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GEP B113 - Complaints objections and opportunities for appeal

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GEP B113 - Appeal

CONTENTS

1. Objectives	2
2. Definitions	2
3. References	3
4. Responsibilities	3
5. Way of working	3
5.1 Appeal does not suspend the decision made	3
5.2 Procesflow	4
5.3 Receipt and registration of appeals	4
5.4 Processing an appeal	5
5.4.1 Internal appeals procedure	5
5.4.2 External appeals procedure	6
Permanent composition of the external appeals committee	6
5.5 Decision of the appeal committee	7
5.6 Notification of the Appellant	7
6. Registrations and archiving	7
7. Annexes	7

1. Objectives

To guarantee that every objection or appeal (further referred to as appeal) that is submitted in writing is received, registered, validated and dealt with in a consistent manner within an allocated period.

This appeals procedure and the local appeals procedure NP B113 are available to all interested parties on request.

The investigation and decision about the appeal will not result in discriminating practices.

This procedure is applicable to the processing of each appeal concerning the accredited activities of SGS Group Benelux with regard to management system certification, product certification and/or inspections.

This procedure does not apply to processing an appeal if the owner of the schedule has established its own appeals procedure and/or appeals committee.

In the Netherlands, processing appeals as Notified Body or under a national indication is subject to the General Administrative Law Act (AWB), Sections 6 and 7. For the Notified bodies and all national indications within SGS Group Netherlands, consequently, the supplementary procedure NP B113 also applies.

2. Definitions

Appeal: A certified or inspected organisation, or an organisation applying for certification formally takes action against a certification or inspection decision made by SGS. This decision may concern:

- a refusal to award an initial certification or extension of an existing certification;
- a refusal to extend the existing certification;
- the partial or full suspension or revocation of a certification;
- non-certification of an inspected object.

Objection : Term used in the Netherlands (see also § 1) whereby an (alleged) disadvantaged party formulates a complaint regarding the lack of decision or failure to make a timely decision.

For the sake of simplicity, in the following text 'appeal' should be understood as appeal or objection, unless explicitly stated otherwise.

Claimant: the organisation which lodges an appeal to SGS Group Benelux.

Certification or Technical Manager: the person with final responsibility for the decision regarding inspection, product and system certification. There are various names for this position within SGS Group Benelux. If this person is one of the parties involved in an objection or appeal then this role can be assumed by the Business (Unit) Manager.

Operations Manager: the person under whose operational responsibility an inspection or audit was conducted. There are various names for this position within SGS Group Benelux.

CS!: SGS Group Benelux Committee for Safeguarding Impartiality

Appeals committee: a body which is authorised and has the necessary expertise to deal with appeals. When making appointments to the appeals committee care must be taken to ensure that no conflict of interest exists or can arise.

Decision moment: in the case of certification, the decision moment is the point at which the decision is made by the certification manager, in the case of inspection, this is the point at which the decision made by an inspector is confirmed by a technical manager, following a possible complaint and internal consultation.

3. References

General Administrative Law Act (only for NL)
GSP.06 Complaints and appeals (SGS SSC)
GH 1004/B 3 - Internal Regulations CSI Benelux
GEP 1103 - Treatment of complaints
NP B113 - Objections in accordance with the General Administrative Law Act

4. Responsibilities

The recipient of an intention to appeal is responsible for informing the claimant as to how an appeal may be submitted and the procedures to be followed. At the same time it should be determined whether the claimant wishes to appeal via the internal appeals procedure (in accordance with § 5.3.1 of this procedure) or via the external appeals procedure (in accordance with § 5.3.2 of this procedure).

Business Manager or Certification Manager is responsible for:

- issuing the GP B113/B 1 - Appeal Form to the person or persons who wish to appeal against a certification decision and to submit the necessary information to the appeals committee.

The appeals committee is responsible for:

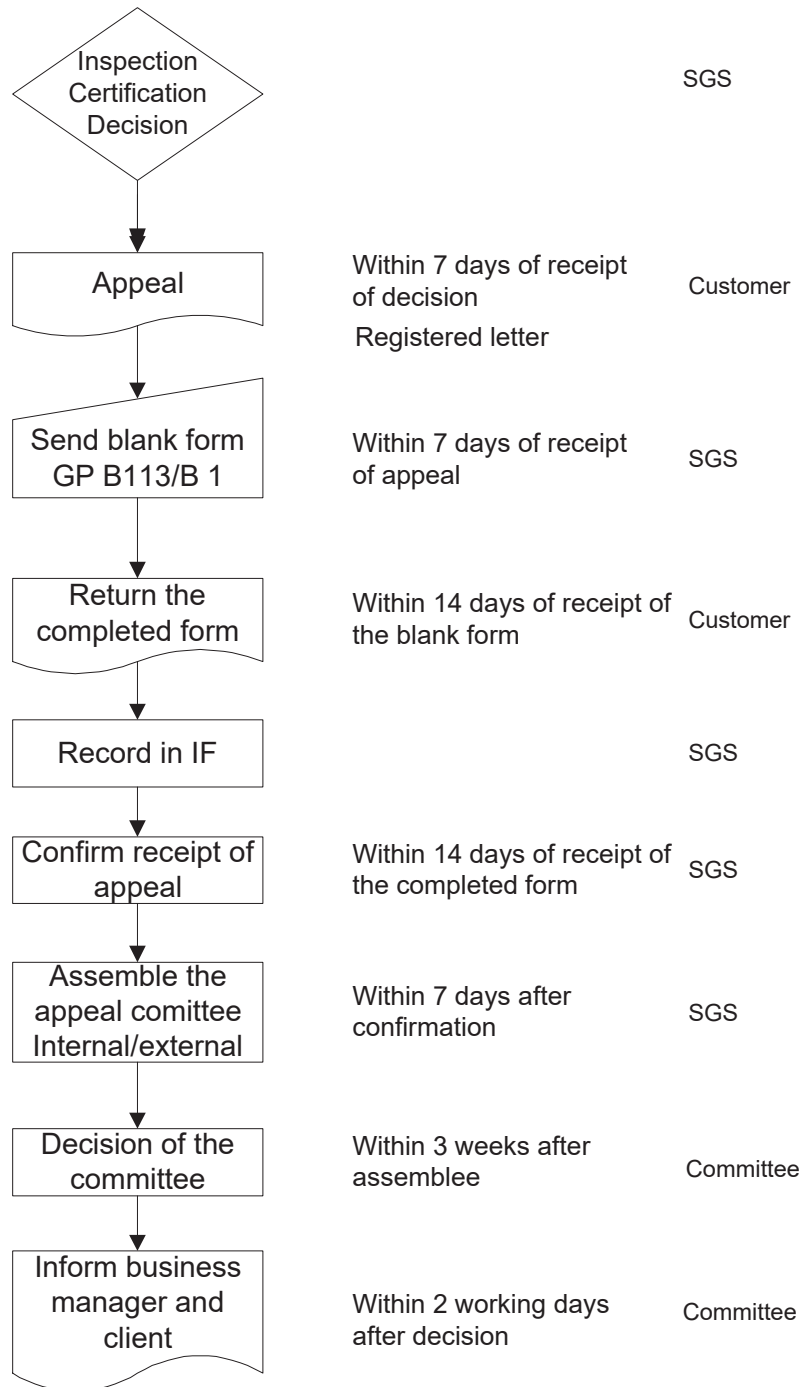
- processing appeals and deciding whether an appeal submitted is admissible and taking the necessary actions. The committee also ensures that the appeal is processed professionally and within the prescribed time frame;
- the collection and verification of all the necessary information to validate the appeal.

5. Way of working

5.1 Appeal does not suspend the decision made

In principle, the act of submitting an appeal does not suspend the decision made by SGS. Each certification and/or inspection decision against which an appeal is submitted remains in force until the moment that the appeals committee has fully completed its work and made the outcome known. During the processing of the appeal, the claimant may not act in conflict with the decision made and must comply with the regulations linked to the certification and/or inspection decision.

5.2 Procesflow



5.3 Receipt and registration of appeals

Each contracting party has the fundamental right to submit an appeal against any certification or inspection decision made by representatives of SGS Group Benelux. The intention on the part of the contracting party (read: claimant) to submit an appeal must be submitted in writing by means of a registered letter, and this within 7 days, or within an alternative statutory time frame or other time frame stated in NP B113, of the certification or inspection decision being made known in writing.

Following the receipt of a written request from a contracting party and/or organisation to submit an appeal, the Business Manager will immediately send (or have sent) a blank copy of the GP B113/B 1 - Appeal Form to the claimant to use for submitting its appeal.

The **claimant** will then submit the fully completed Appeal Form within 14 days, which includes all relevant documents and data to substantiate the appeal lodged.

On receipt of a written request to dispute the services and/or audit findings or on receipt of a written appeal against a certification or inspection decision made by SGS Group Benelux, the Business (Unit) Manager concerned shall register the appeal (or have it registered) in the IF database and shall activate the procedure.

Confirmation of receipt of the appeal will be dispatched to the claimant within 2 weeks of its receipt.

5.4 Processing an appeal

The Business Manager is responsible for making all relevant information concerning an appeal available immediately (or having it made available) to the internal or external appeals committee for the further processing of the appeal.

Furthermore, all supplementary information which the appeals committee considers necessary for the further processing of the appeal shall be made available by the parties involved on simple request of the committee.

All members of the internal or external appeals committee shall, insofar as this has not yet been done, each sign a declaration stating that they will act in accordance with the SGS **THINK** Code of Integrity and shall sign a confidentiality agreement in order to guarantee confidentiality.

SGS must have each appeal dealt with systematically via the internal appeals procedure (in accordance with the process described in 5.3.2). If and only if the party submitting the appeal (claimant) expresses an explicit wish to have the case heard by the external appeals committee will the external appeals procedure be initiated (in accordance with process described in 5.3.2).

For an objection according to the definition in the Netherlands, the appropriate local NP B113 procedure should be followed. The following text refers exclusively to processing appeals.

5.4.1 Internal appeals procedure

The **internal appeals committee** consists of a representative from the SGS Group Benelux Legal Department (= Chair), **Head of QA Strategy Benelux** (= Secretary) and one or more SGS employees who have the required technical expertise to deal with the appeal submitted. All participating members of the appeals committee must be neutral with respect to the claimant, and may not have participated, directly or indirectly, in the formulation of the decision against which the appeal has been lodged.

No member of the internal appeals committee may have any direct economic, commercial or other links with the organisation/person submitting the appeal, neither may he/she have been involved in an inspection or certification process at this organisation concerned during the past three years.

In addition, on the initiative of the **internal appeals committee** other individuals who were involved, directly or indirectly, may be invited to make a statement to further the effective processing of the appeals procedure, but without any involvement of these individuals in the decision-making of the internal appeals procedure:

- Inspectors / auditors who conducted the inspection concerned on behalf of SGS;
- SGS employees directly involved in the decision against which the appeal has been lodged.
- Representatives of the claimant who has lodged the appeal.

The internal appeals committee may also decide to consult other internal or external experts, to perform additional assessments or to interview witnesses (including the inspection and/or audit team concerned). The opinion of experts or the results of the expertise is purely indicative and is not binding to the internal appeals committee.

The party submitting the appeal (claimant) may be interviewed by the internal appeals committee if it has expressed a desire to do so.

Within a time frame of **no more than 5 working days** after receipt of the request to consider the appeal, the internal appeals committee will meet and shall make a decision on the appeal submitted based on the information available within a period of **no more than 15 working days after the first meeting on this matter**.

The **internal appeals committee** will confirm or reject the contested decision with a properly substantiated decision and shall formulate the necessary conclusions and/or actions as appropriate. The decision made by the internal appeals committee is binding and irrevocable.

Within 2 working days of the decision being made, the **internal appeals committee** Secretary shall inform the party submitting the appeal (claimant) and the Business Manager concerned of the decision made concerning the appeal submitted by registered letter.

All meetings, decisions and notifications will be registered and archived, under the responsibility of the SGS Group Benelux Legal Department.

5.4.2 External appeals procedure

If and only if the claimant has expressed a desire to be heard by an external appeals committee, may the claimant submit the appeal to be dealt with by the **external** appeals committee. The decision made by the external appeals committee is likewise binding and irrevocable.

Permanent composition of the **external** appeals committee

The **external** appeals committee consists of:

1. Independent member of CSI Benelux (Chair, 1st member);
2. **Head of QA Strategy Benelux** (Secretary);
3. Independent member of CSI Benelux (2nd member).

No member of the external appeals committee may have any direct economic, commercial or other links with the organisation/person submitting the appeal, neither may he/she have been involved in an inspection or certification process at this organisation concerned during the past three years.

The external appeals committee may consult other internal or external experts, may perform additional assessments or interview witnesses (including the inspection and/or audit team concerned). The opinion of experts or the results of the expertise is purely indicative and is not binding to the external appeals committee.

The party submitting the appeal (claimant) may be interviewed by the external appeals committee if it has expressed a desire to do so.

Within a time frame of **no more than 5 working days** after receipt of the request to consider the appeal by the external appeals committee, this body will meet and shall make a decision on the appeal submitted based on the information available within a period of **no more than 14 working days after the first meeting on this matter**.

The external appeals committee will confirm or reject the contested decision with a properly substantiated decision and shall formulate the necessary conclusions and/or actions as appropriate.

Within 2 working days of the decision being made, the external appeals committee Secretary shall inform the party submitting the appeal and the Business Manager concerned of the decision made concerning the appeal submitted by registered letter.

All meetings, decisions and notifications will be registered, under the responsibility of the SGS Group Benelux Legal Department.

5.5 Decision of the appeal committee

During its investigation the appeal committee will examine the course of the certification/inspection process and the way the certification/inspection decision was made.

In this investigation both procedure and technical aspects are taken into consideration.

The committee decides, taking into account the results of previous similar appeals, on:

- a) Respecting the inspection/certification procedure, including the delays to be handled, verified against the applicable accreditation standard and the certification/inspection schedule used, if applicable.
- b) The technical aspects of the inspection/certification decision. For these aspects questions to deal with are (non exhaustive list):
 1. Does the nature of the deviations, the negative certification/inspection decision was based on, justify the negative decision?
 2. Were the deviations sufficiently clear and unambiguous written down ?
 3. Did the customer have a fair chance to correct/defend himself ?
 4. Was/were the deviation(s) maintained consistently during the follow up of the treatment and improvement process ?
 5. Are the deviations linked in a clear way to the requirements of the standard against which the audit/inspection took place ?
 6. Were the deviations correctly linked to certain requirements of the standard ?

Under no circumstances the decision in the appeal shall lead to discriminatory measures against the applicant concerned.

5.6 Notification of the Appellant

The appeals committee informs the relevant department of its decision.

The department then passes the decision to the person submitting the appeal, at least by e-mail, but preferably by registered letter.

6. Registrations and archiving

Relevant documents and data provided by the claimant;
Reporting of the appeals procedure.

7. Annexes

GP B113/B 1 - Appeal Form.