

PROCEDURE FOR REVIEW OF REQUESTS FOR INFORMATION, APPEALS AND COMPLAINTS

Request for Information

Any natural or legal person may request the following information from the notified body:

- geographic areas in which the notified body operates;
- certification status;
- name, the appropriate normative document, area and geographic location (city and country) of any particular certified client.

The request must be in writing, addressed to the director of UNI-CERT. In this case it is recorded in the Log of incoming documents and reviewed by the top management of UNI-CERT; it is determined whether the access to the information is not limited by the client.

Upon review of the request, one of the following decisions can be made:

- to satisfy the request fully;
- to satisfy the request partially;
- to reject the request.

The request is reviewed within 30 working days; the outcome is communicated by a letter, which is recorded in the Log of outgoing documents and sent in a manner preferable for the requesting party (by letter, e-mail or fax).

Appeals Handling

The notified body receives an appeal, it is handled in accordance with this MP, ISO/IEC 17021-1:2015 and ISO/IEC 17065:2012.

The notified body forms an Appeal Committee (the Committee) to handle appeals and disputes between the client or another party and the notified body.

Appeals must be addressed in writing to the director of UNI-CERT, within one month from the date of receipt of the decision or information about the notified body action against which the client wishes to appeal.

The appellant may appeal against the following decisions or actions:

- refusal to accept an application for conformity assessment/certification for review;
- decision not to grant a certificate of conformity and/or approval of the quality management system;
- suspension or withdrawal of the certificate of conformity and/or approval of the quality management system;
- violation of the rules and procedures for conformity assessment.

Appellants may also appeal against other actions of the notified body relating to conformity assessment/ certification or other services if these have resulted in violation of their rights or disservice.

The appeal must clearly state its substance. It should be accompanied by all documents and materials supporting and explaining the facts in the appeal.

The Appeal Committee may require other documents necessary to investigate the appeal. Once a decision on the appeal has been made, no further appeal from the same appellant regarding the same matter will be considered.

Appeal Review

Duly registered appeals and the accompanying documents are forwarded to the director of UNI-CERT.

The director, by his/her order, forms an appeal committee, consisting of the director or deputy director of quality (the chair), representatives from conformity assessment units who were not involved in the tasks that have resulted in the appeal, representatives from the testing laboratory (if necessary), consumers unions (societies), and interested organisations (upon agreement).

The committee should review the appeal within one month from its registration with the notified body. If a decision cannot be reached within one month, the chair will set an additional time limit, but the overall period of the appeal review must not exceed 45 days.

The client (or his representative) that lodged the appeal and the notified body representatives have the right to be heard by the appeal committee during the review.

Should circumstances arise where a member of the committee could be considered as an interested party with regard to the appellant, that member will not partake in the review of the appeal and will not attend the committee meeting.

The results of the appeal review are discussed only by the committee members at a closed meeting attended by the number of members required to take a decision (at least two thirds of the members); in the event of a tie, the chair is entitled to a casting vote.

If the committee finds the action or decision by UNI-CERT wrongful, it takes a decision on validity of the appeal and a decision to remedy the violation and cancel the decision by UNI-CERT.

If the committee finds the action or decision by UNI-CERT rightful, it makes a decision not to uphold the appeal.

The committee's decision are signed by the committee chair and all members of the committee. The decision is communicated, in writing, to the parties involved in the appeal review. The committee communicates its decision in writing to the appellant and UNI-CERT within 5 days from the meeting.

If one of the parties disagrees with the decision of the committee, the decision may be contested in NAAU (if the works fall within the scope of accreditation by NAAU). The appeal should be supported by documents pertaining to the substance of the dispute.

The decision by NAAU may be contested in court in accordance with the applicable law.

If the event of an appeal against the works not within the scope of NAAU accreditation, the committee's decision shall be final.

The minutes of meetings and the decisions by the committee are retained by UNI-CERT for a period of 5 years.

Complaints Handling

Complaints lodged with UNI-CERT by the applicants, other notified bodies, accreditation body etc. are external complaints. All complaints mentioned in this paragraph must be made only in writing (by letter, fax, e-mail). Upon receiving a verbal complaint, the UNI-CERT employee who has received it should offer the complainant to complete the relevant form. The form may be completed by the UNI-CERT employee on the basis of the verbal statement of the complainant.

For convenience, a form template containing the information necessary to handle the complaint adequately is made available on the UNI-CERT web-site.

Details of the complainant that make it possible to identify the personal data and/or the identity will not be disclosed unless the complainant has provided written consent for the disclosure of such information.

All complaints received by UNI-CERT are recorded in the Log of incoming documents.

Any registered complaint is assessed, within 5 business days, by the management of UNI-CERT in terms of criteria such as severity, safety implication, complexity, impact and the need and possibility of immediate action. It is also established whether:

- the complaint relates to the activity of UNI-CERT;
- there are necessary resources and powers to develop and implement effective actions to address the complaint;

In addition, the UNI-Cert management evaluates the complaint in order to:

- find out the cause of the complaint;
- develop the necessary corrective and preventive actions.

The evaluation of the complaint can result in any of the following decisions:

- to uphold the complaint fully;
- to uphold the complaint partially;

– to reject the complaint.

The criterion for decision-making is the validity of the complaint in view of the requirements for the work, service or document in question.

The decision on the complaint or any action regarding the complainant or the personnel involved will be communicated to them within 2 business days after the decision is taken or action is chosen (in writing, e-mail, or fax).

Any action taken regarding the complaint review should be recorded in the complaint or appeal registration form.

The outcome of the complaint review and processing is communicated in writing to the organisation or person that lodged the complaint. Where necessary, UNI-CERT, together with the applicant and complainant, decides whether and to what extent the matter of the complaint and the conclusion should be disclosed.

If the complaint is invalid, an official response is prepared, providing evidence that the actions of UNI-CERT regarding the case indicated in the complaint were right.

Complaints to Clients from UNI-CERT

UNI-CERT may lodge a complaint with its client if the client has violated the certification/ conformity assessment conditions and/or conditions of the use of the certificate, conformity mark, or identification number of the notified body.

In the event of violation of these terms and conditions, a responsible specialist at UNI-CERT prepares proposal of corrective actions, which may include:

- written request to the relevant organisation to remedy the violation;
- written request to NAAU;
- publication of information about the violation;
- suspension or withdrawal of the certificate and of the permission to use the conformity mark and identification number of the notified body;
- appealing to a court for sanctions against the breaching party and for the recovery of the losses incurred by UNI-CERT.