



# Forest Stewardship Council Arbeitsgruppe Deutschland e.V.

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FSC-SECR-0012

## German FSC-Standard

Endorsed by FSC on 28th November 2001, version 28th July 2004

This German FSC-Standard is based entirely on the international FSC Principles and Criteria and thus forms the exclusive basis for the evaluation of enterprises by certification bodies in Germany and is assuring intersection with FSC Standards of other countries.

## Contents

<b>Introduction</b>	<b>3</b>
<b>German FSC-Standard</b>	<b>5</b>
Principle 1: Compliance with Laws and FSC Principles .....	5
Principle 2: Tenure and Use Rights and Responsibilities .....	6
Principle 3: Indigenous Peoples' Rights .....	7
Principle 4: Community Relations and Worker's Rights .....	8
Principle 5: Benefits from the Forest .....	11
Principle 6: Environmental Impact.....	13
Principle 7: Management Plan .....	18
Principle 8: Monitoring and Assessment .....	20
Principle 9: Maintenance of High Conservation Value Forests .....	22
Principle 10: Plantations .....	23
<b>Appendix I: Glossary</b>	<b>24</b>
<b>Appendix II: Addenda to Criteria</b>	<b>29</b>
To Criterion 1.1: Federal and State Laws, Ordinances	29
to Criterion 1.2: Fees, Royalties and Taxes	34
to Criterion 1.3: International Agreements	34
to Criterion 1.4: Possible legal conflicts	35
to Criteria 4.2: Worker health and safety regulations	35
to Criterion 4.3: Right of workers to organize	36
to Criterion 4.4: Notification of Interested Parties	37
to Criterion 4.5: Compensation Regulation	37
to Criterion 5.5: Recreational Use	37
to Criterion 5.6: Determination of the Feasibility of Sustainable Use Levels	37
to Criterion 6.2: Endangered Species and Conservation zones	38
to Criterion 6.3.a3: Management of Wild Game Populations	39
to Criterion 6.5: Forest Access and Drainage	39
to Criterion 6.6: Biocides	40
To Criterion 6.7: Disposal of Substances Harmful to the Environment	40
To Criterion 6.9: Exotic tree species	41
To Criterion 7.1: Forest Planning	41
<b>Appendix III: Group Certification</b>	<b>43</b>
<b>Appendix IV: Changes in the German FSC-Standard</b>	<b>48</b>

## Introduction

The **F**orest **S**tewardship **C**ouncil (FSC) is an international organization which accredits (i.e. authorizes and monitors) certification organizations. The certification organizations evaluate forest enterprises and attest that their management corresponds to the world-wide standard of recognized principles of Forest Stewardship, as established by the FSC. With its trademark the FSC guarantees the authenticity of the certification organizations' claims. The strength of the FSC certification lies in its impartial, independent assessment and control and, thus, in its credibility for the consumers.

The goal of FSC is to promote environmentally responsible, socially beneficial and economically viable management of the world's forests. This comprehensive approach to sustainable forest management can guarantee timber a long term future as a raw material. As a marketing tool, the FSC seal of approval serves as an incentive to forest owners and timber enterprises to credibly demonstrate to consumers of wood products their ecological and social responsibility for the preservation of the world's forests. Conversely, the seal helps consumers demonstrate ecological and social responsibility for forests through their purchasing choices. FSC certification thus creates new avenues for sales and marketing. It encourages action by forward-looking entrepreneurs and it emphasises company responsibility and self-regulation.

The certification process is voluntarily initiated by the forest owners themselves. FSC certification is open to all interested enterprises, regardless of their status. It focuses on evaluating forest management rather than the actual condition of a given forest. FSC and FSC-accredited certification organizations will not insist on immediate perfection in satisfying the Principles and Criteria. More important are the steps taken by forest owners to continuously improve overall management with a view to achieving prescribed goals. Together with the certification body, the forest owner develops management concepts for the realization of defined goals. The certification body will evaluate the implementation of these concepts and the fulfillment of requirements which can be met immediately.

The framework of certification is set by the international "FSC Principles and Criteria", which apply to all forests worldwide. On a national or regional level, they are adapted to the specific ecological, economic and social conditions through a broad process of participation. The process resulted in this final draft which now constitutes the national FSC Standard for Germany.

The wording of the world-wide valid FSC principles is printed in bold letters. Each principle is transferred to German circumstances with a short commentary and explanation of its relevance. This is then followed by a set of criteria which determines if the forestry enterprise manages to fulfil the principles' aim. The successful fulfilment of the criteria is examined by indicators. In appendix I, technical terms are explained for forestry lays people. They are explained and defined in such a manner as it is understood by the guidelines. Additions to the criteria are listed in appendix II.

Following its endorsement by the FSC on 28th November 2001, this national FSC standard forms the exclusive basis for the evaluation of enterprises by certification bodies in Germany. It is integrated into the evaluation procedures of all certification organizations accredited by the FSC for forest certification in Germany.

Certification procedures must be adapted in such a way that they accommodate the small-scale ownership structure prevailing in Germany, thus avoiding a disadvantage for small forest enterprises compared to large forest owners. To this end the FSC provides the possibility of joint certification of several small-scale forest owners (group certification). The

option of group certification and how it can be adapted to the German context is described in the Appendix III.

The work of the FSC Working Group Germany can be seen as a contribution to the discussion on sustainable forest management as initiated by the international community of nations following the Rio conference in 1992. The present draft has been discussed since October 1997 in an open and transparent process within the FSC Working Group Germany and with other interested parties. Comments and discussion results have been incorporated, where possible. Our goal is a broad consensus among participating organizations and individuals. We therefore encourage your active participation in the ongoing discussion in the spirit of the FSC.

## **Compliance with the standard**

Principles and criteria are normally not part of the examination. In order to examine if a forest owner is complying with the principles and criteria, it is determined solely via assessing the indicators of the standard. For the assessment of certain criteria every indicator has to be examined. In the case of identifying indicators that have not been or only partly been fulfilled, these will then be documented by the certifier in the evaluation report. At the same time it is examined if it is a major or minor failure of the criteria.

The assessment of an enterprise fulfilling a principle or not is based on the fulfilment of the criteria. In this case every criteria has to be met in its basics. If a major failure of a criteria is ascertained, then a certificate can not be emitted until these failures are subdued.

Major failures are the case, when indicators have been systematically and regularly been violated over an extended period of time or if the consequences of the violation hold true for a great area. Major failures are also the case, when the violations are known within the enterprise, and the enterprise still continues to fail to introduce appropriate or contemporary correcting measures. When these kind of violations are identified it will be very difficult for an enterprise to fulfil the criteria in principle. Violations that occur with the certificate holders knowledge and on purpose have to be treated in every case as major failures.

Minor failures are the case, when indicators have been violated involuntarily, temporarily and non-systematically or when the violation falls below or above the indicator insignificantly. Minor failures do not put the fulfilment of the criteria strictly out of question. If such violations are identified, measures have to be installed that make repetition impossible.

If major failures are identified within an already existing certificate, these have to be corrected within a 3-month time frame, otherwise the certificate is suspended.

## **History and further development**

The FSC General Meeting in Bingen unanimously approved the "Guidelines for Sustainable Forest Management" on 13 April 1999. The Board of Directors of FSC International subsequently accepted final structural additions and specified preconditions to be fulfilled. The new guidelines, unanimously approved in Freiburg on 6 November 2000, contained specific implementing regulations for certification bodies. After editorial revisions were made in October 2001, a final draft was submitted to the FSC to satisfy the pending preconditions. These preconditions were officially fulfilled on 28th November 2001 when the German FSC Standard finally went into effect. By 28th July 2004 further formulated conditions of the Board of Directors of FSC International has been fulfilled. The existing German FSC-Standard meets FSC's demands completely. Changes to the preceding version are summarized in appendix IV.

## Principle 1: Compliance with Laws and FSC Principles

**Forest management shall respect all applicable laws of the country in which they occur, and international treaties and agreements to which the country is a signatory, and comply with all FSC Principles and Criteria.**

### Explanation:

*The FSC Principles and Criteria supplement legal regulations and promote a continual improvement of forest management towards environmental responsibility, social compatibility, and economic viability.*

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|--|--|
| <p>1.1 The forest owner respects the federal and state laws, decrees, and communal regulations.</p> <p>1.1.1 Applicable state and federal laws, state and federal orders, and communal regulations are available.</p> <p>1.1.2 The highest responsible agencies (agency subdivisions in forestry, environmental protection, hunting or water) attest that there are no previous or outstanding violations.</p> <p>1.1.3 Insofar as charges involving alleged legal violations are pending, these charges can be invalidated.</p> | <p><i>see Appendix II</i></p>  |
| <p>1.2 The forest owner pays all applicable and legally prescribed fees, royalties, and taxes.</p> <p>1.2.1 The enterprise demonstrates that it is in good standing with the responsible fiscal authorities or proves its exemption from taxes.</p> <p>1.2.2 Invoices for timber sales correctly state value-added taxes and contributions to the Timber Sales Promotion Fund.</p> <p>1.2.3 Pay slips correctly state social welfare contributions for all employees.</p>  | <p><i>see Appendix II</i></p> <p><i>see Appendix I<br/>"Timber Sales<br/>Promotion Fund"</i></p> |
| <p>1.3 In signatory countries, the provisions of all binding international agreements such as CITES, ILO Conventions, ITTA, and Convention on Biological Diversity, are respected.</p> <p>1.3.1 The enterprise is aware of FFH-Areas and proposed areas in the managed forest land.</p>  | <p><i>see Appendix II</i></p> <p><i>see Appendix I<br/>"FFH-Areas"</i></p>                       |
| <p>1.4 Conflicts between laws, regulations and the FSC Principles and Criteria shall be evaluated for the purposes of certification, on a case by case basis, by the certifiers and the involved or affected parties.</p> <p>1.4.1 Potential conflicts between existing laws and this guideline are reported to the Dispute Resolution Committee of the FSC Working Group Germany in cases when the conflict cannot be resolved by the certifier.</p>  | <p><i>see Appendix II</i></p>  |
| <p>1.5 The forest owner protects the forest within his means from illegal use and other unauthorized activities.</p> <p>1.5.1 In cases of unauthorized forest use by a third party, the forest owner notifies the responsible agencies, and takes appropriate measures in response to the infraction.</p>  |  |
| <p>1.6 The forest owner commits to manage the forest in accordance with the international principles and criteria of FSC as well as the German FSC-Standard.</p> <p>1.6.1 The forest owner enters into an appropriate agreement with an FSC-accredited certification body.</p> <p>1.6.2 The present "German FSC Standards" are recognised by the signatories to this agreement.</p>  |  |

## Principle 2: Tenure and Use Rights and Responsibilities

**Long-term tenure and use rights to the land and forest resources shall be clearly defined, documented and legally established.**

Explanation:

A clear legal definition of ownership and utilization claims is required for responsible and sustainable management of forest resources. Besides ownership rights, this also includes legally established or contractually regulated forest use rights (e.g., grazing, timber harvest, hunting rights) as well as customary rights (e.g., use of non-timber forest products).

- 2.1 Long-term tenure and forest use rights are clearly documented. *see Appendix I "Use Rights "*
- 2.1.1 The forest owner provides documents and maps which clearly indicate property rights and ownership.
- 2.1.2 The forest owner provides documents concerning existing use rights (e.g. game tenancy agreements, mineral extraction rights).
- 2.2 Legal and customary tenure or forest use rights of the local population are respected, unless these rights are delegated with free and informed consent to other agencies. *see Appendix I "Local Population"*
- 2.2.1 Well-established, customary forest uses (by the local population and the public) are respected even when not embodied in law. The local population is granted access to traditional forest products and services provided that the vitality of the forest is not adversely affected. *cf. 4.1.3*
- 2.3 Appropriate mechanisms shall be employed to resolve disputes over tenure claims and use rights. The circumstances and status of any outstanding disputes will be explicitly considered in the certification evaluation. Disputes of fundamental importance involving a significant number of interests will normally disqualify an operation from being certified.
- 2.3.1 Written documentation is available concerning previous or current conflicts and their resolution.

### **Principle 3: Indigenous Peoples' Rights**

**The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.**

*According to the definition by the United Nations, there are no indigenous peoples in the Federal Republic of Germany. Therefore, this principle is not applicable in its present form.*

*Aspects of this principle which relate to the interests of the local population are covered under Principle 2 (customary rights), Principle 4 (community interests), and Principle 9 (preservation of sites of cultural or historic significance).*

*see Appendix I  
"Indigenous  
Peoples"*

## Principle 4: Community Relations and Worker's Rights

**Forest management operations shall maintain or enhance the long-term social and economic well-being of forest workers and local communities.**

### Explanation:

*Based on their knowledge and capacities, the employees represent an important success factor. Adequate consideration of their interests, and the promotion and incorporation of their knowledge and capacities into the work process will enhance sustainable management operations. Socially beneficial personnel policy is an integral part of comprehensive sustainability of forest management .*

*By providing information, forest management processes become more transparent to the local population. Thus, forestry enterprises contribute to enhancing the public's appreciation of forest utilization.*

- 4.1 The local population are offered opportunities for employment, training, and other services.
- 4.1.1 The forest owner considers proposals from local workers and contractors when giving out contracts *cf. 5.4.1 "Regional value-adding"*
- Local contractors are identified and contacted.
  - Requirements contained in tender documents do not disadvantage local contractors.
- 4.1.2 Employees are regularly able to pursue continuing education and advanced training opportunities and the employer supports them in these undertakings.
- The employer offers all employees information about and opportunities to participate in education and training programs, including workplace safety training.
  - The employees are satisfied with the information and the chances for participation.
- 4.1.3 The forest can be entered by the local population for recreational uses. *cf. 2.2.1*
- 4.1.4 The forest can be used by local schools and training centers for the purposes of further education.
- 4.1.5 The forest enterprise offers training positions and internships for local applicants where feasible.
- 4.2 Forest management meets or exceeds the relevant laws and/or regulations covering health and safety of employees. *see Appendix II*
- 4.2.1 Work inside the forest is organised and carried out such that workplace health and safety is guaranteed.
- Accident prevention rules are observed, including specifications for individual protective clothing and equipment.
- 4.2.2 All forest operations are adequately monitored and inspected to ensure correct compliance with safety regulations and the forest management plan.
- Compliance with health and safety regulations on the worksite and the results of the forest work are regularly checked.
  - Workplace safety personnel are designated appropriate to the size of the workforce and their responsibilities are clearly defined.
  - Consultations with employees are solicited and documented
  - Inspections by the professional associations are documented.
- 4.2.3 Activities in the managed forest area are carried out by forest owners, contractors and their employees with adequate vocational training, preferably obtained through professional education in forestry or equivalent practical experience (exception: trainees).
- The enterprise encourages professional training in accordance with the Vocational Training Act.

- 4.2.4 Forest management and hired contractors comply with social welfare regulations. In particular, they will demonstrate:
- membership in the appropriate professional associations
  - liability insurance coverage
  - compliance with the provisions of social insurance law
  - work permits for employees from non-EU member states
  - maintenance of personnel files for all employees
- 4.3 The rights of the staff to organize and voluntarily negotiate with the employers are guaranteed according to Conventions 87 and 98 of the International Labour Organisation (ILO). *see Appendix II*
- 4.3.1 Forest management guarantees:
- the employees' right to join trade unions and organisations. Employees attest that they do not fear sanctions by the employer.
  - at company meetings or similar events, employees are kept informed about business developments which affect them
  - unions will be kept informed and consulted about the certification through a consultation process
- 4.3.2 Forest enterprises abide, at a minimum, by the applicable wage agreements negotiated between trade unions and employers' associations.
- Actual wages correspond to negotiated wage agreements.
- 4.3.3 Employees in enterprises which meet the requirements of the Works Constitution Act and the Employees Representation Act can represent their interests in the enterprise and participate in business developments relevant to them.
- The employees confirm that they participate appropriately.
- 4.4 Findings of negative social impact on employees and forest users will be incorporated in the forest management plans and the resulting measures. If necessary, consultations will be maintained with people and groups directly affected by management operations.
- 4.4.1 Whenever possible, personnel are employed year-round and receive long-term contracts. Deviations from this rule must be justified.
- 4.4.2 Layoffs are to be justified by the enterprise and carried out in ways that mitigate their social impact.
- In case of layoffs due to changes in business conditions, management and employees will consensually prepare a Social Plan.
- 4.4.3 Results of studies to assess the social impact of forest management practices are incorporated in forest management plans and the resulting measures.
- Accident and illness statistics are compiled and evaluated annually.
  - Changes in workforce structure and employment levels are documented and evaluated.
  - Suggestions and comments from consultations with directly interested parties are documented.
- 4.4.4 Sites of special culture, economic or religious significance for the public are clearly identified and protected by forest management. *cf. 5.5.1 and 9.3.1*
- 4.4.5 Neighbouring property owners and representatives of particular interests are kept informed of forest operations that materially affect them. Their comments are solicited. *see Appendix II*
- Their participation can be verified.
  - Agreements are integrated into the forest management plan.
- 4.5 Appropriate mechanisms are employed for resolving grievances and for providing fair compensation in the case of loss or damage affecting the legal or customary rights, property, resources, or livelihoods of the local population. Measures are taken to avoid such loss or damage.

- 4.5.1 Forest management takes proactive steps to prevent loss or damage from forest operations. In case of disputes, affected parties are free to seek legal redress. *cf. 1.1.2  
see Appendix II*
- The enterprise is covered by employer's liability insurance or private insurance in case of potential damage claims.
  - Forest management regularly checks that the enterprise is meeting its duty to safeguard the public and keeps records of checks.
  - The handling and resolution of disputes are documented.

## Principle 5: Benefits from the Forest

**Forest management operations shall encourage the efficient use of the forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits.**

### Explanation:

*The forest owner has the responsibility for the economic opportunities and risks resulting from his commitment to an ecologically responsible, socially beneficial, and economically viable forest management. This principle establishes the importance of the economic viability of an ecologically operating individual enterprise as well as the important role of the forestry and timber industry as a whole in the economic development of a viable rural area.*

*Economically sustainable forest management shall in the long run secure and create income and jobs in structurally poor rural areas. Regional and local "value adding" shall be promoted.*

- 5.1 Forest management strives toward economic viability, while taking into account the full environmental, social, and operational costs of production.
- 5.1.1 Forest management has at its disposal adequate funding to carry out the planned management operations including responsible care and preservation of the forest.
- The financial plan ensures that sufficient funds are available to carry out the management plan.
  - As part of the enterprise's bookkeeping, all relevant business proceedings from the sale of goods and services (protective and recreational functions) are documented in accounting statements.
- 5.2 Forest management encourages optimal use and local processing of the various forest products through its management operations and marketing programs. *cf. 5.4 "local processing"*
- 5.2.1 The widest possible range of forest products and the production of high quality timber of the strongest possible dimensions in line with market standards is strived for.
- By customised processing the most high-value range of products possible are marketed.
  - Sales figures are separated by category and considered during preparation of the next felling plan.
- 5.2.2 Wherever possible, forest management promotes the development of markets for lesser known timber species and products.
- Information pertinent to sales and marketing is available in the enterprise.
  - Offers for lesser known timber species are expressly made.
- 5.2.3 Secondary forest products and forest services are utilized and marketed where possible, insofar as this does not interfere with lawful use or the vitality of the forest. *see Appendix I "Non-timber Forest Products"*
- Rendered services and sales of secondary products are documented.
- 5.3 Forest management activities minimize waste associated with harvesting and on site processing operations and avoid damage to other forest resources.
- 5.3.1 Forest management undertakes and documents appropriate measures for protection of remaining stands, forest regrowth, soil and water quality, and wild animal life.
- Forest management will minimize damage from felling and removal, damage to fallen logs, natural regrowth and soils.
  - Tree harvesting and thinnings are guided by current best practices.
  - Removal of unused biomass is minimized; branches and bark pieces remain in the forest, as far as possible.

- The protective measures are specified in the management plan and agreements with contractors.
  - Biodegradable oils are used in the managed forest area.
- 5.4 Forest management strives to strengthen and diversify the regional economy, avoiding dependence on a single forest product. *cf. 5.2 "product diversification"*
- 5.4.1 Forest management encourages regional value-adding through further processing of forest products. *cf. 4.1.1 "local marketing"*
- Forest management addresses the needs of regional industry and small businesses (e.g. regarding lot size) by considering the offer of small orders and secondary forest products.
- 5.5 Forest management operations recognize, maintain, and where possible, enhance the value of the forest for conservation and recreation. *see Appendix II*
- 5.5.1 In forest areas whose primary functions are specified by forest functions maps, forest management will take appropriate measures to maintain and if necessary enhance these functions. *cf. 6.2 "Habitat- and nature conservation" see Appendix I "Protective and Recreational Functions "*
- 5.5.2 Forest management will maintain or enhance the aesthetic value of the forest. *cf. 4.4.3*
- Measures to maintain forest margin structures are taken.
  - Noteworthy discrete objects, such as individual old trees, are protected even when not designated as natural monuments.
- 5.5.3 The forest enterprise does not induce impairment of water quality and aquatic life forms in water bodies which result in impairment of water usage.
- 5.5.4 The interests of fishery and other water users have to be regarded respectively according to legislation.
- 5.6 The quantity of harvested forest products is in accordance with permanently sustainable levels.
- 5.6.1 Planned harvests do not exceed sustainable harvesting rates. *see Appendix II*

## Principle 6: Environmental Impact

**Forest management shall conserve biological diversity and its associated values, water resources, soils, and unique and fragile ecosystems and landscapes, and, by so doing, maintain the ecological functions and the integrity of the forest.**

### Explanation:

*Close-to-nature forest ecosystems serve as models for the intended managed forests. Ecologically stable forest ecosystems are a prerequisite for the preservation and enhancement of biological diversity as well as for the productive capacity of the natural system as a whole.*

*Forest cultivation follows the provisional principle. By fully keeping the standards in its entirety it is ensured that during the regular cultivating process, environmentally damaging methods can be excluded or reduced to a minimum.*

*Those processes naturally occurring in forest ecosystems will be tolerated and utilized. The use of the forest and the preservation of the functioning of the ecosystem are not mutually exclusive. Non-utilized forest ecosystems are essential for the conservation of biological diversity, and may serve also as study and reference sites. Old trees and groves, retention of standing or fallen dead wood, and habitats linked to the natural decay processes in the forest form integral parts of a sustainable, close-to-nature forest management.*

- 6.1 Assessment of environmental impacts shall be completed – appropriate to the scale and intensity of forest management and the uniqueness of the affected resources – and adequately integrated into management systems. Assessments shall include landscape conservation considerations as well as the impacts of on-site processing. Environmental impacts shall be assessed prior to commencement of site-disturbing operations.
- 6.1.1. For measures, that are not part of forest cultivation but are undertaken by third party people or forest institutions, have to be licensed (for example initial forest cultivation, construction of roads, outlaying of quarries for building materials, building of windmills, intervention in nature and landscape according to BNatSchG). *see Appendix II*
- 6.1.2. The forest cultivator is aware of the general and scientifically recorded consequences of his acting intervening in the ecosystem, for example the compression of the soil through forest traffic, and the reduction of nutrients by extracting biomass. The results of the inventory from 7.1.b2 require special consideration. *cf. 7.1.b2*
- The forest cultivator can present his knowledge of the consequences.
  - If there is a choice of environmentally friendly alternative measures, the forest owner chooses the environmentally friendlier one, as long as it is economically sound.
- 6.1.3. Forest enterprises with forest management plans are aware of all the environmentally relevant and accessible basic impositions as well as the environmentally relevant land use and trade development. *s. Appendix I „enterprise plans“, „environmentally relevant impositions“, „environmentally relevant area and trade development“*
- The forest enterprise can prove that it considers the results of the relevant impositions and trade development.
  - Protected and especially important areas and biotopes (landscape conservation area, natural monuments, etc) surface water, sites that are protected or ecologically sensitive (for example soils that are in danger of compression, erosion, or of sliding) are known and documented.
- 6.1.4. Forest enterprises with management reports are aware of important biotopes and especially sensitive areas within their management. *s. Appendix I „enterprise assessment“*
- 6.1.5. The forest enterprise initialises a professional assessment about the *s. 6.1.3*

consequences of its cultivation methods, when impairment of as important identified areas (according to 6.13). can not be put out of question. to The forest enterprise refrains from measures that are expected to follow up with severe impairment.

- The forest enterprise can prove appropriate assessment and accordingly installed measures.

- 6.2 Safeguards exist which protect rare, threatened and endangered species and their habitats (e.g., nesting and feeding areas). Conservation zones and protection areas are recorded, documented, and described in maps/plans. *see Appendix I "endangered species"*  
*see Appendix II*
- 6.2.1 The forest management plan identifies known populations of endangered flora and fauna (locally rare or endemic species) and their habitats; these are described and depicted on maps. *see Appendix I "High Conservation Value Forests"*
- Legally protected areas and sensitive biotopes (habitats) are identified and considered when planning and executing forest operations.
  - The forest enterprise regularly obtains information about endangered species and habitats from the responsible environmental protection authorities.
- 6.2.2 When forest operations pose a threat to rare species belonging to natural forest plant associations, forest management methods are to be modified accordingly (e.g. scope and timing of activities). *see Appendix I "Natural Forest Plant Associations"*
- Affected areas are familiar to and documented by the enterprise.
  - Examples of modifications in forest management methods can be provided.
  - When endangered species and habitats are affected, forest management will solicit recommendations from external experts regarding modifications to forest operations.
  - When other forest uses (e.g. hunting, fishing, gathering or recreation) adversely affect endangered species or habitats, forest management will take steps to ensure that these activities are correspondingly altered.
- 6.2.3 Natural micro-sites or micro-sites created by long-term human activity which are forest free are protected to ensure habitat diversity.
- 6.3 Ecological functions and values of the forest are maintained intact, enhanced, or restored. *see Appendix I "Appropriate to the site", "Natural Forest Plant Association "*
- The goal of silvicultural management and harvesting strategies is the existence of forest stands appropriate to the region which produce a large and valuable growing stock while approximating the tree species composition, dynamics and structure of natural forest plant association.
- a) Forest regeneration and succession
- 6.3.a1 Natural regeneration is given priority. *see Appendix I „detrimental to the site“, “even-aged pure stands“, “Viable proportion“, „Natural Forest Plant Associations“*
- If it is expected that even-aged, pure stands detrimental to the site will develop due to natural dynamics; appropriate measures will be taken to ensure a viable proportion of tree species from native forest plant association.
- Artificial regeneration is restricted to:
- the transformation to ecologically stable forest stands
  - the enhancement of species diversity
  - advance planting and underplanting
  - afforestation and reforestation following natural disasters
- 6.3.a2 Natural succession and differentiation processes are used in forest development. Natural succession is incorporated into afforestation and reforestation. *see Appendix I "Succession"*
- 6.3.a3 Wild game populations are managed in ways that permit natural regeneration of tree species of natural forest plant associations without human assistance. *see Appendix I "Natural Forest Plant Associations"*
- Browsing impacts are assessed regularly (e.g. through browsing reports).
  - Hunting plans incorporate the results. *see Appendix II*

b) Genetic, species, and ecosystem diversity

- 6.3.b1 The choice of tree species is guided by the composition of the natural forest plant association. *see Appendix I "Natural Forest Plant Association"*
- 6.3.b2 Stands of tree species detrimental to the site are transformed over time into close-to-nature forest stands. *see Appendix I "Detrimental to the site", "long-term", "Close-to-nature Forest Stands"*
- The total area of transitional forest stands is known; affected stand types are identified.
  - A plan of action exists for the conversion of the different stand types.
  - The annual progress of stand conversion is documented.

c) Natural cycles that affect the productivity of the forest ecosystem

- 6.3.c1 Harvesting is done through felling of single trees or selected groups; clear-cutting is on principle avoided. *see Appendix I "Group", "Clearcut"*  
The following justifiable exceptions may be granted in isolated cases after prior consultation with the certifier:
- the conversion of statically unstable, non-natural stands. Stands are considered statically unstable if an alternate felling system is expected to lead to the destabilization of the forest area.
  - smallest forest enterprises (maximum size 5 hectares) may harvest quantities of timber extractable only through clear-cutting due to exceptional circumstances, namely that the enterprise is unable to use other felling methods for internal structural reasons. Even in these cases the cutting area is not to exceed 1 hectare. Adjacent cleared areas are included in this calculation if they meet the definition of forest areas under applicable state forest law. *cf. Appendix II to Criterion 5.6*
- 6.3.c2 A strategy is developed for the maintenance and proliferation of biotope (habitat) trees and dead wood; it is integrated into the management plan. *see Appendix I "Management plan"*
- 6.3.c3 Trees with woodpecker holes or other natural cavities are exempt from forestry use and left to age and decay naturally, insofar as the trees in question are not of exceptional economic value, or are in a forest site (e.g., subsection) where more than 10 trees per hectare would have to be protected. *see Appendix I "Trees of Exceptional Economic Value"*
- 6.3.c4 As a rule, solitary trees that have been split or broken apart by storms or lightning strikes, as well as dead trees that have split or fallen due to advanced decomposition, remain in the forest.
- 6.3.c5 Whole-tree harvesting is not practiced. *see Appendix I "Whole Tree Harvesting"*

6.4 Representative samples of existing ecosystems within the landscape are protected in their natural state and recorded on maps, appropriate to the scale and intensity of forest management and the uniqueness of the affected resources.

- 6.4.1 In appropriate forestation districts, sites representative of existing natural or cultivated forest plant associations are removed from forest use and permanently set aside as reference areas. *see Appendix I "Growth Region", "Natural Forest Plant Associations", "Cultivated Forest Plant Associations", "Reference sites"*
- 6.4.2 The following rules apply to certified enterprises:
- Forest enterprises in state and federal forests convert at least 5% of their managed forest land into reference sites within five years after certification.
  - The same requirement applies to forest enterprises managing 1,000 hectares or more in forests owned by larger corporate entities (e.g. municipalities)

- Forest enterprises in privately-owned forests or forests owned by smaller corporate entities are exempt. They will model their forest management practices on the nearest, accessible representative reference areas.
- 6.4.3 To keep edge effects to a minimum, individual forest areas as a rule will encompass 100 hectares, and not less than 20 hectares.
- 6.4.4 Reference areas are systematically surveyed, evaluated and maintained as study and control sites with a view to promoting more ecologically appropriate use of managed forests.
  - Reference areas are monitored by forest management through annual inspections.
  - Reference areas are made available for scientific studies as needed.
- 6.4.5 Within forestation districts, natural forests present in nature reserves, national parks, or natural forest reserves (etc.), as well as other forests excluded from management under binding agreements, are designated as reference sites. They may be counted in the total reference site area required of enterprises if they are representative for the forestry operation. *see Appendix I "Growth region", "Other Forest Types"*
- 6.5 Mechanical interventions employ techniques which minimize damage to stands and soils and which guarantee the protection of water resources. *cf. 5.3, 5.5 and 6.3*

#### Forest Access and Employment of Machinery

- 6.5.1 Use of motor vehicles is restricted to forest roads and skid trails. Use of motor vehicles is not permitted on the forest floor.
  - This rule is presented in writing and stipulated in agreements with contractors.
  - Controls and penalties for violations are fixed.
- 6.5.2 The establishment of a permanent system of skid trails is required to minimise soil erosion and forest damage due to extraction and transportation of timber.
  - Skid trails are clearly marked before harvesting operations begin.
- 6.5.3 Skid trail networks are mapped out to support long-term forest cultivation as specified in 6.3. The trail network accommodates local conditions and minimizes the forest floor area used by vehicles. Forest enterprises develop a plan to achieve these goals. In particular, the plan justifies prevailing skid trail density with reference to ecological, economic and social conditions. *see Appendix I "long-term"*
  - Road construction and maintenance is based on accepted principles of sustainable forest access.
  - Construction of new roads and trails is minimized. In cases where a more efficient skid trail system is required, expansion of existing roads is given preference over new construction.
  - The skid trail system is optimized for the terrain.*see Appendix II*
- 6.5.4 Low-impact driving and skidding is ensured through the selection of suitable machinery and equipment (e.g., wide tires, low pressure tires, glide tracks) as well as appropriately timed operations.
  - Appropriate steps are specified in the annual planning process and take advantage of best available technology.

#### Soil Cultivation

- 6.5.5 Soil cultivation activities do not impact mineral soils. When individual cases require scarification of topsoil, scarification should be in limited areas to promote natural processes of regeneration.
  - The type and scope of soil cultivation activities are documented.

#### Water and Wetlands Protection

- 6.5.6 Adjacent to water courses and bodies of water, the development of continuous stocking with tree species from native forest plant associations is promoted. *see Appendix I "Natural Forest Plant Associations"*
  - Tree species which do not belong to native forest plant associations are removed over time.
- 6.5.7 No area drainage systems are constructed or maintained. *see Appendix II*

- 6.6 Forest management promotes the research, development and use of environmentally friendly, non chemical methods of pest management. On principle, forest management uses neither fertilizers nor chemical pesticides in forests. World Health Organization Type 1A and 1B and chlorinated hydrocarbon pesticides; pesticides that are persistent, toxic or whose derivatives remain biologically active and accumulate in the food chain; as well as any pesticides banned by international agreement, are prohibited. If chemicals are used, proper equipment and training is provided to minimize health and environmental risks.
- 6.6.1 Fertilization to increase productivity is not applied. Liming is permitted when soil analyses recommend compensation for acid deposits.
- Liming is allowed for pH-factors under 4.2
  - In addition, the humus type is considered.
- 6.6.2 On principle, chemical biocides and biological control agents are not employed. Exceptions are official pest-control orders.
- In this case, the certifier is notified prior to the biocide application. The rationale for the use of biocide is provided and the biocide application is documented for subsequent review. The date of the biocide application and the date of the timber sale will be verified.
  - Where alternatives exist, biological control agents (e.g., *Bacillus thuringensis*-preparations) are preferred.
  - Alternate proposals for the intended purpose were evaluated; biodegradable preparations were expressly requested.
  - Wood which has been treated with chemical biocides may only be marketed as FSC-certified after six months have elapsed from the date of the final biocide application.
- 6.7 The disposal of chemicals, containers, liquids and solid non-organic wastes, including fuel and oil, is carried out in an environmentally appropriate manner outside the forest.
- 6.7.1 Off-site disposal is carried out in conformance with laws and regulations.
- 6.8 Use of genetically modified organisms is rejected.
- 6.8.1 Genetically modified seeds and seedlings are not used.
- 6.9 The use of exotic species is carefully controlled and actively monitored to avoid adverse ecological impacts.
- 6.9.1 Planting or sowing of tree species which are appropriate to the site but not part of natural forest associations (including exotic species) is permitted for single trees or small groups to an extent which does not jeopardize the long-term development of the stands into natural forest associations.
- 6.9.2 On afforestation-sites no tree species are planted or sown, that do not belong to the natural forest association."
- 6.10 Forest conversion to plantations or clearing is not allowed, except in circumstances where conversion:
- a) affects a very limited portion of the forest management unit; and
  - b) does not occur in high conservation value forests; and
  - c) enables clear, substantial, additional, secure, long term conservation benefits across the forest management unit.
- 6.10.1 In cases involving land clearing, each individual case is carefully evaluated based on ecological impact and the fulfillment of exceptional conditions.
- 6.10.2 Conversion of forest stands to plantations is not allowed.

see Appendix II  
see Appendix I  
"Biocides"

see Appendix I  
"Biological Control  
Agents"

see Appendix II

see Appendix I  
„Genetically  
Modified  
Organisms“

see Appendix I  
"Exotic species",  
"Group", "long-  
term"

cf. § 9 BWaldG

## Principle 7: Management Plan

**A management plan – appropriate to the scale and intensity of the operations – shall be written, implemented, and kept up to date. The long term objectives of management, and the means of achieving them, shall be clearly stated.**

### Explanation:

The forest owner shall develop an operational management system for managing his forest enterprise consisting of planning, implementation, and monitoring. The system is based on relevant data and information gained from the forest inventories and from ongoing observation and documentation. For an effective management, the results of the comparison between current and desired state should be included in the planning.

- 7.1 Management plans and the supporting documents provide: *see Appendix II*
- a) Definition of management objectives
- 7.1.a1 Clear, attainable and measurable goals for forest management and measures for medium- and long-term operational planning are set in accordance with the economic, ecological, and social criteria in this guideline. *see Appendix I "long-term"*
- b) Description of the managed forests, land use and ownership status, environmental limitations, socio-economic conditions, and a profile of adjacent lands *cf. 4.4.1 and 4.4.3*
- 7.1.b1 The survey of the current state (inventory) is prepared using current, standard, statistically sound methods, preferably through permanent sample survey plots. *see Appendix I "Assessment"*
- 7.1.b2 The inventory identifies indicators for assessing performance under the criteria set forth in this guideline, particularly in the areas of site suitability, approximation of natural states, dead wood, reference sites, damage from wild game populations, and damage from felling and skidding. Data from habitat and site maps, as well as from landscape and forest function maps, are attached to the inventory if available. The inventory also includes a description of the employment situation with reference to Principle 4 and forest history.
- c) Description of silvicultural systems based on inventory data and the ecological situation *cf. 10.2.1*
- 7.1.c1 Forest management measures are explained with reference to specific stand types and goals and objectives.
- 7.1.c2 The desired species composition is determined using site parameters for each stand with reference to natural forest plant associations. *see Appendix I "Natural Forest Plant Associations"*
- d) Determination of annual harvest volume and species selection *cf. 5.6*
- 7.1.d1 Sustainable annual harvesting levels are determined, justified and documented.
- e) Provisions for monitoring of forest growth and dynamics
- 7.1.e1 Comparisons of actual with previous forest states provide information on changes in regeneration dynamics, stand structure and stand type.
- f) Environmental safeguards *cf. 5.3.1, 6.1, 9.3*
- 7.1.f1 The forest management plan specifies precautionary environmental protection measures in accordance with Principles 5 and 6 (use of motor vehicles, chemical use, clear cutting, road construction etc.).
- 7.1.f2 Potential dangers to the environment typical of the region are identified.
- 7.1.f3 Calamity management plans are in place, especially for major storms or insect

outbreaks.

7.1.f4 Fire prevention and extinction plans are in place; fire alert and fire preparedness plans are implemented during months of high fire risk.

g) Plans for the identification and protection of rare, threatened and endangered species *cf. 6.2.1 and 6.3.c2*

7.1.g1 *cf. 6.2.1*

h) Maps describing the forest resource base including protected areas, planned management activities and land ownership

7.1.h1 Ecologically sensitive sites, such waters, wetlands, rock outcrops, etc., as well as conservation zones, are recognizable on maps.

7.1.h2 Locations of planned forest management operations can be clearly identified by consulting the schedule of annual work and managed area maps

7.1.h3 *For property maps see 2.1.1*

i) Description and justification of harvesting techniques and equipment to be used *cf. 6.5.4*

7.1.i1 Techniques for harvesting in different forest stands are specified in the annual harvest plan.

7.2 The management plan is periodically revised to incorporate the results of monitoring or new scientific and technical information, as well as to respond to changing environmental, social and economic circumstances.

7.2.1 Management plans are developed every 10 years. Small-scale enterprises (less than 150 hectares) may submit management reports based on expert assessment. *cf. Appendix I "Management Report"*

7.3 The staff receives adequate training and guidance to ensure proper implementation of the management plan.

*see 4.2.2 and 4.2.3*

7.4 The forest manager makes a summary of the key sections of the forest management plan (defined in article 7.1) available to the public on request. Confidential business information does not need to be disclosed. *cf. Appendix II to Crit. 7.1*

## Principle 8: Monitoring and Assessment

**Monitoring shall be conducted – appropriate to the scale and intensity of forest management – to assess the condition of the forest, yields of forest products, chain of custody, management activities and their social and environmental impacts.**

Explanation:

*The internal documentation and evaluation of an enterprise shall be conducted in a fashion which allows the certification organization to assess compliance with these guidelines.*

8.1 The frequency and intensity of monitoring are determined by the scale and intensity of forest management operations as well as the complexity and fragility of the affected ecosystems. Monitoring is conducted on a regular basis and replicable over time to allow periodic comparison of results and assessment of change.

8.1.1 Internal monitoring of forest management includes and documents the following:

- execution of the forest management plan
- unexpected impacts on business management and operations
- resulting adjustments to the forest management plan

8.2 Forest management collects all necessary data for monitoring. At a minimum, data will be collected on:

*cf. 7.2., see Appendix I „enterprise assessment“*

Side note: In enterprises below 150 ha, that possess an evaluation report the data raised are sufficient for an assessment.

a) Yield of all forest products harvested

8.2.a1 Timber accounting indicates volumes and grades of timber sold.

8.2.a2 The volume of harvested secondary forest products is documented.

b) Growth rates, regeneration and condition of the forest

*cf. 7.1c – e*

c) Composition and observed changes in the flora and fauna

*cf. 7.1b*

8.2.c1 Forest management or sample survey plot inventories, as well as site maps, provide information on observed flora and fauna according to stand type, species composition, stage of growth, site conditions, etc.

8.2.c2 If wild game populations which have an impact on vegetation are present, fenced indicator plots are to be used as the basis for assessments of undisturbed flora and fauna compositions.

*cf. 6.3.a3*

d) Environmental and social impacts of harvesting and other operations

*cf. 6.1 and 7.1f*

8.2.d1 Reference data are collected and documented for the following social indicators:

- Workforce structure, levels of employment, workplace illness and accident statistics, enrollment of employees in education and training courses, number and background of hired contractors.
- Results of internal monitoring of accident prevention programs and adherence to traffic safety rules.
- Measures taken to conserve important cultural sites, and results of monitoring of these sites.
- When applicable, consultations with local interested parties.
- When applicable, results of studies and/or evaluations of the social impact of forest management on employees, contractors and forest users.

e) Costs, productivity, and efficiency of forest management.

- 8.2.e1 Accounting statements provide appropriate data to assess business operations (program costs and returns, performance data by program area, etc.)
- 8.3 Documentation is made available to certification bodies to enable them to trace each certified forest product from its origin, a process known as the "chain of custody". *see Appendix I "Chain of Custody"*
- 8.3.1 Certified forest products are clearly marked and/or labelled.
- 8.3.2 Accounting will document volume of sales; site of production; date of harvest; and data on customers or other parties with whom the enterprise has a legal relationship.
- 8.3.3 The transfer of ownership is clearly defined (regarding the goods covered by the certificate).
- 8.4 The results of the assessment are incorporated into the implementation and revision of the management plan. *see Appendix I "Assessment"*
- 8.4.1 Deviations from the plan are noted and analyzed. External experts will be called in as needed.
- 8.5 While respecting the confidentiality of information, the forest manager makes publicly available a summary of the results of monitoring, as outlined in point 8.2.
- 8.5.1 A summary of the results under 8-2 is made publicly available at the end of each planning period.

## Principle 9: Maintenance of High Conservation Value Forests

**Management activities in high conservation value forests shall maintain or enhance the attributes which define such forests. Decisions regarding high conservation value forests shall always be considered in the context of a precautionary approach.**

*see Appendix I  
“High  
Conservation  
Value Forests“*

### Explanation:

*Forests with a high conservation value shall be preserved in their current state and managed in a way which overall maintains their characteristic attributes and functions.*

9.1 Assessments to determine the presence of High Conservation Value Forests will be completed, appropriate to scale and intensity of forest management.

*cf. Appendix II to  
Crit. 6.2*

9.1 High Conservation Value Forests are noted, surveyed, and depicted on maps.

9.2 The consultative portion of the certification process places special emphasis on existing high conservation value forests and methods for their conservation.

9.3 The management plan includes specific measures that ensure the maintenance or enhancement of conservation objectives consistent with the precautionary approach. These measures are specifically included in the publicly available management plan summary.

*cf. 7.1f and 7.1g*

9.3.1 Trees designated as monuments, unusually striking individual trees, and historic forest sites are preserved.

9.4 Annual internal monitoring is conducted to monitor and assess the effectiveness of the measures employed.

9.4.1 Annual monitoring requirements and procedures are clearly stated in the management plan.

## Principle 10: Plantations

**Plantations shall be planned and managed in accordance with Principles and Criteria 1 – 9, and Principle 10 and its Criteria. While plantations can provide an array of social and economic benefits, and can contribute to satisfying the world's needs for forest products, they should complement the management of, reduce pressures on, and promote the restoration and conservation of natural forests.**

see Appendix I  
„Plantations“

### Explanation:

*Plantations and planted, even-aged pure stands are not the goal of near-natural close-to-nature sustainable forest management in Germany. The ecological impact of such stands is often negative. The planting and maintenance of pure stands is therefore not acceptable under these guidelines. Existing pure stands are developed to approach close-to-nature forest stands in accordance with Principle 6.*

10.1 Artificial, even-aged pure stands and plantations are not established.

see Appendix I  
“Even-aged pure stands“

10.1.1 Christmas tree plantations may be eligible for certification under special consideration of Criteria 6.6 to 6.10 if they take up less than 5% of an enterprise's managed forest area.

10.2 The goal of managing existing plantations and even-aged, pure stands is to develop close-to-nature forest stands and to preserve surviving sections of natural forest. This goal is expressly stated in the enterprise business plan and clearly reflected in the execution of the plan.

see Appendix I  
“Close-to-nature Forest Stands“

10.2.1 The transformation of even-aged pure stands to close-to-nature forest stands is detailed in the forest management plan.

10.2.2 Appropriate measures will be taken to ensure a viable proportion of tree species from natural forest plant associations.

see Appendix I  
“Viable proportion”,  
“Natural Forest Plant Associations“

10.2.3 The transformation plan includes measures to improve soil structure, soil fertility and biological activity.

re. 10.3 – 10.8:

*Rules for sustainable management of plantations and pure stands are not addressed. Plantations and pure stands must be developed into close-to-nature forest stands in compliance with the present guideline. Criteria 10.1 and 10.2 have to be applied for existing plantations and pure stands in addition to the stipulations of Principles 1-9.*

re. 10.9:

*Natural forests do not exist in Germany any more for many years. Therefore, the stipulations of Criterion 10.9, regarding the status of plantations established in areas converted from natural forests after 1994, are not applicable in Germany.*

## Appendix I: Glossary

*All definitions given here are valid only "for the purposes of this guideline" and make no claims to general applicability.*

**Appropriate to the site:** Tree species native to the respective natural forest plant associations, and those planted species which demonstrate satisfactory growth and sufficient resilience against abiotic and biotic pests, and which have no adverse impact on the site.

**Assessment:** A procedure for gathering the data needed to characterize a forest's state of being. Assessments are conducted as part of inquiries into timber stocks, among other inquiries, and are carried out as the basis for management planning ("Forest Management" or "Management Plan"). (See Appendix II to Criterion 7.1.)

**Biocides:** Collective name for chemical or synthetic organic compounds used in pest control. Biocides or their derivatives may accumulate in the course of food chains.

**Biological Control Agents:** Living organisms employed in the active control of harmful organisms or specifically promoted to regulate the latter. As defined by this guideline (Criterion 6.6), use of these agents is limited to the deliberate, artificial mass employment of native or introduced beneficial organisms, including viruses, as a biological control measure. Excluded are measures such as the reintroduction of beneficial native species (e.g., birds or ants) or measures to promote such reintroduction.

**Chain of Custody:** The channel through which products are distributed from their origin in the forest to their end-use. Manufacturers and merchants dealing with timber from FSC-certified forest enterprises have to receive proof from an FSC-accredited certification organization that the timber's process from the beginning up to the respective manufacturing or marketing step has been monitored continually, and that the timber originated from certified forest enterprises (chain of custody certificate).

**Clearcut:** Clearcuts are areas where the forest stock has been widely removed through area felling or similar cutting systems, resulting in conditions resembling open ground (guideline: one tree length in diameter; maximal area size 0.3 hectares).

The wide-spread clearing of heavily damaged trees required after certain natural calamities (pests, storm, fire, snow, etc.) does not constitute a clearcut as defined under this guideline. Biomass without economic value remains on the site, unless it represents a fire threat.

The following exceptions may be granted in individual cases upon prior consultation with the certification organization:

- the conversion of statically unstable, non-natural stock. Stock is considered statically unstable if a different felling system is expected to lead to a destabilization of the entire area.
- if in minimal-size forest holdings (maximal size 5 hectares) an exceptionally high timber volume is required which can only be achieved through clear-cutting due to the enterprise structure. Even in those cases the cutting area does not exceed 1 hectare. Adjacent cleared areas will be included in the overall area calculation if they meet the definition of forest areas under the respective state forest law.

**Close-to-nature Forest Stands:** Stands of forests which are able to build up a large and valuable growing stock while approaching the species composition, dynamics and structure of natural forest plant associations.

**Criterion (pl. Criteria):** A means of judging whether or not a Principle (of forest stewardship) has been fulfilled.

**Cultivated Forest Plant associations:** Cultivated forest plant associations are man-made ecosystems, usually based on artificially established forest stands, which strongly differ from the natural forest plant associations on a given site with respect to tree species composition, accompanying vegetation, and structure.

**Customary Rights:** Rights which result from a long series of habitual or customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit.

**Detrimental to the site:** Not appropriate to the site.

**Endangered Species:** Species whose populations are in danger of extinction in large parts of their distribution area in Germany. This includes species on the → "Red List" in categories 1 through 3.

**Even-aged Pure Stands:** Stands which – contrary to the site's potential – consist of just one single species due to forest management activities such as sowing, planting or large-scale natural regeneration, and which are structurally poor due to the lack of age differentiation.

**Environmental relevant elevations:** Especially site mapping habitat maps, Natura 2000-areas, and other environment protective impositions.

**Environmental relevant land use maps and trade development:** for example mapping of forest functions, regional plannings, environment protective development plans etc..

**Exotic Tree Species:** Tree species introduced from outside of Central Europe, which therefore do not form a natural part of the local forest associations.

**FFH Guideline:** The "Guideline 92/43/EEC for the Preservation of Natural Habitats and Wild Fauna and Flora" ("Fauna-Flora-Habitat" or "FFH Guideline" for short), dated 21 May 1992, is currently the European Union's most comprehensive environmental protection measure. The goal of the FFH Guideline is to develop and preserve a Europe-wide network ("Natura 2000") of nature reserves for the protection of threatened habitats and highly endangered animal and plant species (see the definition of "High Conservation Value Forests").

**Forest Inventory:** cf. Assessment

**Genetically Modified Organisms:** Biological organisms which have been induced by various means to consist of genetic structural changes.

**Group (planting, harvest):** A group is defined as an area of up to 500 square meters in size, or up to 30 meters in diameter, respectively (ca. one tree length).

**Group Certification (cf. Appendix IV):** Group certification is the joint certification of a group of forest enterprises. This requires the designation of a group representative who adopts the responsibility toward the certification organization for compliance of all group members with FSC standards and certification requirements in their forest enterprises. The arrangement of the group certification system, i.e., the distribution and establishment of responsibilities among the representative body and the individual group members, is a group-internal matter which may be handled in a variety of ways.

**Growth Region:** Growth regions are regional units delineated from each other by their respective typical site mosaics. They are characterized by a relative uniform regional climate and the usually wide-spread predominance of one natural forest plant association. Growth regions represent sub-units of so-called *growth zones*, which are mainly delineated according to geomorphological aspects.

**Habitat Trees:** Trees which serve a special function as cavity or nesting trees, or supply a micro-habitat for epiphytes, insects, fungi, and other groups of old wood-dwelling organisms which deserve special protection.

**High Conservation Value Forests:** forests especially worthy of environmental protection because they constitute rare ecosystems or habitats for particularly rare animal and plant species.

High Conservation Value Forests are those that possess one or more of the following attributes:

- a) forest areas containing globally, regionally or nationally significant:
  - concentrations of biodiversity values (e.g. endemism, endangered species, refugia); and/or
  - large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance

- b) forest areas that are in or contain rare, threatened or endangered ecosystems

The Federal Environmental Protection Law designates the following forest plant associations as deserving of environmental protection:

- thermophile deciduous forests
- bog forests, forest swamps, and riparian forests

Under Appendix I, "Forests" Section, the FFH Guideline (see definition above), the following types of natural or semi-natural forests with native species in the mature stage, as well as the following types of secondary forests with a characteristic understory, are designated as deserving of environmental protection when they contain rare or surviving stands and/or the presence of species of ecological or social value:

- Secondary acidophilous beech forest (Luzulo-Fagetum)
- Atlantic acidophilous beech forests with holly and yew in the shrub layer (Quercion robori-petraeae or Ilici-Fagenion)
- Rich beech forests (Asperulo-Fagetum)

- Central European subalpine beech forests with maples and Rumex arifolius
- Central European calcareous beech forests (Cephalanthero-Fagion)
- Sub-Atlantic or Central European English oak forest or oak-hornbeam forest (Carpinion-Carpinetum)
- Ravine and mixed slope forests (Tilio-Acerion)
- Old sessile oak forests on sandy soils with Quercus robur
- Wetlands forests
- Water meadows with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)
- Hardwood forests with Quercus robur, Ulmus laevis, Ulmus minor, Fraxinus excelsior (Ulmenion minoris)
- Riverine forests with Salix alba and Populus alba
- Upland and alpine coniferous forests adapted to acidic soils (Vaccinio-Piceetea)
- Alpine larch and/or cembra pine forests

c) forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control)

d) forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health) and/or critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

- relicts of historic cultivation methods (composite and coppice forests, ancient grazed forests)

**Indicator:** Unit of measurement for judging whether a Criterion has been met.

**Indigenous Peoples:** In the Federal Republic of Germany, indigenous peoples as defined by the United Nations (UN Doc. E/CN. 4/Sub. 2/1986/7/Add. 4) do not exist:

*"Indigenous communities, peoples and nations are those which share a historical continuity with the societies which developed on their present territories prior to conquest and colonization. They regard themselves as different from other groups within the societies which now occupy their territories, or parts thereof. They represent currently powerless societal units determined to preserve, develop and pass on to subsequent generations the land of their ancestors and their ethnic identity in order to ensure their continued existence as peoples, and in accordance with their own cultural structures, social institutions, and legal systems.*

*This historical continuity may be expressed by holding on to one or several of the following factors over a long period of time extending into the present:*

- a) possession of ancestral territories, or parts thereof;
- b) shared ancestry with the original inhabitants of these territories;
- c) a specific culture in the general sense or specific manifestations thereof (such as religion, life in a tribal system, membership in an indigenous community, special dress, lifestyle, means of support, etc.);
- d) a distinct language (either as the only language, as their mother tongue, as a common means of communication at home/within the family, or as the main, preferred, normal or colloquial language);
- e) habitation in very specific areas in the country, or in particular regions in the world;
- f) other relevant factors."

There are four old-established minority groups in Germany, i.e., the Sorbs, Danes, Friesians, and the Sinti and Roma. However, none of these minorities are involved in any known conflicts with respect to forest use, nor have they made specific forest ownership claims.

**Local Population:** In accordance with the definition of the Employment Office, the population living no more than two hours away.

**Long-term:** The time scale of the forest owner or manager as manifested by the objectives of the management plan, the rate of harvesting, and the commitment to maintain permanent forest cover. The length of time involved will vary according to the context and ecological conditions, and will be a function of how long it takes a given forest ecosystem to approach a natural structure and composition.

**Management Plan:** Management plans in Germany are required for forest enterprises over a certain size. The size varies by federal state from 30 to 250 hectares. Plans are typically prepared by enterprises of 50 hectares or larger. They serve as the basis for tax assessments and for the determination of sustainable levels of harvesting within a period of 10 years (see also "Management Report" and Appendix II to Criterion 7.1).

**Management Report:** The equivalent of the management plan of larger forest enterprises, required for enterprises with a forest area below 150 hectares. Management reports may be developed on the basis of expert assessment. In the context of group certification (cf. Appendix III), forest owners with less than 30 hectares of forest land are given the option to jointly develop a management report. (cf. 'Inventory' and Appendix II, Criterion 7.1).

**Natural Forest Plant Associations:** The forest plant and animal associations that could be expected to occur today based on natural, post-glacial development without human interference under the sole influence of local climate, soil, and terrain.

**Non-timber Forest Products:** All forest products except timber, including other materials obtained from trees such as resins and leaves, as well as any other plant and animal products (e.g., berries and mushrooms). In principle secondary products can also be FSC-certified. Individual cases require the agreement of the certifying authority.

**Other Forest Types:** This is a term used in German forestry legislation to denote different types of non-productive forests: these types include categories such as 'Grenzwirtschaftswald' ("Borderline Managed Forest"), 'Nicht-Wirtschaftswald' ("Non-Managed Forest"), and 'Wald außer regelmäßiger Bewirtschaftung' or 'arB Wald' ("Forest Outside of Regular Management").

**Periodical current mean increment:** The mean increment of usable solid volume timber per year during a planning period of usually ten years.

**Plantations:** The agricultural-like (orchards) planting of even-aged tree monocultures with fast-growing tree species (e.g., cultivated poplars), primarily for the purpose of timber production, and typically characterized by soil cultivation, regular planting or seed rows, fertilization, systematic thinning and final cutting as well as a relatively short rotation period.

**Principle:** An essential rule or element; in FSC's case, of forest stewardship (sustainable forest management).

**Protective and Recreational Functions:** Services of the forest with respect to continual ecosystem productivity, climate, water household, purity of air, soil fertility, landscape development, agriculture and infrastructure as well as recreational activities for the public.

**Red List:** A catalogue listing those species of plants and animals which are in danger of extinction, at least in considerable parts of their natural distribution areas. The lists are regularly updated and serve as a means to design appropriate conservation measures. To this end, the species are assigned to different categories: 0 = extinct or missing; 1 = in danger of extinction; 2 = highly threatened; 3 = threatened; 4 = potentially threatened (cf. Appendix II). Due to the differences in distribution and population density within the territory of Germany, additional species are listed in separate Red Lists by the individual federal states. In case of individual local measures, decisions ought to be based primarily on those state lists.

**Reference sites:** Study and control sites that are not directly influenced by human activities. The natural development of forests observed on these sites serves as a means of orientation for managed forest use. Human impact on reference sites is strictly limited to the required hunting measures according to Criterion 6.3.a3 as well as public traffic safety measures.

To ensure the compatibility of observation results, reference sites should be representative for managed forest areas. Stand types may be considered representative when they constitute greater than 10% of the managed forest area (timberland). The managed timberland area serves as a reference for the managed forest area specified under 6.4.2. Reference sites may also serve as conservation areas.

**Succession:** The natural, continual development of existing plant associations or vegetation-free areas into more permanent, stable plant associations in the absence of human interference.

**Sustainable Felling Rate:** see Appendix II to Criterion 5.6

**Trees of Exceptional Economic Value:** Trees are considered to be of exceptional economic value under 6.3.c3 if they have log quality Grade A as defined by the EEC Council's "Sorting of Timber" guideline dated January 23, 1968. Deciduous trees with log quality Grade B may be harvested if, in their place, a corresponding number of trees are clearly excluded from future forest use and left to the natural aging process. The excluded trees must be as ecologically equivalent as possible to the harvested trees.

- Quality Grade A/EEC  
Healthy wood of outstanding quality or with only insignificant flaws that do not affect its use.
- Quality Grade B/EEC  
Wood of normal quality, including dry timber, with one or more of the following flaws: slightly bent or weak spiral growth, slight tapering, paucity of healthy branches of small to medium diameter, absence of thick branching, presence of diseased branches of small diameter, slightly abnormal pith, slight irregularities in circumference, or other scattered flaws offset by good general quality.

**Use Rights:** Rights for the use of forest resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. Local examples include grazing,

wood harvest, and hunting rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques.

**Viable Proportion of Tree Species:** The viability of a tree species is guaranteed when its proportion relative to other species proves sustainable in subsequent generations due to natural regeneration only and without active promotion.

**Whole Tree Harvesting:** Silvicultural measures of thinning or cutting, which imply the harvest and removal of the total overground biomass of trees (stem, branches, twigs, bark, leaves) from the stand.

## Appendix II: Addenda to Criteria

### To Criterion 1.1: Federal and State Laws, Ordinances

Due to complexities arising from the federal structure of the Federal Republic of Germany and Germany's obligations within the framework of the European Union, it is not possible to provide a comprehensive list of all laws, ordinances and regulations concerning German forest stewardship. Therefore, only an overview of the most important legal requirements can be given here. Additional legal references are provided in the addenda to Criteria 4.2, 4.3 and 6.7. The listing of relevant laws and ordinances are continually updated.

#### FEDERAL LAWS

##### **Bundeswaldgesetz (Federal Forest Law)**

*Gesetz zur Erhaltung des Waldes und zur Förderung der Forstwirtschaft* (Bundeswaldgesetz - BWaldG)

vom 2. Mai 1975 (BGBl. I, S. 1087), geändert durch Gesetz vom 27. Juli 1984 (BGBl. I, S. 1034)

##### **Bundesnaturschutzgesetz (Federal Nature Conservation Law)**

*Gesetz über Naturschutz und Landschaftspflege* (Bundesnaturschutz - BNatSchG)

Fassung vom 21. September 1998 (BGBl. I, S. 2994)

##### **Bundesjagdgesetz (Federal Hunting Law)**

*Bundesjagdgesetz* (BJagdG)

Fassung der Bekanntmachung vom 29. September 1976 (BGBl. I, S. 2849), zuletzt geändert durch Artikel I des Gesetzes vom 21. November 1996 (BGBl. I, S. 1779)

##### **Baugesetzbuch (Federal Building Code)**

*Baugesetzbuch* (BauGB)

Fassung vom 27. August 1997 (BGBl. I, S. 2141; 2902), berichtigt 1998 (BGBl. I, S. 137)

##### **Forst-Handelsklassengesetz (Forest Trade Class Law)**

*Gesetz über gesetzliche Handelsklassen für Rohholz* (Forst-HkIG)

vom 25. Februar 1969 (BGBl. I, S. 149)

##### **Forstschäden-Ausgleichsgesetz (Forest Damage Compensation Law)**

*Gesetz zum Ausgleich von Schäden infolge besonderer Naturereignisse in der Forstwirtschaft*

vom 29. August 1969 (BGBl. I, S. 1533)

##### **Gesetz über forstliches Saat- und Pflanzgut (Law Concerning Forest Seed and Plant Material)**

*Gesetz über forstliches Saat- und Pflanzgut*

vom 26. Juli 1979 (BGBl. I, S. 1221)

##### **Holzabsatzfondsgesetz (Timber Sales Promotion Funds Law)**

*Gesetz über den Holzabsatzfonds* (Holzabsatzfondsgesetz - HAFG)

Fassung der Bekanntmachung vom 6. Oktober 1998 (BGBl. I, S. 3130 - 3133)

##### **Pflanzenschutzgesetz (Cultural Plant Protection Law)**

*Gesetz zum Schutz der Kulturpflanzen* (Pflanzenschutzgesetz - PflSchG)

Fassung vom 14. Mai 1998 (BGBl. I, S. 971, ber. S. 1527, S. 3512)

##### **Tierschutzgesetz (Animal Protection Law)**

*Gesetz zum Schutz von Tieren* (Tierschutzgesetz - TierSchG)

Fassung vom 25. Mai 1998 (BGBl. I, S. 1105)

##### **Gesetze zur Umsetzung von EG-Recht und internationalen Vereinbarungen (Laws concerning the implementation of EC law and international agreements)**

*Gesetz über die Umweltverträglichkeitsprüfung (UVPG)*

Fassung vom 18. August 1997 (BGBl. I, S. 2081)

*Gesetz zu dem Übereinkommen vom 5. Juni 1992 über die biologische Vielfalt*  
Fassung der Bekanntmachung vom 30. August 1997 (BGBl. II, S. 1741)

*Gesetz zur Umsetzung der Richtlinie 90/313/EWG des Rates vom 7. Juni 1990 über den freien Zugang zu Informationen über die Umwelt*  
Fassung der Bekanntmachung vom 8. Juli 1994 (BGBl. I, S. 1490)

*Gesetz über die Durchführung von Maßnahmen des Arbeitsschutzes zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Beschäftigten bei der Arbeit (Arbeitsschutzgesetz - ArbSchG)*  
vom 7. August 1996 (BGBl. 1996 S. 1246; 1479; 1997 S. 594, 2970; 1998 S. 3849)

## **FEDERAL ORDINANCES**

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### *Bundesartenschutzverordnung*

Fassung vom 18. September 1989 (BGBl. I, S. 1677), berichtigt m 8. November 1989 (BGBl. I, S. 2011), geändert durch die 3. Verordnung vom 13. Juni 1997 (BGBl. I, S. 1327)  
vom 3. März 1997, zuletzt geändert durch VO (EG) Nr. 2307/97 vom 18. November 1997 (Abl. EG Nr. L325/1)

*Verordnung über den Schutz von Wild (Bundeswildschutzverordnung - BWildSchV)*  
vom 25. Oktober 1985 (BGBl. I, S. 2040)

*Verordnung über Pflanzenschutzmittel und Pflanzenschutzgeräte (Pflanzenschutzmittelverordnung)*  
Fassung vom 17. August 1998 (BGBl. I, S. 2161, letzte Änderung BGBl. I, S. 2156)

## **STATE LAWS**

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### **State Forest Laws (Landeswaldgesetze)**

#### Baden-Württemberg

*Waldgesetz für Baden-Württemberg (Landeswaldgesetz - LWaldG)*  
Fassung vom 31. August 1995 (GesBl. 685)

#### Bayern

*Waldgesetz für Bayern (Landeswaldgesetz - LWaldG)*  
Fassung vom 25. August 1982 (GVBl. 824)

#### Berlin

*Gesetz zur Erhaltung des Waldes (Landeswaldgesetz - LWaldG)*  
Fassung vom 9. Dezember 1988 (GVBl. 2265)

#### Brandenburg

*Waldgesetz des Landes Brandenburg (Landeswaldgesetz - LWaldG)*  
Fassung vom 17. Juni 1991 (GVBl. 213)

#### Hamburg

*Landeswaldgesetz*  
vom 13. März 1978 (GVBl. 74)

#### Hessen

*Hessisches Forstgesetz*  
Fassung der Bekanntmachung vom 4. Juli 1978 (GVBl. 423), berichtigt am 17. November 1978 (GVBl. 584)

#### Mecklenburg-Vorpommern

*Waldgesetz für das Land Mecklenburg-Vorpommern (Landeswaldgesetz - LWaldG)*  
vom 8. Februar 1993 (GVBl. 90)

#### Niedersachsen

*Landeswaldgesetz (LWaldG)*  
Fassung der Bekanntmachung vom 19. Juli 1978 (GVBl. 595)

#### Nordrhein-Westfalen

*Landesforstgesetz für das Land Nordrhein-Westfalen (Landesforstgesetz - LFoG)*  
Fassung der Bekanntmachung vom 24. April 1980 (GVBl. 546)

#### Rheinland-Pfalz

*Landesforstgesetz (LFG)*  
Fassung der Bekanntmachung vom 2. Februar 1977 (GVBl. 21)

Saarland

*Waldgesetz für das Saarland* (Landeswaldgesetz - LWaldG)  
Fassung vom 26. Oktober 1977 (Amtsblatt 1009)

Sachsen

*Waldgesetz für den Freistaat Sachsen* (Sächs. WaldG)  
vom 10. April 1992 (GVBl. 137)

Sachsen-Anhalt

*Landeswaldgesetz*  
vom 13. April 1994 (GVBl. 520)

Schleswig-Holstein

*Waldgesetz für das Land Schleswig-Holstein* (LWaldG)  
Fassung vom 11. August 1994 (GVBl. 438)

Thüringen

*Gesetz zur Erhaltung, zum Schutz und zur Bewirtschaftung des Waldes und zur Förderung der Forstwirtschaft* (Thüringer Waldgesetz - ThürWaldG)  
vom 6. August 1993 (GVBl. 470, berichtigt 623)  
*2. Gesetz zur Änderung des ThJG, des Th. Waldgesetzes und des Th. Fischereigesetzes*  
vom 19. Dezember 1995 (GVBl. 415)

**State Nature Conservation Laws (Landesnaturschutzgesetze)**

Baden-Württemberg

*Gesetz zum Schutz der Natur, zur Pflege der Landschaft und über die Erholungsvorsorge in der freien Landschaft* (Naturenschutzgesetz – NatSchG)  
vom 01.01.1976 (GBl. 1975 S. 654), Bek. d. Neufassung v. 29.03.1995 (GBl. Nr. 15/1995 S. 385, zuletzt geändert durch Art. 6 des Gesetzes vom 18.12.1995 GBl. Nr. 2/1996 S. 29)

Bayern

*Gesetz über den Schutz der Natur, die Pflege der Landschaft und die Erholung in der freien Natur* (Bayrisches Naturenschutzgesetz – BayNatSchG)  
in der Fassung der Bekanntmachung vom 10.10.1982 (GVBl. S. 874), geändert durch das Grunderwerbssteuergesetz vom 17.12.1982 (BGBl. I 1982, S. 1777), § 7 des Gesetzes vom 16.07.1986 (GVBl., S.135), Gesetz zur Änderung des Bayrischen Naturenschutzgesetzes vom 09.11.1993 (GVBl., S.833) und Gesetz zur Änderung des Bayrischen Naturenschutzgesetzes vom 28.04.1994 (GVBl., S. 299), geändert durch Bek. der Neufassung vom 18.08.1998 (GVBl. Nr. 17/1998 S. 593)

Berlin

*Gesetz über Naturschutz und Landschaftspflege von Berlin* (Berliner Naturenschutzgesetz – NatSchGBln)  
vom 30.1.1979\*) (GVBl., S.183), zuletzt geändert durch Viertes Gesetz zur Änderung des Berliner Naturenschutzgesetzes vom 9.7. 1992 (GVBl., S.229)<sup>1</sup>), § 7 Berliner Gesetz über die Umweltverträglichkeitsprüfung vom 21.7.1992 (GVBl., S.234)<sup>2</sup>) Fünftes Gesetz zur Änderung des Berliner Naturenschutzgesetzes vom 30.3.1994 (GVBl., S.106)<sup>3</sup>) Sechstes Gesetz zur Änderung des Berliner Naturenschutzgesetzes vom 6.7.1994 (GVBl., S.219)<sup>4</sup>), Art.V Verwaltungsreformgesetz vom 19.7.1994 (GVBl., S.246)<sup>5</sup>) und Siebentes Gesetz zur Änderung des Berliner Naturenschutzgesetzes vom 17.2.1995 (GVBl., S.56)<sup>6</sup>), in der Fassung vom 10.07.1999 (GVBl. Nr. 30/1999 S. 390)

Brandenburg

*Brandenburgisches Gesetz über Naturschutz und Landschaftspflege* (Brandenburgisches Naturenschutzgesetz – BbgNatSchG)  
vom 25.06.1992 (GVBl., S.208), geändert durch Gesetz vom 15.12.1993 (GVBl. S.510), geändert durch Art 1 v. 17.12.1996 in (Gesetz über den Naturschutz und die Landschaftspflege im Land Brandenburg), zuletzt geändert durch Art 3 des Gesetzes vom 18.12.1997 (GVBl. Nr. 13/1997 S. 124)

Bremen

*Gesetz über Naturschutz und Landschaftspflege* (Bremisches Naturenschutzgesetz – BremNatSchG)  
vom 17.9.1979 (Brem.GBl. S.345), geändert durch 1. Gesetz vom 01.06.1999 (GBl. Nr. 20/1999 S. 89)

### Hamburg

*Hamburgisches Gesetz über Naturschutz und Landschaftspflege* (Hamburgisches Naturschutzgesetz – HmbNatSchG)

vom 02.07.1981 (Hamb. GVB1. S. 167), zuletzt geändert durch Gesetz vom 21.12.1990 (Hamb. GVB1. S.283) und Art. 2 des Gesetzes vom 15.11.1994 (Hamb. GVB1. S. 288), geändert durch Art. 4 des Gesetzes vom 04.11.1997 (GVBl. Nr. 54/1997 S. 489)

### Hessen

*Hessisches Gesetz über Naturschutz und Landschaftspflege* (Hess. Naturschutzgesetz – HeNatG)

vom 19.09.1980, (GVB1., S. 309, geändert durch Art. 27 des Gesetzes vom 28.08.1986 (GVB1., S. 253), Art.25 des Gesetzes vom 04.11. 1987 (GVB1., S. 193), Art. 3 des Gesetzes vom 29.03.1988 (GVB1., S.130), Art.5 des Gesetzes vom 21. 12.1988 (GVB1., S.429), Art. 2 des Gesetzes zur Änderung des Hessischen Wassergesetzes vom 23.9.1994 (GVB1., S.425) und Art. 1 des Gesetzes zur Änderung des hessischen Naturschutzrechtes vom 19.12.1994 (GVB1., S. 775)\*), GVB1 II 881-17, geändert durch Bek. der Neufassung vom 16.04.1996 (GVBl. Nr. 10/1996 S. 145), geändert durch Art. 7 des Gesetzes vom 18.12.1997 (GVBl. Nr. 26/1997 S. 429)

### Mecklenburg-Vorpommern

*Gesetz zum Schutz der Natur und der Landschaft im Lande Mecklenburg-Vorpommern* (Landesnaturschutzgesetz – LNatG M-V)

Vom 21. Juli 1998 (GVOBl. M-V S. 647), in Kraft am 30. Juli 1998 - geändert durch Artikel 4 des Gesetzes vom 23. Februar 1999 (GVOBl. M-V S. 200), in Kraft am 1. Januar 1999 (GS Meckl.-Vorp. Gl. Nr. 791-5)

### Niedersachsen

*Niedersächsisches Naturschutzgesetz*

in der Fassung vom 11.04.1994 (Nds. GVB1.S.155, ber. S.267), geändert durch Art. 2 des Gesetzes vom 11.02.1998 (GVBl. Nr. 5/1998 S. 86)

### Nordrhein-Westfalen

*Gesetz zur Sicherung des Naturhaushaltes und Entwicklung der Landschaft* (Landschaftsgesetz – LG)

in der Fassung der Bekanntmachung vom 15.08. 1994\*) (GV.NW.S.710), geändert durch Art. 3 des Gesetzes vom 02.05.1995 (GV.NW.S.382)

### Rheinland-Pfalz

*Landesgesetz über Naturschutz und Landschaftspflege* (Landespflegegesetz – LPfIG)

in der Fassung vom 5.2.1979), (GVB1., S.37), geändert durch Landesgesetz vom 04.03.1983 (GVB1., S.66), Erstes Landesgesetz zur Änderung des Landespflegegesetzes vom 27.03.1987 (GVB1., S. 70), Art. 10 Erstes Landesgesetz zur Fortführung der Verwaltungsvereinfachung vom 08.04.1991 (GVB1., S.104) und Zweites Landesgesetz zur Änderung des Landespflegegesetzes vom 14.06.1994 (GVB1., S. 280)

### Saarland

*Gesetz über den Schutz der Natur und die Pflege der Landschaft* (Saarl. Naturschutzgesetz - SNG)

vom 19.03.1993 (Amtsbl.S.346, ber.S.482), geändert durch Abs. 16 des Gesetzes vom 05.02.1997 (Amtsbl. Nr. 13/1997 S. 258)

### Sachsen

*Sächsisches Gesetz über Naturschutz und Landschaftspflege* (Sächsisches Naturschutzgesetz – SächsNatSchG)

vom 11.10.1994, (GVB1.S.1601, ber.1995 S.105, ber. der Bek. v. 20.2.1995 (GVBl. Nr. 7/1995 S. 106)

### Sachsen-Anhalt

*Naturschutzgesetz des Landes Sachsen-Anhalt* (NatSchG LSA)

vom 11.02. 1992, (GVBl. Nr. 7/1992 S. 108), geändert durch zweites Gesetz zur Änderung vom 27.01.1998 (GVBl. Nr. 5/1998 S. 28)

### Schleswig-Holstein

*Gesetz zum Schutz der Natur* (Landesnaturschutzgesetz – LNatSchG)

Fassung der Bekanntmachung des Gesetzes zur Neufassung des Landschaftspflegegesetzes (Gesetz zum Schutz der Natur - Landesnaturschutzgesetz - LNatSchG) und zur Anpassung anderer Rechtsvorschriften vom 16. Juni 1993 (GVOBl. Schl.-H. S. 215), geändert durch Landesverordnungen vom 30. November 1994 (GVOBl. S. 527) und vom 24. Oktober 1996 (GVOBl. S. 652), geändert durch Art 6 der LVO vom 16.06.1998 (GVBl. Nr. 10/1998 S. 210)

### Thüringen

*Thüringer Gesetz über Naturschutz und Landschaftspflege* (Thüringer Naturschutzgesetz – ThürNatG)

Vorläufiges Thüringer Gesetz über Naturschutz und Landschaftspflege (Vorläufiges Thüringer Naturschutzgesetz - VorlThürNatG) vom 28.01.1993, (GVBl. Nr. 4/1993 S. 57), geändert durch Neubekanntmachung des Thüringer Gesetzes über Naturschutz und Landschaftspflege vom 29.04.1999 (GVBl. Nr. 10/1999 S. 298)

## **State Hunting Laws (Landesjagdgesetze)**

### **Baden-Württemberg**

#### *Landesjagdgesetz für Baden-Württemberg (LJagdG)*

Fassung vom 1. Juni 1996 (GesBl. 369, berichtigt S. 723), geändert durch Art. 34 der VO vom 17. Juni 1997 (Ges.Bl. 278) Verordnung zur Durchführung des LJagdG vom 5. September 1996 (Ges.Bl. 601)

### **Bayern**

#### *Bayerisches Jagdgesetz (BayJG)*

vom 13. Oktober 1978 (GVBl. 678), zuletzt geändert durch Gesetz vom 24. Mai 1996 (GVBl. 185)

### **Berlin**

#### *Gesetz über den Schutz, die Hege und Jagd wildlebender Tiere im Land Berlin (LJagdG Bln)*

vom 3. Mai 1995 (GVBl. Berlin 282)

### **Brandenburg**

#### *Gesetz über den Schutz, die Hege und Bejagung wildlebender Tiere im Land Brandenburg*

(Brandenburgisches Landesjagdgesetz - LJagdGBbg.)

vom 3. März 1992 (GVBl. I, S. 58-77)

### **Bremen**

#### *Bremisches Landesjagdgesetz (LJagdG)*

vom 26. Oktober 1981 (BrGBI. 171), zuletzt geändert am 4. Juni 1884 (BrGBI. 173)

### **Hamburg**

#### *Hamburgisches Jagdgesetz*

vom 22. Mai 1978 (HGVBl. 162), zuletzt geändert am 27. August 1997 (HGVBl. 439)

### **Hessen**

#### *Hessisches Jagdgesetz (HJG)*

vom 12. Oktober 1994 (GVBl. 606), geändert am 8. Juni 1998 (GVBl. 222)

### **Mecklenburg-Vorpommern**

#### *Jagdgesetz des Landes Mecklenburg-Vorpommern (Landesjagdgesetz - LJagdG)*

vom 10. April 1992 (GVBl. 30)

### **Niedersachsen**

#### *Landesjagdgesetz (LJagdG)*

Fassung vom 24. Februar 1978 (GVBl. 218), zuletzt geändert am 5. Dezember 1983 (GVBl. 281), Art. 41-43 außer Kraft durch BWildSchV vom 25. Oktober 1985 (GVBl. 2040)

### **Nordrhein-Westfalen**

#### *Landesjagdgesetz Nordrhein-Westfalen (Landesjagdgesetz - LJG-NW)*

Fassung vom 11. Juli 1978 (GV. NW. 318), zuletzt geändert durch Gesetz vom 10. April 1997 (GV. NW. 56)

### **Rheinland-Pfalz**

#### *Landesjagdgesetz (LJG)*

vom 5. Februar 1979 (GVBl. 23), zuletzt geändert am 5. Mai 1997 (GVBl. 127)

### **Saarland**

#### *Gesetz zur Erhaltung und jagdlichen Nutzung des Wildes (Saarländisches Jagdgesetz - SJG)*

vom 27. Mai 1998 (Amtsblatt 638)

### **Sachsen**

#### *Landesjagdgesetz Sachsen (Sächs. LJagdG)*

vom 8. Mai 1991 (GVBl. 67)

### **Sachsen-Anhalt**

#### *Landesjagdgesetz Sachsen-Anhalt*

vom 23. Juli 1991 (GVBl. LSA 186)

### **Schleswig-Holstein**

#### *Jagdgesetz des Landes Schleswig-Holstein (Landesjagdgesetz - LJagdG)*

Fassung der Bekanntmachung vom 11. August 1994 (GVBl. 452)

### **Thüringen**

#### *Thüringer Jagdgesetz (ThJG)*

vom 11. November 1991 (GVBl. 571)

#### *2. Gesetz zur Änderung des ThJG, des Th. Waldgesetzes und des Th. Fischereigesetzes*

vom 19. Dezember 1995 (GVBl. 415)

## DIRECTIVES AND REGULATIONS

### State Forest Management Planning Directives

[to be completed]

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#### to Criterion 1.2: Fees, Royalties and Taxes

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- Taxes  
(income, real estate, salary, value-added tax)
- Legally required social insurance  
(health, annuity, nursing, accident, unemployment insurance)
- Fees to the Timber Sales Promotion Fonds (Holzabsatzfonds)

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#### to Criterion 1.3: International Agreements

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##### a. ILO-Conventions

The International Labour Organisation (ILO) is a special UN organization founded in 1919. With its main seat in Geneva, the ILO strives to improve living and working conditions worldwide, to create employment opportunities, and to further the recognition of basic human rights. The ILO's importance in international social policy is based on its tripartite organizational structure, which includes employers and workers' representatives as equal partners in the decision-making process alongside government representatives.

To this end, the ILO formulates international principles in the form of conventions and recommendations, which represent the minimum standard for basic workers' rights. The following section lists seven conventions, regarded as the core standard by the ILO, which were all undersigned by the Federal Republic of Germany and are thus also binding for FSC certification.

- Freedom of Organization  
*Convention 87 on Freedom of Association and Protection of the Right to Organise, 1948*  
*Convention 98 on the Right to Organise and Collective Bargaining, 1949*
- Abolition of Forced Labor  
*Convention 29 on Forced Labour, 1930*  
*Convention 105 on Abolition of Forced Labour, 1957*
- Equal Rights / No Discrimination  
*Convention 100 on Equal Remuneration, 1951*  
*Convention 111 on Discrimination (Employment and Occupation), 1958*
- Child Labour  
*Convention 138 on Minimum Age for Admission to Employment, 1973*

##### b. International Agreements for the Protection of Animals and Plants

In this area, the Federal Republic of Germany has signed the following international agreements, among others:

- the *Bern Convention* of 1979 for the preservation of Europe's wild animals and native plants and their natural habitats;
- the *Convention on Biological Diversity* of Rio de Janeiro of June 5, 1992, concerning biological diversity;
- the *Bonn Convention* of June 23, 1979, for the preservation of migrating wild animal species;
- the *Washington Convention on International Trade in Endangered Species (CITES)* of March 3, 1973, concerning the international trade in endangered species of wild animals and plants.

##### c. European Decrees and Guidelines

- EU Species Protection Act  
*Verordnung (EG) Nr. 338/97 vom 9. Dezember 1996 über den Schutz von Exemplaren*

wildlebender Tier- und Pflanzenarten durch Überwachung des Handels  
(Abl. EG Nr. L 61/1)

- EC Guideline for Bird Conservation  
*Richtlinie 79/409/EWG vom April 1979 zur Erhaltung wildlebender Vogelarten;*  
*Richtlinie 94/24/EG vom 8. Juni 1994 zur Änderung des Anhangs II der Richtlinie 79/409/EWG über die Erhaltung wildlebender Vogelarten.*
- Fauna-Flora-Habitat Guideline (FFH)  
*Richtlinie 92/43/EWG vom 21. Mai 1992 zur Erhaltung der natürlichen Lebensräume sowie der wildlebenden Tiere und Pflanzen*  
(ABl. Nr. L 206 vom 22. Juli 1992 S. 7, Änderungen 97/62/EG - ABl. Nr. L vom 8. November 1997 S. 42)

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### **to Criterion 1.4: Possible legal conflicts**

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On the whole, the German FSC Guideline contains nothing to conflict with existing laws. When a forest enterprise perceives a conflict in a particular case, it must bring it to the attention of the certification authority for investigation.

Examples of potential conflicts:

- Area drainage (Crit. 6.5)
- Pest management or its absence (Crit. 6.6)
- Road construction by the Federal Government; land clearing in the public interest (Crit. 6.5 and Crit. 6.10)
- Reforestation and forest management requirements (Crit. 6.3 and 6.4)

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### **to Criteria 4.2: Worker health and safety regulations**

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Labour unions recognized as corporate entities promulgate accident prevention rules (APRs) and oversee compliance with the rules on the worksite:

- *Unfallverhütungsvorschrift 4.3: Forsten*  
vom 1. Januar 1985 in der Fassung vom 1. Oktober 1997
- *Unfallverhütungsvorschrift 4.5: Umgang mit Arbeitsstoffen in der Land- und Forstwirtschaft*  
vom 1. Januar 1981 in der Fassung vom 1. Oktober 1997

As a rule, terms for compliance with accident prevention rules are laid down in collective wage agreements.

In the Federal Republic of Germany the following rules and regulations also apply:

- *Arbeitsschutzgesetz (ArbSchG) – Gesetz über die Durchführung von Maßnahmen des Arbeitsschutzes zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Beschäftigten bei der Arbeit*  
vom 7. August 1996, als Gesetz zur Umsetzung der EG-Rahmenrichtlinie Arbeitsschutz und weiterer Arbeitsschutz-Richtlinien: Richtlinie 89/391/EWG des Rates vom 12. Juni 1989 über die Durchführung von Maßnahmen zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Arbeitnehmer bei der Arbeit (ABl. EG Nr. L 183 S. 1 ) und - Richtlinie 91/383/EWG des Rates vom 25. Juni 1991 zur Ergänzung der Maßnahmen zur Verbesserung der Sicherheit und des Gesundheitsschutzes von Arbeitnehmern, mit befristetem Arbeitsverhältnis oder Leiharbeitsverhältnis (ABl. EG Nr. L 206 S.19)
- *Arbeitssicherheitsgesetz (ASiG) – Gesetz über Betriebsärzte, Sicherheitsingenieure und andere Fachkräfte für Arbeitssicherheit*  
vom 12. Dezember 1973 (BGBl. I S. 1885; ...; 1996 S. 1476); (BGBl. III/FNA 805-2)
- *Arbeitsstättenverordnung (ArbStättV) – für Arbeitsräume in Gebäuden einschließlich Ausbildungsstätten, Arbeitsplätze auf dem Betriebsgelände im Freien*  
vom 20. März 1975, zuletzt geändert durch Artikel 4 der "Verordnung zur Umsetzung von EG-Richtlinien zur EG - Rahmenrichtlinie Arbeitsschutz" vom 4. Dezember 1996 (BGBl. I S. 1841)
- *Arbeitszeitgesetz (ArbZG)*  
vom 6. Juni 1994 (BGBl. I S. 1170), zuletzt geändert durch Artikel 14a des Gesetzes vom 9. Juni 1998 (BGBl. I S. 1242).
- *Berufsbildungsgesetz (BBiG)*  
Vom 14 August 1969 (BGBl. IS. 1112), zuletzt geändert durch Artikel 6 des Zweiten Gesetzes zur Änderung der Handwerksordnung und anderer handwerksrechtlicher Vorschriften vom 25. März 1998 (BGBl. I S. 596)

- *Bildschirmarbeitsverordnung (BildscharbV) – Verordnung über Sicherheit und Gesundheitsschutz bei der Arbeit an Bildschirmgeräten*  
vom 4. Dezember 1996 (BGBl. I S. 1841)
- *Bundesurlaubsgesetz (BUrlG) – Mindesturlaubsgesetz für Arbeitnehmer*  
vom 8. Januar 1963 (BGBl. I S. 2), zuletzt geändert durch Artikel 8 des Gesetzes vom 19. Dezember 1998 (BGBl. I S. 3843)
- *Gerätesicherheitsgesetz (GSG) – Gesetz über technische Arbeitsmittel*  
vom 11. Mai 2001 (BGBl. I S. 866)
- *Gefahrstoffverordnung (GefStoffV) – Verordnung zum Schutz vor gefährlichen Stoffen*  
vom 15. November 1999 (BGBl. I S. 2233)
- *Gesetzliche Kranken-, Arbeitslosen- und Rentenversicherung (Pflicht)*  
– Sozialgesetzbuch Fünftes Buch (SGB V) – Gesetzliche Krankenversicherung vom 20.12.1988 (BGBl. I S. 2477, Artikel 1), zuletzt geändert durch Gesetz vom 22. Dezember 1999 (BGBl. I S. 2626)  
– Sozialgesetzbuch Sechstes Buch (SGB VI) – Gesetzliche Rentenversicherung vom 18. Dezember 1989 (BGBl. I Nr. 60 vom 28.12.1989 S. 2261; BGBl. I Nr. 33 vom 06.07.1990 S. 1377) zuletzt geändert am 27. Juni 2000 durch Artikel 1 des Gesetzes zur Sicherstellung der Rentenauszahlung im Vormonat (Rentenauszahlungsgesetz) (BGBl. I Nr. 29 vom 30.06.2000 S. 939)  
– Sozialgesetzbuch Siebtes Buch (SGB VII) – Gesetzliche Unfallversicherung (860-7) vom 7. August 1996 (BGBl. I S. 1254), zuletzt geändert durch Artikel 2 des Gesetzes vom 27. Juli 2001 (BGBl. I S. 1948), zuletzt bearbeitet 27. August 2001
- *Jugendarbeitsschutzgesetz (JArbSchG) – Gesetz zum Schutze der arbeitenden Jugend*  
vom 12. April 1976 (BGBl. I S. 965), zuletzt geändert durch Gesetz vom 26. Januar 1998 (BGBl. I S. 164)
- *Kinderarbeitsschutzverordnung (KindArbSchV) – Verordnung über den Kinderarbeitsschutz*  
vom 23. Juni 1998 (BGBl. I S. 1508)
- *Kündigungsschutzgesetz (KSchG)*  
vom 10. August 1951 (BGBl. I S. 499) in der Fassung vom 25. August 1969 (BGBl. I S. 1317) zuletzt geändert am 24. März 1997 (BGBl. I S. 594), nach Maßgabe des Änderungsgesetzes vom 19.12.1998 (BGBl. I S. 3849)
- *Lastenhandhabungsverordnung (LasthandhabV) – Verordnung über Sicherheit und Gesundheitsschutz bei der manuellen Handhabung von Lasten bei der Arbeit*  
Diese Verordnung ist als Artikel 2 der Verordnung zur Umsetzung von EG-Richtlinien zur EG-Rahmenrichtlinie Arbeitsschutz vom 4. Dezember 1996 (BGBl. I S. 1841 ff.) am 20. Dezember 1996 in Kraft getreten.
- *Mutterschutzgesetz (MuSchG) – Gesetz zum Schutze der erwerbstätigen Mutter*  
in der Fassung vom 24.01.1997 (BGBl. I S. 23)
- *PSA-Benutzungsverordnung (PSA-BV) – Verordnung über Sicherheit und Gesundheitsschutz bei der Benutzung persönlicher Schutzausrüstungen bei der Arbeit*  
Diese Verordnung ist als Artikel 1 der Verordnung zur Umsetzung von EG-Richtlinien zur EG-Rahmenrichtlinie Arbeitsschutz vom 4. Dezember 1996 (BGBl. I S. 1841 ff.) am 20. Dezember 1996 in Kraft getreten.

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### **to Criterion 4.3: Right of workers to organize**

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The following regulations apply where in force:

- *Betriebsverfassungsgesetz (BetrVG)*  
vom 15. Januar 1972 (BGBl. I S. 13), zuletzt geändert durch Art. 52 des Gesetzes vom 24. März 1997 (BGBl. I S. 594).
- Personalvertretungsgesetze der Länder
- *Tarifvertragsgesetz (TVG)*  
in der Fassung der Bekanntmachung vom 25. August 1969 (BGBl. I Nr. 83 vom 27.08.1969 S. 1323) zuletzt geändert am 29. Oktober 1974 durch Artikel II des Gesetzes zur Änderung des Heimarbeitsgesetzes und anderer arbeitsrechtlicher Vorschriften (Heimarbeitsänderungsgesetz) (BGBl. I Nr. 119 vom 31.10.1974 S. 2879)
- Tarifverträge:
  - Bundesangestelltentarif (BAT)
  - Manteltarifvertrag für die Arbeiter der Länder (MTL)
  - Manteltarifvertrag für die staatlichen Forstbetriebe

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#### **to Criterion 4.4: Notification of Interested Parties**

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Pertinent activities for the purposes of this guideline are all activities that directly affect interested parties or that have a direct impact on adjacent lands, such as :

- Construction activities, e.g. road building activities, that are important for the connection of relatively large areas
  - Water construction projects, e.g. projects that could lead to changes in groundwater flows
  - Felling activities that have an impact on adjacent properties, on access roads to land owned by third parties, or on other necessary roads
  - Activities in protected areas and in high conservation value forests
  - Constitution of conservation zones or reference sites
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#### **to Criterion 4.5: Compensation Regulation**

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In the Federal Republic, compensation for damages is regulated under §823 of the Civil Law Code: “An individual harmed by another has a claim to compensation. Claims are to be pursued through the legal system.”

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#### **to Criterion 5.5: Recreational Use**

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In addition, recreational forests can be constituted under §3 of the Federal Forest Act when this furthers the public interest. Federal States can issue regulations covering forest management, restrictions on hunting, and construction of recreational facilities, as well as the conduct of forest visitors.

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#### **to Criterion 5.6: Determination of the Feasibility of Sustainable Use Levels**

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Determining the feasibility of sustainable use levels is relatively complex because there is no perfect, quantifiable method of evaluation. The so-called sustainable harvest level is a relatively good standard which take several factors into account, including growth rates, and it is recommended here. Growth rates alone is a less suitable standard because it ignores enterprise stocking rates.

The sustainable harvest level shall be established in the forest management plan. It shall be calculated using various indicators of sustainability weighed against each other in light of each enterprise's specific situation. Typical specific situations for an enterprise include start-up, retrenchment, or intermittent operation.

In forest enterprises where younger forests predominate (“Aufbaubetriebe”), these are characterized by rapid growth but only limited timber stocks. In this case timber harvests must be less than actual new growth. The situation for forest enterprises where older forests predominate (“Abbaubetriebe”) is reversed: older stands with high stocks of salable timber must be harvested before they decline in value. In intermittently operating enterprises (“Aussetzende Betriebe”) timber is harvested irregularly as the overall managed area is too small.

The function of forest management is to produce a balanced evaluation of the situation. Applicable methods for evaluating sustainability vary by Federal State. The following methods are typically used:

Current Total Increment:	Actual annual forest growth. Because younger trees grow more quickly than older ones, it is important to take the age of forest areas into consideration.
Mean Total Increment:	Forest growth over a specified period (often 100 years). Here different growth rates amongst trees of different ages balance out.
Summary Felling Plan:	Harvest levels are calculated on the basis of forest area size and duration of cultivation cycles. An optimal harvesting age is set for each tree species and harvestable stands of that age are identified.

Forestry Site Plan:	the results of a management plan for each individual stand based on site inspections.
Formula indicators:	various calculation matrices have been developed, e.g. by GERHARD, HEYER, or HUNDESHAGEN. These formulas incorporate actual and planned stocking levels in addition to growth rates.

Each of these evaluation methods has advantages and disadvantages; each gives greater or lesser importance to one or more criteria. The sustainable harvest rule represents a compromise resulting from consideration of all the arguments. It specifies a volume of timber that can be sustainably harvested, but an exact definition of exploitable timber amount is not possible in a scientific sense.

In addition, the harvest level provides an average value for the purposes of ten-year planning; as an annual standard it must be used with care. Actual annual timber usage regularly exceeds or falls short of a harvest level due primarily to the impact of timber market fluctuations, but also due to unexpected harvesting due to natural disasters.

Finally, the harvest level provide the basis for the tax assessment of privately-owned forests. Since set taxes must be paid every year, even when actual harvests fall short of the sustainable harvest level, private forest enterprises place a particularly high value on careful calculation of the harvest level. In this case, potentially sustainable use levels are often higher than the harvest levels specify.

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## **to Criterion 6.2: *Endangered Species and Conservation zones***

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### **a) Endangered species**

Species whose populations are in danger of extinction in large parts of their distribution area in Germany. This includes species on the Red List in category '3' or below (1 to 3). Red lists are catalogues of those species of plants and animals which are in danger of extinction due to human activities, at least in considerable parts of their natural distribution areas. The lists are regularly updated and serve as a means to design appropriate conservation measures. To this end, the species are assigned to different categories. Due to the differences in distribution and population density within the territory of Germany, additional species are listed in separate Red Lists by the individual federal states. When local authorities take charge of individual cases, state Red Lists must be taken as the primary basis for decision-making.

According to the Red List of the Federal Republic of Germany, the following distinct categories apply:

- **Category 0: „Extinct or vanished“**  
Species whose populations are evidently extinct or have been extirpated (reference period ca. 1850, for mammals and birds until the Middle Ages), or "vanished species", i.e., species whose occurrence is documented in the past but which have not been found in recent times (at least 10 years) despite search efforts.
- **Category 1: „Threatened with Extinction“**  
The survival of these species in the Federal Republic of Germany is unlikely as long as the causal factors continue to exist and/or conservation and support measures by humans are not implemented, or cease. This also includes species with single occurrences or few, isolated, small or very small populations (so-called "rare species") which are seriously threatened due to existing or foreseeable disturbances.
- **Category 2: „Strongly Endangered“**  
Endangered within almost their entire range in Germany. Species with small populations, and species which are in significant decline throughout most of their local distribution area, or which have disappeared regionally.
- **Category 3: „Endangered“**  
Endangered within large portions of their range in Germany. Species with regionally small or very small populations; populations which are regionally or locally declining or have locally disappeared; and plants with varying growing sites.
- **Category 4: „Potentially Endangered“**  
Species with only few or small populations in the area, and species which occur in small populations at the edge of their range, if they are not already included in categories 1 through 3 due to their acute threatened status.

## b) Conservation Zones

The following conservation zones must be considered in forest management planning:

Conservation categories defined by §13-18 of the Federal Nature Conservation Act: Nature Reserves, National Parks, Landscape Conservation Areas, Nature Parks, National Monuments, Protected Landscape Elements.

Water protection areas designated as conservation zones I, II and III by the Federal Water Act of 27 July 1957, 6th Amendment dated 18 November 1996, §19, in conjunction with state water laws.

Biotopes under § 20c of the Federal Nature Conservation Act: moist biotopes; dry biotopes; marsh, swamp and meadow woodlands; rock formations and dunes; and special alpine biotopes. Mapping of forest biotopes has been carried out in some areas, such as southern Germany, making possible a precise list of biotopes.

Protected forest areas under § 12 of the Federal Nature Conservation Act: forests which reduce immisions, conserve soils, or reduce noise or visual pollution. State laws may require forest owners to refrain from specified activities in protected forest areas.

FFH areas designated under EU-Guideline 92/43/EWG include rare forest plant associations as well as various types of habitats.

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### **to Criterion 6.3.a3: Management of Wild Game Populations**

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Under §1 of the Federal Hunting Law, the management of adequate wild game populations must be conducted in a way that damages (e.g. browsing, bark-peeling) to forest stands are minimized. In all Federal States, browsing and foraging reports employing various evaluation methods are carried out every three years.

Under §21 of the Federal Hunting Law, hooved animals may only be hunted within the limits of the required hunting regulations determined by the authorities with jurisdiction. Hunters must comply with the required hunting limits for hooved animals. The states determine the conditions under which required hunting regulations are enforced through the issuance of hunting licenses; they may require physical evidence of compliance with the hunting regulations.

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### **to Criterion 6.5: Forest Access and Drainage**

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#### **a) Forest Access**

In Issue No.11 (1997) of their magazine "Forest and Trail", the "Kuratorium für Waldarbeit und Forsttechnik e.V." provided a comprehensive list of recommendations for careful opening up of forests to public use. The basic principles laid down in this publication provide guidance for minimizing potential negative consequences to the ecosystem and the countryside. They should be considered as a model for environmentally appropriate trail building for the purposes of these guidelines.

The following aspects are worthy of special consideration:

- The determination of optimal trail width (maximum 3.5 m): limited utilization of the countryside, early slope stabilization, and development of plant associations on the edge of the forest interior.
- Preferential use of locally available building materials for trail reinforcement, avoidance of aggregate surfaces (concrete or asphalt).
- Keeping clear of springs, moist biotopes and similar locations.
- Trail upkeep:
  - Regular maintenance of trail supports, especially during heavy precipitation
  - Ban on mechanized excavation around protected flora and fauna
  - Delayed clearing of trail edges until after the dying back of ground cover, or after the fledging of ground-breeders.

#### **b) Drainage**

Drainage projects do not come under Criterion 6.5.7 when they are conducted

- a) as part of the "Boden- und Wasserverband",
- b) for trail safety, or
- c) for securing agricultural production areas.

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## **to Criterion 6.6: Biocides**

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### **a. Prohibited Biocides**

In 1975, the 28th Convention of the World Health Organisation (WHO) ratified the WHO Classification of Pesticides by Hazard, which defines the toxicity of pesticides and subsequently assigns toxicity classes for their components. This classification has since been accepted worldwide.

Prompted by member nations and registration agencies, the first Guidelines to Classification were prepared in 1978, which contain appropriate lists of classified pesticide components and are being updated every two years.

The WHO lists the following classes:

- I. EXTREMELY DANGEROUS (Class 1a) active components of pesticides
- II. VERY DANGEROUS (Class 1b) active components of pesticides
- III. MODERATELY DANGEROUS (Class 2) active components of pesticides
- IV. SLIGHTLY DANGEROUS (Class 3) active components of pesticides

***Biocides of the WHO classes 1A and 1B, chlorinated hydrocarbons, persistent and lasting biologically active biocides which accumulate in food chains, and other biocides whose use is prohibited by international agreements, are generally (worldwide) banned from use in FSC certified enterprises.***

### **b. Approved Herbicides**

According to Article 12, Section 2, of the Council Guideline 91/414/EEC, every EU member nation annually compiles a list of herbicides which are approved within its territory, and makes that list available to the other EU member nations and the European Commission.

The testing and approval of herbicides in the Federal Republic of Germany are regulated in the amended Cultural Plant Protection Law of May 14, 1998, which is based on EU guideline 91/414/EEC.

Herbicides may only be brought into circulation or imported if they have been approved by the Federal Biological Institute for Agriculture and Forestry (*Biologische Bundesanstalt für Land- und Forstwirtschaft - BBA*) in Brunswick (*Braunschweig*). An approved herbicide can be identified by the stamp of approval of the BBA in the shape of a triangle and the registration number.

The approval of an herbicide is necessary for its sale or import, and since Juli 1, 1998, also for its application. The BBA further regulates herbicide use through the wording of the instructions, containing information on areas of application and restrictions. In special cases it may include application regulations. Violations of such regulations may be subject to a fine.

When applied correctly and according to specifications, or as a result of such application, the herbicide may

- not have any negative effects on the health of humans and animals, or on the ground water;
- not have any other effects, especially on the natural balance, which are unacceptable based on current scientific knowledge.

***According to the German FSC guideline, the use of herbicides is only permissible for pest control in exceptional cases when ordered by an administrative agency.***

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## **To Criterion 6.7: Disposal of Substances Harmful to the Environment**

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Kreislaufwirtschaftsgesetz und Abfallgesetz (KrWG/AbfG) – Gesetz zur Förderung der Kreislaufwirtschaft und Sicherung der umweltverträglichen Beseitigung von Abfällen vom 27.09.94 (in Kraft seit 07.10.96)

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### **To Criterion 6.9: Exotic tree species**

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Non-native tree species are only cultivated in Germany when they have been proven ecologically non-invasive through years of experience or with comparable data from pilot projects. That is, they must coexist with native tree species and not tend toward dominance. They must support an abundant level of plant and animal life that is not significantly under those of natural forest plant associations. They must contribute to the performance of the forest's ecological function and regenerate naturally under existing environmental conditions.

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### **To Criterion 7.1: Forest Planning**

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Forest planning in Germany takes place at many levels.

#### **a) Forest Development Planning („Forstliche Rahmenplanung“)**

Is specified in § 6 of the Federal Forest Law. Planning goals are identified as improvement of forest structure, forest preservation, sustainability of forest functions, retention and improvement of soil fertility. The goals of Forest Development Planning must conform with state planning. Forest Development Plans are drawn up by state under the jurisdiction of responsible state officials.

#### **b) Management plans**

The management plan is the vehicle for forest planning at the enterprise level (assessment, inventory). Management plans are required in Germany for enterprises with a minimum area of 30 to 150 hectares, depending on federal state regulations, and are typically developed for enterprises of more than 50 hectares in size. They serve as the basis for tax assessment and for the determination of the sustainable use rate for a period of 10 years.

Management plans must meet the following minimum requirements:

1. General information (forest owner, forest enterprise, responsible forest administration)
2. Objective description of current state (area register, stand descriptions, tree species, annual increment, timber volume calculation, damage assessment)
3. Assessment of the use rate (determination of annual sustainable use; determination and assessment of annual use rate)
4. Proceedings under different types of operation (selection, coppice, composite, and non-managed forests)
5. Listing of aids and basics (methods; yield tables, where applicable)

#### **c) Management Reports**

Enterprises with a size of more than 30 hectares, but below the minimum size legally prescribed by each state for the obligatory development of a management plan, are required to submit a less detailed management report. Management reports may be developed on the basis of expert assessment. In the context of group certification (cf. Appendix III), forest owners with less than 30 hectares of forest land are given the option to jointly develop a management report.

Management reports for group certification must meet the following minimum requirements:

1. Definition of the enterprise's goal and listing of measures/potential to achieve the objectives
2. Description and assessment of the current state
  - a) forest management aspects
  - b) landscape and nature conservation aspects
3. Description of silvicultural objectives
4. Derivation of planned and required management activities after expert assessment of the sites and the current state of the forest
5. Assessment of expected timber volume for a period of 10 years
6. Information about workers to be employed
7. Explanation of the planned changes, particularly measures aimed at restructuring the forest and improving the forest's viability and productivity (in general, and in reference to individual stands)

**d) Forest assessment (Inventory)**

Public and private forests are generally subject to state laws with different specifications:

In general, the forest management requirement applies only to public forests. For national forests, forest management plans are typically drawn up by internal forest department; forest management is also typically required for communal forests. Forest management is not mandatory for private forests under the Federal Forest Law, but it is required for tax assessment purposes.

The scope of forest management is specified by the State Ministry with jurisdiction. Forest management guidelines specify compulsory procedures for how management should be carried out. These are published in the form of administrative orders, e.g. "Forest Management Service Directive – FED" (Baden Württemberg) or "Directives for Management of State and Municipal Forests and for Medium-Term Forest Management Plans... – BePla" (North Rhine-Westphalia).

Examples:

**1. BADEN-WÜRTTEMBERG**

Requirements: Management of state and communal forests through periodic and annual Forest Management Plans (§ 20 (1) State Forest Law).

For private forests, the Ministry can require forest enterprises of 30 to 100 hectares to provide periodic business reports and forest enterprises of 100 hectares or more to submit periodic forest management plans (§ 20 (2) State Forest Law).

Scope: the Ministry can issue directives for forest management plan and its execution (§ 53 State Forest Law). Regulations concerning the contents are given under § 50 of the State Forest Law.

**2. NORTH RHINE - WESTPHALIA**

Requirements: Municipal forests and other public forests must have a business plan and a forest management plan (§§ 33-34 State Forest Law).

Scope: The Ministry specifies the minimum required contents of the forest management plan (§ 36 State Forest Law).

Various state authorities normally set standards for describing the forests in question subject to Criteria 7.1a to 7.1e and Criterion 7.1i.

State Income Tax Law requires forest management of private forests. Enterprises are taxed based on the earnings entered in their financial statements. Actual volumes of harvested timber are checked against the potential use levels for the enterprise. In difficult cases, the Treasury Office can make an estimate of potential use levels, especially when the enterprise cannot provide relevant data.

Section 34b of the State Income Tax Law is particularly significant. Under this law, taxes on earnings from the timber sales can be decreased when a natural disaster results in unscheduled harvesting. However, this rule is only applicable if an officially approved forest management plan is in place that includes planned harvesting levels. In order to be approved, this forest management plan must conform state forest management regulations currently in force.

## Appendix III: GROUP CERTIFICATION

*Prepared by the committee "Group Certification"*

### 1 General

Besides single enterprise certification, which is most suitable for large forest owners, the FSC has developed the instrument of group certification. This allows low-cost certification even for smaller private and communal forestry enterprises.

Group certification means the certification not of each individual enterprise, but of a combined group of forestry enterprises, represented by a group entity. As a consequence, the certificate is awarded to the group entity, and not to the individual forest owners. The distribution of the certificate by the group entity to the individual group members is regulated internally.

#### 1.1 Prerequisites for Group Certification

Group certification requires that the responsibilities for certification (i.e., compliance with FSC standards as well as organizational responsibilities for evaluation and monitoring, communication with certifying agency) be partially transferred to the group entity (group management or authorized representative), and only partially remain the responsibility of the individual forest owners who belong to the group. The distribution of responsibilities among the group entity and individual members must be explicitly regulated on a contractual basis.

The group entity assumes full responsibility toward the certifying agency for compliance with FSC standards and certification requirements in the forest areas of those group members for which the certificate has been awarded.

#### 1.2 Various Groups and Group Entities

Groups which apply for certification may display a wide variety of legal and organizational structures. One basic common feature is that they represent an independent legal unit or person. The following lists a number of possibilities:

- forestry cooperatives, e.g., forest enterprise associations
- "certification cooperative", i.e., several individual enterprises form a cooperative for the purpose of joint certification
- interest groups, e.g., forest owner associations, communal forest associations
- forest consulting, i.e., even an individual person responsible for the management of several forests may apply as a legal person for joint certification on behalf of his clients
- forest administration office for small private forests (individual enterprises smaller than 30 ha)

A group has to consist of a minimum of three members.

The organization of a group certification system, i.e., the distribution of responsibilities among the group (group management) and its individual members, is a matter of each group's discretion and may thus take very different forms (cf. attachment). In practice, such systems are usually based on clearly defined rules for group membership which are accepted by individual members through their signing of a contract or a statement of agreement, e.g. The existence of functional organizational structures is seen as an absolute necessity.

#### 1.3 Partial Certification of a Group

Already established associations are not required to apply for certification of the entire forest area of all individual members. For example: a forest cooperative may apply for certification.

It then draws up individual contracts concerning the rights and obligations of the group entity and the individual member with those group members who wish to be covered by the group certificate. The certificate covers the group but is only valid for those members who explicitly wish to be covered (partial certification). Other group members may join after the certification, in which case regulations need to be in place as to when members who joined later may display the FSC logo on their products (e.g., after a transition period, or following the next monitoring).

In case of partial certification it must be ensured that the sale of timber with the FSC seal of approval is clearly separated from that of timber originating from forest areas not covered by the certificate.

## **2 Requirements of the Group and Group Members**

The successful completion of group certification and a low-cost certification process require a functional organization and proper organizational preparation.

Besides the financial benefits, which often make certification available at all for small forest owners, the cooperative may lead to further cooperation and the joint marketing of timber.

### **2.1 Administrative and Organizational Combination for Evaluation**

Business operations, correspondence, negotiations, etc., with the certifying agency are exclusively carried out by the group entity, which passes information on to its members. As a prerequisite, documentation of enterprise planning and operations must be centrally available, i.e., the group's business office must keep a list of all members registered under the group certificate, complete with the pertinent documentation (maps, management reports, etc.), and group members must supply the office with information on their business operations.

If operation results are not supplied to the office in form of annual lists, e.g., the evaluation effort increases drastically, since documentation must be accessed individually with each member.

### **2.2 Management Reports for Enterprises smaller than 150 ha**

As already stated under Principle 7, enterprises smaller than 150 ha may supply a management report instead of the management plan according to the Forest Inventory. For the purpose of group certification, enterprises smaller than 30 ha may form a "subgroup" with a joint management report and a communal business plan. This subgroup of enterprises with less than 30 ha is thus treated like an individual forest owner.

### **2.3 Transfer of Responsibilities to the Group Cooperative in the Areas of Management and Internal Monitoring**

The costs of evaluation for the certifying agency may be reduced considerably by decreasing the number of samples necessary. The certifying agency must adapt the manner and size of sampling to the respective conditions. Group certification in itself does not serve as a sufficient justification for a decrease in sample size. Instead, a relatively uniform management and a well-functioning internal monitoring and control system may form the prerequisite for a decrease in evaluation efforts, since in this case the certifying agency only needs to check the system's efficiency. This decreases the number of controls of individual enterprises and the volume of field work. Thus, groups which decide, under the framework of their group certification system, to transfer their individual monitoring obligations required by Principle 8 to the group cooperative, may help to lower the costs of certification.

### **2.4 External Effects of the Group Entity**

The group entity is solely responsible for covering all costs toward the certification organization. The distribution of these costs among individual members is handled internally.

The group entity must carry full, contractually regulated responsibility toward the certifying agency for the complete implementation of all principles and criteria of the FSC by all certified members. Moreover, the extent of the group entity's responsibility for management planning, timber harvest operations, timber marketing, etc., within the group must be clearly defined and documented.

The group entity should carry the responsibility for full compliance with all conditions and restrictions concerning the certification process.

Upon prior definition, the group entity may exclude members who are in violation of the mutually agreed principles. This is necessary to prevent the possible denial of the certification.

## 2.5 Standards in Group Certification

In case of group certification, the same standards apply as for individual enterprise certification. The requirements of each individual forestry enterprise are the same for group certification as would apply for individual certification of the respective forestry enterprise.

### **3 Position of Group Members and Requirements**

#### **3.1 Membership Requirements**

Members must declare their acceptance of the FSC guidelines and the conditions and contents of the certification in writing. Members are responsible for the compliance with FSC standards in forest management, the documentation of all applied measures, and the implementation of measures prescribed in the certification report. The contract between individual members and group entity must regulate which responsibilities fall to the group entity.

#### **3.2 Information of Group Members**

The group entity must provide each member access to information concerning the conditions of group membership and certification. This especially includes FSC standards, explanations of the certification process and the ensuing rights of the FSC and the certifying agencies to information about and access to the involved enterprises. Information intended for the public must also be clearly defined.

This also includes an overview over the obligations of individual enterprises concerning mutual exchange of information, the use of a marking system for certified timber, and requirements for the marketing of certified products as well as the costs of certification. It is not necessary for each individual member to own these documents, but they must be accessible to the entire membership.

#### **3.3 Group Documentation**

The group entity must keep complete documentation of all group members: names, addresses, and the dates of beginning and end of their membership, as well as the size of the areas concerned.

Other centrally available information should include the documentation of mid-range management planning and enterprise operation (annual lists) as well as documentation of ownership, agreement statements, etc.

All sales of timber with the FSC seal of approval must be documented as well as the timber's origin within the enterprise (which compartment).

The results of internal monitoring must also be kept.

**Attachment: Distribution of tasks and responsibilities**

The distribution of tasks and responsibilities between the group entity and the group members can vary according to the forest enterprise structure.

**Group entity**

Tasks:

- applies for certification
- responsibility for organisation and administration (internal monitoring and control system)
- contact to certification body
- documentation for the group entity and group members (member list, forest area, measures)

Further tasks (if assigned by the members):

- joint management and marketing
- continuous documentation of measures taken.

Completion:  
management, board or entitled person

*internal monitoring*

*information*

**Group members**

- observance of FSC-criteria
- forest management
- documentation

(documentation transferred to group)

- observance of FSC-criteria
- forest management

(documentation transferred to group)

- observance of FSC-criteria

(management and documentation transferred to group)

**Example A**

**Example B**

**Example C**

## Appendix IV: Changes in the German FSC-Standard

### 1 Changes of the version from 28th November 2001

Preliminary remark: The version from 28th November 2001 has been recognized as German FSC-Standard after fulfilling the preconditions. In this version the FSC has formulated conditions. Following changes were undertaken by the FSC working group and recognized as fulfilment of the conditions on 28th July 2004.

- 1) Summary of parts A and B: In the on hand version both existing parts have been combined to one document. As regards to the content, changes in the introduction have only been undertaken resulting in referring to both parts.
- 2) Additions to criteria 5.5.: New indicators 5.5.3 and 5.5.4.
- 3) Additions to criteria 6.1.: Indicators 6.1.1 to 6.1.5 and explanations in appendix I referring to "environmentally relevant impositions" and "environmentally relevant area development plan." Extensions in the expansionary text for principle 6.
- 4) Additions to criteria 6.9.: Indicator 6.9.2
- 5) Additions to criteria 8.2.: side note for enterprises below 150 ha.
- 6) Additions in the introduction: Explanations for compliance with the standard (major failures).
- 7) Correction of a spelling mistake: Change by the "conciliation board of the FSC A.C." in the "conciliation board of the FSC working group" (indicator 1.4.1).

## Imprint

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