



Forest Stewardship Council®






# Review Report

of

## FSC-PRO-01-005 V3-0

### *Processing Appeals*



<b>Status:</b>	Final
<b>Date finalized:</b>	14 February 2020
<b>Contact for comments:</b>	FSC Global Development Global Alignment and Integrity Unit Adenauerallee 134 53113 Bonn, Germany
	 +49-(0)228-36766-0  +49-(0)228-36766-30  <a href="mailto:dispute.resolution@fsc.org">dispute.resolution@fsc.org</a>
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# Review Report

The Forest Stewardship Council (FSC) is an independent, not for profit, non-government organization established to promote environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

## Summary and recommendation

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### Reviewed Document

<b>Document code</b>	FSC-PRO-01-005 V3-0
<b>Document title</b>	<i>Processing Appeals</i>
<b>Objective of document</b>	The objective of this document is to provide a transparent procedure for receiving, evaluating and deciding on appeals against decisions taken by FSC.
<b>Last approval date</b>	28 May 2014
<b>Review triggered by</b>	<input checked="" type="checkbox"/> Regular review as scheduled
	<input type="checkbox"/> GA Motion or Board decision
	<input type="checkbox"/> New or changed FSC policies or legislation
	<input type="checkbox"/> Change Requests
	<input checked="" type="checkbox"/> Other (please specify): Overall review of the FSC Dispute Resolution System
<b>Reviewer</b>	Name: Alexander Green
	e-mail: <a href="mailto:a.green@fsc.org">a.green@fsc.org</a>
<b>Draft Review Report</b>	
<b>Public consultation</b>	
<b>Final Review Report</b>	

### Recommendation

<input checked="" type="checkbox"/>	Full revision
<input type="checkbox"/>	Minor revision <sup>1</sup>
<input type="checkbox"/>	Editorial revision
<input type="checkbox"/>	No revision
<input type="checkbox"/>	Withdrawal

<sup>1</sup> According to FSC-PRO-01-001 V3-1 Annex 4

### Note

If the need for revision is concluded in and supported by stakeholders, the report will be presented to the FSC Board of Directors for decision making. If approved by the FSC Board, the reviewed document will then undergo a revision process as described in procedure FSC-PRO-01-001 V3-1.

## I. Introduction

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This report has been developed according to FSC-PRO-01-001 V3-1 Clause 9.6 to assess the continued relevance and effectiveness of a normative document. This is a mandatory step before a normative document can be taken to a revision process. In addition, it responds to the Board requirement for a feasibility and impact for all review and revision processes, mandated at their 71st Meeting.

## II. Proposed recommendation and justification

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The FSC Secretariat recommends a full revision of the procedure for appeals against FSC decisions, FSC-PRO-01-005 *Processing Appeals*. The revision is proposed for March – October 2020 as part of an overall review of the FSC Dispute Resolution System.





The recommendation from the FSC Secretariat is supported by 70% (30 out of 43) of participants in the public consultation of this review report.

FSC proposes a full revision (1) to assess the applicability of the appeals procedure to the full range of current FSC activities and decision-making, (2) to assess the roles, responsibilities and decision-making structures of appeals handling in terms of efficiency, conflict of interest, cost effectiveness and FSC governance and (3) to combine and simplify dispute resolution system documents in order to streamline the FSC Normative Framework and improve user experience.

The following topics have been identified for assessment in the revision process:

- The applicability of the appeals process to current FSC activities (changed since the last revision of the appeals procedure), for example termination of Trademark License Agreements for misleading FSC sales claims
- The model of dispute escalation through different handling processes and the duration and potential outcome of complaints and appeals processes
- The role of appeals in FSC's governance, for example appeals of decisions taken by the FSC Board of Directors
- The number, complexity and formality of Dispute Resolution System normative documents

The proposal is based on the following objectives set out in the FSC Global Strategic Plan, 2015 - 2020:

	To create user-friendly FSC procedures written in plain language (Critical result area 1.1)
	To streamline the FSC Normative Framework (Critical result area 1.1)
	To orient the FSC Normative Framework towards outcome and impact (Critical result area 1.1)
	To increase quality and consistency of disputes processing (Critical result area 1.2)

Participants in the public consultation frequently mentioned similar issues when explaining their support for a revision, with requests to:

- Create clearer rules for appeals processes, including better defined roles and responsibilities for the organizations that handle appeals (mentioned by 5 participants)
- Improve transparency of appeals processes\_ (mentioned by 4 participants)
- Reduce the number of steps, documents and people involved in appeals processes (mentioned by 2 participants)
- Revise all dispute resolution system documents simultaneously (mentioned by 2 participants)

The consultation results align closely with the FSC Secretariat recommendation to revise the procedure for processing appeals.

### III. Impact analysis

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#### Internal

The proposed revision aims to pinpoint the function of the appeals procedure within the FSC governance and decision-making model and introduce flexibility, efficiency and alternative approaches to managing issues with FSC decisions.

Four FSC documents reference FSC-PRO-01-005 *Processing Appeals*:

- FSC-PRO-10-606 V2-0 *Approval of Forest Stewardship Standards* (Section 4.4)
- FSC-PRO-10-001 V3-1 *Development and Revision of FSC Normative Documents* (Section 19)
- FSC-PRO-40-003 V1-1 *Development of National Group Chain of Custody Eligibility Criteria* (Section 4.3)
- FSC-PRO-01-008 V2-0 *Processing Complaints in the FSC Certification Scheme* (section 5.2.7)

These references may have to be updated to reflect any proposed changes to the applicability of the appeals procedure.

Staff time for maintaining Dispute Resolution System normative documents may reduce if some of the documents are combined.

#### External

The proposed revision aims to provide clarity to potential users on what FSC decisions can or cannot be appealed through the procedure.

The revision will also explore alternative approaches to managing issues with FSC decisions, providing options other than formal procedures to potential users.

Combining and simplifying the dispute resolution system documentation will improve the user experience, [improve transparency and reduce the time required to process disputes](#).

## IV. Stakeholder consultation and feedback

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### Methodology

Stakeholders were invited to provide comments and feedback on the draft review report from 10 December until 31 January 2020 via the FSC consultation platform.

### Results

43 people participated in the public consultation.

30 participants (70%) **agree** with the proposal to revise the document. 2 participants (5%) disagree and 7 (16%) neither agree nor disagree. 4 participants (9%) did not share a response to the question asking for a position on the proposal to revise the procedure.

The most common reasons for supporting a revision are to:

	Mentions
Create clearer rules for appeals processes, including better defined roles and responsibilities for the organizations that handle appeals	5
Improve transparency of appeals processes	4
Reduce the number of steps, documents and people involved in appeals processes	2
Revise all dispute resolution system documents simultaneously	2

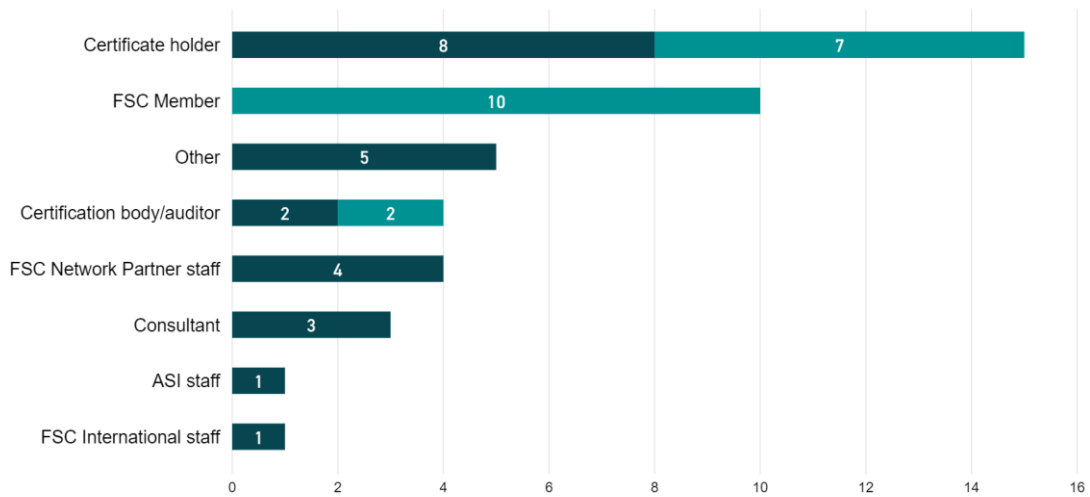
[The reasons for disagreeing with the proposal are that FSC should prioritize other, unspecified topics.](#)

The largest participant group by self-description is FSC certificate holders (15 respondents, 35%), although 19 of the participants (44%) are also FSC members.

Participants come from 8 out the 9 stakeholder groups tracked by FSC (no FSC trademark service license holders participated).

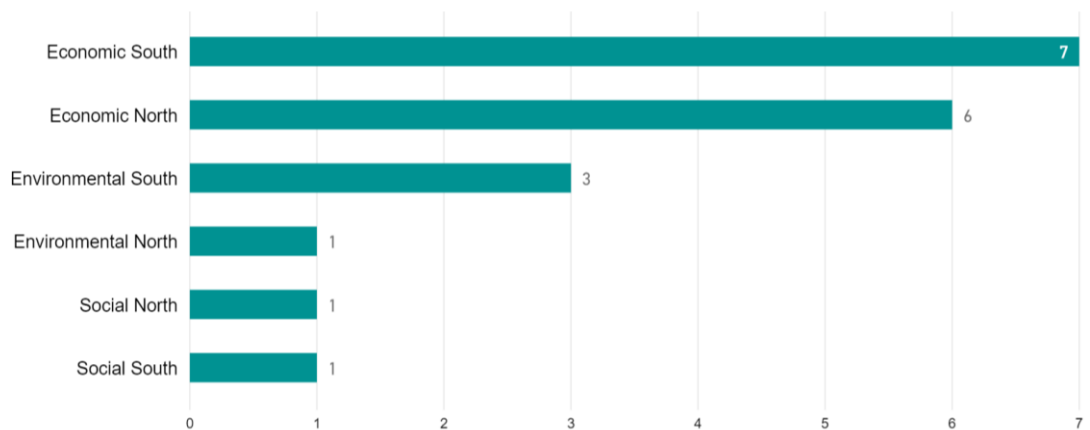
Which of the following best describes you?

Member? ● No ● Yes



The largest membership chamber is Economic (13 participants) and the largest sub-chamber is Economic South (7 participants). 11 members (58%) are from the Global South and 8 members (42%) are from the Global North.

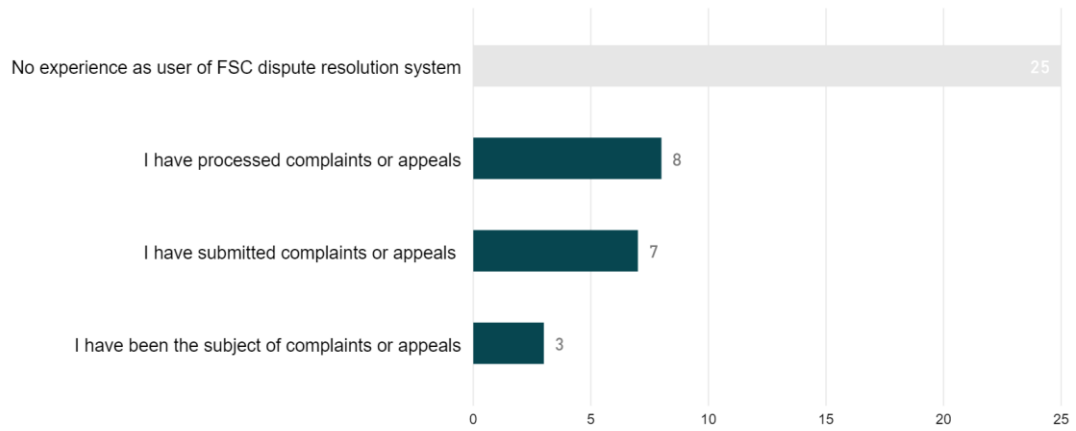
If you're a member, please specify your chamber





18 participants (42%) have experience of the dispute resolution system: as disputant (7 participants), defendant (3 participants), or organization managing disputes (8 participants) (with some participants falling into multiple categories).

Please tell us about your background of using the FSC Dispute Resolution System



Participants come from 21 countries. The country with the most participants is Brazil (11 participants, 26%).

Respondent location

