

FSC INTERNATIONAL STANDARD

FSC Dispute Resolution System

FSC-STD-01-005 (V1-0) EN



Title:	FSC Dispute Resolution System
Document reference code:	FSC-STD-01-005 (V1-0) EN
Scope:	International
Approval date:	30 October 2009
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FINAL VERSION

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

Foreword

The FSC Dispute Resolution System provides a framework by which FSC members, certification bodies and stakeholders may resolve disputes that they may have with the FSC Board of Directors, the FSC and/or its affiliates or with FSC accredited certification bodies or their FSC certificate holders.

The framework consists of procedures which detail the process according to the nature of the dispute and the respective roles of the different parties involved in the process.

Any dispute related to the FSC Certification Scheme, including the FSC Accreditation Program, shall be treated with procedural fairness and incorporate the following guidelines:

- A person or organisation, who is the subject of a complaint or a appeal, should be given adequate notice about the proceedings.
- A person making a decision should declare any personal interest they may have in the proceedings.
- A person who makes a decision should be unbiased and act in good faith. He/she therefore can not be one of the parties in the case, or have an interest in the outcome.
- Proceedings should be conducted so they are fair to all the parties.
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party.
- A decision-maker should take into account relevant considerations and mitigating circumstances, and ignore irrelevant considerations.

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A Scope

This standard outlines the dispute resolution framework to be followed for handling complaints, formal complaints and appeals within the FSC Certification Scheme (including the FSC Accreditation Program).

NOTE: The FSC Dispute Resolution System is not intended to substitute or override the legal rights of any party to use the appropriate judicial system.

B Standard effective date

This standard becomes effective on **01 November 2009**.

C References

The following referenced documents are indispensable for the application of this document. For references without a version number, the latest edition of the referenced document (including any amendments) applies.

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

FSC-PRO-01-005 Processing Appeals

FSC-PRO-01-008 Processing Complaints

FSC-PRO-01-009 Processing Formal Complaints

ASI-PRO-20-103-Appeals

D Terms and definitions

For the purposes of this standard and its related procedures, 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)).

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 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.

Appellant: individual or organization filing an appeal.

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

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 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.

Conformity Assessment Body (CAB): (also referred to as Certification Body): body that performs conformity assessment services and that can be the object of accreditation (adapted from ISO/IEC 17011:2004 (E)).

Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments (adapted from ISO/IEC Guide 2:1991).

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)).

(Informal) Complaint: initial expression of dissatisfaction by any person or organization, to FSC, relating to the activities of the FSC Certification Scheme and/ or the FSC Accreditation program (adapted from ISO/IEC 17011:2004 (E)).

Formal Complaint: formal expression of dissatisfaction by any person or organization, 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 CAB which is appointed by the FSC AC 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. The FSC Certification Scheme contains the following programs:

FSC Accreditation Program is operated and managed by ASI on behalf of FSC AC. It includes activities in relation to the evaluation and the accreditation of a Conformity Assessment Body (CAB) in accordance with the Accreditation Requirements and the ISO requirements referred to therein;

FSC Certification System includes activities with regards to the evaluation and certification of Forest Management Enterprises and Forest Product Enterprises against the FSC Certification Requirements;

FSC Policy and Standards Program is operated and managed by the FSC IC on behalf of FSC AC. It includes activities with regards to the development of normative and non-normative documents (e.g. Policies, Standards, Advice Notes) required to operate the FSC Certification Scheme;

FSC Membership Program is operated and managed by FSC IC and the FSC endorsed National Initiatives. It includes the activities with regard to members and supporters of FSC AC and/or FSC endorsed National Initiatives;

FSC Global Partner Program is operated and managed by FSC GD. It includes activities and partnerships with business that expresses the positive relationship between FSC and its business partners;.

FSC Communication Program is operated and managed by the FSC IC on behalf of FSC AC. It includes activities with regard to communicating the activities of and developing and maintaining the communication tools for the FSC Global Network.

FSC Global Network: Forest Stewardship Council Asociación Civil (FSC AC), FSC International Center GmbH (FSC IC), ASI - Accreditation Services International GmbH (ASI), FSC Global Development GmbH (FSC GD), FSC Regional / National Offices, and FSC endorsed National Initiatives.

Forest Stewardship Council A.C., with its registered office in Calle Margarita Maza de Juárez # 422, Col. Centro, 68000 Oaxaca, Oaxaca, México is an international Not for Profit membership organization.

ASI - Accreditation Services International GmbH, is a wholly owned German For Profit company with limited liability of FSC AC, constituted according to German Law: Bonn HRB 13790, with registered office in Charles-de-Gaulle Strasse 5, 53113 Bonn, Germany.

FSC International Center GmbH is a wholly owned German Not for Profit with limited liability company of FSC AC, constituted according to German Law: Bonn HRB 12589, with registered office in Charles-de-Gaulle Strasse 5, 53113 Bonn, Germany.

FSC Global Development GmbH, is a wholly owned German For Profit company with limited liability of FSC AC, constituted according to German Law: Bonn HRB 15990, with registered office in Charles-de-Gaulle Strasse 5, 53113 Bonn, Germany.

FSC Online Dispute Resolution Center: Web-based system to be accessed at www.fsc.org/dispute-resolution that will constitute a one-stop-shop for complaints and appeals. At the first point of entry in the system, the complaint or appeal gets a unique identifier code, which then will be used to track the dispute in case it goes to the next level. This system will also allow monitoring of complaints and appeals.

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

Parties to the Appeal or Complaint: appellant, complainant, FSC Board of Directors, ASI - Accreditation Services International any other party considered relevant to the complaint by the Director of FSC A.C..

Stakeholder: Individuals or organizations supporting the mission of FSC that would like to make an appeal and/ or complaint in relation to the FSC Certification Scheme and/ or to the FSC Accreditation Program.

1 Basic Principles

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

1.2 As a principle, disputes should be addressed at the lowest level possible and stakeholders are strongly encouraged to do this.

NOTE: Disputes not addressed initially at the lowest level possible may be forwarded to the correct instance, which may ultimately result in additional overall resolution time.

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. This person therefore can not be one of the parties in the case, or have an interest in the outcome.

1.3.4 Proceedings should be conducted so they are fair to all the parties.

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 The parties involved in a dispute shall agree to follow the applicable procedure from below in the event of a dispute. Formal dispute resolution procedures will only come into play when any such issue has not been able to be resolved through discussion and negotiation.

2 Appeals

2.1 Any appeal by a CAB against an accreditation decision with regard to the status of an applicant or FSC accredited CAB shall be processed by ASI according to the procedure *ASI-PRO-20-103*.

NOTE: the right to appeal an accreditation decision rests solely with the CAB that was subject to the decision.

2.2 Any appeal by an individual or organization against a decision taken by FSC (e.g. on derogation applications, National Standards approval) shall be processed by FSC according to the procedure *FSC-PRO-01-005*.

NOTE: the right to appeal a decision by FSC rests solely with the body that was subject to the decision.

- 2.3 Appeals have no suspensory effect on the underlying decision, unless otherwise decided by the Appeals Panel.

3 Complaints

- 3.1 Any (informal) complaint that is brought to the attention of FSC or ASI shall be processed according to the procedure *FSC-PRO-01-008*.
- 3.2 Any formal complaint filed with FSC or ASI with regard to the FSC Certification Scheme shall be processed according to the procedure *FSC-PRO-01-009*.

NOTE: These can be complaints regarding standard setting or the performance of the global FSC Network as well as complaints regarding the compliance of an FSC accredited certification body with FSC requirements or the performance of the FSC Accreditation Program.

- 3.3 Decisions taken on formal complaints are final and cannot be appealed in the FSC dispute resolution system.

Annex1

