

VFCS PROCEDURE FOR THE RESOLUTION OF COMPLAINTS AND APPEALS



VFCS GD 1010:2019

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I. INTRODUCTION

Sustainable forest management has been implemented in Vietnam since the 1990s and the second phase (from 2006 to 2020) of the Vietnam Forestry Development Strategy has been approved by the Vietnamese Government.

In 2018, the Prime Minister approved the Project on Sustainable Forest Management and Forest Certification through the Decision No. 1288/QĐ-TTg dated October 1, 2018, in which the Vietnam Forest Certification Scheme (VFCS) was established and operated under the Vietnam Administration of Forestry - Ministry of Agriculture and Rural Development.

The Vietnam Forest Certification Scheme is acted based on the principles of independent decision-making among the parties and it ensures compliance with the requirements of international forest certification systems.

Procedures for the resolution of appeals and complaints are based on Vietnamese Law on the process of handling complaints, denunciations, petitions, reflections and based on the guidelines of the PEFC document (PEFC GL 7: 2007); PEFC administration document (PEFC GD 1004: 2009).

Procedures for the resolution of appeals and complaints are to ensure the issuance and maintenance of VFCS sustainable management certificates are objective, honest and effective. At the same time, protection the rights and interests of organizations and individuals involved in the process of resolution of appeals and complaints.

II. NORMATIVE REFERENCES

- Pursuant to the Decision 190/QD-BNN-TCLN dated November 1, 2019 of the Minister of Ministry of Agriculture and Rural Development on assigning the task of sustainable forest management and forest certification;

- Pursuant to the Decision No. 191/QD-BNN-TCLN dated November 1, 2019 of the Minister of Ministry of Agriculture and Rural Development on the establishment of the Vietnam Forest Certification Office;

- Pursuant to the Decision No. 71/QD-TCLN-VP dated March 22, 2019 of the General Director of the Vietnam Administration of Forestry on the functions, tasks, powers and organizational structure of the Vietnam Forest Certification Office;

- Pursuant to the Circular No. 07/2014 / TT-TTCT dated October 31, 2014 of the Government Inspectorate on regulating the process of resolution complaints, disputes and appeals;

- Base on PEFC GD 1004:2009 Administration of PEFC Scheme;

- Base on PEFC GL7/2007 PEFC Council procedures for the investigation and resolution of complaints and appeals;

III. OBJECTIVES AND SCOPE

3.1. Objectives

The document is worked out for certification bodies (CB), accreditation bodies (AB), forest certification applicants and other stakeholders related to propose the resolution of appeals and complaints in the activities of certification of sustainable forest management and chain of custody under the Viet Nam Forest Certification Scheme.

3.2. Scope

The resolution procedures are applicable to the following complaints and appeals involving Viet Nam forest certification system.

a) The complaints and appeal involving regulations in operating the Viet Nam Forest Certification System related to requirements for accreditation bodies, certification bodies and other organizations, individuals;

b) The complaints and appeal involving VFCS Logo Usage rules;

c) The complaints and appeal involving related to the standard-setting process for sustainable forest management and chain of custody standard under Viet Nam Forest Certification Scheme;

d) The complaints and appeal involving information security regulations in certification bodies notification contracts, VFCS Logo Use contracts.

e) The complaints and appeal involving activities between all stakeholders under VFCS;

IV. RESOLUTION OF APPEALS AND COMPLAINTS COMMITTEE

4.1. Establish Resolution of appeals and complaints Committee

The Viet Nam Forest Certification Office decided to establish the resolution of appeals and complaints Committee. Decision form in Annex I of this document;

The resolution of appeals and complaints Committee shall comprise of five to seven members who are appointed by the VFCSO, each member of the Committee shall be come from agencies and organizations operating in the forestry, environmental or economic sectors.

4.2. Responsibilities of Resolution of appeals and complaints Committee

The Committee shall resolve all the relevant appeals and complaints mentioned below.

a) The complaints and appeal involving regulations in operating the Viet Nam Forest Certification Scheme related to requirements for accreditation bodies, certification bodies and other organizations, individuals;

b) The complaints and appeal involving VFCS Logo Usage rules;

c) The complaints and appeal involving related to the standard-setting process for sustainable forest management and chain of custody standard under Viet Nam Forest Certification Scheme;

d) The complaints and appeal involving information security regulations in certification bodies notification contracts, VFCS Logo Use contracts;

e) The complaints and appeal involving activities between all stakeholders under VFCS.

4.3. Rights of Resolution of appeals and complaints Committee

a) The committee have right to request supplemental documents on any pertinent matter from any of the parties to the dispute to clarify the issue of appeals and complaints;

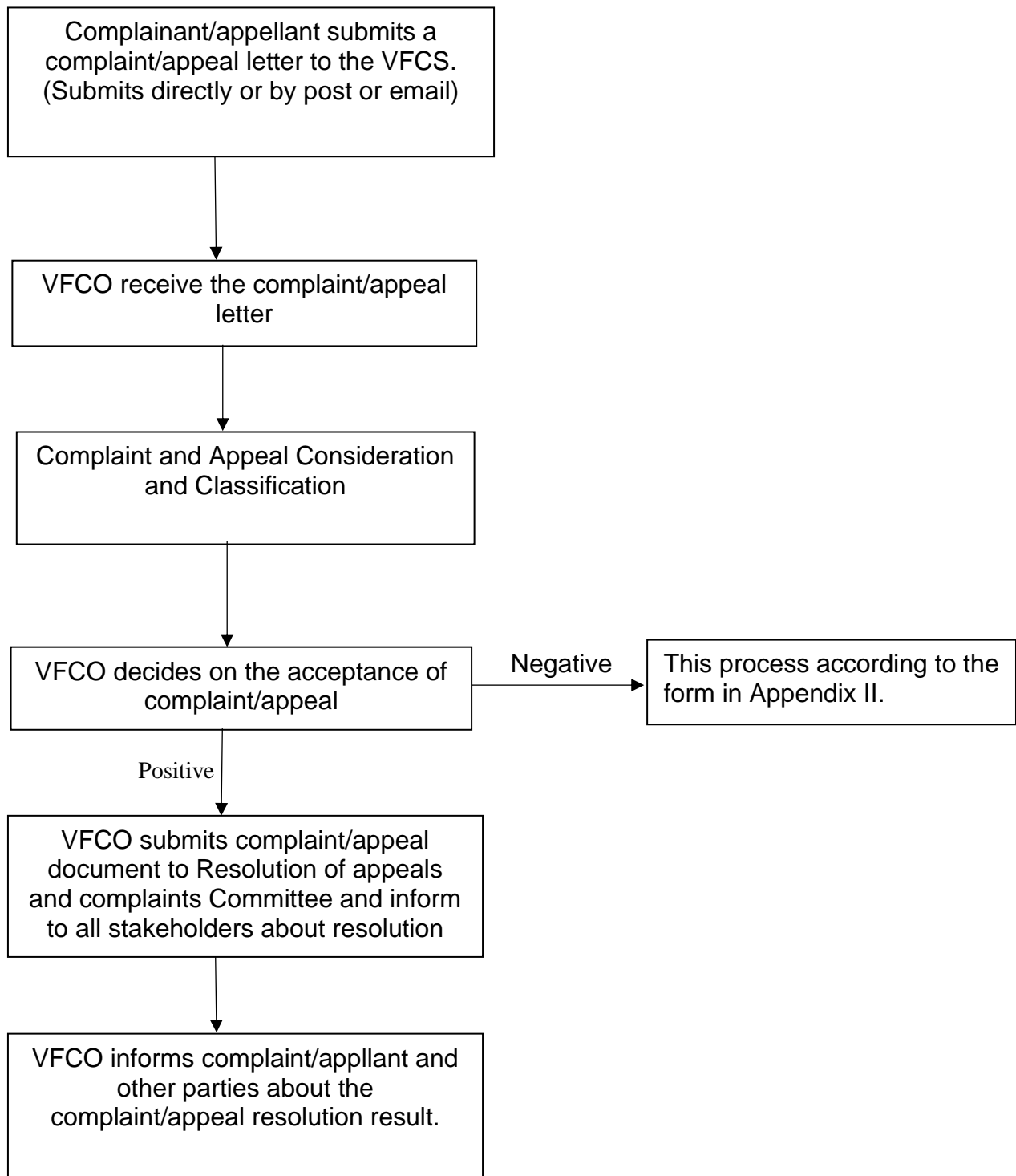
b) The committee have right to request provide explanation on any pertinent matter from any of the parties to the dispute to clarify the issue of appeals and complaints;

c) The committee have right to hold site visits, oral hearings or other proceedings that might help resolve the appeals and complaints;

d) The committee have right to issue a statement of its decision in which to notify the complainant and relevant parties of the dispute-resolving process and result.

V. PROCEDURE FOR THE RESOLUTION OF COMPLAINTS AND APPEALS

Roadmap procedure for the resolution of complaints and appeals



5.1. Set of complaint/appeal document

- a) Proposing the settlement of complaint and appeal letter;
- b) Evidence of complaint and appeal (if any).

5.2. Submitting document

Submit the application directly at the Viet Nam Forest Certification Office or by mail or by post.

5.3. Processing document

a) When received the complaint/appeal document of request for complaint/appeal resolution, the Viet Nam Forest Certification Office shall classify the information and will notify the confirmation of the resolution or refusal to resolve the complaint/appeal. The Viet Nam Forest Certification Office has the right to refuse to receive complaints in the following cases:

- The issue of complaint/appeal does not meet the objectives and scope of this procedure stipulated in Section III;

- Complaint and appeal are unclear and there is not enough evidence.

b) VFCO submits complaint/appeal document to Resolution of appeals and complaints Committee.

Where the complaint/appeal document has been accepted by the VFCO for resolution, the VFCO shall be directed to forward copies of the complaint/appeal (and its supporting documents) to the Resolution of appeals and complaints Committee.

c) VFCO inform to all relevant organizations/persons in the complaint/appeal the copies of the complaint/appeal (and its supporting documents)

Organisations or persons named as responding parties shall have 20 working days, following the Secretariat's transmission to them of the dispute (and its supporting documents), to submit to the Secretariat their own response briefs (including the supporting documents and evidence not already presented by the complainant).

d) Resolution of complaint/appeal by the Committee

Within 15 working days of the copies of the complaint/appeal (and its supporting documents) of the respondent(s), the Resolution of appeals and complaints Committee shall decide whether to proceed to hear the dispute;

The Resolution of appeals and complaints Committee shall convene to analyze, discuss all the information and evidences within the dispute in an objective and impartial manner, and make its decision on the dispute

In exceptional circumstances, the Resolution Committee may do any or all of the following:

- Request supplemental the documents or evidences on any pertinent matter from any of the relevant parties to the dispute.
- Request assistance from the VFCO.
- Request the assistance of outside experts.
- Hold site visits, oral hearings or other proceedings that might help resolve the dispute.
- The decision of the Resolution Committee shall be based on a simple majority, and shall be final.
- The Resolution Committee shall issue a statement of its decision and notify the complainant to relevant parties of the dispute-resolving process and result.

e) Notice of complaint and appeals resolution results

The Viet Nam Forest Certification Office will directly notify to the relevant parties of the results of complaint and appeals resolution results and public all information on the website of the Viet Nam Forest Certification System (vfcs.vnforest.org.vn).

VI. ENFORCEMENT

6.1. Responsible for implementing

All VFCS stakeholder including: Certification bodies operating in the Viet Nam Forest Certification System, forest owners, enterprises and other entities related VFCS are responsible for complying with the provisions of this document

6.2. Monitoring

VFCO responsible for monitoring the resolution, handling complaints and appeals process and supervising the related parties on the capacity and experience of organizations and individuals operating in the VFCS.

Annex I: Decision to establish Resolution of appeals and complaints Committee

VNFOREST
FOREST CERTIFICATION

Socialist Republic of Vietnam
Independence – Liberty - Happiness

OFFICE

Ha Noi, date month year 20.....

No: /VPCCR

DECISION**Establish the Resolution of appeals and complaints Committee.**

- Pursuant to the Decision No 190/QD-BNN-TCCB dated on January 11 th 2019 of the Minister of the ministry of Agriculture and Rural Development on assigning the tasks of forest sustainable forest management and certification allocated to the ministry of Agriculture and Rural development as regulated by the decision No 1288/QD-TTg of the Prime Minister;

- Pursuant to the Decision No. 191/QD-BNN-TCCB dated on January 11 th 2019 of the Minister of the ministry of Agriculture and Rural Development on establishing the office of forest sustainable forest management certification;

- Pursuant to the Government Resolution No. 71/NQ-CP of August 8, 2017, promulgating the Government, Program of Action for implementation of Directive No.13-CT/TW of January 12, 2017 of the Central Secretariat Party on enhancing Party leadership on forest protection and development;

- Pursuant to the Circular No. 07/2014 / TT-TTCP dated October 31, 2014 of the Government Inspectorate on regulating the process of resolution complaints, disputes and appeals;

- Based on the document title PEFC GD 1004:2009 Administration of PEFC Scheme;

- Based on the document title PEFC GL7/2007 PEFC Council procedures for the investigation and resolution of complaints and appeals;

At the request of the Viet Nam Forest Certification Office.

DECISION:

Article 1. Establish the Resolution of appeals and complaints Committee relevant the operations Viet Nam Forest Certification Scheme, (a list of committee members when established).

Article 2. Functions of Resolution of appeals and complaints Committee

The Committee shall resolve all the relevant appeals and complaints mentioned below.

a) The complaints and appeal involving regulations in operating the Viet Nam Forest Certification System related to requirements for accreditation bodies, certification bodies and other organizations, individuals;

b) The complaints and appeal involving VFCS Logo Usage rules;

c) The complaints and appeal involving related to the standard-setting process for sustainable forest management and chain of custody standard under Viet Nam Forest Certification Scheme;

d) The complaints and appeal involving information security regulations in certification bodies notification contracts, VFCS Logo Use contracts;

e) The complaints and appeal involving activities between all stakeholders under VFCS.

Responsible for complaint registration, analysis, consideration, negotiation, evaluation, coordination, and prioritization of complaint urgency and coordinate with relevant organizations to find the solutions, evaluation, follow up and inform the results to the complainants with informing to VFCSO.

Article 3. Relevant parties in appeals and complaints; organizations whose members are involved and the persons named in Article 1 are responsible for implementing this decision./.

Viet Nam Forest Certification Office

Recipients:

- As the Article 3;
- VFCSO;

Annex II: Notice of appeals/complaint is not eligible for acceptance

VNFOREST
FOREST CERTIFICATION
OFFICE
 No: /VPCCR

Socialist Republic of Vietnam
Independence – Liberty - Happiness

Hanoi, date month year 20.....

Notification**Appeals/Complaints are not eligible for processing**

Date...../...../20.... The Forest Certification Office received the complaint of (1)

Place:

Appeals/Complaints content: (2)

After considering the content of the complaint and based on the provisions of Article 11 of the Law on Disputes and Complaints are not eligible for processing because(3)

Viet Nam Forest Certification Office notice to complainantunderstand and supplemental the documents or evidences..... (4) for continue the processing.

Viet Nam Forest Certification
 Office

Recipients:

- (1);
- VFCO.

(1) Name of complainants.

(2) The berief content of the appeals/complaint.

(3) The reason why not accepting.

(4) Clarify the name of necessary documents/evidencest.
