

1. OBJECTIVE

Establish the activities to be carried out for the reception and treatment of appeals and appeals filed with ICONTEC, for decision-making as a conformity assessment body.

2. SCOPE

This procedure is applicable to ICONTEC's Conformity Assessment services of Management System Certification, Product Certification, [Processes and Services](#), Validation and Verification and Inspection.

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

3. DEFINITIONS

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

- **Designated Operational Entity (DOE):** An entity designated by the Conference of the Parties (CMP), based on the recommendation of the Board, and qualified to perform validation and/or verification/certification functions.
- **Replacement:** Request by the client for the conformity assessment service before the same instance of ICONTEC, to reconsider the decision made by the assigned professional team in relation to the evaluation carried out.

Note:

1. The appeal for reconsideration is considered as the first instance.
2. In some service regulations you can still find the term Dispute, which is equivalent to the appeal for reconsideration.

3. For climate change services accredited under the United Nations standard, reinstatement is equivalent to dispute. The standard is as follows:

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

Appeal: Request by the customer for the conformity assessment service to ICONTEC to reconsider the decision it made in relation to its request for reinstatement, 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. Appeals and the appeals process, in the context of conformity assessment, are deliberately an internal process of the Agency whose conformity assessment result is being appealed. The resolution of the appeal rests with the Agency to which it is being appealed, and does not require a hearing or a decision by any agent or an external court.

4. GENERAL

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

- The request for replacement must be submitted by the Organization, along with supporting evidence, within fifteen (15) business days following the event that motivated the request for replacement or within the timeframes and conditions established in the **Service Regulations or in the respective commercial agreement, as applicable.**
- If after this period the Organization does not file the appeal for reconsideration, it is understood that it accepts such decisions without room for subsequent judicial or extrajudicial claims.

- These applications can be submitted in physical medium or by email.
- The information or documentation that the applicant has provided to ICONTEC, for the purposes of its replacement, will be kept confidential.
- The appeal is an appeal that the applicant can file when he or she does not agree with the decision taken by ICONTEC in the face of an appeal for reconsideration.
- The appeal must be filed directly by the organization with the evidence that supports it, within the deadlines and conditions specified in each service regulation or in the respective commercial agreement, as applicable.

Note: Please note that the request for appeal must be submitted by the Organization within fifteen (15) business days of receipt of notification of the decision being appealed (reversal resolution) **or within the timeframes and conditions established in the Service Regulations or in the respective commercial agreement, as applicable.**

- The Director/Manager of each service or whoever he delegates, must carry out (with his respective evidence) every six months the analysis of the appeals for replacement and the appeals received, socializing it with the Technical Director, in order to identify trends and opportunities for improvement in the conformity assessment services, and to follow up on the implementation of corrections and corrective actions. that correspond to the treatment. The repetitions and appeals received will be evaluated by ICONTEC's Customer Service Coordinator to identify if these communications also refer to a complaint for the service provided, with the purpose of handling it, as described in the P-

SC-0002 TREATMENT OF PQRS AND COMPLAINTS FROM THIRD PARTIES with the traceable record of the analysis carried out and the actions taken, likewise said review must be socialized with the Director/Manager of the Service.

- **ICONTEC ensures that investigations and decisions regarding reversals and appeals do not give rise to any discriminatory action.**

5. DESCRIPTION/ACTIVITIES

5.1. Appeal for reconsideration

A client may file an appeal for reconsideration 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 organization holding the certification (granting, maintenance, renewal, reactivation, restoration), results of validation and/or verification/certification.
- c. Non-acceptance of scope modifications by the audit team.
- d. Non-acceptance of sanctions imposed by ICONTEC.

Any customer of conformity assessment services who wishes to file an appeal for reconsideration must submit a written request to ICONTEC with the evidence that supports it (in physical medium or through the channels provided for this purpose), within the established deadlines and conditions indicated in the corresponding service regulations or in the respective commercial agreement, as applicable. This request is filed with the body responsible for the process, that is; to the Directorate/Management of the corresponding conformity assessment service and must be sent by a means that ensures its receipt by ICONTEC at your home.

All requests for reversal that reach ICONTEC must have an acknowledgement of receipt, which can be made by means of ICONTEC's correspondence stamp, by email **cliente@icontec.org** if the request arrives by this means or using the format F-PS-0515 LETTER OF ACKNOWLEDGEMENT OF RECEIPT OF REVERSALS AND APPEALS and must be registered for control in the F-PS-0511 CONTROL TABLE OF REVERSALS AND APPEALS.

In the event of receiving the request via email **cliente@icontec.org**, the Coordinator of Customer Service must confirm by this same means the receipt of the request by ICONTEC and copy this message to the Director/Manager and the Professional responsible for managing the replacements of the corresponding service.

5.1.1 Review and preparation of response to the appeal for reconsideration

The Director/Manager of the service or whoever he delegates, must inform the interested parties that the appeal for reconsideration has been received.

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

Note: The personnel conducting the investigation or approving the reinstatement resolution must not have provided consulting services to the client or been employed by the client for a period of two years following the termination of these activities.

For the investigation of the Reinstatement, the Director/Manager of the service or the assigned technical expert must 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 position of those involved. Where appropriate, the applicant will be kept informed of the progress in the investigation of their replacement.

Once the investigation has been carried out, the Director/Manager of the service will determine whether the request for an appeal for reconsideration submitted has a technical basis and whether or not it is appropriate, as follows:

- If the appeal for reconsideration is resolved in favor of the applicant, those involved in the evaluation process will be informed so that they can proceed to comply with the decisions defined therein and report the results 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. The corrective actions taken as a result of an appeal for reconsideration will be established in accordance with the provisions of procedure P-GO-0004 IMPROVEMENT OF THE INTEGRATED MANAGEMENT SYSTEM.

- If the appeal for reconsideration is not admissible, the decision on which the appeal is filed 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 file an **appeal**.

The response to the appeal for reconsideration must be made by the Director/Manager of the service in the form F-PS-0514 RESOLUTION OF THE APPEAL FOR RECONSIDERATION, (monitoring compliance with the deadlines in accordance with the control table and record of reinstatements and appeals See F-PS-0511 CONTROL TABLE OF REINSTATEMENTS AND APPEALS and must include:

- The reasons that motivate the organization in the non-acceptance of ICONTEC's decisions.
- The analysis of the information provided by the parties involved.
- The decisions that are made by the Director/Manager of the service according to the analysis carried out by the evaluation team.

ICONTEC will respond to the appeals for reconsideration presented within the maximum period required by the regulations of each service or in the respective commercial agreement, as applicable. [Please note that during the months of December and January, response times for replacements may be extended due to the availability of ICONTEC staff; however, the customer will be notified of any additional time required for the process.](#)

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

[In the case of certification services under the FSSC 22000 standard, while ICONTEC resolves the replacement, the terms for submitting the action plan and for resolving non-conformities are not suspended, so the client must send the action plans, evidence of implementation of the corrections within the times established in regulation R-PS-0008 Specific regulation for the certification of Food Safety Management Systems FSSC 22000, and if applicable, submit to the complementary verification.](#)

The decision on the reversal will be communicated to the applicant and to the interested parties within ICONTEC through the form F-PS-0514 RESOLUTION OF THE APPEAL FOR RECONSIDERATION and the

respective letter of response to the appeal for reconsideration as indicated in document F-PS-0513 LETTER OF RESPONSE TO REVERSAL.

Note: See item 5.2 Appeals, it may happen that in appeals the decision of reconsideration is modified.

5.1.2 Follow-up to provisions contained in the resolution of the appeal for reconsideration

The Director/Manager of each service or whoever he delegates, must carry out timely follow-up on compliance with the decisions and times given in the reinstatement resolution and must request from those involved in said response, evidence of compliance with these actions.

5.2. Appeals

The application must be submitted by the Organization, with the supporting evidence, within the terms and conditions established in the **Service Regulations or respective commercial agreement, as applicable**. If the Organization does not file an appeal in writing after this period, it is understood that it accepts such decisions, without any subsequent judicial or extrajudicial claims.

All appeal requests that reach ICONTEC must have an acknowledgement of receipt, which can be done by means of ICONTEC's correspondence stamp, by email if the request arrives by this means, or using the format F-PS-0515 LETTER OF ACKNOWLEDGEMENT OF RECEIPT OF REVERSALS AND APPEALS and must be registered for control in the control table of appeals of reversals and appeals F-PS-0511 RESTOCKINGS AND

APPEALS. If the request is received by e-mail, the person who receives it must confirm receipt of it 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, Rapporteur, Director of Operations, professional assigned to the investigation and representatives of the appeals committee), the receipt of the appeal and will convene the **Appeals Committee** to investigate the case, thus ensuring that there is no discriminatory treatment against the appellant.

Note: The filing of an appeal by the applicant suspends the terms of the decision until the corresponding instance decides on the request, after having carried out the corresponding investigation, in accordance with the deadlines and conditions specified in each service regulation.

5.2.1 Appeal Review and Analysis

Along with the summons of the appeals committee, the communication of the appeal sent by the organization, with its respective supports and a copy of the resolution of reconsideration (not accepted by the organization), must be sent by email to the members of the Committee, for analysis. To convene a committee session, the assigned collaborator(s) must make a request to the Technical Management Assistant, providing the necessary information to be sent as appropriate.

The **Appeals Committee** must carry out the analysis of the information and if it deems it pertinent may request additional information from the parties involved (auditor/evaluator, rapporteur, client and/or authorities) in order to ensure a complete analysis of said information that allows decisions to be made independently.

The **Appeals Committee**, based on its analysis, may modify the initial decisions and those established in the reinstatement resolution. ICONTEC will respond to the appeal within a maximum of thirty (30) [calendar days](#) after receiving the appeal notification, [or within the timeframes and conditions established in the Service Regulations or the respective commercial agreement, as applicable.](#) Please note that during the months of December and January, appeal response times may be extended due to ICONTEC staff availability. However, the client will be notified of any additional time required for the process.

While ICONTEC resolves the appeal, the terms for submitting the action plan and for resolving the non-conformities are suspended, which will continue to run once the appeal is decided.

[Note: In the case of certification services under the FSSC 22000 standard, while ICONTEC resolves the appeal, the deadlines for submitting the action plan and for resolving non-conformities are not suspended, so the client must send the action plans, evidence of implementation of the corrections within the times established in regulation R-PS-0008 Specific regulations for the certification of Food Safety Management Systems FSSC 22000, and if applicable, submit to the complementary verification.](#)

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

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

Where relevant, the applicant will be kept informed of the progress of the investigation of his or her appeal. It is up to this **Appeals Committee** to make decisions regarding appeals received in conformity assessment services, based on the information submitted. Once the investigation has been conducted, the Appeals Committee shall decide on the appeal within the time limit set out in each service regulation following the acknowledgement of receipt of the appeal. The decision on the appeal will be communicated to the applicant formally and in writing through the form F-PS-0510 APPEAL RESOLUTION and the respective appeal 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 complied with and the results will be 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 that may be necessary. 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 by means of the F-PS-0510 APPEAL RESOLUTION form, so that they can proceed to comply with what is defined therein and the case is closed.

5.2.2 Follow-up to provisions contained in the resolution of the appeal

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

All the follow-up and control of the appeals and appeals must be recorded from receipt to closing in the format of the control table of reversals and appeals F-PS-0511 CONTROL TABLE OF REVERSALS AND APPEALS.

5.3. Rules of Operation of the Appeals Committee

5.3.1 Members of the Appeals Committee

The Appeals Committee shall be composed of:

- Technical Director or his delegate
- Legal Chief or his/her delegate
- Director of Standardization or his delegate.
- 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 deems it necessary to provide technical support for a specific issue to be analyzed in the appeal or the technical clarification of the reversal to which the corresponding Technical Unit responded, it may request the participation of a technical expert.

5.3.2 Functions of the members of the appeals committee

- To attend the meetings of the committee that are convened and to participate in the debates and in the adoption of decisions.
- Analyze the information submitted by the appellant and request additional information from the appellant if it deems it necessary.

- To keep records of their actions and concepts.
- Refrain from participating in the committee when the issues discussed may generate situations of conflict of interest.
- Comply with this procedure.

5.3.3 Appeals Committee Secretariat

The activities of secretary of the Appeals Committee will be carried out by the Director/Manager of the relevant conformity assessment service. The Appeals Committee Secretariat shall perform the following functions:

- Convene committee sessions;
- Verify the existence of a quorum for each committee meeting
- To direct the meetings of the committee, seeking consensus in the adoption of any decision whenever possible.
- Prepare and submit to the committee the documents that will support its decisions;
- Ensure that its members handle all information with due confidentiality, declaring impediments when conflicts of interest arise.
- Drafting appeal decisions
- Register and archive committee correspondence and take responsibility for its preservation;
- To process matters within the competence of the committee;
- To project the concepts and decisions to be issued or adopted by the committee; • Comply with and enforce what is described in this procedure.

5.3.4 Quorum

The Appeals Committee may meet and deliberate with all its members. Decisions shall be taken by a majority of the members of the committee with a vote.

5.3.5 Venue and sessions

The meetings of the Appeals Committee will be held at the ICONTEC facilities. The venue of the meetings may be changed when circumstances so require, giving timely notice to all its members. The committee will meet each time an appeal is received, at the request of the Director/Manager of the relevant conformity assessment service. The Appeals Committee shall decide on each appeal received within the time limit defined in the Certification Regulations for 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.

5.3.6 Committee Minutes

Of the decisions made in the sessions of the committee, the record F-PS-0510 APPEAL RESOLUTION will be left, where it will be recorded by signature of the members of the committee who participated in the decision. This record will be part of the respective appeal file. The vote salvages, if any, shall be indicated in a record annexed to the appeal resolution.

6. REFERENCED DOCUMENTS

- R-PS-0013 REGULATIONS FOR THE CERTIFICATION OF SERVICES AND PROCESSES
- R-PS-0007 REGULATION OF ICONTEC CERTIFICATION OF MANAGEMENT SYSTEMS
- R-PS-0015 REGULATION FOR THE CERTIFICATION OF SIA ACCREDITED INSPECTION SERVICES
- R-PS-0003 REGULATION OF THE COMMITTEE OF COMPLAINTS TO THE DECISION OF ACCREDITATION IN HEALTH
- R-PS-0012 REGULATIONS FOR VALIDATION AND VERIFICATION SERVICES
- [R-PS-0019 REGULATIONS FOR THE CERTIFICATION OF TANGIBLE PRODUCTS](#)
- P-GO-0004 IMPROVEMENT OF THE INTEGRATED MANAGEMENT SYSTEM
- P-SC-0002 TREATMENT OF PQRS AND THIRD-PARTY COMPLAINTS
- F-PS-0510 APPEAL RESOLUTION
- F-PS-0511 RESOLUTION AND APPEALS CONTROL TABLE.

- F-PS-0512 RESPONSE LETTER TO APPEALS
- F-PS-0513 LETTER OF RESPONSE TO REPETITIONS.
- F-PS-0514 RESOLUTION OF APPEAL FOR RECONSIDERATION
- F-PS-0515 LETTER OF ACKNOWLEDGMENT OF RECEIPT OF REVERSALS AND APPEALS

7. REFERENCED POSITIONS

Certification Manager

Inspection Manager

Education Manager

Validation and Verification Manager

Technical Director

Director of Health Accreditation

Director of Standardization

Chief Operating Officer

Director of Corporate Relations

Legal Head

Technical System Certification Leader

Technical Product Certification Leader

Technical Inspection Leader

Professionals from each Technical Unit assigned for the investigation and treatment activities of the reinstatement and/or appeal

Assistant Director/Management of the service that performs the treatment to the replacement and/or appeal Customer Service Coordinator

Technical Management Assistant