Forest Stewardship Council®

FSC® PROCEDURE

Processing Complaints in the FSC® Certification Scheme

FSC-PRO-01-008 (V2-0) EN





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PROCESSING COMPLAINTS IN FSC CERTIFICATION SCHEME

FSC-PRO-01-008 (V2-0) EN

The Forest Stewardship Council® (FSC®) is an independent, not for profit, non-government organization established to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is where the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

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Foreword

The FSC Dispute Resolution System provides a framework for the resolution of disputes that stakeholders may have with the FSC Board of Directors, the FSC and/or its affiliates, the ASI, FSC accredited Certification Bodies or FSC Certificate Holders.

The framework consists of three procedures which detail the process according to the nature of the dispute and the respective roles of the different parties involved in the process. This procedure deals with complaints regarding the FSC normative framework or the performance of FSC International, the FSC Network as well as complaints regarding the performance of ASI.

Contents

A Scope
B Effective date
C References
D Terms and definitions

1 Principles of the FSC Dispute Resolution System
2 Complaints in the FSC certification scheme
3 General requirements for complaints against FSC
4 Lodging a complaint
5 Processing a complaint

Annex 1 FSC complaint submission form
Annex 2 Dispute Resolution Map

Version History

V1-0: initial version

V2-0: revised to distinguish between Policy for Association complaints (FSC-PRO-01-009) and other Complaints in the FSC Certification Scheme (this procedure). The basic principles of the FSC Dispute Resolution System that were formerly presented in FSC-STD-01-005 *FSC Dispute Resolution System* have been incorporated into this procedure (clauses 1 and 2).

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A Scope

This document describes the process to be adopted by FSC to ensure a timely, independent and effective resolution of complaints submitted by FSC stakeholders. These can be complaints regarding the FSC normative framework or the performance of FSC International, the FSC Network as well as complaints regarding the performance of ASI.

This procedure does not deal with complaints under the Policy for Association for which a specific procedure is available (FSC-PRO-01-009).

All aspects of this procedure are considered to be normative, including the scope, effective date, references, terms and definitions, tables, notes, addendum and annexes, unless otherwise stated.

B Effective date

Version V2-0 of this procedure becomes effective on **28 May 2014.**

C References

The following referenced documents are relevant for the application of this document. For undated references, the latest edition of the referenced document (including any amendments) applies.

FSC-GUI-01-005 FSC Dispute Resolution System

FSC-PRO-01-005 Processing Appeals

FSC-PRO-01-009 Processing Policy for Association Complaints in FSC Certification Scheme

ASI-PRO-20-103 ASI Appeals Procedure

ASI-PRO-20-104 ASI Procedure to resolve Formal Complaints

ISO/PAS 17003:2004 Conformity assessment- Complaints and appeals - Principles and requirements

Following FSC normative documents are superseded and replaced by this procedure: This procedure supersedes all previous versions of FSC-PRO-01-008.

D Terms and definitions

For the purposes of this procedure, the terms and definitions given in *FSC-STD-01-002 FSC Glossary of Terms, ISO/IEC 17000:2004*, and the following apply:

Accreditation Decision: a decision made whether to grant, continue, extend, reduce, suspend, restore, withdraw or refuse FSC Accreditation of a CAB or to take disciplinary measures (adapted from ISO/IEC 17011:2004 (E)).

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Accreditation Requirements contain the following requirements:

> **ASI Accreditation Requirements** means normative and non-normative documents (e.g. accreditation procedures, policies, guidance documents, advice notes and any other documentation in relation to the FSC Accreditation Program) as developed by ASI required for operating the FSC Accreditation Program in its most recent version.
>
> **FSC Accreditation Requirements** means normative and non-normative (e.g. accreditation standards, procedures, policies, guidance documents, advice notes and any other documentation in relation to the FSC Accreditation Program) as developed by the FSC Policies and Standard Program required for operating the FSC Accreditation Program in its most recent version.
>
> **FSC Institutional Documents** means governance documents (e.g. statutes, by-laws, dispute resolution system, policy for association and any other documentation) in relation to the FSC Certification Scheme in its most recent version.
>
> **ISO Requirements** means documents developed by the International Organization for Standardization (e.g. ISO standards, guidelines and any other documentation) referred to in the Accreditation Requirements in its most recent version.

Appeals Panel: independent committee appointed by the FSC Director General to resolve an appeal against a FSC decision.

Appellant: individual or organization filing an appeal.

ASI: ASI - Accreditation Services International GmbH, implementing the FSC Accreditation Program on behalf of FSC A.C.

Association: An association with FSC is formally established through any of the following relationships:

- FSC membership
- Contractual relationship through:
    - FSC accreditation agreement,
    - FSC license agreement,
    - FSC cooperation agreement,
    - FSC service agreement,
    - FSC partnership agreement.

Certification requirements contain the following requirements:

> **FSC Certification Requirements** means documents (e.g. certification policies, standards, guidance documents, advice notes and any other documentation) in relation to the FSC Certification System as developed by the FSC Policies and Standard Program required for operating the FSC Certification System in its most recent version.
>
> **FSC Institutional Documents** means governance documents (e.g. statutes, by-laws, dispute resolution system, policy for association and any other documentation) in relation to the FSC Certification Scheme, required for operating the FSC Certification System in its most recent version.

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ISO Requirements means documents developed by the International Organization for Standardization (e.g. ISO standards, guidelines and any other documentation) referred to in the FSC Certification System in its most recent version.

Complainant: person or organization filing a complaint.

Complaints Panel: The Complaints Panel is a committee established by the FSC Director General. Its purpose is to evaluate and make recommendations on Policy for Association complaints.

Consensus: general agreement, characterized by the absence of sustained opposition.

Defendant: person or organization against whom a complaint has been filed.

Dispute: Umbrella term for any of the following:

Appeal: request by a party subject to a decision for reconsideration of any adverse decision made by the FSC with regard to the FSC Certification Scheme and/ or the FSC Accreditation Program (adapted from ISO/IEC 17011:2004 (E)).

Complaint: formal expression of dissatisfaction by any person or organization presented as a complaint to FSC, relating to the activities of the FSC Certification Scheme and/ or the FSC Accreditation program, where a response is expected (adapted from ISO/IEC 17011:2004 (E)).

FSC accredited Certification Body: a Conformity Assessment Body which is appointed by the ASI to undertake FSC certification audits of applicants for the FSC Certification Scheme and the surveillance of certified Forest Management Enterprises and Forest Product Enterprises against the Certification Requirements.

FSC Certification Scheme is developed by the Forest Stewardship Council A.C. (FSC AC) to enable independent third-party certification of environmentally responsible, socially beneficial and economically viable forest management as a market mechanism allowing producers and consumers to identify and purchase timber and non-timber forest products from well-managed forests.

Legal representative: person with the legal authority to act on the organization’s or the individual’s behalf.

Parties to the Appeal or Complaint: the appellant/complainant, the defendant and all parties considered relevant to the complaint by the FSC Director General such as the FSC Board of Directors, ASI and CBs.

Stakeholder: Any individual or group whose interests are affected by the FSC Certification Scheme.

Suspension of certificate: The temporary removal by the Certification Body of all or part of a Certificate Holder's scope of certification pending corrective action by the Certificate Holder. A suspended certificate cannot be transferred.

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Termination of certificate: Cancellation of the certification contract by either party according to contractual arrangements. Also referred to as voluntary withdrawal or cancellation.

Withdrawal of certificate: The irrevocable removal by the Certification Body of all or part of a Certificate Holder's certification as a result of noncompliance with certification requirements or contractual commitments.

Verbal forms for the expression of provisions
[Adapted from ISO/IEC Directives Part 2: Rules for the structure and drafting of International Standards]

"shall": indicates requirements strictly to be followed in order to conform to the document.

"should": indicates that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required.

"may": indicates a course of action permissible within the limits of the document.

"can": is used for statements of possibility and capability, whether material, physical or causal.

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1 Principles of the FSC Dispute Resolution System

1.1 Disputes should be resolved in the first place by discussion and negotiation or mediation. Formal procedures, including committees, should only be adopted as a last resort.

1.2 Disputes should always be addressed at the lowest level possible and stakeholders are strongly encouraged to follow this principle (see Annex 2).

NOTE: Disputes not addressed initially at the lowest level possible will be forwarded to the correct instance, which may impact the time to resolve the dispute.

1.3 Any dispute related to the FSC Certification Scheme shall be treated with procedural fairness and incorporate the following guidelines:

1.3.1 A person or organisation, who is the subject of a complaint, should be given adequate notice about the proceedings (including details of the complaint).

1.3.2 A person making a decision should declare any personal interest they may have in the proceedings.

1.3.3 A person who makes a decision should be unbiased and act in good faith. Therefore decision-makers cannot be one of the Parties to the Complaint or Appeal, nor have an interest in the outcome.

1.3.4 Proceedings should be conducted with fairness to all the Parties to the Complaint or Appeal.

1.3.5 Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party.

1.3.6 A decision-maker should take into account relevant considerations and mitigating circumstances, and ignore irrelevant considerations.

1.4 FSC shall inform Network Partners in countries where stakeholders may be affected by a dispute.

1.5 The FSC Director General may delegate complaints and appeals to FSC senior staff as appropriate.

2 Complaints in the FSC certification scheme

2.1 Complaints about the FSC normative framework, the performance of FSC International, the FSC Network as well as complaints regarding the performance of the ASI are dealt with by FSC and processed according to the procedure FSC-PRO-01-008.

2.2 Complaints against organizations associated with FSC about their compliance with FSC-POL-01-004, the Policy for the Association of Organizations with FSC, are dealt with by FSC and processed according to the procedure FSC-PRO-01-009.

2.3 Complaints against FSC certified organizations about their compliance with the FSC certification requirements are dealt with by the Certification Body who issued the

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certificate and processed according to the Certification Body's own complaint procedure.

NOTE: FSC strongly encourages stakeholders to resolve their grievance in the first place by discussion and negotiation with the FSC certified organization.

2.4 Complaints against the performance of FSC accredited Certification Bodies are dealt with by Accreditation Services International and processed according to the procedure ASI-PRO-20-104.

NOTE: Complaints shall first be directed to the relevant Certification Body and processed according to the Certification Body's own complaint procedure.

2.5 The Complainant should file the complaint to the correct complaint handling body. If the complaint is not submitted correctly, FSC will support the complainant in filing it correctly.

3 General requirements for complaints against FSC

3.1 Any individual or organization may file a complaint against the FSC Certification Scheme (including the FSC Accreditation Program).

3.2 Complainants shall always disclose their identity to FSC. In exceptional circumstances, FSC will consider requests by Complainants who wish to remain anonymous to the Parties to the complaint and shall protect their privacy and identity to the maximum extent possible, while recognizing that the identity of the Complainant might be obvious depending on the circumstances.

3.3 FSC will endeavour to address promptly any expression of dissatisfaction that is brought to its attention.

3.4 In extraordinary cases the FSC Director General has the discretion to extend any timelines indicated in this procedure for a cumulative maximum of 30 days. All Parties shall be informed accordingly.

3.5 All incoming and outgoing correspondence, including the final decisions and follow-up actions, shall be filed in electronic and/or hard copy and maintained for a period of at least seven (7) years.

3.6 All Parties involved in the process should refrain from commenting publicly on the complaint until a decision is made and all Parties have been informed accordingly.

Note: FSC reserves the right to publish statements about the case on the FSC website.

4 Lodging a complaint

4.1 General complaints regarding the operation of the FSC Certification Scheme and the FSC Network shall be brought to the attention of the FSC Director General. Complaints regarding the operation of the ASI or FSC accredited certification bodies should be brought to the attention of the ASI Managing Director according to ASI's Complaints Procedure (ASI-PRO-20-104).

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4.2 A complaint shall be submitted by using the online dispute submission form or by sending a complaint letter electronically or as hard copy by mail. Complainants shall use the FSC template for submitting complaints (see Annex 1).

4.3 The complaint shall:

4.3.1 contain the name and contact information of the Complainant;

4.3.2 be written in one of the official FSC languages;

4.3.3 specify against which organization the complaint is submitted;

4.3.4 specify the events and issues that lead to the complaint;

4.3.5 specify which specific requirements have not been complied;

4.3.6 contain evidence to support each element or aspect of the complaint;

4.3.7 indicate whether and in what form the issues have been raised with the Defendant prior to lodging the complaint and what response was provided;

4.3.8 contain an agreement to share the complaint with the Defendant and other Parties to the Complaint;

4.3.9 contain an agreement to adhere to the terms and provisions of this procedure.

4.4 Only complaints that meet all conditions indicated in Clauses 4.3.1 – 4.3.9 above shall be evaluated.

4.5 The Complainant may withdraw the complaint at any point in time of the process, at the Complainant's sole discretion.

5 Processing a complaint

5.1 Within ten (10) days of receipt of the complaint, an assigned staff member shall acknowledge receipt of the complaint and analyze by which process the complaint shall be dealt with and inform the related complaint handling body (e.g. ASI for a complaint against a CB and the relevant CB for a complaint against a CH) and the Complainant.

5.2 For complaints handled by FSC this procedure and the following process will be applied:

5.2.1 Within thirty (30) days of the receipt of the complaint, an assigned staff member shall contact the Parties to the Complaint by e-mail or phone to attempt to informally resolve the issue in direct communication. The assigned staff member shall keep a record of the conversations, including date, time and a summary of issues discussed, as well as a copy of all hardcopy and electronic communication.

5.2.2 If an informal resolution is not possible, the assigned staff member will investigate the issue and provide the FSC Director General with a recommendation on the complaint.

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5.2.3 Additional information may be requested from the Complainant, the Defendant, third parties named as sources of information in the complaint or other Parties likely to have information relevant to the investigation.

5.2.4 The FSC Director General shall provide the Parties to the Complaint with a response within sixty (60) days from receiving the complaint. The response shall include a conclusion on the complaint, the rationale for the decision and, if applicable, any follow up measures to be taken.

5.2.5 If no further issue arises, the complaint is considered resolved and the respective case file closed.

5.2.6 The lack of cooperation by the Complainant may be considered as grounds for discontinuation of the process. The FSC Director General shall decide if a complaint process shall be discontinued.

5.2.7 If the Complainant is not satisfied with the outcome of the process, he/she may appeal the decision according to *FSC-PRO-01-005*.

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Annex 1 FSC complaint submission form

Stakeholders may use the online dispute submission form to submit a complaint to FSC or use the form below and send it to FSC by mail or email.

Information of the individual(s) or organisation(s) that file the complaint:

Name of individual or organisation	
Contact person (for organisations)	
Postal address: • Street + number • City • Area code • Country	
Phone number	
Fax number	
Email address	
Website	
FSC member (if yes: international/ national, chamber, North/South)	
Date of submission	
Signature of legal representative of the Complainant	

Information about the Organisation(s) against whom the complaint is submitted:

Name	
Contact person	
Postal address • Street + number • City • Area code • Country	
Phone number	
Fax number	
Email address	
Website	
Certificate number (s)	

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Information to be submitted about the complaint:

Subject of the complaint	
Type of dispute	○ Dispute against Certificate Holder (CH) ○ Dispute against Certification Body (CB) ○ Dispute against Network Partner(NP) ○ Dispute against ASI ○ Dispute against FSC
Specification of the issues and events that lead to the complaint.	
Specific requirements not complied with	
Evidence to support each element or aspect of the complaint. Please provide an overview, a description and attach supporting documents.	
Overview of the steps that were taken to resolve the issues prior to lodging this complaint and the response that was provided. *(Please mention any steps taken, such as persons contacted, responses received, etc. For complaints against CHs please provide evidence that you have directed your complaint to the relevant CB.)*	
Agreement to share the complaint with the Defendant and other Parties to the Complaint.	
Agreement to adhere to the terms and provisions of the procedure Processing Complaints in the FSC Certification Scheme (FSC-PRO-01-	

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008).	
Expected outcome	
Additional information *(optional)* Please attach any additional documentation *(optional)*	

Annex 2. Dispute Resolution Map

