

Approved
By Order of
the Association NV FCS

**REGULATIONS FOR THE WORKING GROUP FOR THE
DEVELOPMENT OF THE FOREST MANAGEMENT
STANDARD**

Draft

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Regulations for the Working Group on the Development of the FM Standard

Date of introduction **** - ** - **

1 Terms

- 1.1 The Working Group on the Development of the Forest Management Standard (hereinafter - WG FM) is a permanent collegial expert body for the development and updating of the forest management standard in the national system of voluntary forest PEFC certification in Ukraine (PEFC Ukraine).
- 1.2 WG FM is created and reorganized by the Head of the Association National Voluntary Forest Certification System (hereinafter - the Association NVFCS) in accordance with the requirements of UA SFM ST 01: 2020 Procedure for Development, Approval, Updating of the PEFC forest management standard in Ukraine. The composition of WG FM should be updated at least once every two years.
- 1.3 WG FM reports directly to the Head of the Association NVFCS.
- 1.4 WG FM is guided in its activities:
 - a) by this Regulations;
 - b) Statute, orders and directives of the Association NVFCS;
 - c) UA SFM ST 01 Procedure for Development, Approval, Updating of the PEFC forest management standard in Ukraine, UA SFM GD 02 Stakeholder Engagement of PEFC National Voluntary Forest Certification System in Ukraine and other PEFC Ukraine documents;
 - d) International Standards PEFC ST 1003 Sustainable Forest Management - Requirements, PEFC ST 1002 Group Forest Management - Requirements and other documents approved by the PEFC Board;
 - e) legislation of Ukraine.
- 1.5 WG FM operates on principles:
 - a) balance of interests - none of the stakeholder groups should dominate the work;
 - b) objectivity of the decisions made, which exclude the possibility of administrative, commercial, financial or other pressure on it, which can affect the results of work;

- c) consensus - the forest management standard is approved by consensus and any opposition to a specific requirement is resolved through dialogue where possible;
- d) completeness of solutions of their tasks and correctness of performance of functions;
- e) interaction with stakeholders by involving them in the process of developing and updating the forest management standard and their participation in public discussions;
- f) openness and publicity - information on the process of development, approval, updating of the forest management standard, the composition of WG FM, draft standards and other information should be published on the official website of the Association NVFCS (<http://woodcertification.com.ua/>);
- g) improvements - the forest management standard is periodically updated to improve it and meet the requirements and expectations of the stakeholders.

2 Functions

- 21 Defines plans for development, approval and updating of the forest management standard of Ukraine.
- 22 Studies and analyzes legislative acts, normative documents of Ukraine regulating the issues of forest management in the country.
- 23 Studies and analyzes PEFC Ukraine documents regulating the development of forest management standards and the work of the group.
- 24 Studies and analyzes international standards and other documents of the PEFC Council, which regulate the development of forest management standards and the work of the group.
- 25 Studies the experience of developing national forest management standards of other countries.
- 26 Develops and updates the forest management standard.
- 27 Interacts with a wide range of stakeholders during the development, field testing and updating of the standard.
- 28 Organizes and conducts public discussions of the forest management standard.
- 29 Participates in field testing of the forest management standard of Ukraine.
- 210 Periodically informs the Interim working group on the development of PEFC Ukraine (hereinafter – TWG PEFC Ukraine), the General Meeting and the Head of the Association NVFCS on the progress and results of its work.
- 211 Participates in the preparation of public reporting for stakeholders on the progress and results of the development and updating of the forest management standard.
- 212 Collects feedback on the forest management standard and its implementation in the country.
- 213 Conducts regular review of the content of the forest management standard to

identify the need to update it.

- 214 Participates in resolving complaints and appeals regarding standards and processes.
- 215 Ensures the confidentiality of information obtained during the development, field testing, updating, and participation in the review of complaints and appeals.
- 216 Keeps records of its activities, including all draft forest management standards, minutes of WG FM meetings, the results of public discussions and other documents, and keeps them until the next update of the forest management standard.
- 217 Ensures the prevention of discrimination and the implementation of antitrust policy, which is implemented through:
- a) prevention of anti-competitive behavior and compliance with the country's antitrust laws in the course of performing activities and holding meetings of the WG FM, prohibits price fixing, division of geographical markets, unfair or deceptive practices, setting profit levels, boycotts and other anti-competitive actions;
 - b) preventing conversations related to the discussion of issues that may violate the current regulations and legislation of the country in the course of the activities and meetings of the WG FM, as well as the expulsion of persons involved in possible violations, and informing the Head Of the Association NVFCS about it.
- 2.18. Submits an annual report on the work performed to the Head of the NVFCS Association.

3 Management and structure

- 3.1 The Head of the Association NVFCS forms WG FM from members of the Association NVFCS and stakeholder representatives, conditionally divided into six groups:
- Group 1: Forest management bodies (Ministry of Energy and Environmental Protection of Ukraine, State Forest Agency, its territorial bodies, subordinate enterprises and organizations; communal forestry enterprises; enterprises and organizations of other departmental subordination, including private ones, in permanent use of forests, physical and legal persons - forest owners).
 - Group 2: Business and industry (associations of woodworking and timber enterprises, individual business entities and individuals who use wood as a resource or provide services to forestry enterprises and other business representatives).
 - Group 3: Non-governmental organizations (environmental and social non-governmental organizations, local communities, Society of Foresters of Ukraine).
 - Group 4: Scientific and technical community (scientific institutions, forest educational institutions, technical committees of standardization, etc.).
 - Group 5: Workers and trade unions (represented by the Trade Union of Forestry Workers of Ukraine, representatives of trade union committees and workers of forestry enterprises).
 - Group 6: Women and children (women's and public environmental organizations,

student youth centers, leaders and representatives of student forestry, individual women with experience in forest relations).

- 32 WG FM may consist of no more than two or three voting members from each of the six groups (see clause 3.1 of this provision) to ensure a balance of interests.
- 33 Stakeholder groups and the number of WG FM members may be changed by the Head of the Association NVFCS.
- 34 WG FM can include both individuals and legal entities (organizations). In the case of membership as a legal entity, it is necessary to appoint one representative of the organization, if necessary, a second representative of the organization to participate in the meetings of WG FM, but only one representative of the organization may participate in the meetings. If, for any reason, the first representative of the organization is unable to attend the WG FM meeting, he may be replaced by the second, which should be notified in advance to the WG FM Secretariat.
- 35 When determining the quantitative and personal composition of WG FM, a balance of interests is ensured by groups (see clause 3.1 of this provision), by the gender balance of men and women, by geographical representation, and the following qualification requirements are taken into account:
 - a) knowledge and / or experience in the field of forest management in the geographical region to which the forest management standard will apply;
 - b) knowledge and experience in the field of PEFC documents;
 - c) understanding the potential impact of the forest management standard on the affected stakeholders;
 - d) understanding of the mission and vision of PEFC;
 - e) ability to work in a team;
 - f) reasonableness and objectivity, the ability to negotiate with other participants in the process;
 - g) ability to express comments, opinions, comments on documents used in the process of developing a forest management standard.
- 36 The composition of WG FM and changes in its composition are approved by order of the Head of the Association NVFCS. The process coordinator is appointed by a representative of the Association, who monitors the activities of WG FM to prevent deviations from the schedule of activities and procedures for the development of the standard. At the WG FM meeting, the chairman and secretary (secretariat) are elected by a vote of all WG FM members.
- 37 The Chairman of WG FM organizes and coordinates its work, agrees on the date, time and place of meetings, approves the agenda of meetings and the order of consideration of issues at its meetings, gives instructions to members on its activities, monitors their implementation, etc.
- 38 The Secretary of the WG FM keeps a record of the work and its results, meetings and

decisions taken, distributes information about the progress and results of work, decisions taken by the WG FM, keeps records of documents and saves them. An employee Of the Association NVFCS can be elected as the Secretary of the WG FM by the decision of its members, who, under these conditions, performs technical work and does not participate in direct decision-making.

3.9 The Head Of the Association NVFCS can include in the composition of WG FM without the right to vote in agreement with the members of WG FM:

a) observers - the persons who for any reason cannot be directly involved in the process of development, discussion and voting (observers can be members of the Association NVFCS and can not be persons representing an organization that is already a member of the WG FM with the right to vote);

b) experts - the persons who have the necessary professional knowledge and experience to solve the tasks of WG FM, and can be involved in the process of development and discussion without the right to vote (consultants may be members of the Association NVFCS and persons representing the organization is already a member of WG FM with the right to vote).

3.10 WG FM members are obliged to inform the Chairman about changes in their position, professional status, activity profile and other changes that may affect the performance of work in WG FM.

3.11 Replacement of WG FM members (if the member does not take an active part in the work) or introduction of new members is carried out at any time by the decision of the Head of the NVFCS Association.

4 Procedure

4.1 WG FM operates in accordance with the group's work plan.

4.2 The activity of WG FM is carried out in such a way that:

a) working drafts of the standard should be available to all WG FM participants;

b) all participants of the WG FM should be given real opportunities to contribute to the development or revision of the forest management standard, as well as to provide feedback on the work projects;

c) feedback, comments and opinions expressed by any member of WG FM should be openly and transparently reviewed.

4.3 The Chairman supervises the activities of WG FM to comply with the deadlines set in the work plan and the requirements of UA SFM ST 01 Procedure for Development, Approval, Updating of the PEFC forest management standard in Ukraine.

4.4 The official website of the Association NVFCS (<http://woodcertification.com.ua/>) is the main communication platform for the work of WG FM and provides access to the necessary documents and information for the work.

4.5 WG FM meetings are convened by the Secretary or the Chairman of WG FM if

necessary. They take place mainly with the direct participation of WG FM members. If there is a justified need to hold meetings or involve individual WG FM members, it can be done by telephone / via online internet conferences or by a combination of different means of communication.

- 4.6 The agenda of the forthcoming meeting and relevant documents shall be sent to WG FM members, observers and experts no later than 2 days before the meeting.
- 4.7 Members, observers, experts of WG FM may submit their comments, requests, suggestions, documents with a request to consider them at the meeting no later than 1 working day before the meeting.
- 4.8 Decisions of WG FM made at the meeting are recorded in the minutes. WG FM decisions are taken by consensus of members, with the exception of voting. WG FM observers and experts do not take part in the voting.
- 4.9 FM's decision on the recommendations for the final version of the draft standard for approval should be made by consensus.
- 4.10 If there are discrepancies, WG FM may use the following methods to resolve them:
 - a) a face-to-face meeting, where an open vote for / against will be held and a statement of consensus will be made by the Chairman of WG FM in the absence of disagreements or a vote (s) "against";
 - b) absentee meeting, where an open vote "for / against" will be held;
 - c) request by e-mail to WG FM members for consent ("for") or objection ("against");
 - d) a combination of these methods.
- 4.11 Specific options are proposed by the Chairman, based on the best opportunities to achieve a positive result.
- 4.12 If voting is used in decision-making, the percentage of votes (for "/" against "/" abstained ") is not determined, and only negative votes are detected -" against".The chairman, if necessary, offers to motivate (justify) objections to the members of WG FM who have expressed objections. Unmotivated (unsubstantiated) objections are not accepted and are not considered. If a reasoned (substantiated) objection is accepted for consideration and satisfied without further discussion, the objecting WG FM member shall be notified and consensus shall be deemed reached. If there is a reasoned (substantiated) objection that cannot be accepted and satisfied (there are issues that require additional discussion), it is considered significant.
- 4.13 In the presence of constant opposition, the following methods can be used:
 - a) finding a compromise by discussing and negotiating a controversial issue within the framework of the WG FM;
 - b) finding a compromise through direct negotiations between the stakeholder (s) with different views on the disputed issue;

c) finding a compromise with the participation of a mediator (a third, neutral, impartial party that has competence in the field of mediation services and contributes to the parties involved in the dispute and voluntarily participating in the mediation procedure);

Note: As the mediation procedure in Ukraine is not regulated by law, as a mediator - a third, neutral, impartial party that provides assistance to the parties involved in the dispute and voluntarily participates in the mediation procedure, the Association involves an organization (person) with relevant practical experience in this activity.

d) additional round (s) of public discussions (if necessary).

4.14 If permanent opposition persists, the Association NVFCS shall initiate a resolution of the dispute and ask for advice from the PEFC Council on further actions, with the possibility of extending the deadline set for completion, but no more than one year.

5 Rights

- 5.1 Submit the forest management standard to a comprehensive public discussion so that the standards are adopted by consensus of a wide range of stakeholders.
- 5.2 Make proposals and draft decisions on issues within the competence of WG FM.
- 5.3 Put to the vote the questions proposed by them.
- 5.4 Request and receive from the persons involved in the creation of PEFC Ukraine, materials and information necessary to perform the work.
- 5.5 Request and receive from the persons involved in the creation of PEFC Ukraine, materials and information necessary to perform the work.
- 5.6 Involve outside consultants and experts for consultations and solutions related to the development and updating of the forest management standard.
- 5.7 WG FM members can communicate with their stakeholders and consultants on topics that arise in WG FM, but they should not do so too publicly, such as on websites, in newsletters, etc. Any information that any of the WG FM members or the Chair or Secretary requested to be kept confidential should be kept.

6 Responsibility

6.1 WG FM is responsible:

a) for carrying out its activities in accordance with the requirements of this provision and UA SFM ST 01 Procedure for Development, Approval, Updating of the PEFC forest management standard in Ukraine;

b) for compliance of the forest management standard with the legislation of Ukraine and the requirements of PEFC, as well as for simplicity for understanding and evaluation of its implementation "on the spot", as well as brevity, clarity, unambiguity and applicability in practice;

- c) for timely updating of the standard of forest management of Ukraine;
- d) for prevention of discrimination and implementation of antitrust policy.

7 Interaction

7.1 To perform functions and exercise rights, WG FM interacts with:

a) Interim working group on the development of PEFC Ukraine, Head of the Association NVFCS on issues related to the development, documentation, implementation, launch and approval of PEFC Ukraine, as well as the development, approval and updating of the standard of forest management in Ukraine;

b) the PEFC Council on issues related to the assessment and approval of PEFC Ukraine;

c) a wide range of stakeholders, including forestry specialists

farms, ecologists, state, industrial, commercial and public organizations representing various parties (interests) of forest relations on issues related to the development and updating of the standard;

d) the Complaints and Appeals Commission on issues related to the review of complaints and appeals on the forest management standard and the process of its development, approval and updating

8 Costs

- 8.1 WG FM face-to-face meetings take place during one working day. WG FM members are reimbursed for travel expenses subject to the provision of supporting documents and meals are provided during meetings.
- 8.2 Consultants and observers are reimbursed in agreement with the Head of the Association NVFCS.