
Procedure for dispute settlement

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1. Introduction

The procedure for dispute settlement shall be opened if no agreement between the parties involved (e.g. affected forest owner, certificate holder, auditor, certification body) can be achieved.

2. Scope

The procedure for dispute settlement described in the document is valid for all application levels of the certification system.

3. References

Normative Documents

Status	No.	Title
ND	001	Requirements for group certification
ND	002	Requirements for the certification of individual enterprises
ND	003	Standards for forest management
ND	004	Chain of Custody requirements
ND	005	Logo rules

Mandatory Guidelines

VL	001	Principles of the certification scheme PEFC Switzerland
VL	002-1	Requirements for certification bodies - COC
VL	002-2	Requirements for certification bodies - FM
VL	004	Standard revision procedures
VL	005	Notification of Certification Bodies Issuance of LogoUsage Licenses

Other documents

SD	001	Terms and definitions
SD	002	Scale of fees
SD	003	Statutes

4. Procedure

4.1. Cases for dispute settlement

There are four different cases which may make a dispute settlement necessary:

1. Complaints with respect to the standard setting process and the development of standards.
2. Disputes resulting from the implementation of the certification procedures.
3. Discrepancies referring to the interpretation of the certification requirements (also re-ferring to the chain of custody certification).
4. Complaints with respect to the administration of the Swiss PEFC system.

The accredited certification bodies have to install procedures for dispute settlement for all grievances between the PEFC certificate holders and the certification bodies. For complaints concerning observance of the accreditation requirements, the dispute settlement body of the accreditation body, whose accreditation covers the certification, has to deal with.

4.2. Dispute settlement body

The members of the dispute settlement body are independent and impartial. It will be ap-pointed and its members will be called in by the steering committee of PEFC Switzerland on an ad hoc basis. The dispute settlement body consists of one person representing forestry, one representing timber industry and one representing other stakeholders. One representa-tive of the involved branch has to be member of this body. For each case the chair has to be newly elected among the members of dispute settlement body.

4.3. Dispute settlement procedure

The application for the initiation of a dispute settlement procedure has to be addressed to the PEFC secretariat (c/o LIGNUM, Zurich, see www.pefc.ch). The application shall include an informative documentation of the concrete case, statements of all parties involved and – if relevant – the result of the internal investigation of the certification body. The PEFC-secretariat will confirm the applicant the receipt of the application.

If within three months after the receipt of the application there is no regularly meeting of the GFCC, the appointment of the dispute settlement body and its members shall be organised based on written correspondence. Within this period the dispute settlement body shall meet for the first time. For more complicated cases an independent expert will be called in. The decision shall be made within three months after the first meeting of the dispute settlement body. For the decision making a simple majority will be sufficient. The PEFC-secretariat is responsible for the preparation of minutes of the meetings of the dispute settlement body and for informing the involved parties on the result of the of dispute settlement.

The decision of the dispute settlement body is binding and terminates the dispute settlement of PEFC Switzerland. It covers, where appropriate, corrective and preventive actions and measures to verify their implementation. Up to the decision of the dispute settlement body all certificates and confirmations of participation remain valid.

5. Privacy

Upon receipt of the complaint, the procedures shall provide for formal information to the complainant and concerned parties that PEFC Switzerland may collect some personal data. The personal data collected includes: full name of the contact person, email address and telephone number. This information is necessary for the management of complaints relating to the governance and administration of the PEFC scheme. They are not made publicly available, but PEFC Switzerland may share them with third parties limited to and exclusively for the complaints and disputes resolution purposes.

Personal data on the complainant and concerned parties are stored for a duration of five (5) years after the end of the complaint resolution. Data will then be deleted. Upon request, PEFC Switzerland may provide data subjects with information about the personal data it holds. Complainants and concerned parties have the right to access or verify their personal data and to have them modified, transferred, corrected or deleted at any time. If the complainant or concerned parties would like to exercise one of these data protection rights, they can contact the PEFC Switzerland at info@pefc.ch.

By submitting a complaint, the complainant agrees to this data treatment procedure.