Frequently Asked Questions

EUDR ALIGNED: FAQ ON FSC REQUIREMENTS

FAQ on normative changes proposed in FSC Regulatory Module, FSC Risk Assessments and system wide changes
Updated: August 19, 2024

FSC **FORESTS**™ **FOR ALL FOREVER**

INTRODUCTION

FSC is developing solutions to facilitate FSC certificate holders' efforts in demonstrating compliance with EU Regulations such as the European Union Deforestation Regulation, EUDR. One solution includes a modular approach to certification through the development of the FSC Regulatory Module—a comprehensive and adaptive extension to existing certification standards incorporating EUDR-specific criteria, definitions, documentation, and verification processes.

The FSC Regulatory Module is not a standalone but rather a voluntary standard to be used in addition to current FSC certification requirements for forest management, chain of custody and controlled wood and to be optimally used in conjunction with other parts of EUDR Aligned. The FSC Regulatory Module also includes accreditation requirements for certification bodies to verify conformity of certificate holders against the voluntary standard.

An integral part of EUDR Aligned and the implementation of the FSC Regulatory Module is the application of FSC Risk Assessments. The FSC Risk Assessments are based on <FSC-PRO-60-006b V2-0 Risk Assessment Framework>, a revision process already started in 2021 and now complete.

In addition, FSC has developed a set of proposed normative changes in Advice Notes, which are applicable across the FSC system and based not solely on EUDR alignment but further alignment with <FSC-POL-01-007 Policy to Address Conversion> as well.

This set of FAQs is to support understanding of the set of requirements comprising FSC Aligned Certification for EUDR.

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1. Requirements Development Process

1.1 I participated in the public consultation, what happened with my feedback?

FSC has developed Consultation Reports to review and indicate how feedback was addressed in the final draft. You can find the summaries of the Consultation Reports for the Regulatory Module and system-wide changes <u>here</u> and the Risk Assessment Framework <u>here</u>. The full Consultation Reports can be found <u>here</u>:

- <u>Consultation Report for FSC-STD-01-004 FSC Regulatory Module</u>
- <u>Second Consultation Report for FSC-PRO-60-006b FSC Risk Assessment Framework</u>
- <u>Consultation Report for Advice Notes</u>

The Consultation Reports are published on the applicable process pages here:

- <u>FSC Regulatory Module</u>
- <u>FSC Risk Assessment Framework</u>

1.2 Where can I find the links for the related requirements? (updated)

All requirements have been published on 1 July 2024 so certificate holders have time to implement FSC requirements and tools as soon as possible. The requirements are immediately effective for any certificate holders applying the FSC Regulatory Module, while the systemic changes and changes to the FSC Risk Assessment Framework include an 18-month transition starting from 1 July 2024 – with an effective date on 1 October 2024 – and ending December 2025. A summary and overview of relevant links and documents can be found here:

Getting certified with the Regulatory Module

Learn more about the Regulatory Module <u>here</u>. Download the module in the Document Centre <u>here</u>.

Supporting documents of the FSC Regulatory Module

FSC has published complementary documents to support the implementation of the FSC Regulatory Module and clarify requirements and alignment with EUDR further. This includes FSC-GUI-40-004a-01 FSC *Product Classification & Harmonized System Codes Alignment* which outlines how FSC product codes align with EUDR's Harmonized System (HS) codes; download the document in FSC's Document Centre <u>here</u>. In addition, related interpretations for <u>chain of custody</u> (INT-STD-40-004-71), <u>controlled wood</u> (INT-STD-40-005-34 & INT-STD-40-005-35) and <u>forest management</u> (INT-STD-01-004_01, INT-STD-01-004_02, INT-STD-01-004_03, INT-STD-01-004_04, INT-STD-01-004_05, INT-STD-01-004_06, INT-STD-01-004_07 & INT-STD-01-004_08) have been published to clarify how FSC's requirements are aligned with related definitions in EUDR. These interpretations have been compiled with a comparison on FSC and EUDR terminology in *FSC Regulatory Module Supporting Materials* <u>here</u>.

Download the FSC Risk Assessment Framework in the Document Centre <u>here</u>.

System-wide changes through Advice Notes

To further tighten the FSC system to deliver deforestation-free products, FSC fast-tracked the implementation of changes from the intention of FSC's Policy to Address Conversion. These changes are in the form of Advice Notes - which will ensure products are deforestation and degradation free in alignment with the EUDR and do not enter the system and become FSC-certified. Additional Advice Notes for chain of custody and controlled wood users are included to support the implementation of the Regulatory Module and align with global best practices. The following Advice Notes have been published and are immediately effective for users of the FSC Regulatory Module:

- ADVICE-20-007-24 *Deforestation-free products from FSC-Certified management units*
- ADVICE-20-007-02 *Certification of Primary Forests*
- ADVICE-40-004-26 *Inclusion of the FSC Regulatory Claim*
- ADVICE-40-005-27 *Use of FSC-PRO-60-006b Risk Assessment Framework*
- ADVICE-20-001-19 *Evaluation of the use of FSC-PRO-60-006b Risk Assessment Framework*

1.3 What are the transition dates? (updated)

The transition timeline differs between the FSC Regulatory Module and the Advice Notes that are applicable across the FSC system.

The FSC Regulatory Module is effective immediately on 1 July 2024 so that certificate holders applying the module can implement the requirements and tools immediately. There is no transition timeline for the FSC Regulatory Module.

The Advice Notes applicable across the FSC system became effective immediately on 1 July 2024 for those certificate holders that are applying the FSC Regulatory Module.

For all other certificate holders, the Advice Notes are effective on 1 October 2024 with a transition end date of 31 December 2025.

1.4 What other resources are available for me to better understand FSC's response to the EUDR alignment and these normative requirements?

FSC has published a range of supplementary materials to understand the upcoming requirements and offerings. They are as follows:

- Webpage to find the resources and information on the FSC Regulatory Module is here. This includes infokits, webinar recordings, the Simplified Risk Assessment template and more.
- Webpage to find the resources and information on FSC's Risk Assessment Framework is here. This includes the Risk Assessment Template, infokit, a quick guide on risk assessment development and tutorials for using the Risk Assessment Template and more.
- Interactive user journey webpage to understand the FSC Regulatory Module requirements based on user type at https://www.fsc-eudr-journey.org/
- Resources on overall on how FSC is aligning with EUDR on the dedicated EUDR Aligned webpage here: www.fsc.org/eudr.

2. General system-wide certification requirements

2.1 I am not in the EU nor do I trade with the EU, are there changes relevant for me? (updated)

Yes, FSC has developed some Advice Notes that are relevant across the FSC system. To further tighten the FSC system to deliver deforestation-free products, FSC fast-tracked the implementation of changes from the intention of FSC's Policy to Address Conversion. These changes are introduced to the existing system in the form of Advice Notes - which will ultimately ensure products are deforestation and degradation free in alignment with the EUDR and do not enter the system and become FSC-certified. Additional Advice Notes for chain of custody and controlled wood users are included to support the implementation of the Regulatory Module and align with global best practices. The following Advice Notes have been published and are immediately effective for users of the FSC Regulatory Module:

- ADVICE-20-007-24 *Deforestation-free products from FSC-Certified management units*
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- ADVICE-40-004-26 *Inclusion of the FSC Regulatory Claim*
- ADVICE-40-005-27 *Use of FSC-PRO-60-006b Risk Assessment Framework*
- ADVICE-20-011-19 *Evaluation of the use of FSC-PRO-60-006b Risk Assessment Framework*.

2.2 Why is FSC introducing new requirements for everyone because of EUDR?

The intentions of the EUDR and FSC are already closely aligned. With the introduction of EUDR, FSC is furthering that alignment by accelerating changes already planned based on alignment with the Policy to Address Conversion. As closer alignment with the intention of the Policy to Address Conversion and the continued alignment with global commitments to end deforestation, FSC is now putting in place strict rules that prevent any material stemming from conversion activities to end up in FSC certified products.

3. FSC Regulatory Module general

3.1 Is the FSC Regulatory Module mandatory? (updated)

No, the FSC Regulatory Module is a voluntary add-on module only. Once the certificate holder includes the Module in its certification scope, the requirements become mandatory. For Forest Management certificate holders it applies to all Management Units (MUs); for Chain of Custody users, certificate holders can choose which product groups it applies to.

FSC has opted for a voluntary approach due to the different levels of impact depending on the company's activities or supply chain. To reduce the effort in demonstrating compliance with the EUDR in the EU supply chain, the certificate holder may request their suppliers to sell material with the Regulatory claim.

3.2 Is the FSC Regulatory Module for EUDR only or other regulations as well?

Currently, the FSC Regulatory Module only addresses the European Deforestation Regulation (EUDR). As further regulatory developments progress, FSC could utilize the module for further regulatory alignments.

3.3 Who is the FSC Regulatory Module relevant for? (updated)

This standard is for voluntary use by organizations applying for or holding FSC certification to extend their certification scope to align with the EUDR. It can be used in addition to all existing certification types and includes accreditation requirements for certification bodies. The FSC Regulatory Module standard focuses on wood, wood-based products and rubber. It can be applied by organizations within and outside the European Union (EU), which in case the latter applies, organizations are exempted to conform with some of the requirements (see Annex 1 of the FSC Regulatory Module).

3.4 How do I know if my products are required under EUDR and can be included in the FSC Regulatory Module? (new)

If you are an FSC Certificate Holder and you would like to know if EUDR applies to you, you can search your product code in the FSC Product Classification & Harmonized System Alignment guidance document in the Document Centre here.

3.5 Can I get certified to the FSC Regulatory Module only?

No, this is not a standalone set of requirements but rather an add-on module. Users must also either already be certified with FSC or selecting to include the FSC Regulatory Module as part of their certification process.

3.6 If I use the FSC Regulatory Module is it then required that all companies in our supply chain also follow this new standard?

No, each company in the supply chain can choose to include the Regulatory Module in its certification scope. Nevertheless, there are benefits to having a 'fully verified supply chain', as all the necessary data will be available, lowering the demand, effort and risk while conducting the due diligence.

3.7 How can we distinguish between operator and trader in FSC Requirements?

The FSC Regulatory Module includes the definitions for "operator" and "trader" as well as icons to identify which requirement is relevant for which user-type based on the EUDR terminology of "operator", "trader", "SME," and "non-SME."

Note: In order to avoid confusion with the term 'trader' as defined in <u>FSC-STD-40-004 Chain of Custody Certification</u>>, FSC uses the term 'regulatory trader' in the standard when referring to a trader in the meaning of the EUDR.

3.8 How can I get certified to the FSC Regulatory Module? (updated)

Certificate holders need to request for a scope extension from their certification bodies to include the FSC Regulatory Module and at minimum a desk-based audit will need to be done either during the next surveillance audit or as agreed with the certification body (so not only from 1 January 2025).

3.9 Will the FSC Regulatory Module guarantee compliance with EUDR?

No, only competent authorities have the authority to verify compliance with the EUDR. FSC has included additional requirements that can support demonstrating this compliance by aligning FSC requirements with EUDR but the decision still rests solely on the competent authority. Certification bodies will check for conformity with FSC requirements, which can benefit users by having another third-party verifying conformity.

3.10 I'm at the end of the supply chain and we are only using FSC 100% materials and are responsible for compliance with the EUDR. What information will be provided in terms of geolocation and deforestation-free declarations, and who will provide it?

The requirements depend on the user-type (as defined by the EUDR, and reflected in the Regulatory Module), as well on the characteristics of the supply chain. Important to note that 'non-SME Trader' follow the same requirements as 'non-SME Operators'.

While conducting the due diligence, the organization shall obtain the information outlined in Section 4.9 (Due Diligence System – Obtaining information on input material) of the FSC Regulatory Module. The organization may engage with relevant suppliers and sub-suppliers to obtain clear and convincing evidence of conformity.

The Regulatory Module allows for some exemptions on conducting risk assessments (and risk mitigation measures) – see Clauses 4.8.2 and 4.8.3, and Section 4.13. For situations where it's not applicable, and for FSC 100% products, the organization can use FSC's <u>Simplified Risk Assessment Template</u>.

3.11 Will all materials with a Regulatory claim need to be from FSC 100% or can they still be from other sources as long as the processes of sorting certified from uncertified material are carried out?

The Regulatory claim can be used associated to any FSC claim (except FSC Recycled - out of scope), and it may be used in all control systems (i.e., transfer, percentage, credit). Materials within the Regulatory Module scope have to be physically segregated from those not included (if applicable).

For non-certified material to be included in the Regulatory Module scope, certificate holders are to conform with <FSC-STD-40-005 Requirements for Sourcing Controlled Wood> plus the requirements in the Regulatory Module for chain of custody users.

3.12 If I get certified to the FSC Regulatory Module and use FSC Trace, what is the gap then to having a full due diligence system in compliance with EUDR? Will FSC provide templates for a due diligence systems?

The combination of the FSC Regulatory Module with the FSC Trace (see here for more FSC Trace information) is the stronger solution for the certificate holder. If suppliers/sub-suppliers also apply this combination of FSC tools it is considered the ideal situation to reduce burden and human error, and thus reducing the risk of circumvention of the EUDR, risk of origin and the risk of mixing. Companies can benefit from a detailed description on what to consider when assessing the risk by using FSC Risk Assessments in conformity with <FSC-PRO-60-006b Risk Assessment Framework>.

3.13 How will the FSC Regulatory Module be applicable in supply chains that are not certified from end to end or in areas where a product moves from a certificate holder using the FSC Regulatory Module to an uncertified company? (updated)

The FSC Regulatory Module is not required to be implemented by every certificate holder in the supply chain. If a non-certified company takes legal ownership of the FSC-certified / Regulatory claimed material, it will lose its certification status (as any other FSC-certified material). If a certificate holder further down the supply chain wishes to include the material as an eligible input under a Regulatory product group, the existing requirements apply (FSC-STD-40-005 in addition to FSC-STD-40-004), as well as the requirements under the FSC Regulatory Module.

3.14 Does the FSC Regulatory Module come with an extra fee? (new)

No. FSC does not charge an additional fee for the Regulatory Module. However, the module contains extended requirements that require additional audit. The type of evaluation (e.g., on-site audit, document-based, field visit) will vary depending on the specific situation. Therefore, there will be additional costs from certification bodies (CBs) to conduct the extended evaluation. The costs for auditing will depend on the CBs' service fee and the actual scope of the evaluation that the CBs have to perform as mentioned above.

3.15 Can we have an in-person meeting with the FSC EUDR team to talk about your offering and get personal advice on the best solution for our company? (new)

Unfortunately, due to limited capacity, we are unable to meet with each company individually. Please contact the FSC regional and national offices for more information and advice on how to become certified and include the FSC Regulatory Module in your scope of certification.

3.16 Can FSC provide me with the geolocation data of products/orders/shipments from a FSC certified company? (new)

As a certification system, we build and maintain the FSC certification system using FSC standards, procedures, policies and supporting tools. However, we do not have access to our certificate holders' harvest or supplier information due to confidentiality and trade secrets. Please engage and work directly with your suppliers to obtain the necessary information.

If the certificate holders are users of the FSC Regulatory Module, they are required to collect the geolocation information and make it available to downstream operators and traders upon request.

3.17 Will there be detailed instructions for different industries (i.e. sawmills, papermills, printers and publisher, furniture manufacturer, etc.)? (new)

Obligations under the EUDR are not industry specific. They are based on the company's role in the supply chain (i.e., operator or trader) and whether the company is classified as an SME or non-SME. Since the FSC Regulatory Module mirrors the requirements of the EUDR that are relevant for certificate holders, it works with the same logic.

The FSC Regulatory Module includes the definitions for "operator" and "trader" as well as icons to identify which requirement is relevant for which user-type based on the EUDR terminology of "operator", "trader", "SME," and "non-SME."

NOTE: A single organization can either be classified as SME or Non-SME. However, an organization may act as an operator or a trader at the same time, depending on the position in the supply chain. The type of organization might further differ between different product groups.

3.18 How can I differentiate between a classic FSC certificate holder and a certificate holder with the Regulatory Module in their scope?

Regulatory Module users will have the new standard added (and claims Regulatory/Regulatory+) to their scope of certification - which will be displayed in the FSC certificate database.

3.19 We are not placing the relevant products on the EU market. Therefore, we will only be responsible for information gathering - would it still be beneficial to use the FSC Regulatory Module?

Yes, it would be beneficial for example if you expect your clients to need and ask for the information or would like to make sure your products are easy to place on the EU market for new clients. This will help your clients to comply with the EUDR requirements.

4. Forest Management Regulatory Module

4.1 Do I need to make significant changes to my practices to conform with the FSC Regulatory Module?

The FSC Regulatory Module has been developed to minimize the effort for forest management certificate holders building on the groundwork already done to achieve FSC Forest Management Certification.

The EUDR requires that due diligence is exercised to demonstrate that the products are deforestation-free and have been produced according to the relevant legislation of the country of production.

While FSC requirements, including the new ADVICE-20-007-24 *Deforestation-free products from FSC certified management units*, cover these aspects and there are not additional changes to forest practices required, EUDR (and therefore the module) requires activities, such as collection of information, risk assessments and risk mitigation measures, issuance of a due diligence statement, maintenance of records, etc.

The module supports forest management certificate holders to demonstrate that several of these aspects are covered by FSC certification, while minor efforts are still needed.

4.2 Do forest managers need to use the FSC Risk Assessments? (updated)

FSC has provided a Simplified Risk Assessment Template which serves:

- To support certificate holders to assess the risk if no FSC Risk Assessment exists, and
- To demonstrate that FSC Forest Management Certification is a solution to achieve no or negligible risk, if a non- negligible risk has been identified in the FSC Risk Assessment or the company risk assessment.

4.3 Are there different requirements for Controlled Forest Management under the Regulatory Module?

Certificate holders applying the Controlled Forest Management standard will have to conform with the same requirements as forest management certificate holders.

4.4 What about forest management groups?

The FSC Regulatory Module includes supplementary requirements regarding how the standard is implemented in a group set up. This includes, for example, how responsibilities are divided or how the internal monitoring system has to be adapted. All group members are obliged demonstrated conformity with the FSC Regulatory Module, if this is to be included in the scope.

4.5 Isn't conformity to an FSC Forest Stewardship Standard for a certified area enough proof for compliance with EUDR? Why is a risk assessment required for an FSC forest management certified area?

This would argue for a green lane for forest management certification which is not acceptable for EU authorities - formal steps of information gathering, risk assessment and mitigation are required in all

cases of non-negligible risk. However, FSC considers demonstrated conformity to a national Forest Stewardship Standard as a way to achieve negligible risks. Should this this not be the case, it may be a risk mitigation measure that would contribute to non-negligible risks being effectively mitigated.

4.6 How does FSC define "deforestation-free"?

The term "deforestation-free" is not explicitly defined in the FSC system. FSC definitions of conversion and degradation together with FSC Interpretations #INT-STD-01-004_01, #INT-STD-01-004_02, #INT-STD-01-004_04 and #INT-STD-01-004_05 published in <Forest Management Interpretations>, and ADVICE-20-007-24 Deforestation-free products from FSC certified management units and ADVICE-20-007-02 Certification of primary forests published in <FSC Directive on Forest Management Evaluations> provide the clarification and normative connection to the EUDR definition for full alignment.

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5. Chain of Custody Regulatory Module

5.1 What are the biggest changes for chain of custody users?

Following the provisions of the EUDR, FSC's Regulatory Module includes specific requirements depending on your organization's position in the supply chain. (i.e., Operators and Traders). One new aspect that was introduced is the development and implementation of a Due Diligence System (DDS) that includes at a minimum the collection of information, a risk assessment, and risk mitigation processes. FSC has also introduced a new output claim (i.e., 'Regulatory') for products sold through the FSC Regulatory Module. As a result, certificate holders that are not using the FSC Regulatory Module can voluntarily decide to add the Regulatory claim to their scope.

5.2 If I am not implementing the FSC Regulatory Module are there still changes I need to make?

FSC is introducing a systemic change so that non-users of the FSC Regulatory Module have clear requirements for the purpose of controlling the Regulatory output claim. The organization may choose to use the Regulatory claim in sales documentation (followed by the FSC claim), provided that the provisions in the new advice note are met.

5.3 Do I need to update my due diligence system every time I collect more information?

The purpose of a due diligence system (DDS) is to assess and mitigate the risk of sourcing material from unacceptable sources. At a minimum the organization has to annually review (and revise if necessary) and address changes that may affect the relevance, effectiveness or adequacy of the DDS. As long as those changes do not occur (e.g., in supply area, type of products, species), the organization is not required to change its DDS every time it collects information.

5.4 What is my responsibility around information from my suppliers?

You are always responsible for the plausibility and accuracy of the information collected no matter where your supplier is based, inside or outside the European Union (EU). EUDR is only applicable to organizations that operate or trade in the EU, so if your supplier is outside of the EU they are not required to be compliant with the EUDR. Hence, a higher level of evaluation may be needed to determine their products' compliance.

5.5 What is the relationship between EUDR's Harmonized Codes and FSC's product types? (updated)

The Harmonized System (HS) codes are a standardized numerical method of classifying traded products. FSC product types are a general description of outputs based on the classification system specified in FSC-STD-40-004a. FSC standards apply to all products within the forest matrix, while the EUDR requires the reporting of specific HS codes, detailed in EUDR Annex I.

This means that not every FSC-certified organization will fall under the provisions of the EUDR, but for those who trade in products that are listed in Annex I, compliance with the EUDR will be required. To bridge the gap between HS codes and FSC Product Classification, FSC has published a guidance tool <FSC-GUI-40-004a> so that organizations can match both classifications.

5.6 Does a due diligence risk assessment happen annually or per shipment? If annually and I am creating a new product, how can I include my annual volume summary as I might not know how much I'll buy? (new)

As mentioned in 5.3 of this document, the DDS as a system has to be maintained up-to-date, and be reviewed (and revised if necessary) at least annually and whenever changes occur (see Clause 4.8.5 of the FSC Regulatory Module). The inclusion of a new product is considered a change to the DDS, and would therefore require a risk assessment. Per se, the risk assessment does not need to change for each shipment, but that is an assessment based on the collection of information (see Section 4.9 of the FSC Regulatory Module).

The annual volume summary (see Clause 4.4 of FSC-STD-40-004 V3-1), refers to the previous reporting period. The ongoing collection of input information will be used to conform with the referred clause and Clause 4.4.1 of the FSC Regulatory Module.

5.7 If someone has FSC Mix claim rather than FSC 100% and they are sourcing from low-risk countries, do they follow a simplified due diligence or a more detailed Risk Assessment? (updated)

Simplified due diligence (as described in Section 4.13 of the FSC Regulatory Module) can be applied to any FSC claim (except FSC Recycled – out of scope), provided the conditions in the section are met. In addition to the EUDR three-tier risk system, the certificate holder needs to consider the risk designation from the applicable FSC Risk Assessment. Risk still needs to be mitigated if any non-negligible risk (in the FSC Risk Assessment) or any information on substantiated concerns is found. Nonetheless, the certificate holder has to always assess the risk of mixing (Clause 4.10.7) and, where applicable, implement proportionate risk mitigation measures.

5.8 Which control system can be used with the Regulatory Module?

The Regulatory Module can be used for all control systems (transfer, credit, percentage). However, regardless of the control system used, a product group shall not have non-eligible inputs (non-controlled under the provisions of the Regulatory Module).

5.9 How can I mitigate the risk of mixing?

The assessment of the risk of mixing aims to avoid mixing with materials of unknown origin or produced in areas where deforestation or forest degradation has occurred or is occurring. The risk of mixing includes the stages of transport, processing and storage. It depends on the supply chain itself, but shall include, at minimum, the stage of processing of the products and the complexity of the supply chain (e.g., the number of tiers of suppliers, geographies in which suppliers are located, size and type of supplier's operations).

5.10 As an FSC Chain of Custody certificate holder we make products both with and without FSC Mix material. To what extent can we use the FSC Regulatory Module to support our compliance with the EUDR if not all products are a part of the FSC Chain of Custody?

Within the certification, the organization may choose which product groups are included in the scope of the FSC Regulatory Module. Between FSC-certified and non-FSC-certified products, the latter ones are outside of the FSC scope (and thus, outside the scope of the Regulatory Module), and are not be assessed by the certification body (nor can be promoted as being in conformity with the FSC requirements). In any case, the FSC Regulatory Module is a public tool that companies can use for their reference.

5.11 How will the non-certified part of FSC Mix products be assessed for conformity? Will FSC Mix be able to meet the requirements of EUDR or will additional documentation be required?

For sourcing FSC Mix or FSC Controlled Wood materials/products, the certificate holder has to conduct the risk assessment (and, where applicable, risk mitigation measures), using the applicable FSC Risk Assessment based on <FSC-PRO-60-006b Risk Assessment Framework> (if available). When not available, the certificate holder has to conduct its own risk assessment, according to the requirements of the referred procedure. Together with the system-wide changes, the certificate holder will be able to use the FSC system as a tool for compliance.

5.12 What is the actual difference between 'regulatory traders' and 'traders'? Do regulatory traders need to meet the same requirements as the rest of traders?

FSC uses the term 'regulatory trader' in the FSC Regulatory Module when referring to a trader in the meaning of the EUDR. It aims to avoid confusion with the already existing term 'trader' within the FSC system, which means 'not conducting any transformation of a product'.

5.13 How can I implement the FSC Regulatory Module for mixed materials under credit & percentage systems? (new)

The FSC Regulatory Module maintains the concept presented in FSC-STD-40-004, where product groups are based on the eligibility criteria of the inputs received. All inputs included in the scope of certification of the FSC Regulatory Module must adhere to the requirements of this standard, regardless of whether they are certified or non-certified. See Table 3 of the FSC Regulatory Module for more information.

5.14 If CoC Certificate Holders source FSC 100% material during the transition period of the system-wide changes, it is not automatically considered deforestation-free. Are Certificate Holders still responsible to check it? (new)

Yes. For FSC 100% input material, the organization can conduct the risk assessment using the simplified risk assessment template provided by FSC (see also 4.2 of this document), which significantly reduces the workload for organizations compared to other FSC-claimed or controlled materials.

Under the EUDR, organizations are required to conduct due diligence regardless of the application of a third-party certification system, such as FSC.

6. FSC Risk Assessments

6.1 What are the major changes proposed to <u>process</u> requirements for Risk Assessments? (updated)

To align with EUDR, apart from CW, risk assessments are now also applicable to Forest Management and Chain of Custody certificate holders aiming to conform with the FSC Regulatory Module. In addition, the following are key process-related changes specified in <u>\<FSC-PRO-60-006b Risk Assessment Framework\></u>:

a) The process requirements have been streamlined considering the need for ensuring that the requirements can be followed by other organizations participating in the Risk Information Alliance (further information under the following link: <u>www.riskinformationalliance.org</u>).

b) Experts shall be consulted on the draft risk assessment (including but not limited to selected indicators), if:

    i.   there are limited publicly available sources of information to evaluate the indicator and to reach a risk conclusion;

    ii.   there are doubts on how risk conclusions shall be graded (e.g., whether the risk is widespread, systematic, etc.); and

    iii.   input is needed to establish mitigation measures.

c) Establishment of mitigation measures where 'non-negligible risks' are identified. In addition, the following requirements have been added: i. In centralized type of processes, only recommended mitigation measures can be established; and ii. Mandatory mitigation measures are only possible to be established by a chamber balanced WG when developing or revising a risk assessment through a major type of process.

d) In addition to a complete review and eventual revision every 5 years, annual review of the comments received from stakeholders on published FSC risk assessments to ensure that the applicable legislation, risk designations and mitigation measures are up to date. The responsible organization shall decide if a revision should be done immediately or if the information can be stored and included during the scheduled revision instead.

For further information on key process related changes, please read the crosswalk document released together with the <u>\<FSC-PRO-60-006b V2-0 Risk Assessment Framework\></u> under the following link: <u>https://connect.fsc.org/current-processes/revision-risk-assessment-framework-procedure-fsc-pro-60-006b</u>.

6.2 What are the major changes proposed to <u>content</u> requirements for Risk Assessments? (updated)

The main changes proposed to content requirements can be summarized under the following aspects:

a) **A common set of indicators:** FSC Risk Assessments now include 64 indicators instead of 32 indicators. Although there is an increase in the number of indicators, the topics covered are mostly the same (e.g. legality assessment, human and labour rights, HCVs, conversion, GMO, etc.). The requirements have structurally changed through how the proposed indicators are written.

b) **Assessment of conversion** is now aligned with the <u>FSC-POL-01-007 Policy to Address Conversion</u> as well as EUDR. Indicator 55 is fully aligned with EUDR, assessing conversion from natural forests and transformation of plantations to agricultural use including adopting the precautionary approach to assess the risk of conversion. Therefore, a 'non-negligible' risk designation for conversion is applied as a default. Risk assessments developed by a chamber-balanced working group may change the risk designation through data analysis demonstrating that conversion has not taken place in the area under assessment since 31 December 2020.

An additional indicator (56) has been added to assess conversion from natural forests to land uses other than agriculture to ensure alignment with the FSC Policy to Address Conversion, which includes a numerical risk threshold of 0.02% gross annual loss of natural forest area.

c) **Assessment of forest degradation:** A new indicator (57) introduces the assessment of forest degradation: *There is no forest degradation since 31 December 2020,* including a numerical 'non-negligible' risk threshold to assess this indicator: *The degradation since 31 December 2020 in the area under assessment is more than 0.02% of the total natural forest area on average per year*.

A definition on forest degradation has been added in the section 'Terms and Definitions'. The definition of the term 'natural forest' is based on FSC definition, but the approach to assess this indicator is based on EUDR requirements.

d) **Intact Forest Landscape boundaries** may be updated by using other forms of best available information (in addition to the Global Forest Watch maps), such as historical harvesting documentation, existing Forest Stewardship Standard (FSS) frameworks, maps and external data provided by independent organizations, scientists and experts.

For further information on key content related changes, please read the <u>FSC-GUI-40-005 Crosswalk of Indicators between Risk Assessment Framework V1-0 and V2-0</u>, and the crosswalk document released together with the <u>FSC-PRO-60-006b V2-0 Risk Assessment Framework</u> under the following link: <u>https://connect.fsc.org/current-processes/revision-risk-assessment-framework-procedure-fsc-pro-60-006b</u>.

6.3 Do these Risk Assessments assess risk at country level or product level? (updated)

Risk Assessments can limit the scope of assessment to a country, a region that is part of a country, or a region that covers more than one country, as well as to specific products (e.g. timber, rubber, specific NTFPs, and more) and to some of the indicators that are specified in <u>FSC-PRO-60-006b V2-0 Risk Assessment Framework</u>.

6.4 How do the revised Risk Assessments incorporate the protection of Indigenous Peoples' rights?

Indigenous Peoples rights are covered by the risk assessment indicators, including assessment of legal compliance, as well as those rights covered by ILO provisions and the United Nationals Declaration on the Rights of Indigenous Peoples (UNDRIP), including Free, Prior and Informed Consent (FPIC).

6.5 Who can use FSC Risk Assessments – do I need to be certified? (updated)

With the <FSC-PRO-60-006b V2-0 Risk Assessment Framework> anybody can use the FSC Risk Assessments; there is no requirement for certification.

6.6 When will the FSC Risk Assessments be available? (updated)

The <FSC-PRO-60-006b V2-0 Risk Assessment Framework> was published on 1 July 2024. FSC is working to have 20 prioritized FSC Risk Assessments revised and available in 2025. Stay up-to-date on the development of FSC Risk Assessments through the FSC Country Requirements schedule here.

6.7 Which countries are prioritized?

FSC has identified 20 priority countries. They are as follows (listed alphabetically): Austria, Brazil, Canada, Chile, China, Estonia, Finland, France, Germany, Indonesia, Latvia, Poland, Portugal, Romania, Spain, Sweden, Türkiye, United Kingdom, Ukraine and USA. FSC will publish related announcements on the process page here.

6.8 After the first/prioritized Risk Assessments have been developed, how can national chamber balanced processes influence the development of Risk Assessments in the long run? (updated)

In practice, we are moving forward with a centralized approach for the revision of prioritized FSC Risk Assessments. Nevertheless, a chamber-balanced process to develop or revise FSC Risk Assessments will always be a possibility.

It is also important to highlight that during the development or revision of a FSC Risk Assessment done through a centralized approach, SDGs (where they exist) will be invited to participate in the consultation.

6.9 Is there anything I can do to support the development of a FSC Risk Assessment in my country? (updated)

Stakeholders are encouraged to provide inputs during consultation for the development or revision of an FSC Risk Assessment. In addition, stakeholders and experts will have the possibility to continuously provide inputs to published FSC Risk Assessments and share information through an online platform provided by FSC regarding applicable legislation, risk designations and mitigation measures.

Furthermore, FSC will be seeking to identify experts to support the development or revision of FSC Risk Assessments in prioritized countries.

6.10 How can I conduct an EUDR-aligned risk assessment with FSC while waiting for new or revised FSC Risk Assessments? (updated)

If there is no updated FSC Risk Assessment available in the country/region, companies aiming to conform with the FSC Regulatory module will have to develop an extended company risk assessment following the requirements under <FSC-PRO-60-006b V2-0 Risk Assessment Framework>, including a template provided by FSC which can be found under the following link: https://connect.fsc.org/fsc-risk-assessments.

Please see Part 4 'Forest Management Regulatory Module' of this document regarding the template provided by FSC to be used by FM and 100% CoC certificate holders to assess the risk if no FSC Risk Assessment exists.

6.11 Will existing National Risk Assessments developed based on FSC-PRO-60-002a be eligible to use for the FSC Regulatory Module? (updated)

No, only FSC Risk Assessments developed in accordance with <FSC-PRO-60-006b V2-0 Risk Assessment Framework> are to be used within the FSC Regulatory Module.

6.12 Where can I find the current list of country risk assessments and level of risk for each? (new)

You can access to the FSC Risk Assessment Platform which contains the risk designation per indicator of each of the current 60 Controlled Wood Risk Assessments under the following link: https://connect.fsc.org/chain-custody-certification/fsc-risk-assessment-platform

The previous Framework to develop them is here: https://connect.fsc.org/document-center/documents/f9a1c869-a5fc-4eee-8056-fab239230596

You can also search for the PDF document of each of the existing Controlled Wood Risk Assessments in the Document Centre, under the following link: https://connect.fsc.org/document-centre

Nevertheless, the results of the revised FSC Risk Assessments will only be available for the first 20 prioritized countries in 2025.

6.13 Will FSC Risk Assessments support bringing FSC Mix into compliance with EUDR? (updated)

The requirements specified under <FSC-PRO-60-006b V2-0 Risk Assessment Framework> have been revised to ensure alignment with EUDR. FSC Risk Assessments developed or revised according to this procedure also apply to CW users, both to regular users and to those aiming to conform with the FSC Regulatory Module as a supporting tool for company's compliance with EUDR.

6.14 What's the relationship between the FSC Risk Assessments and the "Risk Information Alliance"? (updated)

FSC has formed an alliance between partners facing similar challenges around developing risk assessments through the Risk Information Alliance. This Risk Information Alliance will foster global sustainability leadership by collaborating with other sustainability leaders with a focus on developing a single, standardized Risk Assessment framework that will benefit both certified and non-certified companies. The Risk Information Alliance aims to streamline the development of requirements and decision-making processes. However, <FSC-PRO-60-006b V2-0 Risk Assessment Framework> still allows the development of risk assessments through chamber-balanced working groups; thus building flexibility and a means of fast-tracking risk assessment development with new avenues. Learn more about the Risk Information Alliance at www.riskinformationalliance.org.

6.15 How do FSC Risk Assessments go beyond EUDR? (updated)

FSC includes environmental and social values through indicators that already existed in our previous framework for Controlled Wood Risk Assessments which comprise key requirements for the FSC system. Those requirements have been maintained. For example, the assessment of High Conservation Values, child labour including related rights as specified in ILO Fundamental Principles and Rights at Work, Genetically Modified Organisms (GMO), among others.

More specifically, how the requirements specified under indicators in <FSC-PRO-60-006b Risk Assessment Framework> go beyond EUDR is explained below:

a) 57 out of the 64 indicators were part of previous version of the Framework (<FSC-PRO-60-002a FSC National Risk Assessment Framework>). Minor adjustments have been made to go beyond the legal requirements and assess the sustainability aspects. This implies 89% of the requirements retained to ensure stability of the system.

b) 5 new indicators included to cover the <FSC-POL-01-007 Policy to Address Conversion> and EUDR.

c) 2 new indicators included to assess sustainability aspects, in line with FM requirements focusing on: i. minimize the adverse impact on environmental values from development and maintenance of infrastructure, and ii. workers' health and safety.

For further information, please read the <FSC-GUI-40-005 Crosswalk of Indicators between Risk Assessment Framework V1-0 and V2-0>, and the crosswalk document released together with the <FSC-PRO-60-006b V2-0 Risk Assessment Framework> under the following link: https://connect.fsc.org/current-processes/revision-risk-assessment-framework-procedure-fsc-pro-60-006b.

7. Regulatory Module Accreditation Requirements

7.1 What is the role of certification bodies?

Certification bodies are verifying certificate holders' conformity to the certification requirements of the FSC Regulatory Module.

7.2 How will these requirements be phased in? (updated)

The application of the FSC Regulatory Module requires an extension of the certification scope of certificate holders. This means that certificate holders need to make a request for scope extension to their certification body. At minimum certification bodies will need to conduct a desk check of the certificate holders' documentation (e.g. procedures) before the scope extension is made (Clause 8.2.1 of the FSC Regulatory Module).

7.3 Will certification bodies need to seek additional accreditation to audit against the Regulatory Module? (updated)

As a prerequisite, certification bodies must have controlled wood (CW) in their accreditation scope. Certification bodies need to signal to ASI once they are ready from their side to offer verification against the Regulatory Module. ASI will then do a desk audit or combine the audit with a head office assessment in case the timing coincides. The extension of the accreditation scope to include the FSC Regulatory Module is voluntary.

7.4 Will there be training for certification bodies for the FSC Regulatory Module?

FSC is not planning to provide formal training to certification bodies on the FSC Regulatory Module but will be supporting the introduction and alignment process with FSC and between certification bodies by organizing workshops in Q4 2024 and in the following year. The FSC Regulatory Module accreditation requirements will be similar to the existing accreditation requirements and will not require key new competences from the certification bodies.

7.5 Can auditors qualified for schemes other than FSC audit the FSC Regulatory Module?

No, this will not be possible as the FSC Regulatory Module is not designed to ensure independent certification and accreditation against the module but works in conjunction with regular FSC certification and accreditation. Auditors will need to demonstrate the qualifications and trainings as required by <FSC-STD-20-001 General requirements for FSC accredited certification bodies> and <FSC-PRO-20-004 General requirements for an FSC Training Programme>, that are designed specifically for FSC.

7.6 What is the role of certification bodies in working with Competent Authorities? (new)

The Regulatory Module includes a general requirement for certification bodies to respond to Competent Authority requests for information concerning the EUDR compliance of their clients. This is to facilitate the collaboration where needed.

In practice the Regulatory Module foresees little direct interaction with Competent Authorities, as it is the core responsibility of the certificate holder to exchange with Competent Authorities, e.g. when the certification body detects a major non-conformity with the Regulatory Module. When the Competent Authority detects a non-compliance with the EUDR it is expected that the certificate holder is informed who is then required to notify the certification body. In such cases the certification body is expected to check whether the identified non-compliance constitutes a non-conforming product according to the Regulatory Module and if confirmed to suspend the certificate holder.

EUDR Aligned: FAQ on FSC Requirements
FAQ on normative changes proposed in FSC Regulatory Module, FSC Risk Assessments and system wide changes Updated: August 19, 2024

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