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Decision-making and Resolution of Complaints

Important note

This document is part of the Hungarian forest certification scheme. A list of all the documents of the scheme can be found in *MER 11:2024 Introduction to the Hungarian Forest Certification*. The official language of the documents is English, and the latest versions are publicly available at www.pefc.org. The Hungarian versions of the documents are published at www.pefc.hu. In case of doubt about the content, the English language versions published on www.pefc.org shall be decisive.

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1 Decision-making

- 1.1 The main principle of the general decision-making procedure is that
 - a) parties involved shall have balanced participation
 - b) parties involved shall aim at reaching consensus (refer to 2)
 - c) the decision-making shall not be dominated by one single opinion or interest.
- 1.2 The body that makes the decision consists of members, who shall elect a Chairman from the members as follows:
 - a) each member of the body shall have one single vote,
 - b) the member having the most votes shall become the Chairman.
- 1.3 The mandate of the Chairman shall be valid from the closure of the voting for 5 years, or for the termination period of the body, whichever is shorter.
- 1.4 In the general decision-making procedure the body shall be called for a meeting
 - a) by its Chairman, or by at least half of the representatives of the entire body
 - b) by written notification sent at least 8 days prior to the date of meeting, which notification may also be sent electronically.
- 1.5 Decisions may be made in a form of postal ballots with the same provisions specified in 1.4.
- 1.6 In case of postal ballot the deadline for casting votes shall be indicated.
- 1.7 The decision-making is valid, and the decision shall be adopted by the body if the decision is supported by more than 50% of the members of the body. Proportion shall be calculated with reference to the entire body, not only to those being present or those casting votes.
- 1.8 Any member of the body having the right to vote shall be entitled to submit a minority report, which shall be attached to the decision and shall be published in the same manner as the decision.
- 1.9 The members of the corporation may cast their votes
 - a) personally
 - b) through authorized substitute
 - c) in writing.
- 1.10 The process of the decision-making is controlled by the Chairman and documented by the Secretariat.

2 Consensus-building

- 2.1 In order to reach consensus and to determine whether there is any substantiated opposition, the decision-making body can utilize the following methods :
 - a) a face-to face meeting where there is a verbal yes/no vote;
 - b) a face-to face meeting where there is a show of hands for a yes/no vote
 - c) a face-to face meeting where there is a "secret ballot" of members on a yes/no vote;
 - d) a statement on consensus from the Chair at a face-to face meeting where there are no dissenting voices or hands (votes);
 - e) an e-mail meeting where a request for agreement is provided to members and the members providing written response (a proxy for a vote);
 - f) a formal balloting process where votes are collated for the collective consensus decision;
 - g) telephone conference/online meeting where there is a verbal yes/no vote;
 - h) any combination of the above written.

- 2.2 In any case of a negative vote which represents sustained opposition of any important part of the concerned interests to a substantive issue, the issue shall be resolved using the following mechanisms:
- a) Discussion and negotiation on the disputed issue within the decision-making body in order to find a compromise;
 - b) Direct negotiation between the stakeholder(s) submitting the objection and stakeholders with different view on the disputed issue in order to find a compromise;
 - c) Public consultation where further stakeholder input can help to achieve consensus on unresolved issues. The decision-making body determines the scope and duration of any additional public consultation.
 - d) Dispute resolution process (see section 4).

3 Complaints

- 3.1 Complaints submitted to the HFC shall be limited to concerns, or issues regarding the operation of HFC.
- 3.2 It is the responsibility of the complainant to submit written information supporting the complaint, which can be verified as accurate and correct through an independent source.
- 3.3 Complaints submitted regarding a specific certified entity shall be referred to the relevant certification body's own complaints / appeals resolution procedure.
- 3.4 Complaints submitted regarding a specific accredited certification body shall be referred to the relevant accreditation body's (or bodies') own complaints / appeals resolution procedure.
- 3.5 Complaints submitted regarding a specific accreditation body shall be referred to the International Accreditation Forum's complaints / appeals resolution procedure (www.iaf.nu).
- 3.6 Regardless of the outcome of any complaint, the complainant and the HFC will each meet their own costs.
- 3.7 It is expected that any formally accepted complaint, not requiring an on-site investigation, should normally be resolved within 6 months.

4 Dispute resolution

- 4.1 Dispute resolution can be requested by any interested parties taking part in a decision-making process within HFC.
- 4.2 The dispute resolution process shall reveal that
 - a) the disputants have clear understanding of the subject matter and the standpoints of all disputants,
 - b) the disputants are willing to resolve the dispute, potentially by finding a compromise,
 - c) the dispute is based on meaningful difference(s) of opinions.
- 4.3 The aim of the dispute resolution process is to suggest a resolution of the dispute that
 - a) considers the standpoints of all disputants,
 - b) supports the aims of the process in which the dispute occurs,
 - c) is in compliance with HFC's principles,
 - d) based on sound knowledge,
 - e) can be realistically put into practice,
 - f) ensures that no single opinion or interest dominates the process.
- 4.4 The result of the dispute resolution process shall be obligatory for all disputants.
- 4.5 It is expected that any formally accepted request for a dispute resolution process not requiring an on-site investigation, should normally be resolved within 6 months.

5 Appeals

- 5.1 Appeals can be submitted once to HFC in case of unsatisfactory resolution of a complaint / dispute.
- 5.2 It is the responsibility of the appellant to submit written information, which can be verified as accurate and correct through an independent source.
- 5.3 Regardless of the outcome of any appeal, the appellant and the HFC will each meet their own costs.
- 5.4 It is expected that any formally accepted appeal, not requiring an on-site investigation should normally be resolved within 6 months.

6 Acceptance of complaints, dispute resolution requests and appeals

- 6.1 All complaints, request for dispute resolutions and appeals shall be addressed to the HFC Secretariat (hereinafter "Secretariat").
- 6.2 Secretariat decides on formal acceptance:
 - a) of the complaint and its further investigation if the complaint is related to HFC and sufficiently justified by supporting information/documents,
 - b) of the dispute resolution request, if consensus was not achieved through other dispute resolution methods,
 - c) of the appeal and its further investigation if the appeal is related to a decision on a previously submitted complaint or request for dispute resolution,
 - d) appeals can be submitted once concerning a certain complaint or dispute resolution.
- 6.3 The Secretariat shall without delay:
 - a) acknowledge to the complainant, disputants or appellant (in writing) the receipt and subject of the complaint, dispute resolution request or appeal or rejection of the complaint, dispute resolution request or appeal with justification if it is not in accordance with section 3, section 4 or section 5 respectively,
 - b) provide the complainant, disputants or appellant with details of the HFC's complaints, dispute resolution and appeals procedures as appropriate.

7 Investigation and resolution of complaints, disputes and appeals

- 7.1 Upon the receipt of the complaint or a request for dispute resolution the HFC Council assigns an ad-hock Arbitration Committee.
- 7.2 Arbitration Committee can be established also temporarily for periodical tasks (e.g. during standard setting procedure).
- 7.3 In case of an appeal the HFC Council can assign an Arbitration Committee consisting of the same members as in the Arbitration Committee dealing with the concerned complaint or dispute.
- 7.4 The investigator(s) shall have no vested interest in, or conflict of the complaint or the dispute.
- 7.5 The work of the Arbitration Committee shall be in line with section 1 and 2.
- 7.6 The Arbitration Committee shall undertake a thorough investigation including gathering and verifying all necessary information to validate the complaint, dispute resolution request or appeal, evaluate the subject matter impartially and objectively, and make a decision upon the complaint or appeal, and and seek resolution.
- 1.1 The Arbitration Committee shall submit in a timely manner a detailed written report and present it to the HFC Council. The report shall include a statement indicating whether, or not, the complaint, dispute resolution request, or appeal has been substantiated and recommendations on resolving the complaint.
- 7.7 Based on the recommendations of the Arbitration Committee, HFC Council decides on the final resolution of the complaint or dispute.
- 7.8 The Secretariat shall inform the complainant, the disputants or the appellant and other interested parties about the outcomes of the complaint or dispute resolution process in writing.
- 7.9 Dispute resolution approved by the HFC Council shall be regarded as elimination of a sustained opposition.