

1. Objective

To establish guidelines for an effective and impartial receipt, treatment and record of appeals against IBD's certification decisions or verification results.

2. Applicability

This procedure applies to any appeal against any certification/verification process of IBD, regarding any certification/verification scheme.

Appeal is defined as any client's request for IBD to reconsider a decision regarding the compliance assessment.

For the NOP of the USDA:

- The term "Rebuttal" (NOP 205.405 & 205.662) applies only to Notices of Non-Compliance (5.2-NNC) and is covered by this Procedure.
- The term "Appeal" (NOP 205.405 & 205.662) only applies to the appeals addressed by the client to the Program Administrator with regards a Notice of Certification Denial (5.2-NEG), a Notice of Proposed Suspension (5.2-NPS) or a Notice of Proposed Revocation (5.2-NPC) and treated exclusively by the Program Administrator (NOP 205.680 & 205.681). "Appeals" are not covered by this Procedure.

3. Reference standards

Always consider the last applicable version:

- ISO/IEC17065
- MAPA Normative Instruction 19/2009
- USDA National Organic Program
- European Regulation (EC)889/2008, (EU2018/848 and associated regulations)
- IFOAM Accreditation Requirements
- 4C procedure for complaints about verifications
- NATRUE requirements for Certification Bodies
- ROC™ Certification Body Requirements

4. Associated Quality System documents

- Appeal / Rebuttal Protocol (doc. 5_1_4)
- Appeals Registration Form (doc. 8_7_8)
- Appeals Board bylaws (doc. 8_4_5)

5. Involved areas

- Certification Management
- Quality Management
- Appeals Board

6. Authorities and responsibilities

- Appeal / Rebuttal request evaluation and first instance decision regarding appeal / rebuttal: peer-reviewer assigned by Certification Manager
- Convocation of Appeal Board: Quality Manager
- Evaluation of the appeal to the Appeals board: Appeals Board
- Second instance decision regarding appeal: Appeals Board
- Maintenance of the appeals records: Certification Manager

7. Procedure

a. Receipt of the rebuttal (NOP) or appeal (other schemes)

A client who communicates its intention to appeal against a decision of IBD must be instructed to fill in the Rebuttal / Appeal Protocol (doc. 5_1_4).

In the event that the client refuses to complete the protocol, expressing its intention to appeal only verbally, the Certification Manager must register in the protocol the justifications presented by the client (indicating that they were presented verbally) and request client's confirmation of the text redacted by the Manager. Even in the absence of the client's reply, proceed with the rebuttal / appeal request.

Based on the filled in Rebuttal / Appeal Protocol, the Certification Manager accountable for the process must formally acknowledge the receipt and confirm if the rebuttal/appeal relates to certification activities for which IBD is responsible.

If not, it is not necessary to fill out a Rebuttal / Appeal Protocol (doc. 5_1_4) nor open an Appeal Project in VEGAS, however an appeal number must be generated, indicated as "unfounded" in the Appeal Registration Form (doc. 8_7_8) and a folder with records of the appeal request, justification for considering unfounded and possible follow-up (for instance opening of complaint) shall be saved in IBD electronic system.

If yes, the Certification Manager shall open an Appeal Project in VEGAS and proceed to evaluation of appeal in first instance.

b. Rebuttal / Appeal evaluation in first instance (Certification management)

All the decision process to solve the rebuttal/appeal must be made by, or reviewed and approved by, person(s) not involved in the certification activities related to the rebuttal/appeal. To ensure that there is no conflict of interest, personnel who reviews and approves the resolution of a rebuttal/appeal must not have provided any consultancy to the appellant in the last two years before the rebuttal/appeal.

The Certification Manager must assign at least two independent and impartial people accountable for gathering and verifying all necessary information to process the rebuttal/appeal in accordance with the applicable certification scheme requirements, until final decision is taken. These people must not have participated of the audit or the decision that is being rebutted/appealed, and at least one of these must have the qualification of lead auditor for the referred scheme.

When the assigned peer-reviewers reach a consensus regarding the evaluation, they must register their evaluation in Rebuttal / Appeal Protocol and sign it.

In case they do not reach a consensus, the issue shall be discussed widely with the management team and direction members, in order to produce a decision.

In case the rebuttal/appeal is accepted by IBD, a new decision must be produced to correct and substitute the original decision object of the rebuttal/appeal.

In case the rebuttal/appeal is denied by IBD, just register the justification in the Rebuttal / Appeal Protocol.

In both cases, the final signed Rebuttal / Appeal Protocol must be sent to the appellant.

c. Rebuttal / Appeal evaluation in second instance (Appeals Board)

The Rebuttal / Appeal Protocol includes the information that the client has the right to rebut/appeal to IBD's Appeals Board when he disagrees of the evaluation's result.

In such case, the Quality Manager requests a meeting of the Appeals Board according to the Appeals Board Bylaws (doc. 8_4_5) and provides to the Board all necessary documentation to proceed with the revaluation of the rebuttal/appeal. The decision of the Appeals Board must be recorded in the Appeal Protocol.

In case the rebuttal/appeal is accepted by the Appeals Board, a new decision must be produced to correct and substitute the original decision object of the rebuttal/appeal.

In case the rebuttal/appeal is denied by IBD, just register the justification in the Rebuttal / Appeal Protocol.

In both cases, the final signed Rebuttal / Appeal Protocol must be sent to the appellant.

d. Deadlines

The rebuttal/appeal requests must be evaluated promptly.

For the 4C scheme, any appeal must be notified by the client within 15 days and solved within 30 days from the sending of the result. Otherwise, a request of Formal Dispute may be sent by the client

to the 4C secretariat. In this case, the evaluation process is placed under the exclusive responsibility of 4C.

The review requests by the Appeals Board must be treated within 30 days from the review request by the client and sending of all relevant documentation that supports the request.

For ROC™, IBD shall report all appeals to the ROA. If the Certification Body does not meet the timelines and requirements outlined, the appellant may present the appeal to the ROA. The ROA Operations Team will review the actions of the Certification Body.

If a Client wishes to recover ROC™ certification after having their ROCTM certificate withdrawn, the Client shall re-apply for certification.

e. Rebuttal / Appeal Record

The finalized Rebuttal / Appeal Protocol must be archived in IBD electronic system with all the related documentation, which includes the confirmation of the rebuttal/appeal receipt, the detail of the evaluation, possible follow-up and the communication of the final decision to the client.

The Quality Assistant must maintain the Appeal Registration Form (doc. 8_7_8) duly updated as the rebuttal/appeal progresses.