ADITI Policy on Handling of Appeals and Complaints

1	**Aims**	This procedure establishes the system for handling complaints and appeals associated with the certification system.
2	**Background**	a) As an operator, customer, worker or any third party who wants to indicate that one of ADITI's certified operators is in breach of the NOP, NPOP, COS's or any voluntary certification scheme (VCSMPP, INDGAP) requirements and responses to the quality of services rendered by ADITI, Complaint becomes evident. b) If anyone disagrees with ADITI's certification decisions, this type of appeal becomes evident.
3	**Normative framework**	**3.1 NPOP** **Chapter 4 Accreditation of Certification Bodies** 4.2.3 Quality System (iv) The Certification Body shall follow a quality management system based on the policies and procedures laid down in the form of a Quality Manual and an Operating Manual. The quality manual shall, inter alia, include the following: • the policy and procedures for dealing with complaints, appeals and disputes. **4.4 Certification** **4.4.7 Certified operators** 4.4.7.1 Information to the Operators The accredited Certification Bodies shall ensure that each certified operator shall be provided at the time of application: • An adequate description of the procedure for inspection, certification and appeals. **4.4.7.3 Complaints record** The accredited Certification Body shall have policies and procedures for dealing with complaints against its operation and against certified operators. It shall keep a record of all complaints and remedial actions relating to certification. When a complaint is resolved a documented resolution shall be made and forwarded to the complainant and the party concerned. **4.4.7.4 Appeals record** The Accredited Certification Body shall have procedures for the consideration of appeals against its decisions and shall maintain the record of all appeals. **4.5 Accreditation procedure** **4.5.13 Complaints** i) APEDA on receipt of complaints against the operator / Certification Body in respect of violation of NPOP shall investigate the complaint by obtaining relevant documents from the concerned stakeholder. ii).In course of the investigation, if major irregularities/non conformities are observed, APEDA shall issue a show cause notice to the operator / Certification Body as to why sanction should not be imposed. iii). The operator / Certification Body shall have to respond within 15 days from the date of receipt of such Show Cause Notice. iv). Thereafter, a final investigation report shall be prepared by APEDA and placed before the NAB for its decision. v). If the non-conformities are confirmed against the operator / Certification

		Body, NAB shall impose appropriate sanctions. **3.2 COR** C.2.4.2 The CB shall issue a written notice of denial of certification to any applicant to whom it denies certification, either because operations resulting in the products included in the application are still non-compliant with requirements or simply because the applicant did not respond to the notification of noncompliance. This notice shall state the reason(s) for denial and the applicant's right to: • file an appeal of the denial with the CB • reapply for certification to any accredited CB, including the one who denied certification **C.2.2 Application evaluation** C.2.2.8 The CB shall file a complaint to the CVB or directly to the CFIA if the CB has evidence that another CB has approved an ineligible input. If a CB becomes aware that another CB has rejected an input that they have accepted, the first CB can also submit a complaint. C.2.2.8.1 The CBs and CVB(s) shall come to a collective decision on the status of the input within 60 working days. The CVBs may consult technical experts with knowledge in inputs to reach an unbiased decision. Any costs/fees associated with this would be the responsibility of the complaining CB(s) if the complaint is found to be unfounded and by the CB(s) that improperly approved the input if the complaint is upheld. In case the CVBs and CBs cannot reach an agreement they can file a complaint with the CFIA. **C.4 Complaint and appeal** C.4.1 The CB shall document procedures to ensure that it deals with the complaints and appeals by the applicant, certificate holder or other party about certification following the requirements specified in ISO 17065. C.4.2 The CB documented procedures shall deal with, as a minimum: C.4.2.1 Appeal related to certification decisions C.4.2.2 Complaints from holders of certificates regarding the CB's program application. C.4.2.3 Complaints from outside persons or organizations about the CB's operation. C 4.3 The CB shall communicate the next steps to the certificate holder in case the holder is not satisfied with the CB appeal process. The certificate holder can submit a complaint against the CB to the CVB responsible for the oversight of the CB. **COR-Appendix D: and the Quality Manual Section 2.7.9** **Additional Information** Under the SFCR the CBs are required to have an appeal process in line with ISO/IEC17065 and the operator has to be informed about this process when notified about cancellation. This process is considered compliant with the SFCR requirement for "opportunity to be heard". **3.3 NOP:** **§205.681 Appeals.** (a) Certification appeals. An applicant for certification may appeal a certifying

agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator, Except, That, when the applicant or certified operation is subject to an approved State organic program the appeal must be made to the State organic program which will carry out the appeal pursuant to the State organic program's appeal procedures approved by the Secretary.

(1) If the Administrator or State organic program sustains a certification applicant's or certified operation's appeal of a certifying agent's decision, the applicant will be issued organic certification, or a certified operation will continue its certification, as applicable to the operation. The act of sustaining the appeal shall not be an adverse action subject to appeal by the affected certifying agent.

(2) If the Administrator or State organic program denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice, 7 CFR part 1, subpart H, or the State organic program's rules of procedure.

3.4 BioSuisse

2.6.1 Appeals
Appeals against rulings based on the Bio Suisse Standards will be considered by Bio Suisse's Independent Appeals Office. Appeals against sanctions must be addressed to the body that imposed the sanction (as per the instructions about the right to appeal). Appeals against decisions made by the certification body must be addressed to the certification body.

D. Breaches of contract; right of appeal
14. Consequences of breaches of contract
Any breach of the licence contract, particularly any violation of the Standards or improper use of the Bud trademark, any unauthorised change to licensed products, the non-compliance with the fee schedule, and the non-disclosure of reportable information will be punished as per the provisions of the Bio Suisse Catalogue of Serious violations may result in the reimbursement to Bio Suisse of any unjustly obtained proceeds from Bud products, a marketing ban, the withdrawal of the Bud products from the market or the termination of the licence contract without notice, and the payment of a contractual penalty. The profitability of the operation will be taken into account when the contractual penalty is determined.
Bio Suisse reserves the right to assert further damages.
The licensee concerned may submit a written appeal against sanction decisions to the appropriate appeals panel. Appeals will be dealt with in accordance with the Bio Suisse statutes.

Appendix 1 to Part I, Chapter 2: Terms and conditions of the Bio Suisse Bud production contract.
12. Reporting third-party complaints
Farming operations must report any third-party complaints (e.g. by cantonal authorities) to Bio Suisse without undue delay, particularly complaints related to legislation governing the protection of food quality, animal welfare, water quality or those related to the Organic Farming Ordinance. The farming operation authorises Bio Suisse to investigate third-party complaints that are lodged with their inspection and certification body.

3.5 EU Regulation 848/2018

Article 27 (e) fully cooperate with the relevant competent authority, or, where appropriate, with the relevant control authority or control body, in verifying and identifying the reasons for the suspected non-compliance.

Article 27.2 Competent authorities, or, where appropriate, control authorities or control bodies, shall withdraw the certificate referred to in Article 35 for the whole group where deficiencies in the set-up or functioning of the system for internal controls referred to in paragraph 1, in particular as regards failures to detect or address non-compliance by individual members of the group of operators, affect the integrity of organic and in-conversion products.

Article 41.1.(a) it shall immediately carry out an official investigation in accordance with Regulation (EU) 2017/625 with a view to verifying compliance with this Regulation; such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case;

(b) it shall provisionally prohibit both the placing on the market of the products concerned as organic or in-conversion products and their use in organic production pending the results of the investigation referred to in point (a). Before taking such a decision, the competent authority, or, where appropriate, the control authority or control body, shall give the operator an opportunity to comment.

2. In the event that the results of the investigation referred to in point (a) of paragraph 1 do not show any non- compliance affecting the integrity of organic or in-conversion products, the operator shall be allowed to use the products concerned or to place them on the market as organic or in-conversion products.

3. Member States shall take any measures, and provide for any necessary sanctions, to prevent fraudulent use of the indications referred to in Chapter IV of this Regulation.

4. Competent authorities shall provide a common catalogue of measures for cases of suspected non-compliance and established non-compliance to be applied in their territory, including by control authorities and control bodies.

5. The Commission may adopt implementing acts to specify uniform arrangements for the cases where competent authorities are to take measures in relation to suspected or established non-compliance.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Article 42.1 In the event of non-compliance affecting the integrity of organic or in-conversion products throughout any of the stages of production, preparation and distribution, for example as result of the use of non-authorised products, substances or techniques, or commingling with non-organic products, competent authorities, and, where appropriate, control authorities and control bodies, shall ensure, in addition to the measures to be taken in accordance with Article 138 of Regulation (EU) 2017/625, that no reference is made to organic production in the labelling and advertising of the entire lot or production run concerned.

2. In the event of serious, or repetitive or continued non-compliance, competent authorities, and, where appropriate, control authorities and control bodies, shall ensure that the operators or the groups of operators concerned, in addition to the

measures laid down in paragraph 1 and any appropriate measures taken in particular in accordance with Article 138 of Regulation (EU) 2017/625, are prohibited from marketing products which refer to organic production for a given period, and that their certificate referred to in Article 35 be suspended or withdrawn, as appropriate.

Article 43.1 In addition to the obligations laid down in Article 105(1) and Article 106(1) of Regulation (EU) 2017/625, competent authorities shall immediately share information with other competent authorities, as well as with the Commission, on any suspicion of non–compliance that affects the integrity of organic or in-conversion products.

Competent authorities shall share that information with other competent authorities and the Commission via a computer system that enables the electronic exchanges of documents and information made available by the Commission.

2. In cases where suspected or established non-compliance has been identified with regard to products under the control of other control authorities or control bodies, control authorities and control bodies shall immediately inform those other control authorities or control bodies.

3. Control authorities and control bodies shall exchange other relevant information with other control authorities and control bodies.

4. Upon receiving a request for information that is justified by the need to guarantee that a product has been produced in accordance with this Regulation, control authorities and control bodies shall exchange with other competent authorities, as well as with the Commission, information on the results of their controls.

3.6. INDGAP: Section 5

a) The CB shall have a process to handle appeals by the organization / person against any CB decision.

b) Any complaints or appeals against CBs follow the CB's own complaints and appeals procedure, which each CB shall have and communicate to its clients. In case the CB does not respond adequately, the complaint can be addressed to the IndG.A.P. Secretariat.

c) The CB may increase the frequency of surveillances with duly recorded justification for reasons like investigation of complaints, any doubts about continuing adherence to standards prescribed etc

d) The CB shall make publicly available its process for handling appeals and complaints.

3.7. VCSMPP: Section 9

3.7.1 Complaints

a) The entire system has provisions for entertaining complaints from any stakeholder against any component of the Scheme – the manufacturing units certified under the Scheme, the Certification Bodies approved under the Scheme, the laboratories utilized under the Scheme, and the accreditation bodies, NABCB/NABL, are all required to have a complaints system in place as per standards applicable to them. Anyone having a complaint is

		encouraged to utilise the available mechanisms. b) Any complaint received directly by the National Medicinal Plant Board shall be referred to QCI who in turn will make a reference to the appropriate body against which the complaint is made and monitor it till it is decided upon. c) Any complaint received by QCI shall be similarly handled. d) A statement on complaints as received above with their status shall be reported to the SC in each meeting. 3.7.2 APPEALS a) There are provisions for entertaining appeals from the manufacturing units certified/desirous of certification under the Scheme, the Certification Bodies approved under the Scheme, and the laboratories utilized under the Scheme, which shall invariably be utilized. b) In case anyone aggrieved by the decision of the TC/CC appeals, it shall be handled by the SC. c) In case anyone aggrieved by the decision of SC appeals, the Chairperson, SC shall appoint an independent appeals panel to look into the appeal and recommend action to him/her. d) In handling appeals, the broad principle that the appeal is handled independently of the personnel involved in the decision appealed against shall be maintained. e) A statement of appeals received by the NMPB/QCI shall be placed before the SC in each meeting
4	**Terms**	In order to ensure objectivity and to guarantee examination of all relevant information with regard to any complaint or appeal taken, members that were not involved in the case are opted to resolve them. The decision resolving the complaint or appeal shall be made by, or reviewed and approved by, person(s) not involved in the certification activities related to the complaint or appeal. Moreover, ensuring confidentiality in every case and protection of identities of the personnel involved are also necessary.
5	**Policy**	
	5.1 Procedure on handling of appeals against decisions of ADITI: Appeal is a request by a client for reconsidering of any adverse decision made by ADITI related to its desired certification status. • Appeal can be filed by any person or organisation on the following reasons: 1. Refusal to accept an application. 2. Decisions to denial of certification. 3. Decision on cancellation a certification. • Any person or organisation can file an appeal against the decision of ADITI to the Certification Manager. The appeal must be filed in writing within thirty (30) days of the decision of the ADITI along with all the necessary documents in support of the appeal. • The General management (GM) representative will be usually involve in verification of the documents for completeness and may ask for additional documentary support if necessary.	

Once documents are complete, the GM representative acknowledges the receipt of the appeal, and then it shall be registered in the appeal register. The GM representative has the right to either disallow the appeal or address it or to consult the Advisory Board (AB) based on the merit of the contents of appeal.

- The Advisory Board may ask any of the staff, inspectors, and group for the facts to help in discharging the appeal based on facts.
- The GM will give the decision on the appeal based on the investigation findings. If GM is not able to address the appeal, AB is involved, and their recommendation is final to address the appeal. In general, the correction and corrective action shall be taken accordingly.
- The progress of investigation and the outcome shall be informed to the appellant to the extent required. A formal notice of the completion of the appeal handling process shall be sent to the appellant. In case the appealant is not satisfied with the ADITI appeal process, he/she can submit a complaint against the ADITI to the CVB responsible for the oversight of the ADITI.
- During the appeal process it is ensured that the submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant.
- GM representative will follow each appeal to conclusion and initiate possible preventive actions if any. Effectiveness of such actions would be assessed and reported in the Management review meetings.

5.2 Procedure on handling of complaints:

Complaint is an expression of dissatisfaction, other than appeal, by any person or organization, to ADITI relating to its activities where a response is expected.

- Complaint can be made by any person or organization against the following

1. ADITI's operation and/or procedure.
2. The auditor, expert, Certification Committee or staff of ADITI.
3. Process of auditing by the auditor
4. Misuse of certification status either in the scope or in the logo.

- The complaint must be made in writing to ADITI with complete details of the complainant (Name, Address, Organisation, etc.) and description of the problem. General management will acknowledge the complaint within ten days (excluding postal time) with a brief detail on the approach and approximate time required for addressing the complaint. Complaint is received by the administrative team and forwarded to the Certification Manager/Quality Manager, if it has been directed via ADITI website.
- If the complaint has no details of the complainant or the description is not adequate, ADITI shall reserve the right of detailing the complaint as deemed unfit.
- On receipt of the complaint ADITI will examine whether the complaint relates to its certification activity. If ADITI is responsible for the complaint, then it shall register in the complaint record and shall deal with it appropriately. Depending on the nature of the complaint a time frame will be decided between ADITI and the complainant. This will be recorded in the complaint register.
- Certification Manager/Quality Manager initiates a detailed investigation. An independent review team not previously involved in the subject of the complaint is assigned to conduct

	the investigation. The investigation shall include the following: 1. Identify the cause of the problem and record corrective actions. 2 Review of pertinent data. 3. Unannounced inspection to the concerned unit/operation to investigate the matter (if need arises) 4. Interviews with audit team members, as appropriate. 5. Interviews with client's personnel, as appropriate. • The investigation team will report its findings to GM along with its recommendation for the disposal of the complaint. • ADITI shall provide the outcome of the investigation done on the complaint and ensure the complainant's satisfaction on the closing of the complaint. • If a complainant is dissatisfied with the outcome of ADITI's complaints handling process, the complainant may refer the complaint to the Accreditation Body (AB). Complaints that are not closed out within a timeframe documented and agreed with the complainant shall be escalated to the Advisory Board of ADITI to ensure that the complaint receives the appropriate priority. Complaints that are not closed out within 3 months of that agreed timeframe shall be brought to the attention of AB. • In general, the correction and corrective action shall be taken accordingly. • Certification manager/Quality manager will follow each complaint to a conclusion and initiate possible preventive actions if any. The effectiveness of such actions would be assessed and reported in the Management review meetings. • While the investigation is in process TC will be kept on hold till the conclusion has been made by the investigation committee.	
6	**Access to this policy**	• This policy is available to all interested public • It must be handed out to all ADITI certification and inspection personnel.
7	**Related Documents**	• Contract of Certification (7.2.1 Form) • Appeal record (2.3.3A Form) • Complaint Record (2.3.2. Form)

Revision history:

Revision date	Version	Description of Changes
18.06.2020	02	The entire document is updated to fulfill the requirements of ISO 17065:2012. Section 5 has been modified to include differences between Complaints and Appeals and how to address the same. Appeal Record (2.3.3 form) has been included in section 7 and WI 2.3.1 is removed and is to be archived.
01.10.2020	03	Background- section Sentence b) is updated. Section 5.1 "Appeal can be filed by any

		person……reasons" are updated. Personnel who will be handling the Appeal have been updated. Page 2 "The progress of the investigation and the outcome shall be …" is updated.
25.11.2020	04	Normative references have been updated to include the BioSuisse standards.
25.11.2022	05	Normative references have been updated to include the EU Regulations 848/2018.
16/03/2023	06	Updated IndG.A.P. and VCSMPP requirements
01/06/2023	07	Added addition control measure from ADITI end to ensure the integrity has been maintained in the entire process of investigation.
22/12/2023	08	Updated the COS changes as per the version 19 in the section C2.2