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違法伐採対策取組強化事業

Timber Industry, Timber Trade and Timber Legality in China
中国における木材、木材製品の合法証明の確立に関する動向調査報告書

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Relevant Laws, Regulations, Policy Documents, Standards, and Guidelines

関連法令、規則、政策文書、基準、ガイドライン

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Appendix

**Relevant Laws, Regulations, Policy Documents,
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Appendix

Relevant Laws, Regulations, Policy Documents, Standards, and Guidelines

1. Laws

1.1 Forest Law (in Chinese)

《中华人民共和国森林法》

第一章 总则

第一条 为了保护、培育和合理利用森林资源，加快国土绿化，发挥森林蓄水保土、调节气候、改善环境和提供林产品的作用，适应社会主义建设和人民生活的需要，特制定本法。

第二条 在中华人民共和国领域内从事森林、林木的培育种植、采伐利用和森林、林木、林地的经营管理活动，都必须遵守本法。

第三条 森林资源属于国家所有，由法律规定属于集体所有的除外。国家所有的集体所有的森林、林木和林地，个人所有的林木和使用的林地，由县级以上地方人民政府登记造册，发放证书，确认所有权或者使用权。

国务院可以授权国务院林业主管部门，对国务院确定的国家所有的重点林区的森林、林木和林地登记造册，发放证书，并通知有关地方人民政府。

森林、林木、林地的所有者和使用的合法权益，受法律保护，任何单位和个人不得侵犯。

第四条 森林分为以下五类：

(一) 防护林：以防护为主要的目的的森林、林木和灌木丛，包括水源涵养林，水土保持林，防风固少林，农田、牧场防护林，护岸林，护路林；

(二) 用材林：以生产木材为主要目的的森林和林木，包括以生产竹材为主要目的的竹林；

(三) 经济林：以生产果品，食用油料、饮料、调料，工业原料和药材等为主要目的的林木；

(四) 薪炭林：以生产燃料为主要目的的林木；

(五) 特种用途林：以国防、环境保护、科学实验等为主要目的的森林和林木，包括国防林、实验林、母树林、环境保护林、风景林，名胜古迹和革命纪念地的林木，自然保护区的森林。

第五条 林业建设实行以营林为基础，普遍护林，大力造林，采育结合，永续利用的方针。

第六条 国家鼓励林业科学研究，推广林业先进技术，提高林业科学技术水平。

第七条 国家保护林农的合法权益，依法减轻林农的负担，禁止向林农违法收费同、罚款，禁止向林农进行摊派和强制集资。

国家保护承包造林的集体和个人的合法权益，任何单位和个人不得侵犯承包造林的集体和个人依法享有的林木所有权和其他合法权益。

第八条 国家对森林资源实行以下保护性措施：

(一) 对森林实行限额采伐，鼓励植树造林、封山育林，扩大森林覆盖面积；

(二) 根据国家和地方人民政府有关规定，对集体和个人造林、育林给予经济扶持或者长期贷款；

(三) 提倡木材综合利用和节约使用木材，鼓励开发、利用木材代用品；

(四) 征收育林费，专门用于造林育林；

(五) 煤炭、造纸等部门，按照煤炭和木浆纸张等产品的产量提取一定数额的资金，专门用于营造坑木、造纸等用材林；

(六) 建立林业基金制度。

国家设立森林生态效益补偿基金，用于提供生态效益的防护林和特种用途林的森林资源、林木的营造、抚育、保护和管理。

森林生态效益补偿基金必须专款专用，不得挪作他用。具体办法由国务院规定。

第九条 国家和省、自治区人民政府，对民族自治地方的林业生产建设，依照国家对民族自治地方自治权的规定，在森林开发、木材分配和林业基金使用方面，给予比一般地区更多的自主权和经济利益。

第十条 国务院林业主管部门主管全国林业工作。县级以上地方人民政府林业主管部门，主管本地区的林业工作。乡级人民政府设专管或者兼职人员负责林业工作。

第十一条 植树造林、保护森林是公民应尽的义务。各级人民政府应当组织全民义务植树，开展植树造林活动。

第十二条 在植树造林、保护森林、森林管理以及林业科学研究等方面成绩显著的单位或者个人，由各级人民政府给予奖励。

第二章 森林经营管理

第十三条 各级林业主管部门依照本法规定，对森林资源的保护、利用、更新，实

行管理和监督。

第十四条 各级林业主管部门负责组织森林资源清查，建立资源档案制度，掌握资源变化情况。

第十五条 下列森林、林木、林地使用权可以依法转让，也可以依法作价入股或者作为合资、合作造林、经营林木的出资、合作条件，但不得将林地改为非林地：

- (一) 用材林、经济林、薪炭林；
- (二) 用材林、经济林、薪炭林的林地使用权；
- (三) 用材林、经济林、薪炭林的采伐迹地、火烧迹地的林地使用权；
- (四) 国务院规定的其他森林、林木和其他林地使用权。

依照前款规定转让、作价入股或者作为合资、合作造林、经营林木的出资、合作条件的，已经取得的林木采伐许可证可以同时转让，同时转让双方都必须遵守本法关于森林、林木采伐和更新造林的规定。

除本条第一款规定的情形外，其他森林、林木和其他林地使用权不得转让。

具体办法由国务院规定。

第十六条 各级人民政府应当制定林业长远规划。国有林业企业事业单位和自然保护区，应当根据林业长远规划，编制森林经营方案，报上级主管部门批准后实行。

林业主管部门应当指导农村集体经济组织和国有的农场、牧场、工矿企业等单位编制森林经营方案。

第十七条 单位之间发生的林木、林地所有权和使用权争议，由县级以上人民政府依法处理。

个人之间、个人与单位之间发生的林木所有权和林地使用权争议，由当地县级或者乡级人民政府依法处理。

当事人对人民政府的处理决定不服的，可以在接到通知之日起一个月内，向人民法院起诉。

在林木、林地权属争议解决以前，任何一方不得砍伐有争议的林木。

第十八条 进行勘查、开采矿藏和各项建设工程，应当不占或者少占林地；必须占用或者征用林地的，经县级以上人民政府林业主管部门审核同意后，依照有关土地管理的法律、行政法规办理建设用地审批手续，并由用地单位依照国务院有关规定缴纳森林植被恢复费。

森林植被恢复费专款专用，由林业主管部门依照有关规定统一安排植树造林，恢复森林植被，植树造林面积不得少于因占用、征用林地而减少的森林植被面积。

上级林业主管部门应当定期督促、检查下级林业主管部门组织植树造林、恢复森林植被的情况。

任何单位和个人不得挪用森林植被恢复费。县级以上人民政府审计机关应当加强对森林植被恢复费使用情况的监督。

第三章 森林保护

第十九条 地方各级人民政府应当组织有关部门建立护林组织，负责护林工作；根据实际情况需要在大面积林区增加护林设施，加强森林保护；督促有林的和林区的基层单位，订立护林公约，组织群众护林，划定护林责任区，配备专职或者兼职护林员。

护林员可以由县级或者乡级人民政府委任。护林员的主要职责是：巡护森林，制止破坏森林资源的行为。

对造成森林资源破坏的，护林员有权要求当地有关部门处理。

第二十条 依照国家有关规定在林区设立的森林公安机关，负责维护辖区社会治安秩序，保护辖区内的森林资源，并可以依照本法规定，在国务院林业主管部门授权的范围内，代行本法第三十九条、第四十二条、第四十三条、第四十四条规定的行政处罚权。

武装森林警察部队执行国家赋予的预防和扑救森林火灾的任务。

第二十一条 地方各级人民政府应当切实做好森林火灾的预防和真诚救工作：

（一）规定森林防火期，在森林防火期内，禁止在林区野外用火；因特殊情况需要火用的，经过县级人民政府或者县级人民政府授权的机关批准；

（二）在林区设置防火设施；

（三）发生森林火灾，必须立即组织当地军民和有关部门扑救；

（四）因扑救森林火灾负伤、致残、牺牲的，国家职工由所在单位给予医疗、抚恤，非国家职工由起火单位按照国务院有关主管部门的规定给予医疗、抚恤、起火单位对起火没有责任或者确实无力负担的，由当地人民政府给予医疗、抚恤。

第二十二条 各级林业主管部门负责组织森林病虫害防治工作。

林业主管部门负责规定林木种苗的检疫对象，划定疫区和保护区，对林木种苗进行检疫。

第二十三条 禁止毁林开垦和毁林采石、采砂、采土以及其他毁林行为。

禁止在幼林地和特种用途林内砍柴、放牧。

进入森林和森林边缘地区的人员，不得擅自移动或者损坏为林来服务的标志。

第二十四条 国务院林业主管部门和省、自治区、直辖市人民政府，应当在不同自然地带的典型森林生态地区、珍贵动物和植物生长繁殖的林区、天然热带雨林和具有特殊保护价值的其他天然林区，划定自然保护区，加强保护管理。

自然保护区的管理办法，由国务院林业主管部门制定，报国务院批准施行。

对自然保护区以外的珍贵树木和林区内具有特殊价值的植物资源，应当认真保护；未经省、自治区、直辖市林业主管部门批准，不得采伐和采集。

第二十五条 林区内列为国家保护的野生动物，禁止猎捕；因特殊需要猎捕的，按照国家有关法规办理。

第四章 植树造林

第二十六条 各级人民政府应当制定植树造林规划，因地制宜地确定本地区高森林覆盖率的奋斗目标。

各级人民政府应当组织各行各业和城乡居民完成植树造林规划确定的任务。

宜林荒山荒地，属于国家所有的，由林业主管部门和其他主管部门组织造林；属于集体所有的，由集体经济组织组织造林。

铁路公路两旁、江河两侧、湖泊水库周围，由各有关主管单位因地制宜地组织造林；工矿区、机关、学校用地，部队营区以及农场、牧场、渔场经营地区，由各该单位负责造林。

国家所有和集体所有的宜林荒山荒地可以由集体或者个人承包造林。

第二十七条 国有企业事业单位、机关、团体、部队营造的林木，由营造单位经营并按照国家规定支配林木收益。

集体所有制单位营造的林木，归该单位所有。

农村居民在房前屋后、自留地、自留山种植的林木，归个人所有。城镇居民和职工在自有房屋的庭院内种植的林木，归个人所有。

集体或者个人承包国家所有和集体所有的宜林荒山荒地造林的，承包后种植的林木归承包的集体或者个人所有，承包合同另有规定的，按照承包合同的规定执行。

第二十八条 新造幼林地和其他必须封山育林的地方，由当地人民政府组织封山育林。

第五章 森林采伐

第二十九条 国家根据用材林的消耗量低于生长量的原则，严格控制森林年采伐量。国家所有的森林和林木以国有林业企业事业单位、农场、厂矿为单位，集体所有的森林和林木、个人所有的林木以县为单位，制定年采伐限额，由省、自治区、直辖市林业主管部门汇总，经同级人民政府审核后，报国务院批准。

第三十条 国家制定统一的年度木材生产计划。年度木材生产计划不得超过批准的年采伐限额。计划管理范围由国务院规定。

第三十一条 采伐森林和林木必须遵守下列规定：

（一）成熟的用材林应当根据不同情况，分别采取择伐、皆伐和渐伐方式，皆伐应当严格控制，并在采伐的当年或者次年内完成更新造林；

（二）防护林和特种用途林中的国防林、母树林、环境保护林、风景林，只准进行抚育和更新性质的采伐；

（三）特种用途林中的名胜古迹和革命纪念地的林木、自然保护区的森林，严禁采伐。

第三十二条 采伐林木必须申请采伐许可证，按许可证的规定进行采伐；农村居民

采伐自留地和房前屋后个人所有的零星林木除外。

国有林业企业事业单位、机关、团体、部队、学校和其他国有企业事业单位采伐林木，由所在地县级以上林业主管部门依照有关规定审核发放采伐许可证。

铁路、公路的护路林和城镇林木的更新采伐，由有关主管部门依照有关规定审核发放采伐许可证。

农村集体经济组织采伐林木，由县级林业主管部门依照有关规定审核发放采伐许可证。

农村居民采伐自留山和个人承包集体的林木，由县级林业主管部门或者其委托的乡、镇人民政府依照有关规定审核发放采伐许可证。

采伐以生产竹材为主要目的的竹林，适用以上各款规定。

第三十三条 审核发放采伐许可证的部门，不得超过批准的采伐限额发放采伐许可证。

第三十四条 国有林业企业事业单位申请采伐许可证时，必须提出伐区调查设计文件。其他单位申请采伐许可证时，必须提出有关采伐的目的、地点、林种、林况、面积、蓄积、方式和更新措施等内容的文件。

对伐区作业不符合规定的单位，发放采伐许可证的部门有权收缴采伐许可证，中止其采伐、直到纠正为止。

第三十五条 采伐林木的单位或者个人，必须按照采伐许可证规定的面积、株数、树种、期限完成更新造林任务，更新造林的面积和株数不得少于采伐的面积和株数。

第三十六条 林区木材的经营和监督管理办法，由国务院另行规定。

第三十七条 从林区运出木材，必须持有林业主管部门发给的运输证件，国家统一调拨的木材除外。

依法取得采伐许可证后，按照许可证的规定采伐的木材，从林区运出时，林业主管部门应当发给运输证件。

经省、自治区、直辖市人民政府批准，可以在林区设立木材检查站，负责检查木材运输。

对未取得运输证件或者物资主管部门发给的调拨通知书运输木材的，木材检查站有权制止。

第三十八条 国家禁止、限制出口珍贵树木及其制品、衍生物。禁止、限制出口的珍贵树木及其制品、衍生物的名录和年度限制出口总量，由国务院林业主管部门会同国务院有关部门制定，报国务院批准。

出口前款规定限制出口的珍贵树木或者其制品、衍生物的，必须经出口人所在地省、自治区、直辖市人民政府林业主管部门审核，报国务院林业主管部门批准，海关凭国务院林业主管部门的批准文件放行。

进出口的树木或者其制品、衍生物属于中国参加的国际公约限制进出口的濒危物种

的，并必须向国家濒危物种进出口管理机构申请办理允许进出口证明书，海关并凭允许进出口证明书放行。

第六章 法律责任

第三十九条 盗伐森林或者其他林木的，依法赔偿损失；由林业主管部门责令补种盗伐株数十倍的树木，没收盗伐的林木或者变卖所得，并处盗伐林木价值三倍以上十倍以下的罚款。

滥伐森林或者其他林木，由林业主管部门责令补种滥伐株数五倍的树木，并处滥伐林木价值二倍以上五倍以下的罚款。

拒不补种树木或者补种不符合国家有关规定的，由林业主管部门代为补种，所需费用由违法者支付。

盗伐、滥伐森林或者其他林木，构成犯罪的，依法追究刑事责任。

第四十条 违反本法规定，非法采伐、毁坏珍贵树木的，依法追究刑事责任。

第四十一条 违反本法规定，超过批准的年采伐限额发放林木采伐许可证或者超过职权发放林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，由上一级人民政府林业主管部门责令纠正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；

有关人民政府林业主管部门未予纠正的，国务院林业主管部门可以直接处理；构成犯罪的，依法追究刑事责任。

第四十二条 违反本法规定，买卖林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，由林业主管部门没收违法买卖的证件、文件和违法所得，并处违法买卖证件、文件的价款一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

伪造林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，依法追究刑事责任。

第四十三条 在林区非法收购明知是盗伐、滥伐的林木的，由林业主管部门责令停止违法行为，没收违法收购的盗伐、滥伐的林木或者变卖所得，可以并处违法收购林木的价款一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

第四十四条 违反本法规定，进行开垦、采石、采砂、采土、采种、采脂和其他活动，致使森林、林木受到毁坏的，依法赔偿损失；

由林业主管部门责令停止违法行为，补种毁坏株数一倍以上三倍以下的树木，可以处毁坏林木价值一倍以上五倍以下的罚款。

违反本法规定，在幼林地和特种用途林内砍柴、放牧致使森林、林木受到毁坏的，依法赔偿损失；由林业主管部门责令停止违法行为，补种毁坏株数一倍以上三倍以下的树木。

拒不补种树木或者补种不符合国家有关规定的，由林业主管部门代为补种，所需费

用由违法者支付。

第四十五条 采伐林木的单位或者个人没有按照规定完成更新造林任务的，发放采伐许可证的部门有权不再发给采伐许可证，直到完成更新造林任务为止；情节严重的，可以由林业主管部门处以罚款，对直接责任人员由所在单位或者上级主管机关给予行政处分。

第四十六条 从事森林资源保护、林业监督管理工作的林业主管部门的工作人员和其他国家机关的有关工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第七章 附 则

第四十七条 国务院林业主管部门根据本法制定实施办法，报国务院批准施行。

第四十八条 民族自治地方不能全部适用本法规定的，自治机关可以根据本法的原则，结合民族自治地方的特点，制定变通或者补充规定，依照法定程序报省、自治区或者全国人民代表大会常务委员会批准施行。

第四十九条 本法自 1985 年 1 月 1 日起施行。

1.2 Forest Law (in English)

Forest Law of the People's Republic of China

Chapter I General Provisions

Article 1

With a view to protecting, nurturing and rationally utilizing the forest resources, speeding up the greening of the country's territory, bringing into play the roles of the forest in terms of storing water, saving soil, adjusting the climate, improving the environment and supplying forest products, and meeting the needs of the socialist construction and the people's life, this law is hereby formulated.

Article 2

This law shall be abided by in the conduct of forest and forest tree cultivating, planting, logging and utilizing and in the operation and management of forests, trees and woodlands.

Article 3

The forest resources shall belong to the state, unless the law stipulates they belong to the collective.

For the forests, trees and woodlands owned by the state and the collective and the trees and woodlands owned by private individuals, the people's government above the county level shall register and record them, issue certificates and confirm the ownership and the right to use.

The State Council may authorize the competent forestry authorities under the State Council to register and record the forests, trees and woodlands in key forest districts determined by the State Council to be owned by the state, issue certificates and inform relevant local people's governments.

The legitimate rights and interests of the owners and the users of the forests, trees and woodlands shall be protected by the law; no organization and private individual shall violate such rights and interests.

Article 4

The forests are divided into the following five categories:

- (1) Protection forests: forests, trees and bushes mainly aimed at protection, inclusive of water source storage forests, forests for water and soil conservation, wind protection and sand bind forests, forests for farmland and grassland protection, river bank protective belts and road protection belts;
- (2) Timber stands: forests and trees mainly at timber production, inclusive of bamboo groves mainly aimed at bamboo production;
- (3) Economic forests: trees mainly aimed at the production of fruits; edible oils, soft drinks and ingredients; industrial raw materials; and medicinal materials;
- (4) Firewood forests: trees mainly aimed at the production of fuels;
- (5) Forests for special uses: forests and trees mainly aimed at national defense, environmental protection and scientific experiments, inclusive of national defense forests, experimental forests, parent stands, environmental protection forests, scenic beauty forests, trees for sites of historical interests and the forests of natural protection areas.

Article 5

Construction of forestry shall be guided by the approach of forest ranging as the basis, universal forest protection, great forestation efforts, combination of cutting and planting, and sustainable utilization.

Article 6

The State encourages research of the forestry science, popularizes advanced forestry technology and raises the level of forestry science and technology.

Article 7

The State protects the legitimate rights and interests of forest growers, alleviates their burdens according to the law, forbids law-breaking imposition of levies and fines on them, and forbids the imposition of contributions and mandatory fund-raising on them.

The State protects the legitimate rights and interests of the collectives and private individuals who have contracted for forestation; no organization and private individual shall encroach upon the ownership of trees and other legitimate rights and interests entitled according to the law to the collectives and private individuals who have contracted for forestation.

Article 8

The State adopts the following protective measures on the forest resources:

- (1) To impose a quota on forest cutting and encourage forest planting in order to

- expand the area of forest coverage;
- (2) To offer economic support or long-term loans to the collectives and private individuals who plant and cultivate forests according to relevant stipulations of the central and local people's governments;
 - (3) To advocate comprehensive utilization and saving on the use of timber and encourage the development and utilization of timber substitutes;
 - (4) To collect forest cultivate levies which shall be used exclusively for forest planning and cultivation purposes;
 - (5) To make sure that coal and paper sectors shall apportion out of their output of coal, pulp and paper a certain amount of funds which shall be used exclusively for the nurturing of mine timber and timber for paper making;
 - (6) To establish the forestry fund system.

The State shall establish the forestry ecological efficiency compensation fund, which shall be used for the building, cultivation and management of protection forests with ecological efficiency and the forest resources and trees with special uses.

The forestry ecological efficiency compensation fund shall be used exclusively for its designated purpose and shall not be used for any other purpose. The specific methods shall be formulated by the State Council.

Article 9

In terms of the forestry production and construction in ethnic minority autonomous areas, in line with the stipulations of the state in regard to the autonomous right of ethnic minority autonomous areas, the State and the people's government at the provincial or autonomous region level will offer more autonomy and economic benefits than ordinary areas in connection with forestry development, timber distribution and forestry fund utilization.

Article 10

The competent forestry authorities under the State Council shall be responsible for the forestry work nationwide. The competent forestry authorities under the people's government above the county level shall be responsible for the forestry work in their jurisdiction. The people's government at the township level shall set up full-time or part-time posts responsible for the forestry work.

Article 11

Tree planting and forest protection shall be the duties performed by every and each citizen. The people's government at various levels shall organize all the citizens to plant trees as an obligatory duty and conduct afforestation activities.

Article 12

The people's government at various levels shall award organizations or private individuals who have made outstanding achievements in connection with afforestation, forest protection, forest management and forestry-related scientific research.

Chapter II Operation and Administration of Forests

Article 13

The competent forestry authorities at various levels shall, according to the stipulations of this law, exercise administration and supervision over the protection, utilization and renewal of forests.

Article 14

The competent forestry authorities at various levels shall be responsible for sorting out forest resources, establish the resources archives system and take hold of the situation in terms of resources changes.

Article 15

The use right for the following forests, trees and woodlands can be transferred according to the law. It can also, according to the law, be priced and converted into shares or used as conditions for equity or cooperative joint ventures for forestation and operation of trees. However, woodlands shall not be converted into non-woodlands.

- (1) Timber stands, economic forests and firewood forests;
- (2) The woodland use right for timber stands, economic forests and firewood forests;
- (3) The woodland use right for the cutting blanks and the burns of timber stands, economic forests and firewood forests;
- (4) The use right for other forests, trees and other woodlands stipulated by the State Council.

In cases of transfer, conversion into shares after pricing, or being used as conditions for equity or cooperative joint ventures for forestation and operation of trees in line with the previous paragraph, the forest tree cutting license already obtained may be concurrently transferred; at the same time, the two sides of the transfer shall observe the stipulations of this law with regard to forest and forest tree cutting and reforestation.

With the exception of the circumstances specified in Paragraph One of this article, the use right for other forests, trees and other woodlands cannot be transferred.

The specific methods shall be formulated by the State Council.

Article 16

The people's government at various levels shall formulate long-term forestry plans. State-owned forestry enterprises, institutions and natural protection zones shall, according to the long-term forestry plans, formulate their forestry operation programs, which shall be implemented after submission to and approval of the competent authorities at a higher level.

The competent forestry authorities shall guide rural collective economic organizations and state-owned farms, pasture lands, industrial enterprises and mines in the formulation of their forest operation programs.

Article 17

A dispute between organizations in connection with the ownership and the use right of trees and woodlands, it shall be up to the people's government above the county level to resolve it according to the law.

A dispute between private individuals or between a private individual and an organization in connection with the ownership of trees and the use right of woodlands, it shall be up to the people's government at the county or township level to resolve it according to the law.

Should the parties concerned refuse to accept the resolution decision of the people's government, they may, within one month upon receipt of notification, bring a suit before the people's court.

Before the dispute regarding the rights of trees and woodlands is resolved, no party shall cut trees in dispute.

Article 18

Prospecting, mining and various construction projects shall not occupy or occupy as little as possible woodlands; in case of necessary occupancy or expropriation of woodlands, upon examination and approval of the competent forestry authorities under the people's government above the county level, the examination and approval formalities for land needed for construction shall be gone through in line with relevant land administration laws and administrative regulations; and the land-use organization shall pay forest vegetation recovery expenses in line with the relevant provisions of the State Council.

The forest vegetation recovery payments shall be used for designated purposes; the competent forestry authorities shall use them, according to relevant stipulations, for afforestation, recovery of forest vegetation; the area of afforestation shall not be smaller than the area of forest vegetation reduced as a result of woodlands occupied or expropriated.

The competent forestry authorities at a higher level shall periodically urge and inspect the competent forestry authorities at a lower level in the organization of afforestation and recovery of forest vegetation.

No organization and private individual shall divert the forest vegetation recovery payments. The competent auditing authorities of the people's government above the county level shall strengthen their supervision of the situation in connection with the use of the forest vegetation recovery payments.

Chapter III Forest Protection

Article 19

The local people's government at various levels shall organize competent authorities to establish a forest protection organization to take charge of the work of forest protection; add forest protection facilities and enhance forest protection in light of actual needs; and urge grass-roots organizations with forests and in forest districts to conclude forest protection covenants, mobilize the masses to protect forests, delimit forest protection responsibility zones, and provide full-time or part-time forest protection personnel.

Forest protection personnel may be appointed by the people's government at the county or township level. The main duties and responsibilities of a forest protection person are to patrol and protect forests and stop activities that damage forest resources.

In case of damages to forest resources, the forest protection person shall have the right to request the local competent authorities to resolve the issue.

Article 20

The forest public security authorities, established in line with the relevant provisions of the State, shall be responsible for the maintenance of social security and order in their jurisdiction, protect the forest resources in their jurisdiction and, in line with the provisions of this law, within the scope of the mandate from the competent forestry authorities under the State Council, act on their behalf in the exercise of the administrative punishment rights as specified in Articles 39, 42, 43 and 44 of this law.

The armed forest police forces shall implement the tasks of forest fire prevention and fighting given by the State.

Article 21

The local people's government at various levels shall make earnest efforts to do well in the prevention and fighting of forest fires:

- (1) To specify a forest fire prevention period, during which no fire shall be used out in the field in the forest area; should special circumstances demand the use of fire, approval shall be obtained from the people's government at the county level or the authorities authorized by the people's government at the county level;
- (2) To erect fire prevention facilities;
- (3) To immediately mobilize the local military and civilian population and relevant authorities to fight a fire upon its breakout;
- (4) When a person is injured, maimed or killed in forest fire fighting, if he is an state employee, the medical fees and pension shall be provided by his employer; if he is not a state employee, the organization that causes the fire shall provide the medical fees and pension in line with the competent authorities under the State Council; and, if the organization that causes the fire has no responsibility for the fire or is indeed incapable of bearing the expenses, the local people's government shall provide medical expenses and pension.

Article 22

The competent forest authorities at various levels shall be responsible for the organization of the work of forest insect pest prevention.

The competent forestry authorities shall be responsible for stipulating the quarantine range of forest tree seedlings, delimit the epidemic area and the protection area and conduct quarantine of forest tree seedlings.

Article 23

Land reclamation at the expense of deforestation, rock quarrying, sand quarrying, soil extracting and other activities at the expense of deforestation shall be forbidden.

Firewood cutting and grazing shall be forbidden in seedling forests and special-use forests.

No person that enters into the forest and its adjacent area shall, without authorization, remove or damage marks that serve the forestry sector.

Article 24

The competent forestry authorities under the State Council and the people's government at the provincial, autonomous region or directly-administered municipality level shall delimit natural protection areas to strengthen protection and administration in typical forest ecology areas in different natural terrain, forest districts where precious animals and plants grow and breed, natural tropical rain forest districts and other natural forest districts with special protection value.

The administrative methods for natural protection zones shall be formulated by the competent forestry authorities under the State Council, upon whose approval such methods shall be implemented.

Earnest protection should be extended to precious trees outside of the natural protection areas and the plant resources with special value inside the forest districts; without the approval of the competent forestry authorities at the provincial, autonomous region or directly-administered municipality, no cutting and collecting shall take place.

Article 25

There shall be no hunting of the wild animals on the national protection list in the forest districts; if hunting is needed to meet special needs, formalities shall be gone through in line with relevant regulations of the State.

Chapter IV Afforestation

Article 26

The people's government at various levels shall formulate afforestation plans and, according to local conditions, determine their targets for the increase in the forest coverage of their respective regions.

The people's government at various levels shall organize different walks of life and urban and rural citizens to complete the tasks set out in the afforestation plan.

In case of state-owned waste mountains and land suitable for tree planting, the competent forestry authorities and other competent authorities shall organize forestation; in case of collective-owned waste mountains and land, the collective economic organizations shall organize forestation.

Alongside the railways, roads, rivers, lakes and reservoirs, various competent authorities shall organize forestation according to local conditions; in industrial and mining areas, in the land used by government authorities and schools, in the barracks

of troops and in the areas managed by farms, pasture lands and fishing banks, the relevant organizations shall be responsible for forestation.

The waste mountains and land suitable for tree planting owned by the state and the collective can be contracted by the collective or private individuals for forestation.

Article 27

The trees planted by state-owned enterprises, institutions, government authorities, mass organizations and troops shall be operated by the forestation organizations and the yields from trees shall be disposed by them in accordance with the provisions of the State.

The trees planted by a collectively owned organization shall be owned by itself. The trees that a rural citizen has planted in the front and at the back of the house, in his private farm plot and in his private forest segment shall be owned by him. The trees that an urban citizen and/or worker have planted in the courtyard of a self-owned house shall be owned by him.

If the collective or private individual contract for the state-owned and collectively owned waste mountains and land suitable for tree planting, the trees planted after the contract shall be owned by the contracting collective or private individual; if the contract has other provisions, those contractual provisions shall be followed.

Article 28

With regard to of newly planted seedling forests and other places that need to be sealed off for cultivation purposes, the local people's government shall organize the effort to seal off the mountain for forest cultivation.

Chapter V Forest Cutting

Article 29

In compliance with the principle that the consumption of timber shall be lower than the growth, the State shall impose strict controls over the annual forest cutting volume. In the formulation of the annual cutting quotas, the state-owned enterprise, institution, farmland, factory or mine shall be calculated as a unit for state-owned forests and trees, and the county as a unit for collectively used forests and trees and the privately owned trees. The competent forestry authorities at the provincial, autonomous region and directly-administered municipality shall compile a summary sheet, which shall be submitted to the State Council for approval after the examination of the people's government at the same level.

Article 30

The State shall formulate a unified annual timber production plan. The annual timber production plan shall not exceed the approved annual cutting quota. The scope of mandatory administration shall be stipulated by the State Council.

Article 31

The following provisions shall be observed in the course of forest and forest tree cutting:

- (1) For mature timber stands, the approaches of selection cutting, clear cutting and shelterwood cutting shall be applied respectively in light of different situations. Clear cutting shall be put under strict controls and the reforestation shall be completed in the same or next year of the cutting;
- (2) Among the protection forests and forests with special uses, the national defense forest, the parent stand, the environmental protection forest and the scenic beauty forest can only permit cutting for cultivation and reforestation purposes;
- (3) Among the forests with special uses, the trees in sites of historical interests and revolutionary commemoration and the forest in the natural protection area shall forbid cutting.

Article 32

To cut trees, it shall be necessary to apply for the cutting license and conduct the cutting according to the provisions of the license; this does not cover the cutting by rural citizens of the isolated trees in their private farm plots and surrounding their houses.

When state-owned forestry enterprises, institutions, government authorities, mass organizations, troops, schools and other state-owned enterprises and institutions apply for tree cutting, the local competent forestry authorities above the county level shall, in line with relevant stipulations, examine the application and issue the cutting license.

For the reforestation-oriented cutting of protective forests alongside the railways and roads and in cities and townships, the competent authorities shall examine the application and issue the cutting license in conformity with relevant stipulations.

For the rural collective economic organizations to cut trees, the competent forestry authorities at the county level shall examine the application and issue the cutting license in conformity with relevant stipulations.

For rural citizens to cut the trees in their private forest segments and in the collectively owned forests they have contracted, the competent forestry authorities at the county level or the people's government at the township level which has been duly authorized shall examine the application and issue the cutting license.

The cutting of bamboo groves that are mainly aimed at bamboo wood shall be governed by the stipulations of the above articles.

Article 33

The authorities in charge of examining and issuing cutting licenses shall not issue the cutting licenses in excess of the annual cutting quota.

Article 34

When a state-owned forestry enterprise or institution applies for the cutting license, it shall come up with a cutting area survey and design document. When other organizations apply for the cutting license, they shall come up with a document that contains such contents as cutting objective, location, tree species, tree situation, area, stock, approach and reforestation measures.

With regard to organizations that conduct cutting operations in violation of provisions, the cutting license issuing authorities have the right to confiscate the cutting license and suspend their cutting operations until corrective measures are taken.

Article 35

Tree cutting organizations or private individuals shall, in accordance with the area, number of trees, tree species and period of time specified in the cutting license, finish the reforestation task; the area and number of trees in the reforestation shall not be smaller than those cut.

Article 36

The operation, supervision and administration methods for timber in forest districts shall be separately formulated by the State Council.

Article 37

The transport timber out of forest districts, it shall be necessary to present the transport documentation issued by the competent forestry authorities with the exception of timber uniformly allocated and transferred by the State.

After the cutting license has been obtained according to the law, the competent forestry authorities shall issue transport documentation to the timber cut in line with the provisions of the license when it is transported out of the forest districts.

With the approval of the people's government at the provincial, autonomous region or directly administered municipality level, timber inspection posts can be set up in forest districts to take charge of the inspection of timber transport.

The timber inspection post shall have the right to stop the transport of timber without transport documentation or the allocation and transfer notice issued by competent materials authorities.

Article 38

The State forbids or restricts the export of precious trees and their products and derivatives. The list of precious trees and their products and derivatives, the export of which is forbidden or restricted, and the annual export quantitative restrictions shall be formulated by the competent forestry authorities under the State Council together with relevant authorities under the State Council and submitted to the State Council for approval.

To export the precious trees or their products and derivatives, the export of which is restricted according to the provisions of the above paragraph, it shall be imperative to go through the examination of the competent forestry authorities under the people's government at the provincial, autonomous region or directly administered municipality where the exporter is located and obtain the approval from the competent forestry authorities under the State Council; the customs shall release the goods upon the presentation of the approval documentation from the competent forestry authorities under the State Council.

In case that the imported and/or exported trees or their products and derivatives fall into the category of endangered species, the import and export of which is restricted by the international covenants that China has acceded to, it shall be necessary to file an application with the national administrative authorities in charge of the import and export of endangered species for a certificate of import and export permission; the customs shall release the goods upon the presentation of the import and export certificate.

Chapter VI Legal Responsibility

Article 39

In case of unlawful cutting of forests or other trees, compensation in damages shall be paid according to the law; the competent forestry authorities shall order the

reseedling of trees tens of times the number of trees unlawfully cut, confiscate the unlawfully cut trees or income generated from selling unlawfully cut trees, and impose a fine amounting to between three times and 10 times the value of the unlawfully cut trees.

In case of wanton cutting of forests or other trees, the competent forestry authorities shall order the reseedling of trees five times the number of trees wantonly cut and impose a fine amounting to between two times and five times the value of the wantonly cut trees.

In case of refusal to re-seed trees or tree reseedling not in line with the relevant stipulations of the State, the competent forestry authorities shall do the reseedling on behalf of the law-breakers who shall pay for all the necessary expenses therein.

Should the unlawful or wanton cutting of forests or other trees constitute a criminal offense, the legal responsibilities shall be investigated and dealt with.

Article 40

In case of unlawful cutting and destruction of precious trees in violation of the provisions of this law, legal responsibilities shall be investigated and dealt with.

Article 41

In case that the approved annual cutting quota is exceeded in the issuance of the tree cutting licenses or the authorization is exceeded in the issuance of the tree cutting licenses, tree transport documentation, export approval documentation and import and export permit certificates in violation of the provisions of this law, the competent forestry authorities of the people's government at a higher level shall order corrective action and give administrative punishments to those directly responsible executives and employees.

If the relevant competent forestry authorities of the people's government have not ordered corrective action, the competent forestry authorities under the State Council may directly handle the case; if a criminal offense is found to exist, the legal responsibilities shall be investigated and dealt with.

Article 42

In case that the tree cutting license, timber transport documentation, export approval documentation and import and export permit certificate are traded in violation of the provisions of this law, the competent forestry authorities shall confiscate the unlawfully traded certificates and documentation and illegal income, and impose a fine amounting to between one time and three times the payment for the unlawfully

traded certificates and documentation; if a criminal offense is committed, the legal responsibilities shall be investigated and dealt with.

In case of forging the tree cutting license, timber transport documentation, export approval documentation and import and export permit certificate, the legal responsibilities shall be investigated and dealt with.

Article 43

In case of knowingly purchasing trees unlawfully or wantonly cut in forest districts, the competent forestry authorities shall order the termination of the law-breaking activities, confiscate the illegally purchased trees unlawfully or wantonly cut or income from selling such trees, and may impose a fine amounting to between one time and three times the payment for the illegally purchased trees; if a criminal offense is found to exist, the legal responsibilities shall be investigated and dealt with.

Article 44

In case that land reclamation, rock quarrying, sand quarrying, soil extracting, seed collecting, resin tapping and other activities are conducted in violation of the provisions of this law, as a result of which the forests and trees are damaged, the compensation in damages shall be paid.

The competent forestry authorities shall order the termination of the law-breaking activities and the reseeded of trees between one time and three times the number of trees damaged and may impose a fine amounting to between one time and five times the value of the trees damaged.

In case that firewood cutting and grazing in seedling forests and forests with special uses have led to the destruction of forests and trees in violation of the provisions of this law, the compensation in damages shall be paid; the competent forestry authorities shall order the termination of the law-breaking activities and the reseeded of trees between one time and three times the number of trees damaged.

In case of refusal to re-seed trees or tree reseeded not in line with the relevant stipulations of the State, the competent forestry authorities shall do the reseeded on behalf of the law-breakers who shall pay for all the necessary expenses therein.

Article 45

Should tree cutting organizations or private individuals fail to finish the reforestation task in line with the provisions, the authorities which have issued the cutting license shall have the right to issue no more cutting licenses to them until they have completed their reforestation tasks; in case of acts serious in nature, the competent

forestry authorities may impose a fine and give administrative punishments to the employer or competent authorities at a higher level of those directly responsible persons.

Article 46

In case that the staff members of the competent forestry authorities and other state authorities engaged in the protection of forest resources and forestry supervision and administration abuse their powers, neglect their duties and play favoritism, if a criminal offense is committed, the legal responsibilities shall be investigated and dealt with; and, if a criminal offense is not committed, administrative punishments shall be given.

Chapter VII Supplementary Articles

Article 47

The competent forestry authorities under the State Council shall, according to this law, formulate the implementing methods, which shall be implemented after submission to and approval of the State Council.

Article 48

If the provisions of this law cannot be fully applicable to ethnic minority autonomous regions, the autonomy authorities may, in line with the principles of this law and based upon the characteristics of ethnic minority autonomous regions, formulate contingent or supplementary provisions, which shall be implemented after submission to and approval of the provincial or autonomous government or the Standing Committee of the National People's Congress in conformity with legal procedures.

Article 49

This law shall go into effect as from January 1, 1985.

2. Regulations

2.1 Regulation of Certification and Accreditation (in Chinese)

《中华人民共和国认证认可条例》

第一章 总 则

第一条 为了规范认证认可活动，提高产品、服务的质量和管理水平，促进经济和社会的发展，制定本条例。

第二条 本条例所称认证，是指由认证机构证明产品、服务、管理体系符合相关技术规范、相关技术规范的强制性要求或者标准的合格评定活动。

本条例所称认可，是指由认可机构对认证机构、检查机构、实验室以及从事评审、审核等认证活动人员的能力和执业资格，予以承认的合格评定活动。

第三条 在中华人民共和国境内从事认证认可活动，应当遵守本条例。

第四条 国家实行统一的认证认可监督管理制度。

国家对认证认可工作实行在国务院认证认可监督管理部门统一管理、监督和综合协调下，各有关方面共同实施的工作机制。

第五条 国务院认证认可监督管理部门应当依法对认证培训机构、认证咨询机构的活动加强监督管理。

第六条 认证认可活动应当遵循客观独立、公开公正、诚实信用的原则。

第七条 国家鼓励平等互利地开展认证认可国际互认活动。认证认可国际互认活动不得损害国家和社会公共利益。

第八条 从事认证认可活动的机构及其人员，对其所知悉的国家秘密和商业秘密负有保密义务。

第二章 认证机构

第九条 设立认证机构，应当经国务院认证认可监督管理部门批准，并依法取得法人资格后，方可从事批准范围内的认证活动。

未经批准，任何单位和个人不得从事认证活动。

第十条 设立认证机构，应当符合下列条件：

- (一) 有固定的场所和必要的设施；
- (二) 有符合认证认可要求的管理制度；
- (三) 注册资本不得少于人民币 300 万元；
- (四) 有 10 名以上相应领域的专职认证人员。

从事产品认证活动的认证机构，还应当具备与从事相关产品认证活动相适应的检测、检查等技术能力。

第十一条 设立外商投资的认证机构除应当符合本条例第十条规定的条件外，还应当符合下列条件：

- （一）外方投资者取得其所在国家或者地区认可机构的认可；
- （二）外方投资者具有3年以上从事认证活动的业务经历。

设立外商投资认证机构的申请、批准和登记，按照有关外商投资法律、行政法规和国家有关规定办理。

第十二条 设立认证机构的申请和批准程序：

（一）设立认证机构的申请人，应当向国务院认证认可监督管理部门提出书面申请，并提交符合本条例第十条规定条件的证明文件；

（二）国务院认证认可监督管理部门自受理认证机构设立申请之日起90日内，应当做出是否批准的决定。涉及国务院有关部门职责的，应当征求国务院有关部门的意见。决定批准的，向申请人出具批准文件，决定不予批准的，应当书面通知申请人，并说明理由；

（三）申请人凭国务院认证认可监督管理部门出具的批准文件，依法办理登记手续。国务院认证认可监督管理部门应当公布依法设立的认证机构名录。

第十三条 境外认证机构在中华人民共和国境内设立代表机构，须经批准，并向工商行政管理部门依法办理登记手续后，方可从事与所从属机构的业务范围相关的推广活动，但不得从事认证活动。

境外认证机构在中华人民共和国境内设立代表机构的申请、批准和登记，按照有关外商投资法律、行政法规和国家有关规定办理。

第十四条 认证机构不得与行政机关存在利益关系。

认证机构不得接受任何可能对认证活动的客观公正产生影响的资助；不得从事任何可能对认证活动的客观公正产生影响的产品开发、营销等活动。

认证机构不得与认证委托人存在资产、管理方面的利益关系。

第十五条 认证人员从事认证活动，应当在一个认证机构执业，不得同时在两个以上认证机构执业。

第十六条 向社会出具具有证明作用的数据和结果的检查机构、实验室，应当具备有关法律、行政法规规定的基本条件和能力，并依法经认定后，方可从事相应活动，认定结果由国务院认证认可监督管理部门公布。

第三章 认证

第十七条 国家根据经济和社会发展的需要，推行产品、服务、管理体系认证。

第十八条 认证机构应当按照认证基本规范、认证规则从事认证活动。认证基本规

范、认证规则由国务院认证认可监督管理部门制定；涉及国务院有关部门职责的，国务院认证认可监督管理部门应当会同国务院有关部门制定。

属于认证新领域，前款规定的部门尚未制定认证规则的，认证机构可以自行制定认证规则，并报国务院认证认可监督管理部门备案。

第十九条 任何法人、组织和个人可以自愿委托依法设立的认证机构进行产品、服务、管理体系认证。

第二十条 认证机构不得以委托人未参加认证咨询或者认证培训等为理由，拒绝提供本认证机构业务范围内的认证服务，也不得向委托人提出与认证活动无关的要求或者限制条件。

第二十一条 认证机构应当公开认证基本规范、认证规则、收费标准等信息。

第二十二条 认证机构以及与认证有关的检查机构、实验室从事认证以及与认证有关的检查、检测活动，应当完成认证基本规范、认证规则规定的程序，确保认证、检查、检测的完整、客观、真实，不得增加、减少、遗漏程序。

认证机构以及与认证有关的检查机构、实验室应当对认证、检查、检测过程做出完整记录，归档留存。

第二十三条 认证机构及其认证人员应当及时、做出认证结论，并保证认证结论的客观、真实。认证结论经认证人员签字后，由认证机构负责人签署。

认证机构及其认证人员对认证结果负责。

第二十四条 认证结论为产品、服务、管理体系符合认证要求的，认证机构应当及时向委托人出具认证证书。

第二十五条 获得认证证书的，应当在认证范围内使用认证证书和认证标志，不得利用产品、服务认证证书、认证标志和相关文字、符号，误导公众认为其管理体系已通过认证，也不得利用管理体系认证证书、认证标志和相关文字、符号，误导公众认为其产品、服务已通过认证。

第二十六条 认证机构可以自行制定认证标志，并报国务院认证认可监督管理部门备案。

认证机构自行制定的认证标志的式样、文字和名称，不得违反法律、行政法规的规定，不得与国家推行的认证标志相同或者近似，不得妨碍社会管理，不得有损社会道德风尚。

第二十七条 认证机构应当对其认证的产品、服务、管理体系实施有效的跟踪调查，认证的产品、服务、管理体系不能持续符合认证要求的，认证机构应当暂停其使用直至撤销认证证书，并予公布。

第二十八条 为了保护国家安全、防止欺诈行为、保护人体健康或者安全、保护动植物生命或者健康、保护环境，国家规定相关产品必须经过认证的，应当经过认证并标注认证标志后，方可出厂、销售、进口或者在其他经营活动中使用。

第二十九条 国家对必须经过认证的产品，统一产品目录，统一技术规范的强制性要求、标准和合格评定程序，统一标志，统一收费标准。

统一的产品目录（以下简称目录）由国务院认证认可监督管理部门会同国务院有关部门制定、调整，由国务院认证认可监督管理部门发布，并会同有关方面共同实施。

第三十条 列入目录的产品，必须经国务院认证认可监督管理部门指定的认证机构进行认证。

列入目录产品的认证标志，由国务院认证认可监督管理部门统一规定。

第三十一条 列入目录的产品，涉及进出口商品检验目录的，应当在进出口商品检验时简化检验手续。

第三十二条 国务院认证认可监督管理部门指定的从事列入目录产品认证活动的认证机构以及与认证有关的检查机构、实验室（以下简称指定的认证机构、检查机构、实验室），应当是长期从事相关业务、无不良记录，且已经依照本条例的规定取得认可、具备从事相关认证活动能力的机构。国务院认证认可监督管理部门指定从事列入目录产品认证活动的认证机构，应当确保在每一列入目录产品领域至少指定两家符合本条例规定条件的机构。

国务院认证认可监督管理部门指定前款规定的认证机构、检查机构、实验室，应当事先公布有关信息，并组织在相关领域公认的专家组成专家评审委员会，对符合前款规定要求的认证机构、检查机构、实验室进行评审；经评审并征求国务院有关部门意见后，按照资源合理利用、公平竞争和便利、有效的原则，在公布的时间内做出决定。

第三十三条 国务院认证认可监督管理部门应当公布指定的认证机构、检查机构、实验室名录及指定的业务范围。

未经指定，任何机构不得从事列入目录产品的认证以及与认证有关的检查、检测活动。

第三十四条 列入目录产品的生产者或者销售者、进口商，均可自行委托指定的认证机构进行认证。

第三十五条 指定的认证机构、检查机构、实验室应当在指定业务范围内，为委托人提供方便、及时的认证、检查、检测服务，不得拖延，不得歧视、刁难委托人，不得牟取不当利益。

指定的认证机构不得向其他机构转让指定的认证业务。

第三十六条 指定的认证机构、检查机构、实验室开展国际互认活动，应当在国务院认证认可监督管理部门或者经授权的国务院有关部门对外签署的国际互认协议框架内进行。

第四章 认 可

第三十七条 国务院认证认可监督管理部门确定的认可机构（以下简称认可机构），独立开展认可活动。

除国务院认证认可监督管理部门确定的认可机构外，其他任何单位不得直接或者变相从事认可活动。其他单位直接或者变相从事认可活动的，其认可结果无效。

第三十八条 认证机构、检查机构、实验室可以通过认可机构的认可，以保证其认证、检查、检测能力持续、稳定地符合认可条件。

第三十九条 从事评审、审核等认证活动的人员，应当经认可机构注册后，方可从事相应的认证活动。

第四十条 认可机构应当具有与其认可范围相适应的质量体系，并建立内部审核制度，保证质量体系的有效实施。

第四十一条 认可机构根据认可的需要，可以选聘从事认可评审活动的人员。从事认可评审活动的人员应当是相关领域公认的专家，熟悉有关法律、行政法规以及认可规则和程序，具有评审所需要的良好品德、专业知识和业务能力。

第四十二条 认可机构委托他人完成与认可有关的具体评审业务的，由认可机构对评审结论负责。

第四十三条 认可机构应当公开认可条件、认可程序、收费标准等信息。

认可机构受理认可申请，不得向申请人提出与认可活动无关的要求或者限制条件。

第四十四条 认可机构应当在公布的时间内，按照国家标准和国务院认证认可监督管理部门的规定，完成对认证机构、检查机构、实验室的评审，做出是否给予认可的决定，并对认可过程做出完整记录，归档留存。认可机构应当确保认可的客观公正和完整有效，并对认可结论负责。

认可机构应当向取得认可的认证机构、检查机构、实验室颁发认可证书，并公布取得认可的认证机构、检查机构、实验室名录。

第四十五条 认可机构应当按照国家标准和国务院认证认可监督管理部门的规定，对从事评审、审核等认证活动的人员进行考核，考核合格的，予以注册。

第四十六条 认可证书应当包括认可范围、认可标准、认可领域和有效期限。

认可证书的格式和认可标志的式样须经国务院认证认可监督管理部门批准。

第四十七条 取得认可的机构应当在取得认可的范围内使用认可证书和认可标志。取得认可的机构不当使用认可证书和认可标志的，认可机构应当暂停其使用直至撤销认可证书，并予公布。

第四十八条 认可机构应当对取得认可的机构和人员实施有效的跟踪监督，定期对取得认可的机构进行复评审，以验证其是否持续符合认可条件。取得认可的机构和人员不再符合认可条件的，认可机构应当撤销认可证书，并予公布。

取得认可的机构的从业人员和主要负责人、设施、自行制定的认证规则等与认可条件相关的情况发生变化的，应当及时告知认可机构。

第四十九条 认可机构不得接受任何可能对认可活动的客观公正产生影响的资助。

第五十条 境内的认证机构、检查机构、实验室取得境外认可机构认可的，应当向国务院认证认可监督管理部门备案。

第五章 监督管理

第五十一条 国务院认证认可监督管理部门可以采取组织同行评议，向被认证企业征求意见，对认证活动和认证结果进行抽查，要求认证机构以及与认证有关的检查机构、实验室报告业务活动情况的方式，对其遵守本条例的情况进行监督。发现有违反本条例行为的，应当及时查处，涉及国务院有关部门职责的，应当及时通报有关部门。

第五十二条 国务院认证认可监督管理部门应当重点对指定的认证机构、检查机构、实验室进行监督，对其认证、检查、检测活动进行定期或者不定期的检查。指定的认证机构、检查机构、实验室，应当定期向国务院认证认可监督管理部门提交报告，并对报告的真实性和准确性负责；报告应当对从事列入目录产品认证、检查、检测活动的情况做出说明。

第五十三条 认可机构应当定期向国务院认证认可监督管理部门提交报告，并对报告的真实性和准确性负责；报告应当对认可机构执行认可制度的情况、从事认可活动的情况、从业人员的工作情况做出说明。

国务院认证认可监督管理部门应当对认可机构的报告做出评价，并采取查阅认可活动档案资料、向有关人员了解情况等方式，对认可机构实施监督。

第五十四条 国务院认证认可监督管理部门可以根据认证认可监督管理的需要，就有关事项询问认可机构、认证机构、检查机构、实验室的主要负责人，调查了解情况，给予告诫，有关人员应当积极配合。

第五十五条 省、自治区、直辖市人民政府质量技术监督部门和国务院质量监督检验检疫部门设在地方的出入境检验检疫机构，在国务院认证认可监督管理部门的授权范围内，依照本条例的规定对认证活动实施监督管理。

国务院认证认可监督管理部门授权的省、自治区、直辖市人民政府质量技术监督部门和国务院质量监督检验检疫部门设在地方的出入境检验检疫机构，统称地方认证监督管理部门。

第五十六条 任何单位和个人对认证认可违法行为，有权向国务院认证认可监督管理部门和地方认证监督管理部门举报。国务院认证认可监督管理部门和地方认证监督管理部门应当及时调查处理，并为举报人保密。

第六章 法律责任

第五十七条 未经批准擅自从事认证活动的，予以取缔，处10万元以上50万元以下的罚款，有违法所得的，没收违法所得。

第五十八条 境外认证机构未经批准在中华人民共和国境内设立代表机构的，予以取缔，处5万元以上20万元以下的罚款。

经批准设立的境外认证机构代表机构在中华人民共和国境内从事认证活动的，责令改正，处10万元以上50万元以下的罚款，有违法所得的，没收违法所得；情节严重的，撤销批准文件，并予公布。

第五十九条 认证机构接受可能对认证活动的客观公正产生影响的资助，或者从事可能对认证活动的客观公正产生影响的产品开发、营销等活动，或者与认证委托人存在资产、管理方面的利益关系的，责令停业整顿；情节严重的，撤销批准文件，并予公布；有违法所得的，没收违法所得；构成犯罪的，依法追究刑事责任。

第六十条 认证机构有下列情形之一的，责令改正，处5万元以上20万元以下的罚款，有违法所得的，没收违法所得；情节严重的，责令停业整顿，直至撤销批准文件，并予公布：

- (一) 超出批准范围从事认证活动的；
- (二) 增加、减少、遗漏认证基本规范、认证规则规定的程序的；
- (三) 未对其认证的产品、服务、管理体系实施有效的跟踪调查，或者发现其认证的产品、服务、管理体系不能持续符合认证要求，不及时暂停其使用或者撤销认证证书并予公布的；
- (四) 聘用未经认可机构注册的人员从事认证活动的。

与认证有关的检查机构、实验室增加、减少、遗漏认证基本规范、认证规则规定的程序的，依照前款规定处罚。

第六十一条 认证机构有下列情形之一的，责令限期改正；逾期未改正的，处2万元以上10万元以下的罚款：

- (一) 以委托人未参加认证咨询或者认证培训等为理由，拒绝提供本认证机构业务范围内的认证服务，或者向委托人提出与认证活动无关的要求或者限制条件的；
- (二) 自行制定的认证标志的式样、文字和名称，与国家推行的认证标志相同或者近似，或者妨碍社会管理，或者有损社会道德风尚的；
- (三) 未公开认证基本规范、认证规则、收费标准等信息的；
- (四) 未对认证过程做出完整记录，归档留存的；
- (五) 未及时向其认证的委托人出具认证证书的。

与认证有关的检查机构、实验室未对与认证有关的检查、检测过程做出完整记录，归档留存的，依照前款规定处罚。

第六十二条 认证机构出具虚假的认证结论，或者出具的认证结论严重失实的，撤销批准文件，并予公布；对直接负责的主管人员和负有直接责任的认证人员，撤销其执业资格；构成犯罪的，依法追究刑事责任；造成损害的，认证机构应当承担相应的赔偿责任。

指定的认证机构有前款规定的违法行为的，同时撤销指定。

第六十三条 认证人员从事认证活动，不在认证机构执业或者同时在两个以上认证机构执业的，责令改正，给予停止执业6个月以上2年以下的处罚，仍不改正的，撤销其执业资格。

第六十四条 认证机构以及与认证有关的检查机构、实验室未经指定擅自从事列入目录产品的认证以及与认证有关的检查、检测活动的，责令改正，处10万元以上50万元以下的罚款，有违法所得的，没收违法所得。

认证机构未经指定擅自从事列入目录产品的认证活动的，撤销批准文件，并予公布。

第六十五条 指定的认证机构、检查机构、实验室超出指定的业务范围从事列入目录产品的认证以及与认证有关的检查、检测活动的，责令改正，处10万元以上50万元以下的罚款，有违法所得的，没收违法所得；情节严重的，撤销指定直至撤销批准文件，并予公布。

指定的认证机构转让指定的认证业务的，依照前款规定处罚。

第六十六条 认证机构、检查机构、实验室取得境外认可机构认可，未向国务院认证认可监督管理部门备案的，给予警告，并予公布。

第六十七条 列入目录的产品未经认证，擅自出厂、销售、进口或者在其他经营活动中使用的，责令改正，处5万元以上20万元以下的罚款，有违法所得的，没收违法所得。

第六十八条 认可机构有下列情形之一的，责令改正；情节严重的，对主要负责人和负有责任的人员撤职或者解聘：

（一）对不符合认可条件的机构和人员予以认可的；

（二）发现取得认可的机构和人员不符合认可条件，不及时撤销认可证书，并予公布的；

（三）接受可能对认可活动的客观公正产生影响的资助的。

被撤职或者解聘的认可机构主要负责人和负有责任的人员，自被撤职或者解聘之日起5年内不得从事认可活动。

第六十九条 认可机构有下列情形之一的，责令改正；对主要负责人和负有责任的人员给予警告：

（一）受理认可申请，向申请人提出与认可活动无关的要求或者限制条件的；

（二）未在公布的时间内完成认可活动，或者未公开认可条件、认可程序、收费标准等信息的；

（三）发现取得认可的机构不当使用认可证书和认可标志，不及时暂停其使用或者撤销认可证书并予公布的；

（四）未对认可过程做出完整记录，归档留存的。

第七十条 国务院认证认可监督管理部门和地方认证监督管理部门及其工作人员，滥用职权、徇私舞弊、玩忽职守，有下列行为之一的，对直接负责的主管人员和其他直接责任人员，依法给予降级或者撤职的行政处分；构成犯罪的，依法追究刑事责任：

（一）不按照本条例规定的条件和程序，实施批准和指定的；

（二）发现认证机构不再符合本条例规定的批准或者指定条件，不撤销批准文件或者指定的；

（三）发现指定的检查机构、实验室不再符合本条例规定的指定条件，不撤销指定的；

（四）发现认证机构以及与认证有关的检查机构、实验室出具虚假的认证以及与认证有关的检查、检测结论或者出具的认证以及与认证有关的检查、检测结论严重失实，不予查处的；

（五）发现本条例规定的其他认证认可违法行为，不予查处的。

第七十一条 伪造、冒用、买卖认证标志或者认证证书的，依照《中华人民共和国产品质量法》等法律的规定查处。

第七十二条 本条例规定的行政处罚，由国务院认证认可监督管理部门或者其授权的地方认证监督管理部门按照各自职责实施。法律、其他行政法规另有规定的，依照法律、其他行政法规的规定执行。

第七十三条 认证人员自被撤销执业资格之日起5年内，认可机构不再受理其注册申请。

第七十四条 认证机构未对其认证的产品实施有效的跟踪调查，或者发现其认证的产品不能持续符合认证要求，不及时暂停或者撤销认证证书和要求其停止使用认证标志给消费者造成损失的，与生产者、销售者承担连带责任。

第七章 附 则

第七十五条 药品生产、经营企业质量管理规范认证，实验动物质量合格认证，军工产品的认证，以及从事军工产品校准、检测的实验室及其人员的认可，不适用本条例。

依照本条例经批准的认证机构从事矿山、危险化学品、烟花爆竹生产经营单位管理体系认证，由国务院安全生产监督管理部门结合安全生产的特殊要求组织；从事矿山、危险化学品、烟花爆竹生产经营单位安全生产综合评价的认证机构，经国务院安全生产监督管理部门推荐，方可取得认可机构的认可。

第七十六条 认证认可收费，应当符合国家有关价格法律、行政法规的规定。

第七十七条 认证培训机构、认证咨询机构的管理办法由国务院认证认可监督管理部门制定。

第七十八条 本条例自2003年11月1日起施行。1991年5月7日国务院发布的《中华人民共和国产品质量认证管理条例》同时废止。

2.2 Regulations of Certification and Accreditation (in English)

Regulations of the People's Republic of China on Certification and Accreditation

Chapter I General Provisions

Article 1

These Regulations are formulated for the purposes of regulating certification and accreditation activities, improving quality of products, services and level of management, and promoting economic and social development.

Article 2

The term "certification" in these Regulations means conformity assessment activities by a certification body to verify that a product, service or management system conforms to technical regulations or standards.

The term "accreditation" in these Regulations means conformity assessment activities by an accreditation body to recognize the competence and qualifications to practice of a certification body, inspection body, laboratory or an individual who engages in certification activities such as audit or assessment.

Article 3

Any person who engages in certification and accreditation activities within the territory of the People's Republic of China shall comply with these Regulations.

Article 4

The State practices a unitary regulatory system for certification and accreditation activities.

The State practices to certification and accreditation a work mechanism in which joint implementation is conducted by relevant sides under unitary supervision, administration and overall coordination of the certification and accreditation regulatory department of the State Council.

Article 5

The certification and accreditation regulatory department of the State Council shall, according to law, strengthen supervision over and administration of activities of certification training bodies and certification consultancy bodies.

Article 6

The principles of objectiveness, independency, openness, impartiality and good faith shall be abided by in certification and accreditation activities.

Article 7

The State encourages international mutual recognition in the field of certification and accreditation on the basis of equality and mutual benefit. However, international mutual recognition in the field of certification and accreditation shall not jeopardize the State security or social and public interests.

Article 8

Any body engaged in certification and accreditation activities and its staff members have the obligation to safeguard confidentiality of State secrets and commercial secrets obtained in certification and accreditation activities.

Chapter II Certification Bodies

Article 9

A certification body to be established may engage in certification activities within the approved scope only after it is approved by the certification and accreditation regulatory department of the State Council and acquires the legal person's status according to law.

Any unit or individual shall not engage in certification activities without approval.

Article 10

A certification body to be established shall meet the following requirements:

- (6) having fixed premises and necessary facilities;
- (7) having management system that meets the requirements for certification and accreditation;
- (8) having a registered capital of not less than 3,000,000 yuan;
- (9) having not less than ten full-time certification personnel in relevant fields.

A certification body to engage in product certification activities is additionally required

to have technical competence in testing or inspection commensurate with relevant product certification activities.

Article 11

A foreign-funded certification body to be established shall meet the following requirements, in addition to the requirements prescribed in Article 10 of these Regulations:

- (1) the foreign investor is accredited by an accreditation body in his home country or region;
- (2) the foreign investor has engaged in certification activities for not less than three years.

The application for, approval and registration of the establishment of a foreign-funded certification body shall be subject to laws, administrative regulations and other relevant provisions of the State on foreign investment.

Article 12

The application and approval procedures for the establishment of a certification body are as follows:

- (1) the applicant that is to establish a certification body shall make a written application to the certification and accreditation regulatory department of the State Council and submit proof documents that meet the requirements prescribed in Article 10 of these Regulations;
- (2) the certification and accreditation regulatory department of the State Council shall, within 90 days from the date of acceptance of the application for establishing a certification body, decide to approve or disapprove the application; if the application is related to functions and duties of other departments of the State Council, comments shall be solicited from these departments; if the certification and accreditation regulatory department of the State Council decides to approve the application, it shall issue the approval document to the applicant; if the certification and accreditation regulatory department of the State Council decides to disapprove the application, it shall notify the applicant in writing and give the reasons for the disapproval.
- (3) the applicant shall then go through the registration formalities according to law by presenting the approval document issued by the certification and accreditation regulatory department of the State Council.

The certification and accreditation regulatory department of the State Council shall publish the directory of certification bodies that are established according to law.

Article 13

A foreign certification body's representative office to be established within the territory of the People's Republic of China may engage in promoting activities within the business scope of the foreign certification body it is affiliated to only after it is approved, registers with the administrative department for industry and commerce according to law, but shall not engage in certification activities.

The application for, approval and registration of the establishment of a foreign certification body's representative office within the territory of the People's Republic of China shall be subject to laws, administrative regulations and other relevant provisions of the State on foreign investment.

Article 14

A certification body shall not have any interests relationship with administrative departments.

A certification body shall neither accept any financial support that might affect the objectiveness and impartiality of its certification activities, nor engage in any activity such as product development or marketing that might affect the objectiveness and impartiality of its certification activities.

The certification body shall not have any interests relationship with its applicants in assets or management.

Article 15

Any certification personnel, when practicing certification activities, shall practice in one certification body only and shall not practice in two or more certification bodies simultaneously.

Article 16

Any inspection body or laboratory that provides probative data or results to the public shall have the essential facilities and competence required by relevant laws and administrative regulations and it may engage in relevant activities only after such facilities and competence are verified and approved according to law, and the results of the verification and approval shall be published by the certification and accreditation regulatory department of the State Council

Chapter III Certification

Article 17

The State practices and promotes certification of products, services and management systems in light of the need of economic and social development.

Article 18

A certification body shall abide by principled certification rules, and specific certification rules and procedures when engaging in certification activities. The principled certification rules and specific certification rules and procedures shall be formulated by the certification and accreditation regulatory department of the State Council; if such principled certification rules, and specific certification rules and procedures are related to functions and duties of other departments of the State Council, they shall be formulated by the certification and accreditation regulatory department of the State Council jointly with relevant departments of the State Council.

In case of a new certification area in which there are no specific certification rules and procedures formulated by the department referred to in the preceding paragraph, a certification body may develop its own specific certification rules and procedures, and shall submit for the record to the certification and accreditation regulatory department of the State Council.

Article 19

Any legal person, organization or individual may voluntarily apply to a certification body established according to law for certification of products, services and management systems.

Article 20

A certification body shall neither refuse to provide certification services within its business scope on the excuse that the applicant has not sought certification consultancy or attended certification training, nor set any conditions or restrictions irrelevant to the certification activities on the applicant.

Article 21

A certification body shall make publicly available the information such as principled certification rules, and specific certification rules and procedures, and structural fee chart.

Article 22

A certification body or a certification-related inspection body or laboratory, when undertaking certification or certification-related inspection or testing, shall complete

the procedures required by the principled certification rules and specific certification rules and procedures in order to ensure that the certification, inspection or testing is integrated, objective and authentic, and shall not add, reduce or omit any required procedures.

A certification body, or a certification-related inspection body or laboratory shall make a complete record of the process of certification, inspection or testing, and keep such record on file.

Article 23

A certification body and its certification personnel shall make the certification conclusion in a timely manner and ensure the objectiveness and authenticity of the conclusion. The certification conclusion shall be first signed by the relevant certification personnel and then be subscribed by the responsible person of the certification body.

The certification body and its certification personnel shall be responsible for the certification decision.

Article 24

A certification body shall issue a certificate to the applicant in a timely manner where the certification decision indicates that the products, services or management systems meet certification requirements.

Article 25

A certified body shall use the certificate and certification mark within the certified scope, shall neither use the certificate, certification mark or relevant descriptive text or symbol of the product or service in a way that might mislead the public into believing that its management system has been certified, nor use the certificate, certification mark or relevant character or symbol for the management system in a way that might mislead the public into believing that its product or service has been certified.

Article 26

A certification body may design its own certification mark, and shall submit such certification mark to the certification and accreditation regulatory department of the State Council for the record.

The pattern, descriptive text or name of the certification mark designed by a certification body shall not violate provisions of laws and administrative regulations,

shall not be the same as or similar to the certification mark promoted by the State, and shall not obstruct the administration of public order or do harm to social morality and customs.

Article 27

A certification body shall conduct effective follow-up surveillance of the certified products, services or management systems; where certified products, services or management systems fail to maintain conformity to certification requirements, the certification body shall suspend or even withdraw the certificates and make such suspension or withdrawal public.

Article 28

Where relevant products are subject to compulsory certification as required by the State for the purposes of protection of State security, prevention of deceptive practices, and protection of human life or safety, animal or plant life or health, and the environment, such products may be released from the manufacturer, marketed, imported or used for any commercial purposes only after they are certified and have certification mark displayed.

Article 29

With regard to products subject to compulsory certification, the State shall apply one product catalogue, one set of technical regulations, standards and conformity assessment procedures, one obligatory mark and one structural fee chart.

The unitary product catalogue (hereinafter referred to as the Catalogue) shall be formulated and adjusted by the certification and accreditation regulatory department of the State Council jointly with the relevant departments of the State Council, announced by the certification and accreditation regulatory department of the State Council, and implemented by the certification and accreditation regulatory department of the State Council jointly with relevant sides.

Article 30

Products listed into the Catalogue must be subject to certification by the certification bodies designated by the certification and accreditation regulatory department of the State Council.

The certification marks of products listed into the Catalogue shall be solely governed by the provisions of the certification and accreditation regulatory department of the State Council.

Article 31

Where products listed into the Catalogue come under the catalogue of import-export commodities subject to inspection, the inspection procedures there for shall be simplified in the import-export commodity inspection.

Article 32

The certification bodies, certification-related inspection bodies and laboratories designated by the certification and accreditation regulatory department of the State Council (hereinafter referred to as the designated certification bodies, inspection bodies and laboratories) to undertake certification of products listed into the Catalogue shall be those that have engaged in the relevant business for a certain length of time without records of malpractice and obtained accreditation in accordance with the provisions of these Regulations, and be competent to engage in relevant certification activities. When designating certification bodies to undertake certification of products listed into the Catalogue, the certification and accreditation regulatory department of the State Council shall ensure that at least two certification bodies that meet the requirements of these Regulations are designated for each field of products listed into the Catalogue.

Before designating the certification bodies, inspection bodies and laboratories referred to in the preceding paragraph, the certification and accreditation regulatory department of the State Council shall publish relevant information and set up a panel composed of experts well-recognized in relevant fields to review the qualifications of the certification bodies, inspection bodies and laboratories that meet the requirements specified in the preceding paragraph and, based on such review and upon consultation with other relevant departments of the State Council, make a decision within the published time limit by following the principles of rational use of resources, fair competition, convenience and effectiveness.

Article 33

The certification and accreditation regulatory department of the State Council shall publish the directory of designated certification bodies, inspection bodies and laboratories as well as their respective designated business scopes.

Without designation, any body shall not engage in certification, certification-related inspection or testing activities of products listed into the Catalogue.

Article 34

Manufacturers, sellers, or importers of products listed into the Catalogue may apply to a designated certification body for the certification on their own initiative.

Article 35

Designated certification bodies, inspection bodies or laboratories shall provide convenient and timely certification, inspection or testing services to applicants within the designated business scopes, and shall not delay, discriminate against applicants, impede or inhibit access by applicants, or seek undue interests.

Designated certification bodies shall not subcontract the designated certification business to other bodies.

Article 36

International mutual recognition activities conducted by designated certification bodies, inspection bodies and laboratories shall be within the framework of the international mutual recognition arrangements concluded by the certification and accreditation regulatory department of the State Council or other departments of the State Council upon authorization.

Chapter IV Accreditation

Article 37

The accreditation body authorized by the certification and accreditation regulatory department of the State Council (hereinafter referred to as the accreditation body) conducts accreditation activities independently.

No unit other than the accreditation body authorized by the certification and accreditation regulatory department of the State Council may engage in accreditation activities directly or in a disguised form; if any other unit does so, its accreditation results shall be invalid.

Article 38

Any certification body, inspection body or laboratory may seek accreditation by the accreditation body to demonstrate that its certification, inspection or testing capability meets the accreditation requirements continuously and steadily.

Article 39

Any individual engaged in certification activities such as audit or assessment shall engage in related certification activities only after he registers with the accreditation body.

Article 40

The accreditation body shall have a quality system commensurate with its business scope and establish internal audit system to ensure effective implementation of the quality system.

Article 41

The accreditation body may choose or employ individuals to conduct assessment activities in accreditation in light of the needs of accreditation. Such individuals shall be well-recognized experts in relevant fields, be familiar with relevant laws, administrative regulations and accreditation rules and procedures, and have good morality, professional knowledge and competence that are needed for accreditation.

Article 42

Where the accreditation body subcontracts any specific assessment task related to accreditation, the accreditation body shall take responsibility for the assessment decision.

Article 43

The accreditation body shall make publicly available information such as accreditation requirements, accreditation procedures and the structural fee chart.

When accepting an application, the accreditation body shall not set on the applicant any conditions or restrictions irrelevant to accreditation activities.

Article 44

The accreditation body shall, in accordance with national standards and provisions of the certification and accreditation regulatory department of the State Council, complete the assessment of a certification body, an inspection body or a laboratory and make a decision whether or not to grant accreditation within the published time limit, make a complete record of the process of accreditation and keep such record on file. The accreditation body shall ensure the objectiveness, impartiality, integrity and effectiveness of accreditation and take responsibility for accreditation decisions.

The accreditation body shall issue accreditation certificates to accredited certification bodies, inspection bodies and laboratories and publish the directory of such accredited certification bodies, inspection bodies and laboratories.

Article 45

The accreditation body shall, in accordance with national standards and provisions of the certification and accreditation regulatory department of the State Council, evaluate individuals engaged in certification activities such as audit or assessment and register those who are qualified upon examination.

Article 46

The accreditation certificate shall specify the accreditation scope, accreditation criteria, accreditation field, and period of validity.

The format of the accreditation certificate and the pattern of the accreditation mark are subject to the approval of the certification and accreditation regulatory department of the State Council.

Article 47

The accredited body shall use its accreditation certificate and accreditation mark within the accredited scope. If the accredited body improperly uses its accreditation certificate or accreditation mark, the accreditation body shall suspend or even withdraw its accreditation certificate and make such suspension or withdrawal public.

Article 48

The accreditation body shall exercise effective follow-up surveillance over accredited bodies and individuals and conduct regular re-assessment over accredited bodies to verify whether they maintain conformity with the accreditation requirements. If an accredited body or a registered individual is found no longer meeting the accreditation requirements, the accreditation body shall withdraw the accreditation certificate and make such withdrawal public.

The accredited body shall inform the accreditation body in a timely manner of changes in its staff, principal responsible persons, facilities, self-developed specific certification rules and procedures and other changes affecting the conformity with the accreditation requirements.

Article 49

The accreditation body shall not accept any financial support that might affect the objectiveness and impartiality of accreditation activities.

Article 50

A domestic certification body, inspection body or laboratory that obtains accreditation from a foreign accreditation body shall report to the certification and accreditation

regulatory department of the State Council for the record.

Chapter V Supervision and Administration

Article 51

The certification and accreditation regulatory department of the State Council may, when exercising supervision of certification bodies, certification-related inspection bodies and laboratories for their conformity with the provisions of these Regulations, takes the form of organizing survey among counterparts, soliciting comments from applicants or certificate holders, conducting sampling examination over certification activities and certification results, or requiring certification bodies, certification-related inspection bodies and laboratories to report on their business activities. Upon finding any violation of these Regulations, the certification and accreditation regulatory department of the State Council shall conduct investigation and make disposition promptly, and inform other relevant departments of the State Council in a timely manner if the case is related to the functions and duties of such departments.

Article 52

The certification and accreditation regulatory department of the State Council shall conduct target supervision over the designated certification bodies, inspection bodies and laboratories by conducting regular or irregular inspection over their certification, inspection and testing activities. A designated certification body, inspection body or laboratory shall regularly submit reports to the certification and accreditation regulatory department of the State Council and take responsibility for the authenticity of the reports. The reports shall include information about the certification, inspection or testing activities of products listed into the Catalogue.

Article 53

The accreditation body shall regularly submit reports to the certification and accreditation regulatory department of the State Council and take responsibility for the authenticity of the reports. The reports shall include information about its implementation of the accreditation system, accreditation activities and performance of its staff.

The certification and accreditation regulatory department of the State Council shall evaluate the reports from the accreditation body and exercise supervision over the accreditation body by taking forms such as reviewing files and documents on accreditation activities or enquiring relevant individuals.

Article 54

The certification and accreditation regulatory department of the State Council may, in light of the needs of supervision and administration of certification and accreditation activities, enquire the principal responsible persons of the accreditation body, certification bodies, inspection bodies or laboratories, carry out investigation and give cautionary advice, and the individuals concerned shall provide active cooperation.

Article 55

The quality and technical supervision departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and the entry-exit inspection and quarantine agencies established locally by the quality supervision, inspection and quarantine department of the State Council shall exercise supervision and administration of certification activities in accordance with the provisions of these Regulations and within the scope authorized by the certification and accreditation regulatory department of the State Council.

The quality and technical supervision departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and the entry-exit inspection and quarantine agencies established locally by the quality supervision, inspection and quarantine department of the State Council that are authorized by the certification and accreditation regulatory department of the State Council are collectively referred to as local certification regulatory departments.

Article 56

Any unit or individual has the right to inform the certification and accreditation regulatory department of the State Council or the local certification regulatory departments of any illegal activities in certification and accreditation. The certification and accreditation regulatory department of the State Council and the local certification regulatory departments shall conduct investigation and make disposition in a timely manner, and keep the informant confidential.

Chapter VI Legal Liability

Article 57

Anyone that engages in certification activities without approval or authorization shall be banned and imposed a fine of not less than 100,000 yuan but not more than 500,000 yuan, and the illegal income, if any, shall be confiscated.

Article 58

Where a foreign certification body establishes a representative office within the

territory of the People's Republic of China without approval, the said representative office shall be banned and a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed.

Where a foreign certification body's representative office, the establishment of which is approved, engages in certification activities within the territory of the People's Republic of China, the said representative office shall be ordered to make corrections and be imposed a fine of not less than 100,000 yuan but not more than 500,000 yuan; the illegal income, if any, shall be confiscated; if the circumstances are serious, the approval document shall be revoked and such revocation shall be made public.

Article 59

Where a certification body accepts financial support that might affect the objectiveness and impartiality of certification activities, engages in activities such as product development, or marketing that might affect the objectiveness and impartiality of certification activities, or has interests relationship with its applicants in assets or management, it shall be ordered to suspend its business for rectification; if the circumstances are serious, the approval document shall be revoked and such revocation shall be made public; the illegal income, if any, shall be confiscated; if such act constitutes a crime, criminal liability shall be investigated according to law.

Article 60

Where a certification body comes under any of the following circumstances, it shall be ordered to make corrections and be imposed a fine of not less than 50,000 yuan but not more than 200,000 yuan; the illegal income, if any, shall be confiscated; if the circumstances are serious, it shall be ordered to suspend its business for rectification, or even the approval document shall be revoked and such revocation shall be made public.

- (1) conducting certification activities beyond the approved scope;
- (2) adding, reducing, or omitting procedures required by the principled certification rules and specific certification rules and procedures;
- (3) failing to exercise effective follow-up surveillance of the certified products, services or management systems or failing to suspend or withdraw the certificate and make such suspension or withdrawal public in a timely manner upon finding any failure of certified products, services or management systems in maintaining conformity with the certification requirements;
- (4) employing individuals who do not register with the accreditation body to conduct certification activities.

Where a certification-related inspection body or a laboratory adds, reduces or omits procedures required by the principled certification rules and specific certification rules

and procedures, punishment shall be imposed thereupon in accordance with the preceding paragraph.

Article 61

Where a certification body comes under any of the following circumstances, it shall be ordered to make corrections within a specified time limit; if it fails to do so, it shall be imposed a fine of not less than 20,000 yuan but not more than 100,000 yuan:

- (1) refusing to provide certification services within its business scope on the excuse that the applicant has not sought certification consultation or attended certification training, or setting conditions or restrictions irrelevant to the certification activities on the applicant;
- (2) having its own designed pattern, descriptive text or name of the certification mark being the same as or similar to the certification mark promoted by the State, obstructing the administration of public order, or doing harm to social morality and customs;
- (3) failing to make publicly available information such as principled certification rules and specific certification rules and procedures, and the structural fee chart;
- (4) failing to make a complete record of the process of certification and keep such record on file;
- (5) failing to issue the certificate to the certified applicant in a timely manner.

Where a certification-related inspection body or a laboratory fails to make a complete record of the process of certification and keep such record on file, punishment shall be imposed thereupon in accordance with the preceding paragraph.

Article 62

Where a certification body issues a false certification conclusion or a certification conclusion that is highly inconsistent with the facts, its approval document shall be revoked and such revocation shall be made public; the persons in charge bearing direct responsibility and the certification personnel directly responsible therefor shall be disqualified; if such act constitutes a crime, criminal liability shall be investigated according to law; if any damage is thus caused, the certification body shall be liable for the compensation.

Where a designated certification body commits one of the illegal acts prescribed in the preceding paragraph, the designation shall be revoked concurrently.

Article 63

Where certification personnel, when engaging in certification activities, do not practice in one certification body or practice in more than one certification body at the

same time, they shall be ordered to make corrections and their practice shall be suspended for not less than six months but not more than two years; if they fail to make corrections, they shall be disqualified.

Article 64

Where a certification body or a certification-related inspection body or laboratory, without designation or authorization, engages in certification or certification-related inspection or testing activities of products listed into the Catalogue, it shall be ordered to make corrections and be imposed a fine of not less than 100,000 yuan but not more than 500,000 yuan; the illegal income, if any, shall be confiscated.

Where a certification body, without designation or authorization, engages in certification of products listed into the Catalogue, its approval document shall be revoked and such revocation shall be made public.

Article 65

Where a designated certification body, inspection body or laboratory engages in certification or certification-related inspection or testing activities of products listed into the Catalogue beyond its designated business scope, it shall be ordered to make corrections and be imposed a fine of not less than 100,000 yuan but not more than 500,000 yuan; the illegal income, if any, shall be confiscated; if the circumstances are serious, the designation shall be revoked or even the approval document shall be revoked and such revocation shall be made public.

Where a designated certification body subcontracts the designated certification business, punishment shall be imposed thereupon in accordance with the preceding paragraph.

Article 66

Where a certification body, inspection body or laboratory obtains accreditation from a foreign accreditation body but fails to make a report to the certification and accreditation regulatory department of the State Council for the record, it shall be given a warning and such warning shall be made public.

Article 67

Where a product listed into the Catalogue, without certification, is released from the manufacturer, marketed, imported or used for any commercial purposes, corrections shall be ordered to be made and a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed; the illegal income, if any, shall be confiscated.

Article 68

Where the accreditation body comes under any of the following circumstances, it shall be ordered to make corrections; if the circumstances are serious, the principal responsible person and persons responsible shall be dismissed from their posts or discharged from employment:

- (1) granting accreditation to the body or individual that does not meet the accreditation requirements;
- (2) failing to withdraw an accreditation certificate and make the withdrawal public when finding that the accredited body or individual does not meet the accreditation requirements;
- (3) accepting financial support that might affect the objectiveness and impartiality of accreditation activities.

The principal responsible person and persons responsible dismissed from their posts or discharged from employment shall not engage in accreditation activities within five years from the date of such dismissal or discharge.

Article 69

Where the accreditation body comes under any of the following circumstances, it shall be ordered to make corrections and its principal responsible person and persons responsible shall be given a warning:

- (1) setting on an applicant conditions or restrictions irrelevant to accreditation activities when accepting an application;
- (2) failing to complete accreditation activities within the published time limit, or failing to make publicly available information such as accreditation requirements, accreditation procedures and the structural fee chart;
- (3) failing to suspend or withdraw the accreditation certificate and make such suspension or withdrawal public in a timely manner, when finding that an accredited body improperly uses the accreditation certificate or the accreditation mark;
- (4) failing to make a complete record of the process of accreditation and keep such record on file.

Article 70

Where the certification and accreditation regulatory department of the State Council or local certification regulatory departments or their staff members abuse their power, commit illegalities for personal interests or by fraudulent means, or neglect their duties by committing any of the following acts, the persons in charge bearing direct responsibility and other persons directly responsible therefor shall be given an

administrative sanction of demotion or dismissal from post according to law; if such act constitutes a crime, criminal liability shall be investigated according to law:

- (1) failing to conduct approval and designation in accordance with the requirements or procedures of these Regulations;
- (2) failing to revoke approval document or designation when finding that a certification body no longer meets the requirements for approval and designation in these Regulations;
- (3) failing to revoke designation when finding that a designated inspection body or laboratory no longer meets relevant requirements prescribed in these Regulations;
- (4) failing to conduct investigation and make disposition when finding that a certification body, certification-related inspection body or laboratory issues false certification conclusion or certification-related inspection or testing conclusion or such conclusion is highly inconsistent with the facts;
- (5) failing to conduct investigation and make disposition when finding other illegal acts in certification and accreditation prescribed in these Regulations.

Article 71

Any person who forges, falsely uses, buys or sells certification marks or certificates shall be investigated and dealt with in accordance with the provisions of the Law of the People's Republic of China on Product Quality and other relevant laws.

Article 72

The administrative penalty prescribed in these Regulations shall be imposed by the certification and accreditation regulatory department of the State Council or its authorized local certification regulatory departments within their respective scope of functions and duties. If laws or other administrative regulations provided otherwise, the provisions of such laws or administrative regulations shall apply.

Article 73

Where any of the certification personnel is disqualified, the accreditation body shall not accept his registration application within five years from the date of the disqualification.

Article 74

Where a certification body fails to conduct effective follow-up surveillance over its certified products, or fails to suspend or withdraw the certificate and require the cease of use of the certification mark in a timely manner when finding that the certified products fail to maintain conformity with the certification requirements, and thus

causes damages to consumers, the certification body shall bear joint and several liability with the manufacturer and seller.

Chapter VII Supplementary Provisions

Article 75

These Regulations shall not apply to good manufacturing practice for pharmaceutical products inspection and the good supply practice for pharmaceutical products inspection, quality certification for laboratory animals, certification of products for military use, and accreditation for laboratories as well as their staff members that engage in calibration or testing for military industrial products.

Where a certification body approved in accordance with these Regulations engages in management system certification for mines or manufacturers or operators of hazardous chemicals or fireworks, such certification shall be organized by the work safety regulatory department of the State Council by taking into consideration special requirements of work safety; a certification body that is to engage in comprehensive assessment of the work safety of mines, manufacturers or operators of hazardous chemicals or fireworks shall not be accredited only after it is recommended by the work safety regulatory department of the State Council.

Article 76

Structural fee charts for certification and accreditation shall be in conformity with the provisions of relevant laws and administrative regulations of the State on pricing.

Article 77

Measures for administration of certification training bodies and certification consultancy bodies shall be developed by the certification and accreditation regulatory department of the State Council.

Article 78

These Regulations shall be effective as of November 1, 2003. The Regulations of the People's Republic of China for the Administration of Product Quality Certification promulgated by the State Council on May 7, 1991 shall be repealed simultaneously.

3. Policy Documents

3.1 Guidance to Rapidly Promote Forest Certification Work by SFA (in Chinese)

国家林业局关于加快推进森林认证工作的指导意见

二〇一〇年九月十六日

为深入贯彻《中共中央 国务院关于加快林业发展的决定》提出的“积极开展森林认证工作，尽快与国际接轨”的要求，落实中央林业工作会议精神，深化集体林权制度改革，促进森林可持续经营，推动现代林业又好又快发展，现就加快推进森林认证工作提出如下指导意见。

一、充分认识开展森林认证工作的重要意义

(一)开展森林认证是发展现代林业的必然要求。森林认证是由独立的第三方按照规定的程序和标准对森林经营和林产品销售进行合格评定的活动。实施森林认证制度，有利于实现森林资源由政府直接管理向政府和社会共同监督管理转变，森林经营由注重经济效益向生态社会经济综合效益均衡发展转变，林木采伐由限额管理向森林经营方案管理转变，经过认证的木材运输由许可证管理向认证标识管理转变，林产品利用由过度消费向绿色消费转变，是林业贯彻落实科学发展观的具体实践。

(二)开展森林认证是拓展林产品市场的有效途径。随着公众环境保护意识的不断增强，鼓励绿色消费，优先购买森林认证产品，已成为合理利用森林资源、有效保护生态环境的共识和行动。积极开展森林认证，有利于培育绿色林产品市场，提高我国林产品信誉度、认知度和国际竞争力，应对绿色贸易壁垒，扩大国际市场份额，促进我国林业产业可持续发展。

(三)开展森林认证是巩固集体林权制度改革成果的重要手段。实施森林认证制度，为创新集体林经营体制和机制、改进林木采伐管理制度提供了新模式，为提高林业生产的组织化程度、增加林农收入开辟了新渠道，为林农或林业新型合作组织提高森林经营水平、增强风险抵御能力提供了新手段，为全社会参与森林经营、支持林业发展提供了新途径。

(四)开展森林认证是加快我国林业国际化进程的战略选择。实现森林可持续经营，既是国际社会的广泛共识，也是我国政府的郑重承诺。建立符合国情林情的国家森林认证体系，加快国际互认，推进森林认证，有利于提高森林质量、增加森林碳汇、应对气候变化，有利于保护森林资源、遏制非法采伐、促进合法贸易，有利于履行国际承诺、树立国际形象、推进国际合作。

二、开展森林认证工作的总体要求

（五）指导思想

坚持以邓小平理论、“三个代表”重要思想和科学发展观为指导，认真贯彻落实中央林业工作会议精神，以实现森林可持续经营、增强森林生态服务功能、提高林业产业持续发展能力为目标，科学规划，规范管理，分类指导，分步实施，建立既符合国情林情又与国际接轨的国家森林认证体系，促进现代林业又好又快发展。

（六）基本原则

——政府引导，社会监督。在国家统一认证认可制度框架下，国家林业行政主管部门负责建立国家森林认证体系。充分发挥政府部门、行业协会、非政府组织、新闻媒体和社会公众的作用，加强对认证过程和认证对象的监督管理。

——市场驱动，企业自愿。按照资源节约型、环境友好型社会的要求，增强社会绿色消费意识，培育认证产品市场。森林经营单位和林产品销售企业根据自身发展状况和产品市场份额，自愿选择认证机构、认证领域和认证类别。

——统一管理，分类实施。按照统一认证标准，统一认证规则，统一认证标志，统一认证监管，逐步开展不同类别的认证。

——先行试点，稳步推进。选择不同森林类型、不同森林权属、不同区域的森林经营单位和不同产品类型的林产品销售企业，开展森林认证试点，总结经验，完善体系，以点带面，稳步推进。

（七）发展目标

到 2015 年，在国有林区试行森林认证制度，在集体林区开展森林认证试点，引导主要外向型林产品销售企业开展产销监管链认证，探索扩大认证类别和范围，初步建立国家森林认证体系并实现国际互认。

到 2020 年，鼓励国有林区和集体林区积极开展森林经营认证，引导主要林产品销售企业开展产销监管链认证，进一步扩大认证类别和范围，形成比较成熟的森林认证市场，完善国家森林认证体系并扩大国际互认范围，提高森林可持续经营水平。

（八）主要任务

选择符合条件的森林经营单位和林产品销售企业开展森林认证试点；完善认证标准和技术规范；推动国家森林认证体系国际互认进程；探索碳汇林、竹林、非木质林产品、森林生态环境服务和生产经营性珍贵稀有濒危物种等认证；培育认证市场，推动森林认证产品纳入政府采购目录；加强能力建设，加大宣传力度，推动绿色生产与消费。

三、建立健全国家森林认证体系

（九）完善森林认证标准体系。根据现代林业发展的要求，针对不同认证类别，制定相应认证标准，适时修订和完善现有认证标准和技术规范，构建完善的森林认证标准体系。

（十）引导认证机构建设。鼓励有条件的单位或个人申请注册认证机构，为认证机

构提供技术咨询和服务，帮助认证机构完善技术性文件和内部管理体系，支持认证机构依法开展认证活动。

（十一）强化认证监管。加强对认证机构及其认证活动的监督管理，推进森林认证工作规范化、制度化和法制化，确保森林认证工作健康有序地发展。

四、积极开展森林认证试点工作

（十二）扎实推进森林经营认证试点。结合森林可持续经营试点和森林抚育试点，选择不同所有制的森林经营单位开展森林认证试点。各地应从实际出发，本着简便易行、先易后难的原则，指导试点单位建立健全企业内部经营管理体系，探索和创新适应集体林权制度改革的森林认证模式，引导林农按照联合认证的要求组建新型林业合作组织，帮助林农或林业合作组织编制森林经营方案，提供技术咨询。

（十三）积极开展产销监管链认证试点。按照市场需求和企业意愿，选择家具、木地板、浆纸等生产销售企业先行试点。各地应按统一要求，积极推荐试点企业，为企业建立健全符合认证要求的内部管理体系提供技术支持。

（十四）努力拓展认证范围。根据经济社会发展需求，积极创造条件，逐步推进碳汇林、竹林、非木质林产品、森林生态环境服务和生产经营性珍贵稀有濒危物种等认证。

（十五）认真总结试点经验。各地应及时对试点工作进行总结评估，为完善森林认证规则、认证标准和操作指南等技术性文件和管理规范提供依据，推动和指导森林认证工作全面开展。

五、切实加强森林认证能力建设

（十六）加强专业技术培训。把森林认证纳入行业培训计划，采取灵活多样的方式，切实开展不同层次、不同内容、不同对象的森林认证及相关专业技术培训工作，重点加强森林经营单位和林产品销售企业管理人员和技术骨干的培训，鼓励有条件的单位或个人申请注册培训机构。

（十七）强化认证队伍建设。建立认证机构、培训机构和咨询机构从业人员的准入制度。建立科学的考核与评价机制，监督认证机构、培训机构和咨询机构定期开展技能培训，以保持知识更新与提高。加强职业道德教育，确保认证过程公平、公正，提高认证结果的信誉度。

（十八）提高科技支撑水平。鼓励和支持林业科研机构 and 高等院校开展森林认证技术、政策和管理研究，建立森林认证专家库和信息服务平台，鼓励有条件的单位或个人申请注册咨询机构，为进一步完善国家森林认证体系提供科技支撑。

（十九）推进国际合作交流。加强与国际森林认证体系和国家森林认证体系的多边、双边合作与交流，把握国际动向和趋势，加强信息共享，推进国际互认，建立对话机制，积极参与国际规则的制定。

六、保障措施

(二十) 加强组织领导。各级林业行政主管部门要高度重视森林认证工作，把森林认证作为现代林业建设的重要内容，纳入议事日程，确定专门机构或配备专职人员，明确职责，落实责任，切实推进森林认证工作。

(二十一) 加大宣传力度。充分利用广播、电视、报纸、广告、网络等多种途径，普及森林认证知识，扩大森林认证影响，增强公众环境意识，倡导绿色消费，营造全社会采信森林认证结果、共同保护森林的良好氛围。

(二十二) 加强政策支持。制定有利于森林可持续经营和森林认证的政策措施，加强与有关部门的沟通协调，将森林认证产品尽快纳入政府采购目录并逐步提高采购比例。对通过森林认证的森林经营单位和林产品生产销售企业，在技术指导、信息服务、项目安排、资源利用、银行信贷、市场开拓等方面予以支持。

3.2 The View of Carrying Out Forest Certification Work (in Chinese)

关于开展森林认证工作的意见

国家认监委 国家林业局

二〇〇八年六月六日

遵照科学发展观的要求，努力实现十七大提出的建设资源节约、生态文明的目标，是实施国家可持续发展战略的重要组成部分，也是我国林业发展战略的核心。森林可持续经营是林业可持续发展的基础。中国作为世界林业大国，在加强森林资源管理、实施天然林资源保护、促进人工林资源培育以及强化自然保护区建设上采取了举世瞩目的有力行动，为全球森林可持续经营做出了贡献。

国家认监委、国家林业局充分认识到建立我国森林认证制度，推动森林认证工作，是促进我国森林可持续经营水平的一种有效手段。近年来，国家认监委、国家林业局按照《中华人民共和国认证认可条例》和《中共中央国务院关于加快林业发展的决定》，做了大量的基础工作，初步形成了中国森林认证制度的基本框架。为此，国家认监委、国家林业局研究决定，共同推进森林认证试点工作，建立和实施统一的森林认证制度。现提出如下意见：

一、中国森林认证制度的建立，将充分借鉴国际上已经开展的森林认证的制度和办法。同时紧密结合我国的实际情况，从我国的国情和林情实际出发，维护国家利益。开展森林认证要坚持从实际出发原则，坚持多方参与原则，坚持政府推动，企业自愿的原则。切实把森林认证的出发点和落脚点放在全面推进现代林业建设，拓展林业的生态功能、经济功能和社会功能，构建森林生态体系、林业产业体系和森林文化体系建设上。提高我国森林的可持续经营水平和提高林产品的市场竞争力，提高森林的生态、经济和社会效益。

二、中国森林认证制度属于国家统一推行的自愿性认证制度，采用统一的认证标准、统一的认证规则和统一的认证标志。国家鼓励森林保护、森林经营及相关的林产品加工和贸易单位申请森林认证，采信中国森林认证结果。

三、中国森林认证工作按照打好基础，择优试点，稳步推开的原则开展。在森林认证相关的国家标准发布实施前，依照国家林业局已颁布的行业标准开展不超过两年的森林认证试点工作。经过一段实践后，由国家认监委、国家林业局共同对试点工作进行总结，研究修订、审核行业标准，在试点工作两年内完成行业标准向国家标准的转化。

四、从事森林认证试点工作的认证机构，要符合国家认监委认证机构设立的资质条件，同时也要具备相关林业方面的专业知识和背景，了解国家林业可持续发展的方针和政策。试点机构的具体条件由国家认监委商国家林业局公布。开展试点的认证机构应将

森林认证证书的副本报国家认监委和国家林业局备案，国家认监委、国家林业局定期公布认证结果。

国家认可机构要积极开展相关认可规范和实施规则的研究，经过批准的认证机构要积极开展相关认证实施细则的研究，确保森林认证工作的有效性落到实处。

森林认证相关国家标准发布实施后，国家认监委将按照《认证认可条例》的相关规定和森林认证规则的要求正式审核批准可开展森林认证的机构。

五、加强对森林认证工作的指导和监督。国家认监委和国家林业局在积极支持和推动开展森林认证工作的同时，必须加强对森林认证工作的指导和监督。建立森林认证沟通机制，共同公布森林认证相关信息，及时研究问题，确定阶段性工作，联合推出促进森林认证工作的新举措；各地也要加强部门之间联系，配合国家认监委、国家林业局开展森林认证宣传、认证对象科普性培训等相关工作，指导、帮助和监督森林认证机构公正地开展工作，并对工作中出现的新问题、新情况应及时沟通反馈。

3.3 Implementation Rules for Forest Certification in China (2009) (in Chinese)

中国森林认证实施规则（试行）

国家认监委、国家林业局

2009年3月1日

1、适用范围

本规则适用于森林认证机构对森林经营单位或从事林产品生产或加工、流通等相关企业或机构进行的森林经营认证和产销监管链认证。

2、认证依据

LY/T1714-2007《中国森林认证 森林经营》（待国标实施后采用国标）

LY/T1715-2007《中国森林认证 产销监管链》（待国标实施后采用国标）、

3、认证过程

3.1 认证申请

3.1.1 森林经营单位、林产品生产加工企业、经销商等可以作为申请人，向认证机构提出森林认证申请。申请认证的业务范围根据申请人的需要和具备的能力，可以申请以下认证类型：

森林经营认证（FM）

产销监管链认证（CoC）

森林经营认证 + 产销监管链认证（FM + CoC）

对于多现场认证，申请人应说明各场所名称和地址，以及申请认证的范围。

3.1.2 申请认证时，申请人须提交认证申请书及相关的文件：

森林经营认证（FM）须提供如下材料：

- （1）森林经营单位概况；
- （2）森林经营单位相关法律文件，如林权证等；
- （3）森林经营方案概要；

产销监管链认证（CoC）须提供如下材料：

- （1）企业概况；
- （2）企业营业执照等相关法律文件；
- （3）管理体系文件。

3.2 审查受理

认证机构自收到申请人提交的书面申请之日起，应当在 15 个工作日内完成形式审

查。符合申请条件的，与申请人签署认证合同；不符合条件的，书面通知申请人并说明理由。需要补充材料的，申请人应在收到通知书 1 个月内将修改补充资料报认证机构，逾期不报视为放弃认证申请。

试点期间，申请人对不予受理有异议的，可以向认证机构申诉；对认证机构处理结果有异议的，可以向国家认监委或国家林业局投诉。

3.3 审核

初次森林认证审核包括预评估和主评估。审核由认证机构委派的具备相应能力的审核组按照双方协商的审核方案实施。审核组必须由经注册或确认的审核员组成，其中组长必须由主任审核员担任。

3.3.1 预评估

森林经营认证预评估，根据经营规模和强度，审核组由 2 名以上（含 2 名）审核员组成。

产销监管链认证，可以视具体情况，按照审核方案决定是否进行预评估。

认证机构应在 1 个月内完成预评估报告，并书面送达申请人，申请人在收到预评估报告后的 10 个工作日内向认证机构反馈意见，逾期不报视为同意。

申请人应对预评估过程中发现的不符合认证要求的问题进行实质性整改，整改时间不得超过 6 个月。

3.3.2 主评估

根据经营规模和强度，森林经营认证审核组由 3 名以上（含 3 名）审核员组成；产销监管链认证审核组由 2 名以上（含 2 名）审核员组成。

认证机构应在 3 个月内完成主评估报告，并提出是否通过认证的建议。评估报告应经申请人确认。建议评估结论可分为：

- (1) 审核结果无不符合项，建议审核通过；
- (2) 审核结果有轻微不符合项，建议审核有条件通过；
- (3) 审核结果有严重不符合项，建议审核不通过。

轻微不符合项和严重不符合项判定依据为：

不符合森林认证标准中的指标称为轻微不符合项，如：

- (1) 实际经营活动与经营方案不一致，后果不太严重；
- (2) 作业人员没有正确遵循作业指南而导致的微小偏差；
- (3) 其他任何需要整改，但不影响认证的项目。

不符合森林认证标准中的标准称为严重不符合项，如：

- (1) 经营单位没有经营方案，或有经营方案，但没有执行；
- (2) 超限额采伐或大面积皆伐；
- (3) 经营活动对环境造成重大影响，但没有进行环境影响评估或采取相应措施；
- (4) 经营活动中使用了严禁使用的化学药剂；

(5) 其他严重影响认证的不符合项目。

认证机构应及时把主评估报告送达申请人，申请人在收到主评估报告后的 10 个工作日内向认证机构反馈意见，逾期不报视为同意。

3.4 征求相关利益者意见

森林经营认证必须征求相关利益者意见，相关利益者是指当地政府部门、周边社区与居民代表、相关社团组织等。

3.5 同行专家评议

为了确保评估报告的可靠性，评估报告和相关文件还需交由至少 2 名独立于认证机构的同行专家进行评议。

3.6 认证决定

3.6.1 认证机构应按规定的程序对所有的审核资料和评估报告进行评审、批准，做出认证决定，并及时向申请人送达认证决定和审核报告。认证通过的，认证机构向申请人签发认证证书，证书有效期为 5 年。

3.6.2 试点期间，申请人对认证决定有异议的，可以向认证机构申诉；对认证机构处理结果仍有异议的，可以向国家认监委或国家林业局投诉。

3.7 获证后的监督审核

3.7.1 年度审核。森林经营认证、产销监管链认证的第一次监督审核时间在获证后的 12 个月内进行，之后每 12 个月实施 1 次。

3.7.2 年度审核的实施同 3.3.2。重点审核上次审核发现的不符合项，证书和标志的使用、管理评审的有效性，查看提交的申述、投诉与争议的记录，并确认当出现不符合或不能满足认证机构要求的情况时，获证组织是否已审核其自身体系与程序并采取了适当的纠正措施。在认证证书 5 年有效期内，年度审核应覆盖森林认证评估的全部内容。

年度审核结果分为：

- (1) 符合认证证书保持条件的，认证机构做出保持认证证书的决定；
- (2) 符合认证证书暂停条件的，认证机构应暂停使用认证证书和标志；
- (3) 符合认证证书注销、撤销条件的，认证机构应注销、撤销认证证书。

3.7.3 若获证组织发生了可能影响认证基础的变化或重要事件时，应对获证组织实施特殊监督审核。如：

- (1) 改变经营管理模式或林地利用模式；
- (2) 发生特大森林灾害(如火灾、大面积病虫害、水灾、风灾、雨雪冰冻灾害等)；
- (3) 非法采伐或违规的大面积皆伐；
- (4) 经营措施不利导致严重水土流失或其他严重破坏生态环境的灾害等；
- (5) 因变更企业所有者、组织机构、生产条件等，可能影响经营体系有效性的；
- (6) 出现重大投诉事件并经查证为获证组织责任的；

(7) 认证机构有足够理由对获得产品与标准要求的符合性提出质疑的。

3.8 再认证

3.8.1 在证书到期前 3 个月，获证组织按 3.1 提出再认证申请。

3.8.2 再认证时可不进行预评估和同行专家评议，其他过程同初次认证。再认证通过后，认证机构签发新的认证证书。

3.8.3 因不可抗拒的特殊原因不能按期进行再认证时，获证组织应在证书有效期内向认证机构提出书面申请，说明原因。经认证机构确认，证书有效期最多可延长 6 个月。

4、认证的保持、暂停、撤销、注销、恢复与变更

4.1 认证的保持

在认证证书有效期内，符合以下条件的保持认证资格：

(1) 获证组织法律地位保持有效，其资质持续符合国家、行业的最新要求；
(2) 获证后的监督结果表明经营管理体系与经营活动持续符合森林认证标准要求，未发生重大事故；

(3) 获证组织能及时有效地处理顾客或相关方的投诉；

(4) 获证组织持续遵守认证证书使用、标志使用、信息通报等有关规定；

(5) 获证组织履行与认证机构签署的认证合同，按认证规定缴纳认证费用。

4.2 认证的暂停

出现下列情况之一的，暂停使用认证证书：

(1) 未经批准变更认证标准和认证范围，从而更改了其管理体系的；

(2) 出现严重问题或有重大投诉，经查实尚未构成撤销认证资格的；

(3) 未按照有关规定使用认证证书和认证标志的；

(4) 逾期 3 个月未按规定交纳认证费用的；

(5) 不能按期接受年度审核或年度审核结果有 1 项严重不符合项的；

(6) 获证组织对严重不符合项未在规定时间内进行整改的；

(7) 获证组织有其他违反认证规则或规定的情况。

4.3 认证的撤销

出现下列情况之一的，撤销认证证书：

(1) 在暂停期间获证组织仍使用认证证书和标志的；

(2) 发生重大事故且造成严重后果和影响的；

(3) 年度审核时发现获证组织管理体系存在严重不符合要求，且在规定期限内没有进行有效整改的；

(4) 在暂停期间，未能按要求采取适当措施整改的；

(5) 当出现获证组织违背与认证机构之间的协议而构成撤销认证资格的；

(6) 获证者的法律地位、资质不再符合认证注册条件的。

4.4 认证的注销

出现下列情况之一的，注销认证证书：

- (1) 获证组织申请注销的；
- (2) 认证证书到期，获证组织不申请再认证的；
- (3) 获证组织已破产的；
- (4) 发生其它构成注销认证资格情况的。

4.5 认证的恢复

4.5.1 在认证证书暂停期间，原获证组织希望恢复认证证书的，应在 6 个月内完成整改并向认证机构提出恢复认证证书的申请。认证机构在审核提交材料后，经验证整改措施符合要求并有效的，做出恢复使用认证证书的决定，并书面通知获证组织；不符合要求的，按 4.3 执行。

4.5.2 撤销、注销认证证书后，原获证组织希望重新取得认证证书的，应在 12 个月后提出申请，其他按初次认证程序执行。

4.6 认证的变更

获证组织名称、地址变更后应向认证机构提交认证证书变更申请及相关证明资料。

当变更不涉及经营管理体系有效性时，认证机构在核实确认后，换发新认证证书；当变更涉及经营管理体系有效性时，认证机构应进行现场审核，根据现场审核的结果决定是否换发新认证证书。

4.7 认证的暂停、撤销与注销程序

4.7.1 认证机构有足够证据证明符合暂停、撤销、注销条件的，应核实相关事实并确认无误，按规定的程序批准后，做出暂停、注销、撤销认证证书的决定；

4.7.2 暂停、注销、撤销认证证书的决定做出后，应书面通知获证组织。在认证证书暂停期间，获证组织不得使用认证证书和标志；在撤销、注销认证证书后，原获证组织应交回认证证书，不得再使用认证证书和认证标志；

4.7.3 认证机构应将撤销、注销认证证书的名录进行通报和公告。

5、认证证书和认证标志

5.1 认证机构对获得认证资格的申请人颁发认证证书、准予使用认证证书和认证标志；

5.2 获证组织应遵循认证机构关于认证证书和认证标志的管理规定，正确使用认证证书和认证标志；

5.3 获证组织可以在规定的范围内直接或在宣传材料等传媒中正确使用认证证书和认证标志，表明其森林经营或产销监管链已经通过了认证；

5.4 获证组织应确保不采用误导的方式使用认证证书和认证标志；

5.5 当有暂停、撤消或注销情况发生时，获证组织应立即停止涉及认证内容的宣传与广告。

5.6 认证证书的内容

5.6.1 森林经营认证证书的内容应包括：

- (1) 获证组织的名称、地址；
- (2) 认证范围；
- (3) 认证依据的标准、技术要求；
- (4) 认证标志；
- (5) 证书编号；
- (6) 发证机构、发证日期和有效期；
- (7) 其他需要说明的内容。

5.6.2 产销监管链认证证书的内容应包括：

- (1) 申请人名称、地址；
- (2) 产品名称、型号、规格，需要时对产品功能、特征的描述；
- (3) 产品商标、制造商名称、地址（必要时）；
- (4) 产品生产厂名称、地址（必要时）；
- (5) 认证依据的标准、技术要求；
- (6) 认证标志；
- (7) 证书编号；
- (8) 发证机构、发证日期和有效期；
- (9) 其他需要说明的内容。

5.7 认证标志、式样、颜色、尺寸见附件 1（略）。

6、认证后的信息通报

6.1 获证组织应及时向认证机构通报因改变相应的经营措施、管理模式、经营目标等可能影响其符合性的信息；

6.2 认证机构指定专人负责信息通报工作。通报内容应准确、属实，并由认证机构负责人或其委托人签发、加盖认证机构公章。

认证机构每 3 个月按本规则附件 2《森林认证信息统计表》（略）填报相关信息，并分别于每季度末上报国家认监委和国家林业局。

7、认证收费

认证机构根据相关规定收取认证费用。

3.4 Implementation Rules for Forest Certification in China (2009) (in Japanese)

中国森林認証実施規則（試行）

国家认监委、国家林业局

2009年3月1日

1 適用範囲

当規則は、森林認証機関が森林経営企業等或いは林産物の生産、加工、流通などに従事する企業等に対して行う森林経営認証（FM認証）と生産流通段階の管理認証（CoC認証）に適用する。

2 認証の根拠

国家林业局業界基準：LY/T1714-2007《中国森林認証：森林経営》（国家標準が実施された場合は国家標準に従う）。

国家林业局業界基準：LY/T1715-2007《中国森林認証：生産流通段階の監督管理》（国家標準が実施された場合は国家標準に従う）。

3 認証の過程

3.1 認証の申請

3.1.1 森林経営企業や林産物の生産・加工企業及び流通業者などは、申請者として認証機関に森林認証の申請をすることができる。申請者はその必要と能力に応じて以下の認証種類を申請することができる。

- 森林経営認証（FM認証）
- 生産流通段階の管理認証（CoC認証）
- FM認証とCoC認証

認証される現場が二か所以上ある場合は、申請者は場所ごとの名称、所在地及び認証の範囲を説明すべきである。

3.1.2 認証を申請する時、申請者は認証申請書及び所定の書類を提出しなければならない。

FM認証を申請する場合は、以下の書類を提出しなければならない。

- (1) 森林経営企業や組織の概要。
- (2) 関係する法律文書（例え、森林所有権証明書など）。
- (3) 森林経営計画の概要。

CoC認証を申請する場合は、以下の書類を提出しなければならない。

- (1) 会社の概要。
- (2) 会社の経営許可証などの法律文書。
- (3) 会社の管理システム書類。

3.2 認証の受理

認証機関は、申請者の申請書を受け取る日から、15 の法定出勤日以内に書式審査を完成しなければならない。申請条件に満たす場合は、申請者と認証契約を締結し、申請条件に満たさない場合は、その理由を書面で申請者に通知する。資料の追加が必要な場合、申請者は認証機関からの通知書を受け取ってから一ヶ月内に、補充書類を認証期間に提出して改めて審査を受けるとする。その制限期間を超えた場合は認証申請の放棄とする。

認証申請の受理を拒否され、異議がある申請者は、認証機関に申し立てることができる。申立に対する認証機関の処理結果に依然として異議がある場合は、国家認証認可監督管理委員会又は国家林業局に訴えることができる。

3.3 審査

森林認証の審査には予備審査、主審査及び監督審査が含まれる。審査は、認証機関が設置した審査グループによって、双方で合意した審査案に基づいて実施される。審査グループのメンバーは正規に登録した者或いは相応能力のあると確認された者でなければならない。そのグループ長は主任審査資格者でなければならない。

3.3.1 予備審査

初めての FM 認証では予備審査をしなければならない。予備審査にあたっては、経営規模等によって 2 名或いは 2 名以上の審査員で構成する審査グループを設置しなければならない。CoC 認証では具体的状況で予備審査を行うかどうかを自主的に決める。

認証機関は予備審査が終わってから 1 ヶ月以内に予備審査報告を完成し、書面方式で申請者に送達すべきである。申請者は予備審査報告を受け取ってから 10 の法定出勤日以内に書面で認証機関に意見を出し、この期限内に返事しなければ、同意と見なす。

申請者は、予備審査報告中に指摘された認証要求に合わない内容を実質的に改正すべきであり、改正時間は 6 ヶ月以内とする。

3.3.2 主審査

主審査にあたって、認証機関は経営規模等によって 3 名或いは 3 名以上の審査員で構成する審査グループを設置しなければならない。

審査グループは 3 ヶ月以内に主審査報告を完成し、報告では認証に通れるかどうかとの意見を明確にしなければならない。主評価報告は申請者に確認してもらわなければならない。主評価の結果は以下のように区分される。

- 認証基準の要求に完全に一致しており、認証審査に通る。
- 基本的には認証基準に一致するが、軽い不一致のところがああり、条件付きで認証審査に通る。
- 認証基準の要求とかなり不一致しており、認証審査に通れない。

軽い不一致とは、森林認証基準のある「指標」に一致しないが、認証全体に対する影響が小さいことを指す。例えば：

- 実際の経営活動と経営計画と一致しないところがあるが、結果としてはそれほど嚴重でない場合。
- 従業員の実際作業が作業ガイドに従わなかったが、それによってもたらした偏差は大きくない場合。
- その他の改正を必要とするところがあるが、認証要件に影響がない場合。

嚴重な不一致とは、森林認証基準の中のある「標準」に一致しないことを指す。

例えば：

- 森林経営計画を立てておらず、或いは経営計画があっても実施していない場合。
- 超制限伐採や大面積の皆伐をしている場合。
- 経営活動は環境に深刻な影響を与えたが、環境影響評価或いは対応措置をしていない場合。
- 経営活動には使用禁止の化学薬剤を使用している場合。
- その他の認証結果に影響を及ぼすことがあった場合。

主審査が終わったら、認証機関は即時に主審査報告を申請者に送達すべきである。申請者は主審査報告を受け取ってから 10 の法定出勤日以内に認証機関に書面で意見を提出しなければならない。この期限内に意見を提出しなければ異議がないと見なす。

3.4 利益関係者への意見聴取

FM 認証では利益関係者の意見を聴取しなければならない。利益関係者とは地方政府、周辺コミュニティの住民代表、申請企業の職員、NGO などである。

3.5 同分野専門家の評価

審査報告の正確性を確保するためには、2 名以上の第三者同分野専門家に審査報告と関係書類を評価してもらわなければならない。

3.6 認証決定

3.6.1 認証機関は所定の手続きによって全ての書類や審査報告について最終的に審査と評価を行い、これによって認証決定を出し、申請者に認証決定と審査報告を送達すべきである。

3.6.2 認証決定に異議がある場合、申請者は認証機関に申し立てることができる。また、認証機関の申立処理結果に対して依然として異議がある場合、申請者は国

家認証認可監督管理委員会又は国家林業局に訴えることができる。

3.7 認証取得後の監督と審査

3.7.1 監督審査。FM 認証と CoC 認証の認証決定を出してから 12 ヶ月以内に第一回の監督審査を行い、その後は 12 ヶ月毎に監督審査（以下では「年度審査」と称する）を実施する。

3.7.2 年度審査の実施要領は 3.3.2 と同じ。認証証書の有効期間（5 年）内では、年度審査は森林認証の全ての内容をカバーすべきである。年度審査では前回の審査に発見した不一致点を審査の重点として、証書と標識の使用、管理審査の効率性、基準や認証機関の要件を満たさないところに対する受認企業の内部管理制度の改善などを確認し、審査する。年度審査の結果は以下のように区分される。

- 認証証書と標識を保有させ、その使用を継続させる。
- 認証証書と標識を保有させ、その使用を一時停止させる。
- 認証証書と標識を回収し、その使用を停止させる。

3.7.3 認証取得企業等に認証の基本要件に影響する重大な変化や事件が発生した場合は、特定の監督と審査を実施すべきである。例えば：

- 経営管理方式や林地利用方式の変更。
- 大規模な森林災害（火災、大面積の病虫害、洪水、風災、豪雨、雪害、凍害など）の発生。
- 違法伐採や大面積皆伐。
- 不適當な経営措置による深刻な水土流出或いは生態系重大な破壊など。
- 経営システムの有効性に影響する所有形態、組織構造、生産条件などの変更。
- 認証取得者の責任による重大な事件の発生。
- 認証取得製品と基準要件の一致性が疑われ、かつ十分な根拠がある場合。

3.8 再認証

3.8.1 認証取得者は、認証証書の有効期限が切れる前の 3 ヶ月以内に、3.1 の規定に従って再認証の申請を提出すべきである。

3.8.2 再認証の時は予備審査と同分野専門家の評価を省くことができ、その他の手順は初認証と同様である。再認証に通った申請者に認証機関は新しい認証証書を発給する。

3.8.3 天災地変その他やむを得ない事由により時間通りに再審査を実施できない場合は、認証取得企業等は証書の有効期間内に認証機関に書面申請を提出しその理由を説明すべきである。認証機関はその理由の真実性を確認した上で証書の有効期間を 6 カ月間延長することができる。

4 認証の維持、一時停止、取り消し、取り下げ、回復と変更

4.1 認証の維持

認証証書の有効期間内に認証取得企業等が以下の条件を全て満たせば認証証書を持ち続けることができる。

- 有効な法的地位を有し、その資格は国家と業界の最新規定を満たすこと。
- 認証取得後、経営管理システムと経営活動は持続的に森林認証基準の要求を満たして、重大事故が発生していないこと。
- 顧客や関係者の訴えに対し迅速に対応できること。
- 認証証書の使用、標識の使用、情報の通知などの規定を守り続けること。
- 認証機関との認証契約書を履行し、認証規定に従って認証費を納めること。

4.2 認証の一時停止

認証取得企業等に次のいずれかの問題があった場合、認証期間はその認証証書や標識の使用を一時的に停止させることができる。

- 認証機関の許可がなく認証基準の規定と認証範囲を変更してその管理システムを変更した場合。
- 深刻な問題や重大な訴えがあって認証資格の取り消し規定に達していない場合。
- 認証証書と認証標識の使用中に認証機関の規定を守らない場合。
- 3ヶ月以上認証費を納めていない場合。
- 規定の期間に年度審査を受けない場合、或いは年度で嚴重な不一致が1項目だけあった場合。
- 規定の期間内に嚴重な不一致問題を改正していない場合。
- その他の認証規則や規定に違反することがあった場合。

4.3 認証の取り消し

認証取得企業等に次のいずれかの問題があった場合、認証期間はその認証証書を取り消すことができる。

- 一時停止期間中に認証証書と標識を使用した場合。
- 重大な事故を起こし、かつ深刻な結果をもたらした場合。
- 年度審査によって、経営と管理に嚴重な不一致問題が発見され、かつ所定期間内に有効に改正していない場合。
- 一時停止の期間内に要求に従って適切な改正措置を講じていない場合。
- 認証機関との契約を違反し、認証資格取り消し条件に達した場合。
- 認証取得企業等の法的な地位、資格が変更し、認証条件に適当しなくなった場合。

4.4 認証の取り下げ

次のいずれかの場合では、認証証書を取り下げることができる。

認証取得企業等が自ら取り下げの申請を提出した場合。

認証証書の有効期間が切れたにもかかわらず、認証取得企業等は再認証を申請しなかった場合。

認証取得企業等が破産した場合。

その他の認証資格を取り下げる事情があった場合。

4.5 認証の回復

4.5.1 認証証書の使用の一時停止を受けた認証取得者が、認証証書の回復を希望する場合は、6ヶ月以内に停止理由となった問題点を改正し、認証機関に回復の申請を提出してなければならない。認証機関は受け取った申請書類を審査し、その改正措置と結果を確認する上で決定すべきである。改正結果が既に認証基準を満たした場合は「認証証書使用回復通知書」を発行し、基準の要求を満たさない場合は、4.3に従って処理する。

4.5.2 認証証書が取り消され、或いは取り下げた後、元の認証取得企業等が再び認証証書の取得を希望する場合は、取り消し、或いは取り下げた日から12ヶ月後に申請を提出しなければならない。その認証の手順は初認証と同様とする。

4.6 認証の変更

認証取得企業等の名称や住所が変更した場合は、速やかに認証機関に認証証書の変更申請及び関係証明資料を提供すべきである。

前記の変更が経営管理システムの有効性に影響をしないと判断した場合、認証機関は新しい証書を発給する。経営管理システムの有効性に影響を及ぼす可能性がある変更である場合、認証機関は現場審査を実施し、結果によって新しい証書を発行するかどうかを決める。

4.7 一時停止、取り消し、取り下げの手続き

4.7.1 認証機関は、所定の規定に照らしてその理由を十分に確認した上で、所定の手順に従って一時停止、取り消し、取り下げの決定をしなければならない。

4.7.2 一時停止或いは取り消し、取り下げ処分を決定したら、認証機関は認証取得企業等に書面の通知を送達しなければならない。認証証書の一時停止期間においては、認証取得企業等は認証証書と標識を使用してならない。認証証書の取り消し或いは取り下げを受けた認証取得企業等は、認証証書を認証機関に返す必要があり、証書と標識を使用し続けていけない。

4.7.3 認証機関は、取り消しや取り下げられた認証証書のリストを即時に通報し公布すべきである。

5 認証証書と認証標識

5.1 認証機関は認証資格を取得した申請者に認証証書を発給し、認証証書と認

証標識の使用を許可する。

5.2 認証取得企業等は認証証書と認証標識に関する認証機関の管理規定を守り、認証証書と認証標識を正しく使用しなければならない。

5.3 認証取得企業等は所定の範囲内で直接或いは製品パンフレットや宣伝資料及びコマーシャル等の中に認証証書と認証標識を使用することができる。

5.4 認証取得企業等は誤解を招きやすい方式で認証証書と認証標識を使用してはならない。

5.5 認証証書が一時停止され或いは取り消し、取り下げられた認証取得企業等は早速に認証内容に関わる宣伝や広告を停止しなければならない。

5.6 認証証書の内容

5.6.1 FM 認証証書の内容

- (1) 申請者の名称、住所
- (2) 認証範囲
- (3) 認証の根拠とする標準、技術要求
- (4) 認証標識
- (5) 認証番号
- (6) 証書の発行機関
- (7) その他の必要な説明事項

5.6.2 CoC 認証証書の内容

- (1) 申請者の名称、住所
- (2) 製品の名称、品番、仕様、需要に応じては製品の機能や特徴の説明
- (3) 商標、製造者の名称と住所（必要時）
- (4) 製品の製造工場の名称、住所（必要時）
- (5) 認証根拠とする基準、技術要求
- (6) 認証標識
- (7) 認証番号
- (8) 証書の発行機関、発行時間と有効期限
- (9) その他の必要な事項

5.7 認証標識の仕様、色、寸法などは付図を参照。

6 認証情報報告と公表

6.1 認証取得企業等は、経営措置、管理システム、経営目標等の変更でその一致性を影響する可能性のある情報を早速認証機関に報告しなければならない。

6.2 認証機関は情報の公表を担当する職員を指定すべきであり、公表した情報の正確性、真実性を保証しなければならない。認証情報の公表に当たっては認証機関

の責任者或いは責任者の委託者がサインし、認証機関の公印を押さなければならない。

認証機関は3ヵ月毎に『森林認証情報統計表』を作成し、各四半期末に国家認証認可監督管理委員会と国家林業局に提出しなければならない。

7 認証の費用

認証機関は国の関係規定に基づき、認証費用を徴収しなければならない。

3.5 Forest Certification Rules (2015) (in Chinese)

森林认证规则

国家认监委、国家林业局

二〇一五年六月十八日

1、目的

为规范森林认证工作，保障森林认证活动公正、公平、有序进行，根据《中华人民共和国行政许可法》、《中华人民共和国认证认可条例》，按照“统一管理，共同实施”原则，制订本规则。

2、范围

2.1 适用范围

凡在中华人民共和国境内开展森林认证活动的认证机构和其他组织均应遵守本规则。

2.2 认证范围

森林认证范围包括森林经营认证、产销监管链认证、非木质林产品经营认证、竹林经营认证、自然保护区森林生态环境服务认证、森林公园森林生态环境服务认证、生产经营性珍稀濒危野生动物饲养管理认证等。根据林业行业的特点，认证范围可随着林业发展的需要而增减。

3、认证依据

森林认证以相关国家标准或行业标准为认证依据（详见附录）。

4、认证机构条件

为保证森林认证工作的专业性和有效性，认证机构应符合下列条件：

- 4.1 满足《中华人民共和国认证认可条例》规定的法律地位的组织；
- 4.2 了解国家林业管理法律、法规、政策和标准等；
- 4.3 有 10 名以上森林认证专职认证人员；
- 4.4 具有符合认证认可要求的管理制度。

5、审核员条件

5.1 审核员资格要求

- 5.1.1 具备林业及相关专业的学历及工作经历；

5.1.2 取得森林认证审核员注册资格。

注：相关专业或学科包括林学、林木遗传育种、森林植物、森林经理、森林培育、森林保护、生态学、森林防火、森林资源保护与游憩、野生动物与自然保护管理、野生动物可持续利用、动物遗传育种与繁殖、野生动植物保护与利益、自然保护区学、动物学、园林规划与设计生态学、水土保持、林业经济管理、社会学、森林工程、林业机械、木材科学与技术、林产化学加工等。

5.2 审核员继续教育

审核员每年应接受相关机构开展的持续教育培训，并在相关网站上公布，以保证其在森林认证领域的能力持续满足森林认证审核的需要。

6、认证程序和要求

6.1 申请

6.1.1 森林经营单位、林产品生产加工、销售及贸易等组织可以作为申请人，向认证机构提出森林认证申请。

6.1.2 申请材料包括：

- (1) 申请书；
- (2) 国家工商行政管理部门或有关机构注册登记的法人资格证书复印件；
- (3) 认证机构要求的其他材料。

6.2 受理

6.2.1 认证机构应建立程序，对申请文件和资料进行评审并保存评审记录。

6.2.2 认证机构自收到申请人提交的书面申请之日起，应在 20 个工作日内完成评审；认证机构应书面通知申请人评审结果。

6.3 审核准备

6.3.1 编制审核方案：认证机构应对认证全过程进行策划，编制审核方案。

6.3.2 组建审核组：审核组应具备实施森林认证审核的能力。审核组中应指定一名有资格的审核员担任审核组长，并至少有一名相应认证业务范围的森林认证审核员，必要时可配备相应的技术专家（单地点的产销监管链认证审核组可由一名审核员组成）。

6.3.3 编制审核计划：针对每次特定的审核活动，审核组长应根据受审核方的特点、规模、性质和复杂性编制审核计划。

6.4 审核实施

6.4.1 预审和主审

- (1) 森林经营认证应开展预审和主审；其他认证类型可直接进行主审。
- (2) 预审是在主审之前，确定受审核方与审核准则的主要差距或问题，为主审做准备。
- (3) 主审是对受审核方做出正式和全面的审核，应覆盖认证依据的所有要求。

6.4.2 现场审核程序

(1) 首次会议。审核组应与受审核方相关人员召开首次会议，主要内容包括介绍审核组成员及职责、明确审核目的、范围和准则、确认审核计划、宣读审核员规范文件和保密事项，以及提示认证风险等。

(2) 文件审核。审核管理体系文件及其他相关文件和记录。

(3) 现地审核。核查、验证现地操作与认证标准要求的符合性。

(4) 利益方访谈。咨询当地政府部门、社区与居民代表、相关社团组织、企业职工等利益方的意见。

(5) 末次会议。审核组提出综合性评价和审核发现、确认不符合项等。

6.5 同行专家评议

认证机构应将审核报告和相关文件交由至少 2 名独立的同行专家进行评议(产销监管链认证除外)。

森林认证的同行专家应是在森林认证相应认证范围具有丰富理论知识和实践经验的专家。

6.6 认证决定

6.6.1 审核报告

审核组应针对审核活动形成书面报告，审核报告应对受审核方管理的符合性和有效性进行全面描述和评价。

6.6.2 认证决定

受审核方的管理符合国家或行业标准要求的，应予以通过认证，并颁发认证证书。

6.7 监督审核

6.7.1 监督审核的频次

(1) 认证机构应根据获证组织不同特点、性质确定监督审核频次，但两次监督审核的时间间隔不应超过 12 个月。

(2) 在获证组织发生重大变化可能影响认证结果时，认证机构应当及时增加监督审核频次，以保证监督审核的有效性。

6.7.2 监督审核的程序

监督审核的现场审核程序与初次认证现场审核程序基本相同。

6.7.3 监督审核的内容

监督审核应重点关注上次审核中确定的不符合项整改情况和有效性。在一个认证周期内，监督审核应覆盖相应认证标准的全部内容和所有类型的经营活动。

6.8 再认证

6.8.1 获证组织应在证书有效期结束之前 6 个月，提出再认证申请。

6.8.2 因不可抗力导致不能按期进行再认证的获证组织，应在证书有效期内向认证机构提出书面申请。经认证机构确认，证书有效期最多可延长 6 个月。

6.8.3 再认证程序与首次认证审核程序相同。再认证可不进行预审核。

7、认证证书

7.1 认证证书的内容

获证组织的认证证书应至少涵盖以下基本信息：

7.1.1 证书编号；

7.1.2 获证组织名称、地址和组织机构代码；

7.1.3 认证覆盖范围；

7.1.4 认证依据及版本号；

7.1.5 颁证日期、证书有效期；

7.1.6 发证机构名称、地址。

7.2 认证证书的管理

7.2.1 认证证书有效期五年。

7.2.2 认证机构除应当公布认证证书在本机构网站查询的方式外，还应当在证书上注明：“本证书信息可在国家认监委公示的网站（www.cnca.gov.cn）上查询”，以便于社会监督。

7.2.3 认证机构应当对获证组织认证证书的使用情况进行有效管理。当获证组织出现影响管理体系正常有效运行的情况且经现场验证不能在规定时间内纠正的，认证机构应视情况对认证证书做出暂停或撤销的决定。

7.3 森林认证标志样式由国家认监委和国家林业局另行发布。

8、信息报告

为及时了解认证工作的进展情况，国家认监委对森林认证工作实行认证信息月报制度。在认证证书颁发后 30 日内，各认证机构应及时将认证信息报送国家认监委。

国家认监委在其网站开设专栏向社会公开各认证机构上报的认证证书等信息。

9、认证证书转换

认证机构应审慎受理其他认证证书转换申请，对违反国家林业管理法律法规且受到相关执法监管部门查处的获证组织，除非彻底整改，否则原则上不予受理。

10、认证机构认可和认证人员注册要求

10.1 认可机构应根据 GB/T27065《合格评定 产品、过程和服务认证机构要求》，结合森林认证管理部门的有关要求，建立森林认证机构的认可制度，为认证机构提供认可并加强后续监督。相关认可规范报国家认监委和国家林业局备案。

10.2 人员注册机构应根据 GB/T27024《合格评定 人员认证机构通用要求》，结合

森林认证管理部门的有关要求，建立森林认证审核员的注册制度。相关人员注册准则报国家认监委和国家林业局备案。

11、附则

11.1 国家认监委和国家林业局根据职责分工，加强对森林认证活动、认证机构工作情况的监督检查，对违法、违规的认证机构进行处罚，直至撤销认证机构资格。

11.2 本规则自发布之日起施行。

附录

森林认证业务范围和认证依据

序号	认证范围	认证依据
1	森林经营	● 《中国森林认证 森林经营》(GB/T 28951-2012)
2	产销监管链	● 《中国森林认证 产销监管链》(GB/T 28952-2012)
3	非木质林产品经营	● 《中国森林认证 森林经营》(GB/T 28951-2012) ● 《中国森林认证 非木质林产品经营》(LY/T 2273-2014)
4	竹林经营	● 《中国森林认证 森林经营》(GB/T 28951-2012) ● 《中国森林认证 竹林经营》(LY/T 2275-2014)
5	自然保护区 —森林生态环境服务	● 《中国森林认证 森林经营》(GB/T 28951-2012) ● 《中国森林认证 森林生态环境服务自然保护区》(LY/T 2239-2013)
6	森林公园森林 —生态环境服务	● 《中国森林认证 森林经营》(GB/T 28951-2012) ● 《中国森林认证 森林公园生态环境服务》(LY/T 2277-2014)
7	生产经营性珍稀濒危 —野生动物—饲养管理	● 《中国森林认证 生产经营性珍稀濒危野生动物 饲养管理》(LY/T 2279-2014)

4. Standards

4.1 National Standards

4.1.1 Forest certification in China --- Forest management (in Chinese)

《中国森林认证 森林经营》国家标准

《中国森林认证 森林经营》国家标准

ICS 65.020.40
B 64



中华人民共和国国家标准

GB/T 28951—2012

中国森林认证 森林经营

Forest certification in China—Forest management

2012-11-20 发布

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中华人民共和国国家质量监督检验检疫总局 发布
中国国家标准化管理委员会

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前 言

本标准按照 GB/T 1.1—2009 给出的规则起草。

本标准由国家林业局提出并归口。

本标准起草单位：中国林业科学研究院、国家林业局科技发展中心、国家林业局调查规划设计院。

本标准主要起草人：张守攻、陆文明、于玲、王红春、李秋娟、梁小琼、徐斌、赵劫。

引 言

中国森林认证管理委员会(CFCC)声明,实施森林经营认证是促进森林可持续经营和林产品国际贸易的一种重要市场手段。本标准规定了我国森林经营单位为实施森林可持续经营认证应达到的要求,为森林认证机构开展森林经营认证审核和评估提供了依据。

中国森林认证 森林经营

1 范围

本标准规定了森林可持续经营认证应遵循的指标体系。

本标准适用于具有资质的森林认证机构对森林经营单位的森林经营活动进行审核和评估。

2 术语和定义

下列术语和定义适用于本文件。

2.1

森林认证 forest certification

一种运用市场机制来促进森林可持续经营的工具,包括森林经营认证和产销监管链认证。森林经营认证是通过审核和评估森林经营单位的森林经营活动,以证明其是否实现了森林可持续经营。产销监管链认证是对林产品生产企业的各个环节,即从加工、制造、运输、储存、销售直至最终消费者的整个监管链进行审核和评估,以证明林产品的原料来源。

2.2

产销监管链 chain of custody

林产品原料来源信息的处理过程,藉此企业可对认证原料的成分做出准确和可验证的声明。

2.3

森林经营单位 forest management unit

具有一定面积、边界明确的森林区域,并能依照确定的经营方针和经营目标开展森林经营、具有法人资格的森林经营主体。

[GB/T 26423—2010,定义 7.4]

2.4

森林认证机构 forest certification body

具有一定能力和资质,经过国家相关机构认可,根据森林经营认证标准和产销监管链认证标准对森林经营单位的森林经营状况或林产品生产企业的产销监管链进行审核和评估的第三方机构。

2.5

当地社区 local community

居住在林区或周边地区、与森林有利益关系的居民形成的社会群体。

2.6

森林权属 forest tenure

森林、林木、林地的所有者或使用者,依法对森林、林木、林地享有占用、使用、收益和处置的权利,包括森林、林木、林地的所有权和使用权。

2.7

利益方 stakeholder

与森林经营有直接或间接利益关系或受其影响的团体或个人,如政府部门、当地社区、林业职工、投资者、环保组织、消费者和一般公众等。

2.8

化学品 chemical

森林经营中所使用的化肥、杀虫剂、杀菌剂、除草剂、激素等化学制品。

2.9

环境影响分析 environmental impact analysis

分析森林经营活动对环境的实际或潜在影响,以规划如何减少或避免负面影响,扩大正面影响的过程。

3 指标体系

3.1 国家法律法规和国际公约

3.1.1 遵守国家相关法律法规

3.1.1.1 森林经营单位备有现行的国家相关法律法规文本,包括《中华人民共和国森林法》、《中华人民共和国森林法实施条例》、《中华人民共和国民族区域自治法》等(参见附录 A)。

3.1.1.2 森林经营符合国家相关法律法规的要求。

3.1.1.3 森林经营单位的管理人员和作业人员了解国家和地方相关法律法规的要求。

3.1.1.4 曾有违法行为的森林经营单位已依法采取措施及时纠正,并记录在案。

3.1.2 依法缴纳税费

3.1.2.1 森林经营单位相关人员了解所需缴纳的税费。

3.1.2.2 森林经营单位依据《中华人民共和国税收征收管理法》、《中华人民共和国企业所得税法》以及其他相关法律法规的要求,按时缴纳税费。

3.1.3 依法保护林地,严禁非法转变林地用途

3.1.3.1 森林经营单位采取有效措施,防止非法采伐、在林区内非法定居及其他未经许可的行为。

3.1.3.2 占用、征用林地和改变林地用途应符合国家相关法律法规的规定,并取得林业主管部门的审核或审批文件。

3.1.3.3 改变林地用途确保没有破坏森林生态系统的完整性或导致森林破碎化。

3.1.4 遵守国家签署的相关国际公约

3.1.4.1 森林经营单位备有国家签署的、与森林经营相关的国际公约(参见附录 B)。

3.1.4.2 森林经营符合国家签署的、与森林经营相关的国际公约的要求。

3.2 森林权属

3.2.1 森林权属明确

3.2.1.1 森林经营单位具有县级以上人民政府或国务院林业主管部门核发的林权证。

3.2.1.2 承包者或租赁者有相关的合法证明,如承包合同或租赁合同等。

3.2.1.3 森林经营单位有明确的边界,并标记在地图上。

3.2.2 依法解决有关森林、林木和林地所有权及使用权方面的争议

3.2.2.1 森林经营单位在处理有关森林、林木和林地所有权及使用权的争议时,应符合《林木林地权属争议处理办法》的要求。

3.2.2.2 现有的争议和冲突未对森林经营造成严重的负面影响。森林权属争议或利益争端对森林经营产生重大影响的森林经营单位不能通过森林认证。

3.3 当地社区和劳动者权利

3.3.1 为林区及周边地区的居民提供就业、培训与其他社会服务的机会

3.3.1.1 森林经营单位为林区及周边地区的居民(尤其是少数民族)提供就业、培训与其他社会服务的机会。

3.3.1.2 帮助林区及周边地区(尤其是少数民族地区)进行必要的交通和通讯等基础设施建设。

3.3.2 遵守有关职工劳动与安全方面的规定,确保职工的健康与安全

3.3.2.1 森林经营单位按照《中华人民共和国劳动法》、《中华人民共和国安全生产法》和其他相关法律法规的要求,保障职工的健康与安全。

3.3.2.2 按照国家相关法律法规的规定,支付劳动者工资和提供其他福利待遇,如社会保障、退休金和医疗保障等。

3.3.2.3 保障从事森林经营活动的劳动者的作业安全,配备必要的服装和安全保护装备,提供应急医疗处理并进行必要的安全培训。

3.3.2.4 遵守中国签署的所有国际劳工组织公约的相关规定。

3.3.3 保障职工权益,鼓励职工参与森林经营决策

3.3.3.1 森林经营单位通过职工大会、职工代表大会或工会等形式,保障职工的合法权益。

3.3.3.2 采取多种形式,鼓励职工参与森林经营决策。

3.3.4 不得侵犯当地居民对林木和其他资源所享有的法定权利

3.3.4.1 森林经营单位承认当地社区依法拥有使用和经营土地或资源的权利。

3.3.4.2 采取适当措施,防止森林经营直接或间接地破坏当地居民(尤其是少数民族)的林木及其他资源,以及影响其对这些资源的使用权。

3.3.4.3 当地居民自愿把资源经营权委托给森林经营单位时,双方应签订明确的协议或合同。

3.3.5 在需要划定和保护对当地居民具有特定文化、生态、经济或宗教意义的林地时,应与当地居民协商

3.3.5.1 在需要划定对当地居民(尤其是少数民族)具有特定文化、生态、经济或宗教意义的林地时,森林经营单位应与当地居民协商并达成共识。

3.3.5.2 采取措施对上述林地进行保护。

3.3.6 在保障森林经营单位合法权益的前提下,尊重和维护当地居民传统的或经许可进入和利用森林的权利

3.3.6.1 在不影响森林生态系统的完整性和森林经营目标的前提下,森林经营单位应尊重和维护当地居民(尤其是少数民族)传统的或经许可进入和利用森林的权利,如非木质林产品的采集、森林游憩、通行、环境教育等。

3.3.6.2 对某些只能在特殊情况下或特定时间内才可以进入和利用的森林,森林经营单位应做出明确规定并公布于众(尤其是在少数民族地区)。

3.3.7 在森林经营对当地居民的法定权利、财产、资源和生活造成损失或危害时,森林经营单位应与当地居民协商解决,并给予合理的赔偿

3.3.7.1 森林经营单位应采取适当措施,防止森林经营对当地居民(尤其是少数民族)的权利、财产、资源和生活造成损失或危害。

3.3.7.2 在造成损失时,主动与当地居民(尤其是少数民族)协商,依法给予合理的赔偿。

3.3.8 尊重和有偿使用当地居民的传统知识

3.3.8.1 森林经营单位在森林经营中尊重和合理利用当地居民(尤其是少数民族)的传统知识。

3.3.8.2 适当保障当地居民(尤其是少数民族)能够参与森林经营规划的权利。

3.3.9 根据社会影响评估结果调整森林经营活动,并建立与当地社区(尤其是少数民族地区)的协商机制

3.3.9.1 森林经营单位根据森林经营的方式和规模,评估森林经营的社会影响。

3.3.9.2 在森林经营方案和作业计划中考虑社会影响的评估结果。

3.3.9.3 建立与当地社区和有关各方(尤其是少数民族)沟通与协商的机制。

3.4 森林经营方案

3.4.1 根据上级林业主管部门制定的林业长期规划以及当地条件,编制森林经营方案

3.4.1.1 森林经营单位具有适时、有效、科学的森林经营方案。

3.4.1.2 森林经营方案在编制过程中应广泛征求管理部门、经营单位、当地社区和其他利益方的意见。

3.4.1.3 森林经营方案的编制建立在翔实、准确的森林资源信息基础上,包括及时更新的森林资源档案、有效的森林资源二类调查成果和专业技术档案等信息。同时,也要吸纳最新科研成果,确保其具有科学性。

3.4.1.4 森林经营方案内容应符合森林经营方案编制的有关规定,宜包括以下内容:

- 自然社会经济状况,包括森林资源、环境限制因素、土地利用及所有权状况、社会经济条件、社会发展与主导需求、森林经营沿革等;
- 森林资源经营评价;
- 森林经营方针与经营目标;
- 森林功能区划、森林分类与经营类型;
- 森林培育和营林,包括种苗生产、更新造林、抚育间伐、林分改造等;
- 森林采伐和更新,包括年采伐面积、采伐量、采伐强度、出材量、采伐方式、伐区配置和更新作业等;
- 非木质资源经营;
- 森林健康和森林保护,包括林业有害生物防控、森林防火、林地生产力维护、森林集水区管理、生物多样性保护等;
- 野生动植物保护,特别是珍贵、稀有、濒危物种的保护;
- 森林经营基础设施建设与维护;
- 投资估算和效益分析;
- 森林经营的生态与社会影响评估;
- 方案实施的保障措施;
- 与森林经营活动有关的必要图表。

3.4.1.5 在信息许可的前提下,向当地社区或上一级行政区的利益方公告森林经营方案的主要内容,包括森林经营的范围和规模、主要的森林经营措施等信息。

3.4.2 根据森林经营方案开展森林经营活动

3.4.2.1 森林经营单位明确实施森林经营方案的职责分工。

3.4.2.2 根据森林经营方案,制定年度作业计划。

3.4.2.3 积极开展科研活动或者支持其他机构开展科学研究。

3.4.3 适时修订森林经营方案

3.4.3.1 森林经营单位及时了解与森林经营相关的林业科技动态及政策信息。

3.4.3.2 根据森林资源的监测结果、最新科技动态及政策信息(包括与木材、非木质林产品和与森林服务有关的最新的市场和经济活动),以及环境、社会和经济条件的变化,适时(不超过10年)修订森林经营方案。

3.4.4 对林业职工进行必要的培训和指导,使他们具备正确实施作业的能力

3.4.4.1 森林经营单位应制定林业职工培训制度。

3.4.4.2 林业职工受到良好培训,了解并掌握作业要求。

3.4.4.3 林业职工在野外作业时,专业技术人员对其提供必要的技术指导。

3.5 森林资源培育和利用

3.5.1 按作业设计开展森林经营活动

3.5.1.1 森林经营单位根据经营方案和年度作业计划,编制作业设计,按批准的作业设计开展作业活动。

3.5.1.2 在保证经营活动更有利于实现经营目标和确保森林生态系统完整性的前提下,可对作业设计进行适当调整。

3.5.1.3 作业设计的调整内容要备案。

3.5.2 森林经营活动要有明确的资金投入,并确保投入的规模与经营需求相适应

3.5.2.1 森林经营单位充分考虑经营成本和管理运行成本的承受能力。

3.5.2.2 保证对森林可持续经营的合理投资规模和投资结构。

3.5.3 开展林区多种经营,促进当地经济发展

3.5.3.1 森林经营单位积极开展林区多种经营,可持续利用多种木材和非木质林产品,如林果、油料、食品、饮料、药材和化工原料等。

3.5.3.2 制定主要非木质林产品的经营规划,包括培育、保护和利用的措施。

3.5.3.3 在适宜立地条件下,鼓励发展能形成特定生态系统的传统经营模式,如萌芽林或矮林经营。

3.5.4 种子和苗木的引进、生产及经营应遵守国家和地方相关法律法规的要求,保证种子和苗木的质量

3.5.4.1 森林经营单位对林木种子和苗木的引进、生产及经营符合国家和地方相关法律法规的要求。

3.5.4.2 从事林木种苗生产、经营的单位,应持有县级以上林业行政主管部门核发的“林木种子生产许可证”和“林木种子经营许可证”,并按许可证的规定进行生产和经营。

- 3.5.4.3 在种苗调拨和出圃前,按国家或地方有关标准进行质量检验,并填写种子、苗木质量检验检疫证书。
- 3.5.4.4 从国外引进林木种子、苗木及其他繁殖材料,应具有林业行政主管部门进口审批文件和检疫文件。
- 3.5.5 按照经营目标因地制宜选择造林树种,优先考虑乡土树种,慎用外来树种
 - 3.5.5.1 森林经营单位根据经营目标和适地适树的原则选择造林树种。
 - 3.5.5.2 优先选择乡土树种造林,且尽量减少营造纯林。
 - 3.5.5.3 根据需要,可引进不具入侵性、不影响当地植物生长,并能带来环境、经济效益的外来树种。
 - 3.5.5.4 用外来树种造林后,应认真监测其造林生长情况及其生态影响。
 - 3.5.5.5 不得使用转基因树种。
- 3.5.6 无林地(包括无立木林地和宜林地)的造林设计和作业符合当地立地条件和经营目标,并有利于提高森林的效益和稳定性
 - 3.5.6.1 森林经营单位造林设计和作业的编制应符合国家和地方相关技术标准和规定。
 - 3.5.6.2 造林设计符合经营目标的要求,并制定合理的造林、抚育、间伐、主伐和更新计划。
 - 3.5.6.3 采取措施,促进林分结构多样化和增强林分的稳定性。
 - 3.5.6.4 根据森林经营的规模和野生动物的迁徙规律,建立野生动物走廊。
 - 3.5.6.5 造林布局和规划有利于维持和提高自然景观的价值和特性,保持生态连贯性。
 - 3.5.6.6 应考虑促进荒废土地和无立木林地向有林地的转化。
- 3.5.7 依法进行森林采伐和更新,木材和非木质林产品消耗率不得高于资源的再生能力
 - 3.5.7.1 森林经营单位根据森林资源消耗量低于生长量、合理经营和可持续利用的原则,确定年度采伐量。
 - 3.5.7.2 采伐林木具有林木采伐许可证,按许可证的规定进行采伐。
 - 3.5.7.3 保存年度木材采伐量和采伐地点的记录。
 - 3.5.7.4 森林采伐和更新符合《森林采伐更新管理办法》和《森林采伐作业规程》的要求。
 - 3.5.7.5 木材和非木质林产品的利用未超过其可持续利用所允许的水平。
- 3.5.8 森林经营应有利于天然林的保护与更新
 - 3.5.8.1 森林经营单位采取有效措施促进天然林的恢复和保护。
 - 3.5.8.2 除非满足以下条件,否则不得将森林转化为其他土地使用类型(包括由天然林转化为人工林):
 - 符合国家和当地有关土地利用及森林经营的法律法规和政策,得到政府部门批准,并与有关利益方进行直接协商;
 - 转化的比例很小;
 - 不对下述方面造成负面影响:
 - 受威胁的森林生态系统;
 - 具有文化及社会重要意义的区域;
 - 受威胁物种的重要分布区;
 - 其他受保护区域;
 - 有利于实现长期的生态、经济和社会效益,如低产次生林的改造。
 - 3.5.8.3 在遭到破坏的天然林(含天然次生林)林地上营造的人工林,根据其规模和经营目标,划出一

定面积的林地使其逐步向天然林转化。

3.5.8.4 在天然林毗邻地区营造的以生态功能为主的人工林,积极引导其景观和结构向天然林转化,并有利于天然林的保护。

3.5.9 森林经营应减少对资源的浪费和负面影响

3.5.9.1 森林经营单位采用对环境影响小的森林经营作业方式,以减少对森林资源和环境的负面影响,最大限度地降低森林生态系统退化的风险。

3.5.9.2 避免林木采伐和造材过程中的木材浪费和木材等级下降。

3.5.10 鼓励木材和非木质林产品的最佳利用和深加工

3.5.10.1 森林经营单位制定并执行各种促进木材和非木质林产品最佳利用的措施。

3.5.10.2 鼓励对木材和非木质林产品进行深加工,提高产品附加值。

3.5.11 规划、建立和维护足够的基础设施,最大限度地减少对环境的负面影响

3.5.11.1 森林经营单位应规划、建立充足的基础设施,如林道、集材道、桥梁、排水设施等,并维护这些设施的有效性。

3.5.11.2 基础设施的设计、建立和维护对环境的负面影响最小。

3.6 生物多样性保护

3.6.1 存在珍贵、稀有、濒危动植物种时,应建立与森林经营范围和规模以及所保护资源特性相适应的保护区域,并制定相应保护措施

3.6.1.1 森林经营单位备有相关的参考文件,如《濒危野生动植物种国际贸易公约》附录 I、II、III(参见附录 B)和《国家重点保护野生植物名录》、《国家重点保护野生动物名录》等(参见附录 C)。

3.6.1.2 确定本地区需要保护的珍贵、稀有、濒危动植物种及其分布区,并在地图上标注。

3.6.1.3 根据具体情况,划出一定的保护区域和生物走廊带,作为珍贵、稀有、濒危动植物种的分布区。若不能明确划出保护区域或生物走廊带时,则在每种森林类型中保留足够的面积。同时,上述区域的划分要考虑野生动物在森林中的迁徙。

3.6.1.4 制定针对保护区、保护物种及其生境的具体保护措施,并在森林经营活动中得到有效实施。

3.6.1.5 未开发和利用国家和地方相关法律法规或相关国际公约明令禁止的物种。

3.6.2 限制未经许可的狩猎、诱捕及采集活动

3.6.2.1 森林经营单位的狩猎、诱捕和采集活动符合有关野生动植物保护方面的法规,依法申请狩猎证和采集证。

3.6.2.2 狩猎、诱捕和采集符合国家有关猎捕量和非木质林产品采集量的限额管理政策。

3.6.3 保护典型、稀有、脆弱的森林生态系统,保持其自然状态

3.6.3.1 森林经营单位通过调查确定其经营范围内典型、稀有、脆弱的森林生态系统。

3.6.3.2 制定保护典型、稀有、脆弱的森林生态系统的措施。

3.6.3.3 实施保护措施,维持和提高典型、稀有、脆弱的生态系统的自然状态。

3.6.3.4 识别典型、稀有、脆弱的森林生态系统时,应考虑全球、区域、国家水平上具有重要意义的物种自然分布区和景观区域。

3.6.4 森林经营应采取措施恢复、保持和提高森林生物多样性

3.6.4.1 森林经营单位考虑采取下列措施保持和提高森林生物多样性：

- 采用可降低负面影响的作业方式；
- 森林经营体系有利于维持和提高当地森林生态系统的结构、功能和多样性；
- 保持和提高森林的天然特性。

3.6.4.2 考虑对森林健康和稳定性以及对周边生态系统的潜在影响，应尽可能保留一定数量且分布合理的枯立木、枯倒木、空心树、老龄树及稀有树种，以维持生物多样性。

3.7 环境影响

3.7.1 考虑森林经营作业对森林生态环境的影响

3.7.1.1 森林经营单位根据森林经营的规模、强度及资源特性，分析森林经营活动对环境的潜在影响。

3.7.1.2 根据分析结果，采用特定方式或方法，调整或改进森林作业方式，减少森林经营活动（包括使用化肥）对环境的影响，避免导致森林生态系统的退化和破坏。

3.7.1.3 对改进的经营措施进行记录和监测，以确保改进效果。

3.7.2 森林经营作业应采取各种保护措施，维护林地的自然特性，保护水资源，防止地力衰退

3.7.2.1 森林经营单位在森林经营中，应采取有效措施最大限度地减少整地、造林、抚育、采伐、更新和道路建设等人为活动对林地的破坏，维护森林土壤的自然特性及其长期生产力。

3.7.2.2 减少森林经营对水资源质量、数量的不良影响，控制水土流失，避免对森林集水区造成重大破坏。

3.7.2.3 在溪河两侧和水体周围，建立足够宽的缓冲区，并在林相图或森林作业设计图中予以标注。

3.7.2.4 减少化肥使用，利用有机肥和生物肥料，增加土壤肥力。

3.7.2.5 通过营林或其他方法，恢复退化的森林生态系统。

3.7.3 严格控制使用化学品，最大限度地减少因使用化学品造成的环境影响

3.7.3.1 森林经营单位应列出所有化学品（杀虫剂、除草剂、灭菌剂、灭鼠剂等）的最新清单和文件，内容包括品名、有效成分、使用方法等。

3.7.3.2 除非没有替代选择，否则禁止使用世界卫生组织 1A 和 1B 类杀虫剂，以及国家相关法律法规禁止的其他高剧毒杀虫剂（参见附录 A）。

3.7.3.3 禁止使用氯化烃类化学品，以及其他可能在食物链中残留生物活性和沉积的其他杀虫剂。

3.7.3.4 保存安全使用化学品的过程记录，并遵循化学品安全使用指南，采用恰当的设备并进行培训。

3.7.3.5 备有化学品的运输、储存、使用以及事故性溢出后的应急处理程序。

3.7.3.6 应确保以环境无害的方式处理无机垃圾和不可循环利用的垃圾。

3.7.3.7 提供适当的装备和技术培训，最大限度地减少因使用化学品而导致的环境污染和对人类健康的危害。

3.7.3.8 采用符合环保要求的方法及时处理化学品的废弃物和容器。

3.7.3.9 开展森林经营活动时，应严格避免在林地上的漏油现象。

3.7.4 严格控制和监测外来物种的引进，防止外来入侵物种造成不良的生态后果

3.7.4.1 森林经营单位应对外来物种严格检疫并评估其对生态环境的负面影响，在确保对环境和生物多样性不造成破坏的前提下，才能引进外来物种。

- 3.7.4.2 对外来物种的使用进行记录,并监测其生态影响。
- 3.7.4.3 制定并执行控制有害外来入侵物种的措施。
- 3.7.5 维护和提高森林的环境服务功能
- 3.7.5.1 森林经营单位了解并确定经营区内森林的环境服务功能。
- 3.7.5.2 采取措施维护和提高这些森林的环境服务功能。
- 3.7.6 尽可能减少动物种群和放牧对森林的影响
- 3.7.6.1 森林经营单位应采取尽可能减少动物种群对森林更新、生长和生物多样性的影响。
- 3.7.6.2 采取措施尽可能减少过度放牧对森林更新、生长和生物多样性的影响。
- 3.8 森林保护
- 3.8.1 制定林业有害生物防治计划,应以营林措施为基础,采取有利于环境的生物、化学和物理措施,进行林业有害生物综合防治
- 3.8.1.1 森林经营单位的林业有害生物防治,应符合《森林病虫害防治条例》的要求。
- 3.8.1.2 开展林业有害生物的预测预报,评估潜在的林业有害生物的影响,制定相应的防治计划。
- 3.8.1.3 采取营林措施为主,生物、化学和物理防治相结合的林业有害生物综合治理措施。
- 3.8.1.4 采取有效措施,保护森林内的各种有益生物,提高森林自身抵御林业有害生物的能力。
- 3.8.2 建立健全森林防火制度,制定并实施防火措施
- 3.8.2.1 根据《森林防火条例》,森林经营单位应建立森林防火制度。
- 3.8.2.2 划定森林火险等级区,建立火灾预警机制。
- 3.8.2.3 制定和实施森林火情监测和防火措施。
- 3.8.2.4 建设森林防火设施,建立防火组织,制定防火预案,组织本单位的森林防火和扑救工作。
- 3.8.2.5 进行森林火灾统计,建立火灾档案。
- 3.8.2.6 林区内避免使用除生产性用火以外的一切明火。
- 3.8.3 建立健全自然灾害应急措施
- 3.8.3.1 根据当地自然和气候条件,森林经营单位应制定自然灾害应急预案。
- 3.8.3.2 采取有效措施,最大程度地减少自然灾害的影响。
- 3.9 森林监测和档案管理
- 3.9.1 建立森林监测体系,对森林资源进行适时监测
- 3.9.1.1 根据上级林业主管部门的统一安排,开展森林资源调查,森林经营单位应建立森林资源档案制度。
- 3.9.1.2 根据森林经营活动的规模和强度以及当地条件,确定森林监测的内容和指标,建立适宜的监测制度和监测程序,确定森林监测的方式、频度和强度。
- 3.9.1.3 在信息许可的前提下,定期向公众公布森林监测结果概要。
- 3.9.1.4 在编制或修订森林经营方案和作业计划中体现森林监测的结果。
- 3.9.2 森林监测应包括资源状况、森林经营及其社会和环境影响等内容
- 3.9.2.1 森林经营单位的森林监测,宜关注以下内容:

- 主要林产品的储量、产量和资源消耗量；
- 森林结构、生长、更新及健康状况；
- 动植物(特别是珍贵、稀有、受威胁和濒危的物种)的种类及其数量变化趋势；
- 林业有害生物和林火的发生动态和趋势；
- 森林采伐及其他经营活动对环境和社会的影响；
- 森林经营的成本和效益；
- 气候因素和空气污染对林木生长的影响；
- 人类活动情况,例如过度放牧或过度畜养；
- 年度作业计划的执行情况。

3.9.2.2 按照监测制度连续或定期地开展各项监测活动,并保存监测记录。

3.9.2.3 对监测结果进行比较、分析和评估。

3.9.3 建立档案管理系统,保存相关记录

3.9.3.1 森林经营单位应建立森林资源档案管理系统。

3.9.3.2 建立森林经营活动档案系统。

3.9.3.3 建立木材跟踪管理系统,对木材从采伐、运输、加工到销售整个过程进行跟踪、记录和标识,确保能追溯到林产品的源头。

附录 A
(资料性附录)
国家相关法律法规

A.1 法律

中华人民共和国标准化法(1988)
中华人民共和国环境保护法(1989)
中华人民共和国进出境动植物检疫法(1991)
中华人民共和国劳动法(1994)
中华人民共和国枪支管理法(1996)
中华人民共和国促进科技成果转化法(1996)
中华人民共和国森林法(1998)
中华人民共和国防沙治沙法(2001)
中华人民共和国民族区域自治法(2001)
中华人民共和国税收征收管理法(2001)
中华人民共和国工会法(2001)
中华人民共和国环境影响评价法(2002)
中华人民共和国水法(2002)
中华人民共和国农村土地承包法(2002)
中华人民共和国安全生产法(2002)
中华人民共和国土地管理法(2004)
中华人民共和国野生动物保护法(2004)
中华人民共和国种子法(2004)
中华人民共和国企业所得税法(2007)
中华人民共和国物权法(2007)
中华人民共和国动物防疫法(2007)
中华人民共和国水污染防治法(2008)
中华人民共和国水土保持法(2010)

A.2 法规

森林采伐更新管理办法(1987)
森林病虫害防治条例(1989)
中华人民共和国陆生野生动物保护实施条例(1992)
中华人民共和国水土保持法实施条例(1993)
中华人民共和国自然保护区条例(1994)
中华人民共和国野生植物保护条例(1996)
中华人民共和国进出境动植物检疫法实施条例(1996)
中华人民共和国植物新品种保护条例(1997)
中华人民共和国土地管理法实施条例(1998)

中华人民共和国森林法实施条例(2000)
退耕还林条例(2002)
森林防火条例(2008)

A.3 部门规章

森林和野生动物类型自然保护区管理办法(1985)
林木林地权属争议处理办法(1996)
国有森林资源资产管理督查的实施办法(试行)(1996)
林木良种推广使用管理办法(1997)
中华人民共和国植物新品种保护条例实施细则(林业部分)(1999)
林木和林地权属登记管理办法(2000)
天然林资源保护工程管理办法(2001)
占用征用林地审核审批管理办法(2001)
林木种子包装和标签管理办法(2002)
林木种子生产、经营许可证管理办法(2002)
国家林业局林木种苗质量监督管理规定(2002)
林木种子生产经营许可证年检制度规定(2003)
引进林木种子苗木及其他繁殖材料检疫审批和监管规定(2003)
天然林资源保护工程档案管理办法(2006)
林木种子质量管理办法(2006)
注：以上部门规章均为国家林业局或原林业部颁布。

A.4 禁用或严格限制使用化学品文件

中国禁止或严格限制的有毒化学品名录(第一批)(1998)
中国禁止或严格限制的有毒化学品名录(第二批)(2005)
国家明令禁止使用的农药等(农业部公告第199号)(2002)
国家明令禁止使用的农药等(农业部公告第322号)(2003)
国家明令禁止使用的农药等(农业部、工业和信息化部、环境保护部公告第1157号)(2009)
国家明令禁止使用的农药等(农业部、工业和信息化部、环境保护部、国家工商行政管理总局、国家质量监督检验检疫总局公告第1586号)(2011)

附 录 B
(资料性附录)
国家签署的相关国际公约

濒危野生动植物种国际贸易公约
关于特别是作为水禽栖息地的国际重要湿地公约
联合国气候变化框架公约
生物多样性公约
联合国关于在发生严重干旱和/或沙漠化的国家特别是在非洲防治沙漠化的公约
国际劳工组织公约
国际植物新品种保护公约

附录 C
(资料性附录)
相关技术规程和指南

- 国家重点保护野生动物名录(1988)
国家重点保护野生植物名录(第一批)(1999)
濒危野生动植物种国际贸易公约秘书处公布禁贸物种和国家名单(2001)
森林经营方案编制与实施纲要(2006)
中国森林可持续经营指南(2006)
GB/T 18337.3—2001 生态公益林建设 技术规程
GB/T 15163—2004 封山(沙)育林技术规程
LY/T 1607—2003 造林作业设计规程
LY/T 1646—2005 森林采伐作业规程
LY/T 1706—2007 速生丰产用材林培育技术规程
LY/T 1690—2007 低效林改造技术规程
LY/T 1692—2007 转基因森林植物及其产品安全性评价技术规程
LY/T 2007—2012 森林经营方案编制与实施规范
LY/T 2008—2012 简明森林经营方案编制技术规程
-

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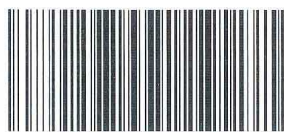
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4.1.2 Forest certification in China --- Forest management (in English)

Forest certification in China --- Forest management

1 Scope

This Standard stipulates the indicator system that shall be followed for the sustainable forest management certification.

The Standard is applicable for the auditing and assessment of forest management performance for all forest management units by accredited independent certification bodies.

2 Terms and Definitions

The following terms and definitions are applicable to the Standard.

2.1

Forest certification

As a tool to promote sustainable forest management through market-based mechanism, forest certification includes forest management certification and chain of custody (COC) certification. Forest management certification is to verify whether a forest is managed sustainably by assessing and auditing the forest management activities of the forest management unit against the Standard. COC certification is to verify the material origin of forest products by assessing and auditing the whole chains of forest products processing and marketing organizations, from processing, manufacturing, transport, storage, sale to end-users.

2.2

Chain of custody

Process of handling of information on the origin of forest based products which allow the organization to make accurate and verifiable claims on the content of certified materials.

2.3

Forest management unit

A forest management entity with legal personality, which has forests with a certain area and clear boundaries and can carry out forest management operation according to a forest management plan and management targets.

[GB/T26423-2010, Definition 7.4]

2.4

Forest certification body

A third-party organization with certain capacities and qualifications and accredited by relevant national accreditation bodies, which assesses and audits forest management performance of forest management units or COC of forest products processing and marketing organizations according to forest management certification standard and COC certification standard.

2.5

Local community

A social group composed by residents that inhabit the forest or surrounding areas, whose interests are impacted by the forest.

2.6

Forest tenure

The ownership and the use right of forests, trees, and forest land. The owner or user of the forest, trees and forest land has the legal rights to possess, use, benefit from and dispose of them.

2.7

Stakeholder

A group or individual who has direct or indirect interests related to or impacted by forest management, e.g. government organizations, local communities, forest workers, investors, environmental protection organizations, consumers and the general public etc.

2.8

Chemicals

Chemical products such as chemical fertilizer, pesticide, germicide, herbicide and hormone etc which are used for forest management.

2.9

Environmental impact analysis

A process of analyzing the actual or potential impacts of forest management on the environment so as to identify means to reduce or avoid negative impacts and expand on positive ones.

3 Indicator System

3.1 National Laws and Regulations as well as International Conventions

3.1.1 Abiding by relevant national laws and regulations

3.1.1.1 Texts of existing relevant national laws and regulations shall be available in the forest management unit, such as the Forest Law of the People's Republic of

China, Regulations for the Implementation of the Forest Law of the People's Republic of China, as well as the Law of the People's Republic of China on Regional National Autonomy etc (see Appendix A).

3.1.1.2 The Forest management shall be in line with relevant laws and regulations of the State.

3.1.1.3 Managerial staff and workers of the forest management unit have adequate knowledge of relevant national and local laws and regulations.

3.1.1.4 Forest management units that have violated laws have taken timely corrective measures according to the laws, which are kept on file.

3.1.2 Taxes and fees paid in conformity with the law

3.1.2.1 Relevant staff of the forest management unit are well informed of the taxes and fees that shall be paid.

3.1.2.2 Taxes and fees shall be paid in a timely manner and in accordance with the Law of the People's Republic of China Concerning the Administration of Tax Collection, the Law of the People's Republic of China on Enterprise Income Tax, as well as other relevant laws and regulations concerning taxes and fees.

3.1.3 Protecting forest land according to the law and prohibiting the illegal conversion of forest land

3.1.3.1 The forest management unit has taken effective and tangible measures to protect the forest area from illegal logging, illegal settlement, deforestation and other unauthorized activities.

3.1.3.2 Activities of occupying, expropriating and converting forest land shall comply with relevant national laws and regulations upon the written approval of forestry authorities.

3.1.3.3 The conversion of the forest land shall be sure not to damage the integrity of the forest ecosystem or to result in the fragmentation of the forest.

3.1.4 Abiding by international conventions to which China is a signatory

3.1.4.1 The forest management unit shall have copies of forest management related international conventions to which China is a signatory (see Appendix B).

3.1.4.2 The forest management shall follow requirements of forest management related international conventions to which China is a signatory.

3.2 Forest Tenure

3.2.1 Forest tenure shall be clear

3.2.1.1 The forest management unit shall have the forest tenure certificate issued by the responsible agencies such as governments above the county level or the forestry authorities authorized by the State Council.

3.2.1.2 Contractors or leasers have relevant legal certificates, e.g. land contracts and lease agreements etc.

3.2.1.3 The forest management unit has clear boundaries and marks it on a map.

3.2.2 Settling disputes over the ownership and use right of forests, trees and forest land according to laws

3.2.2.1 Disputes over the ownership and use right of the forests, trees and forest land shall be resolved according to the Dispute Settlement of Forest Trees and Forest Land Tenure.

3.2.2.2 Existing disputes and interest conflicts have not caused significant negative impacts on forest management. The forest management unit significantly impacted by disputes and conflicts shall not pass forest certification.

3.3 Local Community and Workers' Rights

3.3.1 Providing the forest area and surrounding residents with opportunities of employment, training and other social services

3.3.1.1 The forest management unit has provided opportunities of employment, training and other social services to the forest area and surrounding residents, especially minority nationalities.

3.3.1.2 The forest management unit has provided basic transportation and communication infrastructures to the forest area and surrounding residents, especially minority regions.

3.3.2 Abiding by requirements about working and safety of the workers and guaranteeing the health and safety of the workers

3.3.2.1 The health and safety of the workers shall be guaranteed in accordance with the requirements of the Labor Law of People's Republic of China, the Law on Production Safety of the People's Republic of China and other relevant laws and

regulations.

3.3.2.2 The forest management unit shall provide workers with salary and other welfare, e.g. social security, pension, medical services etc according to relevant laws and regulations.

3.3.2.3 Operational safety of workers engaging in forest management shall be guaranteed, necessary uniforms and safety facilities shall be provided, and emergency medical treatment and necessary security training shall be provided.

3.3.2.4 Requirements of all ILO conventions to which China is a signatory shall be complied with.

3.3.3 Guaranteeing the legal rights and interests of the workers and encouraging their participation in the decision-making process of forest management

3.3.3.1 The legal rights and interests of the workers shall be guaranteed by means of workers congress, congress of workers representatives or the labor union.

3.3.3.2 Forest workers shall be provided with opportunities to participate in decision-making process of forest operations through various channels.

3.3.4 The forest management unit shall not encroach upon the legal rights of local residents on trees and other resources

3.3.4.1 The forest management unit shall recognize the legal right of local community to use and manage the land and resources.

3.3.4.2 The forest management unit shall take appropriate measures to prevent trees and other resources of local residents, especially minority nationalities, from being directly or indirectly damaged and their use right being impacted by forest management.

3.3.4.3 If local residents voluntarily entrust the resource management right to the forest management unit, clear agreements or contracts shall be signed by both parties.

3.3.5 Local residents shall be consulted when it is necessary to zone and protect forest land with special cultural, ecological, economic or religious significance to them

3.3.5.1 Local residents, especially minority nationalities, shall be consulted with and consensus shall be reached when it is necessary to zone and protect forest land with

special cultural, ecological, economic or religious significance to them.

3.3.5.2 Appropriate measures shall be taken to protect the zoned and protected forest land.

3.3.6 Respecting and safeguarding the traditional or authorized rights of local residents to enter into or use forest preconditioned by guaranteeing the legal rights and interests of the forest management unit

3.3.6.1 Under the condition of not impacting on the integrity of the forest ecosystem and the fulfillment of forest management targets, the traditional and authorized right of local residents, especially minority nationalities, shall be guaranteed to enter into or use forest, such as picking non wood forest products, forest recreation, passing, environmental education etc.

3.3.6.2 Regulations shall be clearly defined and informed to local residents, especially minority regions, if there are forests that can only be entered into or used in certain circumstances or at a certain time.

3.3.7 In the case that forest management results in the loss of or negative impacts on the legal right, property, resources, or livelihood of local residents, they shall be consulted with and fairly compensated

3.3.7.1 Appropriate measures shall be taken to avoid the loss of or damage to the legal right, property, resources, or livelihood of local residents, especially minority nationalities.

3.3.7.2 Local residents, especially minority nationalities, shall be consulted with and fairly compensated if the above-mentioned damages take place.

3.3.8 Traditional knowledge of local residents shall be respected and paid when used

3.3.8.1 Traditional knowledge of local residents, especially minority nationalities, shall be respected and rationally used in the forest management.

3.3.8.2 Rights of participation in forest management planning by local residents, especially minority nationalities, shall be appropriately ensured.

3.3.9 Forest management activities shall be adjusted according to the results of social impact evaluation and a consultation mechanism shall be established in cooperation with local communities, especially minority regions

3.3.9.1 Social impact of forest management shall be assessed according to its means

and scale.

3.3.9.2 Results of the social impact assessment shall be considered in the forest management plan and operation plan.

3.3.9.3 A communication and consultation mechanism shall be built with relevant agencies through involvement of local communities, especially minority nationalities.

3.4 Forest Management Plan

3.4.1 Forest management plan shall be developed based on the long-term forestry plan developed by higher forestry authorities

3.4.1.1 The forest management unit has a timely, effective and scientific forest management plan.

3.4.1.2 Opinions of administrators, management units, local communities and other stakeholders are extensively solicited in the process of developing the forest management plan.

3.4.1.3 The development of a forest management plan is based on sound and correct information on the forest resources, including updated forest resources files, effective results of second-grade forest resources inventory and mapping, as well as specialized technical files. The results of scientific research shall also be referred so that the forest management plan developed is of scientific.

3.4.1.4 The contents of forest management plan shall follow the relevant requirements of forest management plan formulation, which should include:

- Natural socio-economic status, including forest resources, environmentally limiting factors, land use and ownership status, socio-economic conditions, social development and dominant demands, forest management evolution and a profile of adjacent land status etc;
- Evaluation of forest resources management;
- Forest management guidelines and targets;
- Forest function zoning, forest categories and forest management types;
- Forest breeding and silviculture, including seedling production, reforestation, tending and forest stand improvement;
- Forest harvesting and regeneration, including annual harvesting area, harvesting volume, harvesting intensity, timber output volume, harvesting method, logging area allocation and reforestation operation etc;
- Management of no wood resources;
- Forest health and forest protection, including forest disease and pest control, forest fire prevention, maintenance of forest land productivity, forest watershed management, and biodiversity conservation etc;
- Wildlife conservation, especially the rare, threatened and endangered species;
- Development and maintenance of infrastructures of forest management;

- Investment estimation and benefit analysis;
- Ecological and social impact assessment of forest management;
- Guaranteeing measures of the implementation of the forest management plan; and
- Necessary charts and maps related to forest management.

3.4.1.5 While respecting the confidentiality of information, forest management unit shall make publicly available the main contents of the forest management plan, including the information of the scope and scale of forest management such as main forest management measures, to all stakeholders of the local community and administrative region one level higher than the present one.

3.4.2 Forest management operation shall follow forest management plan

3.4.2.1 The forest management unit shall assign responsibilities for the implementation of the forest management plan.

3.4.2.2 The annual operation plan shall be developed based on the forest management plan.

3.4.2.3 The forest management shall contribute to research activities needed for sustainable forest management or support relevant research activities carried out by other organizations.

3.4.3 Timely revision of the forest management plan

3.4.3.1 The forest management unit shall learn the latest developments in forestry science and technology and policy information related to forest management in a timely manner.

3.4.3.2 The forest management plan shall be periodically revised (less than 10 years) according to forest resources monitoring results, latest science and technology and policy information, including latest market and economic activities related to timber, non wood forest products and forest services, as well as the change of environmental, social and economic circumstances.

3.4.4 Necessary training and guidance shall be provided to forest workers to ensure that they are capable of operating correctly

3.4.4.1 The forest management unit establishes a system for providing forest workers with training and guidance.

3.4.4.2 Forest workers shall receive sound training in order to understand and grasp the operation requirements.

3.4.4.3 Professional technicians provide forest workers with necessary technical guidances for their field operations.

3.5 Cultivation and Utilization of Forest Resources

3.5.1 Forest operations are consistent with operational designs

3.5.1.1 The forest management unit shall formulate operational design in accordance with forest management plan and annual operational plan, and carry out operation activities according to approved operational design.

3.5.1.2 Appropriate adjustments are properly undertaken based on the precondition that the management activities are guaranteed to be more conducive to realizing management targets and safeguarding the integrity of the forest ecosystem.

3.5.1.3 Adjustments to the forest management plan shall be placed on file.

3.5.2 There shall be specific investments in forest management activities, and the investments meet the demands of forest management

3.5.2.1 The forest management unit shall take into full consideration economic viability of its management and operational costs.

3.5.2.2 Reasonable investment scale and structure shall be guaranteed for sustainable forest management.

3.5.3 Forest management unit shall conduct a diversified economy within the forest area so as to promote the development of the local economy

3.5.3.1 A diversified economy based on sustainable use of various timber and non-timber forest products, such as forest fruit, oil plants, food, beverages, herbs and materials for chemical industry etc shall be implemented.

3.5.3.2 A management plan for main non wood forest products shall be developed, including measures for breeding, protection and use.

3.5.3.3 Traditional management systems that have created valuable ecosystems, such as coppice, on appropriate sites shall be supported when economically feasible.

3.5.4 The introduction, production and management of seeds and seedlings shall align with national laws and regulations as well as local regulations, and the quality of seeds and seedling shall be guaranteed

3.5.4.1 The introduction, production and management of forest seeds and seedlings

shall align with the requirements of national laws and regulations or local regulations.

3.5.4.2 The forest management unit engaged in forest seedling production and management shall gain a Forest Seeds Production License and Forest Seeds Management License issued by the forestry authority above the county level and conduct the production and management activities according to the requirements of these licenses.

3.5.4.3 Quality inspection shall be undertaken according to the national or local standards before transferring and transplanting from the nursery, and quality inspection and quarantine certificate for forest seeds and seedlings shall be filled.

3.5.4.4 Import permits and quarantine documents shall be applied from forestry authorities prior to the introduction of forest seeds, seedlings and other propagating materials.

3.5.5 Tree species suitable to local conditions shall be selected for afforestation in line with the management targets. Indigenous species shall be prioritized, while exotic species shall be used cautiously

3.5.5.1 Tree species for afforestation shall be selected based on the management targets and the principle of proper tree species for proper sites.

3.5.5.2 Indigenous tree species shall be selected with priority, while afforestation of pure forests shall be minimized.

3.5.5.3 Introduction of exotic species when appropriate is limited to those that are not invasive, do not affect the growth of local plants, and can provide environmental and economic benefits.

3.5.5.4 Monitoring shall be carefully made on the growth status and ecological implication after exotic tree species are used for afforestation.

3.5.5.5 No GMO trees are allowed.

3.5.6 Afforestation design and operation in forest-free areas (including land without standing forest and land suitable for afforestation) shall meet the local land conditions and management targets and shall be conducive to improving the benefits and stability of the forest

3.5.6.1 Afforestation design and operations shall be developed according to relevant national and local technical standards and rules.

3.5.6.2 Afforestation design conforms to management targets, and reasonable

afforestation, tending, thinning, final felling and regeneration plans shall be developed.

3.5.6.3 Measures shall be adopted to promote the diversification of the structure of the forest stand and strengthen its stability.

3.5.6.4 Wildlife corridors shall be established based on the scale of forest management and the wildlife migrating habits.

3.5.6.5 The afforestation layout and planning is conducive to maintaining and enhancing the value and features of the natural landscape, and its ecological connectivity shall be maintained.

3.5.6.6 Promoting the conversion of abandoned land and treeless land into forest land shall be taken into consideration.

3.5.7 Forest harvesting and regeneration shall be conducted according to relevant laws and the consumption of timber and non wood forest products shall not exceed their reproductive capacity

3.5.7.1 The forest management unit shall develop an annual harvesting amount based on the principle of forest recourse consumption being less than its growth, reasonable management and sustainable use.

3.5.7.2 Forest harvesting can only be conducted with forest harvesting licence and according to its requirements.

3.5.7.3 Records shall be kept of forest harvesting volume and sites.

3.5.7.4 Forest harvesting and regeneration shall follow the requirements of Management Measures for Forest Harvesting and Regeneration as well as Codes of Forest Harvesting.

3.5.7.5 Use of timber and non wood forest products shall not exceed the allowable level for sustainable development.

3.5.8 Forest management shall be favorable to the conservation and regeneration of natural forests

3.5.8.1 Effective measures shall be adopted to promote the conservation and regeneration of natural forests.

3.5.8.2 Conversion of forests to other types of land use, including conversion of primary forests to forest plantations, shall not occur unless justified by circumstances

where the conversion:

- is in compliance with national and regional policy and legislation relevant for land use and forest management and is a result of national or regional land-use planning governed by a governmental or other official authority including consultation with stakeholders;
- entails a small proportion of the forest type;
- does not have negative impacts on the following:
 - threatened forest ecosystems;
 - culturally and socially significant areas;
 - important habitats of threatened species;
 - other protected areas; and
- Contributes to long-term ecological, economic and social benefits, such as improvement of low productive secondary forests.

3.5.8.3. A certain area of forest land shall be kept to promote the gradual transfer to natural forests (including natural secondary forests) on the plantations established on the damaged natural forest or secondary natural forests according to its scale and management targets.

3.5.8.4 Plantations established within the neighboring area of natural forests for Eco-functions shall be managed to gradually transfer from the landscape and structure of a plantation to that of natural forests and to be conducive to natural forest protection.

3.5.9 Forest management shall minimize the waste and negative impact to resources

3.5.9.1 Approaches with the least environmental impacts shall be adopted in forest management operations so as to reduce the damage to the forest resources and the environment, and minimize the risk of degradation of and negative impact to forest ecosystems.

3.5.9.2 Measures shall be taken to avoid the waste and degradation of the timber grades in the processes for forest harvesting and timber bucking.

3.5.10 Optimal use and further processing of timber and non wood forest products shall be encouraged

3.5.10.1 Measures shall be developed and implemented to promote the best use of timber and non wood forest products.

3.5.10.2 Downstream processing of timber and non wood forest products shall be encouraged to increase their added value.

3.5.11 Adequate infrastructure shall be planned, established and maintained to minimize the negative impact on the environment

3.5.11.1 Adequate infrastructures such as roads, skid tracks, bridges and drainage facilities shall be planned and established, and their effectiveness shall be maintained.

3.5.11.2 The design, establishment and maintenance of such infrastructure shall minimize the negative impact on the environment.

3.6 Biodiversity Conservation

3.6.1 Protected zones which comply within the scope and scale of forest management and have features of resources in need of protection shall be established when rare, threatened and endangered species exist as required, and correspondent protective measures shall be developed

3.6.1.1 Relevant documents are kept by the forest management unit, such as appendixes I, II and III of CITES (see Appendix B) and the List of Wild Plants under Special State Protection, the List of Wildlife under Special State Protection etc (see Appendix C).

3.6.1.2 Rare, threatened and endangered species and their habitats or distribution areas within the area shall be identified and marked on a map.

3.6.1.3 Certain protected zones and biological corridors shall be identified to serve as habitats or distribution areas for rare, threatened and endangered species in accordance with local conditions. If the protected zones and biological corridors can not be clearly mapped, an adequate area shall be kept for each forest type. Zoning of the above-mentioned sites shall take fully into consideration wildlife migration in the forest.

3.6.1.4 Specific protective measures shall be made and implemented when carrying out forest management activities in order to maintain protected areas, protected species and their habitats.

3.6.1.5 Species which are banned by relevant national laws and regulations, local regulations and international conventions shall not be developed or utilized.

3.6.2 Unauthorized hunting, trapping and collecting practices shall be controlled

3.6.2.1 Hunting, trapping and collecting activities shall be consistent with the laws and regulations on wildlife protection. A hunting license and collecting license shall be

required in accordance with these laws.

3.6.2.2 Hunting, trapping and collecting activities shall follow the national quota regulations for hunting and collecting allocations.

3.6.3 Typical, rare, sensitive and protected forest ecosystems shall be protected and their natural status shall be maintained

3.6.3.1 Typical, rare, sensitive and protected forest ecosystems shall be identified through inventory within the forest management unit.

3.6.3.2 Measures for typical, rare, sensitive and protected forest ecosystem protection shall be developed.

3.6.3.3 Protective measures shall be implemented to maintain the natural status of the typical, rare, sensitive and protected forest ecosystems.

3.6.3.4 Identification of typical, rare, sensitive and protected forest ecosystems shall take into account globally, regionally and nationally significant landscape areas with natural distribution area and landscape area of species.

3.6.4 Measures for restoration, conservation and improvement of biodiversity within the forest shall be undertaken through forest management

3.6.4.1 The following measures can be considered for the forest management unit in order to maintain and improve forest biodiversity:

- select operational methods that can reduce the negative impacts;
- forest management system is favorable to maintain and improve the structure, functions and diversity of local forest ecosystem; and
- maintain and improve the natural features of the forest.

3.6.4.2 Standing and fallen dead wood, hollow trees, old groves and special rare tree species shall be left as much as possible in quantities and distribution necessary to safeguard biodiversity, taking into account the potential effect on the health and stability of the forest and on surrounding ecosystems.

3.7 Environmental Impact

3.7.1 Forest management shall consider its impacts on the forest ecological environment

3.7.1.1 The forest management unit shall analyze the potential impact of forest management activities on the environment based on the scale and intensity of its forest management and forest resource features.

3.7.1.2 According to the results of analysis, forest operational means shall be adjusted or improved by adopting specified ways and means, so as to minimize the impact of forest management performance (including the usage of chemical fertilizers) on the environment and to avoid the degradation of and damages to forest ecosystems.

3.7.1.3 Improved forest management measures shall be recorded and monitored to ensure the effectiveness of such improvement.

3.7.2 Various protective measures shall be undertaken in forest management operations so as to maintain the natural features of forest lands, protect water resources, and prevent land degradation

3.7.2.1 Effective measures shall be taken to minimize the damage to forest lands caused by such human activities as land preparation, afforestation, tending, forest harvesting, regeneration, road construction etc so as to maintain the natural features of the soil and its long-time productivity in the forest.

3.7.2.2 Negative impacts on the quality and quantity of water resources shall be reduced, soil and water erosion shall be controlled, and severe damage to catchments within the forest shall be avoided.

3.7.2.3 Adequate buffer zones shall be established to conserve water and soil at the banks of rivers and streams or around water bodies, and these buffer zones shall be marked in the forest map or the forest operational design.

3.7.2.4 Use of chemical fertilizer shall be minimized, and organic and biological fertilizer shall be preferred to enhance soil fertility.

3.7.2.5 Degraded forest ecosystems shall be rehabilitated by using silvicultural or other means.

3.7.3 The use of chemicals shall be strictly controlled and the environmental impacts caused shall be minimized accordingly

3.7.3.1 The forest management unit shall show the updated list of all chemicals (pesticide, herbicide, sterilization and anti-rodent prescriptions) and relevant documents including name, potent ingredient and application methods.

3.7.3.2 Pesticides listed in the WHO Type 1A and 1B and in the national laws and regulations as well as other highly toxic pesticides (see Appendix A) shall be prohibited, except where no other viable alternative is available.

3.7.3.3 Chlorinated hydrocarbons and other pesticides that remain biologically active and accumulate in the food chain shall be prohibited.

3.7.3.4 The forest management unit shall keep the procedural documents on how to use chemicals safely, follow the instructions given by the pesticide producers, and implement the use of pesticides with proper equipment and training.

3.7.3.5 The forest management unit shall develop emergency procedures for transportation, storage, use and accidental leaking of chemicals.

3.7.3.6 The forest management unit shall ensure the inorganic rubbish and non-recyclable waste to be disposed in a way that will not endanger the environment.

3.7.3.7 Proper equipment and technical training shall be provided to minimize the pollution to the environment and damage to people's health by use of chemicals.

3.7.3.8 Methods consistent with the requirements for environmental protection shall be adopted to dispose of the wastes and containers of chemicals.

3.7.3.9 The spillage of oil during forest management operations on forest land shall be strictly avoided.

3.7.4 Introduction of exotic species shall be strictly controlled and negative ecological impacts associated with invasive species shall be prevented

3.7.4.1 Exotic species can only be introduced with the precondition that they have passed strict quarantine and ecological environment assessment and are guaranteed to do no harm to the environment and biodiversity.

3.7.4.2 Records shall be kept on the use of exotic species and their ecological impacts shall be monitored.

3.7.4.3 Measures for controlling the harmful invasive species shall be developed and implemented.

3.7.5 The environmental service functions of the forest shall be maintained and improved in forest management operations

3.7.5.1 The forest management unit shall understand and identify the environmental service functions of forests.

3.7.5.2 Measures shall be adopted to maintain and improve the environmental service functions of forests.

3.7.6 Impacts of animal populations and grazing shall be minimized

3.7.6.1 The forest management unit shall adopt measures minimizing the impacts of animal populations on forest regeneration, growth and biodiversity.

3.7.6.2 Measures shall be adopted to minimize the impacts of grazing on forest regeneration, growth and biodiversity.

3.8 Forest Protection

3.8.1 Forest disease and pest control plan shall be made based on silviculture measures and biological, chemical and physical methods shall be adopted to conduct integrated disease and pest management

3.8.1.1 Disease and pest control measures shall conform to the requirements of Regulations on Forest Pest Control of the People's Republic of China.

3.8.1.2 Prediction and forecasting shall be undertaken to assess the potential influence of disease and pest in the forest and a prevention and control plan shall be developed accordingly.

3.8.1.3 Integrated pest management measures shall be employed which focus on silviculture measures and incorporate biological, chemical and physical preventions. The use of chemical pesticides in the forest shall be limited to reduce their impacts on the environment.

3.8.1.4 Effective measures shall be employed to protect the various beneficial organisms within the forest and improve the forest's own pest control capacity.

3.8.2 A sound forest fire prevention system shall be established and fire prevention measures shall be developed and implemented

3.8.2.1 A forest fire prevention system shall be established in accordance with Regulations on Forest Fire Prevention of the People's Republic of China.

3.8.2.2 Areas with different gradings for forest fire risks shall be zoned, and fire early warning mechanism shall be developed.

3.8.2.3 Measures for forest fire monitoring and control shall be developed and implemented.

3.8.2.4 Forest fire control facilities shall be constructed, forest fire control organizations shall be established, and forest fire prevention plan shall be developed. The work of forest fire control and fighting in the forest management unit shall be

organized.

3.8.2.5 Statistics of forest fires shall be kept and forest fire maps and reports shall be kept on file.

3.8.2.6 Lighting of fires shall be avoided in the forest area except for living purposes.

3.8.3 Establishing and improving emergency measures for natural disasters

3.8.3.1 The forest management unit shall develop contingency plans for natural disasters according to local natural and climatic conditions.

3.8.3.2 Effective measures shall be adopted to minimize the impact on natural disasters.

3.9 Forest Monitoring and Files Management

3.9.1 Establishing forest monitoring system and monitoring forest resources at an appropriate time

3.9.1.1 Forest resource inventory shall be conducted according to the designated arrangements of higher forestry authorities. The forest management unit shall develop forest resource files mechanism.

3.9.1.2 Based on the scale and intensity of forest management activities and the local conditions, contents and indicators of forest monitoring shall be defined, proper monitoring systems and procedures shall be established, and the approaches, frequency and intensity of forest monitoring shall be clearly defined.

3.9.1.3 While respecting the confidentiality of information, a summary of monitoring results shall be periodically released to the public.

3.9.1.4 Forest monitoring results shall be reflected in developing or revising the forest management plan and operation plan.

3.9.2 Forest monitoring shall cover the resources status, forest management and its social and environmental impacts etc

3.9.2.1 Forest monitoring should include:

- Stock volume, yield and resources consumption volume of the main forest products;
- Structure, growth, regeneration and health condition of the forest;
- Varieties of wild fauna and their changing trends, especially the rare, threatened and endangered species;

- Dynamics and trends of disease, pest and forest fires;
- Environmental and social impacts of forest harvesting and other management activities;
- Costs and benefits of forest management;
- Impact of climatic factors and air pollution on forest growth;
- Human activities such as overgrazing or overstocking; and
- Implementation status of the annual operation plan.

3.9.2.2 Monitoring activities shall be made continuously or periodically in accordance with the monitoring system, and monitoring records shall be kept.

3.9.2.3 Monitoring results shall be compared, analyzed and evaluated.

3.9.3 Establishing files management system and keeping relevant records

3.9.3.1 The forest management unit shall develop files management system of forest resources.

3.9.3.2 Files management system of forest management activities shall be developed.

3.9.3.3 Timber tracing management system shall be developed to trace, record and mark the timber from harvesting, transportation, processing and marketing to ensure that the origin of forest products can be traced.

Appendix A (Informative Materials): Relevant National Laws and Regulations

A.1 Laws

1. Standardization Law of the People's Republic of China (1988)
2. Environment Protection Law of the People's Republic of China (2005)
3. Law on Imported and Exported Fauna and Flora Quarantine of the People's Republic of China (1991)
4. Labor Law of People's Republic of China (1994)
5. Law of the People's Republic of China on Control of Guns (1996)
6. Law on Promoting the Transfer of Science and Technological Achievements of the People's Republic of China (1996)
7. Forest Law of the People's Republic of China (1998)
8. Sandification Prevention and Control Law of the People's Republic of China (2001)
9. Law of the People's Republic of China on Regional National Autonomy (2001)
10. Law of the People's Republic of China Concerning the Administration of Tax Collection (2001)
11. Worker's Union Law of the People's Republic of China (2001)
12. Environmental Impact Assessment Law of the People's Republic of China (2002)
13. Water Law of the People's Republic of China (2002)
14. Rural Land Contracting Law of the People's Republic of China (2002)
15. Safe Production Law of the People's Republic of China (2002)
16. Land Management Law of the People's Republic of China (2004)
17. Wildlife Conservation Law of the People's Republic of China (2004)
18. Seed Law of the People's Republic of China (2004)
19. Law of the People's Republic of China on Enterprise Income Tax (2007)
20. Property Right Law of the People's Republic of China (2007)
21. Animal Epidemic Prevention Law of the People's Republic of China (2007)
22. Law on Water Pollution Prevention and Control of the People's Republic of China (2008)
23. Soil and Water Conservation Law of the People's Republic of China (2010)

A.2 Regulations

1. Measures for Forest Harvest and Regeneration (1987)
2. Regulations on Forest Disease and Pest Control of the People's Republic of China (1989)
3. Regulations for the Implementation of Terrestrial Wildlife Conservation (1992)
4. Regulations on Wild Flora Conservation of the People's Republic of China (1996)
5. Regulations for the Implementation of the Law on the Imported and Exported Wild Fauna and Flora of the People's Republic of China (1996)
6. Regulations on Protecting New Plant Varieties of the People's Republic of China

- (1997)
7. Regulations for the Implementation of the Forest Law of the People's Republic of China (2000)
 8. Regulations on Converting Cropland to Forests (2002)
 9. Regulations on Forest Fire Prevention (2008)
 10. Regulations on Nature Reserves of the People's Republic of China (2011)
 11. Regulations for the Implementation of the Soil and Water Conservation Law of the People's Republic of China (2011)
 12. Regulations for the Implementation of the Land Management Law of the People's Republic of China (2011)

A.3 Administrative Regulations and Rules

1. Measures for Nature Reserves of Forest and Wildlife Category (1985)
2. Measures for Dispute Settlement on Timber and Forest Land Tenure (1996)
3. Measures for the Implementation of the Management and Supervision of the State-owned Forest Resources and Assets (Trial Implementation) (1996)
4. Measures for Promoting the Use of Good Forest Breeds (1997)
5. Measures for the Implementation of the Regulations on Protecting New Plant Varieties of the People's Republic of China (1999)
6. Measures for the Registration of Timber and Forest Land Tenure (2001)
7. Measures for the Verification and Approval of the Occupation and Confiscation of Forest Land (2001)
8. Measures for the Package and Label of Forest Seeds (2002)
9. Measures for the Production and Management License of Forest Seeds (2002)
10. Measures for the Quality Supervision of Tree Seedling of the State Forestry Administration of China (2002)
11. Regulations on the Annual Verification System of Production and Management License of Forest Seeds (2003)
12. Regulations on the Quarantine, Approval and Supervision of Introducing Tree Seeds and Seedlings and other Propagating Materials (2003)
13. Management Measures for the Natural Forest Protection Program (2006)
14. Management Measures for Forest Seed Quality (2006)

Note: The above-mentioned administrative regulations and rules are promulgated by the State Forestry Administration or former Ministry of Forestry.

A.4 Documents of Banned or Severely Restricted Chemicals

1. List of Toxic Chemicals That China Bans or Severely Restricts to Use (First Batch) (1998)
2. List of Toxic Chemicals That China Bans or Severely Restricts to Use (Second Batch) (2005)
3. Pesticides Severely Banned by the State (Bulletin No. 199 of the Ministry of

- Agriculture) (2002)
4. Pesticides Severely Banned by the State (Bulltin No. 322 of the Ministry of Agriculture) (2003)
 5. Pesticides Severely Banned by the State (Bulltin No. 1157 of the Ministry of Agriculture) (2009)
 6. Pesticides Severely Banned by the State (Bulltin No. 1586 of the Ministry of Agriculture) (2011)

Appendix B (Informative Materials): Relevant International Conventions to Which China is a Signatory

1. Convention on International Trade in Endangered Species of Wild Fauna and Flora
2. Convention on Wetlands of International Importance Especially as Waterfowl Habitat
3. United Nations Framework Convention on Climate Change
4. Convention on Biological Diversity
5. United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa
6. International Labor Organization conventions
7. International Convention for the Protection of New Varieties of Plants

Appendix C (Informative Materials): Technical Codes and Guidelines

1. List of Wild Plants under Special State Protection (1988)
2. List of Wildlife under Special State Protection (First Batch) (1999)
3. List of Species and Countries Prohibited Trading Released by CITIES Secretariat (2001)
4. Outlines for Developing and Implementing Forest Management Plan (2006)
5. Guidelines for Sustainable Forest Management in China (2006)
6. GB/T 18337.3-2001, Technical Codes for the Establishment of Public Benefits Forest (2001)
7. GB/T 15163-2004, Technical Codes for Mountain (Sand) Closure (2004)
8. LY/T 1607-2003, Codes for the Design of Afforestation Operations (2003)
9. LY/T 1646-2005, Codes of Forest Harvesting (2005)
10. LY/T 1706-2007, Technical Codes for Breeding Fast-growing and High-yield Timber Forest (2007)
11. LY/T 1690-2007, Technical Codes for the Improvement of Low-yielding Forest (2007)
12. LY/T 1692-2007, Technical Codes for the Importance Evaluation of Genetically-modified Forest Plants and their Products (2007)
13. LY/T 2007-2012, Specification for Developing and Implementing Forest Management Plan (2012)
14. LY/T 2008-2012, Technical Codes for Developing simplified Forest Management Plan (2012)

4.1.3 Forest certification in China --- Chain of custody (in Chinese)

《中国森林认证 产销监管链》国家标准

ICS 65.020.40
B 64



中华人民共和国国家标准

GB/T 28952—2012

中国森林认证 产销监管链

Forest certification in China—Chain of custody

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前 言

本标准按照 GB/T 1.1—2009 给出的规则起草。

本标准由国家林业局提出并归口。

本标准起草单位：中国林业科学研究院林业科技信息研究所、国家林业局科技发展中心、国家林业局调查规划设计院。

本标准主要起草人：陆文明、于玲、王红春、李秋娟、梁小琼、黄文彬。

引 言

中国森林认证管理委员会(CFCC)声明,产销监管链认证旨在证明林产品源自于可持续经营的森林、再生原料和其他非争议来源,以帮助采购方选择具有可持续性或其他类似特征的木质林产品。公开原料来源信息旨在促进可持续经营森林的产品的需求和供给,以便通过市场激励机制推动世界森林资源经营管理的不断完善。

实施 CFCC 产销监管链的总体目标,是向林产品消费者提供产品原料源自于通过 CFCC 认证的可持续经营的森林或再生原料这一准确和可验证的信息。本标准说明了如何获得从所购原料的来源信息到企业产品的来源信息的过程,并提供了两种可供选择的产销监管链方法,即物理分离法和百分比法。

产销监管链连同特定的 CFCC 声明或与 CFCC 互认的森林认证体系的声明的定义一并使用,包括认可认证原料的标准。为此,本标准的核心部分详细规定了使用“认证原料、中性原料和其他原料”这些术语的产销监管链过程,并且在本标准的附录 A 中对单个声明涉及的这些术语的含义进行了界定。

本标准也规定了实施和管理产销监管链过程所需的管理体系的最低要求。企业的质量管理体系(GB/T 19001—2008)或环境管理体系(GB/T 24001—2004)可以用于实施本标准管理体系的最低要求。

使用者需遵守 GB/T 24020—2000 和 GB/T 24021—2001,因为两者分别是本标准中声明与相关标识使用和再生原料的基础文件。

产品贴标被认为是可纳入企业产销监管链过程的一种可选的传播工具。当企业决定使用“产品上”标识或“产品外”标识时,包括标识所有人制定的标识使用要求在内的一系列要求,将成为整个产销监管链要求的一部分。

中国森林认证 产销监管链

1 范围

本标准涵盖了用于实施林产品产销监管链的要求。

本标准适用于实施 CFCC 要求的第三方合格评定。该评定被视为产品认证,并且认证机构应遵循 GB/T 27065—2004 的要求。

2 规范性引用文件

下列文件对于本文件的应用是必不可少的。凡是注日期的引用文件,仅注日期的版本适用于本文件。凡是不注日期的引用文件,其最新版本(包括所有的修改单)适用于本文件。

GB/T 19000—2008 质量管理体系 基础和术语

GB/T 24021—2001 环境管理 环境标志和声明 自我环境声明(Ⅱ型环境标志)

GB/T 27065—2004 产品认证机构通用要求

3 术语和定义

GB/T 19000—2008 中界定的以及下列术语和定义适用于本文件。

3.1

认可证书 accredited certificate

认证机构在其授权范围内颁发的、标有认可机构标识的证书。

3.2

认证原料 certified material

源自于产销监管链声明所述来源的原材料。

注: CFCC 声明包括认证原料及其供应商的标准,见附录 A。

3.3

认证产品 certified product

经过产销监管链认证并且在声明中包含认证原料的产品。

3.4

林产品产销监管链 chain of custody of forest based products

林产品原料来源信息的处理过程,藉此企业可对认证原料的成分做出准确和可验证的声明。

3.5

声明 claim

描述产品某些特征的信息。

注: 本标准特指 CFCC 产销监管链的正式声明,见附录 A。

3.6

声明期 claim period

产销监管链声明使用的周期。

3.7

争议来源 controversial sources

出现了下列森林经营活动的区域：

- a) 未能遵守地方、国家和或国际法律法规,尤其在下列方面:
 - 营林作业和采伐作业,包括森林向其他用途的转化;
 - 划为高环境价值和高文化价值区域的经营活动;
 - 受保护及濒危物种,包括列入《濒危野生动植物种国际贸易公约》名录的物种;
 - 与林业工人相关的健康和劳工问题;
 - 税费的缴纳;
- b) 使用了转基因生物;
- c) 将森林转化为其他植被类型,包括将天然林转化为人工林。

注:转基因生物原料禁用政策的期限至2015年12月31日。

3.8

消费者 customer

单一实体,或者是企业产品的购买者,或者是企业产品的使用者,该产品附有声明。

注:当企业内部具有衍生产品时,也包括企业内部消费者。

3.9

森林原料 forest based material

源自森林或CFCC认可的区域,且符合CFCC森林经营认证要求的原料,也包括源自这些地区的再生原料。

注:森林原料包括木质原料和非木质原料。

3.10

林产品 forest based products

含森林原料的产品。

3.11

贴标 labeling

标签的使用(包括“产品上”及“产品外”使用)。

3.12

中性原料 neutral material

计算认证比例时,来源被判定为中性的原料。

注:CFCC声明定义了中性原料,见附录A。

3.13

企业/组织 company/organization

按照本标准开展认证并在“产品上”进行声明的任何实体。该实体有能力清晰地辨别原料供应商及产品消费者。

3.14

原料来源 material origin

有关产品所使用原料的信息,用以表明原料来源地的特征。

注:原料来源(即“原料来源地的特征”)是指通过CFCC认证的可持续经营的森林,或是回收资源的来源地。本标准包括三种来源类别,分别为认证原料、中性原料和其他原料,分别用于不同的声明。

3.15

其他原料 other material

除认证原料和中性原料以外的原材料。

3.16

CFCC 认可的证书 CFCC recognized certificate

包括下列 3 种情况：

- a) 由 CFCC 授权的认证机构按照 CFCC 森林经营认证标准或按照 CFCC 认可的森林认证体系或标准所颁发的有效的森林经营认证证书，或
- b) 由 CFCC 授权的认证机构按照本标准和 CFCC 认可的来源地特殊说明所颁发的有效的产销监管链认证证书，或
- c) 由 CFCC 授权的认证机构按照与 CFCC 互认的森林认证体系产销监管链认证标准所颁发的有效的产销监管链认证证书。

3.17

物理分离 physical separation

分离各种不同来源的原料或产品的过程，以确保使用者了解原料/产品的来源。

注：物理分离包括企业厂房中的分离，例如，设立单独的隔离区或特定存放区，或使用标记，以清晰地区分不同来源的原料。

3.18

产品组 product group

企业产销监管链涵盖的范围内，在特定过程中生产或交易的系列产品。

注 1：企业可在平行生产线或下游生产线上建立一个或多个产品组。

注 2：实施产销监管链时，产品组也可以仅包含单个产品。

3.19

再生原料 recycled material

包括下列森林原料：

- a) 生产过程中的废弃材料，但不包括：
 - 重复利用的原料，如在同一生产过程中重复利用的废旧料、废物料、废金属；
 - 副产品，如锯材副产品（锯屑、木片、树皮等）或采伐剩余物（树皮、树枝削片、树根等）。
- b) 由作为产品终端用户的家庭、商业和工业部门或公共机构所产生的、不能再用于原来用途的材料，也包括从产品流通链中回收的原料。

注 1：“重复利用”是指在同一场所的一个生产过程中产生的材料，可以被回收到该过程中继续使用。例如，在人造板平压生产线上产生的剩余物，由于这些剩余物连续进入同一条生产线，因此不能被视为是再生原料。

注 2：本定义基于 GB/T 24021—2001 的定义。

3.20

滚动百分比的计算 rolling percentage calculation

根据产品生产或交易前特定时期采购的原料中用于投入生产的部分来计算认证原料的百分比。

3.21

简单百分比的计算 simple percentage calculation

根据通过统计以实物方式投入产品中的原料来计算认证原料的百分比。

注：以印刷厂为例，简单百分比可以通过计算用于印刷厂所采购和使用的原料而得出。

3.22

供应商 supplier

可被清晰辨别的、直接为相关产品组提供原料及其声明的单一实体。

注 1：当原料不是由其所有者、而是由另一个实体交付时，企业应依据本条目的定义指定其中的一家作为其供应商，无论是否是原料所有者均可。例如，一家印刷厂从经销商处采购原料，但是该原料由一家造纸商直接交付，在这种情况下可以选择这两家机构中的任意一家作为供应商。

注 2：当企业内部有多个系列产品组时，此定义也包括企业内部的供应商。

4 产销监管链过程要求——物理分离法

4.1 物理分离法的总体要求

4.1.1 对于那些认证原料或产品不会与其他原料或产品混合,或者在整个过程中能够明确区分认证原料或产品的企业,应优先采用物理分离法。

4.1.2 采用物理分离法的企业,应确保在生产或交易过程中的任何阶段都对认证原料进行分离或使其可以被清晰地辨别。

4.1.3 物理分离法也适用于含有多种认证原料的认证产品。

注:企业可以将含有相同百分比成分声明的产品,与其他具有(或不具有)不同百分比成分声明的产品进行物理分离。

4.2 认证原料或认证产品来源的判定

4.2.1 产品交付(进货)阶段的判定

4.2.1.1 每次货品交付时,企业均应从供应商处获得认证原料或产品的必要信息,以核实其认证状况。

4.2.1.2 随附在每次交付的认证原料或产品的文件,应至少包含下列内容:

- a) 收货方的企业名称;
- b) 供应商的身份信息;
- c) 产品的识别信息;
- d) 每种产品的交付数量;
- e) 交货日期,或交货周期,或核算周期;
- D) 每次交货文件所列的产品原料来源的正式声明(包括认证原料的比例);
- g) 供应商产销监管链认证证书,或森林经营认证证书,或其他可以确认其认证状况的文件与材料的证明。

注1:措辞准确的正式声明和确认认证状态的文件在本标准附录 A 有详细规定,在森林认证体系或标识使用的相关文件中也有相应规定。

注2:证书的识别方法可以是数字或字母和数字的组合,通常是指“证书编号”。

注3:交货文件可以是符合 4.2.1.2 要求的发票或其他交货凭证。

4.2.1.3 每次货品交付时,企业都应根据产销监管链认证的声明内容对原料或产品的认证状况进行核实。

注:认证原料定义声明的解释见本标准附录 A,也可参考其他相关的森林认证体系或标识使用等文件。

4.2.2 供应商阶段的判定

4.2.2.1 企业应要求所有提供认证原料的供应商提供森林经营认证证书的复印件或产销监管链认证证书的复印件,或其他可以确认其认证状况的文件。

注:本标准附录 A 或相关的森林认证体系或标识使用文件,对认证原料供应商的要求进行了详细说明。

4.2.2.2 企业应根据按 4.2.2.1 要求所收到的文件的有效性和范围以及认证原料供应商的要求,来评估供应商的认证状况。

注:除了 4.2.2.1 中说明的文件之外,企业还宜充分利用由 CFCC 和其认可的机构或与 CFCC 互认的森林认证体系和其认可的机构发布的有关认证原料供应商的公开登记信息。

4.3 认证原料或产品的分离

在整个生产或交易(包括贮存)过程中,应能够清晰地辨认含有不同认证成分的认证原料或产品。这应通过下列方式实现:

4

- a) 在生产和贮存场地进行物理分离;或
- b) 按照时间进行物理分离;或
- c) 在整个生产或交易过程中对认证原料进行明确的区分。

4.4 认证产品的销售和信传递

4.4.1 产品的销售和运输文件

4.4.1.1 在向客户销售或为客户运输认证产品时,企业应提供产销监管链认证证书的复印件,或提供可以获得该复印件的途径。当产销监管链认证的范围发生变化时,企业应告知其客户,同时禁止滥用产销监管链认证证书。

注:对于多地点认证,由于不同的地点可分别获得单独的证书(即子证书)以证明其认证状况,此时企业(多地点)须将子证书和母证书的复印件一并提供给客户。

4.4.1.2 为了传递产销监管链认证的声明信息,企业应确定一种单一形式的文件随附于交付的售出(或运输)的产品。包含了正式声明的该文件只能出具给特定的客户。同时企业还应在该文件的原件交付给客户后保存复印件,以确保该文件所包含的信息不被更改。

注:随附于每次交付的文件要涵盖媒介和信息,包括电子媒介信息。交货文件可以是一份发票或其他交货凭证,但需符合 4.4.1.1、4.4.1.2 及 4.4.1.3 的要求。

4.4.1.3 随附在每次交付的所有认证产品的文件,应至少包含下列内容:

- a) 客户的身份信息;
- b) 供应商的身份信息;
- c) 产品的识别信息;
- d) 每种产品的交付数量;
- e) 交货日期,或交货周期,或核算周期;
- f) 每次交货文件所列的产品原料来源的正式声明(包括认证原料的比例);
- g) 供应商产销监管链认证证书,或其他可以确认其认证状况的文件与材料的证明。

注1:措辞准确的正式声明和确认证状态的文件在本标准附录 A 有详细规定,在森林认证体系或标识使用的相关文件中也有相应规定。

注2:证书的识别方法可以是数字或字母和数字的组合,通常是指“证书编号”。

4.4.2 标识和标签的使用

4.4.2.1 在产销监管链认证范围内,企业以“产品上”或“产品外”方式使用标识或标签时,应获得标识或标签的持有人或其代理人的授权,并遵守授权条款。

注1:当企业决定使用标识或标签时,标识或标签的持有人制定的使用规则将成为产销监管链认证要求的一部分。

注2:在使用 CFCC 标识时,“授权”是指由 CFCC 或其认可的机构所颁发的有效许可,许可“条款”须符合中国森林认证体系有关标识使用的相关规定。

4.4.2.2 企业可以只以“产品上”的方式使用标识,但其认证产品应满足标识或标签持有人所规定的产品贴标的资格要求。

4.4.2.3 企业未在其产品或产品包装上使用标识或标签而进行产销监管链的“产品上”声明时,也应使用正式声明,且该声明应易于识别。

注:措辞准确的“正式声明”内容详见本标准附录 A,或参考森林认证体系或标识使用的相关文件。

5 产销监管链过程要求——百分比法

5.1 百分比法的总体要求

5.1.1 百分比法的应用

产销监管链的百分比法适用于将认证原料/产品与其他类别原料相混合的企业。

5.1.2 产品组的含义

5.1.2.1 企业应执行本标准特定产品组产销监管链过程的规定。

5.1.2.2 产品组应是：

- a) 一种单一的产品类型；或
- b) 一组产品。该产品使用了相同或相似的原料投入（如树种或原料种类等），且投入的原料应使用相同的计量单位，或者能够转换成相同的计量单位。

5.1.2.3 产品组的产品应在同一地点进行生产或加工。

注：该要求不适用于那些无法清晰辨认生产场地的企业（如森林承包商等）和生产过程（如运输、贸易等）。

5.2 来源的判定

5.2.1 产品交付阶段的判定

5.2.1.1 在每次交付产销监管链产品组的原料时，企业应从供应商处获得必要的信息来判定并验证采购原料的来源。

5.2.1.2 随附于每次交付原料的文件，应至少包括下列内容：

- a) 收货方的身份信息；
- b) 供应商的身份信息；
- c) 产品的识别信息；
- d) 交货文件所列的每种产品的交付数量；
- e) 交货日期，或交货周期，或核算周期。

注：交货文件可以是符合 5.2.1.2 和 5.2.1.3 关于认证产品或认证原料要求的发票或其他交货凭证。

5.2.1.3 除 5.2.1.2 所要求的内容之外，随附在每次交付认证原料或产品的文件，还应包括下列信息：

- a) 交货文件所列的每种认证产品原料来源的正式声明（包括认证原料的比例）；
- b) 供应商产销监管链认证证书，或森林经营认证证书，或其他可以确认其认证状况的文件与材料的证明。

注 1：措辞准确的正式声明和确认认证状态的文件在本标准附录 A 有详细规定，在森林认证体系或标识使用的相关文件中也有相应规定。

注 2：证书的识别方法可以是数字或字母和数字的组合，通常是指“证书编号”。

5.2.1.4 每次交货时，企业应按所实施的产销监管链声明规范将所购原料分为认证原料、中性原料或其他原料。

注：具体声明中对于认证原料、中性原料和其他原料的要求详见本标准附录 A 关于声明的规范说明，或参考森林认证体系或标识使用的相关文件。

5.2.2 供应商阶段的判定

5.2.2.1 企业应要求所有提供认证原料的供应商提供森林经营认证证书或产销监管链认证证书的复印件（或可以获得该文件的途径），或其他可以确认其认证状况的文件，以证明提供认证原料的供应商已经符合了所设定标准的要求。

注：本标准附录 A，或森林认证体系或标识使用的相关文件，对认证原料供应商的要求和证明其认证状况文件的要求，均进行了详细说明。

5.2.2.2 企业应根据按 5.2.2.1 要求所收到的文件的有效性和范围以及认证原料供应商的要求，来评估供应商的认证状况。

注：除了从供应商获得的文件，企业还应充分利用由 CFCC 和其认可的机构或与 CFCC 互认的森林认证体系和其认可的机构所发布的有关认证原料供应商的公开登记信息。

5.3 认证原料的百分比计算

5.3.1 企业应依照式(1)分别计算每一产品组在特定声明期的认证原料百分比：

$$P_c = \frac{V_c}{V_c + V_o} \times 100\% \quad \dots\dots\dots (1)$$

式中：

P_c —— 认证原料百分比，%；

V_c —— 认证原料数量；

V_o —— 其他原料数量。

注：除认证原料和其他原料以外，具体声明的要求也包括了未出现在式(1)中的中性原料。因此，原料的总量为认证原料、中性原料和其他原料的总和($V_t = V_c + V_o + V_n$ ， V_t 表示原料总量， V_n 表示中性原料数量)。

5.3.2 所有用于计算百分比的原料应使用同一计量单位。如需转换，应采用公认的转换率和转换方法。如果没有适用的公认转换率，企业也应确定和使用一种合理而可信的转换率。

5.3.3 如所采购的原料仅包括一部分认证原料时，则只有与声明比例数量对应的原料可以作为认证原料参与计算，剩余的则视作其他原料。

5.3.4 企业应使用下列两种方式来计算认证百分比：

a) 简单百分比；

b) 滚动百分比。

5.3.5 采用简单百分比法计算的企业，应根据产品组中具体产品所含原料的数量来计算认证百分比。

5.3.6 采用滚动百分比法计算的企业，应基于在声明期的前一原料投入期内所投入原料的数量来计算特定生产批次的认证原料百分比。如果采用滚动百分比法计算，一般情况下，声明期不应超过3个月，原料投入期不应超过12个月。

示例：选择声明期为3个月和原料投入期为12个月的企业，可根据前12个月内所购原料数量来计算接下来3个月的滚动百分比。

5.4 认证原料百分比向最终产品的转换

5.4.1 平均百分比法

采用平均百分比法的企业，应计算该方法所适用的产品组中所有产品的认证原料百分比。

注：平均百分比法没有规定认证原料百分比的最低阈值。然而，它会作为声明的一部分传递给消费者。

示例：如果某3个月声明期内计算的认证百分比是54%，那么该产品组的所有产品在该声明期内都可以作为包含54%认证原料的认证产品进行销售，其声明可表示为“54% CFCC 认证”。

5.4.2 数量信用法

5.4.2.1 对于只采用一种声明的情况，企业应采用数量信用法。当一次接收的原料具有多个来源声明时，企业可根据所有的声明来计算数量信用，也可选择其中的一种声明来计算数量信用。

注：当一次接收的原料具有两个森林认证体系(例如 CFCC 和与 CFCC 互认的森林认证体系)的声明时，企业可以为它们建立一个共同的信用账户，也可以将它们分别计入各自的信用账户。

5.4.2.2 企业应选用下列方法计算数量信用：

a) 认证原料百分比和产出产品的数量(见 5.4.2.3)；或

b) 所投入的原料和原料的投入产出比(见 5.4.2.4)。

5.4.2.3 采用认证原料百分比法的企业，应通过声明期内产品的产出量与该声明期内认证原料百分比的乘积来获得数量信用。

示例：如果某特定声明期的一个产品组中生产了 100 t 的产品，同时认证原料百分比为 54%，则本期企业产品的数量信用就为 54 t(100×0.54)。

5.4.2.4 若企业能够证明所投入的原料与产出产品之间存在固定比率,则可以直接通过投入的认证原料乘以投入产出比率的方法来计算数量信用。

示例:如果投入认证原料的数量是 70 m^3 (具有“70% CFCC 认证”声明的 100 m^3 原料),而投入产出比为 $0.60(1\text{ m}^3$ 原木产出 0.6 m^3 锯材),那么该企业将得到的锯材数量信用为 42 m^3 。

5.4.2.5 企业应建立使用相同计量单位的信用账户,数量信用将计入该账户中。如果产品组的所有产品具有相同的计量单位,企业宜建立一个信用账户,否则须为产品组中的每个产品类别分别建立信用账户。

5.4.2.6 一般情况下,信用账户内累计的信用总量不能超过过去12个月中投入该账户的信用总和。当产品的生产周期大于12个月时,最长周期可与生产周期相同。

示例:木材的平均生产周期(包括干燥过程)为18个月,企业可以将12月的最长信用累计周期延长至18个月。

5.4.2.7 企业将信用账户内的数量信用分配给该账户的最终产品时,最终产品得到的数量信用值为认证产品数量与其认证原料百分比的乘积,而且应与信用账户中所分配的数量信用值相同。企业可以将认证产品的认证原料比例选为100%,也可以选为自己认为合适的小于100%的阈值。

示例:如果企业决定向最终产品分配 54 t 的数量信用,那么该企业可以将 54 t 产品作为包含100%认证原料的认证产品进行销售(例如 54 t 声明为“100% CFCC 认证”的产品),也可以将 $x\text{ t}$ 产出产品作为包括 $y\%$ 认证原料的认证产品进行销售,此时 $x \times y\% =$ 分配的数量信用(例如 77 t 产品可以声明为“70% CFCC 认证”,此时分配的数量信用为 $77\text{ t} \times 0.70 = 54\text{ t}$)。

5.5 认证产品的销售和信息传递

5.5.1 产品销售和运输文件

5.5.1.1 在向客户销售或为客户运输认证产品时,企业应提供产销监管链认证证书的复印件,或提供可以获得该复印件的途径,用以证明其符合认证原料供应商的要求。当产销监管链认证的范围发生变化时,企业应告知其客户,同时禁止滥用产销监管链认证证书。

注:对于多地点认证,由于不同的地点可分别获得单独的证书(即子证书)以证明其认证状况,此时企业(多地点)须将子证书和母证书复印件一并提供给客户。

5.5.1.2 为了传递产销监管链认证的声明信息,企业应确定一种单一形式的文件随附于所交付的售出(或运输)的产品。包含了正式声明的该文件只能出具给特定的客户。同时企业还应在该文件原件交付给客户后保存复印件,以确保该文件所包含的信息不被更改。

注:随附于每次交付的文件要涵盖媒介和信息,也包括电子媒介信息。

5.5.1.3 随附在每次交付的所有产销监管链认证产品的文件,应至少包含下列内容:

- a) 客户的身份信息;
- b) 供应商的身份信息;
- c) 产品的识别信息;
- d) 每种产品的交付数量;
- e) 交货日期,或交货周期,或核算周期。

5.5.1.4 除5.5.1.3所要求的内容之外,随附在每单认证产品的交货文件,还应包括下列信息:

- a) 交货文件中所列的每种认证产品原料来源的正式声明(包括认证原料的比例);
- b) 供应商产销监管链认证的证书编号,或其他能确认供应商认证状况的文件。

注1:措辞准确的正式声明和确认证状的文件在本标准附录A有详细规定,在森林认证体系或标识使用的相关文件中也有相应规定。

注2:证书的识别方法可以是数字或字母和数字的组合,通常是指“证书编号”。

5.5.2 标识和标签的使用

5.5.2.1 在产销监管链认证范围内,企业以“产品上”或“产品外”方式使用标识或标签时,应获得标识

或标签的持有人或其代理人的授权,并遵守授权条款。

注 1: 当企业决定使用标识或标签时,标识或标签的持有人制定的使用规则将成为产销监管链认证要求的一部分。

注 2: 在使用 CFCC 标识时,“授权”是指由 CFCC 或其认可的机构所颁发的有效许可,许可“条款”须符合中国森林认证体系有关标识使用的相关规定。

5.5.2.2 企业可以只以“产品上”的方式使用标识,但其认证产品应满足标识或标签持有人所规定的产品贴标的资格要求。

5.6 有争议的来源

企业应建立一套符合本标准附录 B 的尽职调查系统,以降低认证产品可能包含有争议来源原料的风险。

6 管理体系的最低要求

6.1 总体要求

企业应按下列要求实施管理体系,以确保正确实施和维持产销监管链过程。管理体系应与企业类型、范围和产量相适应。

注: 根据 GB/T 19001—2008 和 GB/T 24001—2004 所建立的质量管理体系和环境管理体系能满足本标准对管理体系的最低要求。

6.2 职责和权力

6.2.1 总体职责

6.2.1.1 企业管理层应承诺按本标准实施和维持产销监管链,并形成文件。这一承诺应向企业员工、供应商、消费者和其他利益方公开。

6.2.1.2 企业管理层应指定专人并授权其全权负责产销监管链工作。

6.2.1.3 企业管理层应定期自查产销监管链体系运行状况,以确定是否符合本标准的要求。

6.2.2 产销监管链的职责和权力

企业应指定专人负责产销监管链的实施和运转,并明确相应岗位的职责和权力,至少包括下列方面:

- a) 原料采购和来源判别;
- b) 产品加工,包括物理分离或百分比计算,以及产出产品的转换;
- c) 产品销售和贴标;
- d) 记录保存;
- e) 内部审核和不符合项控制;
- f) 与有争议来源相关的尽职调查系统。

注 1: 上述产销监管链的职责和权力可以重叠。

注 2: 如涉及多地点实施产销监管链认证,见附录 C。

6.3 程序性文件

企业应建立产销监管链的程序性文件,至少包括下列方面:

- a) 有关产销监管链的组织结构、职责和权力;
- b) 描述原料在生产或交易过程中的流通情况,包括产品组的定义;
- c) 涵盖本标准所有要求的产销监管链程序,包括:

- 原料来源的判别；
 - 认证原料的物理分离(针对采用物理分离法的企业)；
 - 产品组的定义,认证百分比的计算,数量信用的计算和信用账户的管理(针对采用百分比法的企业)；
 - 产品的销售或运输,“产品上”的声明与贴标；
- d) 适用时,与有争议来源相关的尽职调查系统的程序；
- e) 内部审核程序；
- f) 争议解决程序。

6.4 记录保存

6.4.1 企业应建立并保存产销监管链程序,以证明其产销监管链符合本标准的要求并运转有效。企业应保存与产销监管链产品组有关的记录,至少包括下列方面:

- a) 认证原料的所有供应商,包括供应商所持的森林经营认证证书或产销监管链认证证书的复印件,或其他能够证明其符合认证原料供应商标准的文件；
- b) 所有原料的投入,包括原料来源的声明与运输文件；
- c) 认证原料百分比的计算,最终产品的转换数量,以及信用账户的管理(采用数量信用时)；
- d) 产品的销售或运输,包括产品的声明及运输文件；
- e) 适用时,与有争议来源有关的尽职调查系统,包括自我声明、风险评估、对高风险供应商的管理；
- f) 内部审核、产销监管链定期评审、出现的不符合项及其改进措施；
- g) 争议及其解决。

注:记录涵盖了媒介和信息,包括电子媒介信息。

6.4.2 企业应将这些记录至少保存5年。

6.5 资源管理

6.5.1 人力资源或人事

企业应确保并证明所有实施和维持产销监管链的人员经过了相关的培训,有一定的教育程度,具备相关的技能和经验,能够胜任各自的工作。

注:关于产销监管链的社会、健康、安全要求,见附录D。

6.5.2 技术设备

企业应依据本标准的相关要求,确定、提供并维护相关基础设施和技术设备,以确保产销监管链的有效实施和运转。

6.6 审查和控制

6.6.1 企业每年应至少进行一次内部审核,审核应涵盖本标准的所有要求,也可根据需要建立改进和预防措施。

6.6.2 每年应对内审报告至少评价一次。

注:内部审核指南参见GB/T 19011—2003。

6.7 投诉

6.7.1 企业应建立相关程序以处理来自供应商、消费者及其他各方对产销监管链的投诉。

6.7.2 企业接到投诉后,应:

- a) 告知投诉人已收到相关投诉；
- b) 收集并核实所有必要信息,对投诉进行评估和验证,并做出决策；
- c) 正式向投诉人告知投诉处理决定与处理过程；
- d) 确保采取适当的改进及预防措施。

6.8 分包

6.8.1 企业产销监管链也应涵盖产品生产过程中在企业内部或外部出现的分包行为。

6.8.2 企业仅就下列情况视为分包,分包商从企业接收原料进行分包作业时,将所接收的原料与其他原料分开存放,当分包作业完成后,分包商应将加工后的原料返回该企业;或分包商生产的产品,其销售和运输仍应由该企业负责。

注1:例如一家具有产销监管链的印刷厂将裁切装订的流程分包给一家分包商,当该分包商完成上述流程后将印刷品运回印刷厂,上述行为就可被看作是分包行为。

注2:参与原料采购或产品销售的机构要求执行自身的产销监管链。“从企业处接到原料”和“将处理后的原料返回到本企业”也包括了下述情形,即:分包商代表本企业直接从供应商处获取原料,或者分包商代表企业将产品直接配送给客户。在这些情形下,企业仍对产销监管链负责,包括有关原料采购、产品销售、信息沟通的要求。

注3:分包活动与6.1.2.3没有冲突,即要求产品组在同一地点进行生产。

6.8.3 企业应对其产销监管链的分包行为完全负责。

6.8.4 企业应与所有分包商签订书面合同,以确保原料或产品与其他原料或产品分开存放。

6.8.5 企业内审程序应涵盖分包商的活动。



附录 A
(规范性附录)
“CFCC 认证”原料的声明规范

A.1 介绍

当企业按本标准建立产销监管链体系时,应按此规范对 CFCC 认证原料进行声明。

A.2 正式声明

当企业在最终产品中传递认证原料的组成时,声明方式应为“X% CFCC 认证”。

A.3 原料分类

A.3.1 认证原料

认证原料包括下列两大类:

a) 不涉及转基因生物来源的森林原料,并且交付时带有“X% CFCC 认证”的供应商声明。该供应商应持有:

- CFCC 认可的认证证书,或
- 与 CFCC 互认的森林认证体系认可的认证证书,或
- 能够确认供应商属于 CFCC 认证证书范围的文件,或
- 能够确认供应商属于与 CFCC 互认的森林认证体系认可的认证证书范围的文件。

b) 再生原料(交付时不带有“CFCC 认证”声明的产品)。

注 1: 转基因生物原料禁用政策的期限至 2015 年 12 月 31 日。

注 2: “能够确认供应商属于 CFCC 认证证书及与 CFCC 互认的森林认证体系认可的认证证书范围的文件”适用于区域或联合森林经营认证或多地点(联合)产销监管链认证。在这种情况下,供应商会得到一份涉及 CFCC 认证证书及与 CFCC 互认的森林认证体系认可的认证证书范围的文件。

A.3.2 中性原料

森林原料之外的原料。

A.3.3 其他原料

未通过认证的森林原料。

A.4 “CFCC 认证”声明使用的额外要求

对于使用了再生原料的产品,企业应按照 GB/T 24021—2001 对再生原料的含量进行计算,并在有关方面提出要求时予以告知。

附 录 B
(规范性附录)

实施避免采购争议来源原料的 CFCC 尽职调查系统

B.1 适用对象

B.1.1 所有开展产销监管链认证并使用百分比法的企业,如采用了下列原料以外的森林原料,应实施尽职调查系统(DDS):

- a) 认证原料/产品;
- b) 再生原料;
- c) 认证原料/产品中的非认证部分;
- d) 持有 CFCC 尽职调查系统证书的供应商提供的原料。

B.1.2 不开展产销监管链认证的企业,也可以开展尽职调查,以帮助 CFCC 认可的认证机构开展第三方认证。

B.1.3 企业应明确实施 CFCC 尽职调查系统的产品组。

B.1.4 建立 CFCC 尽职调查系统的企业,不应在非争议来源原料的产品进行“产品上”尽职调查系统的声明。尽职调查系统的信息只可在与尽职调查系统相关的特定产品组中显示。

B.1.5 企业的管理体系应符合本标准第 6 章的要求,并能够支持 CFCC 尽职调查系统。

B.1.6 企业应按照下列三个步骤执行 CFCC 尽职调查系统:

- a) 供应商的自我声明;
- b) 风险评估;
- c) 高风险供应商管理。

B.1.7 如所采购的原料涉及《濒危野生动植物种国际贸易公约》附录中的受威胁或濒危物种,企业应按照《濒危野生动植物种国际贸易公约》和其他相关国际公约以及国家法律法规进行处理。

B.1.8 企业不得从受到联合国或欧盟林产品进出口制裁的国家采购森林原料。

B.1.9 实施 CFCC 尽职调查系统的产品组中使用的木质原料不得涉及转基因生物来源。

B.1.10 实施 CFCC 尽职调查系统的产品组中使用的森林原料不得涉及任何森林向其他植被类型的转换,包括天然林转化为人工林。

B.2 供应商的自我声明

B.2.1 企业应要求所有涉及 CFCC 尽职调查系统的原料供应商签署自我声明,以表明所供应的原料不是来自有争议的来源,除非该原料是由根据尽责调查系统风险管理评估为“低”风险国家/地区的森林经营单位直接提供的。

B.2.2 供应商的自我声明应承诺:

- a) 尽最大可能确保供应的原料不涉及有争议来源;
- b) 提供有关原料来源的国家或地区;
- c) 当所供应的原料被认定具有高风险时,供应商需向企业提供必要的信息,来判定高风险原料的来源和流通过程,包括提供原料来源的森林经营单位与整个供应链;
- d) 当所供应的原料被认定具有高风险时,供应商应确保企业能够对其运行情况与供应链内上游供应商的运行情况进行第二方或第三方核查。

注:本附录所用的“国家或地区”是指生产原料的“国家或地区”,“地区”是指亚国家层次。

B.2.3 如果企业与供应商签订合同,合同文本应包括 B.2.2 中的要求。

B.3 风险评估

B.3.1 对于 CFCC 尽职调查系统涉及的产品组中投入的原料,企业应实施风险评估以确定其是否来自争议来源。

B.3.2 根据企业的风险评估结果,将原料供应分为“高风险”类和“低风险”类。

B.3.3 企业风险评估的内容应基于下列分析:

- a) 供应国或地区存在争议来源问题的可能性(简称为国家或地区层面的可能性);
- b) 供应链上无法辨别的潜在争议来源的可能性(简称为供应链层面的可能性)。

B.3.4 企业应综合考虑上述两个层面的可能性来确定风险,并在上述两个层面的可能性均被评定为“高”的情况下,将供应商划为“高风险”类供应商(见图 B.1)。



图 B.1 “高风险”类供应商确定示意图

B.3.5 当表 B.1 的任何一项指标发生时,企业应将国家或地区层面上所有供应商的可能性划为“高风险”。

表 B.1 国家或地区层面“高风险”可能性的确定指标

指 标	外部参考来源举例
中国政府认可的国际组织提供的对该国政府的廉政评价结果。	如果该国的廉政评价结果不能真实反映林业部门的廉政情况,CFCC 可以做出不同的决定。
被公认为森林施政和执法水平低的国家或地区。	在确定这一指标时,企业可以利用内部调查结果或者外部政府或非政府组织进行的森林施政、执法、廉政监测的调查结果。
企业已经接到来自其消费者或其他外部团体有关有争议来源方面的意见和建议,且这些意见和建议的依据可靠充分,同时该企业自己进行的调查尚不能证明上述意见或建议有误。	

B.3.6 当不能符合表 B.2 的任意一项时,企业应将供应链层面上的所有供应商可能性划分为“高风险”。

表 B.2 供应链层面“低风险”可能性的确定指标

指 标	外部参考来源或举证
产品供应声明被某一森林认证体系(指未与 CFCC 互认的体系)认证,并且拥有由第三方认证机构颁发的森林经营认证证书或产销监管链认证证书。	企业应能够证明这一森林认证体系包括下列内容: 1) 涉及争议来源的森林经营活动的第三方认证; 2) 产销监管链的第三方认证; 3) 在使用百分比声明时,制定验证机制来确保非认证原料不会来自有争议的来源。
产品供应通过政府或非政府认定机构的认定,或者通过涉及有争议来源活动的森林认证体系以外的标签机制的认可。	企业应能够提供有关核查范围或许可机制的证据。
产品供应提供的文件可以清楚地判定供应链上的所有供应商和供应源头的森林经营单位,并且提供了充足的证据证明其符合法律法规要求。	符合法律法规要求的证据可以是执法机构出具的证明,也可以是执法机构颁发的采伐许可证或批准的森林经营方案。

B.4 高风险供应管理

B.4.1 总体要求

企业应对被划为“高风险”的供应商,建立一套第二方或第三方核查程序。该程序应包括下列内容:

- a) 确定整个供应链和供应源头的森林经营单位;
- b) 现场核查;
- c) 改进和预防措施。

B.4.2 供应链的确定

企业应要求“高风险”供应商提供整个供应链和供应源头的森林经营单位的详细信息,以满足企业进行现场核查。

B.4.3 现场核查

B.4.3.1 企业的核查程序应包括对“高风险”供应商的现场核查。可以由企业进行现场核查(称为第二方核查),也可以由代表该企业的第三方来进行核查。如供应商提供的文件能充分证明原料来自非争议来源,则可以用文件审核替代现场核查。

B.4.3.2 企业应证明其充分了解涉及高风险来源供应与争议来源判定的法律法规。

注:当现场核查由第三方机构代表该企业进行时,企业须证明此第三方机构充分了解 B.4.3.2 所规定的法律法规。

B.4.3.3 企业应确定开展核查程序的高风险供应商的抽样数,样本的大小应至少是“高风险”供应商数量的平方根($y=\sqrt{x}$),四舍五入取整数,该样本应包括所有高风险的供应商。如果之前进行的现场核查能够有效地实现本标准的目标,则抽样数量可用 $0.8\sqrt{x}$ 确定,四舍五入取整数。

B.4.3.4 现场核查应包括下列内容:

- a) 核查直接供应商和供应链上的所有上游供应商,以便评估其是否符合供应商有关原料来源的声明;
- b) 核查供应源头的森林经营单位,或者其他负责森林经营单位经营活动的各方,以便评估其是否符合相关法律法规要求。

B.4.4 改进和预防措施

B.4.4.1 企业应制定书面措施以纠正验证程序发现的供应商的不符合项。

B.4.4.2 应根据不符合项的等级和程度来确定改进措施的范围,包括下列内容:

- a) 针对不符合项与相关供应商进行沟通,并要求其改正;
- b) 要求供应商制定相关的改进措施,以确保森林经营单位符合法律法规要求并提高供应链内信息交流的效率;
- c) 停止使用供应商的供货。

B.4.4.3 对于未按照 B.2 要求提供自我声明的供应商,或未按照 B.2.2 要求提供供应链信息的供应商,企业应取消其供货资格。

附 录 C
(规范性附录)
多地点实施产销监管链

C.1 介绍

本附录用于指导具有多个地点的企业开展产销监管链认证,以确保产销监管链认证的实施具有经济性和可操作性,并确保企业能够符合产销监管链认证的要求。多地点企业认证也可用于独立小型企业集团建立产销监管链并进行认证。

本附录只适用于具有多个生产场所的企业实施产销监管链认证。

C.2 定义

C.2.1 多地点企业是指具有一个明确的中心(一般称为“中心办公室”)和多个地方性办公室或分支机构(地点)的企业。中心办公室负责制定、控制和管理相关活动,地方性办公室则负责实施这些活动。

C.2.2 多地点企业不一定是一个单一的实体,但所有的地点都应与中心办公室存在法律或合同关系,并同属于一个产销监管链,接受中心办公室的监督审核。必要时,中心办公室有权要求任何分支机构(地点)实施改进措施。如果适用,上述内容宜在中心办公室与各地点签署的合同中予以注明。

C.2.3 多地点企业可以是:

- a) 具有隶属关系或多个分支机构的企业,不同的地点通过共同的所有权、管理系统或其他组织关系联系在一起。
- b) 为了开展产销监管链认证,由不同的独立合法企业组成的团体(生产商团体)。

注:“管理系统或其他组织关系”不包括协会会员关系。

C.2.4 生产商团体是指许多典型的独立小型企业,为了共同通过产销监管链认证而组成的团体。其中心办公室可以是贸易协会,也可以是其他任何成熟的合法实体。该实体可以依据成员的推荐来任命,也可以是为了满足本标准要求而成立的一个团体服务实体。中心办公室也可以由团体中的某个成员来管理。

注:生产商团体的中心办公室可被称作“团体实体”,分支机构(地点)可被称作“团体成员”。

C.2.5 地点是指实施产销监管链活动的场所。

C.2.6 生产商团体只允许同一个国家的地点加入,并且每个地点的要求如下:

- a) 专职员工不超过 50 名;
- b) 年营业额不超过 6 000 万元人民币。

C.2.7 生产商团体也应符合相关认可机构所制定的其他标准。

C.3 多地点企业的认证合格标准

C.3.1 总体要求

C.3.1.1 多地点企业的产销监管链应进行集中管理和集中审查。在认证机构开始评估前,所有相关的地点(包括中心办公室)都要依据该企业的内部审核程序进行审核。

C.3.1.2 多地点企业应证明其中心办公室已经依照本标准建立了产销监管链体系,并且整个企业(包括所有地点)都符合本标准的要求。

C.3.1.3 多地点企业应证明其有能力收集并分析包括中心办公室在内的所有地点的数据。如有需要,还应能够改进这些地点产销监管链的运行。

C.3.2 中心办公室和各认证地点(分支机构)的作用和职责

C.3.2.1 中心办公室的作用和职责

中心办公室应具有以下作用和职责:

- a) 在认证过程中担任多地点的代表,并与认证机构进行沟通和交流。
 - b) 提交认证申请并说明认证范围,包括一份参与认证地点的清单。
 - c) 维持与认证机构的合同关系。
 - d) 向认证机构提交扩大或减小认证范围请求,包括地点数量的变动。
 - e) 作为代表,承诺将依据本标准的要求建立产销监管链并保持其运行。
 - f) 按照本标准的要求,向各地点提供有效实施和维持产销监管链所需的信息及指南,包括下列信息:
 - 一份标准文本及相关的实施指导文件;
 - 森林认证标识使用的相关文件及实施指导文件;
 - 中心办公室制定的多地点管理程序;
 - 与认证机构权属相关的合同条款,包括:认证机构或认可机构出于评估和年审目的而使用各地点的文件与设施,以及向第三方机构披露各地点信息;
 - 认证中各地点共同责任的原则说明;
 - 内部审核与认证机构评估和监督审核的结果,以及涉及各个地点的改进和预防措施;
 - 多地点认证证书及其认证范围内的相关内容。
- 注:“共同责任”是指在某个地点或中心办公室所发现的不符合项,可能会导致所有认证地点都要实施改进措施,或者会导致内部审核活动的增加或多地点认证证书的撤销。
- g) 与分支机构建立组织或合同关系,保证各分支机构将按照本标准的要求来建立产销监管链并保持其运行。中心办公室应与所有认证地点签署书面合同或其他书面协议,规定当出现不符合项时,中心办公室有权采取任何改进或预防措施或开除任何地点。
 - h) 制定管理多地点企业的书面程序。
 - i) 对中心办公室及各认证地点符合本标准的情况进行信息记录。
 - j) 实施内部审核程序,该程序应包括以下几个方面:
 - 在认证机构开始评估前,对该企业的所有地点(包括中心办公室本身)进行现场审核;
 - 对认证范围所涵盖的所有地点(包括中心办公室本身)进行现场年度审核;
 - 在认证机构开始扩大认证范围前,对所有新增的认证地点进行现场审核。
 - k) 对中心办公室与各地点的符合性进行审查,审查内容涉及内部审核、认证机构评估和年审的结果。必要时,应建立改进和预防措施,并评估改进措施的有效性。

C.3.2.2 各认证地点(分支机构)的作用和职责

各认证地点(分支机构)应具有以下作用和职责:

- a) 按照标准要求建立产销监管链并保持其运行;
- b) 与中心办公室建立合同关系,并承诺遵守产销监管链及其他所适用的认证要求;
- c) 对中心办公室或认证机构在数据、文件或其他信息等方面的要求做出有效回应,无论其是否与审查、正式审核或其他行为有关;
- d) 全力配合并协助完成中心办公室的内部审核和认证机构的审核,包括参观认证地点的设施;
- e) 实施中心办公室所制定的相关改进和预防措施。

C.4 多地点企业实施本标准要求的职责划分

多地点企业实施本标准要求的职责划分见表 C.1。

表 C.1 多地点企业实施本标准要求的职责划分

标准要求	中心办公室	认证点(分支机构)
4 产销监管链过程要求——物理分离法		是
5 产销监管链过程要求——百分比法		是
6 管理体系的最低要求		
6.2 职责和权力	是	是
6.2.1 总体职责	是	是
6.2.2 产销监管链的职责和权力	是, 针对 6.2.2 d), e)	是
6.3 程序性文件	是, 针对 6.3 a), e), f)	是
6.4 记录保存	是, 针对 6.4 f), g)	是
6.5 资源管理		
6.5.1 人力资源或人事	是, 仅针对活动	是
6.5.2 技术设备		
6.6 审查和控制	是	是
6.7 投诉	是	是

附录 D
(规范性附录)
产销监管链的社会、健康、安全要求

D.1 适用对象

本附录中包含健康、安全与劳工问题的要求,这些要求基于《中华人民共和国劳动法》、《中华人民共和国工会法》以及中国签署的相关国际劳工组织(ILO)公约劳动基本原则及权利宣言(1998年)。

D.2 要求

D.2.1 企业应制定一套书面政策,以承诺执行并遵守本标准对社会、健康和安全的的要求。

D.2.2 企业应证明该政策:

- a) 保障工人有依法参加和组织工会、选择自己的代表并集体与雇主协商的权利;
 - b) 禁止强迫劳动;
 - c) 工人年龄不能低于法定最低年龄 16 周岁;
 - d) 确保工人享有公平的就业机会和公正的待遇;
 - e) 确保工人的安全与健康不受损害。
-

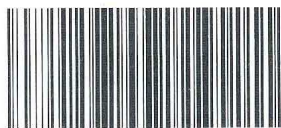
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国家标准
中国森林认证 产销监管链
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GB/T 28952-2012

4.1.4 Forest certification in China --- Chain of custody (in English)

Forest certification in China --- Chain of custody

1 Scope

This Standard covers requirements which can be implemented for chain of custody of forest based products.

The standard shall be implemented for the purposes of third party conformity assessment based on requirements defined by the CFCC. The conformity assessment is considered as product certification and shall follow GB/T 27065-2004.

2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the version with noted date applies to this document. For undated references, the latest edition of the referenced document (including all amendments) applies to this document.

GB/T 19000-2008, Quality management systems --- Fundamentals and vocabulary

GB/T 24001-2004, Environmental management systems --- Requirements with guidance for use

GB/T 27065-2004, General requirements for bodies operating product certification systems

GB/T 24021-2001, Environmental labels and declarations --- Self-declared environmental claims (Type II environmental labeling)

3 Terms and Definitions

For the purposes of this document, the relevant definitions given in GB/T 19000-2008 apply, together with the following definitions:

3.1

Accredited certificate

A certificate issued by a certification body within the scope of its accreditation which bears the accreditation body's symbol.

3.2

Certified material

Raw material whose **origin** is covered by the chain of custody claims.

Note: The criteria for certified material and its suppliers are defined as a part of the definition of CFCC claim(s) which can be found in Appendix A to this Standard.

3.3

Certified product

Product which is claimed as including **certified material** whose content is verified by chain of custody.

3.4

Chain of custody of forest based products

Process of handling of information on the **origin** of **forest based products** which allows the organisation to make accurate and verifiable claims on the content of certified material.

3.5

Claim

Information which indicates certain aspects of a product.

Note: The term “claim” used in this Standard indicates usage of the official chain of custody claims (see for example Appendix A) relating to the CFCC claim.

3.6

Claim period

Time period for which the **chain of custody claim** applies.

3.7

Controversial sources

Forest management activities which are:

- (a) not complying with local, national or international legislation, in particular related to the following areas:
 - forestry operations and harvesting, including conversion of forest to other use,
 - management of areas with designated high environmental and cultural values,
 - protected and endangered species, including requirements of CITES,
 - health and labour issues relating to forest workers,
 - payment of taxes and royalties,
- (b) utilising genetically modified organisms,
- (c) converting forest to other vegetation type, including conversion of primary forests to forest plantations.

Note: The policy on the exclusion of material from genetically modified organisms remains in force until 31 December 2015.

3.8

Customer

A single entity, either buyer or user of the organisation's products, to whom **the claim** is made.

Note: The term customer also covers an internal customer within the organisation where more subsequent product groups exist.

3.9

Forest based material

Raw material originating in forest areas or from other areas recognised by the CFCC as eligible for CFCC forest management certification, including **recycled material** originally coming from those areas.

Note: The forest based material includes wood based as well as non-wood based material.

3.10

Forest based products

Products which include **forest based material**.

3.11

Labelling

Usage of **labels** (on- or off-product).

3.12

Neutral material

Raw material whose **origin** is considered as neutral in the calculation of the certification percentage.

Note: The criteria for neutral material are defined as a part of the definition of CFCC claims which can be found in Appendix A to this Standard on specification of claims.

3.13

Organisation

Any entity which is making the claims on products and is implementing requirements of this standard. Such an entity has ability to clearly identify the **supplier** of raw material and the **customer** of its products.

3.14

Origin / material origin

Information associated with the raw material used in the product referring to the characteristics of the place that the raw material comes from.

Note: The origin (i.e. “characteristics of the place where the raw material is coming from”) means for example the origin in CFCC certified, sustainable managed forest or the origin in recycled sources. This standard uses three categories of the origin, **certified**, **neutral** and **other** material, whose definitions are made specifically for individual claims.

3.15

Other material

Raw material other than **certified** and **neutral** material.

3.16

CFCC recognised certificate

is:

- (a) a valid accredited forest management certificate issued by a CFCC notified certification body against CFCC forest management certification standard or CFCC mutually recognized forest certification schemes/standards,
- (b) a valid accredited chain of custody certificate issued by a CFCC notified certification body against this Standard together with CFCC recognised specification of the origin, or
- (c) a valid accredited chain of custody certificate issued by a CFCC notified certification body against CFCC chain of custody certification standard or CFCC mutually recognized forest certification schemes/standards.

3.17

Physical separation

A procedure in which various materials/products of different **origin** are kept separate so that the **origin** of the material/products used and transferred to the **customer** is known.

Note: Physical separation can involve physical separation at an organisation’s facility e.g. in separate bays or in specific storage areas of the facility, or it can include clear marking or usage or having distinguishing marks, to readily identify the materials of different origin categories.

3.18

Product group

Set of products manufactured or traded in the specified processes which are covered by the organisation’s **chain of custody**.

Note 1: The organisation can establish one or more product groups as a result of parallel or subsequent processes.

Note 2: The chain of custody product group can also include a single product for which the chain

of custody is implemented.

3.19

Recycled material

Forest based material that is

(a) diverted from the waste stream during a manufacturing process. Excluded is reutilisation of materials such as rework, regrind or scrap generated in a process and capable of being reclaimed within the same process that generated it. Excluded are by-products such as sawmilling by-products (sawdust, chips, bark, etc.) or forestry residues (bark, chips from branches, roots, etc.) as they do not represent “waste stream”.

and

(b) generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose. This includes returns of material from the distribution chain.

Note 1: The term “capable of being reclaimed within the same process that generated it” means that the material generated in one process is continuously returned to the same process at the same site. An example is residue generated by a press line in a panel board production which continuously re-enters the same press line. This is not considered as recycled material.

Note 2: The definition is based on definitions of GB/T 24021-2001.

3.20

Rolling percentage calculation

Calculation of the certification percentage based on input material procured during the specified period before the product’s manufacturing or trading.

3.21

Simple percentage calculation

Calculation of the certification percentage based on input material physically included in the product for which the calculation is made.

Note: An example of the simple percentage calculation is a printing job where the certification percentage is calculated from the material purchased and used for this specific printing job.

3.22

Supplier

A clearly identified single entity directly supplying input material to the relevant **product group** together with a **claim** on the material **origin**.

Note 1: In cases where the material is physically delivered by another entity than that having the ownership title to the material, the organisation shall appoint a single supplier for the purposes of this definition, either an entity with the ownership title or an entity physically delivering the material.

E.g. A printing house procuring material from a distributor, which is however delivered directly by a paper producer, may consider as the supplier either the distributor or paper producer.

Note 2: The term supplier also covers an internal supplier within the organisation where more subsequent product groups exist.

4 Requirements for chain of custody process – physical separation

4.1 General requirements for physical separation

4.1.1 The organisation whose certified material/products are not mixed with other material/products and/or where the certified material/products can be identified during the whole processes, should use the physical separation as the preferred option.

4.1.2 The organisation applying the physical separation method shall ensure that the certified material is separated or clearly identifiable at all stages of the production or trading process.

4.1.3 The physical separation method may also apply to the certified products with various content of certified material.

Note: The organisation may physically separate a product(s) with the same percentage based claim from other products with or without different percentage claims.

4.2 Identification of the origin of certified material/products

4.2.1 Identification at delivery (incoming) level

4.2.1.1 The organisation shall obtain from the suppliers for each delivery of certified material/products information necessary to verify their certified status.

4.2.1.2 A document associated with each delivery of certified material/products shall include at least the following information:

- (a) the organisation's name as the customer of the delivery,
- (b) supplier identification,
- (c) product(s) identification,
- (d) quantity of delivery for each product covered by the documentation,
- (e) date of delivery / delivery period / accounting period,
- (f) the formal claim on the material origin (including percentage of certified material) specifically for each certified product covered by the documentation,
- (g) the identifier of the supplier's chain of custody or forest management certificate or other document confirming the supplier's certified status.

Note 1: The formal claim, which means the claim in its exact wording, as well as documents confirming the certified status are specified in Appendix A to this Standard or by other document(s) defined by the relevant forest certification or labelling scheme.

Note 2: The certificate identifier can be a numerical or alpha-numerical combination and is usually referred to as the “certification number”.

Note 3: An example of the delivery documentation is an invoice or delivery note provided that it meets all the requirements of 4.2.1.2.

4.2.1.3 For each delivery, the organisation shall verify the material/product certified status following the claim specification for which the chain of custody was implemented.

Note: The definition of certified material is defined for a specific claim in Appendix A to this Standard or by other document(s) defined by the relevant forest certification or labelling system.

4.2.2 Identification at supplier level

4.2.2.1 The organisation shall require, from all suppliers of certified material, a copy of or access to the forest management or chain of custody certificate or another document confirming the supplier’s certified status.

Note: The criteria for the supplier of certified material are specified for each claim in Appendix A to this Standard or by other document(s) defined by the relevant forest certification or labelling scheme.

4.2.2.2 The organisation shall evaluate the supplier’s certified status with the criteria for the suppliers of certified material based on validity and scope of documents received under 4.2.2.1.

Note: In addition to the receipt of a document identified under chapter 4.2.2.1 from the supplier, the organisation should make use of publicly available registers of suppliers of certified material kept by CFCC or CFCC mutually recognized forest certification schemes or CFCC recognized organizations.

4.3 Separation of certified material/products

Certified material and certified products with different content of certified material shall remain clearly identifiable throughout the whole production/trading process, including storage. This shall be achieved by:

- (a) physical separation in terms of production and storage space or
- (b) physical separation in terms of time or
- (c) clear identification of the certified material/products during the process.

4.4 Sale and communication on certified products

4.4.1 Documentation associated with sold/transferred products

4.4.1.1 At the point of sale or transfer of certified products to the customer, the organisation shall provide the customer with a copy or access to a copy of its chain of custody certificate. The organisation shall inform the customers about any change in the scope of its chain of custody certification and shall not misuse its chain of custody certification.

Note: In the case of multi-site certification where individual sites receive a separate document (referring to the main certificate) confirming their certified status, the organisation (the site) provides its customers copies of this document together with the main certificate.

4.4.1.2 For the purposes of communication of the chain of custody claim, the organisation shall identify a single type of document associated with the delivery of all sold/transferred products. The document, including the formal claim, shall be issued to a single customer. The organisation shall keep copies of the documents and ensure that information contained within those copies cannot be altered after the originals are delivered to the customers.

Note: The document associated to each delivery covers the media and information, including electronic media. An example of the delivery documentation is an invoice or delivery note provided that it meets all the requirements of 4.4.1.2, 4.4.1.3 and 4.4.1.4.

4.4.1.3 The document associated with each delivery of all certified products shall include at least the following information:

- (a) customer identification,
- (b) supplier identification,
- (c) product(s) identification,
- (d) quantity of delivery for each product covered by the documentation,
- (e) date of delivery / delivery period / accounting period,
- (f) the formal claim on the material origin (including percentage of certified material) specifically for each certified product covered by the document,
- (g) the identifier of the supplier's chain of custody certificate or other document confirming the supplier's certified status.

Note 1: The formal claim, which means the claim in its exact wording, as well as documents confirming the certified status are specified in Appendix A to this Standard or by other document(s) defined by the relevant forest certification or labelling scheme.

Note 2: The certificate identifier can be a numerical or alpha-numerical combination and is usually referred to as the "certification number".

4.4.2 Usage of logos and labels

4.4.2.1 The organisation which uses a logo or label, for on-product and/or off-product purposes, relating to the chain of custody certification, shall have an authorisation from the logo/label's trademark owner or from the owner's authorised representative and the usage shall be carried out according to the terms and conditions of the authorisation.

Note 1: Where the organisation decides to use the logo/label, the logo/label usage rules specified by the logo/label owner become an integral part of the chain of custody requirements.

Note 2: In case of CFCC Logo usage, "authorisation" means a valid licence issued by CFCC or another body authorised by CFCC and the "terms and conditions" of the licence requires compliance with CFCC logo usage rules and other relevant regulations.

4.4.2.2 The organisation may only use the label on-product for those certified products that meet the eligibility criteria for product labelling as specified by the owner of the logo/label trademark.

4.4.2.3 The organisation which makes on-product claims on the product itself or its packaging (without a logo or label) relating to chain of custody certification shall always use the formal claim and the organisation making the claim shall be identifiable.

Note: The term "formal claim" means the claim in its exact wording as specified in Appendix A on specification of the claim or by other document(s) defined by the relevant forest certification or labelling scheme.

5 Requirements for chain of custody process – percentage based method

5.1 General requirements for the percentage based method

5.1.1 Application of the percentage based method

The percentage based method of the chain of custody applies to organisations that are mixing certified material/products with other material categories.

5.1.2 Definition of the product group

5.1.2.1 The organisation shall implement the requirements for the chain of custody process of this standard for the specific product group.

5.1.2.2 The product group shall be associated with (i) a single product type or (ii) a group of products, which consist of the same or similar input material according to, for example species, sort, etc. The material entering the group of products shall have the same measurement unit or units that are transferable to the same measurement unit.

5.1.2.3 The product group shall be associated with products which have been produced or manufactured by the organisation at one production site.

Note: This requirement is not applicable to organisations and its processes where the production site cannot be clearly identified, e.g. forest contractors, transportation, trade, etc.

5.2 Identification of origin

5.2.1 Identification at delivery level

5.2.1.1 For each delivery of material entering the chain of custody product group the organisation shall obtain from the supplier the information that is necessary to identify and verify the category of origin of the procured material.

5.2.1.2 The document associated with each delivery of material shall include at least the following information:

- (a) the organisation's identification as the customer of the delivery,
- (b) supplier's identification,
- (c) product(s) identification,
- (d) quantity of delivery for each product covered by the documentation,
- (e) date of delivery / delivery period / accounting period,

Note: An example of the delivery documentation is an invoice or delivery note provided that it meets all the requirements of 5.2.1.2, and 5.2.1.3 for certified material/products.

5.2.1.3 In addition to information required by chapter 5.2.1.2, a document associated with each delivery of certified material/products shall include the following information:

- (a) the formal claim on the material origin (including percentage of certified material) specifically for each certified product covered by the documentation,
- (b) the identifier of the supplier's chain of custody or forest management certificate or other document confirming the supplier's certified status.

Note 1: The formal claim, which means the claim in its exact wording, as well as documents confirming the certified status are specified in Appendix A to this Standard or by other document(s) defined by the relevant forest certification or labelling scheme.

Note 2: The certificate identifier can be a numerical or alpha-numerical combination and is usually referred to as the "certification number".

5.2.1.4 For each delivery, the organisation shall classify the procured material as certified, neutral or other material following the claim specification for which the chain of custody was implemented.

Note: Criteria for certified, neutral and other material for a specific claim are specified in Appendix A on specification of the claim or by other document(s) defined by the relevant forest certification or labelling scheme.

5.2.2 Identification at supplier level

5.2.2.1 The organisation shall require from all suppliers of the certified material, a copy of or access to a copy of the forest management or chain of custody certificate or other document confirming the supplier's certified status, which proves that the criteria set for the supplier of the certified material have been met.

Note: The criteria for the supplier of certified material and documents confirming the supplier's certified status are specified for each claim in Appendix A on specification of the claim or by other document defined by the relevant forest certification or labelling scheme.

5.2.2.2 The organisation shall evaluate the supplier's compliance with the criteria for the supplier's of certified material based on validity and scope of documents received under 5.2.2.1.

Note: In addition to the document received from the supplier, the organisation should make use of publicly available registers of suppliers of certified material kept by CFCC or CFCC mutually recognized forest certification schemes or CFCC recognized organizations.

5.3 Calculation of the certification percentage

5.3.1 The organisation shall calculate the certification percentage separately for each product group and for a specific claim period according to the following formula:

$$P_c[\%] = \frac{V_c}{V_c + V_o} \cdot 100$$

P_c Certification percentage

V_c Volume of certified material

V_o Volume of other material

Note: In addition to certified and other material, the criteria for specific claims also define neutral material which does not enter into the calculation formula. Therefore, the total volume of the

material is the sum of certified material, neutral material and other material. ($V_t = V_c + V_o + V_n$; where V_t is total volume of material and V_n is volume of neutral material).

5.3.2 The organisation shall calculate the certification percentage based on a single measurement unit used for all raw material covered by the calculation. In cases of conversion to a single measurement unit for calculation purposes, the organisation shall only use generally recognised conversion ratios and methods. If a suitable generally recognised conversion ratio does not exist, the organisation shall define and use a reasonable and credible conversion ratio.

5.3.3 If the procured product includes only a proportion of certified material, then only the quantity corresponding to the percentage claimed by the supplier shall enter the calculation formula as certified material. The rest of material shall enter the calculation as other material.

5.3.4 The organisation shall calculate the certification percentage either as:

- (a) simple percentage or
- (b) rolling percentage.

5.3.5 The organisation applying the simple percentage calculation shall calculate the certification percentage based on material physically included in the specific products of the product group for which the percentage is calculated.

5.3.6 The organisation applying rolling percentage shall calculate the certification percentage for the specific product group and claim period based on material procured in the specified material input period preceding the claim period. The claim period, in the case of rolling percentage, shall not exceed 3 months and the material input period shall not exceed 12 months.

Example: The organisation which has chosen 3 months claim period and 12 months material input period will calculate the rolling percentage for the coming three months from the quantity of material procured in the previous 12 months.

5.4 Transfer of the calculated percentage to the outputs

5.4.1 Average percentage method

The organisation applying average percentage method shall use the calculated certification percentage for all the products covered by the product group for which the calculation has been made.

Note: No minimum threshold for the certified percentage is set to use the average percentage method. However, the certified percentage is always a part of the claim delivered to the customer.

An individual forest certification or labelling scheme may however determine a minimum threshold for the usage of its label.

Example: If the certified percentage calculated for the 3 months claim period is 54 %, all products covered by the product group can, during this claim period, be sold/transferred as certified products including 54 % percent of certified material, e.g. "54 % CFCC Certified".

5.4.2 Volume credit method

5.4.2.1 The organisation shall apply the volume credit method for a single claim. The organisation receiving a single delivery of material with more than one claim relating to the material origin shall either use it as a single inseparable claim or shall only use one from the received claims for calculating the volume credits.

Note: The organisation which is receiving a single delivery of material with two claims relating to two certification schemes (e.g. CFCC and CFCC mutually recognized forest certification scheme) either establishes a credit account for the multiple claim or decides, for a single delivery, which claim will be entered into the respective volume credit account.

5.4.2.2 The organisation shall calculate the volume credits using either:

- (a) certification percentage and volume of output products (ch. 5.4.2.3) or
- (b) input material and input/output ratio (ch. 5.4.2.4).

5.4.2.3 The organisation applying the certification percentage shall calculate the volume credits by multiplying the volume of output products of the claim period by the certified percentage for the relevant claim period.

Example: If the certified percentage for the product group of the specific claim period, which consists of 100 tonnes of output products, is 54 %, the organisation achieves volume credits equal to 54 tonnes (100×0.54) of the output products.

5.4.2.4 The organisation that can demonstrate a verifiable ratio between the input material and output products, may calculate the volume credits directly from input certified material by multiplying the volume of input certified material by the input/output ratio.

Example: If the volume of input certified material is 70 m^3 (e.g. 100 m^3 with claim "70 % CFCC certified") and input/output ratio is 0.60 (e.g. 1 m^3 of roundwood results in 0.60 m^3 of sawnwood), the organisation achieves volume credits equal to 42 m^3 of sawnwood.

5.4.2.5 The organisation shall create and manage a credit account in a single measurement unit and shall enter the volume credits into the credit account. The credit account shall be established for individual product types of the product group or

for the whole product group where the same measurement unit is applied to all product types.

5.4.2.6 The total quantity of credits cumulated at the credit account shall not exceed the sum of credits entered into the credit account during the last twelve months. The twelve months maximum period can be extended to the average products production period where the products production period is longer than twelve months.

Example: If the average production period of fuelwood (including drying process) is 18 months, the organisation can extend the 12 months maximum period for the accumulation of credits to 18 months.

5.4.2.7 The organisation shall distribute the volume credits from the credit account for the output products covered by the credit account. The volume credits shall be distributed to the output products in a way that the certified products will be considered as containing 100 % of certified material or as containing less than 100 % certified material and meeting the organisation's own threshold. The result of the volume of certified products multiplied by the output percentage of certified material included in the certified products shall be equal to the distributed volume credits withdrawn from the credit account.

Example: If the organisation decides to distribute 54 tonnes of volume credits to output products, then the organisation can either sell 54 tonnes as certified products including 100 % of certified material (e.g. 54 tonnes as "100 % CFCC Certified") or x tonnes as certified products including y % of certified material, where $x * y =$ distributed volume credit (e.g. 77 tonnes of output products can be sold as "70 % CFCC Certified", where $77 \text{ t} * 0,70 = 54 \text{ t}$).

5.5 Sale and communication on certified products

5.5.1 Documentation associated with sold/transferred products

5.5.1.1 At the point of sale or transfer of the certified products to the customer, the organisation shall provide the customer with a copy or access to a copy of its chain of custody certificate or other document confirming the organisation's compliance with the criteria for the supplier of certified material. The organisation shall inform the customer about any change in the scope of its certification and shall not misuse its certification.

Note: In case of multi-site certification where individual sites receive a separate document (referring to the main certificate) confirming their certified status, the organisation (the site) provides its customers copies of both this document and the main certificate.

5.5.1.2 For the purposes of communication of the chain of custody claim, the organisation shall identify a single type of document associating delivery of all

sold/transferred products. This document and the chain of custody claim for a specific claim shall be issued to a single customer. The organisation shall ensure that the document and/or its information cannot be altered after it is delivered to the customer.

Note: The document associated to each delivery covers the media and information, including electronic media.

5.5.1.3 The document associated with each delivery of all products covered by the chain of custody shall include at least the following information:

- (a) customer identification,
- (b) supplier identification,
- (c) product(s) identification,
- (d) quantity of delivery for each product covered by the documentation,
- (e) date of delivery / delivery period / accounting period,

5.5.1.4 In addition to information required in 5.5.1.3 the document associated with each delivery of certified products shall include the following information:

- (a) the formal claim on the material origin (including percentage of certified material) specifically for each certified product covered by the document,
- (b) the identifier number of the supplier's chain of custody certificate or other document confirming the supplier's certified status.

Note 1: The formal claim, which means the claim in its exact wording, as well as documents confirming the certified status are specified in Appendix A to this Standard or by other document(s) defined by the relevant forest certification or labelling scheme.

Note 2: The certificate identifier can be a numerical or alpha-numerical combination and is usually referred to as the "certification number".

5.5.2 Usage of logos and labels

5.5.2.1 The organisation which uses a logo or label, for on-product and/or off-product purposes, relating to the chain of custody certification, shall have an authorisation from the logo/label's trademark owner or from the owner's authorised representative and the usage shall be carried out according to the terms and conditions of the authorisation.

Note 1: Where the organisation decides to use the logo/label, the logo/label usage rules specified by the logo/label owner become an integral part of the chain of custody requirements.

Note 2: In case of CFCC Logo usage, “authorisation” means a valid licence issued by CFCC or another body authorised by CFCC and the “terms and conditions” of the licence requires compliance with CFCC logo usage rules and other relevant regulations.

5.5.2.2 The organisation can only use the label on-product for those certified products which are meeting eligibility criteria product labelling specified by the owner of the label trademark.

5.6 Controversial sources

The organisation shall establish a due diligence system in compliance with Appendix B to this Standard to minimise the risk that certified products include raw material from controversial sources.

6 Minimum management system requirements

6.1 General requirements

The organisation shall operate a management system in accordance with the following elements of this standard, which ensure correct implementation, and maintenance of the chain of custody process(es). The management system shall be appropriate to the type, range and volume of work performed.

Note: An organisation’s quality (GB/T 19001-2008) or environmental (GB/T 24001-2004) management system can be used to meet the minimum requirements for the management system defined in this standard.

6.2 Responsibilities and authorities

6.2.1 General responsibilities

6.2.1.1 The organisation’s management shall define and document its commitment to implement and maintain the chain of custody requirements in accordance with this standard. The organisation’s commitment shall be made available to the organisation’s personnel, suppliers, customers, and other interested parties.

6.2.1.2 The organisation’s management shall appoint a member of the management who, irrespective of other responsibilities, shall have overall responsibility and authority for the organisation’s chain of custody.

6.2.1.3 The organisation’s management shall carry out a regular periodic review of the organisation’s chain of custody and its compliance with the requirements of this standard.

6.2.2 Responsibilities and authorities for chain of custody

The organisation shall identify the personnel performing activities for the implementation and maintenance of chain of custody and shall establish personnel responsibilities and authorities relating to chain of custody for at least the following elements:

- (a) raw material procurement and identification of the origin,
- (b) product processing covering physical separation or percentage calculation and transfer into output products,
- (c) product sale and labelling,
- (d) record keeping,
- (e) internal audits and non-conformity control,
- (f) due diligence system relating to controversial sources.

Note 1: The responsibilities and authorities for the chain of custody given above can be cumulative.

Note 2: If implementing multi-sites chain of custody certification, please see Appendix C.

6.3 Documented procedures

The organisation shall establish written documented procedures for its chain of custody. The documented procedures shall include at least the following elements:

- (a) organisational structure, responsibilities and authorities relating to chain of custody,
- (b) description of the raw material flow within the production/trading process(es), including definition of product groups,
- (c) procedures for chain of custody process covering all requirements of this standard, including:
 - identification of the raw material origin,
 - physical separation of certified material (for the organisations applying the physical separation),
 - definition of product groups, calculation of the certified percentage, calculation of volume credits, management of credit accounts (for the organisations applying percentage based methods),
 - sale/transfer of products, on-products claims and on-product labelling,
- (d) procedures for the due diligence system relating to controversial sources, as applicable,
- (e) procedures for internal audits,
- (f) procedures for complaints resolution.

6.4 Record keeping

6.4.1 The organisation shall establish and maintain records on its chain of custody to provide evidence of conformity with the requirements of this standard and its effectiveness and efficiency. The organisation shall keep at least the following records relating to the product groups covered by the chain of custody:

- (a) records of all suppliers of certified material, including copies of the suppliers' forest management or chain of custody certificates or other documents confirming the supplier's compliance with the criteria for suppliers of certified material,
- (b) records of all input material, including claims on the material origin and documents associated to the delivery of the input material,
- (c) records of calculation of the certified percentage, transfer of the percentage to output products and management of the credit account, as applicable,
- (d) records of all products sold/transferred, including claims on the material origin and documents associated to the delivery of the output products,
- (e) records of the due diligence system relating to controversial sources, including records of self-declarations, risk assessment and high risk supplies management, as applicable,
- (f) records of internal audits, periodic chain of custody review, non-conformities which occurred and corrective actions taken,
- (g) records on complaints and their resolution.

6.4.2 The organisation shall maintain the records for a minimum period of five years.

Note: The records cover the media and information, including electronic media.

6.5 Resource management

6.5.1 Human resources/personnel

The organisation shall ensure and demonstrate that all personnel performing activities affecting the implementation and maintenance of the chain of custody are competent on the basis of appropriate training, education, skills and experience.

Note: For social, health and safety requirements in chain of custody, please see Appendix D.

6.5.2 Technical facilities

The organisation shall identify, provide and maintain the infrastructure and technical facilities needed for effective implementation and maintenance of the organisation's chain of custody with the requirements of this standard.

6.6 Inspection and control

6.6.1 The organisation shall conduct internal audits at least annually covering all requirements of this standard and establish corrective and preventive measures if required.

6.6.2 A report on the internal audit shall be reviewed at least annually.

Note: Guidance for performing internal audits is given in GB/T 19011-2003.

6.7 Complaints

6.7.1 The organisation shall establish procedures for dealing with complaints from suppliers, customers and other parties relating to the organisation's chain of custody.

6.7.2 Upon receipt of the complaint, the organisation shall:

- (a) acknowledge the complaint to the complainant,
- (b) gather and verify all necessary information to evaluate and validate the complaint and make decision on the complaint,
- (c) formally communicate the decision on the complaint and of the complaint handling process to the complainant,
- (d) ensure that any appropriate corrective and preventive actions are taken.

6.8 Subcontracting

6.8.1 The organisation's chain of custody shall also cover activities of sub-contractors involved in the manufacturing of products covered by the organisation's chain of custody process(es), within or outside the organisation's site.

6.8.2 The organisation may only consider those activities as subcontracting where the subcontractor receives the material from the organisation which is physically separated from other material and returns the material back to the organisation after the subcontracted work is completed or where the organisation remains responsible for the sale or transfer of the product to the customer.

Note 1: An example of subcontracting is outsourcing of cutting and stapling process by a printing house with chain of custody where the printed material is transferred to the subcontractor and returned back to the printing house after the subcontracted activities have been performed.

Note 2: An entity which is either involved in procuring the raw material or sale of the output products is required to implement its own chain of custody. The terms "receives the material from the organisation" and "returns the material back to the organisation" also cover situation where the material is received by the subcontractor directly from the supplier on the organisation's behalf or

is sent by the subcontractor to the customer on the organisation's behalf. The organisation still remains responsible for all parts of the chain of custody, including requirements relating to the material procurement and sale and communication.

Note 3: Subcontracting is not considered as being in conflict with chapter 5.1.2.3 that requires the product group to be manufactured at one site.

6.8.3 The organisation shall take full responsibility for the all the subcontracted activities in relation with the organisation's chain of custody.

6.8.4 The organisation shall have a written agreement with all subcontractors ensuring that the organisation's material/products are physically separated from other material or products.

6.8.5 The organisation's internal audit programme shall cover the subcontractor's activities.

Appendix A: Specification of the CFCC claim on “CFCC certified” material

Normative

A.1 Introduction

The specification of this Appendix shall be used together with the requirements of this standard when the organisation establishes a chain of custody to use the CFCC claim on CFCC certified material.

A.2 Formal claim

The organisation shall use the claim “**x % CFCC certified**” when communicating the content of CFCC certified material in output products.

A.3 Requirements for the origin categories of input material

A.3.1 Certified material

Certified materials include 2 categories as follows:

- (a) forest based material which does not originate in genetically modified organisms and is delivered with the supplier’s claim “x % CFCC certified” by the supplier with either:
- CFCC recognised certificate or
 - Certificate by CFCC mutually recognized forest certification schemes or
 - a document confirming that the supplier is covered by the CFCC recognised certificate or
 - a document confirming that the supplier is covered by the certificate recognized by CFCC mutually recognized forest certification schemes.
- (b) recycled material (other than products delivered with the “CFCC certified” claim).

Note 1: The policy on the exclusion of material from genetically modified organisms remains in force until 31 December 2015.

Note 2: The term “a document confirming that the supplier is covered by the CFCC recognised certificate or by the certificate recognized by CFCC mutually recognized forest certification schemes” is applicable in case of regional or group forest management certification and multi-site (group) chain of custody certification where the supplier is provided with a document referring to

the scope of the CFCC recognised certificate or the certificate recognized by CFCC mutually recognized forest certification schemes.

A.3.2 Neutral material

Other than forest based material.

A.3.3 Other material

Forest based material other than certified material.

A.4 Additional requirements for the usage of the “CFCC certified” claim

For products covered by the organisation’s chain of custody which include recycled material, the organisation shall calculate the content of recycled material based on GB/T 24021-2001 and inform about it upon request.

Appendix B: CFCC Due Diligence System (DDS) for avoidance of raw material from controversial sources

Normative

B.1 Scope

B.1.1 This appendix provides requirements for the CFCC Due Diligence System which is required to be implemented by all organisations implementing this standard for all input forest based material of those product groups which are covered by the organisation's chain of custody and for which percentage based method has been applied, with the exception of:

- (a) certified material/products,
- (b) recycled material,
- (c) Non-certified parts in certified material/products,
- (d) material covered by the supplier's CFCC DDS certificate which was issued by CFCC notified and accredited certification body.

B.1.2 This appendix may also be implemented by organisations without chain of custody for the purposes of third party certification by CFCC notified certification bodies.

B.1.3 The organisation shall clearly identify the product groups for which the CFCC DDS is being implemented.

B.1.4 The organisation implementing the requirements for the CFCC DDS shall not apply on-product claims relating to the origin of material in non-controversial sources. The organisation may only communicate information on implementation and maintenance of CFCC DDS with respect to specific product groups.

B.1.5 The organisation's CFCC DDS shall be supported by the organisation's management system meeting requirements of chapter 6 of this standard.

B.1.6 The organisation shall implement the CFCC DDS in three steps relating to:

- (a) supplier's self-declarations,
- (b) risk assessment and
- (c) management of high risk supplies.

B.1.7 The organisation procuring raw material originating from threatened and endangered species classified by CITES shall follow all the regulations defined by CITES and other international conventions as well as national legislation.

B.1.8 The organisation shall not include any forest based material originating from countries which are covered by UN, or applicable EU or national government sanctions relating to export/import of forest based products.

B.1.9 The organisation shall not include any wood based material from genetically modified organisms in the product group covered by the organisation's CFCC DDS.

B.1.10 The organisation shall not include in the product group covered by the organisation's CFCC DDS any wood based material originating in conversion of forests to other vegetation type, including conversion of primary forests to forest plantations.

B.2 Self-declaration of suppliers

B.2.1 The organisation shall require from all suppliers of material covered by the scope of the CFCC DDS, a signed self-declaration that the supplied material does not originate from a controversial source with the exemption applying to supplies delivered directly from forest owners of the organisation's own country where the organisation demonstrates that the country is representing "low" risk based on risk management criteria of the CFCC DDS.

B.2.2 The supplier's self-declaration shall include:

- (a) a written statement that to the best of the supplier's knowledge the supplied material does not originate from controversial sources,
- (b) a written commitment to provide information on the geographical origin (country / region) of the supplied raw material which is necessary information for the organisation's risk assessment,
- (c) a written commitment that, in the case where the supplier's supplies are considered as "high" risk, the supplier will provide the organisation with necessary information to identify the forest management unit(s) of the raw material and the whole supply chain relating to the "high" risk supply.
- (d) a written commitment, where the supplier's supplies are considered as "high" risk, the supplier will enable the organisation to carry out a second party or a third party inspection of the supplier's operation as well as operations of the previous suppliers in the chain.

Note: The term "country/region" used throughout this appendix refers to the country/region of forest where the raw material was harvested. The term "region" used throughout this appendix refers to a sub-national level.

B.2.3 Where the organisation has signed contracts with its suppliers, the requirements of chapter B.2.2 shall be covered by the contract documentation.

B.3 Risk assessment

B.3.1 The organisation shall carry out the risk assessment of procuring raw material from controversial sources for all input material of the product group(s) covered by the scope of the CFCC DDS.

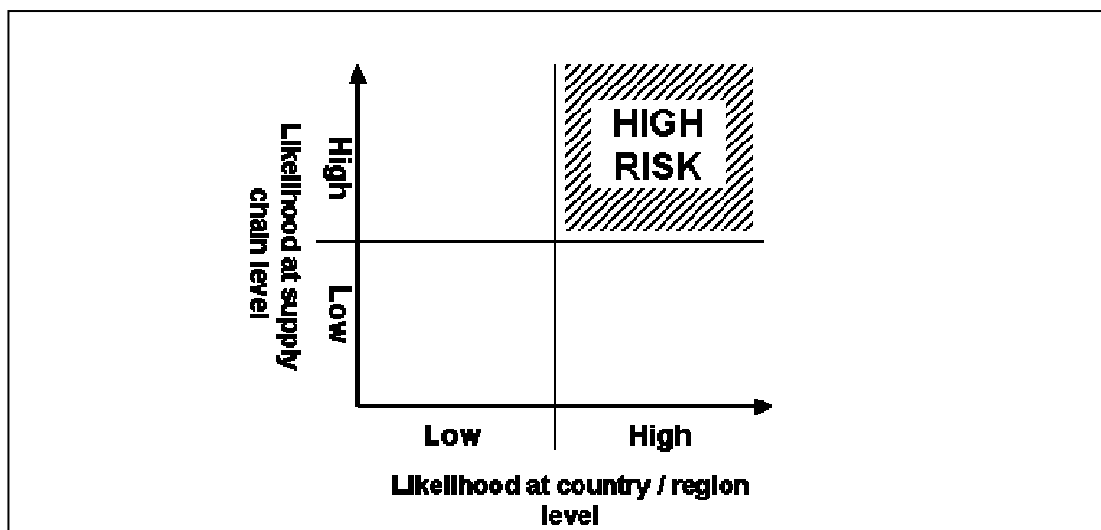
B.3.2 The organisation's risk assessment shall result in the classification of supplies into the "low" or "high" risk category.

B.3.3 The organisation's risk assessment shall be carried out based on an evaluation of:

- (a) the likelihood that activities defined under the term controversial sources occur in the country / region of the supply (hereinafter referred to as the likelihood at country / region level) and;
- (b) the likelihood that the supply chain has not been able to identify a potential controversial source of supply (hereinafter referred to as the likelihood at the supply chain level).

B.3.4 The organisation shall determine the risk, based on the combination of the likelihood at country / region level and the likelihood at the supply chain level in order to classify all supplies as "high" risk where both the likelihood at the country / region level and the likelihood at the supply chain are assessed as "high" (See Diagram B.1).

Diagram B.1: Determination of "high" risk supplies by combination of likelihood at country / region level and supply chain level



B.3.5 The organisation shall classify the likelihood at country / region level as "high" for all supplies where any of the following indicators in Table B.1 apply.

Table B.1: List of indicators for “high” likelihood at country / region level

Indicators	Examples of external reference sources
The actual corruption perception index (CPI) of the country presented by international organizations recognized by the Chinese Government.	On the provision of sufficient evidence that the CPI does not reflect the level of corruption in the forest based sector in a specific country, CFCC may make a different determination for this indicator.
The country / region is known as a country with low level of forest governance and law enforcement.	In defining this indicator, the organisation can use its internal surveys or results of surveys of external governmental or non-governmental organisations active in monitoring forest governance and law enforcement and corruption.
The organisation has received comments supported by reliable evidence from their customers or other external parties, relating to its supplies with respect to controversial sources, which have not been disproved by the organisation’s own investigation.	

B.3.6 The organisation shall classify as “high” the likelihood at the supply chain level for all supplies where **none** of the indicators in Table B.2 (below) apply.

Table B.2: List of indicators for “low” likelihood at supply chain level

Indicators	Evidence and / or reference to external sources
Supplies declared as certified against a forest certification scheme (other than CFCC and CFCC mutually recognized forest certification schemes) supported by a forest management or chain of custody certificate issued by a third party certification body.	The organisation shall be able to provide evidence that the certification scheme includes: (a) third party certification of forest management which covers activities defined by the term controversial sources, (b) third party certification of chain of custody and, (c) a verification mechanism that non-certified raw material does not originate from controversial sources where percentage based claims apply.
Supplies verified by governmental or non-governmental verification or licensing mechanisms other than forest certification schemes focused	The organisation shall be able to provide evidence on the scope of the verification or licensing mechanism.

on activities covered by the term controversial sources.	
Supplies supported by verifiable documentation which clearly identifies all suppliers within the supply chain, forest management unit of the supply origin and provides sufficient evidence on compliance with legal requirements.	Evidence on compliance with legal requirements can be a statement from the law enforcement authority on legal compliance or absence of non-compliance, harvest permit issued or forest management plan approved by the relevant law enforcement authority.

B.4 Management of high risk supplies

B.4.1 General

The organisation shall establish a second or third party verification programme for supplies classified as “high” risk. The verification programme shall cover:

- (a) identification of the whole supply chain and forest management unit(s) of the supply’s origin;
- (b) on-site inspection and
- (c) corrective and preventive measures.

B.4.2 Identification of the supply chain

The organisation shall require, from all suppliers of “high” risk supplies, detailed information on the whole supply chain and forest management unit(s) of the supply’s origin. The information submitted shall allow the organisation to plan and execute on-site inspections.

B.4.3 On-site inspections

B.4.3.1 The organisation’s verification programme shall include on-site inspections of suppliers delivering “high risk” supplies. The on-site inspections can be carried out by the organisation itself (second party inspection) or by a third party on behalf of the organisation. The organisation may substitute the on-site inspection with documentation review where the documentation provides sufficient confidence in the material origin in non-controversial sources.

B.4.3.2 The organisation shall demonstrate that it has sufficient knowledge and competence in the legislation applicable to the origin of “high” risk supplies and relevant to the definition of the controversial source.

Note: Where the on-site inspection is carried out by a third party on behalf of the organisation, the organisation shall demonstrate that the third party has sufficient knowledge and competence in the legislation as required by chapter B.4.3.2.

B.4.3.3 The organisation shall determine a sample of high risk supplies to be verified by the verification programme. The size of the sample shall be at least the square root of the number of “high” risk supplies: $(y=\sqrt{x})$, rounded to the nearest whole number and the sample shall include all suppliers of the high risk supplies. Where the previous on-site inspections proved to be effective in fulfilling the objective of this document, the size of the sample may be reduced by a factor of 0.8, i.e.: $(y=0.8 \sqrt{x})$, rounded up to the next whole number.

B.4.3.4 The on-site inspections shall cover:

- (a) the direct supplier and all previous suppliers in the supply chain in order to assess compliance with the supplier claims on the origin of the raw material and;
- (b) the forest owner / manager of the forest management unit of the supply origin or any other party responsible for management activities on that forest management unit in order to assess their compliance with legal requirements.

B.4.4 Corrective and preventive measures

B.4.4.1 The organisation shall define written procedures for implementing corrective measures for non-compliance for suppliers identified by the organisation’s verification programme.

B.4.4.2 The range of corrective measures shall be based on the scale and seriousness of the non-compliance and should include the following:

- (a) communication of the non-compliance with a request for improvements;
- (b) requiring suppliers to define corrective measures relating to forest management unit’s compliance with legal requirements or efficiency of the information flow in the supply chain;
- (c) cancellation of use of the supplier’s supplies.

B.4.4.3 The organisation shall cancel the supply from those suppliers which have not provided a self-declaration as required by chapter B.2 or have not provided information on the supply chain as required by chapter B.2.2.

Appendix C: Implementation of the chain of custody standard by multi-sites organisations

Normative

C.1 Introduction

The aim of this appendix is to establish guidance for the implementation of the chain of custody requirements in an organisation with a network of sites, thus ensuring on the one hand, that the certification of the chain of custody is practical and feasible in economic and operative terms and on the other, that the assessment provides adequate confidence in the conformity of the chain of custody. Certification of multi-sites organisations also allows implementation and certification of the chain of custody in a group of typically small independent companies.

This appendix only includes requirements for implementation the chain of custody requirements which are applicable to the organisations with multiple production locations.

C.2 Definitions

C.2.1 The multi-sites organisation is defined as an organisation having an identified central function (normally, and hereafter referred to as a “central office”) at which certain activities are planned, controlled and managed and a network of local offices or branches (sites) at which such activities are fully or partially carried out.

C.2.2 The multi-sites organisation does not need to be a unique entity, but all sites shall have a legal or contractual link with the central office and be subject to a common chain of custody which is subject to continuous surveillance by the central office. This means that the central office has the right to implement corrective actions when needed at any site. Where applicable, this should be laid down in the contract between the central office and the sites.

C.2.3 The multi-sites organisation may cover:

- (a) organisations operating with franchises or companies with multiple branches where the sites are linked through a common ownership, management or other organisational link
- and
- (b) groups of independent legal enterprises established and functioning for the purposes of the chain of custody certification (producer group).

Note: Membership in an association is not covered by the term “management or other organisational link”.

C.2.4 The producer group means a network of typically small independent enterprises which have associated together for the purpose of obtaining and maintaining chain of custody certification. The central office may be an appropriate trade association, or any other properly experienced legal entity that is either nominated for the purpose by a group of intending members or offers a group service managed for the purposes of and consistently with this standard. The central office can also be administered by one member of the group.

Note: The central office in the case of the producer group can be called the “group entity” and sites can be called “group members”.

C.2.5 A site means location on which activities relating to the organisation’s chain of custody are carried out.

C.2.6 The producer group is limited to participation of sites which are domiciled in a single country and which:

- (a) have no more than 50 employees (full time employees equivalent), and
- (b) have a turnover of maximum of 60,000,000 RMB.

C.2.7 Additional criteria set for the producer group set up by the relevant accreditation body shall be applied.

C.3 Eligibility criteria for the multi-sites organisation

C.3.1 General

C.3.1.1 The organisation’s chain of custody shall be centrally administered and be subject to central review. All the relevant sites (including the central administration function) shall be subject to the organisation’s internal audit program and shall have been audited in accordance with that program prior to the certification body starting its assessment.

C.3.1.2 It shall be demonstrated that the central office of the organisation has established a chain of custody in accordance with this standard and that the whole organisation (including all the sites) meets the requirements of this standard.

C.3.1.3 The organisation shall be able to demonstrate its ability to collect and analyse data from all sites including the central office authority and its ability to initiate changes in the chain of custody operating in the sites if required.

C.3.2 Function and responsibilities of the central office

C.3.2.1 The central office shall:

- (a) represent the multi-sites organisation in the certification process, including communication and relationship with the certification body,
- (b) submit an application for the certification and its scope, including a list of participating sites,
- (c) ensure contractual relationship with the certification body,
- (d) submit to the certification body a request for extension or reduction of the certification scope, including coverage of participating sites,
- (e) provide a commitment on behalf of the whole organisation to establish and maintain a chain of custody in accordance with the requirements of this standard,
- (f) provide all the sites with information and guidance needed for effective implementation and maintenance of the chain of custody in accordance with this standard; The central office shall provide the sites with the following information or access to the following information:
 - a copy of this standard and any guidance relating to the implementation of the requirements of this standard,
 - Relevant documents of forest certification logo usage rules and guidelines for implementing them,
 - a central office's procedures for the management of the multi-sites organisation,
 - conditions of the contract with the certification body relating to the rights of the certification body or accreditation body to access the sites' documentation and installations for the purposes of evaluation and surveillance, and disclosure of information about the sites to a third party,
 - explanation of the principle of the mutual responsibility of sites in the multi-sites certification.
 - results of the internal audit programme and the certification body's evaluation and surveillance and relating corrective and preventive measures applicable to individual sites,
 - the multi-sites certificate and any of its parts relating to the scope of the certification and coverage of sites.

Note: The term "mutual responsibility" means that non-conformities found in one site or the central office may result in corrective actions to be preformed at all sites; an increase in internal audits or withdrawal of the multi-sites certificate.

- (g) provide organisational or contractual connection with all the sites, which shall include commitments by the sites to implement and maintain the chain of custody in accordance with this standard. The central office shall have a written contract or other written agreement with all the sites which covers the right of

the central office to implement and enforce any corrective or preventive measures and to initiate the exclusion of any site from the scope of certification in case of nonconformities with this standard,

- (h) establish written procedures for the management of the multi-sites organisation,
- (i) keep records relating to the central office and sites compliance with the requirements of this standard,
- (j) operate an internal audit programme. The internal audit programme shall provide for:
 - on-site audit of all the sites (including its own central administration function) prior to certification body starting its evaluation,
 - on-site annual audits of all the sites covered by the certification scope (including its own central administration function),
 - on-site audit of any new site prior the certification body starting the process of the certification scope extension,
- (k) operate a review of the central office and sites conformity, including review of results of the internal audits programme and certification body's evaluations and surveillance; shall establish corrective and preventive measures if required; and shall evaluate the effectiveness of corrective actions taken.

C.3.2.2 Function and responsibilities of sites

Sites connected to the multi-sites organisation shall be responsible for:

- (a) implementation and maintenance of the chain of custody requirements in accordance with this standard,
- (b) entering into contractual relationship with the central office, including commitment on the compliance with the chain of custody requirements and other applicable certification requirements,
- (c) responding effectively to all requests from the central office or certification body for relevant data, documentation or other information whether in connection with formal audits or reviews or otherwise,
- (d) providing full co-operation and assistance in respect of the satisfactory completion of internal audits performed by the central office and audits performed by the certification body, including access to the sites installations,
- (e) implementation of relevant corrective and preventive actions established by the central office.

C.4 Scope of responsibilities for requirements of this standard implemented in the multi-sites organisation

Scope of responsibilities for requirements of this standard implemented in the multi-sites organisation can be referred in Table C.1.

Table C.1 Scope of responsibilities for requirements of this standard implemented in the multi-sites organisation

Standard requirements	Central office	Site
4 Requirements for chain of custody process – physical separation method		Yes
5 Requirements for chain of custody process – percentage based method		Yes
6 Minimum management system requirements		
6.2 Responsibilities and authorities	Yes	Yes
6.2.1 General responsibilities	Yes	Yes
6.2.2 Responsibilities and authorities for chain of custody	Yes (for 6.2.2 d and e)	Yes
6.3 Documented procedures	Yes (for 6.3 a, e and f)	Yes
6.4 Record keeping	Yes (for 6.4 f and g)	Yes
6.5 Resource management	Yes (only for activities provided)	Yes
6.5.1 Human resources / personnel		
6.5.2 Technical facilities		
6.6 Inspection and control	Yes	Yes
6.7 Complaints	Yes	Yes

Appendix D: Social, health and safety requirements in chain of custody

Normative

D.1 Scope

This Appendix includes requirements relating to health, safety and labour issues that are based on the Labor Law of People's Republic of China, the Worker's Union Law of the People's Republic of China, and ILO Declaration on Fundamental Principles and Rights at Work (1998) to which China is a signatory.

D.2 Requirements

D.2.1 The organisation shall have a documented policy that includes the organisation's commitment to implement and comply with the social, health and safety requirements defined in this standard.

D.2.2 The organisation shall demonstrate that it:

- (a) workers are not prevented from associating freely, choosing their representatives, and bargaining collectively with their employer according to relevant laws,
- (b) forced labour is not used,
- (c) workers, who are under the minimum legal age of 16.
- (d) workers are not denied equal employment opportunities and treatment,
- (e) working conditions do not endanger safety or health.

4.2 Group Standards

4.2.1 China's Timber Legality Verification Standard (in Chinese)

中国林产工业协会标准

中国木材合法性认定标准（试行）

（2012年11月16日发布，2012年11月16日实施）

前 言

木材超量采伐现象在世界各地普遍存在，它是世界森林退化的一个重要因素，也是森林滥伐、气候变化和生物减退的首要原因。不合法采伐同时还影响当地社区居民的生计，包括以森林为生的原住民。此外，因为木材来源不透明，林产品消费者在无意中直接导致了森林滥伐和其他犯罪活动。不合法采伐木材进入流通市场，削弱了合法木材的市场价格，导致不公平市场竞争，给国家税收造成损失，也影响社会的和谐。

木材合法性认定，是以市场机制为手段，在提高消费者认知的基础上，打击和控制非法采伐森林的行为。由于政府对木材合法性认定的认可，可以通过设置非法采伐木材的贸易壁垒和关闭非法采伐木材的政府采购等方式减少或杜绝非法采伐森林现象的发生。

本标准由国家林业局规划与资金发展司提出。

本标准由中国林产工业协会发布。

本标准在国家林业局规划与资金发展司备案。

本标准由中国林产工业协会市场部负责起草。

本标准主要起草人：石峰、吴盛富、张历燕、张秋岭、王伟英、田莉丽

本标准首次发布。

1、范围

本标准是由中国林产工业协会市场部组织起草，由中国林产工业协会颁布实施，本标准的执行接受国家林业局、中华人民共和国商务部和海关总署的监督和指导。内容包含三个主要木材合法性认定原则。申请木材合法性认定的企业要遵守本标准。

本标准规定了中国林产工业企业木材来源合法性的原则以及控制方式。

本标准适用于中国林产工业协会的会员企业。

注：

- （1）对于同时具有森林经营和木材销售或加工的企业，全部执行本标准。
- （2）对于没有森林经营活动的企业，不执行森林经营木材合法性标准部分，执行

产销监管链木材合法性标准。

(3) 本标准以及中国木材合法性认定标识具有各自的知识产权。

(4) 本标准如果有与国家森林法及其它法律抵触的地方，按照国家法律执行；对于相关法律没有限定的部分内容，执行本标准。

(5) 本标准如有与国际通行的规章或规则抵触的地方，按照国际规则执行；对于相关法律没有规定的部分，执行本标准。

(6) 对美国雷斯法案、欧洲木材法规规定适合我行业企业并理应执行的，参照执行。对 FSC 和 PEFC 的相关规定参照执行外，执行本标准。

2、术语和定义

2.1 林产工业企业

以木材或森林相关的林副产品为主要原材料进行生产、加工、贸易的企业。

主要林产工业企业类型：锯材类、木家具类、人造板类、木地板类、木门类、其它木制品类；纸与装饰纸类、林产化工类等企业类型。

2.2 木材合法性定义

木材合法性是指木材的采伐、运输、加工和销售均需符合国家和区域相关的法律、法规以及我国已经签署的相关国际协议等的规定和要求，经营者对企业的利益相关方需承担必要的经济责任、环境责任和社会责任。

2.3 利益相关方

利益相关方是能够影响一个组织目标的实现或者能够被组织实现目标过程影响的人或集体。包括股东、供销商、客户、政府、组织的上级、组织内部员工和与组织相关的社区及社区居民等。

2.4 产销监管链

原料、加工后的半成品和产品所经过的从森林到消费者的整个监管过程，包括所有的加工、制造、运输、储存、和销售阶段。

2.5 木材责任采购

指木材加工企业为避免那些来自于非法采伐或破坏性采伐的木材和木制品进入本企业的采购。

2.6 森林可持续经营

森林经营过程中，在森林生态系统生产能力和再生产能力得以维持的前提下，以人类利益的可持续性为基础，持续、稳定地产出适应人类社会进步所需求的产品，使得生态、经济、社会效益协调发展的森林经营体系。

2.7 木材合法性认定

由独立第三方认定机构，根据制定的木材合法性认定标准，按照规定和公认的程序对森林经营单位或木材加工及销售企业的木材合法性进行评估和认定并发放证书，以证

明木材来源的合法性。

2.8 森林生物多样性

在森林生态系统中各种活有机体及其遗传变异的有规律组合，主要包括森林生态系统多样性、物种多样性和遗传多样性等三个方面的含义。

2.9 森林生态服务功能

森林生态系统与生态过程所形成及维持的人类赖以生存的自然环境条件与效用，主要包括森林在涵养水源、保育土壤、固碳释氧、积累营养物质、净化大气环境、森林防护、生物多样性保护和森林游憩等方面提供的生态服务功能。

2.10 可追溯性

森林经营单位的木材采伐、运输和销售全过程均应根据相关要求和市场需要作必要的记录，需要时能追溯到该木材的采伐地。

3、森林经营木材合法性评估标准

3.1 森林经营单位必须是依法设立的合法机构，遵守国家的法律法规，尊重国家签署的国际公约和协议

3.1.1 森林经营单位必须在国家规定的相关机构登记注册，具有国家相关机构颁发的营业执照。

3.1.2 森林经营单位必须依法按时缴纳国家或区域规定的相关税费以及采伐林木应交纳的相关费用。

3.1.3 森林经营单位须遵守国家的法律法规、部门规章，按国家以及当地政府的要求建立相应的组织管理体系和规章制度，以保证森林经营单位依法经营。

3.1.4 森林经营单位必须保障职工和周边社区居民的人权不受侵害，严格遵守国际劳工组织公约和我国颁发的“劳动法”、“安全生产法”等确保职工的健康与安全，通过职工代表大会或工会等形式，保障职工的合法权益。

3.2 森林权属

3.2.1 森林经营单位须有县级以上人民政府或国务院林业主管部门核发的林权证，确认林地的所有权和使用权以及林木的所有权和使用权。承包者或租赁者有相关的合法证明，如承包合同书和租赁合同等。

3.2.2 森林经营单位有明确的边界，并标注在地图上。

3.3 森林经营单位的经营生产活动

3.3.1 国有林业企业事业单位，应具有适时、有效、科学的森林经营方案，报上级主管部门批准后实行。

3.3.2 采伐林木的单位或者个人，必须按照采伐许可证规定的面积、株数、树种、期限完成采伐任务。并及时在采伐迹地进行更新造林，更新造林的面积和株数必须等于或大于采伐的面积和株数。

3.3.3 从林区运出木材，必须持有林业主管部门发给的运输证件。

3.3.4 森林经营单位必须建立木材产销监管链监管体系，以保证在需要时，可以追溯木材的采伐地。同时监管体系应具有预防贪污腐败的机制，防止木材流通中腐败现象发生。

3.3.5 森林经营单位未使用国家法律和国际公约明令禁止使用的化学农药。

4、产销监管链木材合法性评估标准

4.1 木材经营加工与贸易

4.1.1 木材加工和林产品贸易各方必须是国家合法注册的经营单位，具有国家相关机构颁发的营业执照；

4.1.2 企业必须保障职工的人权不受侵害，严格遵守国际劳工组织公约和我国颁发的《劳动法》、《安全生产法》等确保职工的健康与安全，通过职工代表大会或工会等形式，保障职工的合法权益。

4.2 企业必须建立一套木材合法性认定的管理体系，并保持该系统的正常运行

4.2.1 企业须建立合法性认定系统，明确各部门的工作职责和工作程序；

4.2.2 企业须公布由最高负责人签署的公司关于合法性认定的政策；

4.2.3 企业须优先使用经过森林经营认证或合法性认定的原材料。

4.2.4 企业须建立有效的监管体系，同时处理来自内部和外部针对木材销售政策及其他相关的投诉问题。

4.2.5 企业须做出承诺遵纪守法，声明杜绝在日常生产及经营过程中的非法现象发生。

4.2.6 企业的相关记录（特别是原料购置和产品销售纪录）至少保存 5 年。

4.3 企业在购买和接收林产品时须正确分类

4.3.1 所购买的合法性认定原料须能准确识别和清晰地进行物理区分；

4.3.2 验证森林认证或木材合法化认定原料的认证、认定依据；

4.3.2.1 国产木材提供‘三证’，即采伐证、运输证、生产加工许可证明，可以视为木材合法化认定原料；

4.3.2.2 进口材需要提供原产地证明以及通关手续（原产国出口海关、进口国入关手续）原件或影印件，供应方未进入黑名单，可以视为木材合法化认定原料。

4.3.2.3 木材出于森林认证或木材合法化认定的森林经营单位。

4.4 企业须保存并更新销售产品信息

4.4.1 企业须保持每个批次产品的信息和产品中的木材组分。

4.4.2 企业须保存每种产品使用原料的学名（种和属）。

4.4.3 企业须知晓购入木材的来源地，并记录在案。

4.5 企业须保有所有购入与产出的合法性认定和未合法性认定产品的数量

4.5.1 适时统计原料购买、生产、库存、最终销售的产品数量，并记录在案。

4.5.2 企业须计算出产品的出材率。

4.6 企业须保存和确认合法性认定产品的销售和运输信息。

4.6.1 企业须标记木材合法性认定产品。

4.6.2 企业须在发票和运输单据上标记木材合法性认定产品。

5、发布、实施与监督

5.1 本标准由中国林产工业协会发布。

5.2 本标准先在我国林产工业企业试行，试行期间为一年。

5.3 本标准的实施过程中，接受国家林业局领导和各利益相关方的监督。

6、附则

6.1 本标准自发布之日起生效。

6.2 本标准由中国林产工业协会负责解释。

4.2.1 China's Timber Legality Verification Standard (in English)

China National Forest Products Industry Association Standard

China's Timber Legality Verification Standard

(Trial Implementation)

(Published on November 16, 2012, and implemented on November 16, 2012)

(Issued by China National Forest Products Industry Association, CNFPPIA)

Introduction

The excessive logging can be seen worldwide. It is the main factor for forest degradation, as well as the primary reason of deforestation, climate change and decrease and degeneration of biodiversity. Meanwhile, illegal logging affects the livelihoods of the local community, including the indigenous people relying on the forests to survive. Moreover, because of non-transparent timber source, forest product consumers unconsciously lead to deforestation and other criminal activities. That the illegal timber enters the market undermines the market price of legal timber and thus lead to unfair market competition, which damages national revenue as well as harmony of the society.

Based on the market mechanism and improvement of consumers' awareness, timber legality verification will crack down and control the illegal logging activities. Due to government's approval of the timber legality verification, illegal logging can be diminished or eradicated by setting up trade barriers for illegal logging and closing public procurement to the illegal timber.

The standard is proposed by Department of Development Planning and Finance Management of SFA.

The standard is issued by CNFPPIA.

The standard is served as a record at Department of Development Planning and Finance Management of SFA.

The standard is drafted by Marketing Department of CNFPPIA.

The standard is mainly drafted by Shi Feng, Wu Shengfu, Zhang Liyan and Zhang Qiuling.

It is the first time that the standard is issued.

1. Scope

The standard is drafted by Marketing Department of CNFPPIA and issued by CNFPPIA. The implementation of the standard accepts the supervision and instruction from SFA, Ministry of Commerce and General Administration of Customs. The standard covers three main principles in timber legality verification. The enterprises which apply for the timber legality verification should comply with the standard.

The standard provides for principles and control methodologies of timber source legality of China forest product enterprises.

The standard is applied to the member enterprises of CNFPPIA.

Notes:

(1) For those enterprises with both forest management and timber sales or manufacturing, the whole standard would be implemented on them.

(2) For those enterprises which don't have forest management activities, it would not execute the part of forest management timber legality evaluation standard, but the part of timber chain of custody evaluation standard.

(3) This standard and China's Timber Legality Verification Logo have intellectual property rights (IPR) of their own.

(4) If any part in the standard contravenes the national forest law or other laws, it should go with national law. For the part which hasn't been stated in the relevant laws, it should go with the standard.

(5) If any part in the standard contravenes the standard international regulations and rules, it should go with the international rules. For the part which hasn't been stated in the relevant laws, it should go with the standard.

(6) If the provisions in the US Lacey Act or EU Timber Regulation are appropriate for and should be executed by forest product industry enterprises in China, it can be implemented as references. For the part which hasn't been stated in the FSC and PEFC, it should go with the standard.

2. Terms and Definitions

2.1 Forest Products Industry Enterprises

Manufacturing, processing or trading enterprises that use timber or related forest by-products as their main raw material.

The main types of forest industry enterprises: round wood and sawn wood, wooden furniture, artificial board, wood floor, wood door, other wood products; paper and decorating paper, chemical processing of forest products etc.

2.2 The Definition of Timber Legality

The legal timber means that the harvesting, transportation and processing should comply with the laws and regulations in the national and regional laws, as well as the acts and requirements in the international agreements signed by China. The ones who manage the enterprises are supposed to shoulder the economic, environmental and social responsibilities to the stakeholders of the enterprises.

2.3 Stakeholders

Stakeholder is individual or organization that can influence the target realization of an organization or can be influenced by it. It includes shareholders, suppliers, clients, government, superior of the organization, internal employees of the organization and the communities concerned etc.

2.4 Production and Sales Chain

The whole process of raw material, semi-manufactured goods and products from the forests to the consumers includes processing, manufacturing, transportation, storage and sales.

2.5 Timber Responsible Purchase

It means the purchase that timber processing enterprises make to prevent timber or wood products from illegal or destructive logging entering the enterprises.

2.6 Sustainable Forest Management

While managing the forest, in the premise of maintaining the productivity and reproduction of the forest ecosystem and based on the sustainability of human interests, the forest can yield the products which are adjust to the requirements of human society development sustainably and stably. The ecological, economic and social benefits can develop harmoniously in the forest operating system.

2.7 Forest Management Timber Legality Verification Standard

On the basis of independent third-party evaluation, in accordance with the formulated series standards, it will evaluate, affirm and issue the certificate to the forest management or manufacturers legality in line with the established and recognized procedure.

2.8 Forest Biodiversities

In the forest ecosystem, the various living organism and their regular combination of genetic variation includes three main implication, forest ecosystem diversity, species diversity, and heredity diversity.

2.9 Forest Ecological Service Function

It is the natural environment condition and effectiveness which is relied on by human beings and is formed and maintained by the forest ecosystem and ecological process. It primarily includes the ecological service functions, including water conservation, soil conservation, carbon sequestration and oxygen release, nutrient substance accumulation, air purification, forest protection, biodiversity conservation and forest recreation etc.

2.10 Traceability

The whole process of timber harvesting, transportation and processing should be recorded accordingly the requirements and market demands. The harvesting plots of timber can be traced when necessary.

3. The Evaluation Standard of Forest Management Legality

3.1 The forest management unit must be a legal entity and abide by all applicable laws, regulations and nationally-ratified international treaties, conventions and agreements

3.1.1 The forest management unit should be registered at the organization stipulated by the government and maintain a valid business license issued by relevant authority.

3.1.2 The forest management unit should pay the national or regional taxes and fees for timber harvesting.

3.1.3 The forest management unit should run legally in line with the requirements of central and local government.

3.1.4 The enterprises should protect the rights of the employees in line with the national and local laws and regulations, such as Labor Laws, Law on Safety in Production, and the International Labor Organization (ILO) Core Conventions, as defined in the ILO Declaration on Fundamental Principles and Rights at Work, 1998.

3.2 The Forest Ownership

3.2.1 The forest management unit should have the forest property certificate approved and issued by the people's government above the county level or the forest competent departments of the State Council, which affirm the property and the rights of use of the forestland and the property and rights of use of forests. Contractors or tenants should have legal proof, such as contract agreements or lease contracts.

3.2.2 The borders of the forest management area should be marked clearly and illustrated with maps.

3.3 The forest management unit's timber harvesting and related activities can be carried out only after authorized

3.3.1 The forest management unit should formulate forest management plan which is appropriate, valid and scientific, and submit to the superior competent departments for approving or recording and then it can be implemented.

3.3.2 The unit or individual which carry out the logging should complete the logging task according to the area, the number of , species and duration specified by the logging permit. Moreover, it should complete regeneration planting at the logging sites timely. The area and quantity of regeneration should equal to or exceed the area and the number of plants harvested.

3.3.3 It should have the transportation permit issued by the forest competent authorities when transport the timber out of the forest area.

3.3.4 The unit should establish chain-of-custody system in order to trace the origin of the timber. It should include avoiding corruption during the flow of timber and timber products.

3.3.5 The unit should not use fertilizer and pesticides which are prohibited by national laws and international conventions.

4 Timber Legality Chain of Custody Evaluation Standard

4.1 Timber Management, Processing and Trading

4.1.1 The timber processing enterprises should have licenses and permits in line with the relevant laws and regulations and maintain a valid business license issued by relevant authority.

4.1.2 The enterprises should protect the rights of the employees in line with the national and local laws and regulations, such as Labor Laws, Law on Safety in Production, and the ILO Core Conventions, as defined in the ILO Declaration on Fundamental Principles and Rights at Work, 1998.

4.2 The enterprise should set up a management system, maintaining the normal operating of the legality verification system

4.2.1 The enterprise should set up the job responsibilities and work procedures of the departments of legality verification system.

4.2.2 The enterprise should declare the company's legality verification policy signed by the top management.

4.2.3 The enterprise should give priorities to the raw material with reliable forest management verification or legality verification.

4.2.4 The enterprise should establish functional mechanism to deal with the complaints on timber sales policies from the internal and the external.

4.2.5 The enterprise should demonstrate its commitment to comply with the relevant laws and regulations, and declare not be involved illegal activities in the management operation.

4.2.6 The relevant records, especially the raw material purchase and product sales records, should be kept for at least five years.

4.3 Using right classifications when purchasing and accepting forest products

4.3.1 The purchased raw material with legality verification can be recognized accurately and physically identified clearly.

4.3.2 Authenticate the verification evidence of the raw material.

4.3.2.1 The domestic timber should provide three permits, i.e., harvesting permit, transportation permit and manufacturing and processing permit or similar competent permits.

4.3.2.2 The import timber should provide the original copy or the photocopy of the Certificate of Origin and the customs formalities (origin country's export customs and import country customs procedures) and the supplier was not blacklisted.

4.3.2.3 The timber should be from forest management unit which has been passed by Forest Certification or Verification Legality.

4.4 The enterprise should keep and update the selling products information

4.4.1 The enterprise should keep the product information of each batch and the

timber components of the products.

4.4.2 The enterprise should keep the scientific name (species and genus) of raw material used by every product.

4.4.3 The enterprise should know the origin of the purchased timber and keep it in the record.

4.5 The enterprise should keep the number of all the purchased and manufactured products with legality verification or without legality verification

4.5.1 Timely summarize the product quantity of raw material purchase, production, inventory and final sales and keep records of them.

4.5.2 The enterprise should calculate the conversion factor of the output.

4.6 The enterprise should record and confirm the sales and transportation information of the products with legality verification

4.6.1 The enterprise should mark the products with the legality verification.

4.6.2 The enterprise should mark the products with the legality verification on the invoices and transport documents.

5. Issue, Implement and Supervise

5.1 The standard is issued by CNFPPIA.

5.2 The trial of the standard will be carried out among China forest products industry enterprises for one year.

5.3 The implementation of the standard will be administrated and led by SFA and accept the supervision from the Guidance and Supervision Committee made up of the stakeholders.

6. Supplements

6.1 The Standard will come into force from the date it is issued.

6.2 CNFPPIA is responsible for the interpretation of the standard.

5. Guidelines

5.1 A Guide on Sustainable Overseas Silviculture by Chinese Enterprises (in Chinese)

中国企业境外可持续森林培育指南

国家林业局、商务部

二〇〇七年八月二十七日

前言

为维护全球生态环境，促进生态、社会和经济可持续发展，指导中国企业境外进行森林培育活动，国家林业局、商务部组织制定《中国企业境外可持续森林培育指南》（简称《指南》，下同）。《指南》为中国企业境外森林培育活动提供行业规范和自律依据。

一、《指南》由范围、定义、法律法规框架、营造林、生态保护和社区发展 6 部分及附录 A、附录 B 组成。附录 A 列出中国签署的具有约束力的相关国际公约、协定与宣言；附录 B 为《指南》用词说明。

二、《指南》由中华人民共和国国家林业局提出，国家林业局植树造林司归口。《指南》由国家林业局植树造林司、商务部对外经济合作司负责解释。

三、《指南》起草单位：国家林业局调查规划设计院、营造林质量稽查办公室。在《指南》制定过程中，得到中国科学院科技政策与管理科学研究所、中国光大集团光大（柬埔寨）百利木业有限责任公司、云南鸿宇集团、全球环境研究所（GEI）、世界自然基金会（WWF）等单位的大力支持。同时，金洪根、郑重、于百川、王毅、金嘉曼、王爱民、王连春等同志提出了宝贵意见，在此一并致谢。

四、《指南》主要起草人：李怒云、刘道平、翟洪波、陈嘉文、刘德晶、张志、闫平、陈勇、石田、桑轶群、周志峰。

五、《指南》审核专家：蒋有绪、李育材、魏殿生、孙贺、翟明普、赵中南、李智勇、张艳红、靳芳、张忠田、韩峥。

六、《指南》经国家林业局、商务部批准，2007 年 8 月 27 日首次发布施行。

七、《指南》英文版由外交部翻译室翻译。

1、范围

1.1 《指南》规定了可持续森林培育应遵循的基本原则，以及中国企业为实现可持续森林培育应达到的基本要求。

1.2 《指南》适用于规范和指导境外进行营造林的中国企业森林培育活动的全过

程，适用于评估从事与森林培育相关的中国企业的活动，也可以用于指导提供非木质林产品及其它服务的中国企业，促进中国企业合理、有效、可持续地保护和发展全球森林资源。

2、定义

2.1 森林培育 (Silviculture)

指从林木种子、苗木、造林到林木成林、成熟的整个培育过程中按既定培育目标和客观自然规律所进行的综合培育活动。

2.2 中国企业 (Chinese Enterprises)

指具有法人资格的从事森林培育和相关活动的企业。

2.3 高保护价值森林 (High Conservation Value Forest)

高保护价值森林是一片需要维持或提高其保护价值的具有以下特征的森林区域：具有全球性、区域性或国家意义的生物多样性价值显著富集的森林区域；具有全球性、区域性或国家意义的大景观水平的森林区域；拥有珍稀、受威胁或濒危生态系统或者包含其中的森林区域；满足当地社区基本需求的重要森林区域；对当地传统社区文化特性有重要意义的森林区域。

2.4 森林监测 (Forest Monitoring)

对森林状况、经营活动及其环境和社会影响进行持续不断或定期的测定与评估。

2.5 森林破碎化 (Forest Fragmentation)

指任何导致连续的森林覆盖转化为被非林地分割的森林斑块的过程。

2.6 入侵物种 (Invasive Species)

指同时具备下列条件的物种：(1) 通过有意或无意的人类活动而被引入一个非本源地区域；(2) 在当地的自然或人造生态系统中形成了自我再生能力；(3) 给当地的生态系统或地理结构造成了明显的损害或影响。

3、法律法规框架

3.1 应遵守我国和所在国签署的相关国际公约和协议。

应遵守我国和所在国所签署的与森林培育有关的国际公约和协议的有关条款(见附录 A)。

3.2 应遵守我国政府主管部门制定的关于企业对外经济技术合作的有关法律、法规、部门规章和相关文件的规定。

3.3 应遵守所在国相关的法律、法规。

3.3.1 应备有所在国现行的与森林培育活动相关的法律、法规文本。

3.3.2 森林培育活动应符合所在国有关法律、法规的要求。

3.3.3 管理人员和职工应了解有关法律、法规的要求。

- 3.3.4 应了解所需缴纳的税费，并应依法按时缴纳税费。
- 3.3.5 应依法采伐，严禁毁林和其它未经许可的活动。
- 3.3.6 应依法保护林地，严格保护高保护价值森林，严禁非法转变林地用途。

4、营造林

4.1 应制定和执行森林培育方案，确定森林培育的目标和措施。

4.1.1 应根据当地林业主管部门制定的林业长远规划以及当地条件，制定和执行森林培育方案。

4.1.1.1 应具有适时、有效的森林培育方案。

4.1.1.2 应以本单位掌握的最新森林资源清查数据编制森林培育方案。

4.1.1.3 森林培育方案及其附属文件应包括以下内容：

- (1) 森林培育活动目标，包括调查资源结构和优化培育模式；
- (2) 自然社会经济状况，包括森林特别是高保护价值森林资源、环境限制因素、土地利用及所有权状况、社会经济条件、社会发展与主导需求、森林培育活动沿革，以及邻近土地的概况；
- (3) 林业生产的总体布局；
- (4) 森林培育体系和营林措施，包括种苗生产、更新造林、抚育间伐、林分改造等；
- (5) 森林采伐和更新规划，包括年采伐面积、采伐量、采伐强度、出材量、采伐方式、伐区配置和更新作业等；
- (6) 森林和环境保护规划，包括森林有害生物防治、森林防火、水土保持、化学制剂和有毒物质的控制，以及林地占用等；
- (7) 野生动植物保护规划，特别是珍稀、受威胁及濒危物种；
- (8) 多种经营和林产品加工规划设计；
- (9) 重要非木质林产品培育、保护与利用的经营规划和措施；
- (10) 基本建设和林道规划；
- (11) 森林培育活动效益和风险评估；
- (12) 森林生态系统的监测措施；
- (13) 与森林培育有关的必要图表；
- (14) 应符合所在国其他方面的具体要求。

4.1.1.4 应根据森林培育方案，制定年度作业计划。

4.1.2 应适时修订森林培育方案。

4.1.2.1 应及时了解与本地区森林培育相关的科学技术发展信息以及政策。

4.1.2.2 应根据森林资源的监测结果、新的科技信息和政策，以及环境、社会和经济条件的变化，适时修订森林培育方案。

- 4.1.3 森林作业与作业设计应保持一致。
- 4.1.3.1 应按作业设计开展森林培育活动。
- 4.1.3.2 在保证森林培育更有利于实现经营目标和保证森林生态完整性的前提下，可对作业设计做适当调整。
- 4.1.3.3 作业设计的调整内容应备案。
- 4.1.4 应对林业职工进行必要的培训和指导，使他们具备正确实施作业的能力。
- 4.1.4.1 应具有对职工进行培训和指导的机制。
- 4.1.4.2 应确保林业职工受到良好培训，了解并掌握作业技术。
- 4.1.4.3 应具有专业技术人员对职工的野外作业提供必要的技术指导。
- 4.1.5 应向当地社区或有关方面公告森林培育方案的主要内容。
- 4.2 应按照可持续发展的原则开展造林、营林生产活动，培育、保护和发展森林资源，开发多种林产品。
- 4.2.1 森林培育应力争实现稳定的经济效益，确保维持森林生态系统生产力的必要投入。
- 4.2.1.1 应充分考虑到森林培育成本和管理运行成本的承受能力，在经济上可行。
- 4.2.1.2 应保证对可持续森林培育的合理投资规模和投资结构。
- 4.2.2 鼓励开展林区多种经营，可持续利用木材和非木质林产品，如林果、油料、食品、饮料、药材和化工原料等，促进当地经济发展。
- 4.2.3 对种子苗木的引进、生产及经营应遵守所在国的相应法规，保证种子和苗木的质量。
- 4.2.3.1 林木种子、苗木的引进、生产及经营应符合所在国家相关法律法规的要求，如《森林法》、《种子法》、《植物检疫法》等。
- 4.2.3.2 从事林木种苗生产、经营的单位，应按照当地林业行政主管部门的规定生产和经营。
- 4.2.3.3 在种苗调拨和出圃前，应按所在国有关技术标准进行质量检验。
- 4.2.3.4 引进林木种子、苗木和其他繁殖材料，应经所在国相应林业主管部门审批。
- 4.2.4 应按照经营目标因地制宜选择造林树种，优先考虑当地适生树种，特别是乡土树种，慎用外来树种。造林后应对其生长情况、有害生物和对生态环境产生的影响等进行监测。
- 4.2.4.1 应根据经营目标和适地适树的原则选择造林树种。
- 4.2.4.2 应优先选择乡土树种造林。
- 4.2.4.3 应监测外来物种成活率、保存率、有害生物和环境影响。
- 4.2.5 应在符合当地立地条件和经营目标的前提下，开展造林设计和作业。
- 4.2.5.1 造林设计应符合经营目标并规定合理的造林、抚育、疏伐、主伐和更新计划。

4.2.5.2 应严格按照造林设计进行施工作业并进行全过程监控。

4.2.5.3 宜采取下列一种或多种森林培育措施，促进林分结构多样化和加强林分的稳定性：

- (1) 使用多树种，合理营造混交林；
- (2) 经营设计避免短期内集中砍伐；
- (3) 多龄级或分期造林；
- (4) 合理配置林种比例；
- (5) 营造防护林带。

4.2.5.4 森林培育活动宜有利于景观和生境多样化。

4.2.5.5 森林培育布局和规划宜有利于维持自然景观的价值和特性。

4.2.5.6 森林培育宜促进同龄林逐步向异龄林和多种生境结构转化。

4.2.6 应依法进行森林采伐和更新，木材和非木质林产品消耗率不得高于再生能力。

4.2.6.1 应依据用材林年消耗量低于年生长量，以及合理经营和可持续利用的原则，制定年采伐计划和年采伐限额，报相应林业主管部门审批。

4.2.6.2 应具有年木材采伐量和采伐地点的记录。

4.2.6.3 对森林进行采伐和更新应符合所在国家有关森林采伐作业规程的要求。

4.2.6.4 对非木质林产品的利用不应超过其可持续利用所允许的水平。

4.2.7 应有利于天然林的保护与更新。

4.2.7.1 应采取有效措施促进恢复和保护天然林。

4.2.7.2 不宜将天然林转化为人工林经营。

4.2.8 应尽量提高对森林资源的有效利用。

4.2.8.1 应采用对环境影响有益的森林培育活动作业方式。

4.2.8.2 应提高木材采伐和造材过程中的综合利用率。

5、生态保护

5.1 生物多样性保护

5.1.1 应制定保护珍稀、受威胁和濒危动植物物种及其栖息地的措施。

5.1.1.1 应确定出森林培育范围内需要保护的珍稀、受威胁和濒危动植物物种及其栖息地，并在图上标注。

5.1.1.2 应根据具体情况，划出一定的保护区域，作为保护珍稀、受威胁和濒危动植物物种的栖息地。若不能明确地划出保护区域，则对每种森林类型应保留足够的面积。对上述区域的划分应考虑到野生动物在森林中的迁徙。

5.1.1.3 应制定被保护区域内的相应保护措施，对职工进行相关培训和教育。

5.1.1.4 必须保护所在国法律、法规和国际公约明令保护物种的栖息环境。

5.1.2 不得开展不适宜的采集活动。

5.1.2.1 采集活动应符合所在国有关野生动植物保护方面的法规。

5.1.2.2 采集活动应采用可持续利用资源的方法，最大限度地减少对当地资源的破坏。

5.1.3 应保护森林培育区域内典型的森林生态系统类型，维持其自然状态。

5.1.3.1 应通过调查，确定森林培育范围内典型的森林生态系统类型。

5.1.3.2 应制定出保护典型生态系统的措施。

5.1.3.3 应实施保护措施，保持典型生态系统的自然状态。

5.1.4 应采取有效措施恢复、保持和提高生物多样性。

5.2 环境影响

5.2.1 应考虑森林培育活动对环境的影响。

5.2.1.1 应根据森林培育的规模、强度及资源特性，对森林培育作业进行环境影响评估。

5.2.1.2 应根据评估的结果调整森林培育作业方式，减少采伐、集材、运输等活动对环境的影响。

5.2.2 应采取各种保护措施，维护林地的自然特性，避免地力衰退，保护水资源。

5.2.2.1 应采取有效措施最大限度地减少整地、造林、采伐、更新和道路建设等人为活动对林地的破坏，维护森林土壤的自然特性及其长期生产能力。

5.2.2.2 减少森林培育作业对水资源质量、数量的不良影响，控制水土流失，避免对森林集水区造成重大破坏。

5.2.2.3 宜在溪河岸边，建立足够宽的缓冲区，保持水土。

5.2.2.4 宜利用有机肥和生物肥料增加土壤肥力，减少化肥使用量。

5.2.3 应严格控制化学制剂的使用，减少因使用化学制剂造成的环境影响。

5.2.3.1 不得使用所在国法律、法规和国际公约明令禁止使用的农药。

5.2.3.2 应提供适当的设备和技术培训，减少使用化学制剂对环境的污染和对人类健康的危害。

5.2.3.3 应采用符合环保要求的方法处理化学制剂的废弃物和容器。

5.2.4 应严格控制 and 监测外来物种的引进和入侵，避免其造成不良的生态后果。

5.2.4.1 应在经过检疫，确保对环境和生物多样性不造成破坏的条件下引进外来物种。

5.2.4.2 应对外来物种的使用进行记录，监测其生态影响。

5.2.4.3 应制定并执行控制外来有害物种入侵的措施。

5.2.5 应维护森林生态服务功能。

5.2.5.1 应了解并确定森林培育区内森林的生态服务功能，如森林旅游、教育、科研、渔牧资源、水源涵养等。

5.2.5.2 应采取措施维护森林特别是高保护价值森林的相关价值和服务功能。

5.3 森林保护

5.3.1 应制定森林有害生物防治计划，以营林措施为基础，采取有利于环境的生物、化学、物理等措施，进行有害生物综合治理。

5.3.1.1 森林有害生物治理应符合所在国法律、法规的要求。

5.3.1.2 有条件时，应开展有害生物的预测预报，评估森林潜在的有害生物影响，制订相应的防治计划。

5.3.1.3 应采取营林措施为主，生物、化学、物理等防治相结合的有害生物综合治理措施。限制在森林中使用化学农药，避免或减少化学农药对环境的影响。

5.3.1.4 应采取有效措施，保护森林内的各种有益生物，提高森林健康水平。

5.3.2 应建立健全的森林防火制度，制定并实施防火措施。

5.3.2.1 应根据所在国的相关法律、法规，建立森林防火制度。

5.3.2.2 应对森林培育区域划定森林火险等级区。

5.3.2.3 应制定和实施森林火情监测和防火措施。

5.3.2.4 应建设森林防火设施，建立防火组织，负责本企业的森林防火和扑救工作。

5.3.2.5 应进行森林火灾统计，建立火灾档案。

5.4 森林监测

5.4.1 应建立适宜的森林监测制度和森林资源档案，对森林资源进行连续的或定期的监测。

5.4.1.1 应进行森林资源调查，建立森林资源档案制度。

5.4.1.2 应根据本单位的森林培育活动的规模和强度以及所在地区的条件，建立适宜的监测制度和监测程序，确定森林监测的方式、频度和强度。

5.4.1.3 应按监测制度连续或定期开展各项监测活动。

5.4.1.4 应对监测结果进行比较和评估。

5.4.1.5 应在制定或修订森林培育方案和作业计划中体现监测的结果。

5.4.2 森林监测应包括资源现状、森林培育状况及其社会环境影响监测等内容。

森林监测应包括以下内容：

- (1) 主要林产品的储量、产量和资源消耗量；
- (2) 森林结构、生长、更新及健康状况；
- (3) 动植物的种类及其变化趋势；
- (4) 采伐及其它经营活动对环境与社会的影响；
- (5) 森林培育的成本和效益；
- (6) 年度作业计划的执行情况。

6、社区发展

- 6.1 尽可能的为林区及周边地区的居民提供就业、培训及其它社会服务的机会。
- 6.2 应保障劳工合法权益，鼓励社区居民参与森林培育活动的决策。
- 6.3 不得侵犯当地居民对林木和其它资源所享有的法定权利。
 - 6.3.1 应采取适当措施，防止森林培育活动直接或间接地威胁和削弱原住民的资源及使用权。
 - 6.3.2 当地居民自愿把资源经营权委托给中国企业时，双方应签定协议或合同。
- 6.4 应建立与当地社区的协商机制。积极与原住民协商，划定和保护对原住民具有特定文化、生态、经济或宗教意义的林地，尤其是在多民族聚居区。
- 6.5 应根据需要，在信息保密的前提下，公布森林监测结果概要。

附录 A（资料性附录）：相关国际公约、协定和宣言

- A.1 生物多样性公约
- A.2 保护臭氧层维也纳公约
- A.3 气候变化与生物多样性公约
- A.4 联合国气候变化框架公约
- A.5 国际植物新品种保护公约
- A.6 保护野生动物迁徙物种公约
- A.7 濒危野生动植物国际贸易公约
- A.8 关于特别是作为水禽栖息地的国际重要湿地公约
- A.9 国际鸟类保护公约
- A.10 植物检疫及其虫害与疾病防护合作协定
- A.11 保护候鸟及其栖息环境协定
- A.12 国际热带木材协定
- A.13 里约环发大会宣言

附录 B（规范性附录）：《指南》用词说明

为便于在执行《指南》条文时区别对待，对于要求严格程度不同的用词说明如下：

- B.1 表示很严格，非这样做不可的：
正面词采用“必须”；反面词采用“严禁”。
- B.2 表示严格，在正常情况下均应这样做的：
正面词采用“应”；反面词采用“不应”或“不得”。
- B.3 表示允许稍有选择，在条件许可时首先应这样做的：
正面词采用“宜”或“可”；反面词采用“不宜”。

5.2 A Guide on Sustainable Overseas Silviculture by Chinese Enterprises (in English)

A Guide on Sustainable Overseas Silviculture by Chinese Enterprises

*State Forestry Administration and Ministry of Commerce
August 27, 2007*

1 Scope

1.1 The **Guide** prescribes the fundamental principles to observe in sustainable silviculture, and the basic requirements for the Chinese enterprises engaged in realizing sustainable silviculture.

1.2 The **Guide** applies to regulating and guiding the whole process of the overseas activities of Chinese enterprises in silviculture, to evaluating the Chinese enterprises' activities pertinent to silviculture, to guiding the Chinese enterprises in providing non-timber products as well as other services, enabling them to protect and develop the global forest resources in a rational, efficient and sustainable way.

2. Definitions

2.1 Silviculture

The comprehensive activities conducted during the entire cultivation process of tree seeds, seedlings, afforestation and forest maturity following the set cultivation goals and objective order of nature.

2.2 Chinese Enterprises

The qualified corporations engaged in silviculture and relevant activities.

2.3 High Conservation Value Forest

A high conservation value forest refers to a forest region, the conservation value of which needs maintaining or enhancing, and it is characterized by: a forest region rich in diversity of global, regional or national significance; a forest region with spectacular scenery of global, regional and national significance; a forest region possessing precious, rare, threatened or endangered ecological system or being encircled in such a system; a forest region being able to meet the basic needs of the local communities; or a forest region playing a significant role in traditional community and

cultural identities.

2.4 Forest Monitoring

Tests and evaluations made continuously and regularly on the forest situation, and relevant business operations and environmental and social impacts.

2.5 Forest Fragmentation

Any process that causes the forest coverage to be dissected by non-forestland into forest fragments.

2.6 Invasive Species

The species that are simultaneously characterized by the following: 1) introduced to a non-native region due to intentional or unintentional human activities; 2) forming self-reproduction capabilities in the local natural or man-made ecological system; 3) causing obvious damages to or impacts upon the local ecosystem or geographical structures.

3. Legal Framework

3.1 The relevant conventions and agreements signed by China and the host country shall be observed.

The relevant clauses of the conventions and agreements pertinent to silviculture (see Appendix A) shall be observed.

3.2 The laws, statutes, departmental regulations and documents, made or issued by competent government agencies on the companies involved in foreign economic and technological cooperation, shall be observed.

3.3 The laws and regulations of the host country shall be abided by.

3.3.1 The companies concerned shall be equipped with the current texts of laws and regulations concerning the activities related to silviculture of the host country.

3.3.2 The silviculture activities shall be in conformity with the requirements of the specific laws of the host country.

3.3.3 The laws and statutes shall be made known to the managers and staff.

3.3.4 To find out the fees and taxes payable and make payments on the timely basis according to the law.

3.3.5 Logging shall be conducted according to the law. Forest destruction or any other unauthorized activity shall be strictly prohibited.

3.3.6 Forestland shall be protected according to law. The high conservation value forest shall be strictly protected and no illegal transformation of forestland for other purposes shall be tolerated.

4. Afforestation

4.1 A silviculture planning shall be formulated and implemented. Goals and measures of silviculture shall be confirmed.

4.1.1 The appropriate silviculture scheme shall be formulated and implemented in accordance with the long-term planning set up by the local competent forestry department as well as the local conditions.

4.1.1.1 A timely and effective silviculture shall be formulated.

4.1.1.2 The silviculture shall be compiled on the basis of the latest checking statistics obtained by the organization itself.

4.1.1.3 The silviculture planning and its accessory documents shall include the following:

(1) The purpose of silviculture activities, including investigation of resource structure and optimum silviculture model;

(2) The natural and socio-economic situation, including forest, high conservation value forest in particular, limited environmental factors, the situation of land use and ownership, socio-economic conditions, social progress and predominant demands, evolution of silviculture as well as the survey of adjacent land;

(3) The overall arrangement of forestry production;

(4) The silviculture system and afforestation measures, including seedling production, regeneration planting, tending and selective thinning, forest evaluation and transformation, etc;

(5) Forest logging and renewal planning, including logging area, harvest volume, logging intensity, yield volume, logging methods, logging area configuration and renewal operations, etc;

(6) Forest and environment protection planning, including prevention and treatment of

harmful forest living organisms, forest fire prevention, water and soil conservation, control of chemicals and toxicants, occupation and expropriation of forestland, etc;

(7) Wild fauna and flora protection planning, including the rare, threatened as well as endangered species;

(8) Diversified operations and planning and designs of forest product processing;

(9) Operational planning and measures of silviculture, protection and utilization of non-timber forest products;

(10) Planning of infrastructure and forest road network;

(11) Evaluation of the benefits and risks of silviculture activities;

(12) Measures for monitoring the forest ecosystem;

(13) Necessary charts pertaining to silviculture;

(14) Meeting other requirements of the host country.

4.1.1.4 An annual operation plan shall be set up in accordance with the silviculture plan.

4.1.2 The silviculture planning shall be revised on the timely basis.

4.1.2.1 The company shall learn on the timely basis the information of scientific and technological development and policies relevant to the local silviculture.

4.1.2.2 The silviculture planning shall be revised in accordance with the monitoring results of the forest resources, new scientific and technological information and policies, and the changes of environment and socioeconomic conditions.

4.1.3. The forest operations shall be in consistent with the operation designs.

4.1.3.1 The silviculture shall be conducted in accordance with the operation designs.

4.1.3.2 The operation designs can be appropriately readjusted on the prerequisite condition that the silviculture is more conducive to realizing the operational objectives and ensure the integrality of the forest ecology.

4.1.3.3 The readjusted contents of the operational designs shall be put on records.

4.1.4. The forestry employees shall receive necessary training and guidance so that

they are able to perform properly as operators.

4.1.4.1 There shall be a mechanism for training and guiding the employees.

4.1.4.2 The company shall ensure that the forestry employees can be well-trained, learn and have a good command of the operational guidance.

4.1.5 The local community and the departments concerned shall be informed of the main contents of the silviculture planning.

4.2 Afforestation and relevant business operations shall be conducted to afforest, protect and develop the forest resources and exploit the diversified forest products in accordance with the sustainable principle.

4.2.1 The silviculture shall strive for stable economic benefits, ensuring the necessary input in order to maintain the productivity of the forest ecosystem.

4.2.1.1 The sustainability of silviculture cost and management and operation cost must be taken into full consideration, and it shall be economically feasible.

4.2.1.2 The company shall ensure the rational investment scope and structure of the sustainable silviculture.

4.2.2 The company shall encourage diversified business operations in the forest region, and then it shall be able to continuously utilize timber and non-timber products, such as fruit, oil plants, foodstuff, drinks, medicinal materials and in turn, promote the local economic growth.

4.2.3 The company shall abide by the relevant laws and regulations of the host country when introducing seeds or seedlings or conducting production or transactions, and ensure the quality of the said seeds and seedlings.

4.2.3.1 The introduction, production and transactions of seeds and seedlings shall be in conformity with the requirements of the laws and regulations of the host country, such as forest law, seeds law, law on plant quarantine, etc.

4.2.3.2 The organizations must practice its production and transactions of forest seeds or seedlings in accordance with the requirements of the competent local forestry departments.

4.2.3.3 Prior to dispatch of seeds or seedlings and outplanting, the quality inspection shall be conducted in accordance with the technological standards of the host country.

4.2.3.4 The introduction of seeds, seedlings and other reproductive products shall be conducted after obtaining the approval of the competent forestry department of the host country.

4.2.4 Gear the selection of afforested tree species to the local conditions in accordance with the operational objectives. The optimum local tree species, the native ones in particular, shall be the top priority for considerations. Be cautious in using exotic tree species. The growth of the afforested trees, harmful organisms as well as the impact of afforestation upon the ecosystem shall be monitored.

4.2.4.1 The afforested tree species shall be selected in accordance with the operational objectives and the principle of optimum trees suitable for local conditions.

4.2.4.2 The native tree species shall be taken as top priority for afforestation.

4.2.4.3 The survival rate, preservation rate, harmful living organisms and impacts upon environment of the exotic species shall be monitored.

4.2.5 The afforestation designs and operations shall be conducted on the prerequisite condition of conforming to the local conditions and operational objectives.

4.2.5.1 The afforestation designs shall be in conformity with operational objectives and shall stipulate rational plans for afforestation, forest tending operations, thinning, final cutting and renewal.

4.2.5.2 Operations shall be conducted in accordance to the strict afforestation designs and the whole procedure shall be monitored.

4.2.5.3 The following single or mixed measures of silviculture shall be taken to promote the diversity of the forest structure and strengthen the stability of forest structure:

- (1) use manifold tree species and rationally plant mixed forest;
- (2) design operations in order to avoid over-concentrated logging over a short period of time in management design;
- (3) deploy multi-age structure and periodic afforestation;
- (4) rationalize and collocate the proportion of forest species;
- (5) afforest the protection forest belt.

4.2.5.4 The silviculture should be conducive to landscaping and biological

diversification.

4.2.5.5 The layout and planning of silviculture should be conducive to maintaining the value and characteristics of natural landscape.

4.2.5.6 The silviculture should be conducive to promoting the gradual transformation from the even-aged forest to uneven-aged forest and diversiform living environment.

4.2.6 The forest logging and renewal shall be conducted in accordance with the law, the consumption of timber and non-timber products shall be lower than the regeneration ability.

4.2.6.1 The annual harvest planning and harvest quota shall be established on the basis of the principles of the annual consumption of timber forest being lower than annual growth, rationalized operations and sustainable utilization. The planning and quota shall be submitted to the competent forest departments for approval.

4.2.6.2 The annual timber harvest and logging sites shall be put on records.

4.2.6.3 The forest harvest and renewal shall be in conformity with the requirements of the relevant forest operating rules of the host country.

4.2.6.4 The utilization of the non-timber forest products shall not exceed the limits of the level permitted by the sustainable development.

4.2.7 Operations shall be conducive to the conservation of the natural forest and renewal.

4.2.7.1 Efficient measures shall be taken for the restoration and conservation of natural forest.

4.2.7.2 Natural forest should not be turned to man-made forest.

4.2.8 The efficient utilization of the forest resources shall be enhanced as much as possible.

4.2.8.1 The environmentally friendly operation mode of silviculture shall be adopted.

4.2.8.2 The comprehensive utilization ratio shall be improved during timber harvest or bucking.

5. Ecological Protection

5.1 Protection of biodiversity

5.1.1 Measures shall be formulated for the purpose of protecting the precious, rare, threatened or endangered fauna and flora species as well as their habitat.

5.1.1.1 The precious, rare, threatened and endangered fauna and flora species as well as their habitat that need protection shall be ascertained within the scope of silviculture and be lined out on the map.

5.1.1.2 Certain conservation zones shall be lined out as the habitat of the precious, rare, threatened and endangered fauna and flora species according to the specific local conditions. If such an area can not be clearly lined out, sufficient area shall be reserved for each forest type. The migration of the wild fauna within the forest shall be taken into consideration for above-mentioned partition.

5.1.1.3 Certain protection measures shall be formulated accordingly within the conservation area, and employees shall be trained and educated with the relevant knowledge as well.

5.1.1.4 The habitat of the species, whose protection has been clearly prescribed by the laws and regulations of the host country, and international conventions, must be protected.

5.1.2 No inappropriate collection activities shall be allowed.

5.1.2.1 All the collection activities shall be in conformity with the statutes pertaining to the protection of wild fauna and flora of the host country.

5.1.2.2 All the collection activities shall adopt the methods of sustainable utilization of resources, minimizing the damage of the local resources.

5.1.3 To protect the typical forest ecosystem within the silviculture area and maintain its natural status.

5.1.3.1 The typical forest ecosystem shall be ascertained within the silviculture area through investigation.

5.1.3.2 Measures of protecting typical forest ecosystems shall be formulated.

5.1.3.3 To implement protection measures and maintain the natural status of typical ecosystem.

5.1.4 To take effective measures to restore, maintain and enhance biodiversity.

5.2 Environment Impacts

5.2.1 The impact of the silviculture activities upon environment.

5.2.1.1 To make environment influence evaluation on the silviculture operations on the basis of the scope, intensity and resource characteristics of silviculture.

5.2.1.2 The silviculture operating methods shall be readjusted on the basis of the evaluation results, reducing the impacts of logging, skidding, transportation, etc. upon the environment.

5.2.2 To adopt various protection measures to farthest maintain the natural properties of forestland, avoid land degradation and protect water resources.

5.2.2.1 To adopt effective measures to minimize the damage of land preparation, afforestation, logging, renewal and road construction and some other human activities upon forestland, and maintain the natural properties of forest soil as well as its long-term productivity.

5.2.2.2 To reduce the negative impact of silviculture operations upon the quality and quantity of water resources, control water erosion and prevent severe damages to forest water catchment.

5.2.2.3 It is advisable to establish sufficiently wide buffer zone along the banks of streams for water and soil conservation.

5.2.2.4 It is advisable to utilize the organic fertilizer and bio-fertilizer to enhance the fertility of the soil while reducing the use of chemical fertilizer.

5.2.3 To strictly control the use of chemical agents, reducing the environment impact due to the use of chemical agents.

5.2.3.1 No pesticides clearly prohibited by the law and statutes of the host country or relevant international conventions shall be used.

5.2.3.2 Appropriate equipment and technological training shall be provided to reduce the pollution caused by chemical agents on environment and harm to human health.

5.2.3.3 To adopt the methods, in conformity with the requirements of environmental protection, to handle the refuse and containers of chemical agents.

5.2.4 To strictly control and monitor the import and invasion of alien species and prevent their serious ecological consequences.

5.2.4.1 To ensure that the introduction of alien species is conducted through

quarantine on condition that environment and biodiversity shall not be damaged.

5.2.4.2 The use of alien species shall be put on records and its ecological impacts shall be monitored.

5.2.4.3 To formulate and implement the measures against the invasion of harmful alien species.

5.2.5 To safeguard forest ecosystem services.

5.2.5.1 To find out and ascertain the forest ecosystem services with the silviculture area, such as tourism, education, scientific research, fishery and husbandry resources, water conservation, etc.

5.2.5.2 To adopt measures to safeguard the relevant values and services of forest, high conservation value forest in particular.

5.3 Forest Conservation

5.3.1 To formulate the plan for preventing and treating harmful forest living organisms, adopt, on the basis of afforestation measures, biological, chemical and physis measures, which are environmentally friendly.

5.3.1.1 The treatment of the harmful forest living organisms shall be in conformity with the requirements of the law and statutes of the host country.

5.3.1.2 Conditions permitting, forecasting of harmful living organisms shall be conducted, evaluating the potential impact of harmful forest impact and formulating prevention and treatment plans accordingly.

5.3.1.3 To adopt a series comprehensive measures which mainly contain afforestation measures and combines biological, chemical and physical prevention and treatment. The use of chemical pesticides shall be prohibited in the forest, avoid or reduce the impact of chemical pesticides upon environment.

5.3.1.4 To adopt effective measures to protect various beneficial living organisms in the forest and enhance the health level of forest.

5.3.2. To establish sound forest fire prevention system, formulate and implement fire prevention measures.

5.3.2.1 To establish forest fire prevention system in accordance with the law and statutes of the host country.

5.3.2.2 To line out forest fire risk areas within silviculture regions.

5.3.2.3 To formulate and implement forest fire monitoring and prevention measures.

5.3.2.4 To build forest fire prevention facilities, establish fire prevention organization responsible for the forest fire prevention and fire fighting.

5.3.2.5 To conduct forest fire statistics and establish fire records.

5.4. Forest monitoring

5.4.1 To establish appropriate forest monitoring system and forest resource records, continuously or regularly monitor forest resources.

5.4.1.1 To conduct forest resource investigation and establish the system of forest resource records.

5.4.1.2 To establish appropriate monitoring system and procedure and ascertain the mode, frequency and intensity of forest monitoring on the basis of the company's own silviculture scope and intensity as well as the local conditions.

5.4.1.3 To continuously and regularly conduct various monitoring activities in accordance with the monitoring system.

5.4.1.4 To compare and evaluate the monitored results.

5.4.1.5 The monitored results shall be reflected in the formulating or revising silviculture scheme and operating plan.

5.4.2 Forest monitoring shall include the status quo of the resources, silviculture as well as its social and environmental impact monitoring, etc.

5.4.2.1 Forest monitoring shall include the following:

(1) the storage, yield and resource consumption;

(2) the forest structure, growth, renewal and health situation;

(3) the varieties of fauna and flora and their changing trend;

(4) the impact of logging and other business operations upon the society and environment;

(5) the cost and benefit of silviculture;

(6) The implementation of annual operating planning.

6 Community Development

6.1 Try to provide employment, training and other social service opportunities for the residents in the forest area and neighboring communities.

6.2 Try to safeguard the legal rights and interests of the employees, encourage the community residents to participate in the decision-making of silviculture activities.

6.3 No infringement of the legal rights of forest and other resources enjoyed by the local residents shall be tolerated.

6.3.1 To adopt appropriate measures to prevent silviculture activity from directly or indirectly threatening or impairing the resources or the right of use of the original settlers.

6.3.2 When the local settlers voluntarily entrust their rights of resource management to a Chinese enterprise, a contract shall be signed by both sides.

6.4 To establish a consultative mechanism with the local community. Take the initiative to consult with the original settlers, line out and protect the forestland which is characterized by specific cultural, ecological, economical or religious significance to the local settlers, especially in the dwelling place of multiethnic groups.

6.5 To make the forest monitoring results, when necessary, known to the public on the prerequisite of information confidentiality.

Appendix A (An Informative Appendix) Relevant International Conventions, Agreements and Declarations

A.1 Convention on Biological Diversity

A.2 Vienna Convention for the Protection of the Ozone Layer

A.3 Convention of Climate Change and Biodiversity

A.4 United Nations Framework Convention on Climate Change

A.5 International Convention for the Protection of New Varieties of Plants

A.6 Convention on the Conservation of Migratory Species of Wild Animals

A.7 Convention of the International Trade in Endangered Species of Wild Fauna and Flora

A.8 Convention on Wetlands of International Importance Especially as Waterfowl Habitat

A.9 Convention for the Protection of Birds

A.10 Agreement Concerning the Cooperation on Plant Quarantine and Infestation and Diseases Prevention

A.11 Agreement Concerning the Conservation of Migratory Birds and Their Habitat

A.12 International Tropical Timber Agreement

A.13 The Rio Declaration on Environment and Development

Appendix B
(A Normative Appendix)
Explanation of the Terminology Used in the *Guide*

In order to distinguish the clauses of the ***Guide*** during its implementation, the different degrees of strictness of the phrases are explained as the following:

B.1: shows extreme strictness, which must be executed without any alternative:

Positive phrase: “must”; negative phrase: “strictly prohibit”.

B.2: shows some strictness, which shall be executed under normal circumstances:

Positive phrase: “shall”; negative phrase: “shall not” or “be not allowed”.

B.3: allows a little freedom of choice, which shall be executed first if condition permits:

Positive phrase: “should” or “may”; negative phrase: “should not”.

5.3 A Guide on Sustainable Overseas Forest Management and Utilization by Chinese Enterprises (in Chinese)

中国企业境外森林可持续经营利用指南

国家林业局、商务部

二〇〇九年三月

前 言

森林资源日益成为国际社会的焦点，中国作为国际上负责任的发展中大国，致力于全球森林资源保护、恢复和可持续发展。在保护和发展本国森林资源，为减缓全球森林面积减少、恢复森林方面作出重要贡献的同时，积极开展国际合作，与其他国家一起共同促进森林资源可持续发展和互惠互利合作。

为加强引导和规范中国企业境外森林资源经营利用行为，国家林业局、商务部组织制定了《中国企业境外森林可持续经营利用指南》(简称“指南”)，为中国企业在境外的森林资源经营利用活动，提供行业经营准则和自律依据。

一、《指南》由目的、基本原则和适用范围、法律规范、森林经营利用、生态保护和社区发展及附录 A 等 7 个部分组成。附录 A 列出中国签署的具有约束力的相关国际公约。

二、《指南》由中华人民共和国国家林业局、商务部提出，国家林业局发展计划与资金管理司、商务部对外投资和经济合作司负责解释。

三、《指南》起草单位：国家林业局林产工业规划设计院林业工程规划设计所；协作单位：世界自然基金会(WWF)、大自然保护协会(TNC)和世界自然保护联盟(IUCN)。

四、《指南》主要起草人：游应天、于宁楼、韩杏容、胡延杰、陈嘉文、陈勇、李婷、黄看看。

五、《指南》参与讨论专家：张艳红、陈林、孙贺、刘道平、许传德、鲁德、胡元辉、郭瑜富、李智勇、陆文明、宋维明、翟洪波、薛树田、孙司衡、朱光前、林夏萍、朱长岭、张森林、安延、陈晓倩、孙秀芳、黎佳、金嘉满、王爱民。

1、目的

指导中国企业合理开展境外森林经营、利用和保护，为全球森林资源可持续发展发挥积极作用。进一步规范中国企业在境外从事森林资源经营和木材加工利用行为，提高行业自律。促进全球森林资源的合法、可持续经营利用及相关贸易活动。

2、基本原则和适用范围

2.1 基本原则

2.1.1 国家主权原则：中国企业在境外进行森林资源经营利用活动时，应充分尊重所在国森林资源拥有权，严格遵守所在国法律法规和政策。

2.1.2 互利合作原则：中国企业在境外进行森林资源经营利用活动时，应积极促进当地经济和社区发展，在互利互惠的基础上开展合作。

2.1.3 生态、经济、社会效益统一原则：中国企业在境外进行森林资源经营利用活动时，应高度重视森林的生态效益，保证生态、经济、社会三大效益的统一。

2.1.4 政府指导与行业自律相结合原则：中国企业在境外进行森林资源经营利用活动时，应在政府引导和行业规范条件下进行。

2.1.5 森林可持续经营利用原则：中国企业在境外进行森林资源经营利用活动时，应有利于当地的森林可持续发展，维护当地生态和环境安全。

2.1.6 节约资源的原则：中国企业在境外进行森林资源经营利用活动时，应尽量节约使用森林资源、土地资源和能源。

2.2 适用范围

本指南适用于在境外开展森林资源采伐、木材加工利用等有关活动的中国企业。

3、法律规范

3.1 遵守中国和森林资源所在国签署的相关协议/协定和相关国际公约/协定。

遵守中国和所在国签署的各种具有约束力的协议/协定等法律文件，以及中国或森林资源所在国加入的国际公约和协定（见附录 A）。

3.2 遵守中国政府主管部门制定的关于中国企业对外投资和经济合作有关的法律、法规、部门规章和相关文件的规定。

3.3 遵守森林资源所在国相关的法律、法规。

3.3.1 遵守所在国有关对外资企业投资、劳务输入、承包工程等经营活动管理的法律、法规和相关文件的规定。

3.3.2 全面了解和熟悉所在国现行与森林资源相关的法律、法规文本，开展森林经营活动行为应符合所在国有关的林业法律法规要求，并承担和履行相应的责任与义务。

3.3.3 提高企业员工法律意识。避免和减少各种违法活动的出现，一旦发现违法行为，应及时采取措施依法纠正，并记录在案。

4、森林资源经营利用

4.1 基本要求

4.1.1 合法经营利用森林资源。参与境外投资有关经营利用森林资源的中国企业，应依法向所在国相关部门提出申请，取得有关部门批准的文件，严格按批准的经营地点、面积、数量、品种和经营内容等要求进行森林资源的经营利用和加工，不得超范围经营。

与森林经营利用有关的承包工程、劳务合作、收购经营木材和木材产品等应符合双边有关法律、法规的要求。

4.1.2 合理经营利用森林资源。充分利用伐区木材，合理造材，提高木材综合利用率。

4.1.3 注重生态环境保护。按所在国相关法律法规的要求，对涉及影响生态环境的作业采取规避或减缓措施，对高保护价值森林，注意采取相应的保护措施。

4.2 森林经营

4.2.1 按规定程序取得所在国批准获得长期使用或租赁林地的中国企业，应按照所在国有关森林资源利用法律法规的要求制定森林经营利用计划，并按规定程序报请所在国国家主管机关或地方政府主管机关核准。

4.2.2 按照企业在所在国的经营活动范围，根据所在国相关规定和要求，采伐后的森林恢复更新请参考《中国企业境外可持续森林培育指南》。

4.2.3 具备应有的森林防火、有害生物防控设施及措施。

4.2.4 森林经营利用计划的实施应符合已批准的森林资源经营利用的有效合法文件的要求。

4.3 木材加工与运输

4.3.1 木材加工利用项目应符合中国与所在国产业政策、相关投资要求和许可规定，且有利于双边互利合作，鼓励企业进行木材的深加工综合利用。

4.3.2 项目应贯彻合理利用森林资源、节约能源、保护资源和环境、实现可持续发展的方针。

4.3.3 木材运输应符合所在国运输和检验、检疫标准及要求，进行相关的文件备案。

4.4 人员培训与技术指导

4.4.1 鼓励企业建立培训制度，对相关员工进行必要的培训和指导。

4.4.2 确保相关员工掌握实施规划、采伐、造材、集运、更新、加工等相关作业技能。

4.4.3 由专业技术人员对野外作业相关人员提供必要的技术指导。

4.5 建立多利益方的公示和咨询制度

4.5.1 向当地社区或有关方面公告森林经营利用的有效合法文件主要内容。

4.5.2 根据当地政府要求建立森林采伐利用伐前公示咨询制度，明确公示的形式、内容、期限等。大面积采伐应在当地进行公示；采伐森林单位（个人）还应在伐区及其附近的交通要道设立公示牌，公示有关部门批准的合法采伐文件的主要内容以及作业期等。

5、生态环境保护

5.1 基本要求

5.1.1 因地制宜，采取科学合理的采伐方式和作业措施，尽量减少森林采伐对生物多样性、野生动植物生境、生态脆弱区、自然景观、森林流域水量与水质、林地土壤生态环境和更新幼苗幼树的影响，保证森林生态系统功能得到快速恢复。

5.1.2 对森林特别是高保护价值森林应采取相应的保护措施。

5.2 环境保护

5.2.1 伐区设计应充分考虑森林采伐作业对地表降水和地下水资源的不良影响，减缓土壤侵蚀，控制水土流失，避免因采伐对森林集水区造成重大破坏。

5.2.2 在采伐、集材、更新和道路建设等作业过程中，采取合理、有效的措施最大限度地减缓人为活动对林地的破坏，防止地表破坏和土壤侵蚀，维护森林土壤的自然特性及其长期生产能力。

5.2.3 采取必要措施减缓采伐作业过程中机械噪声和机械尾气排放引起的空气污染等，及时、妥善处理生产建设废弃物和生活垃圾。

5.2.4 木材加工厂房和场地建设地点和用地应符合所在国有关规定的要求。木材加工项目所产生的固体、液体、气体废弃物和噪声等应达到当地环境保护部门所提出的排放标准和要求。

5.2.5 建立完善的森林防火、有害生物防治制度，制订和实施相关措施。按照所在国有关森林法规对森林防火安全和有害生物防治的要求，建设相应的防火和生物防治设施，并配备相应设备。

5.3 生物多样性保护

5.3.1 保护国际公约和所在国家法律法规明令保护的物种及其栖息环境。

5.3.2 根据所在国相关法律法规要求，确定森林经营利用区域及其周边需要保护的珍稀、受威胁和濒危动植物物种及其栖息地，并在相关图件上明确标注。

5.3.3 制订被保护区域内珍稀、受威胁和濒危动植物物种及其栖息地的相应保护措施，并对职工进行相关培训和教育。

5.3.4 采集野生动植物标本的活动应符合境外有关野生动植物保护方面的法规，并应采用可持续利用资源的采集方法，最大限度地减少对当地资源的破坏。

5.3.5 根据所在国相关法律法规要求，调查确定森林采伐区域及其周边需要保护的典型森林生态系统类型，制订保护典型生态系统的措施，维持其自然状态。

6、社区发展

6.1 尊重当地居民的合法权利

6.1.1 森林资源经营利用从长远上要有利于所在地森林的可持续经营，有利于当地经济的健康发展，实现经营企业与当地居民互利共赢。

6.1.2 进行森林经营利用相关活动时，充分考虑当地居民的利益，采取适当措施，避免森林经营利用活动直接或间接地侵犯、威胁和削弱当地居民的法定资源所有权或使

用权。

6.2 促进社区发展

6.2.1 积极参与当地公益事业活动，尽可能为林区及周边地区的居民提供就业、培训与其他社会服务的机会。

6.2.2 鼓励、支持社区居民参与森林开发的重大决策。在森林经营的过程中，根据需要向当地居民公布经营利用内容、进展和经营活动情况，宣传企业，树立良好形象，提高信誉。

6.2.3 尊重当地群众的风俗习惯，建立与当地社区的协商机制，与当地居民友好相处。

6.2.4 积极与当地居民协商，划定和保护对当地居民具有特定文化、生态、经济或宗教意义的林地。

7、附录 A：相关国际公约、协定和宣言

A.1 生物多样性公约

A.2 保护臭氧层维也纳公约

A.3 气候变化与生物多样性公约

A.4 联合国气候变化框架公约

A.5 国际植物新品种保护公约

A.6 保护野生动物迁徙物种公约

A.7 濒危野生动植物国际贸易公约

A.8 关于特别是作为水禽栖息地国际重要湿地公约

A.9 国际鸟类保护公约

A.10 植物检疫及其虫害与疾病防护合作协定

A.11 国际热带木材协定

A.12 里约环发大会宣言

A.13 保护候鸟及其栖息环境协定

5.4 A Guide on Sustainable Overseas Forest Management and Utilization by Chinese Enterprises (in English)

A Guide on Sustainable Overseas Forest Management and Utilization by Chinese Enterprises

*State Forestry Administration and Ministry of Commerce
March 2009*

Preface

Forest resources are increasingly becoming a focus of the international attention. As a responsible large developing country, China is committed to the protection, restoration and sustainable development of global forest resources. In addition to the great contributions made to protecting and developing its domestic forest resources, slowing the rapid worldwide decrease in forest area and developing forest restoration, China has vigorously carried out international cooperation and jointly promote the sustainable development of forest resources and the mutually beneficial cooperation along with other nations.

In order to enhance the guidance and regularization of the management and utilization of overseas forest resources by Chinese enterprises, the State Forestry Administration (SFA) and Ministry of Commerce (MOFCOM) organized a human force to formulate A Guide on Sustainable Overseas Forest Management and Utilization by Chinese Enterprises (hereinafter referred to as "Guide"), which aims to provide the industry with management criterion and self discipline basis for the management and utilization activities of overseas forest resources by Chinese enterprises.

1. The Guide is composed of 7 sections, including objective, fundamental principles, scope of application, laws and regulations, forest management and utilization, ecological protection, community development and appendix A. Relevant binding international conventions signed by China is listed in appendix A.

2. The Guide was proposed by the SFA and MOFCOM, and shall be interpreted by the SFA Department of Development Planning and Finance Management as well as MOFCOM Department of Outward Investment and Economic Cooperation.

3. Drafting units of the Guide include: Forestry Project Planning and Designing Institute of the SFA Forest Product Industry Planning and Designing Academy, in collaboration with the World Wildlife Fund (WWF), Nature Conservancy (TNC) and International Union for Conservation of Nature and Natural Resources (IUCN), and

Forest Trends.

4. Primary authors of the Guide include You Yingtian, Yu Ninglou, Han Xingrong, Hu Yanjie, Chen Jiawen, Chen Yong, Li Ting and Huang Kankan.

5. Experts checked and inspected on the Guide include: Zhang Yanhong, Chen Lin, Sun He, Liu Daoping, Xu Chuande, Lu De, Hu Yuanhui, Guo Yufu, Li Zhiyong, Lu Wenming, Song Weiming, Zhai Hongbo, Xue Shutian, Sun Siheng, Zhu Guangqian, Lin Xiaping, Zhu Changling, Zhang Senlin, An Yan, Chen Xiaoqian, Sun Xiufang, Li Jia, Jin Jiaman and Wang Aimin.

1. Objectives

Guide Chinese enterprises to rationally manage, utilize and protect overseas forests in order to play a positive role in sustainable development of global forest resources. Further standardize the management of forest resources as well as the wood processing and utilization activities of Chinese enterprises in foreign countries, and enhance self-regulation within the industry. Promote the legitimate, sustainable management and utilization of global forest resources and related trade activities.

2. Basic Principles and Application Scope

2.1 Basic Principles

2.1.1 The principle of national sovereignty: Chinese enterprises shall fully respect the ownership of the host country to its forest resources and strictly observe its laws, regulations and policies when managing and utilizing the forest resources in foreign countries.

2.1.2 The principle of mutually beneficial cooperation: Chinese enterprises shall make positive efforts to promote the local economic and community development, and conduct cooperation on the basis of mutual benefit when managing and utilizing the forest resources in foreign countries.

2.1.3 The principle of integrating ecological, economic and social benefits: Chinese enterprises shall highly value the ecological benefits of forests, and ensure the unification of ecological, economic and social benefits when managing and utilizing the forest resources in foreign countries.

2.1.4 The principle of combining government guidance with industry self-regulation: Chinese enterprises shall act in accordance with the government guidance and industry regulations when managing and utilizing the forest resources in foreign countries.

2.1.5 The principle of sustainable management and utilization of forests: Chinese enterprises shall play a positive role in sustainable development of local forests, and safeguard local ecological and environmental security when managing and utilizing the forest resources in foreign countries.

2.1.6 The principle of resource saving: Chinese enterprises shall save the forest, land and energy resources to the greatest possible extent when managing and utilizing the forest resources in foreign countries.

2.2 Application Scope

The Guide shall be applicable to the Chinese enterprises engaged in forest harvesting, wood processing and utilization, as well as other related activities in foreign countries.

3. Laws and Regulations

3.1 Comply with the agreements/protocols signed between China and the host country of forest resources, in addition to the relevant international conventions/agreements.

Comply with all kinds of binding agreements/protocols and other legal documents signed by China and the host country, and the international conventions and protocols acceded to by China or the host country of forest resources.

3.2 Comply with the provisions of the related laws, regulations, department rules and documents formulated by the competent authorities of the Chinese government on the overseas investment and economic cooperation of Chinese enterprises.

3.3 Comply with the laws and regulations concerned of the host country of forest resources.

3.3.1 Comply with the provisions of the laws, regulations and related documents of the host country on the management of investment, export of labour services, contracted projects and other business operations of the offshore enterprises.

3.3.2 Obtain a full understanding of and familiarize the current laws and regulations of the host country pertinent to the forest resources. The management of forests shall be in compliance with the requirements of the related forestry laws and regulations of the host country, and the corresponding responsibilities and obligations shall also be resumed and fulfilled.

3.3.3 Enhance the legal awareness of the enterprise employees. Avoid and reduce

the occurrence of various kinds of illegal activities. Once an illegal act is discovered, prompt measures shall be taken to correct it according to the laws, and such an act shall be placed on record.

4. Management and utilization of forest resources

4.1 Fundamental requirements

4.1.1 Manage and utilize the forest resources legally. Chinese enterprises participating in the overseas investment concerning the management and utilization of forest resources shall file an application with the relevant departments of the host country to obtain the documents approved by the departments concerned, and manage, utilize and process the forest resources in strict accordance with the requirements such as the approved business place, area, quantity, type, operational scope, etc. no operations beyond the prescribed scope may be conducted. Any contracted project, labour service cooperation, purchasing and management of timber and wood products, etc. concerning the forest management and utilization shall meet the requirements of the relevant laws and regulations established by both sides.

4.1.2 Manage and utilize the forest resources rationally. Give full play to the wood in the logging area, reasonably conduct cross-cutting so as to increase the multipurpose timber utilization rate in an all-round way.

4.1.3 Emphasize ecosystem protection. The measures such as circumvention or slowdown shall be taken to resolve the operation affecting the ecological environment in accordance with the requirements of the laws and regulations in the host country, and the corresponding protective measures shall be taken for the forests with high conservation value.

4.2 Forest management

4.2.1 Chinese enterprises obtaining the long-term utilization or leasing of forestland approved by the host country in accordance with the established procedures shall formulate the forest management and utilization program in accordance with the requirements of the laws and regulations on forest resource utilization, and submit a report to the competent national authorities or the competent authorities of the local governments of the host country for review in accordance with the established procedures.

4.2.2 In accordance with the scale of operational activities of the enterprises in the host country as well as the relevant regulations and requirements of the host country, please refer to Guide on Sustainable Overseas Silviculture by Chinese Enterprises for the forest restoration and regeneration after harvesting.

4.2.3 Possess due forest fire prevention and forest pest and disease prevention and control facilities and measures.

4.2.4 The implementation of the forest management and utilization program shall meet the requirements of the approved effective and legal documents of the management and utilization of the forest resources.

4.3 Wood processing and transportation

4.3.1 The wood processing project shall meet the regulations of the industrial policies between China and the host country, relevant investment requirements and permission, and shall be conducive to the mutually beneficial cooperation between both sides and encourage the enterprises to comprehensively conduct further processing of wood.

4.3.2 The said project shall implement the policy of reasonably utilizing the forest resources, conserving energy and protecting resources and environment so as to achieve sustainable development.

4.3.3 The wood transportation shall meet the transportation as well as inspection and quarantine standards and requirements and put on record the relevant documents.

4.4 Personnel training and technical guidance

4.4.1 Encourage enterprises to establish the training system and conduct necessary training and guidance for the personnel concerned.

4.4.2 Ensure that relevant personnel can acquire relevant operating skills such as implementing planning, harvesting, cross cutting, skidding and hauling, regeneration, processing, etc.

4.4.3 The professional technicians shall provide the necessary technical guidance for the field operation personnel concerned.

4.5 Establish the multi-stakeholder publicity and consultation system.

4.5.1 Proclaim the main contents of the effective and legal documents of forest management and utilization to the local communities and the parties concerned.

4.5.2 Make clear the form, content, time limit, etc. in accordance with the requirements of the local governments on establishing the pre-harvesting publicity and consultation system of forest harvesting and utilization. The large scale harvesting shall be proclaimed in the local area; the forest harvesting units

(individuals) shall also establish public signs in the wood cutting areas and the surrounding traffic arteries, and proclaim the main content, operational period, etc. of legal harvesting documents approved by the departments concerned.

5. Ecological Protection

5.1 Basic requirements

5.1.1 Take actions that suit local circumstances, adopt scientific and rational harvesting ways and operation measures, minimize the impact of forest harvesting on biological diversity, habitats of wild fauna and flora, ecologically fragile areas, natural landscape, water quantity and quality of forest watershed, forestland soil ecosystem and the regeneration of seedling and sapling, and ensure rapid recovery of the functions of forest ecosystem.

5.1.2 Take the corresponding measures to protect the forest, especially the forest with high conservation value.

5.2 Environmental Protection

5.2.1 When conducting felling area design, the enterprises concerned shall take full account of the undesirable effects of forest harvesting operation on surface rainfall and underground water resources, slow down soil corrosion, control soil and water erosion and avoid serious destruction to forest catchment due to harvesting.

5.2.2 In the operation process of harvesting, skidding, regeneration, road construction, etc., take rational and effective measures to minimize the damage of human activities to forestland, avoid surface destruction and soil corrosion, and maintain the natural characteristic and long-term production capacity of forest soil.

5.2.3 Take necessary measures to mitigate the noise and air pollution caused by mechanical operation during the harvesting process, immediately and appropriately cope with the production and construction waste and household garbage.

5.2.4 The location and land for wood processing plants and site construction shall comply with the regulation provisions of the home country. The solid, liquid, gas waste and noise generated by the wood processing projects shall meet the discharge standards and requirements of local environment protection departments.

5.2.5 Establish complete system on forest fire prevention and pest control, formulate and implement the measures concerned. Construct corresponding facilities for fire prevention and biological control and provide corresponding equipments in compliance with the requirements of the forest related laws and regulations on forest fire prevention and pest control operation of the host country.

5.3 Biodiversity conservation

5.3.1 Conserve the species and their habitats officially provided in international conventions and laws and regulations of the host country.

5.3.2 According to the requirements of related laws and regulations of the host country, identify the districts for forest management and utilization as well as the rare, threatened, endangered species of wild fauna and flora and their habitats, which shall be clearly marked on the maps concerned.

5.3.3 Formulate the corresponding measures to conserve the rare, threatened and endangered fauna and flora and their habitats within the protected zone and carry out related training and education for the staff.

5.3.4 The activities concerning the collection of wildlife specimens shall comply with the host country's regulations related to the conservation of wild fauna and flora, adopt the acquisition method of sustainable use of resources, and minimize its damage to local resources.

5.3.5 According to the requirements of relevant laws and regulations of the host country, investigate and define the types of forest harvesting areas and its surrounding typical forest ecosystem requiring protection, formulate measures on the protection of typical ecosystem and maintain its natural state.

6 Community Development

6.1 Respect the legitimate rights of local residents

6.1.1 The management and utilization of forest resources, in the long run, shall be favorable for the sustainable management of local forests and the sound development of the local economy so as to achieve the mutual benefits and win-win solution between trading enterprises and local residents.

6.1.2 When conducting the activities related to the forest management and utilization, the enterprises concerned shall give full consideration to the interests of local residents, and take appropriate measures to prevent the said activities from directly or indirectly infringing, threatening or undermining the ownership or right of use of local residents toward legal resources.

6.2 Enhance community development

6.2.1 Actively engage in local public welfare undertakings, and make efforts to provide employment, training and other opportunities of social service for residents of

forest regions and its surrounding areas.

6.2.2 Encourage and support community residents to participate in major decision-makings of forest development. Reveal to local residents, as necessary, the management and utilization contents, progress and management situation during the forest management process, so as to promote the enterprises, foster good images and enhance credibility.

6.2.3 Respect the customs of local residents, establish the consultation mechanism with local communities and maintain friendly relationship with local residents.

6.2.4 Actively consult with local residents to designate and protect the forestland with specific cultural, ecological, economic or religious significance to local residents.

Appendix A: The relevant international conventions, agreements and declarations

A.1 Convention on Biological Diversity

A.2 Vienna Convention for the Protection of the Ozone Layer

A.3 Non-legally Binding Instrument on All Types of Forests

A.4 United Nations Framework Convention on Climate Change

A.5 International Convention for the Protection of New Varieties of Plants

A.6 Convention on the Conservation of Migratory Species of Wild Animals

A.7 Convention on International Trade in Endangered Species of Wild Fauna and Flora

A.8 Convention on Wetlands of International Importance Especially as Waterfowl Habitat

A.9 International Convention for the Protection of Birds

A.10 Agreement on Cooperation in the Quarantine of Plants and Their Protection against Pests and Diseases

A.11 International Tropical Timber Agreement

A.12 Rio Declaration on Environment and Development

A.13 Agreement on the Protection of Migratory Birds and Their Habitats

林野庁委託事業（平成 28 年度違法伐採対策取組強化事業）

Timber Industry, Timber Trade and Timber Legality in China

中国における木材、木材製品の合法証明の確立に関する動向調査報告書

Appendix

付属資料

Relevant Laws, Regulations, Policy Documents, Standards, and Guidelines

関連法令、規則、政策文書、基準及びガイドライン

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一般社団法人全国木材組合連合会

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