

VIETNAM ADMINISTRATION OF FORESTRY

VIET NAM FOREST CERTIFICATION OFFICE

VFCS GD 1009:2019

ISSUANCE OF VFCS LOGO USE LICENSES



VFCS GD 1009:2019

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I. INTRODUCTION

Sustainable forest management has been implemented in Vietnam since the 1990s and the second phase (from 2006 to 2020) of the Vietnam Forestry Development Strategy has been approved by the Vietnamese Government.

In 2018, the Prime Minister approved the Project on Sustainable Forest Management and Forest Certification through the Decision No. 1288/QĐ-TTg dated October 1, 2018, in which the Vietnam Forest Certification Scheme (VFCS) was established and operated under the Vietnam Administration of Forestry - Ministry of Agriculture and Rural Development.

VFCS is established on the principle of independent operation and decision-making among stakeholders, ensuring compliance with the requirements of the international forest certification system. A set of forest management standards (consisting of Sustainable Forest Management Standard; Group Sustainable Forest Management Standard and a Chain of Custody Management Standard) has been developed and issued by the Vietnam Forest Certification Office. These standards are crucial documents that will be used by certification bodies for evaluating and providing sustainable forest certifications for forest owners, forest management units and related organisations.

The VFCS logo / label provides information accurate and verifiable information that is not misleading relevant to the origin of forest based product in sustainably managed forest and other non controversial sources unsure by chain of custody management meet the requirement of Viet Nam forest certification Scheme. Purchasers and potential purchasers can use this information in choosing the product based on environmental and , as well as other considerations.

Issuance of VFCS Logo use licenses procedure against the Vietnam Forest Certification Scheme are built on the regulations of the Ministry of Agriculture and Rural Development, the Vietnam Administration of Forestry and requirements and guidelines of PEFC following the document title PEFC GD 1005: 2012.

This document is issued by the Vietnam Forest Certification Office in order to guide certification bodies; accreditation bodies and stakeholders acting against the Vietnam Forest Certification Scheme.

II. NORMATIVE REFERENCES

- Pursuant to the Decision 190/QD-BNN-TCLN dated November 1, 2019 of the Minister of Ministry of Agriculture and Rural Development on assigning the task of sustainable forest management and forest certification;

- Pursuant to the Decision No. 191/QD-BNN-TCLN dated November 1, 2019 of the Minister of Ministry of Agriculture and Rural Development on the establishment of the Vietnam Forest Certification Office;

- Pursuant to the Decision No. 71/QD-TCLN-VP dated March 22, 2019 of the General Director of the Vietnam Administration of Forestry on the functions, tasks, powers and organizational structure of the Vietnam Forest Certification Office;

- Base on ISO/IEC 14021:2016; Environmental labels and declarations – self-declared environmental claims (Type II environmental labelling);

- Base on PEFC document title PEFC ST 2001:2008, PEFC logo usage rules – requirement, PEFC GD 1005:2012, Issuance of VFCS Logo use licenses, PEFC GD 1004:2009 Administration of PEFC Scheme.

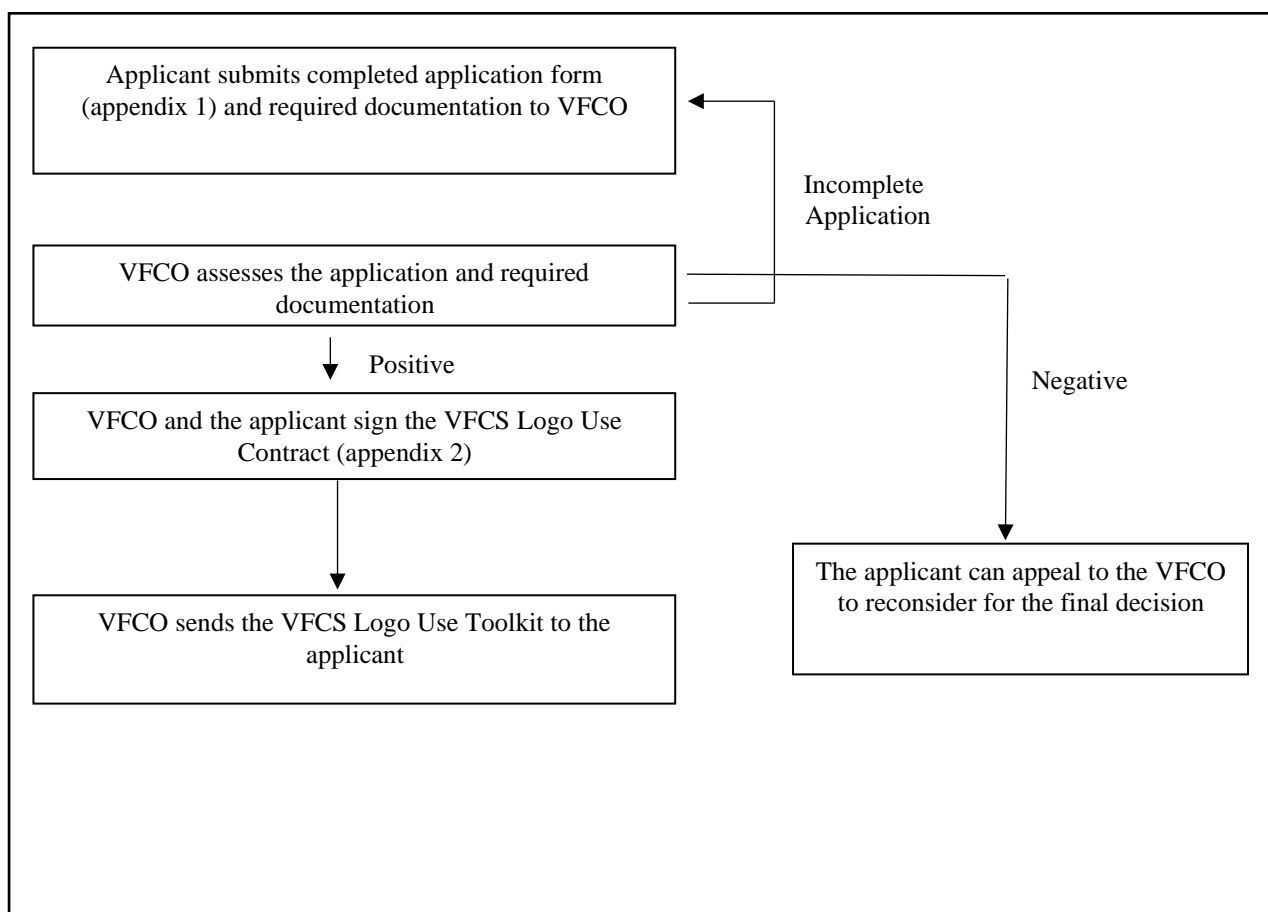
III. SCOPE

This document is to apply for Certification bodies; Accreditation bodies and agencies, units, individuals, and stakeholders involved in Logo Usage against Viet Nam Forest Certification Scheme.

The Forest Certification Office is the authority body that recognizes the right to use the Logo through a VFCS Logo Use contract.

IV. PROCESS OF ISSUANCE OF VFCS LOGO USE LICENSE

This VFCS GD 1009:2019 sets out the process for the issuance of VFCS logo use licenses, hereafter “licenses”, by VFCO to ensure legally compliant use of the VFCS Logo in accordance with the VFCS Logo usage rules – requirements, VFCS ST 1008:2019 for the organizations/individual owned VFCS certificate wishing to use VFCS Logo.



4.1. DOCUMENTS FOR VFCS LOGO USE APPLICATION

- The copy of VFCS certificate of Sustainable Forest Management and / or Chain of Custody issued by the Certification Body in the Viet Nam Forest Certification System.

- Application form for VFCS Logo Use License (Annex 1)

4.2. PROCESS OF SUBMITTING DOCUMENTS

Apply directly or by post to the Viet Nam Forest Certification Office.

4.3. ISSUANCE OF VFCS LOGO USE LICENSE

a) In case the documents is incomplete according to regulations, the Viet Nam Forest Certification Office shall notify in writing requesting organizations/ individuals to supplement the documents.

b) In case the documents is complete and valid according to regulations, the Forest Certification Office will sign VFCS Logo Use Contract agree for applicant could use VFCS Logo. The form VFCS Logo Use Contract in Annex II

V. ENFORCEMENT

5.1. Responsible for implementing

All VFCS stakeholder including: Certification bodies operating in the Viet Nam Forest Certification System, forest owners, enterprises and other entities related to the use of the VFCS Logo are responsible for complying with the provisions of this document;

5.2. Monitoring

The VFCO has the responsibility and authority to inspect the use of the VFCS Logo from all VFCS stakeholder;

The VFCO is responsible for resolution and handling all complaints related parties on the usage of VFCS Logo.

Annex I: Application for VFCS Use license

APPLICANT NAME

Socialist Republic of Vietnam

No: /VPCCR

Independence – Liberty - Happiness

Hà Nội, date month year 20....

APPLICATION FOR VFCS LOGO USE LICENSE

I. Applicant's Identification Data

Organisation name			
Address	Street, No.		
	City	Zip	
	Country		
Contact person		M	EN
Telephone		Fax	
E-mail		Http	

II. Applicant's Logo User Group

A. Forest owners / managers	<input type="checkbox"/> Holder of an individual Forest Management certificate;
	<input type="checkbox"/> Central office of a Group Forest Management certification;
	<input type="checkbox"/> Participant in a Group Forest Management certification
B. Forest related industries	<input type="checkbox"/> Certificate holder of CoC individual;
	<input type="checkbox"/> Certificate holder of a CoC multisite certificate for a license covering only itself;
	<input type="checkbox"/> Certificate holder of a CoC multisite certificate for a license covering itself plus all or some of the participants sites.
	<input type="checkbox"/> Participant in a CoC multi-site Chain of Custody certification
C. Other Users	<input type="checkbox"/>

Note: Only one category can be marked in single application

III. Information and Documents for Application Processing

Certificate number (if group A or B)	
Certificate expiry date (if group A or B)	
Certification body (if group A or B)	
<p>Documents required for processing the application:</p> <p><input type="checkbox"/> Official copy of VFCS certificate for Sustainable Forest Management and/or Chain of custody (if group A or B)</p> <p><input type="checkbox"/> Copy of the confirmation of participation in Group (group A or B, if applicable) ;</p> <p><input type="checkbox"/> List of all sites covered by the application, including full contact details (if application for multi-license, group B).</p>	

IV. Self-Declaration:

I hereby confirm that:

1. I have read VFCS Logo Usage regulations concerning VFCS logo use and accept them;
2. The data included in this application is complete and correct.

Signature of applicant's representative

Annex 2: PEFC Logo Use Contract

VNFOREST
FOREST CERTIFICATION
OFFICE

No: /VPCCR

Socialist Republic of Vietnam
Independence – Liberty - Happiness

Ha Noi, date month year 20.....

PEFC LOGO USE CONTRACT
BETWEEN VFCS AND LOGO USER

- Pursuant to the Decision No 190/QĐ-BNN-TCCB dated on January 11 th 2019 of the Minister of the ministry of Agriculture and Rural Development on assigning the tasks of forest sustainable forest management and certification allocated to the ministry of Agriculture and Rural development as regulated by the decision No 1288/QĐ-TTg of the Prime Minister;

- Pursuant to the Decision No 191/QĐ-BNN-TCCB dated on January 11 th 2019 of the Minister of the ministry of Agriculture and Rural Development on establishing the office of forest sustainable forest management certification;

- Pursuant to the Government Resolution No. 71/NQ-CP of August 8, 2017, promulgating the Government, Program of Action for implementation of Directive No.13-CT/TW of January 12, 2017 of the Central Secretariat Party on enhancing Party leadership on forest protection and development.

Today, date.....month year, at Viet Nam Forest Certification Office, we are:

VFCS Logo owner (Party A):

Vietnam Forest Certification Office (VFCS)

Address: Room 309, A9 Building, No. 2, Ngoc Ha Street

Ba Dinh District, Ha Noi, Viet Nam

Tel.: +84 38438792, Fax: +84 38438793

Email: vanphongvfcs@gmail.com

Representative: Mr. Cao Chi Cong

Position: Chief of VFCS

VFCS Logo user (Party B):

Name of organization:

Address:.....

Tel.:.....*Fax:*.....*Email:*.....

Business Registration License No. :.....

Issued at: date:.....*place:*.....

Representative:*Position:*.....

Whereas the logo user is to be granted a license for the VFCS logo with registration number VFCS.....and to be allowed to use the VFCS logo according to the VFCS Logo Use Rules;

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

Article 1: Definitions

1. The PEFC Logo Use Rules This is set of requirements for the use of the VFCS Logo defined in VFCS ST 1008:2019.
2. The unauthorized use of the copyrighted VFCS Logo will be dealt with in accordance with Vietnamese law.

Article 2. Right and responsibility of Party A

1. Have a right to monitor and handling activities in case Party B do not to comply with the requirements of using the VFCS Logo defined in VFCS ST 1008:2019.
2. Take responsibility to provide the Logo license code; VFCS Logo Usage Toolkit following the signing the contract;
3. Take responsibility to inform the VFCS Logo User of any changes, modifications related to the procedures, guidelines and requirements of VFCS Logo usage rules.

Article 3. Right and responsibility of Party B

1. The logo user is obliged to use the VFCS logo in accordance with the VFCS Logo Use Rules and together with a registration number issued by the VFCS;

2. The logo user is obliged to inform the VFCO immediately and truthfully on any changes concerning Logo user's identification data and certified status;

3. The logo user take responsibility to pay a PEFC logo use fee based on an invoice issued by party A.

4. In case of the logo user is the forest owner/manager and industries related forest product, undertakes to enter an agreement with the certification body within three months of signing this contract (a copy to be sent to the VFCO) to that effect that, in conjunction with the audits conducted subsequent to signing this contract, certification body will examine the system by means of which the logo user keeps records of the production volumes marked with the VFCS logo and how the Logo is used on them. The certification body shall have a right to inform the VFCO of changes of which it is aware, without consulting the logo user.

Article 4: Penalty

1. The PEFC Council may impose, in case of user group B and C, a contractual penalty of a CHF amount being one-fifth the market value of the products to which unauthorised on- or off-product logo use relates, unless the logo user proves that such unauthorised use was unintentional. In the latter case the penalty will be limited to 300,000,000 VND (*Three hundred million Vietnamese Dong*).

2. The VFCO has the right to alter the amount of penalty demanded for use of the VFCS logo in contravention of the contract. The change shall come into effect in the contract between the VFCO and the logo user three months after the former has informed the latter, in writing, of the change.

Article 6: Contract Termination

1. Either party may terminate the contract with three-month prior notice by registered letter;

2. The VFCO may revoke the contract temporarily with immediate effect while a suspicion of contravention of Article 3 of this contract or the PEFC Logo Use Rules is being investigated;

3. PEFC Council is not obliged to pay compensation for any costs or other damages which the temporary revocation or termination causes to the logo user.

Article 6: Data security

1. VFCS is permitted to present publicly logo user's identification data and information concerning the certification status provided by the logo user

2. VFCS shall directly notify Party B about Party B's identification data and information updated on the Website (except for information on Party B's revenue);

3. In case of the logo user is the forest owner/manager and industries related forest product, shall undertake to provide, immediately after each audit, the VFCS with a notification, verified by the certification body, of the on-product use of the VFCS logo, e.g. broken down by product, product category, production unit or similar, to the degree of accuracy that the chain of custody system used by the logo user permits. In the same conjunction, the logo user shall supply the VFCS with a detailed, free form account of any off-product use of the VFCS logo;

4. In case of the logo user is others group (bullet 6.6 of VFCS GD 1008:2019), shall be informed in writing and approved by VFCS.

Article 7. Dispute resolution

1. This contract is developed based on Vietnamese legislation.

2. The two parties commit to strictly and fully comply with the articles stated in the contract. In the process of implementation, if there is a need of contract modification, the two parties will discuss together to amend the contract. In case the two parties cannot resolve the disagreement, they will bring the matter to arbitration according to the current law. The decision of the court is final and must be followed by the parties. Court charges will be paid by the losing party, unless agreed by both parties.

3. Any dispute arising from this contract will be resolved by the Vietnamese court.

Article 6. The Validity of Contract

1. The contract enters into force when it has been signed by both parties;

2. The contract between VFCS and the VFCS Logo user is valid until VFCS/PEFC Certification of VFCS Logo user valid.

3. This contract is made in 02 copies with the same legal value, each party keeps 01 copy for implementation.

Party A

Sign, stamp

Party B

Sign, stamp