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## Complaints and Appeals Settlement Procedure



**PEFC**

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## Foreword

Estonian Forest Certification Council (EFCC) is an organisation with the aim of facilitating sustainable forest management through forest 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 recycled material and/or non-controversial sources.

EFCC is a non-governmental association and responsible for the standard setting and the administration of the Estonian PEFC scheme. The PEFC standards are developed through an open and transparent procedure on the basis of consensus and consultations with a variety of stakeholders.

## Introduction

Forest management certification provides confidence that the defined forest is managed in compliance with the principles for sustainable forest management. Forest management certification and certifications of the subsequent chain of custody enables forest owners, forest managers and as well as other actors in the chain 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.

## 1. Scope

1.1 These guidelines specify procedures for complaints and appeals to EFCC concerning the decisions and/or activities related to EFCC, interpretation of the EFCC standards, trademark licencing and notification of certification bodies.

*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 Cooperation for Accreditation or by the International Accreditation Forum.

## 2. Normative references

PEFC GD 1004, *Administration of PEFC Scheme*

PEFC GL7, *PEFC Council procedures for the investigation and resolution of complaints and appeals*

### **3. Terms and definitions**

#### **3.1 Appeal**

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

*Note:* Such adverse decisions may include, for example:

- Rejection; suspension; or termination of EFCC's membership,
- Rejection of application for usage of the PEFC Trademark;
- 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 EFCC.

### **4. Complaints and appeals acceptance**

4.1 All complaints and appeals shall be addressed to EFCC in writing.

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.

*Note:* Written information includes, for example, contact information of the person filing the complaint/appeal, date of filing the appeal and the content of the protest as well as notification about added documents.

4.3. If an appeal does not comply with the requirements set out above, § 78 of Estonian Administrative Procedure Act shall be applied. Appeal won't be registered and proceeded, if:

- a) the appeal is filed anonymously;
- b) the person does not have the right to file the appeal;
- c) the person filing the appeal has failed to eliminate the deficiencies in the appeal within the designated term;
- d) judicial or liquidation proceedings are being conducted concerning the person filing the appeal;
- e) review of an appeal is not within the competence of an EFCC.

4.4 The CEO of EFCC shall decide on formal acceptance of the complaint/ appeal provided that the complaint/appeal is in accordance with 3.2 and/or 3.1 and the information supporting the complaint/appeal can be authenticated as being in compliance with 4.2.

The CEO of EFCC 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/appellant with details of the EFCC's complaints and appeals procedures to ensure that they are clearly understood;
- 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 EFCC's Board of Directors shall assign an ad-hoc Task Force Group (the TFG), comprising one or more persons, to investigate the accepted complaint or appeal. The head of the working group has the right to involve relevant experts or relevant parties in the resolution. The members of the TFG shall have no vested or conflict of interest in the complaint or appeal. Alternatively, in justified circumstances, the TFG may have balanced representation of concerned parties.

5.2 The TFG shall undertake a thorough investigation and seek a resolution. All participants of the TFC shall have an opportunity to explain and justify their positions. The statements and decisions made in the session shall be recorded in the minutes. The decision of the TFG shall be adopted as a simple majority of the votes. If the votes distribute equally the casting vote belongs to the chairman of the TFG.

The TFG shall submit in a timely manner, a detailed written report, to the EFCC's Board. The report shall include a statement indicating whether, or not, the complaint or appeal has been substantiated and recommendations on resolving the complaint/ appeal.

Note: It is expected that complaints not requiring an on-site investigation should normally be investigated by the TFG within 1 month.

5.3 The Board of Directors shall approve or disapprove the conclusions of the report, including its recommendations and relevant corrective and preventive actions. Where the complaint or appeal concerns the decision of the General Assembly, the final decision is made by the General Assembly based on recommendation of the Board of Directors.

5.4 The CEO of EFCC shall, without delay, inform in writing the complainant/appellant and other interested parties about the outcomes of the complaint/ appeal resolution process.

5.5 It is expected that any formally accepted complaint/ appeal, not requiring an on-site investigation should normally be resolved within 6 months.

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

5.7 The decision is final. The TFG shall not handle repeated appeal on the same matter. Difference of opinions related to the decision shall be settled according to the Estonian legislation.

## **6. Documentation**

6.1 The CEO of EFCC shall keep records relating to the complaints/ appeals, including their reception; acceptance/rejection, investigation, resolution and communication to the complainant/ appellant.

## **7. Data management procedure**

7.1. Complainants raising a concern to the EFCC are not obliged to disclose their identity if they choose to maintain their anonymity and they may use a code name to ensure further communications.

7.2. While it should generally be possible to undertake a preliminary assessment of the admissibility of a confidential concern, the assessment of the merit of the concern under the formal complaints resolution process is likely to be hampered or incomplete if it is raised in this manner.

7.3. If concerns are raised confidentially, the EFCC will make every effort to keep the identity of those raising the concerns secret. We will only proceed to investigate the concern as a formal complaint under the EFCC complaints procedure if the person raising the concern agrees to the matter being so disclosed. This does not apply if the EFCC believes there is a legal or regulatory obligation to disclose the concern.

7.4. Where an individual raising a confidential concern identifies themselves, the EFCC shall formally inform the complainant and concerned parties which categories of personal data it may collect. They are not made publicly available, but EFCC may share them with third parties limited to and exclusively for the complaints and appeals resolution purposes.

Personal data of 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, the EFCC 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 EFCC at [info@pefc.ee](mailto:info@pefc.ee).

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

Figure 1: Complaint/appeal procedure diagram

