

**NATIONAL VOLUNTARY FOREST CERTIFICATION SYSTEM STANDARD**

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**PROCEDURE FOR MANAGING COMPLAINTS  
AND APPEALS  
(Second edition)**



**Association National Voluntary Forest Certification System**  
5, Starokozacka Str, 44049 Dnipro, Ukraine  
tel. +380975565335  
Email: [info@pefcukraine.com](mailto:info@pefcukraine.com)  
Website: [www.woodcertification.com.ua](http://www.woodcertification.com.ua)

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## **Introduction**

The Association National Voluntary Forest Certification System (hereinafter referred to as the Association NVFCS, the Association) regards the complaints and appeals as an opportunity to improve the activities of the National Voluntary Forest Certification System (NVFCS) and implement corrective and preventive measures. The Association NVFCS takes into account that sometimes complaints can result in serious legal, financial and reputational consequences and losses for NVFCS and/or certificate holders. Such complaints shall be considered in court (pre-trial) order, in accordance with the qualification of these violations under the laws of Ukraine.

This procedure shall be considered as a guide for companies applying for certification, certificate holders, certification bodies, the Complaint and Appeal Committee and other NVFCS members.

This document does not contravene valid international agreements and contracts, national laws, other statutory instruments of the country, statutory instruments of central executive bodies.

This standard is based on GL 7/2007 PEFC Council Procedures for the Investigation and Resolution of Complaints and Appeals.

This second edition from the date of publication cancels and replaces the first edition UA SFM ST 04. The second edition has technical amendments for harmonization with new guidance PEFC GD 1005:2020 and minor technical amendments relating to PEFC Endorsement process of National Voluntary Forest Certification System.

## **1 Scope**

1.1 This standard establishes the procedure for filing complaints and appeals by any natural person or organisation, their timely, independent and efficient investigation and preparation of the decision by the Complaint and Appeal Committee.

1.2 This document is used jointly with other NVFCS documents.

## **2 Normative References**

2.1 This Standard uses references to the following normative documents:

GL 7/2007, PEFC Council Procedures for the Investigation and Resolution of Complaints and Appeals.

UA SFM TD 05, Regulations for Complaint and Appeal Committee.

ISO/PAS 17003, Conformity Assessment – Complaints and Appeals– Principles and Requirements.

## **3 Terms and Definitions**

3.1 The terms and definitions applied in this standard are in accordance with GL 7/2007 PEFC Council Procedures for the Investigation and Resolution of Complaints and Appeals and ISO/PAS 17003 Conformity Assessment – Complaints and Appeals – Principles and Requirements.

## **4 Guiding Principles**

4.1 Management of complaints and appeals is based on a strict compliance with the guiding principles indicated in clauses 4.2 – 4.13 of this standard.

### **4.2 Consent to participation**

Participation of the complainants and appellants in the complaint and appeal resolution shall be voluntary. Consent to participation shall be based on complete understanding of the process, informing of the process and its possible outcome.

### **4.3 Availability**

Description of the process of managing complaints and appeals shall be made available for all the stakeholders upon their request. This description can also be posted on the official website of the Association NVFCS (<http://woodcertification.com.ua/>). The complainant has the right to appeal if it is dissatisfied with the investigation and decision made on the complaint submitted by it.

#### **4.4 Applicability**

Upon receiving a complaint or appeal, the Association NVFCS shall confirm that this complaint or appeal concerns the activity covered by it, and if so, it proceeds to investigate it. The method of complaint and appeal resolution proposed to the parties to the complaint (appeal) and all possible types of reimbursements to the complainant (appellant) shall correspond to the subject matter of the complaint (appeal).

#### **4.5 Impartiality**

The Association NVFCS shall proceed to managing complaints and appeals with the intent of impartial and fair investigation of the complaint (appeal) with the complainant (appellant). The members of the Complaint and Appeal Committee involved in the resolution shall be objective, have no prejudices and not take part in the primary activity referred to in the complaint or appeal.

#### **4.6 Competence**

The members of the Complaint and Appeal Committee shall have personal qualities, skills, training and experience necessary to perform their duties properly.

#### **4.7 Timeliness**

Complaints and appeals shall be resolved as quickly as possible, taking into account the subject matter of the complaint or appeal and the process used. If the term of investigation is extended or the investigation is suspended (for example, to request additional information from any organisation), the complainant (appellant) is be notified about it with the appropriate justification of a new term.

#### **4.8 Responsibility**

The Association NVFCS shall be responsible for:

- collection and verification of all necessary information to confirm credibility of the complaint or appeal;
- all decisions at all levels of the process of managing complaints and appeals.

#### **4.9 Confidentiality**

It is necessary to maintain confidentiality and protect personal data unless its disclosure is required by law, or the consent of the interested party should be received. Similarly, the confidentiality and protection of a trade secret should be maintained unless the disclosure of this information is required by law, or with the consent to its disclosure from the party owning the trade secret.

#### **4.10 Transparency**

The Association NVFCS shall acknowledge to the complainant (appellant) the receipt of the complaint or appeal and provide them with details on the progress and outcome. The person or organisation in respect of which the complaint or appeal is filed shall be notified of its investigation. Information on the process of managing complaints and appeals, the Complaint and Appeal Committee and its activities, the decisions made can be available on the official website of the Association NVFCS (<http://woodcertification.com.ua/>).

Note: the principle of transparency is related only to information on the process of managing complaints and appeals, the Complaint and Appeal Committee and its activities, but is not related to disclosure of personal data on the complainant (appellant) and trade secrets of the participants.

#### **4.11 Lawfulness**

The process of managing complaints and appeals shall be carried out in accordance with the applicable law and the requirements specified in this standard.

#### **4.12 Opportunity**

The resources needed to manage complaints and appeals shall be available and used, as well as effectively and efficiently managed.

#### **4.13 Continual improvement**

Improvement of the efficiency and effectiveness of the complaints and appeals management process shall be a permanent objective of the Association NVFCS.

### **5 Managing Complaints**

#### **5.1 General Provisions**

5.1.1 The complainant has the right to submit a complaint regarding:

- a) the NVFCS documents and the process of their development, approval and updating (such a complaint is called a type 1 complaint);
- b) activities of the Association and/or its governing bodies (type 2 complaint);
- c) activities of the certificate holders (type 3 complaint);
- d) activities of the auditors and certification bodies (type 4 complaint);
- e) activities of the certification body (type 5 complaint);
- f) the PEFC trademark use (type 6 complaint).

Note:

- 1 The Association NVFCS has no direct influence on the activities of the certificate holders,

certification bodies, accreditation bodies.

2 Investigation of type 3-5 complaints is beyond the competence of the Association NVFCS. However, the Association shall forward the complaint to the organisation the complain refers to or for clarification. After receiving clarifications, the Association can recommend that the complaint be sent to the appropriate organisation, depending on the type of complaint. If the complaint is serious and there is objective evidence, the Association can file a complaint to the relevant organisations depending on the type of complaint. The Association can, based on its own information sources, independently turn to these organisations for clarification on the arisen issues, apart from third-party complainants.

5.1.2 The complainant is responsible for filing a written complaint providing accurate and reliable information.

5.1.3 Complaints submitted regarding the NVFCS documents and the process of their development, approval and updating (type 1 complaints), as well as the activities of NVFCS and/or its governing bodies (type 2 complaints) shall be considered within the framework of this standard.

5.1.4 Complaints submitted regarding a specific certificate holder (type 3 complaints) in respect of meeting the certification requirements shall be investigated by the certification body that issued the certificate, through its own complaint investigation procedure.

Note: The Association NVFCS strongly encourages the stakeholders to resolve their dissatisfaction and complaints on site by discussions and negotiations with the certificate holders.

5.1.5 Complaints filed against a specific auditor or certification body (type 4 complaints) shall be considered through the complaint resolution procedure of the relevant accreditation body.

Note: Complaints regarding the work of the certification body are first sent to the relevant certification body and are considered in accordance with the certification body's own complaint investigation procedure.

5.1.6 Complaints submitted regarding a specific accreditation body (type 5 complaints) shall be referred to the International Accreditation Forum's complaints/appeal resolution procedure ([https://www.iaf.nu/articles/Contact\\_Us/3](https://www.iaf.nu/articles/Contact_Us/3)).

Note: Complaints regarding the work of the accreditation body are first sent to the relevant accreditation body and are considered in accordance with the accreditation body's own complaint investigation procedure.



5.1.7 Complaints regarding the PEFC trademark use (type 6 complaints) shall be considered within the framework of this standard.

5.1.8 Any formally accepted complaint requiring an on-site investigation is recommended to be investigated within one month. In exceptional cases, the Head of the Association NVFCS has the power to extend any fixed terms for up to 30 days. All parties shall be informed accordingly.

5.1.9 All the parties involved in the process shall refrain from public comments and actions regarding the complaint until a decision is made, and all the parties shall be notified accordingly.

5.1.10 All incoming and outgoing correspondence, including final decisions and subsequent actions, shall be made on electronic and/or paper media and shall be kept for at least five years.

## **5.2 Filing a complaint**

5.2.1 Any natural person or organisation can file a complaint.

5.2.2 All type 1,2 and 6 complaints shall be submitted to the Head of the Association NVFCS by email or by regular mail, contact details may be found on the official website of the Association NVFCS (<http://woodcertification.com.ua/>), by email or by regular mail.

5.2.3 A complaint shall:

- a) contain the name and contact information of the complainant;
- b) be written in Ukrainian;
- c) contain an indication of the person or organisation regarding which the complaint is filed;
- d) contain a description of the events that caused the complaint;
- e) contain an indication of the requirements unmet;
- f) contain evidence supporting each element or aspect of the complaint, such as reports, photographs, etc .;
- g) indicate whether attempts were made to resolve the issue with the defendant before filing the complaint, indicate these attempts and their result;
- h) contain consent to inform of the complaint the defendant(s) and other parties to the complaint;
- i) contain consent to comply with the requirements of this standard;

5.2.4 Only the complaints meeting all the requirements specified in clause 5.2.3 are investigated. The Association NVFCS does not accept complaints containing unjustified dissatisfaction, such as rumors. Such information is accepted for reference only and can be used as additional information when investigating substantiated complaints.

5.2.5 The complainant may withdraw his complaint at any time.

## 5.3 Complaint Investigation and Preparation of Decision

### 5.3.1 Preliminary investigation of the complaint and formation of the Complaint and Appeal Committee

5.3.1.1 Upon receipt of the complaint, the Association NVFCS immediately informs the complainant of it and conducts preliminary registration of the complaint and its analysis to determine the need to start the complaint resolution process, taking into account:

- a) assessments of compliance with the requirements specified in clause 5.2.3 of this standard;
- b) availability of all necessary information with the Association.

Refusal to accept a complaint shall not be discriminatory and can be due only to objective reasons, such as the fact that the complaint is beyond the competence of the Association NVFCS and shall be considered by another organisation.

5.3.1.2 Upon acceptance of the complaint for investigation, the Association NVFCS registers the complaint, notifies the complainant of it and provides detailed information on the complaint investigation procedure. There may be a need to request additional information from the complainant. In case of refusal to investigate the complaint, the Association notifies the complainant of the refusal with reasons for the decision made.

5.3.1.3 After registration of the complaint, the Head of the Association NVFCS appoints the chairman and members of the Complaint and Appeal Committee. While determining the number and composition of the members, the following shall be taken into account:

- a) type of complaint;
- b) subject matter of the complaint;
- c) defendant on the complaint;
- d) labor costs for complaint investigation;
- e) need to ensure the overall competence of the Committee members for effective and efficient investigation of the complaint;
- f) ensuring independence of the Committee members, lack of personal interest and conflict of interest.

Notes:

1 Complaint and Appeal Committee shall include one representative from each stakeholder group when investigating type 1 complaints:

Group 1: Forest management bodies (Ministry of Energy and Environment Protection of Ukraine, State Forest Resources Agency, its territorial bodies, subordinate enterprises and organisations;

communal forestry enterprises; enterprises and organisations of other departmental subordination, including private ones, where forests are in sustained use, natural and legal persons - forest owners).

Group 2: Business and industry (associations of woodworking and forestry enterprises, certain business entities and individuals using wood as a resource or providing services to forestry enterprises and other business representatives).

Group 3: Non-governmental organisations (environmental and social non-governmental organisations, local communities, Society of Foresters of Ukraine).

Group 4: Scientific and technological community (scientific institutions, forest educational institutions, technical standardization committees, etc.).

Group 5: Workers and trade unions (represented by the Trade Union of Forestry Workers of Ukraine, representatives of trade union committees and workers of forestry enterprises).

Group 6: Women and children (women's and public environmental organisations, student youth centers, leaders and representatives of student forestry, individual women with experience in forest relations).

If a complaint is filed regarding the Forest Management Standard or the process of its development, approval, updating, the committee shall also include the head of the working group on the development of forest management standard. Thus, the committee may consist of six to seven members when investigating a type 1 complaint.

2 Complaint and Appeal Committee shall include a member(s) of the governing bodies of the Association NVFCS (except for the members regarding whom the complaint was filed) and representatives from at least two other stakeholders (from the stakeholder group from which the complaint was received) who do not have a direct or property interest to the point of the complaint, while investigating a type 2 complaint. Thus, the Committee may consist of 3 to 6 members when investigating a type 2 complaint.

3 Complaint and Appeal Committee shall include a member(s) of the governing bodies of the Association NVFCS, intellectual property lawyer and representatives from at least two other stakeholders (from the stakeholder group from which the complaint was received) who do not have a direct or property interest to the point of the complaint, while investigating a type 6 complaint. Thus, the Committee may consist of 4 to 6 members when investigating a type 2 complaint.

The complainant shall be informed of the members of the Complaint and Appeal Committee, and shall be informed that he can object to the appointment of specific members.

Note: At the reasonable request of the complainant, the Association NVFCS can replace a specific member of the Complaint and Appeal Committee with reasonable motives, for example, in a situation related to a conflict of interest. Claims against the Committee members shall be resolved before the start of the complaint investigation.

5.3.1.4 The work of the Committee is regulated by UA SFM TD 05 Regulations for Complaint and Appeal Committee.

### **5.3.2 Investigation of<sup>1</sup> a type 1 complaint and decision-making**

5.3.2.1 All complaints regarding the content of documents and the process of their development, approval and updating shall be addressed to the Head of the Association NVFCS. In this case, complaints regarding the Forest Management Standard and the process of its development, approval and revision shall also be addressed to the working group on the development of Forest Management Standard for clarification.

5.3.2.2 The Complaint and Appeal Committee shall undertake a thorough investigation of the complaint. If necessary, the Committee can request additional information from the complainant, defendant and third parties, as well as hold a joint meeting(s) or separate meetings with them.

5.3.2.3 The Complaint and Appeal Committee, having investigated the complaint regarding the documents of the Association, has the right to recommend:

- a) to dismiss the complaint;
- b) to satisfy the complaint in whole or in part.

Note:

1 When considering a complaint regarding the forest management standard, the Committee should decide whether to start the process of changing the standard, or to postpone this issue until the next update of the standard (see UA SFM ST 01 Procedure for Development, Approval, Revision of Forest Management Standard, cl. 9).

2 When considering a complaint regarding the process of development, approval, updating of the forest management standard, the Committee should decide on immediate launch of remediation of the situation, or on recording and ways to eliminate them in further activities.

5.3.2.4 The Complaint and Appeal Committee shall promptly submit a detailed written report to the Head of the Association NVFCS. The report shall contain the results of the complaint investigation, its justification, as well as recommendations for its resolution and appropriate corrective and preventive actions.

5.3.2.5 The Head of the Association NVFCS shall make a formal decision based on the report submitted by the Committee, in particular to approve or disapprove the report's conclusions, including recommendations for resolving the complaint and appropriate corrective and preventive actions.

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<sup>1</sup> This process applies only to documents (standards, regulations and other documents) developed by the Association NVFCS. Complaints regarding the documents developed by other organisations (such as the PEFC chain of custody standard) shall be forwarded to the organisation that developed and approved them.

### **5.3.3 Investigation of a type 2 complaint and decision-making**

5.3.3.1 The Complaint and Appeal Committee shall undertake a thorough investigation of the complaint. If necessary, the Committee can request additional information from the complainant, defendant and third parties, as well as hold a joint meeting(s) or separate meetings with them.

5.3.3.2 The Complaint and Appeal Committee, having investigated the complaint has the right to recommend:

- a) to dismiss the complaint;
- b) to satisfy the complaint in whole or in part.

5.3.3.3 The Complaint and Appeal Committee shall promptly submit a detailed written report to the Head of the Association NVFCS. The report shall contain the results of the complaint investigation, its justification, as well as recommendations for its resolution and appropriate corrective and preventive actions.

5.3.3.4 The Head of the Association NVFCS shall make a formal decision based on the report submitted by the Committee, in particular to approve or disapprove the report's conclusions, including recommendations for resolving the complaint and appropriate corrective and preventive actions.

### **5.3.4 Investigation of a type 6 complaint and decision-making**

5.3.4.1 The Complaint and Appeal Committee shall undertake a thorough investigation of the complaint. If necessary, the Committee can request additional information from the complainant, defendant and third parties, as well as hold a joint meeting(s) or separate meetings with them.

5.3.4.2 The Complaint and Appeal Committee, having investigated the complaint has the right to recommend:

- a) to dismiss the complaint;
- b) to satisfy the complaint in whole or in part.

5.3.4.3 The Complaint and Appeal Committee shall promptly submit a detailed written report to the Head of the Association NVFCS. The report shall contain the results of the complaint investigation, its justification, as well as recommendations for its resolution and appropriate corrective and preventive actions.

5.3.4.4 The Head of the Association NVFCS shall make a formal decision based on the report submitted by the Committee, in particular to approve or disapprove the report's conclusions, including recommendations for resolving the complaint and appropriate corrective and preventive actions.

5.3.4.5. During the investigation process of a type 6 complaints the Association NVFCS may temporarily suspend license for PEFC Trademark usage with immediate effect, when considering complaints of breach of PEFC trademarks usage contract or PEFC ST 2001, Rules for the use of trademarks PEFC – Requirements.

## **5.4 Notifying of the Complaint Investigation Outcome**

5.4.1 The complainant and other participants in the process shall be promptly notified in writing of the outcome of the complaint investigation.

5.4.2 Information on the complaint investigation process, the Complaint and Appeal Committee and its activities, the decision made can be available on the official website of the Association NVFCS (<http://woodcertification.com.ua/>).

5.4.3 The complainant has the right to appeal against the outcome of the complaint investigation by filing an appeal within 30 days following the receipt of the notification.

## **5.5. Interaction with stakeholders to prevent violations of applicable legislation of Ukraine and any manifestations of corruption in the National Voluntary Forest Certification System**

5.5.1. The Association NVFCS, as the authorized body of the PEFC Council, shall take all possible measures to protect the good name of the PEFC Council and the Association NVFCS, including legal if necessary.

5.5.2. Any natural or legal person may file a complaint about violations of the applicable legislation in the field of forest protection, water protection and other environmental legislation, tax legislation, as well as corruption in the NVFCS.

5.5.3. The process of filing, reviewing and preparing a decision, as well as notification of the results of the complaint is regulated in paragraphs 5.1.- 5.4. of this Standard.

5.5.4. If the complaints of types 1, 2 and 6 concern the violation of the current legislation in the field of forest protection, water protection and other environmental legislation, tax legislation, as well as corruption, the Commission for Complaints and Appeals must additionally include a legal specialist.

5.5.5. The Association NVFCS based on the results of the complaint regarding the violation of the legislation specified in paragraph 5.5.2. may recommend that the complainant apply to a court, law enforcement agency, the Anti-Corruption Bureau or other authorized bodies.

# **6 Managing Appeals**

## **6.1 General Provisions**

6.1.1 Decisions made on the complaints and any other decisions made in NVFCS may be appealed.

Note: The right to appeal a decision is vested exclusively in the body that made such a decision.

6.1.2 The appellants have the right to appeal against the appropriate decisions of the first instance:

a) decisions on the NVFCS documents and the process of their development, approval and updating, for example, refusal to update a NVFCS document, taking into account the proposals for the developed documents or the documents under revision and other decisions (such an appeal is called a type 1 appeal);

b) decisions made by Association NVFCS and/or its governing bodies, for example, refusal to accept documents for attestation as an auditor, issue a certificate of competence of an auditor and other decisions (type 2 appeal);

c) decisions made by certificate holders (type 3 appeal);

d) decisions made by the certification bodies, for example, refusal to accept documents for certification or to extend the certificate, suspend or terminate it and other decisions related to certification (type 4 appeal);

e) decisions made by the accreditation bodies, for example, refusal to accept documents for accreditation or to extend the accreditation, suspend or terminate it and other decisions related to accreditation (type 5 appeal);

f) decision on the PEFC trademark use (type 6 appeal).

Notes:

1 The Association NVFCS has no direct influence on the activities of the certificate holders, certification bodies, accreditation bodies.

2 Investigation of type 3–5 appeals is beyond the competence of the Association NVFCS.

6.1.3 Only the person against whom an unfavorable decision has been made has the right to file an appeal.

6.1.4 The appellant is responsible for filing a written appeal providing accurate and reliable information.

6.1.5 Type 1 and 2 appeals shall be investigated within the framework of this standard.

6.1.6 Stakeholders' appeals against decisions made by the certificate holders (type 3 appeals) shall be investigated by these certificate holders in accordance with their own appeal investigation procedures, or the appeals shall be referred to the certification body which issued the certificate.

6.1.7 Appeals filed against decisions on certification (type 4 appeals) shall be investigated by the certification body through its own appeal investigation procedure.

6.1.8 Appeals of the certification body against decisions on accreditation (type 5 appeals) shall be investigated within the appeal investigation procedure of the relevant accreditation body.

6.1.9 Appeals filed against decisions on the PEFC trademark use (type 6 appeals) shall be investigated within the framework of this standard.

6.1.10 An appeal does not terminate the appealed decision, unless otherwise decided by a duly convened Complaint and Appeal Committee.

6.1.11. The Head of the Association NVFCS shall ensure strict compliance with all the requirements of this standard, but shall not interfere in the investigation and decision-making by the Complaint and Appeal Committee.

6.1.12 Any formally accepted appeal requiring an on-site investigation is recommended to be investigated within two months after receiving the appeal and until a final decision is made. In exceptional cases, the Head of the Association NVFCS has the power to extend any fixed terms for up to 30 days. All parties shall be informed accordingly.

6.1.13 All the parties involved in the process should shall from public comments regarding the appeal until a formal decision is made, and all parties shall be notified accordingly.

6.1.14 All incoming and outgoing correspondence, including final decisions and subsequent actions, shall be made on electronic and/or paper media and shall be kept for at least five years.

## **6.2 Filing an Appeal**

6.2.1 Any natural person or organisation may file an appeal within 30 days after receiving a notification of the decision.

6.2.2 All type 1, 2 and 6 appeals shall be submitted to the Head of the Association NVFCS by email or by regular mail contact details may be found on the official website of the Association NVFCS (<http://woodcertification.com.ua/>),.

6.2.3 The appeal shall:

- a) contain the name and contact information of the appellant;
- b) be written in Ukrainian;
- c) be signed by the person filing the appeal or his representative (subject to a power of attorney confirming his authority) and shall contain information on the position of the signatory;
- d) contain the appellant's requirements and the grounds on which he considers the decision incorrect (summary of the case), with reference to laws, regulations, guideline documents and other materials;
- e) contain documentary evidence supporting each aspect of the appeal, as well as contain the type and location of any other non-documentary evidence;
- f) contain a copy of the decision of the relevant primary body with a note of the date of its issuance to the appellant;



g) indicate the measures taken to resolve the issue before filing the appeal;

h) contain consent to meet the requirements of this standard;

6.2.4. Only the appeals meeting all the requirements specified in clause 6.2.3 are investigated.

6.2.5 The appellant can withdraw his appeal at any moment of investigation.

### **6.3 Appeal Investigation and Preparation of Decision**

#### **6.3.1 Preliminary investigation of the appeal and formation of the Complaint and Appeal Committee**

6.3.1.1 Upon receipt of the appeal, the Association NVFCS immediately informs the appellant of it and conducts preliminary registration of the appeal and its analysis to determine the need to start the appeal investigation process, taking into account:

a) assessments of compliance with the requirements specified in clause 6.2.3 of this standard;

b) availability of all necessary information with the Association.

6.3.1.2 Refusal to accept an appeal shall not be discriminatory and can be due only to objective reasons.

The appeal is returned to the appellant in the following cases:

a) if it is not signed or signed by a person having no right to sign, or by a person whose official position is not specified;

b) if there is no evidence of sending its copies to the persons participating in the appeal;

c) if no information provided for in clause 6.2.3 of this standard has been given;

d) if the facts set forth in the appeal can have serious legal consequences that fall within the scope of judicial action.

6.3.1.3 Upon acceptance of the appeal for further investigation, the Association NVFCS registers the appeal, notifies the appellant of it and provides details on the appeal investigation procedure. There may be a need to request additional information from the appellant. In case of refusal to investigate the appeal, the Association notifies the appellant of the refusal with the reasons for the decision made and indication on the way to correct the faults in the appeal. After eliminating the above reasons, the appellant has the right to file a complaint again, but not later than 10 days after the date of receiving the notice of return of the appeal.

6.3.1.4 After registration of the appeal, the Head of the Association NVFCS appoints the chairman and members of the Complaint and Appeal Committee. While determining the number and composition of the members, the following shall be taken into account:

a) type of appeal;

- b) subject matter of the appeal;
- c) labor costs for investigation of the appeal;
- d) need to ensure the overall competence of the members of the Committee for effective and efficient investigation of the appeal;
- e) ensuring the independence of the members of the Committee (they should not participate in the initial review and decision-making processes), lack of personal interest and conflict of interest.

Notes:

1. The same principles shall be used in formation of the Committee as in formation of the Committee for investigation of complaints (see clause 5.3.1.3 of this standard).
2. The Association NVFCS can involve third-party experts and consultants in the Committee to ensure fairness of decision-making.

The appellant shall be informed of the members of the Committee, and shall be informed that he may object to the appointment of specific members.

Note: At the reasonable request of the appellant, the Association NVFCS may replace a specific member of the Committee with reasonable motives, for example, in a situation related to a conflict of interest. Claims against the Committee members shall be resolved before the start of the appeal investigation.

6.3.1.4 The work of the Committee is regulated by UA SFM TD 05: 2020 Regulations for Complaint and Appeal Committee.

### **6.3.2 Investigation <sup>2</sup> of type 1, 2 and 6 appeals and decision-making**

6.3.2.1 All appeals against the decisions made on the content of documents and the process of their development, approval and updating shall be addressed to the Head of the Association NVFCS. In this case, appeals regarding the Forest Management Standard and the process of its development, approval and updating shall also be addressed to the working group on the development of Forest Management Standard for clarification.

6.3.2.2 The accepted appeal is investigated within a month from the date of its receipt by the Complaint and Appeal Committee. In cases when the appeal requires a special inspection, request for additional materials or other measures necessary for the

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<sup>2</sup> This process applies only to documents (standards, regulations and other documents) developed by the Association NVFCS. Appeals against the documents developed by other organisations (such as the PEFC chain of custody standard) should be forwarded to the organisation that developed and approved them.

most complete and objective investigation of a particular appeal, the term of the appeal may be extended by the Head of the Association of NVFCS.

6.3.2.3 Having investigated the appeal, the Complaint and Appeal Committee, has the right to recommend:

- a) to dismiss the appeal;
- b) to satisfy the appeal in whole or in part.

6.3.2.4 The Complaint and Appeal Committee shall conduct a thorough analysis of the primary investigation and decision-making processes. During investigation, the Committee may request additional information from the appellant, defendant and third parties, as well as hold a joint meeting(s) or separate meetings with them.

6.3.2.5 The Complaint and Appeal Committee shall promptly submit a detailed written report to the Head of the Association NVFCS. The report shall contain the outcome of the appeal investigation, its justification, as well as recommendations for its resolution and appropriate corrective and preventive actions.

6.3.2.6 The Head of the Association NVFCS shall make a formal decision based on the report submitted by the Committee, in particular to approve or disapprove the report's conclusions, including recommendations for resolving the appeal and appropriate corrective and preventive actions.

6.3.2.7 The decision made comes into force after its approval.

6.3.2.8. The decision may be appealed in the manner prescribed by the legislation of Ukraine.

#### **6.4 Notification of the Appeal Investigation Outcome**

6.4.1 The appellant and other participants in the process shall be promptly notified in writing of the outcome of the appeal investigation.

6.4.2 Information on the appeal investigation process, the Complaint and Appeal Committee and its activities, the decision made can be available on the official website of the Association NVFCS (<http://woodcertification.com.ua/>).

### **7 Costs for Complaint and Appeal Investigation**

7.1 Each party shall independently pay the costs of participation in the complaint and appeal proceedings.

7.2 The costs incurred shall be divided on a pro rata basis between the parties and shall be reimbursed as follows:

- a) if the complaint or appeal has been satisfied in full, the defendant shall reimburse the costs incurred for its investigation;
- b) if the complaint or appeal has been completely dismissed, the complainant or appellant shall reimburse the costs borne by them;

c) in all other cases, the Complaint and Appeal Committee shall determine the appropriate obligations of the parties involved in the investigation of the complaint or appeal.

7.3 When allocating the relevant obligations of the parties, the Complaint and Appeal Committee shall:

a) take into account the extent to which the complainant (appellant) and the defendant were able to obtain their decision during investigation of their complaint (appeal) and responses;

b) take into account the relative importance of the evidence presented by the parties.

7.4 The costs charged to the account include the costs incurred by Association NVFCS at all stages of the proceedings, namely:

a) costs associated with the receipt, collection, printing, production of duplicates, transfer, keeping or other processing of materials and documents submitted by the parties;

b) costs related to on-site inspections, field work, hearings, speeches of the parties in the debate, maintenance of invited experts or consultants, meetings of the Complaint and Appeal Committee;

Note: The term "meeting" includes teleconferences, i.e. conferences held by multilateral telephone communication, and other remote meetings.

c) reasonable running costs to pay for travels of members of the Complaint and Appeal Committee, their meals and accommodation;

d) costs for payment of communication services during arrangement and holding of meetings, hearings, trips;

e) cost for renting premises for meetings, hearings and any other costs incurred for investigation of a complaint or appeal.

7.5 The Complaint and Appeal Committee shall have documentary evidence of all cost incurred. Copies of such documentation shall be provided to the parties involved in the complaint or appeal pending a decision.