

SBP

Sustainable Biomass Program

SBP Appeals Procedure

www.sbp-cert.org



Version 1.1 January 2019

Adapted from Reference source: *FSC Processing Appeals FSC-PRO-01-005 (V3-0) EN; ASI Appeals Procedure ASI-PRO-20-103-Appeals-V4.0*

For further information on the SBP Framework and to view the full set of documentation

see www.sbp-cert.org

Document history

Version 1.0: published 27 July 2015

Version 1.1: published 24 January 2019

1 General principles

- 1.1 The right to appeal a decision by SBP rests solely with the body that was subject to the decision.
- 1.2 The appeal shall not suspend the validity of the decision that is being appealed, unless otherwise decided by the duly convened Appeals Panel.
- 1.3 All incoming and outgoing correspondence, including the final decisions and follow-up actions, shall be filed in electronic and/or hard copy and maintained for a period of at least seven years.
- 1.4 All parties involved in the procedure shall refrain from commenting publicly on the appeal until a decision is made and all parties have been informed accordingly. Note: SBP reserves the right to publish statements about the progression of the appeal procedure on the SBP website.

2 Lodging an appeal

- 2.1 An appeal against SBP shall be received within 60 days after notification of the decision.
- 2.2 Appeals shall be brought to the attention of the SBP Chief Executive Officer (CEO).
- 2.3 The appeal shall be submitted by sending an appeal letter electronically or as hard copy by mail. It is the responsibility of the appellant to ensure that the letter has been received by SBP.
- 2.4 The appeal letter shall include the following elements:
 - 2.4.1 The name and contact information of the Appellant and be signed by the legal representative of the Appellant or by the individual in question if the appeal is not filed by an organisation;
 - 2.4.2 Be written in English;
 - 2.4.3 The decision that is being appealed and the grounds on which the appeal is made;
 - 2.4.4 Relevant documented evidence;
 - 2.4.5 An indication of what steps were taken to resolve the issue prior to lodging the appeal;
 - 2.4.6 An agreement to cover the costs of the appeals procedure, if and as allocated by the Appeals Panel; and
 - 2.4.7 An agreement to adhere to the terms and provisions of this procedure.
- 2.5 In the event that the appeal is not in compliance with the requirements above, SBP may reject the appeal and provide a recommendation on how to correctly address it.
- 2.6 The Appellant, at their sole discretion, may withdraw the appeal until the first session of the Appeals Panel.

3 Processing an appeal

- 3.1 The SBP CEO shall acknowledge receipt of the appeal and confirm the acceptance or rejection of an appeal within 10 days of its receipt, based solely on compliance with the elements described under Clauses 2.4.1 - 2.4.7 above.
- 3.2 The SBP CEO shall appoint an impartial “Appeals Panel” within 30 days of accepting the appeal.
- 3.3 Once established, the Appellant shall be informed of the names of the Appeals Panel members and shall be requested to confirm in writing the Appellant’s agreement with the composition of the Appeals Panel within 10 days. Failure to do so shall be considered as acceptance of the composition of the Appeals Panel.
- 3.4 The Appellant has the right to object to the appointment of any member of the Appeals Panel, with valid reason(s), such as conflict of interest. The SBP CEO shall make a decision on any objection by the Appellant, which shall be final.
- 3.5 The Appeals Panel shall examine the evidence substantiating the appeal according to the process as specified in Section 4 of this procedure and report its evaluation and final decision to the SBP CEO within 60 days after the panel has been appointed.
- 3.6 The decision of the Appeals Panel shall be binding to all parties and no further appeal on the same matter shall be accepted.
- 3.7 The SBP CEO shall communicate the outcome of the appeals procedure to the Appellant within 10 days of the decision being taken.
- 3.8 The SBP CEO is responsible for the implementation of any follow-up action as required.

4 The SBP Appeals Panel

- 4.1 An Appeals Panel shall be established on each occasion that an appeal is lodged against a decision of SBP and the appeal is accepted by the SBP CEO.
- 4.2 The Appeals Panel shall consist of one to three persons who are impartial and free of any conflict of interest in relation to the Appellant and to the appeal. NOTE: according to ISO/PAS 17003:2004, an Appeals Panel does not require the involvement of external parties.
- 4.3 The Appeals Panel may consist of only one person if appropriate knowledge, independence and impartiality can be demonstrated.
- 4.4 A Chairperson shall be appointed by the members of the Appeals Panel at their first meeting.
- 4.5 The SBP CEO shall appoint a secretary to the Appeals Panel, as a non-voting member, who shall refrain from any decision-making and remain strictly impartial in the collating and presentation of the facts of the case.
- 4.6 The members of the Appeals Panel shall be placed under an obligation of confidentiality concerning anything that might come to their knowledge during their function.
- 4.7 Upon appointment of the Appeals Panel, the secretary of the Appeals Panel shall consult the members of the Panel and fix a place, date and time of the session to consider the appeal. The Appeals Panel may meet by teleconference or other means as appropriate.
- 4.8 The Appeals Panel shall take all measures (e.g. consult experts, request additional information, etc.) and make all provisions, including the convening of one or more sessions, deemed necessary for a sound judgment.
- 4.9 The Appeals Panel determines the working language(s) of the evaluation. Information brought to the attention of the Panel by the parties shall be submitted in the working language(s) of the Panel and/or English.
- 4.10 The lack of cooperation by the Appellant may be considered as grounds for discontinuation of the procedure. The Appeals Panel shall decide through consensus if an appeals procedure shall be discontinued.
- 4.11 The members of the Appeals Panel shall judge in all fairness and according to the rules of this procedure.
- 4.12 The Appeals Panel should decide on the appeal by consensus. Consensus shall be understood as the absence of sustained opposition.
 - 4.12.1 If the Appeals Panel is not able to reach a decision by consensus it shall take a vote, with the decision being taken by simple majority.
- 4.13 The Appeals Panel shall decide on the coverage of costs of the appeals process.
- 4.14 The Appeals Panel is obliged to make a decision on the appeal within 60 days after its appointment. In exceptional circumstances, such as where no decision could be reached, the Appeals Panel may

seek the approval of the SBP CEO for an extension of time. The SBP CEO may grant an extension of the time, subject to satisfactory explanation of the reasons for the extension. The extension of time shall be no longer than 60 days. The SBP CEO shall ensure that the parties to the Appeal are informed accordingly.

- 4.15 The written decision of the Appeals Panel shall be signed or confirmed electronically by all members of the Appeals Panel and submitted to the SBP CEO.