

1. OBJECTIVE

To establish the activities to be carried out for the reception and treatment of the replacement and appeals filed to ICONTEC, for the decision making as a conformity assessment body.

2. SCOPE

This procedure is applicable to ICONTEC Conformity Assessment services of management system Certification, Certification of Product, Inspection, and Validation and Verification.

This procedure does not apply for the reception, analysis and treatment of complaints or claims due to clients dissatisfaction, in the conformity assessment services provided by ICONTEC.

3. DEFINITIONS

For the purposes of this procedure, the definitions indicated in ISO/IEC 17000 and CDM Accreditation Standard of the United Nations apply, in particular the following:

- Designated Operational Entity (DOE): an entity designated by the Conference of the Parties (COP) based on the Board's recommendation, and qualified to perform validation and/or verification/certification functions.
- **Replacement:** Client's request for the service of conformity assessment to the same instance of ICONTEC, so that the decision made by the professional team assigned in relation to the evaluation carried out, is reconsidered.

Note:

1. The replacement resource is considered to be the first instance.
2. In some service regulations you can still find the term Dispute, which is equivalent to the resource of replacement.

3. For climate change services accredited under the United Nations standard, the replacement is equivalent to the dispute. In the standard it is found as follows:

Disagreement between the DOE (Designated Operational Entity) and the project participant (PP) regarding the recommendation and/or decisions/opinions of the DOE taken at different stages during the validation and/or verification/certification functions.

Appeal: Request from the client of the conformity assessment service to ICONTEC, to reconsider the decision it made regarding its request for replacement, by an independent body (adapted from ISO/IEC 17000).

According to ISO/PAS 17003:2004, the term Appeal should not be confused with the use of "appeal" in a legal or juridical sense. The appeals and appeals process, in the context of conformity assessment, are deliberately an internal process within the Organization whose conformity assessment result is being appealed. The resolution of the appeal lies with the Organization to which it is being appealed and does not require a hearing or a decision from an agent or an external court.

4. OVERVIEW

The terms for the presentation of the appeal must be notified to the organization at the opening and closing meetings.

- The request for replacement must be submitted by the Organization, within fifteen (15) working days following the event that motivated the request for replacement.
- The request must be presented by the Organization, with the evidence that supports it, within the terms and conditions established in the **service regulations or in the respective commercial agreement as applicable**. If, after this period of time, the Organization does not present the replacement resource, it is understood that it accepts such decisions without any further legal or extralegal claims. These requests can be submitted in physical media or by email.

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- The information or documentation that the applicant has provided to ICONTEC, for purposes of replacement will be kept confidential.
- The appeal is a resource that the applicant can lodge when he/she does not agree with the decision made by ICONTEC regarding a replacement appeal.
- The appeal must be submitted directly by the organization with the evidence supporting it, within the terms and conditions specified in each service regulation or in the respective commercial agreement as applicable.

Note: Please take into account that the request for an appeal must be submitted by the Organization within fifteen (15) working days after receiving the notification of the decision being appealed (replacement resolution).

- The Director/Manager of each service or whoever he delegates, must carry out (with its respective evidence) the analysis of the replacement resources and the appeals received every six months, socializing it with the Technical Director, in order to identify trends and improvement opportunities in the conformity assessment services, and follow up the implementation of the corrections and corrective actions, which correspond to the treatment. The replacements and appeals received will be evaluated by the ICONTEC Customer Service Coordinator to identify if these communications also refer to a complaint for the service provided, with the purpose of giving the respective treatment, as described in procedure P-SC-0002 TREATMENT OF PQRS AND THIRD PARTY COMPLAINTS with the traceable record of the analysis made and the actions taken, as well as this review should be socialized with the Director/Manager of the Service.

5. DESCRIPTION/ACTIVITIES

5.1. Replacement resource

A customer may file an appeal for replacement for the following reasons:

- a. Non-acceptance of non-conformities or findings communicated at the closing meeting of the corresponding audit, evaluation or inspection.
- b. Non-acceptance of decisions against the certification holder organization (granting, maintenance, renewal, reactivation, restoration), validation and/or verification/certification results.
- c. Non acceptance of scope modifications by the audit team.
- d. Non acceptance of sanctions imposed by ICONTEC.

Any client of the conformity assessment services that wishes to present a recourse of replacement must present a written request to ICONTEC with the evidences that support it (in physical means or through the channels arranged for it), within the established terms and conditions indicated in the regulation of the corresponding service or in the respective commercial agreement as applicable. This request is filed with the body responsible for the process, i.e., with the Directorate/Management of the corresponding conformity assessment service and must be sent by a means that ensures its reception by ICONTEC at its address.

All requests for appeals for reconsideration that reach ICONTEC must have acknowledgement of receipt, which can be done by ICONTEC's correspondence stamp, by e-mail cliente@icontec.org if the request arrives by this means or by using the format F-PS-0515 ACKNOWLEDGEMENT OF RECEIPT OF RECEIPT OF REPEALS AND APPEALS and must be registered for control in the F-PS-0511 CONTROL CHART OF REPEALS AND APPEALS.

In the case of receiving the request through the e-mail cliente@icontec.org, the [Customer Service Coordinator](#) must confirm by this same means the reception of the request by ICONTEC and copy this

message to the Director/Manager and to the Professional responsible for the management of the corresponding service replacements.

5.1.1 Replacement resource response and review preparation

The Director/Manager of the service or whoever is delegated by him, must communicate to the interested parties that the replacement resource has been received.

The Director/Manager of the corresponding service may investigate the case directly or delegate its investigation to a technical expert, in this case, a professional other than the one who participated in the evaluation process (audit, inspection, validation or verification), in order to guarantee impartiality and the absence of conflict of interests.

For the investigation of the Replacement, the Director/Service Manager or the assigned technical expert should, gather and verify the necessary information to determine the cause that generated the replacement and if necessary, contact the auditor/inspector/evaluator involved in the case and the applicant in order to know the opinion of those involved. When appropriate, the applicant will be kept informed about the progress of the replacement investigation.

Once the investigation has been made, the Director/Manager of the service will determine if the request for resource of replacement presented has a technical foundation and if it is appropriate or not, in the following way:

- If the appeal is decided in favor of the applicant, those involved in the evaluation process will be informed so that the decisions defined therein can be implemented and the results reported to the Director/Manager of the service. In this case the Director/Manager of the service will determine the need to implement or not the correction and corrective action. Corrective actions taken as a result of a replacement resource will be established in accordance with the provisions of procedure P-GO-0004 IMPROVEMENT OF THE INTEGRATED MANAGEMENT SYSTEM.

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- If the appeal does not proceed, the decision on which the appeal is lodged will be ratified and the applicant and those involved in the evaluation process will be informed. In all cases, the applicant has **the right to appeal**.

The response to the replacement resource must be made by the Director/Service Manager on the form F-PS-0514 REPLACEMENT RESOURCE RESOLUTION, (monitoring compliance with timelines in accordance with the Replacement and Appeals Control Chart See F-PS-0511 REPLACEMENT AND APPEALS CONTROL CHART and must include:

- The reasons that motivate the organization in not accepting the decisions of ICONTEC.
- The analysis of the information provided by the parties involved.
- The decisions that are made by the Director/Service Manager according to the analysis made by the evaluation team.

ICONTEC will respond to the resources of replacement presented in the maximum term required by the regulations of each service or in the respective commercial agreement as applicable.

Note: In accordance with the terms and conditions specified in each service regulation or in the respective commercial agreement, as applicable, the filing of a replacement resource by the applicant suspends the terms of decision until the corresponding instance decides on the application after having carried out the corresponding investigation.

The decision on the replacement will be communicated to the applicant and the interested parties within ICONTEC by means of the format F-PS-0514 REPLACEMENT RESOURCE RESOLUTION and the respective replacement appeal response letter as indicated in the document F-PS-0513 REPLACEMENT RESPONSE LETTER.

Note: See item 5.2 Appeals. Appeals may result in a change in the replacement decision.

5.1.2 Monitoring of provisions contained in the resolution of the replacement resource

The Director/Manager of each service or whoever is delegated by him, must carry out monitoring to the prompt compliance of the decisions and times given in the resolution of replacement and must ask those involved in such response, the evidence of compliance with these actions.

5.2. Appeals

The request must be submitted by the Organization, with the evidence that supports it, within the terms and conditions established in the **Service Regulations or respective commercial agreement as applicable**. If after this period the Organization does not submit the appeal in writing, it is understood that it accepts such decisions, with no room for further legal or extralegal claims.

All requests for appeals arriving at ICONTEC must have a receipt notice, which shall be made by means of the ICONTEC correspondence stamp, by means of an e-mail if the request arrives by this means, or by using the format F-PS-0515 RECEIPT NOTICE LETTER OF REPLACEMENTS AND APPEALS and must be recorded for control in the control chart of replacements and appeals F-PS-0511 CONTROL CHART OF REPLACEMENTS AND APPEALS. If the request is received by e-mail, the person who receives it must confirm receipt by this same means and copy the message to the Director/Manager of the corresponding service.

The Director/Manager of the service will inform the interested parties (Auditor, Speaker, Operations Director, professional assigned to the investigation and appeals committee representatives), about the receipt of the appeal resource and will convene the **Appeals Committee** to investigate the case, thus ensuring that there is no discriminatory treatment against the appellant.

Note: The submission of an appeal resource by the applicant, suspends the terms of decision until the corresponding instance decides on the application, after having carried out the corresponding investigation, according to the terms and conditions specified in each regulation of the service.

5.2.1 Review and analysis of the appeal

Together with the summons of the appeals committee, the communication of the appeal resource submitted by the organization, with its respective supports and a copy of the resolution of reposition (not accepted by the organization), must be sent by e-mail to the members of the committee for analysis. To convene a committee session, the assigned collaborator(s) must make a request to the Assistant Technical Director, providing the necessary information to be sent accordingly.

The **Appeals Committee** must carry out the analysis of the information and if considered relevant it may request additional information from the parties involved (auditor/ evaluator, speaker, client and/or authorities) so as to ensure a complete analysis of such information that will allow decisions to be made independently.

The **Appeals Committee** with the analysis made, may modify the initial decisions and those established in the resolution of replacement. ICONTEC will respond to the appeal within a maximum of thirty (30) days after the communication of the appeal resource has been received. While ICONTEC resolves the appeal, the terms for filing the action plan and resolving nonconformities are suspended and will continue to run once the appeal is decided.

The response to the appeal must be made by the Appeals Committee on the form F-PS-0510 APPEAL RESOLUTION, this response must include:

- The registered list of facts that motivate the appellant (the organization) to not accept the Replacement Resolution issued by ICONTEC.
- The analysis of the information provided by the parties involved.
- Decisions that are made by the Appeals Committee.

Where appropriate, the applicant will be kept informed about the progress of the appeal investigation. This **Appeals Committee** is responsible for making decisions on appeals received for conformity assessment services, based on the information submitted. Once the investigation has been completed, the Appeals

Committee must decide on the appeal within the time limit set forth in each service regulation after acknowledging receipt of the appeal. The decision on the appeal will be communicated to the applicant formally and in writing on the form F-PS-0510 APPEAL RESOLUTION and the respective appeal resource response letter F-PS-0512 APPEAL RESPONSE LETTER.

If the appeal is resolved in favor of the applicant, the applicant and those involved in the evaluation process will be informed so that the decisions defined therein can be implemented and the results reported to the Director/Manager of the service. In this case, the Director/Manager of the service must determine and implement the correction and corrective action to be taken. Corrective actions taken as a result of an appeal shall be established in accordance with the provisions of procedure P-GO-0004 IMPROVEMENT OF THE INTEGRATED MANAGEMENT SYSTEM.

If the appeal is resolved in favor of ICONTEC, the applicant and those involved in the evaluation process will be informed through the F-PS-0510 APPEAL RESOLUTION form, so that they can proceed to comply with what is defined there and the case is closed.

5.2.2 Monitoring of provisions contained in the appeal resolution

The Director/Manager of each service or whoever he delegates, must follow up on the compliance of the decisions and times given in the appeal resolution and must ask those involved in the response for evidence of compliance with these actions.

All the monitoring and control of the replacement and appeal resources must be recorded from their reception until their closure in the format of the replacement and appeal resources control chart F-PS-0511 REPLACEMENT AND APPEALS CONTROL CHART.

5.3. Rules for the appeals committee operation

5.3.1 Appeals Committee Members

The Appeals Committee shall be composed of:

- Technical Director or his/her deputy
- Chief Legal Officer or his/her deputy
- Standardization Director or his/her deputy
- The Director/Manager of the corresponding service will be part of the appeals committee with voice, but without vote, will provide technical support to the committee if necessary and will be in charge of the secretariat.

If the committee considers necessary to provide technical support on a specific issue to be analyzed in the appeal resource or to provide technical clarification on the replacement to which the corresponding Technical Unit responded, it may request the participation of a technical expert.

5.3.2 Functions of Appeals Committee Members

- To attend committee meetings that are convened and participate in discussions and decision-making.
- To analyze the information submitted by the appellant and request additional information from the appellant if deemed necessary.
- To keep records of his/her actions and concepts.
- To refrain from participating in the committee when the topics discussed may generate conflict of interest situations.
- To comply with this procedure.

5.3.3 Appeals Committee Secretariat

The activities of the Appeals Committee secretary shall be performed by the Director/Manager of the relevant conformity assessment service. The secretariat of the appeals committee shall perform the following functions:

- Calling the committee meetings;
- To verify the existence of a quorum for each committee meeting.

- To lead committee meetings, seeking consensus whenever possible in the adoption of any decision.
- To prepare and present to the committee the documents that support its decisions;
- To ensure that its members handle all information with due confidentiality, declaring impediments when conflicts of interest arise.
- To elaborate the Appeals resolutions.
- To register and file the committee's correspondence and take responsibility for its conservation;
- To deal with matters within the competence of the committee;
- To project the concepts and decisions to be issued or adopted by the committee;
- To comply and enforce what is described in this procedure.

5.4. Quorum

The Appeals Committee may meet and deliberate with all its members. Decisions will be made by the majority of committee members through vote.

5.4.1 Headquarters and sessions

The meetings of the Appeals Committee will be held at the ICONTEC facilities. The location of the meetings may be changed when circumstances require, giving timely notice to all members. The committee shall meet whenever an appeal is received, at the request of the Director/Manager of the appropriate conformity assessment service. The Appeals Committee shall decide on each appeal received within the time limit defined in the Certification Regulation of each service. When necessary, that is, when circumstances do not allow this face-to-face session, it will take place according to the technological means available.

5.4.2 Committee Minutes

The decisions taken at the committee meetings shall be recorded in F-PS-0510 APPEAL RESOLUTION, which shall be recorded by the signatures of the committee members who participated in the decision. This record will become part of the respective appeal file. Abstain for vote, if any, shall be indicated in a minute attached to the appeal resolution.

6. REFERENCED DOCUMENTS

- R-PS-0013 REGULATION FOR SERVICES AND PROCESSES CERTIFICATION
- R-PS-0007 ICONTEC CERTIFICATION REGULATION FOR MANAGEMENT SYSTEMS
- R-PS-0015 REGULATION FOR THE CERTIFICATION OF ACCREDITED INSPECTION SERVICES SIA
- R-PS-0003 HEALTH ACCREDITATION DECISION GRIEVANCE COMMITTEE REGULATIONS
- R-PS-0012 REGULATION FOR VALIDATION AND VERIFICATION SERVICES
- P-GO-0004 IMPROVEMENT OF THE INTEGRATED MANAGEMENT SYSTEM
- P-SC-0002 TREATMENT OF PCCS AND THIRD-PARTY COMPLAINTS
- F-PS-0510 APPEAL RESOLUTION
- F-PS-0511 RESOLUTION AND APPEALS CONTROL CHART.
- F-PS-0512 APPEALS RESPONSE LETTER
- F-PS-0513 REPLACEMENT RESPONSE LETTER
- F-PS-0514 RESOLUTION OF REPLACEMENT RESOURCE
- F-PS-0515 LETTER OF REPLACEMENT AND APPEALS RECEIPT NOTICE

7. REFERENCED JOB TITLES

Certification Manager

Inspection Manager

Education Manager

Validation Manager and Verification

Technical Director

Health Accreditation

Director

Standardization Director

Chief operating officer

Corporate Relations Director Head of

Legal Department

System Certification Technical Leader

Product Certification Technical Leader

Technical Inspection Leader

P-PS-0024

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Professionals from each Technical Unit assigned to the investigation and treatment activities of the replacement and/or appeal.

Assistant Direction/Management of the service that performs the treatment to the replacement and/or appeal

Customer Service Coordinator

Technical Management Assistant