

Contract for administration of PEFC scheme

Between

- (1) **The Programme for the Endorsement of Forest Certification schemes**, hereafter the “PEFC Council”, having its registered office at ICC Building C, Route de Pré-Bois 20, CH – 1215 Geneva, Switzerland

And

- (2) **Vietnamese Academy of Forest Science (VAFS)**, hereafter “the authorised body”, having its registered office at 46 Duc Thang Street, Bac Tu Liem District, Hanoi City, Viet Nam

Whereas “the authorised body” is an entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council;

Whereas the PEFC Council is the governing body of the PEFC scheme;

Now, therefore the above said parties agree to the following:

Article 1: Definitions

1. Administration of PEFC scheme:

This is a set of requirements for the administration of PEFC scheme defined in PEFC GD 1004:2009 which forms part of the contractual documentation and is found in the annex of this contract. PEFC GD 1004:2009 is valid as stated now and as may be from time to time altered by the PEFC Council.

2. Administration tariffs of the PEFC scheme

This is the Appendix to PEFC GD 1004:2009 Administration of PEFC scheme, which forms part of the contractual documentation and is found in the annex of this contract.

Article 2: Administration of PEFC scheme

1. The authorised body is permitted to issue the PEFC Logo usage licences on behalf of the PEFC Council to entities which are located in Vietnam. This also covers the issuance of PEFC Logo usage licences to multi-site organisations whose central office is located in Vietnam and its sites are located in other countries.
2. The authorised body is permitted to issue PEFC notification to certification bodies operating PEFC forest management and/or chain of custody certification against the PEFC endorsed scheme/standard in Vietnam. This also covers PEFC notification of certification bodies which issue chain of custody certification to multi-site organisations whose central office is located in Vietnam and its sites are located in other countries.
3. The authorised body is obliged to operate the PEFC Registration System.
4. The authorised body is obliged to have complaints and dispute procedures.

5. The authorised body shall perform the tasks of the administration of PEFC scheme specified in Article 2 in compliance with PEFC GD 1004:2009, as amended.

Article 3: Fees

1. The authorised body is obliged to pay a fee(s) based on an invoice issued by the PEFC Council. The amount of the fee(s) is specified in the Administration tariffs of the PEFC scheme and can be changed by the PEFC Council during the validity of the contract. The corresponding change in the contract between PEFC Council and the authorised body concerning the fees takes effect the following year after the PEFC Council has informed the PEFC authorised body, in writing, of the change.

Article 4: Contract termination and penalties

1. Either party may terminate the contract with three-month prior notice by a registered letter.
2. The PEFC Council may revoke the contract temporarily with immediate effect or terminate the contract with immediate effect if there are reasons to believe that any of the terms of the contract are not being adhered to.
3. PEFC Council is not obliged to pay compensation for any costs or other damages which the temporary revocation or termination causes to the logo user.
4. Penalties imposed on a PEFC Logo user by the authorised body based on PEFC GD 1004:2009 will accrue to the benefit of the PEFC Council and the authorised body in the manner described hereafter. Reasonable costs, including legal expenses, relating to the discovery and the evidence of the misuse will be paid, out of the penalty amount collected, to the contracting party who disbursed them. Seventy-five percent of the remainder will be allotted to the PEFC Council and twenty-five percent to the authorised body.

Article 5: Arbitration

1. This contract is subject to Swiss law
2. Any disputes arising out of this agreement shall be finally and exclusively settled by the courts of the Canton of Geneva, subject to a right of appeal to the Swiss Federal Supreme Court.

Signed in duplicate.

Geneva on 18/01/2022

For and on behalf of
the PEFC Council



Michael Berger
Acting Secretary General

Hanoi City on 14 January 2022

For and on behalf of
the authorised body



Vo Dai Hai
Vietnamese Academy of Forest
Sciences, President