

Procedures Manual – PCFG0710_EN_Appeals

DESIGNATION

Procedure with appeals

AIM

Establish the rules for handling appeals.

SCOPE

The Executive Certification Responsible and Management.

REFERENCES

ISO/IEC 17065; NP EN ISO/IEC 17021, QST05.

DEFINITIONS

Appeal - Dispute by the operator about a decision taken by Kiwa Sativa in the scope of a certification.

RESPONSABILITY

Function

Written by	Executive Certification Responsible
Revised by	Quality Manager
Approved by	Management
Implemented by	Executive Certification Responsible and Management

DESCRIPTION

Decisions on any sanction or other decision may be subject to appeal by the operator.

When an operator intends to appeal a sanction that has been applied or another certification decision, the appeal must be sent to Kiwa Sativa, in writing with all the elements considered relevant and appropriate. The appeal can be presented during the certification cycle for which the decision is referred to.

The appeal is received by the Certification Department that re-analyses the process taking into account the new arguments, and the decision may be changed.

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If it is decided to keep the decision the process is sent to the 1st instance of appeal; if it is decided to change the decision previously taken this has to be communicated to the operator and to the Certification Council. This can be done at the first meeting of the Council or consultation that takes place after the decision.

1st Instance of Appeal

The 1st instance of appeal is composed of a member of the Certification Executive Committee, which decides after hearing the Certification Council; the Certification Council analyses the operator's appeal and issues an opinion on it.

The Certification Executive Committee informs the operator about the decision and that, in case of disagreement, he can appeal to the 2nd instance of appeal.

2nd Instance of Appeals

The 2nd and final instance of appeal is an Appeal Arbitration Committee composed of two experts out of three, of a panel appointed to the operator to choose, who issue a technical opinion, and by a Kiwa Sativa technician with more than 5 years of activity in the company, not previously involved in the process, which drafts a proposal for a decision. This decision draft is presented to the Certification Council.

The appeal can take place when there are arguments that have not been considered in a previous decision or when the appealing operator presents new facts that were not known before. The appealing operator may present any documents that could be important to change the previous decision.

The Committee appointed to assess the appeal must, within twenty days (1), prepare a new response and notify the applicant of the result.

The experts responsible for the analysis of the appeal can ask for the repetition of an analysis, proof, or of the control action, provided that its result can clarify doubts and provided that it is done in equal terms, otherwise a repetition would constitute a new control (and this should be explained to the applicant), which is not admissible, and

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the period of twenty days mentioned in the previous paragraph is suspended until results are obtained.

In case it is necessary to call upon to a meeting or opinion of the Certification Council, it will meet or be contacted within 10 days; the applicant should be informed of this step.

The decision of the final instance is binding on the operator and Kiwa Sativa, who are informed of it in writing.

If the appeal is granted, the operator will not be entitled to claim any compensation. In this case, the costs and other expenses incurred by Kiwa Sativa will not be charged to the operator.

Any disputes related to certification are resolved within the scope of the Certification Body, with two instances for solving them: the Certification Executive Committee and Management. An opinion may be asked to the Certification Council. The Management's decision is binding.

If none of the above conditions are met and the applicant does not accept the Management's decision, he can appeal to the entity responsible for the scheme.

Note (1): all deadlines are indicated in calendar days and the maximum response time, in the case of BRC, is 30 days.

Records of the entire process must be kept.

Kiwa Sativa maintains and makes public, through the website, throughout the geographic area where it operates, information about the appeal process.

Modifications

Document	Replaces	Comes into force	Description of modification
PCF0710	PCF0709	02/01/2020	Change of company name and logo; Inclusion of the requirement of ISO 17021; make the appeal process public
PCF0709	PCF0708	27/12/2017	Replacement of the 20 days deadline for filing an appeal within the certification cycle. Elimination of "Disputes"