

IMO I 4.5.5 G-e Arbitration Procedures

1. Principles

- 1.1 According to the Contract of Control and Certification (IMO 4.2.1) the parties bind themselves to bring any dispute which could not be resolved within the regular Appeals Procedures (IMO 4.5.3) to an independent Court of Arbitration. Exempt are the maintenance of claims which justify a temporary decree as well as any outstanding payments.
- 1.2 The parties are kept to support the activities of the Court of Arbitration to the best of their knowledge and beliefs.
- 1.3 For clients for FSC certifications this document in its current version comes into force two weeks after shipping by IMO.

2. Procedures

- 2.1 If no agreement can be reached through the regular negotiation as stated in the Appeals Procedures each party can call for the constitution of a court of arbitration.
- 2.2 Both parties appoint a confidant, and these select together and in accordance with both parties a chairman. The chairman has to be a suitable person for this task. All members of the court of arbitration must be independent and may not have been personally involved in the case of dispute.
- 2.3 The instigating party has to report by writing the name of their confidant to the other party which in its turn has to report by writing their confidant to the instigating party within two weeks. After fruitless laps of the two weeks on request of the instigating party an arbitrator is designated by the district court of Weinfelden instead of the confidant.
- 2.4 The election of the chairman by the two confidants has to occur within two weeks. In case of non-compliance paragraph 2.3 applies.
- 2.5 The Court of Arbitration has to meet at the latest within 3 weeks upon requirement of one of the parties. The Court of Arbitration decides about the procedures. It is kept to maintain the costs as low as possible.

3. Arbitral Award

- 3.1 The Court of Arbitration decides by simple majority.
- 3.2 The decision of the court is final and cannot be brought upon a regular court. It remains possible to file an official complaint at the competent authorities.

In case of certification under the scheme of the Forest Stewardship Council (FSC), the instigating party can appeal to the FSC Secretariat. The instigating party must be informed of the opportunity to appeal to FSC directly.

- 3.3 The award includes the partition of the costs.

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