



仲裁程序 Arbitration Procedures

1. Principles 原则

- 1.1 根据控制与认证的合同(IMO 4.2.1)，由于合作方自己的原因而造成的任何不能在规定的上诉程序(IMO 4.5.3)内解决的争论，提交给独立的仲裁法庭。如果证明一个临时的判决或者任何拖欠款项是正当的，可以主张保留免除责任。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 合作方应尽其所能并且以完全信任来支持仲裁法庭的活动。The parties are kept to support the activities of the Court of Arbitration to the best of their knowledge and beliefs.

2. Procedures 程序

- 2.1 如果不能通过上诉程序中的规定达成协议，各方都可以诉讼到仲裁法庭。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 双方各指派一个代表，组合在一起，再选择一个符合双方要求的人作为主席，主席应是处理该项争论的合适人选。所有仲裁法庭成员必须是独立的，并且在本争论中没有任何私人关系。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 诉讼方应以书面形式提出他们指派的代表的姓名给对方，对方在两周内以书面形式提出他们指派的代表的姓名给诉讼方。双方指派的代表如果在两周内不能解决争论，两周后，根据诉讼方的请求，Weinfeld地区法院将指定一个仲裁人取代指派的代表。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 Weinfeld instead of the confidant.
- 2.4 如果2.3的要求不适用的话，双方指派的代表在两周内选举主席。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 仲裁法庭必须在3周内，根据双方中某一方的要求做出裁决。仲裁法庭决定仲裁程序，并尽可能的降低费用。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. 仲裁裁决Arbitral Award

3.1 仲裁法庭采用简单多数的方式进行裁决。The Court of Arbitration decides by simple majority.

3.2 仲裁法庭的裁决是最终裁决，不能上诉到正式法庭，但仍可在主管当局提出正式的抱怨。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.

如果认证活动是根据Forest Stewardship Council(FSC)进行的，诉讼方可上诉到FSC秘书处，必须通知诉讼方他们可以直接上诉到FSC秘书处。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 仲裁裁决中包括费用的分割。The award includes the partition of the costs.