

**2024-05-28**

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## **Complaint Procedure and Rules of Arbitration**



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**Document name:** Complaint Procedure and Rules of Arbitration

**Document title:** PEFC AT PB 4004:2024

**Approved by:** PEFC Austria General Assembly

**Date:** 27.05.2024

**Issue date:** 28.05.2024

**Date of entry into force:** 28.05.2024

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## Foreword

PEFC Austria (PEFC: Programme for the Endorsement of Forest Certification schemes) is a national organisation with the purpose of facilitating sustainable forest management through sustainable forest management certification and labelling of wood products. Consumers can trust that products carrying the PEFC label are made of raw material from sustainably managed forests, from recycling and/or non-controversial sources. PEFC Austria is a work group responsible for the standard setting and the administration of the Austrian PEFC scheme.

PEFC Austria standards are developed within an open and transparent procedure based on consensus and supported by consultation of a variety of stakeholders. Since 1999, PEFC Austria is full member of PEFC International whose strict endorsement procedure guarantees international recognition.

To improve the readability, the male form is used for all denominations of persons. It refers to all genders.

## Introduction

Forest management certification provides confidence that the defined forest area is managed in compliance with the requirements for sustainable forest management. Forest management certification and certifications of the subsequent chain of custody enables forest owners and forest managers as well as other actors in the wood industry to actively communicate sustainability aspects of their products.

In order to maintain this confidence, all the processes covered by the certification scheme are supported by complaints and appeal procedures. The complaints and appeals are not only regarded as a safeguard mechanism but as an opportunity to improve the scheme's services through implementation of corrective and preventive measures.

The term "shall" is used throughout this document to indicate those provisions that, reflecting the requirements that are mandatory. The term "should" is used to indicate guidance that, although not mandatory, is provided as a recognised means of meeting the requirements. The term "may" used throughout this standard indicates permission expressed by this standard whereas "can" refers to the ability of a user of this standard or to a possibility open to the user.

## 1 Scope

1.1 This guideline details procedures for complaints and appeals to PEFC Austria which concern decisions and/or activities related to PEFC Austria, including standard setting, interpretation of the PEFC Austria standards, trademarks usage licencing, notification of certification bodies, the PEFC registration system operated by PEFC Austria and the endorsement of control systems for forest entrepreneurs.

Note: Complaints and appeals relating to the decisions and activities of a certified entity; an accredited certification body or an accreditation body shall be dealt with by the complaints and appeals procedures of the relevant accredited certification body; an accreditation body; the European co-operation for Accreditation or by the International Accreditation Forum.

## **2 Normative References**

- PEFC GD 1004:2009, Chapter 8

## **3 Definitions**

### **3.1 Appeal**

Written request by any person or organisation (the appellant) for reconsideration of any decision affecting the appellant made by PEFC Austria's bodies where the appellant considers such decision have been taken in breach of PEFC Austria's requirements or procedures.

Note: Such adverse decisions may include, for example:

- Rejection; suspension; or termination of PEFC Austria's membership,
- Rejection of application for usage of the PEFC trademarks;
- Refusal of application for the notification of certification bodies.

### **3.2 Complaint**

Written expression of dissatisfaction (other than appeal) by any person or organization which relates to the activities of PEFC Austria.

## **4 Complaints and appeals acceptance**

4.1 All complaints and appeals shall be addressed in writing to the PEFC Austria secretariat as the contact point for all complaints and appeals defined by this document.

4.2 It is the responsibility of the complainant/ appellant to submit written information which can be verified as accurate and correct through an independent source.

4.2.1 Following information shall be contained:

- a) facts of the case
- b) positions of those parties involved (if available)
- c) if required, reports of the certification body (if available)

4.3 The PEFC Austria secretariat decides on formal acceptance of the complaint/ appeal provided that the complaint/appeal is in accordance with 3.2/3.1 and the information supporting the complaint/appeal can be authenticated as being in compliance with 4.2.

4.4 The PEFC Austria secretariat shall without delay:

- a) acknowledge to the complainant/ appellant (in writing) the receipt and acceptance/rejection of the complaint/ appeal, including its justification;
- b) provide the complainant/appealant with details of the PEFC Austria's complaints and appeals procedures;
- c) refer the complainant/ appellant to other parties responsible for resolving the matter where the matter does not satisfy clause 1.1.

## **5 Complaint and appeal resolution process**

5.1 The PEFC Austria secretariat shall convene an ad-hoc Task Force Group (the TFG) in written form, comprising one or more persons, to investigate the accepted complaint or

appeal. In justified circumstances requiring a balanced stakeholders representation, the TFG shall consist of three to five persons, whereby this must always include one representative from the forestry, one from the environmental groups and, in particular, one representative of that interest group which is at the focus of the complaint. The members of the TFG shall act independently and impartially. The members of the TFG shall have no vested or conflict of interest in the complaint or appeal. The members shall always vote for a chairman from amongst themselves. The arbitration body may call upon the expertise of specialists.

5.2 The TFG shall undertake a thorough and impartial investigation and seek a resolution. The TFG shall meet within three months in person or by other means upon receipt of the complaint, and a decision is to be made within 60 days. In justified cases, which may lead to a delay (compiling expertise, etc.), the period required for making the decision may be extended by 30 days. The TFG shall submit in a timely matter, a detailed written report. The report shall include a statement indicating whether, or not, the complaint or appeal has been substantiated and provide appropriate corrective and preventive actions.

5.3 The decision shall be made by a simple majority; if the votes are equal, the chairman shall have the deciding vote. The decision made by the arbitration body is binding and forms the conclusion of the procedure of arbitration for PEFC Austria.

5.4 The PEFC Austria secretariat shall, without delay, inform the complainant/ appellant and other concerned parties about the outcomes of the complaint/ appeal resolution process, in writing.

5.6 Regardless of the outcome of any complaint/ appeal, the complainant/ appellant and PEFC Austria shall each meet their own costs.

## **6 Documentation**

6.1 The PEFC Austria secretariat shall keep records relating to the complaints/ appeals, including their reception; acceptance/rejection, investigation, resolution (minutes of meetings) and communication to the complainant/ appellant.

Figure 1: Complaint/ appeal procedure diagram

