR (listed in the Annex of the [EUTR](#) document and referred to as 'covered products' in this guide). For further clarification of the EUTR product scope, you can consult the UK's Central Point of Expertise on Timber ([CPET website](#)) or the competent authority in your country.<sup>2</sup>

If one or more of the products you trade are 'covered products' then you need to determine whether you are an 'operator' or a 'trader'.

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<sup>1</sup> FSC Controlled Wood material is only allowed to be used by FSC certified Chain of Custody Certificate Holders for the purpose of producing FSC certified mix products.

<sup>2</sup> The 'competent authority' is the governmental body designated to enforce the EUTR in a Member State. For a link to the list of competent authorities, see Part 4.



**Operators** are economic actors that place products on the EU market for the first time.<sup>3</sup> In practice this means that either:

- > You are a domestic forester selling felled timber on EU territory or a harvester of standing trees you bought as such from a forester, or
- > You introduce imported covered products into the EU market.

As an operator you are liable if authorities discover that you have placed illegally harvested timber (or covered products made from illegally harvested timber) on the EU market. Moreover, you must have a DDS to reduce the risk of placing such timber/products on the market.

**Traders** are the economic actors inside the EU that have bought covered products from operators. Traders need to keep the usual documentation of all transactions of such products (with their direct suppliers as well as their direct clients, not including end-consumers) for five years, so that authorities can trace illegal timber back to the operator concerned if needed.

Obviously, it is possible that you are an operator for some products, and a trader for others. You need to maintain a DDS only for that part of your activities in which you are an operator.

## What does the due diligence system mean in practice?

Operators placing timber from domestic forests on the market: These operators have a straightforward task. As before, forest managers and companies harvesting standing trees from certified forests need to comply with all the laws relevant to their harvesting and forest management practices. This is also a standard requirement for achieving an FSC Forest Management Certificate. In this case, the DDS is simple: the operator must keep good records of their obligations and any available practical evidence of compliance (such as payment of taxes, etc.). A harvester may have to ask the forester for part of this documentation. There is only a small chance that FSC certified foresters will be targeted by the authorities more than before.<sup>4</sup>

Operators importing covered products: These operators must have a more sophisticated DDS, which can be a substantial challenge. For clarity this guide will briefly describe how a DDS should look in general. After that it explains how the FSC scheme helps to comply with the DDS requirements, as far as it concerns FSC certified products or CW materials. For other products you need to maintain a full DDS,<sup>5</sup> on your own or with the assistance of a Monitoring Organization,<sup>6</sup> or else replace those materials with FSC certified/CW materials.

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<sup>3</sup> It is not always obvious who is placing timber/products on the market for the first time. For imports it is important to determine who the owner of the materials is at the moment they physically enter the EU. For more information, see pages 2–4 and Annex 1 of the [Guidance Document for the EU Timber Regulation](#).

<sup>4</sup> We do not describe the situation for EU-based certificates of Controlled Wood for Forest Management enterprises, as currently no such certificates exist.

<sup>5</sup> For such a DDS, you can still use the CW risk assessment procedure and FSC/NEPCon tool to identify the level of risk connected with harvests in countries around the world ([www.globalforestregistry.org](http://www.globalforestregistry.org)).

<sup>6</sup> There is more information on Monitoring Organizations on the European Commission's [website to introduce the EU Timber Regulation](#), under 'Frequently Asked Questions'.

1. Collect **information** on the products you plan to import. You need to know the origin and the species of timber involved, and collect evidence that the relevant forest management unit and the exporting company in the country of harvest comply with the relevant laws. It is also necessary to collect information about the risk that the specific information you will get is not reliable. This relates to the prevalence of illegal harvesting of specific tree species, the complexity of the supply chain, the prevalence of illegal harvesting practices in the place of harvest, the prevalence of corruption, etc.
2. Make a **risk assessment** with regard to the risk that you will be handling illegal timber.
3. Undertake **risk mitigation**,<sup>7</sup> unless the risk is considered to be 'negligible'.<sup>8</sup>

Products imported with a FLEGT<sup>9</sup> or CITES license<sup>10</sup> are considered to have 'negligible' risk by definition, and you do not need to have a DDS for these. It is the responsibility of the customs office to check whether these licenses are authentic.

The competent authority does not expect you to provide it with information proactively and there are no forms to fill in. A competent authority can inspect you at any time and require you to demonstrate your DDS. If it judges that you are not in compliance with the requirements then you can be penalized. On the other hand, if you have a DDS that meets the expectations of the competent authority, and you are still 'caught' for having sold illegal timber/products, then your penalty is likely to be relatively low, since you have proven your intention to prevent this (the illegal products, however, may still be confiscated).<sup>11</sup>

In principle, a DDS does not need to be linked to individual shipments. If you regularly purchase the same type of product from the same supplier, and the origin is always the same country of harvest and the same species, you can do a risk assessment for a certain period (the EU advises to do this at least annually). But as soon as the supplier, country of harvest or species change, you need to do a new risk assessment and, where necessary, risk mitigation. It is clearly essential to have a good understanding on this with your supplier abroad. He or she should warn you as soon as something changes in the relevant supply chain and should help with obtaining updated information.

A complication of the DDS requirement is the need for you to assess the risk of illegal timber *before* you bring the product into the market. In practice, of course, that means *before* you actually buy and/or import the product.

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<sup>7</sup> We do not go into detail here, as the FSC scheme is taking care of risk assessment and risk mitigation for FSC products/CW materials (as described in Part 2 of this document). However, if you want to know more about what is expected with regards to risk assessment and mitigation, you can read the [Guidance Document for the EUTR](#).

<sup>8</sup> This is the term used by the EU Timber Regulation. FSC is using the term 'low risk'. We have no reasons to doubt that the two terms mean the same.

<sup>9</sup> FLEGT stands for Forest Legality Enforcement Governance and Trade. The EU has completed Voluntary Partnerships Agreements under FLEGT to assist them in enforcement of national laws, which are to lead to exports of timber under FLEGT licences. As of March 2013, no country is ready to export FLEGT timber. It is expected that Indonesia will be the first, in 2013.

<sup>10</sup> See the [FSC Questions & Answers](#) and the [Guidance Document for the EUTR](#) for more information.

<sup>11</sup> This guide does not provide information on working with a Monitoring Organization, as the focus is on explaining how FSC helps if you decide to have a DDS yourself. Several Monitoring Organizations will have FSC built into the DDS they offer to operators as an option.

## FSC can help with implementing the due diligence requirement

FSC's first principle (out of 10) is to comply with existing legislation. However, the EU regulation does not foresee the possibility of officially recognizing systems such as FSC as a full replacement for having a DDS. In other words, there is no 'green lane' for certification schemes. Nevertheless, such schemes are permitted to form *part of* a DDS. The Implementing Act of June 2012 and the Commission's Guidance Document clarify what conditions such schemes should fulfill. FSC has thus taken measures to ensure that it complies with these conditions (see further information below). As a result, operators importing FSC certified products/CW materials have, for these products, a considerably simpler task than others in setting up and maintaining a DDS.

*It is important to understand that you cannot transfer liability to FSC. You, as the operator, remain responsible for implementing the DDS, and you will need to make your own assessment of whether, and to what extent, you can justify your reliance on FSC to the competent authorities. FSC wants to be of assistance to you, however, by providing the following guidance.*

## Part 2: What does a DDS for FSC certified products and CW materials look like?

### 1. The information obligation

You are expected to collect, and be able to show to an inspector from the competent authority, information about:

- 1a. Which **country/countries** the original timber is harvested from (in general, a risk assessment could lead to the conclusion that, for countries where the risk of illegal harvesting varies by region, you may need to identify which region, or even – in case of considerable risk – a specific concession of harvest; see Part 2)
- 1b. What **species** the product contains – common names will suffice unless these lead to ambiguity, in which case the scientific names will also be needed
- 1c. **Quantity** (expressed in volume, weight or number of units)
- 1d. Name and address of the **direct supplier** to the operator
- 1e. Name and address of the **trader** to whom the timber and timber products have been supplied
- 1f. **Documents or other information indicating compliance** of those timber and timber products with the applicable legislation.



Obligations 1c, 1d and 1e relate to standard information that you collect as a company. This information should be stored systematically as part of the DDS, and connected with the other information obligations.

Obligations 1a, 1b and 1f are more challenging to meet. This kind of information should be gathered *before* importing, as it should be the basis for risk assessment and possible risk mitigation (including, as the most extreme option, not buying the products).

FSC provides the following advice in support of meeting obligations 1a, 1b and 1f.

Obligations 1a (*country of harvest*) and 1b (*species*): In the current FSC system, your direct supplier does not have to automatically provide you with information about country/concession of harvest or species. Therefore, FSC has published an Advice Note ([ADVICE-40-004-10: Access to information regarding species and origin of timber](#)) that obliges your direct FSC Chain of Custody (CoC) certified supplier to provide you with such information upon request. If this supplier does not have that information, he or she is obliged to use the Advice Note to go further up the supply chain until he or she has obtained the information for you.

If necessary, you can refer your suppliers to an [FSC memo](#) that explains the relevance of timber legality for companies working outside the EU, US and Australia.

It is our opinion that when the harvester is FSC certified, the risk of illegal harvesting is ‘negligible’, since ensuring legality of forest management is an essential part of the FSC certification and CW schemes. Therefore, there should be no need to collect information down to the level of region or specific concession of harvest.

Obligation 1f (*documents or other information indicating compliance of those timber and timber products with the applicable legislation*): Gathering this information appears to be a difficult and burdensome task. The ‘applicable legislation’ is defined in the EUTR as “the legislation in force in the country of harvest covering the following matters:

- > Rights to harvest timber within legally gazetted boundaries
- > Payments for harvest rights and timber including duties related to timber harvesting
- > Timber harvesting, including environmental and forest legislation including forest management and biodiversity conservation, where directly related to timber harvesting
- > Third parties’ legal rights concerning use and tenure that are affected by timber harvesting, and
- > Trade and customs, in so far as the forest sector is concerned.”

The first four sets of legislation listed above are covered by the FSC Forest Management Certification schemes. And to avoid possible loopholes, FSC has published [Advice Notes](#) detailing the legislation that must be complied with, addressing the companies doing CW risk assessment, Certification Bodies and Forest Management Certificate Holders.

**Core text of Advice Note 40-004-10: Access to information regarding species and origin of timber**

1. Upon request, FSC certified suppliers shall provide customers with the following information about FSC certified and FSC Controlled Wood timber or timber products subject to compliance with applicable timber legality legislations:
  - a) Common name and/or scientific name of timber species as required by the applicable legislation;  
  
NOTE: This requirement takes precedence over Clause 2.1.1(c) of FSC-STD-40-004 V2-1.
  - b) Origin of timber (countries of harvest and where applicable, sub-national regions and concessions of harvest);  
  
NOTE: Information on the sub-national regions or concessions of harvest shall be provided where the risk of illegal harvesting between concessions of harvest in a country or sub-national region varies. Any arrangement conferring the right to harvest timber in a defined area shall be considered a concession of harvest.
  - c) Proof of compliance with relevant trade and customs laws.
2. FSC certified suppliers shall provide timely responses to the information requests specified in Clause 1 above.
3. The form and frequency of providing this information may be agreed between the FSC certified supplier and customer, as long as the information is accurate and can be correctly associated with each material supplied as FSC certified or FSC Controlled Wood.
4. In case the FSC certified supplier does not possess the requested information specified in Clause 1 above, the request shall be passed on to the upstream FSC certified suppliers, until the requested information can be obtained.

The scope of the fifth and final set of legislation listed above, trade and customs, was unclear until recently. FSC requested clarification, and in the recent [Guidance Document](#) for the EUTR (page 20) the European Commission explained this as follows:

“This refers exclusively to compliance with the laws and regulations in countries where timber has been harvested covering the export of timber and timber products. The requirement relates to export from the country of harvest and not the country of export to the EU. For example, if timber was exported from country X to country Y and then to the European Union the requirement would apply to the export from X and not from Y to the EU.



“The applicable legislation includes, but may not be restricted to:

- > Bans, quotas and other restrictions on the export of timber products, for example bans on the export of unprocessed logs or rough-sawn lumber
- > Requirements for export licenses for timber and timber products
- > Official authorization that entities exporting timber and timber products may require
- > Payment of taxes and duties applying to timber product exports.”

With regards to the evidence required, the Guidance Document says: “Generally available documents in paper or electronic format, eg. contracts, bank notes, trade notes, import licenses, export licenses, official receipts for export duties, export ban lists, export quota awards, etc.”

The FSC CoC Standard did not require compliance with legislation from CoC Certificate Holders. FSC has therefore issued an Advice Note ([ADVICE-40-004-11: Trade and customs laws](#)) requiring FSC CoC Certificate Holders to have procedures in place that ensure compliance with these laws.

Since the EU-based importer then needs to get information to confirm this, FSC has amended the aforementioned Advice Note on information exchange (ADVICE-40-004-10) to include the requirement to cooperate to collect information on compliance with trade and customs laws (see above).

With all this in place, the information obligation remains a challenge, and time will tell what results the competent authorities will consider to be acceptable. A genuine DDS requires that the information be gathered in advance, so that a risk assessment can be done before the actual orders are made. When one works with a regular supplier who also has a stable resource provision scheme, it is indeed possible to have this information beforehand. But when starting with a new supplier, having all this information in advance may be more difficult.

## 2. The risk assessment obligation

Operators need to evaluate whether their products have been produced in compliance with the laws of the harvesting country, as well as international sanctions. The EUTR points at the following elements for such an assessment:

- 2a. Assurance of compliance with applicable legislation, which may include certification or other third-party-verified schemes which cover compliance with applicable legislation
- 2b. Prevalence of illegal harvesting of specific tree species
- 2c. Prevalence of illegal harvesting or practices in the country of harvest and/or sub-national region where the timber was harvested, including consideration of the prevalence of armed conflict
- 2d. Sanctions imposed by the UN Security Council or the Council of the European Union on timber imports or exports
- 2e. Complexity of the supply chain of timber and timber products.



In our view, the FSC certification and CW schemes reduce to ‘negligible’ all risks associated with points 2a and 2b. In Part 3 we explain in detail how FSC ensures compliance with applicable legislation, including in countries where illegal harvesting occurs.

The same is true with regard to point 2c, but the following should be noted in relation to the clause on “... consideration of the prevalence of armed conflict”. Although there is no formal rule against certifying forests or CoC companies in areas where armed conflict is prevalent, in practice this does not happen. In such areas, Certification Bodies cannot operate safely and also [Accreditation Services International](#) (ASI), the supervising body, cannot safely execute its controls.

With regard to point 2d, “sanctions imposed by the UN Security Council or the Council of the European Union on timber imports or exports”, the only country against which the EU still has a timber import ban is Myanmar (Burma). This ban was suspended for a year in April 2012 and will most likely be lifted. However, there is no FSC forest or CoC certification in that country. Regarding the United Nations, we are not aware of any sanctions relevant to timber, since those on Liberia were lifted.

The new Advice Note (‘ADVICE-40-004-11: Trade and customs laws’, published in FSC-DIR-40-004, and related to CoC) is relevant here in case of such sanctions. This Advice Note says that “FSC Certificate Holders exporting and/or importing timber or timber products shall have procedures in place to ensure that the commercialization of FSC certified products comply with all applicable trade and custom laws”, and it includes in the scope of this advice “bans, quotas and other restrictions on the export of timber products (e.g. bans on the export of unprocessed logs or rough-sawn lumber)”. This would also cover international bans, if they appear.

With regard to point 2e, “complexity of the supply chain of timber and timber products”, if your direct supplier of FSC certified products (and/or CW materials) carries an FSC CoC certification then you (as the operator) can be reassured that the supply chain prior to your supplier is completely covered by FSC certification. FSC requires all Certificate Holders (throughout the supply chain) to control the validity and certification scope of their suppliers with each purchase.<sup>12</sup>

Therefore, if you trust the FSC system in relation to the country of harvest and/or species involved, you can consider the risk of illegal timber to be ‘negligible’ and, in our view, you do not need to collect further information (such as the specific region or concession of harvest). But you will have to be prepared to defend this decision to an inspector of the competent authority when he or she visits you. See our advice on this in Part 3. Only time will tell whether the EU authorities regard FSC as reliable, regardless of the country of harvest and the complexity of the supply chain.

Please note the following:

*FSC is currently evaluating whether it can and should take action with regard to a difference between the definitions of ‘waste’ as used by the EU and by FSC. FSC considers “pre-consumer reclaimed materials from **secondary** manufacturing” as waste, while the EU defines part of this (e.g. sawdust, wood chips, off-cuts from untreated wood) as by-products for which the legality of harvesting needs to be investigated. So if a covered product imported into the EU with an ‘FSC Mix’*

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<sup>12</sup> See: FSC-STD-40-004-V2-1: FSC Standard for Chain of Custody Certification, clause 3.2.2





*or 'FSC Recycled' claim contains such materials, the certificate does not ensure verification of the legal nature of these materials. Such verification can be very difficult, unless this secondary manufacturer is working exclusively with FSC certified materials/CW. In this case you need to assess for yourself whether you can and should exert extra due diligence.*

*This problem does not exist for reclaimed materials coming from **primary** manufacturing, because these are considered by FSC as co-products as well, and the origin is checked as with certified materials/CW. According to experts from the paper industry, the problem does not exist for paper either, because all recycled inputs, including production waste, are considered as 'waste' by the EU waste legislation and are exempt from control.*

### 3. The risk mitigation obligation

If step 2 has led to the conclusion that the risks are 'negligible', then there is no need for risk mitigation.

## Part 3: How to justify the use of the FSC scheme as presented above

We expect that most competent authorities will evaluate for themselves whether or not the FSC scheme complies with their requirements for use of risk assessment and risk mitigation. At present, we cannot foresee whether they will make their evaluation public.

Neither can we foresee whether the competent authorities will decide that FSC certification is in compliance, irrespective of where the timber comes from or whether they will require evidence of extra precautions for specific high-risk countries of harvest.

In time, the answers to these concerns will become evident, but you should be ready to explain why FSC is sufficiently robust.

Below we provide assistance by answering in turn the following four questions that were published by the EU in the Guidance Document for the EUTR (it is likely the competent authority will work with the same list).

#### Questions:

1. Are all the requirements in Article 4 of the Commission implementing Regulation (EU) No. 607/2012 fulfilled?
2. Are the certification or other third-party-verified schemes compliant with international or European standards (e.g. the relevant ISO<sup>13</sup> guides, ISEAL<sup>14</sup> codes)?
3. Are there substantiated reports about possible shortcomings or problems of the third-party-verified schemes in the specific countries from which the timber or timber products are imported?

<sup>13</sup> International Organization for Standardization.

<sup>14</sup> International Social and Environmental Accreditation and Labeling Alliance.

4. Are the third parties that are making the checks and verifications referred to in Article 4 (b)(c) and (d) of the Commission implementing Regulation (EU) No. 607/2012 independent accredited organizations?

Answers:

1. **Are all the requirements in Article 4 of the Commission implementing Regulation (EU) No. 607/2012 fulfilled?**

#### **Article 4: Risk assessment and mitigation**

Certification or other third party verified schemes ... may be taken into account in the risk assessment and risk mitigation procedures where they meet the following criteria:

- a. They have established and made available for third party use a publicly available system of requirements, which system shall at the least include all relevant requirements of the applicable legislation;
- b. They specify that appropriate checks, including field-visits, are made by a third party at regular intervals no longer than 12 months to verify that the applicable legislation is complied with;
- c. They include means, verified by a third party, to trace timber harvested in accordance with applicable legislation, and timber products derived from such timber, at any point in the supply chain before such timber or timber products are placed on the market;
- d. They include controls, verified by a third party, to ensure that timber or timber products of unknown origin, or timber or timber products which have not been harvested in accordance with applicable legislation, do not enter the supply chain.

Assessment of FSC compliance with these four criteria will be addressed in turn below.

Readers will note the FSC use of the tool of 'Advice Notes' on several occasions. Such Advice Notes are binding upon the entity they are written for. This instrument is used to intervene quickly (albeit with respect to the internal rules of consultation of the membership). The Advice Notes are compiled in Directives and published on the FSC website. Normally, Advice Notes are integrated into Standards when these are being reviewed.

Article 4, criteria a: *They have established and made available for third party use a publicly available system of requirements, which system shall at the least include all relevant requirements of the applicable legislation.*

FSC compliance: All relevant requirements of the applicable legislation regarding forest management units are covered in the FSC Principles & Criteria and its implementing

measures, such as National Standards, Controlled Wood Standards and Advice Notes.

Sources:

- > FSC-STD-01-001: [FSC Principles & Criteria](#) (especially Principle 1)
- > [National Standards](#)
- > FSC-STD-40-005: [FSC Standard for Company Evaluation of FSC Controlled Wood](#)
- > FSC STD-30-010: [FSC Controlled Wood Standard for Forest Management Enterprises](#)
- > [Advice Notes on applicable legislation](#)
- > [ADVISE-40-004-11: Trade and customs laws \(published in FSC-DIR-40-004\)](#).
- > FSC has a formal and functioning policy of transparency. See [www.fsc.org](http://www.fsc.org)
- > FSC-PRO-01-001: [FSC Procedure for the development and revision of normative documents](#)

Article 4, criteria b: *They specify that appropriate checks, including field-visits, are made by a third party at regular intervals no longer than 12 months to verify that the applicable legislation is complied with.*

FSC compliance: FSC requires annual checks, including field visits, for all types of forest management certificates covering single or multiple forest management units. 'Annual' does not imply exactly every 12 months – the intervals may be somewhat longer to allow for some flexibility, considering the heterogeneity of local conditions in natural production systems, but that does not reduce the impact of such field visits.

FSC has made an exception to the annual field visit requirement for certain SLIMF certificates (Small and Low Intensity Managed Forests). The allowance for a reduced frequency for field visits only applies to cases where no 'significant forest activities' are taking place and where no 'corrective actions' or compliance issues are outstanding. We submit that this exception has no practical consequences for the ability of the FSC certification scheme to prevent illegally harvested timber from entering the EU market in the form of any product covered by the EUTR. For more information, see: FSC-STD-20-007-V3-0-EN: [FSC Forest Management Evaluations Standard](#), clause 6.3.

Annual field visits are required for FSC CoC certificates. See: FSC-STD-20-011-V1-1-EN: [Accreditation Standard for Chain of Custody Evaluations](#), chapter 13.

Article 4, criteria c: *They include means, verified by a third party, to trace timber harvested in accordance with applicable legislation, and timber products derived from such timber, at any point in the supply chain before such timber or timber products are placed on the market.*

FSC compliance: Certification Bodies verify compliance with applicable legislation through their annual audits. FSC has produced Advice Notes to clarify to the Certification Bodies, the Forest Management Certificate Holders, the CoC Certificate Holders and the Companies doing a Controlled Wood Risk Assessment, which legislation needs to be complied with. The verification of compliance with trade and customs laws by companies exporting from countries of harvest is going to happen as a consequence of the Advice Note dated 27 February 2013 on trade and customs laws.

Furthermore, FSC launched an Advice Note on 1 November 2012, expanded on 27 February 2013, to facilitate relevant information exchange between the Certificate Holders and the



operators. And the information on compliance with the applicable legislation is verified on an annual basis by the Certification Bodies.

Sources:

- > ADVICE-20-007-17: Applicable national and local laws and regulations (published in FSC-DIR-20-007-V3-0: FSC Directive on Forest Management Evaluations)
- > ADVICE-40-004-10: Access to information and ADVICE-40-004-11: Trade and customs laws (both published in FSC-DIR-40-004: FSC Directive on Chain of Custody Certification)
- > ADVICE-40-005-19: Applicable national and local laws and regulations for Controlled Wood risk assessment (published in FSC-DIR-40-005: FSC Directive on Controlled Wood)
- > All of the above can be found on the [FSC web page on ensuring compliance with timber legality laws](#).

Article 4, criteria d: *They include controls, verified by a third party, to ensure that timber or timber products of unknown origin, or timber or timber products which have not been harvested in accordance with applicable legislation, do not enter the supply chain.*

So far, FSC has been accepting the presence of 'minor components'. However, in order to comply with the EUTR (as well as the US Lacey Act and Australian Illegal Logging Prohibition Act), FSC has launched two Advice Notes to ensure that 'minor components' are phased out in products covered by these laws. For EU covered products the phase-out deadline is 3 March 2013. Furthermore, FSC has adopted an Advice Note on 'non-conforming products' to ensure that information about the possible existence of uncertified elements is provided to clients.

Furthermore we advise you to refer to the obligation of Certificate Holders to check the validity and certification scope of your suppliers with each purchase. As this system of control is implemented throughout the supply chain, the risk that non-certified material can be introduced in an irregular manner is negligible.

Source:

- > Advice Note ADVICE-40-004-08 and 40-004-09 (published in FSC-STD-40-004-V2-1-EN: [FSC Standard for Chain of Custody Certification](#), clause 3.2.2, see also: [FSC Certificate Database](#)).

**2. Are the certification or other third-party-verified schemes compliant with international or European standards (eg. the relevant ISO guides, ISEAL codes)?**

FSC compliance: The FSC certification scheme is based on ISO Guide 65. [ASI](#) evaluates the compliance of the implementation of the FSC scheme against ISO Guide 65, and accredits Certification Bodies if they are compliant. FSC is also a full member of ISEAL, and to become a member it had to demonstrate compliance with ISEAL norms, including the Impact Code.

**3. Are there substantiated reports about possible shortcomings or problems of the third-party-verified schemes in the specific countries from which the timber or timber products are imported?**



FSC assistance: This is a question you need to answer in relation to the specific countries involved in the supply chain towards you, but in particular the countries of harvest.

FSC has a special [stakeholder portal](#) on its website where you can find information about ongoing and closed disputes around FSC certificates brought forward by stakeholders. On that stakeholder portal, one can also find information about current and past assessments of certified forest management units, as well as of Certification Bodies (mainly done by ASI).

The information is not arranged by country. If this information is not sufficient, you can approach the FSC National Offices or the Quality Assurance Unit at the FSC office.

**4. Are the third parties that are making the checks and verifications referred to in Article 4 (b)(c) and (d) of the Commission implementing Regulation (EU) No. 607/2012 independent accredited organizations?**

FSC compliance: The Certification Bodies that verify compliance with FSC certificate criteria are legal entities, independent from FSC. They are being accredited by ASI, a 'fourth party' that is contracted by FSC to do this accreditation and also to evaluate such Bodies. While ASI is owned by FSC, it has an independent management structure.

## **Part 4: References and links**

### **EU documents and other non-FSC sources**

EU Timber Regulation (legal text and annex with list of products)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:295:0023:0034:EN:PDF>

European Commission's web page to introduce the EU Timber Regulation

<http://ec.europa.eu/environment/eutr2013/>

Guidance Document for the EU Timber Regulation

[http://ec.europa.eu/environment/forests/pdf/Final\\_Guidance\\_document.pdf](http://ec.europa.eu/environment/forests/pdf/Final_Guidance_document.pdf)

List of competent authorities

[http://ec.europa.eu/environment/forests/pdf/list\\_competent\\_authorities.pdf](http://ec.europa.eu/environment/forests/pdf/list_competent_authorities.pdf)

CPET website – 'Which timber products are and are not covered?'

<http://www.cpet.org.uk/eutr/timber-and-timber-products>

Accreditation Services International

<http://www.accreditation-services.com/>



## **FSC documents and web pages**

FSC web page on timber legality

<https://ic.fsc.org/timber-legality.492.htm>

With a link to: Information for non-EU companies regarding the EUTR

FSC web page on EU Timber Regulation

<https://ic.fsc.org/timber-regulation.46.htm>

With a link to: Questions & Answers about FSC and the EU Timber Regulation (document available in several languages)

FSC web page on Ensuring Compliance with Timber Legality Requirements

<https://ic.fsc.org/ensuring-compliance.493.htm>

With a link to: FSC DIR 40-004: FSC Directive on Chain of Custody Certification, version 27 February 2013

This document includes:

ADVICE-40-004-08: Non-conforming product

ADVICE-40-004-09: Minor components derogations

ADVICE-40-004-10: Access to information regarding species and origin of timber

ADVICE-40-004-11: Trade and customs laws

With a link to: FSC-ADV-30-010-01: Applicable National and Local Laws and Regulations for Controlled Wood for Forest Management Enterprises

With a link to: FSC-DIR-40-005: FSC Directive on FSC Controlled Wood

This document includes:

ADVICE-40-005-19: Applicable national and local laws and regulations for Controlled Wood risk assessment

With a link to: FSC-DIR-20-007: FSC Directive on FSC Forest Management Evaluations

This document includes:

ADVICE-20-007-17: Applicable national and local laws and regulations

FSC Certificate Database – to check whether suppliers have valid certificates

<http://info.fsc.org>

[Global Forest Registry](http://www.globalforestregistry.org/): tool for risk assessment of countries/regions within countries

<http://www.globalforestregistry.org/>

FSC-STD-01-001-V4-0-EN: FSC Principles & Criteria (especially Principle 1)

<https://ic.fsc.org/download>

[fsc-std-01-001-v4-0-en-fsc-principles-and-criteria-for-forest-stewardship.a-315.pdf](https://ic.fsc.org/download/fsc-std-01-001-v4-0-en-fsc-principles-and-criteria-for-forest-stewardship.a-315.pdf)

National Standards

<https://ic.fsc.org/national-standards.247.htm>

FSC-STD-40-005-V2-1-EN: FSC Standard for Company Evaluation of FSC Controlled Wood

<https://ic.fsc.org/download/fsc-std-40-005-v2-1-en-fsc-standard-for-company-evaluation-of-fsc-controlled-wood.a-535.pdf>





FSC STD-30-010-V2-0-EN: FSC Controlled Wood Standard for Forest Management Enterprises  
<https://ic.fsc.org/download.fsc-std-30-010-v2-0-en-fsc-controlled-wood-standard-for-forest-management-enterprises.a-530.pdf>

FSC policies on transparency

FSC-PRO-01-001-V2-0-EN: FSC Procedure for the Development and Revision of Normative Documents

<https://ic.fsc.org/download.fsc-pro-01-001-v2-0-en-the-development-and-approval-of-fsc-social-and-environmental-international-standards.a-502.pdf>

Controls and field checks

FSC-STD-20-007-V3-0-EN: FSC Forest Management Evaluations Standard, clause 6.3.

<https://ic.fsc.org/download.fsc-std-20-007-v3-0-en-forest-management-evaluations.a-524.pdf>  
and:

FSC-STD-20-011-V1-1-EN: Accreditation Standard for Chain of Custody Evaluations, chapter 13

<https://ic.fsc.org/download.fsc-std-20-011-v1-1-en-accreditation-standard-for-chain-of-custody-evaluations.a-527.pdf>

Regular control of validity and scope of certificates by the buyer:

FSC-STD-40-004-V2-1-EN: FSC Standard for Chain of Custody Certification, clause 3.2.2

<https://ic.fsc.org/download.fsc-std-40-004-v2-1-en-fsc-standard-for-chain-of-custody-certification.a-574.pdf>

Current and closed complaints can be viewed at the FSC stakeholder portal

<https://ic.fsc.org/stakeholder-portal.8.htm>

FSC National Offices

<https://ic.fsc.org/index.htm>

Quality Assurance Unit FSC

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Bonn, 13 March 2013

