

## PROJECT FOR THE DEVELOPMENT AND INSTITUTIONALISATION OF A PAFC CERTIFICATION SYSTEM FOR THE CONGO BASIN



### Handling of complaints and appeals

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## Introduction

PAFC Congo Basin certification is regional certification applicable at the national level in each country covered by the PAFC Congo Basin certification scheme.

PAFC Congo Basin certification is a means of ensuring the implementation of practices that comply with the requirements of the PAFC Congo Basin forest certification scheme, which is administered by an entity authorised by the PEFC Council in each country of the sub-region: the national PAFC organisation.

The national PAFC Cameroon, PAFC Congo and PAFC Gabon organisations, named in the document PAFC **COUNTRY**, are each in charge of the implementation of the present procedures in their respective countries.

All operations carried out by PAFC **COUNTRY** or decisions made by PAFC **COUNTRY** within the framework of the administration of the scheme may be subject to complaints or appeals by third parties.

This procedure describes the procedure for the consideration and handling of such complaints and appeals.

All complaints or appeals are viewed by PAFC **COUNTRY** as an opportunity to further improve the scheme. Corrective and preventive measures are implemented on a continuous basis to improve its services, and in particular following the handling of complaints and appeals.

### 1. Scope

This document (PAFC/PROC-002-2020-1) describes the procedure to be used by PAFC **COUNTRY** when a complaint or an appeal is filed by a third party in relation to:

- PAFC **COUNTRY** decisions and/or activities related to the administration of the scheme;
- failure by PAFC **COUNTRY** to comply with PAFC Congo Basin's forest certification scheme.

It details the conditions of admissibility of complaints and appeals, the terms of their examination by PAFC **COUNTRY** and the notification of the decision to the claimant.

Note:

- Complaints and appeals made against a certified entity are handled according to its certification body's complaints and appeals resolution procedure;
- Complaints and appeals made against a certification body are handled according to the complaints and appeals resolution procedure of the certification body's accreditation body;
- Complaints and appeals made against an accreditation body are dealt with in accordance with the complaints and appeals resolution procedure of the International Accreditation Forum (IAF).



## 2. Normative references

The following normative documents provide a framework for this procedure:

- The PEFC Council's reference documents:
  - PEFC GD 1004 (current version) *Administration of PEFC Scheme*;
- The PAFC Congo Basin procedures:
  - Licensing of the PEFC registered trademarks - PAFC/PROC-005-2020
  - Notification of Certification Bodies for sustainable forest management system - PAFC/PROC-003-2020
  - Notification of chain of custody certification bodies PAFC/PROC-004-2020

## 3. Terms and definitions

<b>Appeal</b>	A reasoned, written appeal that allows a natural or legal person who is not satisfied with a decision taken in the handling of his or her complaint to have the facts re-examined in order to obtain a second decision.
<b>Appellant</b>	The natural or legal person submitting an appeal.
<b>Authorised body</b>	Entity authorized by the PEFC Council to administer the PAFC <b>COUNTRY</b> system on behalf of the PEFC Council.
<b>PAFC COUNTRY</b>	Refers in this document to the national PAFC organisations of the Congo Basin: PAFC Cameroon, PAFC Congo and PAFC Gabon.  Where the term <b>COUNTRY</b> is capitalised in the text, it should be understood as a generic term to be replaced by the name of the relevant country.
<b>Complaint</b>	An expression of dissatisfaction in relation to a matter covered by the scope of this procedure that is made in writing and filed by a natural or legal person. Also known as a "claim".
<b>Plaintiff</b>	A natural or legal person submitting a complaint.

## 4. Handling of complaints and appeals

### 4.1. General principles

The handling of complaints and appeals by PAFC **COUNTRY** must be carried out according to principles of neutrality, independence and impartiality.

The plaintiff/appellant must, on the one hand, clearly explain the reason for his/her complaint/appeal and, on the other hand, must provide as much proof as possible to enable it to be handled.

Regardless of the outcome of the complaint or appeal, the plaintiff/appellant and PAFC **COUNTRY** shall bear their respective costs.

All correspondence relating to a complaint or appeal, whether it concerns the filing, handling or resolution process, the status of its handling, etc., should be addressed to PAFC **COUNTRY's** Bureau.



PAFC Cameroun:

PAFC Congo:

PAFC Gabon:

All documentation relating to the handling of complaints and appeals must be saved and archived by the PAFC **COUNTRY** Bureau for a minimum period of 5 years.

#### 4.2. Filing of complaints and appeals

Upon receipt of the written complaint/appeal, and prior to any review of admissibility or merits, the PAFC **COUNTRY** Bureau shall file it, within 15 days, and inform the plaintiff/appellant in writing of:

- The effective receipt of his/her complaint/appeal (acknowledgement of receipt);
- The next review and processing steps in accordance with this procedure.

The date of filing of the complaint/appeal is the date the acknowledgement of receipt is sent.

#### 4.3. Processing of complaints

##### 4.3.1. Admissibility

To be admissible, a complaint must:

- Fall within the scope of the complaints defined in section 1 above (Coverage).
- Be submitted in writing to the PAFC **COUNTRY** Bureau by an identified legal or natural person;
- Involve a fact that is less than 12 months old;
- Contain the identification of the organisation or company involved in the complaint;
- Precisely explain the subject of the complaint;
- Be substantiated and accompanied by all supporting documents deemed necessary, the relevance and accuracy of which can be verified.

##### 4.3.2. Examination and processing of complaints

All admissible claims that do not require further investigation are examined and dealt with impartially by the PAFC **COUNTRY** Bureau within the two months following receipt of the complaint.

Before ruling on a claim, the Bureau, if it deems it necessary, reserves the right to carry out a further investigation by:

- asking for further details or additional supporting documents;
- or by carrying out an additional on-site investigation, using the methods it deems relevant.

In this case, the Bureau will have to examine and deal with the complaint within 6 months after it has been received by PAFC **COUNTRY**.

The Office shall notify the plaintiff in writing of its reasoned reply, which shall include, where appropriate, the corrective and preventive measures to be implemented to put an end to the causes of the claim.

In cases where the Bureau is responsible for the decisions and/or activities that are the subject of the complaint, and in order to avoid any conflict of interest, the President of PAFC **COUNTRY** shall establish an independent expert or group of experts in charge of:



- Carrying out, if necessary, further investigation if necessary to enable a decision to be taken;
- Ruling on the complaint by pronouncing a decision and defining the possible corrective and preventive measures to be implemented to correct the situation that gave rise to the complaint.

The decision thus taken by the independent expert is notified in writing by the PAFC **COUNTRY** Bureau to the plaintiff and the involved parties.

The notified decision shall be immediately binding.

#### 4.4. Processing of appeals

##### 4.4.1. Admissibility

Any identified legal or natural person who has lodged a complaint may appeal against the decision taken by PAFC **COUNTRY** Office in the context of the handling of that complaint.

In order to be admissible, an appeal must:

- Have been the subject of a first complaint examined and handled by the PAFC **COUNTRY** Bureau;
- Be notified in writing to the President of PAFC **COUNTRY** within six months following the written notification of the decision taken in the context of the processing of the complaint which is the subject of the appeal;
- Be reasoned and accompanied by all supporting documents deemed necessary, and whose relevance and accuracy can be verified.

##### 4.4.2. Examination and processing of appeals

The appeal is examined and handled with within two months of its receipt by the General Assembly of PAFC **COUNTRY**, which may call upon experts competent in the subject matter of the appeal, in order to have at its disposal the useful and necessary elements of information for an impartial and appropriate decision.

In cases where the General Assembly is responsible for the decisions and/or activities under appeal, and in order to avoid any conflict of interest, the President of PAFC **COUNTRY** will appoint an independent expert or group of experts to:

- Carry out, if necessary, additional investigation if it is necessary to enable a decision to be made;
- Rule upon the appeal by pronouncing a decision and defining the possible corrective and preventive measures to be implemented to correct the situation that motivated the complaint and the subsequent appeal.

The decision thus taken by the independent expert shall be notified in writing to the appellant and the relevant parties by the President of PAFC **COUNTRY**.

The notified decision shall be enforceable without delay and cannot be subject to any further appeals.



#### 4.5. Follow-up of complaints and appeals

Following the handling of a complaint or appeal, if corrective or preventive actions have been recommended, proof of their implementation must be provided to the plaintiff/appellant and relevant stakeholders and archived by the PAFC **COUNTRY** Bureau.

The PAFC **COUNTRY** Bureau reserves the right to carry out a documentary or an on-site inspection, if and when it deems necessary and within the timeframe it deems relevant.