



FSC Advice Note

Title	FSC-ADV-31-001 Interpretation of C10-9
Date	03-DEC-2002 (updated 1 st January 2003)
Status	Approved
Advice sought on	<p>FSC Criterion 10.9 states that “Plantations established in areas converted from natural forest after November 1994 normally shall not qualify for certification. Certification may be allowed in circumstances where sufficient evidence is submitted to the certification body that the manager/owner is not responsible directly or indirectly of such conversion”.</p> <p>An FSC National Initiative has submitted a standard for FSC endorsement which would permit certification of plantations converted between November 1994 and the end of 2001 (the date of approval of the standard at national level), subject to specific requirements to restore the converted area to a more natural condition. Conversion after 2001 is not permitted except in the circumstances already described in 10.9.</p> <p>Advice is sought as to whether this is permissible within the meaning of Criterion 10.9.</p>

FSC Advice

1. As a matter of principle FSC should seek to allow interpretation at the national level where this is supported by national stakeholders, where the issue is one of interpretation rather than non-compliance, and where the proposal is supported by the FSC Board or relevant Board Committee.

Basis for advice

1. Criterion 10.9 says that certification ‘normally’ shall not qualify for certification. The Criterion then provides one instance in which an exception is permitted. The question of interpretation is whether this instance is *the only* possible exception, or whether it is one example of an exception. A case can be made for either interpretation.
2. The ‘Introduction to the FSC Principles and Criteria’ (2000) states that ‘Differences and difficulties of interpretation of the P&C will be addressed in national and local forest stewardship standards’. The Secretariat proposes that as a matter of principle FSC should seek to allow interpretation at the national level where this is supported by national stakeholders and where the issue is clearly one of interpretation rather than non-compliance, and where the proposal is supported by the FSC Board or relevant Board Committee.
3. In this case the Secretariat considers the issue to be one of interpretation. The proposed national standard meets the requirement that certification of converted forest not ‘normally’ permitted, and accepts that in the case of a plan to reconvert the forest area to a natural condition an exception may be made, for those areas converted to plantation prior to 2001.
4. The Board Standards Committee has informed the Accreditation Unit that it is minded to

accept the NI's interpretation, subject to advice from the Secretariat.

References

FSC-STD-01-001 FSC Principles and Criteria for Forest Stewardship