

GUYANA NATIONAL FOREST CERTIFICATION SYSTEM

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ADMINISTRATION OF THE GUYANA NATIONAL FOREST CERTIFICATION SYSTEM



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Foreword

This document has been adapted from PEFC GD 1004:2009 - Administration of PEFC scheme, Issue Number 1.

The PEFC (Programme for the Endorsement of Forest Certification schemes) Council is the worldwide organisation promoting sustainable forest management through forest certification and the labelling of forest-based products.

Products with PEFC claim and or label deliver confidence that the raw material originates from sustainably managed forest.

The PEFC Council provides endorsement of national forest certification schemes which are required to comply with the PEFC Council's requirements and are subject to regular evaluations.

Introduction

The governance of the PEFC scheme is based on the principle of subsidiarity and decentralised organisational structure. The administration of the PEFC scheme is therefore executed by the PEFC National Governing Bodies where they exist or directly by the PEFC Council or other authorised bodies in countries without PEFC National Governing Bodies. In Guyana, the National Governing Body is the Guyana Forestry Commission (GFC).

The PEFC Council is responsible to ensure:

- the harmonised implementation of the PEFC scheme in order to satisfy the needs and expectations of PEFC scheme users; and
- consistency for those users operating in more than one country; and to avoid discrimination of PEFC scheme users operating in different countries.

1. Scope

This Procedure covers the requirements for administering the Guyana National Forest Certification System (GNFCS). The administration tasks are the following:

- a) PEFC notification of certification bodies;
- b) PEFC Logo usage licensing;
- c) operation of the PEFC Registration System; and
- d) complaint and dispute procedures.

The requirements of this Procedure are applicable to the PEFC Council and the GFC which shall operate the tasks above on behalf of the PEFC Council.

2. Normative references

PEFC ST 2001:2009, PEFC Logo usage rules - Requirements

3. Terms and Definitions

3.1 Authorised body

An entity authorised to perform the administration of the PEFC scheme on behalf of the PEFC Council. In the context of Guyana, the GFC as the National Governing Body is the Authorised Body

3.2 Licensing body

An entity responsible for the issuance of the PEFC Logo usage licences. The GFC, as the authorised body, is responsible for the issuing of the PEFC Logo usage licences.

3.3 Notifying body

An entity responsible for the issuance of the PEFC notification of certification bodies. The GFC, as the authorised body, is responsible for notifying the PEFC Council of the certification body(ies) and the accreditation body(ies).

4. General requirements

4.1 The tasks of administering the PEFC scheme (the PEFC notification of certification bodies, the issuance of PEFC Logo usage licences and the operation of the PEFC registration system) are performed by the following bodies:

- a) PEFC Council for the PEFC certifications and PEFC Logo licensing in countries without a PEFC authorised body or
- b) PEFC authorised body for the PEFC certifications and PEFC Logo licensing in countries for which they have been authorised by the PEFC Council.

4.2: In the case of cross-country multi-site chain of custody certification the administration of the PEFC scheme shall be performed by the body responsible for those tasks in the country where the central office of the cross-country multi-site organisation is located.

4.3: The authorised body shall perform the administration of PEFC scheme based on a contract with the PEFC Council. The termination of the contract between the PEFC Council and the authorised body results in automatic termination of all the PEFC notifications and PEFC Logo usage licences issued by the authorised body.

4.4: The GFC, as the PEFC authorised body in Guyana, shall perform the tasks described in clauses 4.1 to 4.3.

5. PEFC notification of certification bodies

5.1: The notifying body (in this case the GFC) shall have written procedures for the PEFC notification which ensure that the scope of the PEFC notification, i.e., type of certification (forest management or chain of custody certification), certification standards and the country covered by the notification, is clearly defined. In the case of Guyana, these are the following:

- i. the Guyana Standard for Sustainable Forest Management;
 - ii. the Group Certification Standard;
 - iii. PEFC ST: 02:2020-Chain of Custody of Forest and Tree Based Products – Requirements
 - iv. Requirements for Certification Bodies operating Certification against the PEFC International Chain of Custody Standard PEFC ST 2003:2020
 - v. PEFC Logo Usage Rules – Requirements (PEFC ST 2001:2009, Second Edition)
 - vi. Requirements for Certification Bodies operating Certification against the GSSF (GY-PROC-2023-01);
 - vii. PEFC Trademarks Rules – Requirements PEFC ST 2001:2020
 - viii. GY-PROC-2023-01 Notification of certification bodies for chain of custody and forest management certifications in Guyana against the requirements of the Guyana National Forest Certification System
 - ix. Standard Setting Procedure (GY-PROC-2023-01)
 - x. Administration of the System by the GFC (GY-PROC-2023-01)
 - xi. Complaints and Appeals Handling Procedures (GY-PROC-2022-01)
 - xii. PEFC Trademarks Rules – Requirements (PEFC ST 2001:2020)
- c) the PEFC notification may be terminated by the GFC in the case of the certification body's non adherence to the conditions of the PEFC notification or in the case of the cancellation of the contract between the PEFC Council and the GFC,
- d) the PEFC notification is based on a written contract between the GFC and the PEFC notified certification body,
- e) the PEFC notified certification body provides the GFC with information on certified entities as required by the PEFC Registration System,
- f) the PEFC notification does not include any discriminatory measures, such as the certification body's country of origin, affiliation to an association, etc.

5.2: The GFC may charge a fee for the PEFC notification. The GFC shall inform the PEFC Council about the level of its PEFC notification fees, when requested.

6. PEFC Logo usage licensing

6.1: Coverage of the PEFC Logo usage licence

6.1.1: The PEFC Logo usage licence shall be issued to an individual legal entity based on the requirements of PEFC ST 2001:2020.

Note: Where the PEFC certification covers several legal entities, for example where group and regional forest certification covers a number of forest owners/managers (independent legal entities) or where multi-site certification covers several sites which are legally independent entities, each legal entity shall apply for its own PEFC Logo usage licence.

6.1.2: The PEFC Council and the GFC may issue a PEFC Logo usage multi-licence to a holder of a multi-site chain of custody certificate, which covers the whole or a part of the multisite organisation provided that:

- a) the central office and the sites are a part of a single legal entity, or
- b) the central office and the sites are a part of a single company with a single management and organisational structure.

Note: The multi-licence cannot be issued to a multi-site chain of custody certificate holder where the sites are independent legal entities without a single management and organisational structure and where the multi-site organisation has only been created for the purpose of the PEFC certification.

6.2: Issuance of PEFC Logo usage licences

6.2.1: The licensing body (GFC) shall have written procedures for the PEFC Logo licensing which ensure that:

- a) the PEFC Logo usage licence is based on a written contract between the licensing body and the PEFC Logo user (forest sector operator)¹,
- b) the PEFC logo user complies with the PEFC Trademark rules (PEFC ST 2001:2020),
- c) the scope of the PEFC Logo usage (logo usage groups) is clearly defined,
- d) the PEFC Logo usage licence can be terminated by the licensing body in the case of the PEFC Logo user's non adherence to the conditions of the PEFC Trademark rules (PEFC ST 2001:2020) or in the case of cancellation of the contract between the PEFC Council and the GFC,

¹ A Forest Sector Operator is a natural person or body corporate registered with and approved by the Guyana Forestry Commission to conduct forestry operation(s). Note 1: An organisation applies for certification under the GNFC and is responsible for complying with the sustainable forest management requirements of the Guyana Standard for Sustainable Forest Management and can be responsible for several defined forest areas.

A manager or owner can also take the role of an organisation.

e) where unauthorised use has taken place, the PEFC Logo usage licence provides for contractual penalty of one fifth of the market value of the products to which the unauthorised logo use relates, unless the PEFC Logo user proves that such unauthorised use was unintentional. In the latter case, the penalty will be limited to 15,000 CHF.

6.2.2: The licensing body shall have a mechanism for the investigation and enforcement of the compliance with PEFC Trademark rules (PEFC ST 2001:2020) and shall take actions, including legal, if necessary, to protect the PEFC Logo trademark.

7. PEFC Registration System

7.1: The PEFC Council and the GFC shall register:

a) holders of the Guyana forest management and chain of custody certificates issued by the certification body with the notification issued by the respective body, including information on PEFC certified products,

b) PEFC Logo users with a licence issued by the respective body,

c) PEFC notified certification bodies.

7.2: The PEFC Council and the GFC shall follow the rules for the PEFC Registration System and other instructions decided by the PEFC Council.

7.3: The PEFC Council and the GFC shall ensure that the collected data can be made publicly available by the GFC and the PEFC Council.

8. Complaints and dispute procedures

8.1: The PEFC Council and the GFC shall have written procedures (Complaints and Appeals Handling Procedures [GY-PROC-2022-01]) for dealing with complaints relating to the governance and administration of the PEFC endorsed certification scheme.

8.2: Upon receipt of the complaint, the procedures shall provide for:

a) acknowledgement of the complaint to the complainant,

b) gathering and verification of all necessary information, validation and impartial evaluation of the complaint, and decision making on the complaint,

c) formal communication of the decision on the complaint and the complaint handling process to the complainant and concerned parties,

d) appropriate corrective and preventive actions.

SPECIMEN

Appendix 1: Contract for administration of PEFC scheme

Contract for administration of PEFC scheme

Between

(1) The Programme for the Endorsement of Forest Certification schemes, hereafter the “PEFC Council”, having its registered office at ICC, 20, Route de Pré-Bois, CH – 1215 Geneva, Switzerland

And

(2) GFC, hereafter “the authorised body”, having its registered office at Lot 1, Water Street Kingston, Georgetown, Guyana.

Whereas “the authorised body” is an entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council;

Whereas the PEFC Council is the governing body of the PEFC scheme;

Now, therefore the above said parties agree to the following:

Article 1: Definitions

1. Administration of PEFC scheme:

This is a set of requirements for the administration of PEFC scheme defined in PEFC GD 1004:2009 which forms part of the contractual documentation and is found in the annex of this contract. PEFC GD 1004:2009 is valid as stated now and as may be from time to time altered by the PEFC Council.

2. Administration tariffs of the PEFC scheme

This forms part of the contractual documentation and is found in the annex of this contract. This is at Appendix 2.

Article 2: Administration of PEFC scheme

1. The authorised body is permitted to issue PEFC Logo usage licences on behalf of the PEFC Council to entities which are located in*****. This also covers the issuance of PEFC Logo usage licences to multi-site organisations whose central office is located in ***** and its sites, located in other countries.
2. The authorised body is permitted to issue PEFC notification to certification bodies operating PEFC forest management and/or chain of custody certification against the PEFC endorsed scheme/standard in *****. This also covers PEFC notification of certification bodies which issue chain of custody certification to multi-site organisations whose central office is located in ***** and its sites located in other countries.
3. The authorised body is obliged to operate the PEFC Registration System.
4. The authorised body is obliged to have complaints and dispute procedures.

The authorised body shall perform the tasks of the administration of PEFC scheme specified in Article 2 in compliance with PEFC GD 1004:2009, as amended.

Article 3: Fees

- 1. The authorised body is obliged to pay a fee(s) based on an invoice issued by the PEFC Council. The amount of the fee(s) is specified in the Administration tariffs of the PEFC scheme and can be changed by the PEFC Council during the validity of the contract. The corresponding change in the contract between PEFC Council and the authorised body concerning the fees takes effect the following year after the PEFC Council has informed the PEFC authorised body, in writing, of the change.

Article 4: Contract termination and penalties

- 2. Either party may terminate the contract with three-month prior notice by a registered letter.
- 3. The PEFC Council may revoke the contract temporarily with immediate effect or terminate the contract with immediate effect if there are reasons to believe that any of the terms of the contract are not being adhered to.
- 4. PEFC Council is not obliged to pay compensation for any costs or other damages which the temporary revocation or termination causes to the logo user.
- 5. Penalties imposed on a PEFC Logo user by the authorised body based on PEFC GD 1004:2009 will accrue to the benefit of the PEFC Council and the authorised body in the manner described hereafter. Reasonable costs, including legal expenses, relating to the discovery and the evidence of the misuse will be paid, out of the penalty amount collected, to the contracting party who disbursed them. Seventy-five percent of the remainder will be allotted to the PEFC Council and twenty-five percent to the authorised body.

Article 5: Arbitration

- 1. This contract is subject to Swiss law
- 2. Any disputes arising out of this agreement shall be finally and exclusively settled by the courts of the Canton of Geneva, subject to a right of appeal to the Swiss Federal Supreme Court.

Signed in duplicate.

Geneva on

For and on behalf of
the PEFC Council

For and on behalf of
the authorised body

Appendix 2: Administration tariffs of the PEFC scheme in Guyana

Annual Fee		
Authorised Body Category	PEFC Logo Licensing (per license)	PEFC notification
GFC	GY\$	GY\$ / hectare of certified forest
		GY\$ CoC certificate

“Ha of certified forest”: forest area in hectares certified by the certification body within the PEFC notification issued by the authorised body.

”C-o-C certificate”: chain of custody certificate issued by the certification body within the PEFC notification issued by the authorised body.