

Public report
on the assessment of

certification scheme
FSC International -
new Pesticide Policy
(request for advice from September 2019)

against the Dutch legal sustainability criteria
for solid biomass for energy applications

by the

Advisory Commission on Sustainability
of Biomass for Energy Applications

December 2019

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1 Introduction

1.1 Dutch sustainability criteria for solid biomass for energy applications

In September 2013 more than 40 Dutch government bodies, companies and non-governmental organisations endorsed the National Energy Agreement for Sustainable Growth. Part of this Agreement deals with targets for the more sustainable use of energy in the years 2020 and 2023. Bio-energy plays an important role in meeting these targets. It was also agreed that sustainability criteria would be formulated for the large-scale application of biomass for cofiring in coal-fired power plants, and that these sustainability criteria would include forest management and climate aspects like greenhouse gas emissions, carbon debt and indirect land use change.

A working group with representatives from energy companies, environmental organisations and the government has further developed the sustainability criteria into principles and underlying criteria. As from 2015 these principles and criteria have been included as a condition in the subsidy regulation SDE+ for cofiring and for production of industrial steam from wood pellets, and from beginning 2018 these principles and criteria are laid down in environmental legislation. In order to demonstrate compliance with these principles and criteria, companies need to demonstrate that the biomass used fully meets the legal requirements. This can be achieved by use of approved certification schemes and/or by use of the verification protocol approved for this purpose by the Dutch minister of Economic Affairs and Climate Policy (minister of EZK).

1.2 The advisory commission sustainability biomass for energy applications

The independent advisory commission on sustainability of biomass for energy applications (further in this document “commission” or “advisory commission”) has been installed by the Dutch government. The commission advises the minister of EZK on the extent to which certification schemes comply with the sustainability criteria in the Dutch legal *‘regeling conformiteitsbeoordeling vaste biomassa voor energietoepassingen’*. The commission only gives advice on request of the minister, who receives applications for approval of certification schemes and has to decide on the approval. The minister of EZK will approve certification schemes per individual sustainability criterion, and will only approve schemes which address all management criteria. The use of a certification scheme leads to one or a number of claims (for instance the claim “FSC 100%”). The commission will advise which Dutch legal sustainability criteria are covered by each claim of the scheme.

Energy companies can use the approved certification schemes and their claims to demonstrate that the solid biomass which they use complies with the Dutch legal sustainability criteria, either as “sustainable biomass” or as “controlled biomass”. Demonstrating compliance is a condition for receiving subsidy from the so-called [SDE+ subsidy scheme](#) for certain applications of solid biomass. Certification schemes might not be approved for all sustainability criteria. In this case a combination of two or more certification schemes and/or a combination of certification and verification might be required to show compliance with all Dutch legal sustainability criteria.

1.3 Readers guide

In chapter 2 of this report the assessment procedure of the advisory commission plus the application by FSC International (new Pesticide policy) and the timeline of the assessment are briefly explained. Chapter 3 gives the assessment and the advice. This report comes with one annex listing the abbreviations that are used in this report.

2 FSC application and procedure plus timeline of the assessment

2.1 History of applications by FSC International

FSC International made an earlier application for approval in December 2017. In November 2018 FSC International was approved for “all countries and regions with P&C V5 FSC approved and effectuated National and Regional Forest Stewardship Standards” by the minister of EZK for demonstrating compliance to part of the Dutch sustainability criteria. This decision was based on an advice by the advisory commission from October 2018. The advice by the commission (in English) and the decision by the Minister of EZK (in Dutch) are published [on this webpage](#) (Dutch). The advice by the commission is also published [on this English webpage](#).

Decisions by the minister of EZK are based on a limited set of scheme documents that is listed in the decision. When a new or an updated scheme document is published, the approval decision is not valid for the new or updated scheme document. As a result, the scheme manager should request approval for the new or updated scheme document. The minister of EZK will then publish a new decision.

In September 2019 the FSC International scheme manager made an application to the Dutch minister of EZK in which an update of the approval of FSC International is requested that includes the new FSC Pesticides Policy (version 3.0) without changing the scope of the approval.

The following FSC scheme documents were submitted as part of the request for approval:

- [FSC-POL-30-001 \(V 3-0\)](#) FSC Pesticides Policy
- [FSC-POL-30-001a EN \(May 2019\)](#) FSC Lists of highly hazardous pesticides

2.2 Assessment procedure for modified or additional scheme documents

FSC International sent a request for approval regarding a new set of scheme documents which replace documents from an earlier version of the scheme that was approved by the Dutch minister of EZK. For this kind of application the following procedure was followed.

The commission started with making an assessment whether or not the changes are substantial and if they might change the earlier judgement, thus forming a draft judgement. Then, the commission decided whether or not stakeholders would be invited to submit external input. For this application the commission decided to ask stakeholders for input as the commission concluded that stakeholder input might be relevant for the commission’s judgement. As a result the commission followed its regular procedure: the commission asked stakeholders for input and subsequently the commission formed a preliminary judgement. As no stakeholder input was received this preliminary judgement was the same as the draft judgement. The preliminary judgement was sent to the scheme manager for a reaction, after which the commission came to a final judgement and to an advice.

The current application of the certification scheme FSC International was assessed using version 2.4 of the assessment protocol and using the above summarised procedure. This procedure is described in further detail in the “toetsingsprotocol” (assessment protocol) that can be found on the [website of the advisory commission](#). The assessment protocol is available in Dutch language only. An English summary of the assessment procedure can be found on [this webpage](#).

2.3 Timeline of the assessment

The commission received the request for advice on the FSC International application on September 19, 2019 and completed a draft judgement on October 18, 2019. On that same date, the commission decided to open stakeholder input. The commission came to its preliminary judgement on November 21 which was sent to the scheme manager on November 22. The FSC International scheme manager did not make use of the possibility to give comments on the preliminary judgement.

On December 10, 2019, the commission came to its final judgement which is described in this report. The commission sent its advice to the minister of EZK on December 11, 2019. This advice consists of a cover letter plus this report.

2.4 External input

Stakeholders have been given the opportunity to submit external input to the commission from October 22 to November 19, 2019 (see also paragraphs 2.2 and 2.3). For this application by the certification scheme FSC International no external input was received.

3 Assessment and advice

3.1 Assessment on management criteria

A certification scheme can only be approved if the scheme complies with all management criteria. In its earlier advice from October 2018, the commission concluded that FSC International complies with all Dutch management criteria. In this paragraph it is assessed whether FSC International has followed its own procedures when preparing the updated scheme documents. This concerns management criteria 2, 4 and 5. The commission concluded that for management criteria 1, 3, 6, 7 and 8 the current judgement is the same as the judgement in the commissions’ public assessment report from October 2018. The table below contains the commissions’ renewed judgement on the management criteria 2, 4 and 5. The conclusion from the advisory commission is that FSC International still complies with all eight Dutch management criteria.

Management criterion (“regeling conformiteitsbeoordeling vaste biomassa voor energiedoelinden”)		Commissions’ judgement on whether FSC International complies with the management criteria	Score
2	The development of the scheme is transparent and participation in the process of development of the scheme is open to anyone.	The commission observed that the procedures for development or updates of the scheme are described clearly in FSC-PRO-01-001 V3-1. This document is available online through the FSC document centre . Scheme development is therefore considered transparent. The commission also noted that FSC International has published details on the process that led to the new FSC pesticide policy: see this web page (consulted 2019-10-02). For the development of the new FSC pesticide policy, two rounds of stakeholder consultation have been organised: 31 July - 29 October 2017 on the first draft of the revised policy and 15 May - 15 July 2018 on the second draft. As a result, the commission concludes that management criterion 2 is still fully addressed by FSC International.	3
4	It can be demonstrated that during the development of the scheme and as part of the scheme management expertise of the sustainability requirements covered by the scheme is applied.	FSC’s scheme development procedures specifically mention that expert knowledge is a requirement in the working groups that are developing the scheme, for instance in FSC-PRO-01-001 V3-1 (criteria 3.9 and 3.13). The commission also noted that FSC International has published details on the process that led to the new FSC pesticide policy: see this web page (consulted 2019-10-02). This web page lists the composition of the working group and technical experts preparing the new policy. As a result, the commission concludes that management criterion 4 is still fully addressed by FSC International.	3
5	The scheme is publicly available or accessible under fair, reasonable and non-discriminatory conditions.	The new documents are available online through the FSC document centre . The commission concludes that management criterion 5 is still fully addressed by FSC International.	3

3.2 Assessment on sustainability criteria (claim “FSC 100%”)

FSC International has recently updated its Pesticide Policy. This change might have an effect on the commissions’ judgement on whether FSC International (P&C V5) addresses the second part of Dutch sustainability criterion 8.7 which reads “Pesticides classified as Type 1A and 1B by the World Health Organisation and chlorinated hydrocarbons are not permitted”. The commission came to its earlier judgement as part of its advice on FSC International, which was completed in October 2018.

The commission has looked into the history and developments of the 2005 FSC Pesticide policy. The commission also looked into the FSC criteria on pesticides in FSC P&C V4 and FSC P&C V5, at the indicators on pesticides in the International Generic Indicators (IGI’s), at the FSC pesticide derogation procedure, at details of derogations granted over the last 10+ years and at the FSC Alternatives database.

The FSC Pesticides policy was introduced in 2002 with an update in 2005. After an initial rise in the number of derogations and active components for which derogations were granted, these numbers decreased in the period from 2011/2012 to 2015/2016 and have been more or less stable since then. The advisory commission concluded that under the last four years of the 2005 FSC Pesticide policy the use of highly hazardous pesticides (HHPs) was stable in terms of number of derogations, in terms of number of countries in which HHPs were used by FSC certified forest owners/managers, and in terms of the number of active components used.

The commission has contacted the FSC International scheme manager with a number of questions. FSC International informed the commission on the rationale behind the recent change of the FSC's pesticides policy to version 3.0 with effective date of August 1, 2019. An important argument considered by the commission was that the former derogation procedure showed a number of deficiencies, one of them being *"No real prohibition or phase-out of chemical pesticides, allowing companies to hold onto HHP use"*.

The commission has further looked into the rationale behind changing the policy and has studied the new policy in which the Environmental and Social Risk Assessments (ESRA's) play a key role. The commission concluded that the new policy puts a strong focus on finding alternatives for the use of HHP's and that FSC International implemented an online database for information exchange on alternatives and monitoring procedures. As a result the commission has no reason to believe that the new policy will lead to an increase in the use of HHPs.

The commission concludes that it maintains its advice that FSC International (P&C V5) largely addresses Dutch sustainability criterion 8.7. It concludes that the use of pesticides classified as Type 1A and 1B by the World Health Organisation (WHO) and chlorinated hydrocarbons is prohibited by FSC P&C V5 criterion 10.7 and IGI 10.7.2 plus the FSC Pesticide policy and the FSC list of Highly Hazardous Pesticides in which the WHO Type 1A and 1B and chlorinated hydrocarbon pesticides are listed. Only through derogations (up to August 2019) and through ESRA's (from August 2019 onwards) the use of restricted and highly restricted HHPs can be allowed in specific and well defined situations. The commission has concluded that only a limited number of WHO Type 1A and 1B and chlorinated hydrocarbon pesticides are being used by FSC certified companies, that the new policy puts strong focus on phasing out HHPs by finding alternatives for this use by focussing on the lowest risk option to control a pest, weed or disease. As a consequence the use of HHPs is expected not to increase under the new policy. As a result, the commission concludes that the second part of the criterion is largely covered by FSC and that Dutch criterion 8.7 is largely addressed by FSC International.

The commission adds the following note to its conclusion: FSC International is currently developing new IGI's on pesticides use and expects to publish these IGI's in 1 to 2 years. As a result, the commission expects to re-evaluate the FSC International pesticides policy in 2020 or 2021 when FSC International submits the new IGI document for approval. As part of that procedure the commission will ask FSC International to report on the impact (first period) of the new Pesticide policy and on whether the HHP use by FSC-certified forest owners/managers has changed and in which direction.

3.3 Assessment on sustainability criteria (claim "FSC Controlled Wood")

FSC International is also partly approved for controlled biomass. The approval decision followed the commissions' advice, see the public assessment report on FSC International from October 2018 that can be downloaded from [this web page](#).

As part of the current assessment, the commission concluded that the new FSC Pesticide Policy does not have any influence on the claim "FSC Controlled Wood" and on the advice of the commission on this claim.

The commission adds one further clarification to its earlier advice on FSC International from October 2018. This clarification is that also group management (the two criteria under principle P11 of the Dutch sustainability system) can be used to demonstrate that biomass is Dutch controlled biomass.

3.4 This advice concerns the FSC claims FSC 100% and FSC Controlled Wood

In the FSC certification scheme, a number of different output claims are used:

- FSC 100%
- FSC Mix x% / FSC Mix credit
- FSC Recycled x% / FSC Recycled Credit
- FSC Controlled Wood

For this assessment the FSC claims FSC Recycled x% / FSC Recycled Credit are not relevant as these claims are on recycled/reclaimed material that is Dutch biomass category 5. The claims FSC Mix x% and FSC Mix credit are used when biomass materials are mixed. The commission has earlier concluded that FSC does not comply with the Dutch sustainability requirements on mixing (in Dutch criterion 12.5, for more details see the commissions' assessment on criterion 12.5 in paragraph 4.3 of the [public assessment report on FSC International](#)). This advice was taken over in the approval decision and as a result the Dutch recognition for FSC International on the CoC criteria under principles P12 and P13 does not include the claims FSC Mix x% and FSC Mix credit. For this same reason, this current advice is on the claims FSC 100% and FSC Controlled Wood, and not on any of the other FSC output claims.

3.5 Commissions' advice

The commission advises to approve FSC International for the claims FSC 100% and FSC Controlled Wood for the same sustainability criteria, biomass categories and geographical scope as the earlier advice from October 2018, but this time based on the updated list of scheme documents. This updated list of scheme documents consists of the following documents:

- FSC-POL-30-001 (V3-0) FSC Pesticides Policy
- FSC-POL-30-001a EN FSC Lists of highly hazardous pesticides
- FSC-PRO-01-005 (V3-0) Processing appeals
- FSC-PRO-01-008 (V2-0) Processing complaints in FSC certification scheme
- FSC-PRO-01-009 (V3-0) Processing policy for association complaints in the FSC® certification scheme
- FSC-STD-01-001 (V5-2) FSC Principles and Criteria for Forest Stewardship
- FSC-STD-01-002 (2017) FSC Glossary of terms
- FSC-STD-20-001 (V4-0) General requirements for FSC accredited certification bodies
- FSC-STD-30-005 (V1-0) FSC Standard for Group Entities in Forest Management Groups
- FSC-STD-30-010 (V2-0) FSC Controlled Wood Standard for Forest Management Enterprises
- FSC-STD-40-004 (V3-0) Chain of Custody Certification
- FSC-STD-40-005 (V3-1) FSC Requirements for Sourcing FSC Controlled Wood
- FSC-STD-60-004 (V1-0) International Generic Indicators
- FSC-STD-60-006 (V1-2) The development and revision of National Forest Stewardship Standards

The first document listed above (marked grey) comes in place of a number of documents in the former approval of FSC International. These are:

- FSC-POL-30-001 (2005) FSC Pesticides Policy
- FSC-PRO-30-001 V1-0 EN Pesticide Derogation Procedure
- FSC-PRO-30-001a EN List of approved derogations for use of HHP
- FSC-STD-30-001 (V1-0) Indicators and thresholds for the identification of 'highly hazardous' pesticides (HHP)
- FSC-STD-30-001A (2017) FSC List of 'Highly hazardous' pesticides

4 Documents used for the assessment of certification scheme FSC International

4.1 Documents submitted by the scheme manager as part of the request for approval

1. [FSC-POL-30-001 \(V 3-0\)](#) FSC Pesticides Policy
2. [FSC-POL-30-001a EN \(May 2019\)](#) FSC Lists of highly hazardous pesticides

4.2 Additional documents and webpages used in the assessment

3. FSC-POL-30-001 (2005) FSC Pesticides Policy
4. FSC-PRO-01-005 (V3-0) Processing appeals
5. FSC-PRO-01-008 (V2-0) Processing complaints in FSC certification scheme
6. FSC-PRO-01-009 (V3-0) Processing policy for association complaints in the FSC® certification scheme
7. FSC-PRO-30-001 V1-0 EN Pesticide Derogation Procedure
8. FSC-PRO-30-001a EN List of approved derogations for use of HHP
9. FSC-STD-01-001 V4-0 EN FSC Principles and Criteria
10. FSC-STD-01-001 (V5-2) FSC Principles and Criteria for Forest Stewardship
11. FSC-STD-01-002 (2017) FSC Glossary of terms
12. FSC-STD-20-001 (V4-0) General requirements for FSC accredited certification bodies
13. FSC-STD-30-001A (2017) FSC List of 'Highly hazardous' pesticides
14. FSC-STD-30-005 (V1-0) FSC Standard for Group Entities in Forest Management Groups
15. FSC-STD-30-010 (V2-0) FSC Controlled Wood Standard for Forest Management Enterprises
16. FSC-STD-40-004 (V3-0) Chain of Custody Certification
17. FSC-STD-40-005 (V3-1) FSC Requirements for Sourcing FSC Controlled Wood
18. FSC-STD-60-004 (V1-0) International Generic Indicators
19. FSC-STD-60-006 (V1-2) The development and revision of National Forest Stewardship Standards
20. FSC Dispute Resolution process
21. FSC lists of derogations downloaded from the internet (October 2019):
 - Versions of document fsc-gui-30-001a_v1-0_en "List of approved derogations for use of highly hazardous pesticides (2008-10, 2011-10, 2012-02, 2014-03-24 and 2014-10-27); and
 - Versions of document FSC-PRO-30-001a EN "List of approved derogations for use of HHP" (2016-07-26, 2017-09-04, 2018-05-01, 2019-05-20)
22. FSC Alternatives database: <http://pesticides.fsc.org/strategy-database> (consulted on October 02, 2019)

Annex A – Abbreviations

CoC	Chain-of-Custody
ESRA	Environmental and Social Risk Assessment
EZK	“Ministry of EZK” is the Dutch Minister of Economic Affairs and Climate Policy
FSC	Forest Stewardship Council
HHP	Highly Hazardous Pesticide
IGI	International Generic Indicator
P&C V4	Principles and Criteria version 4
P&C V5	Principles and Criteria version 5
SDE+	A Dutch subsidy scheme (feed-in tariff) for production of renewable energy
WHO	World Health Organisation