

<b>ADVICE-40-004-XX</b>	<b>Pre-consumer reclaimed wood compliance with timber legality legislations</b>
Normative reference	FSC-STD-40-004 V2-1 Clause 3.3.1
Effective date	<b>DRAFT VERSION</b>
Terms & definitions	<b>Pre-consumer reclaimed material:</b> Material that is reclaimed from a process of secondary manufacture or further downstream industry, in which the material has not been intentionally produced, is unfit for end use and not capable of being re-used on-site in the same manufacturing process that generated it.
Background	In early 2012, following a mandate of the FSC Board of Directors, FSC initiated an updating process of its standards to ensure harmonization with the EU Timber Regulation (EUTR) and other timber legality legislations such as the US Lacey Act, FLEGT and the Australian Illegal Logging Prohibition Act. As a result of this process, FSC identified the need of introducing requirements for the control of pre-consumer reclaimed wood (not applicable to wood fiber) in order to ensure FSC's products conformance with EUTR definition of waste materials.
Advice	<ol style="list-style-type: none"> <li>1 All FSC certificate holders located in countries without applicable timber legality legislation that use pre-consumer reclaimed wood in the manufacturing of FSC certified products shall demonstrate that the pre-consumer reclaimed wood sources comply with FSC Controlled Wood requirements as specified in FSC-STD-40-005.</li> <li>2 FSC certificate holders applying this advice, may also apply the requirements for co-products in the ADVICE-40-005-17 to demonstrate the district of origin of pre-consumer reclaimed wood.</li> </ol>

For reference only (the advice below is not under consultation):

<b>ADVICE-40-005-17</b>	<b>Documentation and procedural requirements to demonstrate the geographical district of origin for co-products</b>
Normative reference	FSC-STD-40-005 V2-1 Clause 8.1; ADVICE 40-004-04
Effective date	01 April 2011
Terms & definitions	<i>Company:</i> the legal entity that must comply with FSC-STD-40-005 V2-1 which is either the certificate holder or an applicant for certification.
Background	<p>Companies are required to maintain documentation that demonstrates the district of origin of the material supplied and shall implement a process to verify the authenticity of the documentation. This is a specific challenge for companies using co-products as such reclaimed materials are commonly mixed at early stages within the supply chain and are nearly impossible to be linked to transaction-based invoices.</p> <p>Hence, for co-products the controlled wood requirements had been waived by a specified exemption under FSC-STD-40-004 (Version 1) and subsequently FSC-ADV-40-004 (Version 1 and 2). This exemption will remain until 31 December 2012 for product groups registered as being commercially produced before 01 April 2011. Product groups that are not registered will have to comply with this advice as of the effective date.</p>
Advice	<ol style="list-style-type: none"> <li>1 For co-product inputs, the company shall document the geographical district of origin by proof of purchase from the forest management unit of origin <u>or</u> by a legally effective and enforceable agreement with the supplier of the co-products that includes a statement on the sources of origin.</li> </ol>

	<p>2 A supplier agreement shall be in writing and shall include:</p> <ul style="list-style-type: none"><li>a) The information on the geographical origin (e.g. countries, regions, forest management units) of the supplied co-products which is necessary information for the company's risk assessment. The type of information provided shall match with the geographical scale of the district defined for the company's risk assessment.</li><li>b) A commitment that, in a case where the material is considered as originating from areas with unspecified risk, the supplier will support the company in collecting the information to identify the forest of origin and the whole supply chain relating to that supply.</li></ul> <p>3 In the case of a supplier agreement, the company shall conduct a plausibility check to verify the information on the source of origin provided. These checks shall include at least the following evidential criteria:</p> <ul style="list-style-type: none"><li>– Is the supplied timber species commercially harvested in the declared district (and carries a CITES certificate if required)?</li><li>– Is the type and quality of the supplied material commercially available from the declared district?</li><li>– Are the distance and means of transportation to the company (or to the supplier site in case the supplier is purchasing co-product inputs) consistent with the declared district and economically viable?</li></ul> <p>NOTE: It is the responsibility of the company to evaluate the above criteria and come to a fair and objective judgment regarding the plausibility and reliability of the information provided by the supplier. The precautionary principle should be applied. If the result of the plausibility test is negative, the material cannot be accepted as controlled material input through a supplier agreement.</p>
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