



Complaints and Appeals Management

For Malaysian Sustainable Palm Oil Certification Programme (MSPO) – Oil Palm Management Certification (OPMC) & Product Certification (Product) Chain of Custody

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MSPO OPMC & PC Complaints and Appeals Management (V1)

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HISTORY OF CHANGES

Date	Summary of Change	Revision
23 Apr 2021	New establishment of Complaints and Appeals Management For Malaysian Sustainable Palm Oil Certification Programme (MSPO) – Oil Palm Management Certification (OPMC) & Product Certification (Product) Chain of Custody	1



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1. OBJECTIVE

To explain the process for handling certificate holder's complaint and appeal by Bureau Veritas Certification (M) Sdn Bhd. BVC is accredited to perform Malaysian Sustainable Palm Oil Certification Programme (MSPO) – Oil Palm Management Certification (OPMC) & Product Certification (Product) Chain of Custody. BVC is an international company specialising in independent testing, inspection and certification. The accredited office is based at BVC Malaysia. Responsibility for maintaining and controlling the management system lies with this office.

BVC Malaysia should maintain a complaints and appeals process which has the following objectives:

- To register and address complaints about clients of MSPO OPMC , MSPO SCCS & PEFC CoC from members of the public, i.e. stakeholders;
- To register and address complaints about MSPO OPMC , MSPO SCCS & PEFC CoC by members of the public;
- To register complaints and appeals from clients and partners;
- To ensure that valid complaints and appeals are dealt with timely and appropriately.

2. RESPONSIBILITIES

Bureau Veritas Certification (M) Sdn Bhd (BVC Malaysia) shall be responsible to oversee compliance with this procedure. Changes to this procedure must be approved by BVC Malaysia Certification Manager, or an appointed person on behalf of him/her.

3. GENERAL

- BVC can only become involved in dealing with complaints and appeals where they relate to the requirements of the MSPO OPMC , MSPO SCCS & PEFC CoC programmes.
- BVC will not respond to anonymous complaints or appeals and all communication must be in writing.
- Full implementation of actions and confirmation of implementation (e.g. correction and closing out of non-compliances that may have been identified as a result of the complaint) are completed in compliance with the requirements specified in MSPO OPMC , MSPO SCCS & PEFC CoC System.

3.1 Contact Details

Bureau Veritas Certification (M) Sdn. Bhd.	Malaysian Palm Oil Certification Council (MPOCC)
Lots 19.01 & 19.02, 19th Floor, Menara KH, Jalan Sultan Ismail 50250 Kuala Lumpur, Malaysia Tel: +603 2733 7700 Fax: +603-2733 7701 Email: cynthia.tan@bureauveritas.com Website: www.bureauveritas.my	Unit 2-1, Level 2, Tower 2B, UOA Business Park, No 1, Jalan Pengaturcara U1/51A Seksyen U1, 40150, Shah Alam, Selangor, Malaysia. Telephone: +603 5569 9676 Email: info@mpocc.my Complaint: https://mspotraces.org.my/Complaints_home



Malaysian Timber Certification Council (MTCC)	Department Standard of Malaysia (DSM)
<p>C-08-05, Block C, Megan Avenue II No. 12, Jalan Yap Kwan Seng 50450 Kuala Lumpur, Malaysia Tel: +603-2161 2298 Email: info@mtcc.com.my Complaint: https://mtcc.com.my/general-inquiry/</p>	<p>Level 4-7, Tower 2, Menara Cyber Axis, Jalan Impact, Cyber 6, 63000 Cyberjaya, Selangor Darul Ehsan, Malaysia Tel : +603-8008 2900 Email: central@jsm.gov.my Complaint: https://www.jsm.gov.my/enquiry#.YJNkivkzBIU</p>



4. COMPLAINT PROCEDURE

4.1 Complaints against the performance of a certificate holder:

- 4.1.1 **Step One:** The first objective is to have the cause of the complaint addressed as quickly as possible. For this reason it is best to address the complaint directly to the certificate holder. All operations which have been certified by MSPO OPMC, MSPO SCCS & PEFC CoC are required to have their own complaints system, for addressing complaints raised by stakeholders. To assist in this process, complaints should be substantiated with objective evidence as far as possible and accurate descriptions of locations, dates and people involved.
- 4.1.2 **Step Two:** If you do not receive any response or an inadequate response, send the complaint to the local BVC office and if the contact details of this are not known, send it to the Local BVC Office and / or the Product Manager / Technical Lead / Certification Manager of - address provided on the first page.
- 4.1.3 Proceed to **Step Three (Complaint Procedure)**

4.2 Complaints against the performance and/or conduct of BVC staff and sub-contractors

- 4.2.1 **Step One:** Address the complaint to the local BVC office and if the contact details of this is not known, send it to the Local BVC Office and / or the Product Manager / Technical Lead / Certification Manager – address provided on the first page.
- 4.2.2 **Step Two:** To assist in this process, complaints must be substantiated with objective evidence as far as possible and accurate descriptions of locations, dates and people involved.

NOTE:

- BVC shall notify DSM within seven (7) days of a complaint received from any MSPO OPMC, MSPO SCCS & PEFC CoC stakeholders concerning its auditor's competency or concerning the outcome of implementation of a certification assessment that it conducted.
- The complainant has the opportunity to refer their complaint to Accreditation Body, Department Standard of Malaysia (DSM) (<https://www.jsm.gov.my/enquiry#.YJNklvkzblU>) if the issue has not been resolved through the full implementation of Bureau Veritas Certification's own procedures, or if the complainant disagrees with the conclusions reached by the Bureau Veritas Certification and/or is dissatisfied by the way Bureau Veritas Certification handled the complaint. As the ultimate step, the complaint may be referred to scheme owner.
- MSPO: Malaysian Palm Oil Certification Council (MPOCC) through MSPO Trace (https://mspotracer.org.my/Complaints_home)
- PEFC CoC: Malaysian Timber Certification Council (MTCC) through their websites (<https://mtcc.com.my/general-inquiry/>)

4.3 Submitting the Complaint to BVC:

- 4.3.1 **Step Three:** A complaint must be submitted in writing, signed by the complainant and addressed to the relevant addressee. The note may be short and simple, but must include sufficient documented objective evidence to substantiate the complaint and identifying the basis for the complaint. Dissatisfaction without any justified reason or based on hearsay will not be considered as a complaint and should be rejected.

NOTE: A complaint shall be considered "valid" only if related to issues under the authority of BVC.

4.4 Processing of the Complaint

- 4.4.1 **Step Four:** BVC Product Manager / Technical Lead / Certification Manager will consider the complaint and decide if it is valid and whether it has been adequately addressed by the Certificate Holder.

If the complaint is not considered valid, it will be referred back to the complainant explaining the reasons for the decision and requesting any additional information that may further support the validity of the complaint.



The complainant is required to respond within 14 days with the required information. If the Local BVC Office/Product Manager (Technical Lead)/Certification Manager considers that the complaint remains invalid, the complainant will be informed in writing. The notification will include an explanation for the rejection.

- 4.4.2 **Step Five:** BVC will confirm receipt of the complaint (within 4 weeks) and provide information on the expected process for dealing with the complaint and where possible, a target date for resolution thereof.

NOTE: It would be important to understand that whereas BVC will provide as much information as possible, some details relating to the outcome may be protected by the confidentiality clause in the BVC certification contracts.

- 4.4.3 **Step Six:** Where the complaint is accepted as valid a competent and impartial person(s) will be appointed to investigate the complaint or the BVC Product Manager / Technical Lead / Certification Manager may decide to personally conduct the investigation.

NOTE: Where necessary, contact may also be made with the complainant to determine the full nature and extent of the complaint, and to obtain any additional information.

NOTE: The complainant has an obligation to respond to correspondence and enquiries from BVC and failure to do so may lead to the complaint being closed

NOTE: The objective is to resolve the complaint within 60 days of receiving same.

4.5 Final Decision

- 4.5.1 **Step Seven:** BVC will, subject to the rules of confidentiality, inform the complainant about the results of its investigation and any appropriate actions planned or implemented.
- 4.5.2 **Step Eight:** Within 60 days of receiving the final information, the complainant must inform BVC if they remain dissatisfied with the decision by BVC.

4.6 Appeal

- 4.6.1 **Step Nine:** Where the complainant is dissatisfied with decision by BVC, the complaint will be sent to the Appeal Committee for a final decision.
- 4.6.2 **Step Ten:** The complainant will be informed of the decision by the Appeal Committee, which is the final authority within the BVC procedure.
- 4.6.3 **Step Eleven:** Should the complainant remain dissatisfied with the decision of the Appeal Committee, they have the opportunity lodge their complaint to MPOCC / MTCC at the address provided on the first page.



5. APPEAL PROCEDURE

5.1 What can be appealed?

5.1.1 Adverse decisions by BVC that may be appealed include:

- refusal to accept an application;
- refusal to proceed with an assessment;
- corrective action requests;
- changes in certification scope;
- decisions to deny, suspend or withdraw certification; and
- any other action that impedes the attainment of certification.

5.2 General Notes

5.2.1 Only a certificate holder can appeal against adverse certification decision.

5.2.2 The appeal will be investigated and proposed actions specified in response to the appeal within 90 days of receiving same.

5.2.3 The appeal shall not suspend the validity of the decision which is being appealed, unless otherwise decided by the duly convened Appeals Panel.

5.2.4 The BVC Product Manager / Technical Lead / Certification Manager shall ensure that all provisions of this procedure are closely followed without prejudice.

5.2.5 The BVC Product Manager / Technical Lead / Certification Manager will be responsible for processing all appeals.

5.3 Costs

5.3.1 The cost of evaluating an appeal shall be determined by the Product Manager / Technical Lead / Certification Manager. The Appeals Committee (see below) takes the decision if the appellant has to pay all or a portion of the costs.

5.3.2 The Appellant will be under obligation to pay the amount due to BVC within 10 days after date of the notification of the decision on the appeal.

5.4 Submission of the Appeal

5.4.1 **Step One:** All appeals must:

- be submitted in writing whether by letter, facsimile or e-mail. It is the responsibility of the appellant to ensure that the letter of appeal has been successfully transmitted to the Local BVC Office and / or the BVC Product Manager / Technical Lead / Certification Manager;
- be submitted within 30 days of the decision the appeal is aimed at;
- be signed by the appellant and addressed to the Local BVC Office and / or the Product Manager / Technical Lead / Certification Manager of
- include sufficient documented objective evidence to substantiate the appeal and identifying the basis thereof
- contain an agreement to pay the costs up to and including the full costs of the appeal process, as determined by the Product Manager / Technical Lead / Certification Manager of – see above.



Note: Dissatisfaction without any justified reason or based on hearsay will not be considered as an appeal and will be rejected.

5.5 Processing of the Appeal by BVC

- 5.5.1 **Step Two:** Receipt of the appeal to Local BVC Office and / or the BVC Product Manager / Technical Lead / Certification Manager will be acknowledged within 10 days the appeal's recorded arrival. The acknowledgement shall include a copy of the appeals procedure.
- 5.5.2 **Step Three:** Within 10 days of acknowledging receipt, BVC Product Manager / Technical Lead / Certification Manager shall decide on the validity of the appeal. If the issue cannot be considered an appeal as per definition, the BVC Product Manager / Technical Lead / Certification Manager shall inform the appellant to agree on other means of solving the issue. If no agreement can be reached, the appeal will be rejected.
- 5.5.3 **Step Four:** If the appeal does not fully comply with the formal requirements, the appellant will be given 10 days to establish full compliance of the appeal with the formal requirements.

5.6 The Appeals Committee

- 5.6.1 **Step Five:** Within 30 days of validating the appeal, the Local BVC Office and / or the BVC Product Manager / Technical Lead / Certification Manager will appoint an Appeals Committee. The appellant has a right to object to the appointment of any member of the Appeals Committee and the BVC Product Manager / Technical Lead / Certification Manager has the final decision on the validity of such objection.
- 5.6.2 **Step Six:** The Appeals Committee shall examine the appeal and report its decision to the BVC Product Manager / Technical Lead / Certification Manager of within 90 days after the appeal had been lodged. The Appeals Committee may seek the approval of the Product Manager (Technical Lead)/Certification Manager for an extension of time which may be granted subject to a full explanation of the reasons for the extension of time being supplied to the appellant.
- 5.6.3 **Step Seven:** BVC Product Manager / Technical Lead / Certification Manager shall inform the appellant of the decision of the Appeals Committee in writing, no later than 10 days after the date of the notification by the Appeals Committee. This decision will be final within the BVC procedure.
- 5.6.4 **Step Eight:** Should the appellant remain dissatisfied with the decision of the Appeal Committee, they have the opportunity lodge their complaint to MPOCC / MTCC at the address provided on the first page.

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