

**GABONESE ASSOCIATION OF THE PAN-AFRICAN FOREST CERTIFICATION
SYSTEM
PAFC GABON**



PAFC GABON FOREST CERTIFICATION SCHEME

Dispute settlement procedure

Version 2.3– February 2014

With the collaboration of:

ECOFORAF



B.P: 23.834 Libreville, Gabon
Tel.: (+241) 06.70.40.68 / 05.33.66.44
Email: rose.ondo@pafc-gabon.org
Website: www.pafc-gabon.org

Contents

1. General remarks - scope.....	3
2. Dispute settlement body	3
3. General Procedure for conflict resolution.....	3
4. Resolving disputes within certifying bodies	4
5. Last resort.....	4

Approved by: PAFC Gabon General Assembly

Date: 12 July 2013

Issue date (Application):endorsement date by the PEFC Council

Transition date: no longer than one year after the endorsement date by the PEFC Council

1. General remarks - scope

This procedure specifies the creation and operating principles of a dispute settlement body to deal with complaints arising from the implementation of the standard or certification procedures that cannot be addressed by the dispute settlement procedures of the relevant accredited certification body as well as the complaints concerning the activities and decisions of PAFC Gabon.

2. Dispute settlement body

The law governing procedures for dealing with complaints, appeals, and requests for arbitration relating to the implementation of the certification, ensures a fair and impartial system of implementation and certification.

PAFC Gabon shall designate an independent committee to deal with complaints and appeals arising from implementation or certification procedures that cannot be addressed by the relevant accredited certifying bodies. This committee is composed of a member of the administration, a member of PAFC Gabon Board of Directors, a representative of the certified companies, either appointed by them or elected by vote, and an independent external expert.

The body responsible for resolving requests for arbitration from the Forum is the PAFC Gabon Board of Directors.

Appeals, complaints and disputes concerning the good forest management or Chain of Custody certification process or its results shall be dealt with by the certification body in accordance with its internal procedures for regulating conflicts and the conditions governed by the accreditation.

Specifically, these procedures manage conflicts linked to audits, together with the issuing, suspension, withdrawal or refusal of certification.

Appeals, complaints and disputes concerning the accreditation process together with observance of the conditions governed by the accreditation shall be handled by the appropriate accreditation body.

If the complaints, disputes or conflicts can not be resolved by the parties involved, or by the certification or accreditation bodies, they are governed by the PAFC Gabon dispute settlement body, insofar as this does not contravene the competence of the certification or accreditation bodies concerned.

In the case of Chain of Custody certification, the dispute settlement body is also able to resolve grievances that do not exclusively concern the applicant or the certification body.

3. General Procedure for conflict resolution

Any request to launch a dispute settlement procedure must be sent to the PAFC Gabon secretariat. It must be accompanied by documentation providing background to the specific case, declarations by all interested parties and, if necessary, the result of the internal inquiry carried out by the certification body. The PAFC Gabon Secretariat shall confirm that the request has been duly received.

If within three months of the request being received, no regular PAFC Gabon meeting takes place, appointment of the dispute settlement body and its members must be arranged by written correspondence.

During this period, the dispute settlement body shall meet for the first time. In more complex cases, an independent expert must be called in. This decision must be taken within three months of the dispute settlement body's first meeting. Decisions are made by a simple majority vote. The PAFC Gabon secretariat is responsible for providing minutes of the dispute settlement body's meetings and informing the parties concerned of the outcome of the dispute settlement process.

The decision of the dispute settlement body is binding and ensures closure of the dispute. Until the dispute settlement body makes its decision, all certificates and confirmations of participation remain valid.

4. Resolving disputes within certifying bodies

Certifying bodies:

1. Shall keep a records of all appeals, complaints and disputes connected to certification;
2. Shall take appropriate preventive and corrective measures where relevant;
3. Shall document actions undertaken by client organisations.

5. Last resort

If complaints, disputes or conflicts cannot be resolved out of court, following an agreement between the two parties or by the certification body, the accreditation body, or the dispute settlement body designated by PAFC Gabon, then as a last resort, the civil court where the appellant has their registered office shall be competent.