

FSC® PROCEDURE

Processing Policy for Association Complaints in the FSC® Certification Scheme

FSC-PRO-01-009 (V3-0) EN



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PROCESSING POLICY FOR ASSOCIATION COMPLAINTS IN THE FSC®
CERTIFICATION SCHEME
FSC-PRO-01-009 (V3-0) 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 that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

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 against organizations associated with FSC about their compliance with FSC-POL-01-004 the Policy for the Association of Organizations with FSC.

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Version History

V1-0: initial version

V2-0: revised to incorporate the requirements for formal complaints against the “*Policy for the Association of Organizations with FSC*” (FSC-POL-01-004).

V2-1: revised to amend Clause 3.5 and 3.8, as per decision by the FSC Board of Directors at their 59th Meeting held on 27 February – 2 March 2012 in Chile.

V3-0: revised to use for Policy for Association complaints only. The Guidance for Panels evaluating complaints under the Policy for Association is integrated into 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).

A Scope

This document describes the process that FSC adopts to ensure a timely, independent and effective resolution of Policy for Association complaints submitted by FSC stakeholders. These are complaints against organizations associated with FSC about their compliance with FSC-POL-01-004, the Policy for the Association of Organizations with FSC.

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 V3-0 of this procedure becomes effective on **28 May 2014**.

C References

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

FSC-POL-01-004 Policy for the Association of Organizations with FSC.

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

The following FSC normative documents are superseded and replaced by this procedure:
This procedure supersedes all previous versions of FSC-PRO-01-009 and integrates the FSC-GUI-01-004 Guidance for Panels evaluating complaints under the Policy for Association.

D Terms and definitions

For the purposes of this procedure, the terms and definitions given in *FSC-POL-01-004 Policy for the Association of Organizations with FSC*, *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)).

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.

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.

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.

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 5).

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 the management of 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 Complaint 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 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 Policy for Association complaints

- 3.1 Any individual or organization may submit a complaint against an organization associated with FSC about their compliance with the Policy for Association.
- 3.2 A Policy for Association complaint shall not suspend the validity of any decision, unless a decision is made otherwise by the FSC Board of Directors.
- 3.3 FSC demonstrates its commitment to an effective and timely resolution of Policy for Association complaints through the provision of training to relevant staff throughout the organization.
- 3.4 In extraordinary cases the FSC Director General has the discretion to extend any timelines indicated in this procedure. All Parties to the Complaint 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.
- 3.7 FSC shall keep stakeholders informed of all accepted Policy for Association complaints.

4 Lodging a Policy for Association complaint

- 4.1 Policy for Association complaints shall be brought to the attention of the FSC Director General
- 4.2 A Policy for Association complaint shall be submitted by sending a complaint letter electronically or as hard copy by mail. Complainants shall use the FSC template for submitting PfA complaints (see Annex 1).
- 4.3 The complaint shall:
- 4.3.1 contain the name and contact information of the Complainant and be signed by the legal representative of the Complainant or by the individual in question if the complaint is not filed by an organization;

- 4.3.2 be written in one of the official FSC languages;
 - 4.3.3 list the Certificate Holder(s) and all associated companies known to the Complainant including their certificate codes, against which the complaint is lodged;
 - 4.3.4 specify the events and issues that lead to the complaint;
 - 4.3.5 specify to which unacceptable activities of the Policy for Association the issues of the complaint relate;
 - 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 Policy for Association complaints may be withdrawn by the Complainant, at the Complainant's sole discretion, until the first session of the Complaints Panel.

5 Processing a Policy for Association complaint

Acknowledgement, acceptance or rejection

- 5.1 Receipt of the complaint shall be acknowledged by the FSC Director General within ten (10) days, and also the Defendant shall be informed about the complaint.
- Note: In case the Defendant decides to terminate its association with FSC after the complaint has been lodged, the FSC Director General shall decide on a case by case basis if and how the process will be continued. Should the process be discontinued, then the FSC Director General shall specify conditions for renewal of the association with FSC.
- 5.2 The FSC Director General shall confirm the acceptance or rejection of the complaint within ten (10) days after acknowledgement of its receipt. Acceptance or rejection of the complaint shall be based on compliance with the elements described under 4.3.1 – 4.3.9 above as well as on an evaluation whether the issues raised would have to be dealt with by a Certification Body in the context of an existing FSC certification. If the complaint is rejected, the notification shall include an explanation for the rejection and a recommendation to correctly address it.
- 5.3 In case the FSC Director General confirms acceptance of the complaint, all Parties shall be informed and a public announcement shall be made by FSC.

Appointment of a Complaints Panel

- 5.4 A Complaints Panel shall be established on each occasion that a complaint is filed with FSC and has been accepted by the FSC Director General. The FSC Director General shall appoint an impartial "Complaints Panel" within thirty (30) days of accepting the complaint.
- 5.5 The Complaints Panel shall consist of three (3) FSC members and shall be chamber balanced. In any case, the Complaints Panel members shall be impartial and free of any conflict of interest in relation to the complaint and the Parties to the complaint. The FSC Director General shall ensure that the composition of the Complaints Panel satisfies the requirements of impartiality and conflict of interest.

NOTE: FSC/ ASI staff, as well as affected stakeholders shall not be eligible to be part of the Complaints Panel, unless unanimously accepted by the Parties to the Complaint.

- 5.6 The Complainant and the Defendant have a right to object to any member of the Complaints Panel, with valid reason(s), such as conflict of interest. The FSC Director General shall make a decision on any objection by the Complainant and the Defendant, which shall be final.

The Complaints Panel shall be considered appointed if the Complainant and the Defendant have raised no objection within ten (10) days after notification of the Panel members.

- 5.7 A Chairperson shall be appointed by the members of the Complaints Panel at their first meeting.
- 5.8 The FSC Director General shall appoint a secretary to the Complaints Panel, as a nonvoting member, who shall refrain from any decision making and remain strictly impartial in the collating and presentation of the facts of the case.
- 5.9 Upon appointment of the Complaints Panel, the secretary of the Complaints Panel shall consult the members of the Panel and fix a place, date and time of the session to consider the complaint. The Complaints Panel may meet by teleconference or other means as appropriate.

Evaluation of the complaint

- 5.10 The Complaints Panel shall evaluate the complaint and make recommendations to the FSC Board of Directors. The Complaints Panel shall not act as a mediator between the Parties.
- 5.11 The Complaints Panel is charged with the responsibility to review any relevant due diligence process, certification reports, the filed complaint and the evidence presented to support it. The Complaints Panel shall contact the Complainant, the defendant and other organization(s) and individual(s) able to contribute to fact finding to request relevant information and hear their position.
- 5.12 The lack of cooperation by the Complainant may be considered as grounds for discontinuation of the process. The Complaints Panel shall decide through consensus if a complaint process shall be discontinued.
- 5.13 The Complaints Panel determines the working language(s) of the evaluation. Information brought to the attention of the Panel by the Parties shall be submitted in the working language(s) of the Panel and/or English.

Note: Documents submitted in other languages shall be translated by the Party who provides the material.

- 5.14 The Complaints Panel should be concerned with the safety of interviewees when conducting stakeholder interviews. Vulnerable groups should be approached with the utmost care and their identity should be treated with utmost confidentiality when deemed necessary.
- 5.15 The members of the Complaints Panel shall be placed under an obligation of confidentiality concerning anything that might come to their knowledge during their function.
- 5.16 Information by third parties should be verified, and where this is not possible, it should be noted. Verification could be through field visits, cross-checking of information through different sources, technical or scientific review, aerial photographs, etc.
- 5.17 The Complaints Panel shall evaluate all aspects of the complaint that were accepted by FSC. It is entirely within the discretion of the Complaints Panel whether to evaluate aspects of the complaint that were rejected by FSC.
- 5.18 The Complaints Panel shall base the evaluation of the complaint on compliance with the Policy for Association only. Compliance of the defendant with any other FSC certification requirements is outside the scope of the evaluation.
- 5.19 If the evidence reviewed or collected does indicate a direct or indirect involvement of the Defendant in an unacceptable activity, the Defendant shall be requested to comment on the findings in writing and to explain its involvement.
- 5.20 Evidence of deliberate attempts to conceal violations shall be grounds for consideration of disassociation.

Recommendations by the Complaints Panel

- 5.21 A recommendation to disassociate from an organization / individual should normally only be taken for organizations and individuals with repeated instances of violations against the Policy for Association rather than in cases of isolated incidents.
- 5.22 The standard of certainty “clear and convincing evidence” shall be used as the minimum threshold by Complaints Panels evaluating complaints under the Policy for Association. This standard is met when the certainty of the violation of the Policy for Association by the direct or indirect involvement of the defendant is substantially more probable to be true than not (see Annex 4).

Note: The standard of certainty “clear and convincing evidence” was approved by the FSC Board of Directors at their 62nd Meeting in March 2013.

- 5.23 The members of the Complaints Panel shall judge in all fairness and according to the rules of this procedure.
- 5.24 The Complaints Panel should make recommendations on the complaint by consensus and inform the FSC Director General, in writing, of the recommendations.
- 5.25 If the Complaints Panel is not able to make a recommendation by consensus, it shall take a vote, with the recommendation being made by simple majority.

- 5.26 The Complaints Panel shall make recommendations on the complaint within sixty (60) days after their appointment. In exceptional circumstances, such as where no decision could be reached, the Complaints Panel may seek the approval of the FSC Director General for an extension of time. The FSC Director General may grant an extension of the time, subject satisfactory explanation of the reasons for the extension. The extension of time should be no longer than sixty (60) days. The FSC Director General shall ensure that the Parties to the Complaint are informed accordingly.
- 5.27 Flexibility should be built into the recommendations, i.e. timelines and conditions for rectifying violations should be proposed by the Complaints Panel, taking into account the seriousness of the violation.
- 5.28 The recommendations of the Complaints Panel shall be signed or confirmed in writing or electronically by all members of the Complaints Panel, after which the Chairperson of the Complaints Panel shall send a copy of the recommendations to the FSC Director General.

6 Writing evaluation reports

- 6.1 The Complaints Panel shall produce an evaluation report. The complete report shall be confidential but the Panel shall produce a public summary which shall be made available to the Complainant and Defendant in confidence within ten (10) days after the Panel has given its final recommendations.
- 6.2 Reports shall be objective, comprehensive, properly sourced, and conclusions shall be reached in a transparent manner based on the discovered results and facts.

Full Complaints Panel report (see Annex 2 for a template)

- 6.3 The following elements should be included in the report:
- 6.3.1 An executive summary;
 - 6.3.2 Introduction of the Complaints Panel members and their mandate;
 - 6.3.3 A summary of the complaint and a clear chronology of causative events that led to an infringement of the Policy for Association;
 - 6.3.4 An explanation of the methodology of the evaluation;
 - 6.3.5 The data collection techniques used such as interviews, field visits, collation of documents, expert assessments, etc;
 - 6.3.6 A list of stakeholders interviewed together with a short rationale;
 - 6.3.7 A bibliography of all documents and sources consulted as well as an annex with all documents that are not publicly available;
 - 6.3.8 A description of any impediment to the evaluation;
 - 6.3.9 If alternative explanatory models are provided (e.g. by the Defendant), a demonstration that these are likely not true or not relevant;
 - 6.3.10 A demonstration that the evidence in support of the Complaints Panel recommendation is clear and convincing;

- 6.3.11 A recommendation to the FSC Board of Directors on whether FSC should disassociate from or maintain its association with the Defendant. If a disassociation is recommended, the Complaints Panel should recommend a timeline and conditions for re-association with FSC.

Public summary of the Complaints Panel report (see Annex 3 for a template)

- 6.4 The public summary should include:
 - 6.4.1 The mandate and the names of the Complaints Panel members;
 - 6.4.2 A brief account of the complaint;
 - 6.4.3 A brief description of the evaluation methodology;
 - 6.4.4 A brief description of the range of stakeholders interviewed (without mentioning names);
 - 6.4.5 A brief description of the range of documents and sources consulted during the evaluation;
 - 6.4.6 A brief demonstration that the evidence in support of the Complaints Panel recommendation is clear and convincing;
 - 6.4.7 A recommendation to the FSC Board of Directors on whether FSC should disassociate from or maintain its association with the defendant. In case of a disassociation, the timeline and conditions for re-association should be mentioned in the public summary.

7 Final decision making on a Policy for Association complaint

- 7.1 The Complainant and the Defendant shall have the opportunity to comment on the public summary of the Complaints Panel by producing a statement for the FSC Board of Directors. The statement shall be sent to the FSC Director General within fifteen (15) days of notification of the Panel's recommendations.

NOTE: The statement and any supporting documents shall be made available to the FSC Board of Directors in one of the FSC official languages. Documents submitted in other languages shall be translated by the Party who provides the material.

- 7.2 The FSC Board of Directors shall evaluate the report and recommendations of the Complaints Panel and related statements by the Complainant and Defendant, and take a decision on the complaint at their next Board meeting. The decision shall be final and binding for all Parties involved in the complaint.
- 7.3 The FSC Director General shall communicate the outcome of the complaint process to the Complainant and Defendant within ten (10) days of the decision by the FSC Board of Directors. The Party adversely affected by the decision will be informed first. The decision shall be communicated to the Complainant and Defendant through a physical meeting, rather than a letter, phone call or electronic message. The public summary of the evaluation report will be published after the respective decision by the FSC Board of Directors has been communicated to the Complainant and Defendant.
- 7.4 Following the decision to disassociate, actions to terminate the contractual relationships with the organization or individual should be taken within a period of thirty (30) days.

- 7.5 Together with the decision to disassociate, the FSC Board of Directors shall specify a timeline and conditions for renewal of the association with FSC.
- 7.6 The FSC Director General shall delegate the responsibility for the implementation of any follow-up action as required.

8 Monitoring

- 8.1 FSC A.C. shall periodically evaluate the processing of Policy for Association complaints in the FSC Certification System and assess whether any improvements to the system are needed to prevent future complaints of a similar nature.

NOTE: Monitoring may be conducted as part of the annual internal audit or management review process.

Annex 1 FSC Template for submitting Policy for Association complaints

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

Name of individual or organisation	
Contact person (for organisations)	
Postal address: <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Street + number • City • Area code • Country 	
Phone number	
Fax number	
Email address	
Website	
Certificate number (s)	

Information to be submitted for a Policy for Association complaint:

Issue	Information to support the complaint
Objective of the complaint	
Specification of the issues and events that lead to the	

complaint.	
The complaint is referring to one or more of the PfA unacceptable activities (please mark the activities):	<ul style="list-style-type: none"> ○ Illegal logging or the trade in illegal wood or forest products. ○ Violation of traditional and human rights in forestry operations. ○ Destruction of high conservation values in forestry operations. ○ Significant conversion of forests to plantations or non-forest use. ○ Introduction of genetically modified organisms in forestry operations. ○ Violation of any of the ILO Core Conventions.
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.	
Agreement to share the complaint with the Defendant and other Parties to the Complaint.	
Agreement to adhere to the terms and provisions of the PfA complaints procedure (FSC-PRO-01-009).	
Miscellaneous	

Annex 2 Template Complaints Panel report

Cover page

Header: xxx complaint against xxx

[Insert date]

Title: Recommendation to the FSC Board of Directors

Subtitle: Impartial Complaints Panel consisting of [name of complaints panel member],
[name of complaints panel member] and [name of complaints panel member.]

Main: FSC [shall disassociate from xxx] [shall maintain its association with xxx]

Table of contents

Body of evaluation report:

1. Executive summary
2. The Complaints Panel
3. The Complaint
4. Evaluation of the complaint
 - 4.1 Methodology and data collection
 - 4.2 Documents and sources (description, refer to annex for bibliography)
 - 4.3 Stakeholders interviewed (description, refer to annex for list)
 - 4.4 Impediments to the evaluation
 - 4.5 Clear and convincing evidence for [disassociating with XXX] [maintaining the association with XXX]
 - 4.6 Assessment of counterevidence and counterarguments
5. Recommendation(s) to the FSC Board of Directors [insert timeline and conditions for re-association if applicable]

Annexes

- Reports of field trips
- List of stakeholders interviewed
- Bibliography of documents and sources
- Documents not publicly available
- Any other annexes

Annex 3 Template public summary of the Complaints Panel report

Header: xxx complaint against xxx

[insert date]

Title: Public summary of the Complaints Panel report

Subtitle: Impartial Complaints Panel consisting of [name of complaints panel member],
[name of complaints panel member] and [name of complaints panel member.]

1. The Complaints Panel
2. The Complaint
3. Evaluation of the complaint
4. Clear and convincing evidence for [disassociating with XXX] [maintaining the association with XXX]
5. Recommendation(s) to the FSC Board of Directors [insert timeline and conditions for re-association if applicable]

Annex 4 Standard of certainty

What is a standard of certainty?

The standard of certainty is the degree of certainty applied to determine whether an allegation is defensible or not. Setting a standard of certainty is crucial – without a standard of certainty, it is not possible to evaluate the fairness and rationality of a decision.

In the context of FSC, the standard of certainty is a threshold that complaints panels should consider when evaluating a PfA complaint to determine whether the defendant is responsible for a violation of the PfA and therefore, whether FSC should disassociate from the defendant.

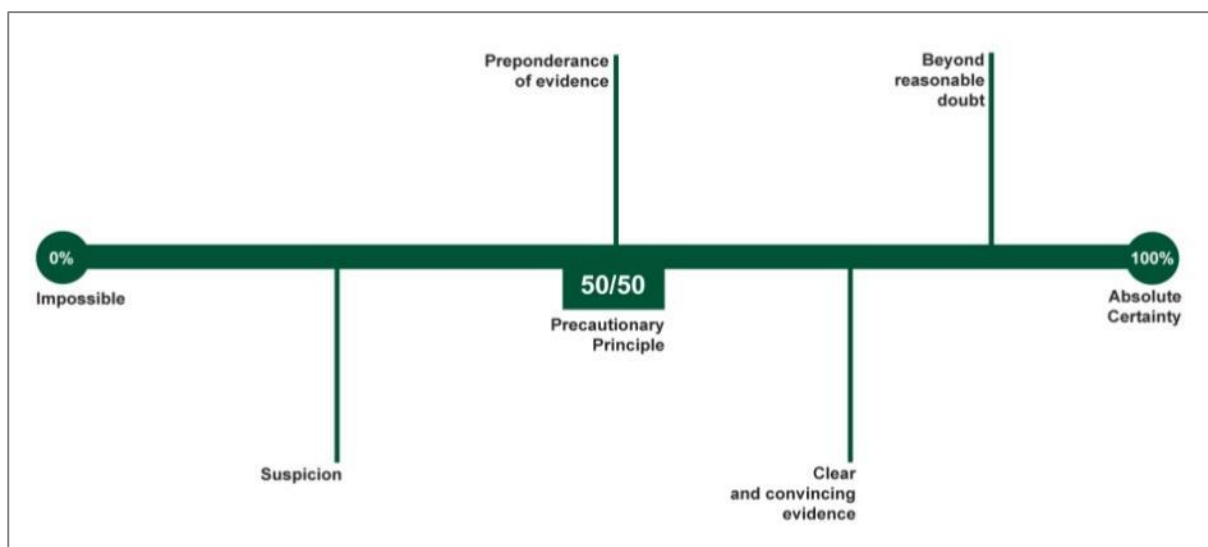
Instead of the legal term “standard of proof”, **the term “standard of certainty” is used in the FSC dispute resolution system.** The FSC dispute resolution system is an alternative to the conventional legal system. The FSC rules are agreed upon by the FSC Members and do not necessarily follow the principles of the common or the civil law. The term standard of proof is therefore not transferable to the context of FSC.

Overview of standards of certainty

The following is an overview of commonly used standards of certainty:

- Preponderance of evidence. This standard is based on a balance of probabilities and is the required threshold for action under the precautionary principle. To meet this standard, the evidence available to the Panel would be more likely to be true than not.
- Clear and convincing evidence. This standard is higher than the preponderance of evidence. To meet this standard, the evidence available to the Panel must be substantially more probable to be true than not. In other words, the Panel would have a firm conviction or belief that the defendant is responsible for a violation of the PfA.
- Beyond reasonable doubt. Proof beyond a reasonable doubt is proof of such a convincing character that the Panel would have no reasonable doubt in believing that the defendant is responsible for a violation of the PfA. However, it does not mean an absolute certainty and that no doubt is possible as to the defendant’s guilt.

Standards of certainty on a probability scale



Annex 5. Dispute Resolution Map

