

# ACCREDITATION APPEALS

## 1. Introduction and scope

This document specifies the policy and the procedure for handling appeals lodged by certification bodies (CB) for adverse accreditation decisions concerning them.

This document only concerns appeals lodged by applicant bodies or accredited certification bodies regarding accreditation decisions made by the CARTV or decisions made by any other competent authority under the oversight of IAC.

Complaints lodged by third parties about decisions made by the Board or certification bodies' actions are in no way considered to be appeals, even if an accreditation decision made by the Board is contested. These are handled according to either document [/ACA3PLR5901/](#), which concern complaints.

This policy does not concern legal action that could be taken against the CARTV by certification bodies after all the review and appeal procedures have been exhausted.

## 2. Reference documents


- *Act Respecting Reserved Designations and Added-Value Claims*
- *Regulations Respecting Reserved Designations*
- *Internal Regulations pertaining to Accreditation for Certification Bodies*
- *ISO/IEC 17011*
- *Safe Food for Canadians Regulations (SFCR) - part 13*
- *Canada Organic Regime- Operating Manual*

## 3. Definitions

Please refer to the *Internal Regulations Pertaining to Accreditation for Certification Bodies* for the general definitions.

**Appeal:** Request by a CB to reconsider any decision to recommend to a competent authority an adverse decision made by the Accreditation Committee regarding the accreditation status that the CB requested. Decisions include:

- a) refusal to accept or to continue processing an application from an applicant CB
- b) refusal of an on-site visit (planned or additional), coupled with an interruption of the assessment, thereby ending the processing of the application

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- c) refusal to change the scope of accreditation
- d) reduction of the accreditation scope following an adverse evaluation
- e) suspension or withdrawal of an accreditation

**4. Access and distribution**

This document is distributed or made available to all members of the CARTV Board, members of the accreditation Committee, the personnel involved in the accreditation process as well as other interested parties.

**A. Policy**

**1. Principles**

A certification body may appeal an accreditation decision made by the Board or another competent authority who's IAC monitors the accreditation in the categories of adverse decisions that are admissible for an appeal, according to this policy or the policy of the competent authority.

The certification body that appeals a decision must submit a written request for this purpose to the IAC's management, accompanied by the reason that justifies it with any supporting documents

Set fees are charged to certification bodies that make an appeal according to the current fee schedule. The fee applies to one decision at a time. These fees must be paid when the appeal is lodged.

The IAC is responsible for gathering and verifying all necessary information to validate the appeal. Should the IAC consider the appeal to be admissible, the appeal decision will then be pending.

The IAC's management shall ensure that the appeal is handled in accordance with the procedure described in this document or by the competent authority requirements and all decisions at all levels of the handling process for appeal are made by the IAC in a timely manner.

**2. Authority appointed to hear appeals**

The CARTV's Board constitutes an Appeal Committee that has the responsibility of handling accreditation appeals as a decision-making body. This Committee has been provided with the terms of reference and rules [/IN1RG3401/](#) adopted by the Board. The

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committee is made up of people who have not been involved in the activities in relation with the accreditation decision.

The decisions made by the Appeal Committee at the end of its members' deliberations are final.

When the appeal concerns the Accreditation Committee's recommendation sent to a competent authority other than the Board, the certification body may lodge a new appeal with the concerned competent body that has made the decision.

### 3. Follow-up of the Appeal Committee's decision

The IAC Secretariat shall immediately inform the certification body making the appeal of the Appeal Committee's decision as well as the arrangements that it must make. In case this option exists, the appealing certification body shall also be informed of the possibility to appeal to any other authority.

- *Note: Any certifier, who has applied for CFIA accreditation or holds an accreditation number issued by the CFIA, may request that the CFIA reviews the decision in accordance with the provisions of the SFCR and Canada Organic Regime Operating Manual.*

The Board or any other competent authority concerned as well as the Accreditation Committee shall be immediately informed of decisions made by the Appeal Committee.

Following the appeal decision, if the certification body intends to take legal action because it believes that its rights have been infringed, since the original decision has been maintained, the CARTV and the certification body must first consider using the services of an arbitrator, whose decision will bind both parties.

### 4. Corrective measures to be made to the IAC's quality management system

If an initial decision made by the Board or any other Competent Authority is overruled upon appeal, it must be determined if the IAC or the Accreditation Committee was negligent in the evaluation and decision process. If this is indeed the case, the nature of required corrections will be recorded as corrective actions and treated as such to prevent recurrence. A verification of all the appropriate actions within the deadlines prescribed by this document is carried out during the internal audit of the IAC.

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## B. Procedure

If the IAC is mandated to oversight a certification body accredited by another competent authority than CARTV and if there is a different procedure for handling appeals, the IAC will comply with the requirements of the competent authority. (ex: CFIA, European Union, SENASICA ...).

### 1. **Submission of appeal**

All appeals must be in writing [/ACA7FE7910/](#) and be sent within 30 days of the date of notification of the decision being appealed.

On request to the CB that has been the subject of an unfavorable decision The **Accreditation Director** or the **Conformity Evaluation Officer** shall send a copy of instruction [/ACA4IN7910/](#).

In order to get the appeal heard, the CB must:

- a) Pay the appeal charges according to the fee schedule established by the IAC or any other competent authority (if applicable);
- b) Mention in its correspondence all the arguments on which it is based in order to revoke the decision;
- c) Include any document that would accompany the arguments supporting the appeal.

### 2. **Acknowledgment of receipt**

When all conditions have been met before the deadline for lodging the appeal, **Accreditation Director** forwards a written acknowledgment of receipt to the appellant CB indicating whether or not the appeal was deemed admissible. At this step, he may request additional information or document.

For an appeal to be deemed valid, it must be justified by an argument of procedural error, error of interpretation or inconsistency with previous decisions of the Accreditation Committee, Board or the competent authority if applicable.

The **Accreditation Director** or the **Conformity Evaluation Officer** shall send the acknowledgment of receipt no later than two weeks after the date of receipt of the request for appeal. When the appeal is deemed to be valid, the **Accreditation Director** prepare a progress report to communicate the date on which the appeal hearing is scheduled, as well as other available information.

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### 3. Preparing for the appeal hearing at CARTV

In preparation for the hearing of the appeal, the CARTV CEO shall ensure that:

- a) The Appeal Committee shall be convened not more than four weeks after the date of the acknowledgment of receipt;
- b) All documentation transmitted by the appellant CB is forwarded to the Appeal Committee;
- c) A copy of the internal records concerning the taken decision shall be transmitted to the Appeal Committee;
- d) The **Accreditation Director** or the **Secretary of the accreditation committee** and, if necessary, a member of the assessment team are invited to participate in the hearing of the appeal in order to provide explanations to the Appeal Committee.

### 4. Holding of the hearing

The meeting of the Appeal Committee may be conducted through a face-to-face meeting or conference call.

The Committee's deliberations must address the value of the arguments submitted by the appellant CB in order to revoke the original decision, or not.


Procedures used during the meeting to reach a decision must be in accordance with the General Rules of the Appeal Committee as set out in document [/IN1RG3401/](#).

### 5. Letter of decision

The **Accreditation Director** shall notify the appellant CB of the decision within two weeks of the date of the hearing. The minutes of the meeting of the Appeal Committee must first have been adopted by the members of the Committee.

In the letter sent, the appellant CB must be informed:

- the reasons for the dismissal of the appeal or the arguments of the Appeal Committee to cancel the decision, whichever comes first;
- the consequences of the Appeal Committee's decision at the accreditation level;

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- any new deadlines to be respected in relation to the decision taken;
- the possibility of appealing of the decision of the Appeal Committee, if it has applied for accreditation to another competent authority than the Board, or if it has an accreditation issued by that other competent authority, where the latter has laid down an additional level of appeal in its procedures.

## 6. Follow-up and records

The **Conformity Evaluation Officer** keeps records of all appeals, final decisions and follow-up actions in the CB file.


The **Quality Assurance Officer** records the information in the appeal log /ACA5LI7910/.

## 7. Flow of information

The CARTV Board (or the competent authority) and the IAC Accreditation Committee must be informed of the decision taken by the Appeal Committee.

They should check to what extent it has an impact on their work and how they do it. In particular, if the decision highlights an error in the processing of the file before the appeal. In this case, a corrective action is recorded and managed by the **Quality Assurance Officer**.

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