

PROCEDURE FOR COMPLAINT, DENIAL, SUSPENSION AND WITHDRAWAL OF CERTIFICATION

PROCEDURE:

A Complaint can be made by any person or body against the following:

- Operation and/or procedures
- The Inspectors, Technical Reviewers and other related person
- Certified operator
- Misuse of accreditation or certification status either in scope or in use of the logo or mark
- Detection cases, fraud, violation of the requirement of standard.

5.1 Receiving, validating & recording of complaints:

- a. The complaints can be received on website, through e-mail, by post, by hand or by any other possible means of communication.
- b. Generally, following types of the complaints are received:
 - Complaint against the certified operator – Compliance, Labelling, Detection of chemical residue etc.
 - Complaint against CERT ID
 - Complaint against the employee of CERT ID
- c. The decision on acceptance of a complaint lies with the Managing Director in agreement with QM, Product Head - Organic. The person who takes this decision must be independent in relation to this complaint. After receiving the complaints CERT ID will be responsible for gathering and verifying all necessary information to validate the complaint. Any issue related to violations is treated with highest priority. CERT ID sends receipt for receipt of complaints and /or protest within 48 hours. Incomplete complaints are not processed, or addition information is sought from the complainant to process it. After acceptance of complaint, the complaint handling is assigned by Managing Director or QM.
- d. After receiving the complaint, the CERT ID confirms whether the complaint relates to certification activities that it is responsible for and, if so, shall deal with it. If the complaint relates to a certified operator, then examination of the complaints shall consider the effectiveness of the certified Operation.
- e. Any complaint about a certified operator will also be informed to the concerned operator at an appropriate time, which can be a week to three weeks, depending on the severity of the complaint.
- f. Cases involving certification decisions of other certification agencies will be referred to those agencies. All other matters will be investigated and decided by the Managing Director who will determine appropriate subsequent action.
- g. QM shall register the complaint on the Complaint Form (ID-ORG-FF-40) and provide this form to the person handling the complaint.

5.2 Investigation of complaints against certified operator:

- Investigation of complaints against certified operator can include unannounced audit, investigation audit, sampling, or any other method intended to assess the veracity of the complaint. The procedure to address a complaint will be as follows:
- a. When a complaint has been received, the Managing Director along with Technical Reviewer, reviewer and Quality Manager evaluate the complaint (Persons investigating the complaint should not be involved in operation under investigation).
 - b. The decision to be communicated to be the complainant will be made by or reviewed and approved by individual(s) not previously involved in the subject of the complaint.
 - c. A log of complaints will be maintained in a way that will allow tracking and recording; it will also include actions undertaken to resolve them.
 - d. Whenever possible, CERT ID will acknowledge receipt of the complaint within 48 hours and will provide the complainant with progress reports and the outcome.
 - e. The corrective actions taken will also be verified for their effectiveness.
 - f. CERT ID will evaluate the complaints relating to customer by reviewing records of previous audits or if necessary, re-auditing the certified operator, by conducting the special/ surprise audit.
 - g. During the investigation of Complaint, if a non-compliance is confirmed, the non-compliance procedure for certified operations will be followed:

- h. If certification cannot be continued for a certified operation based on a review of information received from or about the operation, CERT ID will provide a written notification of noncompliance to the certified operation including:
- A description of each noncompliance
 - The facts upon which the notification of noncompliance is based
 - The date by which the certified operation must correct each noncompliance and submit supporting documentation of each such correction when correction is possible.
- i. The notification will inform the certified operation that they may respond by:
- Correcting noncompliance and submitting a description of the corrective actions taken with supporting documentation.
 - Correcting noncompliance and submitting a new application to another certifying agent, which includes a complete application, the notification of noncompliance received from the first certifying agent, and a description of the corrective actions taken with supporting documentation.
- j. The notification will also inform operators about proposed suspension if no corrective actions are taken in given timeline.
- k. After issuance of a notification of noncompliance, CERT ID will:
- Evaluate the applicant's corrective actions and supporting documentation or the written and then conduct an on-site audit if necessary.
 - Issue the applicant a written notice of noncompliance resolution and an approval of certification when the corrective action is sufficient for the applicant to qualify for certification.
 - Issue the applicant a written notice of proposed suspension certification when the corrective action is not sufficient for the applicant to qualify for certification.
 - Issue a written notice of suspension of certification to an applicant who fails to respond to the notification of noncompliance.
 - Provide notice to the Managing Director APEDA that certification has been granted or denied.
- l. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of proposed suspension or withdrawal of certification may be combined in a single notification.
- m. If complaint about detection of chemical residue in consignment handled by certified operator is received then the Technical Reviewer will check the traceability of the product in question. If it is evident that the product in question was handled by the certified operator then the Technical Reviewer will temporarily suspend the certified operator immediately and issue a Notice of Temporary Suspension. Technical Reviewer will also provide a copy of Investigation Report (ID-ORG-FF-35G) to the operator and will also plan an investigation audit to verify the facts about chemical residue detection.
- n. No certification will be suspended unless CERT ID has
- Served at least 7 days written notice to the certified operator, from the date of notification, stating the grounds for the suspension; it will be informed through Notice of Proposed Suspension.
 - Considered any written appeal from the certified operator received during this period.
 - If no response is received from certified operator in this time period then a Notice of Suspension will be issued to the certified operator, from the date of notification asking the operator to take corrective actions and revert within 21 days.
 - If still no response is received from the certified operator, then a last Notice of Proposed Withdrawal of Certification of 1 week is issued.
 - The certified operator must reply within the defined time period. He should mention the proposed corrective action & the time limit to accomplish it.
 - The corrective actions taken by the certified operator will also be verified for their effectiveness.
 - Certified operator should inform about the closure of the complaint to CERT ID
 - CERT ID will give formal notice of the end of the complaints handling process to the complainant.
 - CERT ID will determine, together with the certified operator and the complainant, whether and, if so to what extent, the subject of the complaint and its resolution shall be made public.
 - In case of any infringement detected that affects the organic integrity, CERT ID verifies the traceability, and the product is degraded to conventional and removed from complete supply chain of Organic Production. Further, the supplier CB has to be informed along with APEDA about the infringement to take necessary actions.

5.3 Denial of the Certification

- a. During initial audit of the project, if it is noticed that certain NPOP requirements are not fulfilled and are beyond corrections within certain timeframe then it may lead to denial of the certification for that project.
- b. Denial of the certification can also occur if the client does not respond to Notice of Non-compliance along with corrective actions against non-compliances noticed during initial audit.
- c. The Technical Reviewer will inform the client about this through Notice of Denial of Certification.
- d. The client may take corrective actions in such cases and apply for the certification by submitting fresh application for certification.

5.4 Temporary Suspension of the Certification

- a. Temporary suspension of the certification can occur in following cases:
 - I. Non-confirmation of the audit date for renewal of certification.
 - II. Occurrence of the chemical residue in organic product sample drawn during the audit or Complaint from third party about the chemical residue in organic product consignment dispatched from your project.
 - III. No positive response to Notice of Non-compliance along with corrective actions against non-compliances noticed during renewal audit.
 - IV. No positive response to Notice of Proposed Suspension in case of any valid complaint against the project.
- b. Before issuing a Notice of Temporary Suspension, the Technical Reviewer must issue a Notice of Proposed Suspension and give time period of 7 days to the client to respond. A notice of proposed suspension will include:
 - The reasons for the proposed suspension,
 - The proposed effective date of such suspension,
 - The impact of a suspension.
- c. In case of temporary suspension, the client will get the time of 21 days to respond to Notice of Temporary Suspension. Upon review of response from the client, Technical Reviewer can decide to lift the temporary suspension or continue it. In case, the Technical Reviewer decides to continue temporary suspension, the Technical Reviewer will issue a Notice of Proposed Withdrawal of Certification.
- d. In case of temporary suspension being imposed on the operator, Quality Manager will inform APEDA about the the same with relevant documents to substantiate the temporary suspension.

5.5 Withdrawal of Certification

- a. If CERT ID has reason to believe that a certified operation has willfully violated the regulations, CERT ID shall send the certified operation a notification of proposed withdrawal of certification of the entire operation.
- b. Withdrawal of the certification can also occur in following cases:
 - No positive response to the Notice of Temporary Suspension within given timeline.
 - Repeated chemical residue cases
 - Forgery of the NPOP Certificate or Transaction Certificate
- c. A notice of proposed withdrawal of certification will include:
 - The reasons for the proposed withdrawal,
 - The proposed effective date of such withdrawal,
 - The impact of a withdrawal of certification and
 - The right to file an appeal to QM or APEDA.
- d. If the certified operator does not appeal against the proposed withdrawal of certification, then the Technical Reviewer will issue a Notice of Withdrawal of Certification.
- e. All such withdrawals must be informed to APEDA in writing.

5.6 Misuse of Certificates and Certification Marks (India Organic Logo or Any Other Such Logo That May Come into Effect from Time to Time)

- The following instances of misuse of a certificate or mark of conformity may occur:
- Reference to certification in a manner that infers product certification
 - Incorrect reference to the certification system
 - Reference to a certificate or use of a certification mark after the expiry of the certification or after the cancellation, suspension or withdrawal of the certification
 - Reference to a certificate or use of a mark (India Organic Logo or any such other mark) indicating coverage of an organization or product line or activity that is outside the scope of the certified management system

These instances may be detected during surveillance visits and/or through complaints. The Regulations governing the use of the Mark clearly define the conditions under which the certificate and the marks may be used. In any case of misuse, CERT ID reserves the right to take suitable legal action and suspension of the project.

The client is subject to action mentioned in OP 05 in case of violation of the regulation with respect to 5.6 Misuse of Certificates and Certification Marks.

5.7 Complaint regarding the CERT ID Employee

Complaint regarding the CERT ID employee (related to organic certification scheme) will be handled by Managing Director. If an employee is found violating the confidential policy and do not respect the code of conduct, appropriate action will be taken as CERT ID COI policy.

5.8 Notification by Authority

In case of any notification by concern authorities such as APEDA, EU Commission, USDA-NOP, DEFRA, etc. will be investigated. All the supply chain of the commodity under investigation shall be investigated by on-site audits. All the relevant parties including the certification body of the operator shall be informed within 7 days of notification to take relevant action. All the relevant documents concerning the product under investigation shall be shared with the CB's within the supply chain.

Any notification received for the products exported from India shall be immediately notified to APEDA within 48 hours of receipt of the same.

PROCEDURE FOR APPEAL HANDLING

PROCEDURE:

CERT ID has an appeal handling process to enable its certified operators to appeal against the decision which does not result into acceptable resolution or where the proposed procedure is unacceptable to the appellant or other parties involved.

This appeal handling process shall provide for an independent and impartial appeal process. Any certified operators can submit an appeal against the decisions taken by **CERT ID**. It provides an option for the appellant to access its appeal handling process through e-mail or printed media.

It also makes sure that the personnel involved in the appeals-handling process are different from those who carried out the audits and made the certification decisions thereby maintaining its policy of impartiality.

The procedure for appeal is as follows:

- 6.1 Certified operators subject to the regulations who believe that they are adversely affected by a non-compliance or certification decision may appeal such decision to Quality Manager, CERT ID or The Managing Director, CERT ID. Quality Manager handles the appeal process and ensures that, no personnel is involved in appeal handling process who are/is anyway associated with Certification Decision of the project. If still the person making the appeal didn't satisfy, then he/she can also appeal to the Accreditation Body (APEDA) of CERT ID office who will initiate handling of the appeal pursuant to appeal procedures.
- 6.2 Appeal can be made in following cases:
 - Persons subject to the regulations who believe they are adversely affected by a noncompliance decision of the NPOP Inspector/Reviewer/Technical Reviewer.
 - Persons subject to the regulations who believe that they are adversely affected by a noncompliance decision of a certifying agent.
- 6.3 All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service which provides dated return receipts.
- 6.4 A certified operator can appeal within 30 days of receiving the decision letter from **CERT ID**, or within the time frame specified in that letter whichever is later. Unless the appeal is timely, the decision to deny, revoke, or suspend the certified operator's certification will become final.
- 6.5 Operator can appeal to CERT ID via email or letter within given timeframe. Quality Manager registers the appeal in Appeal Form (ID-ORG-FF-42) and sends acknowledgement to the operator via mail. Certified operator must include the following information in their appeal:
 - a. A copy of the decision they are appealing and
 - b. A statement of their reasons for believing that the decision was not proper or did not follow the required standards

6.6 If no appeal has been received by the **CERT ID** against the notice of suspension or withdrawal, or if in the opinion of the **CERT ID** the explanations submitted are not satisfactory, **CERT ID** will, on the expiry of the notice, suspend or withdraw the certification and inform the certified operator in writing.

6.7 **CERT ID** will be responsible for all decisions at all levels of the appeals handling process.

6.8 Submission, investigation and decision on appeals will not result in any discriminatory actions against the appellant.

The appeals handling process includes the following elements and methods:

- An outline of the process for receiving, validating and investigating the appeal, and for deciding what actions are to be taken in response to it, taking into account the results of previous similar appeals;
- Tracking and recording appeals, including actions undertaken to resolve them;
- Ensuring that any appropriate correction and corrective action are taken.
- **CERT ID** will acknowledge receipt of the appeals and will provide the appellant with progress reports and the outcome.
- The decision to be communicated to the appellant will be made by or reviewed and approved by individual(s) not previously involved in the subject of the appeals.
- **CERT ID** will give formal notice to be appellant of the end of the appeals handling.
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Label Appeals:

Any appeal arising from any order of the CERT ID must be finally settled through arbitration to be held only in New Delhi by a sole arbitrator in accordance with the provisions of the Indian Arbitration and Conciliation Act, 1996. The sole arbitrator shall be jointly nominated by the disputing parties and in the event the parties are unable to reach any understanding, the same shall be decided by the High Court of appropriate jurisdiction. Any award made by the arbitrator in pursuance of an arbitration as stated in this clause shall be conclusive and binding on the parties thereto.