

## **Provision for Handling of Appeals and Complaints Concerning the JFS-C Certification Scheme**

### **1. Objectives**

This document specifies the provisions for the handling of appeals and complaints regarding the JFS-C Certification Scheme for the purpose of protecting accreditation bodies, certification bodies, certified organizations and other stakeholders using the Scheme from errors, negligence or inappropriate conduct.

### **2. Definitions**

(1) Appeals and complaints shall be defined as follows.

1) Appeal

An appeal refers to an act conducted by any accreditation body, certification body, certified organization or individual party against whom JFSM has made a disadvantageous decision in response to its application or complaint filed and who has an objection to the decision to make a request to JFSM for the reconsideration of the decision.

2) Complaint

A complaint refers to a statement of dissatisfaction, excluding any appeal, made by any individual or organization with respect to those activities of JFSM, any accreditation body, certification body or certified organization that fall under any of the items below in the hope of receiving a response.

a) Matters associated with operation of the JFS-C Certification Scheme

b) Matters associated with the JFS-C Standard, the Standard Guidelines, the Standard interpretations, the JFS-C Certification Scheme document or the content of any of these documents related to the JFS standards

c) Other matters associated with administrative work conducted by JFSM

(2) Four-Party Consultation

Four-party consultation refers to consultation by the group consisting of the Chairperson of the Board of Directors, the Secretary-General, the Chief of the Propagation Promotion Headquarters and the Chief of the Technical Headquarters.

(3) Appeal Handling Panel

The Appeal Handling Panel refers to a panel that independently examines an appeal filed against JFSM from an impartial standpoint and makes a decision on whether or not the appeal is appropriate.

### **3. Responsibilities**

(1) The Chairperson of the Board of Directors shall have the following responsibilities to:

1) make decisions on the acceptance of appeals and complaints;

2) convene the Appeal Handling Panel;

3) check whether or not the response of any accreditation body, certification body and/or certified organization is appropriate; and

4) make decisions on the policy in response to complaints.

- (2) The Secretary-General shall have the responsibilities to:
  - 1) act as an office for the Appeal Handling Panel; and
  - 2) ensure corrective actions derived from appeals and complaints.
- (3) The Appeal Handling Panel shall have the duties to deliberate on appeals and make judgments on them.

#### **4. Application**

##### **4.1 Contact for and Acceptance of Appeals and Complaints**

JFSM shall accept appeals and complaints filed using the **Appeal or Complaint Statement (Form 1)** hereto attached) or by any means by which the details of the appeal or the complaint are clear (including e-mail and other electromagnetic methods). JFSM, shall in principle, accept no oral statements of appeal or complaint.

##### **4.2 Acceptance of Appeals and Complaints**

- (1) The General Affairs Department of the Secretariat shall check with the party filing an appeal or complaint (hereinafter referred to as “the filing party”) regarding the facts associated with the appeal or complaint and report the results to the Chairperson of the Board of Directors, the Secretary-General, the chief of the Propagation Promotion Headquarters and the Chief of the Technical Headquarters.
- (2) The four-party consultation shall discuss whether or not the appeal or complaint filed may be accepted. In accordance with its results, the Chairperson of the Board of Directors shall decide to accept what falls under 2 (1) 1) as an appeal and what falls under 2 (1) 2) as a complaint.

However, no matter that falls under any of the items below shall be accepted.

  - 1) Any matter that is deemed to be outside the responsibility or authority of JFSM
  - 2) Any appeal or complaint filed by a party whose name and contact address cannot be identified
  - 3) Any matter about which a civil lawsuit, civil conciliation or other judiciary proceedings are pending
  - 4) Any matter that is clearly identical to a matter about which another appeal or complaint has already been accepted by JFSM; provided, however, that an appeal or complaint on the same event shall be accepted if it is filed regarding a different matter or for any different reason or there is any change in circumstances, such as the submission of new facts.
- (3) After deliberation in the four-party consultation, the Chairperson of the Board of Directors shall designate which of the following three categories the complaint whose acceptance has been determined falls under.
  - 1) Complaints about an accreditation body or certification body
  - 2) Complaints about a certified organization
  - 3) Other complaints
- (4) Upon deliberation in the four-party consultation, the Secretary-General shall select the Secretariat personnel for any appeal or complaint whose acceptance is decided (hereinafter referred to as “the appointed personnel”) from among the JFSM personnel who do not directly engage in the business concerned with the appeal or complaint.
- (5) As soon as the acceptance is decided, the General Affairs Department shall provide a notice of acceptance to the filing party with the use of the **Notice of Acceptance (Form 2)** hereto attached).
- (6) After a decision on acceptance made, the steps prescribed in 4.4 shall apply to appeals and those prescribed in 4.5

shall apply to complaints.

#### 4.3 Non-Acceptance

The following provides for the steps that shall be implemented after a decision of non-acceptance made.

- (1) As soon as the non-acceptance of an appeal or complaint is decided, the General Affairs Department of the Secretariat shall provide a notice of non-acceptance to the party filing it with the use of the **Notice of Non-Acceptance (Form 3)** hereto attached).
- (2) If the filing party is dissatisfied with the decision of non-acceptance, it may file an appeal against it to JFSM with the use of the **Appeal or Complaint Statement (Form 1)** hereto attached) no later than fourteen (14) days after the receipt of the notice of non-acceptance mentioned in 4.3(1).
- (3) In the event of an appeal against the decision of non-acceptance, the four-party consultation shall discuss whether or not the appeal is appropriate. On the basis of the results thereof, the Chairperson of the Board of Directors shall make a decision of acceptance if the appeal is recognized as appropriate.

#### 4.4 Handling of Appeals

- (1) The appointed personnel shall investigate and verify the facts in connection with the appeal. The investigation and verification shall be conducted, for example, by hearing from the certification body, organization and other parties concerned with the appeal and by interviewing the filing party at appropriate times.
- (2) Upon acceptance of an appeal, the Chairperson of the Board of Directors shall convene the Appeal Handling Panel.
- (3) The Appeal Handling Panel shall follow the steps stipulated in the **Provision for the Appeal Handling Panel (Annex 1)** hereto attached).
- (4) JFSM shall put off making a decision on the appeal and take action on the assumption of the circumstances before the decision is made until the Appeal Handling Panel reaches a conclusion.
- (5) The appointed personnel shall report to the filing party on the progress made at the Appeal Handling Panel and the resolutions it has adopted at appropriate intervals with the use of the **Appeal and Complaint Handling Record (Form 4)** hereto attached).
- (6) Upon termination of the deliberations at the Appeal Handling Panel, the appointed personnel shall promptly provide a notice of the deliberation results with the use of the **Notice of Appeal Deliberation Results (Form 5)** hereto attached) together with a draft of the document to be published on the JFSM website and the Deliberation Results Report prepared by the Appeal Handling Panel.
- (7) If the filing party is dissatisfied with the results of the deliberations, it may file an appeal against them to JFSM with the use of the **Appeal or Complaint Statement (Form 1)** hereto attached) no later than fourteen (14) days after the receipt of the notice mentioned in the preceding paragraph.
- (8) In the event of an appeal against the results of the deliberations, the steps for acceptance stipulated in 4.2 and the steps for handling it stipulated in 4.4 shall be followed.

#### 4.5 Handling of Complaints

The appointed personnel shall handle a complaint by taking the steps stipulated below in accordance with the category of the complaint determined by the Chairperson of the Board of Directors in 4.2 (3).

(1) Complaints about accreditation bodies or certification bodies

- 1) The appointed personnel shall ask the accreditation body and/or the certification body concerned to carry out an investigation and response concerning the complaint and to report their results to JFSM.
- 2) The accreditation body and the certification body shall report the results of their investigation and response to JFSM.
- 3) The four-party consultation shall discuss whether or not the response of the accreditation body and the certification body is appropriate.
- 4) If the Chairperson of the Board of Directors deems it necessary to investigate the accreditation body or the certification body as a result of the four-party consultation, JFSM shall directly visit the accreditation body or the certification body to carry out an investigation.
- 5) If the Chairperson of the Board of Directors deems the accreditation activities of the accreditation body or the certifying activities of the certification body questionable as a result of the visiting investigation and deliberations at the four-party consultation, it shall make a written request to the body concerned for correction.

(2) Complaints about Certified Organizations

- 1) The appointed personnel shall ask the certification body that has granted certification to the certified organization concerned to carry out an investigation and response concerning the complaint and to report the results in writing to JFSM.
- 2) The certification body shall report the results of the investigation and response to JFSM.
- 3) The four-party consultation shall discuss whether or not the response of the certification body is appropriate.
- 4) If the Chairperson of the Board of Directors deems it necessary to investigate the accreditation body or the certification body as a result of the four-party consultation, JFSM shall directly visit the accreditation body or the certification body to carry out an investigation.
- 5) If the Chairperson of the Board of Directors deems the certifying activities of the certification body questionable or the response of the certified organization having problems as a result of the visiting investigation and deliberations at the four-party consultation, it shall make a written request to the certification body concerned for correction.

(3) Complaints Other Than Those Mentioned in 4.5 (1) and (2)

- 1) The appointed personnel shall investigate and verify the facts in connection with the complaint. The investigation and verification shall be conducted, for example, by hearing from the parties concerned and by interviewing the filing party at an appropriate time.
- 2) The appointed personnel shall draft a policy for response to the complaint (hereinafter referred to as “response policy”) on the basis of the investigation and verification results.
- 3) After deliberation at the four-party consultation, the Chairperson of the Board of Directors shall consider the

draft response policy to determine the response policy.

4) The appointed personnel shall handle the complaint in accordance with the response policy.

5) If necessary or upon request from the filing party, the appointed personnel shall report the progress of the complaint handling process to the filing party with the use of the **Appeal and Complaint Handling Record (Form 4)** hereto attached).

(4) Steps after Termination of Complaint Handling

1) Upon termination of the complaint handling, the appointed personnel shall promptly give notice of the results of the handling to the filing party with the use of the **Notice of Complaint Handling Results (Form 6)** hereto attached) together with a draft of the document to be published on the JFSM website.

2) If the filing party is dissatisfied with the complaint handling results, it may file an appeal against them to JFSM with the use of the **Appeal or Complaint Statement (Form 1)** hereto attached) no later than fourteen (14) days after the receipt of the Notice of Complaint Handling Results.

3) In the event of an appeal against the complaint handling results, the steps for acceptance stipulated in 4.2 and the steps for handling it stipulated in 4.4 shall be followed.

## 5. Others

### 5.1 Suspension of Appeal and Complaint Handling

If the matter concerned with an appeal or complaint accepted is put to litigation or arbitration before the handling reaches completion, the handling pursuant to this Provision shall be suspended until the end of the litigation or arbitration.

### 5.2 Record and Reporting of Appeal and Complaint Handling

(1) The appointed personnel shall keep records of the progress of the handling of the appeal or complaint accepted, appeal deliberation results and complaint handling policy on the **Appeal and Complaint Handling Record (Form 4)** hereto attached).

(2) The Secretary-General shall report to the Board of Directors on the progress of the handling of appeals and complaints accepted, appeal deliberation results, complaint response policies, the handling end results and the existence or absence of appeals against the response.

### 5.3 Standard Handling Period

The standard handling periods for individual processes shall be as follows.

1) The period from the start of deliberation at the Appeal Handling Panel to the notice of deliberation results shall not exceed six (6) months, in principle.

2) The period from the decision to accept a complaint to the determination of the complaint response policy shall not exceed thirty (30) days, in principle.

### 5.4 Publication of Appeal Deliberation Results and Complaint Handling Results

If there is any body or organization concerned with the publication of the items specified below on the JFSM

website apart from the filing party, JFSM must ask the body or the organization whether or not they may be published on the website.

- 1) Details of the appeal or complaint
- 2) Appeal deliberation results
- 3) Complaint handling results

### **5.5 Prohibition of Discriminatory Behaviors**

The Chairperson of the Board of Directors and the Secretary-General shall respond to appeals and complaints in a fair and appropriate manner and make the JFSM personnel aware of them, and ensure that the decision on the policy for the acceptance of appeals and complaints filed, investigations and response to complaints does not lead to any discriminatory behaviors.

### **5.6 Non-Disclosure**

JFSM shall keep confidential any information acquired on the basis of appeal and complaint handling and information on decisions, and shall not disclose it to any third party or publish it without the consent of the filing party, related bodies and organizations and other stakeholders.

### **5.7 Flow Chart for Handling of Appeals and Complaints**

As for reference, **Flow Chart for Handling of Appeals and Complaints (Annex 2** hereto attached) is attached.

## **Annex 1: Provision for the Appeal Handling Panel**

### **1. Objective**

This document specifies the provisions for the Appeal Handling Panel that has been established for independently deliberating appeals filed against JFSM in connection with the operations of the JFS-C Certification Scheme from a fair and impartial standpoint to judge whether or not they are appropriate and to make recommendations for necessary actions.

### **2. Composition of the Panel**

The Board of Directors shall select the general manager and other members of the Appeal Handling Panel. The Appeal Handling Panel shall consist of the general manager and the members ranging between three and five inclusive, including at least one academic expert, one person concerned with the food industry and one person concerned with consumers.

Their term of office shall be two years, and they may be re-selected.

### **3. Application**

#### **3.1 Convocation of the Panel**

The Chairperson of the Board of Directors shall call the general manager and the members for a Panel meeting as soon as an appeal is accepted.

The general manager and/or any other member(s) who are found to have special interests in the matter subject to deliberation shall be disallowed from taking part in the deliberation.

The appointed personnel shall send the results of their investigation and verification of the matters subject to deliberation to the general manager and the other members in advance in accordance with 4.4 (1) in the **Provision for Handling of Appeals and Complaints Concerning the JFS-C Certification Scheme (C01P08)**.

#### **3.2 Deliberation of Appeals**

(1) The Appeal Handling Panel may collect evidence by the methods mentioned below as appropriate.

- 1) Request to the filing party for the submission of additional materials or hearings from the filing party
- 2) Outsourcing of investigations and other actions necessary for deliberation by the Panel

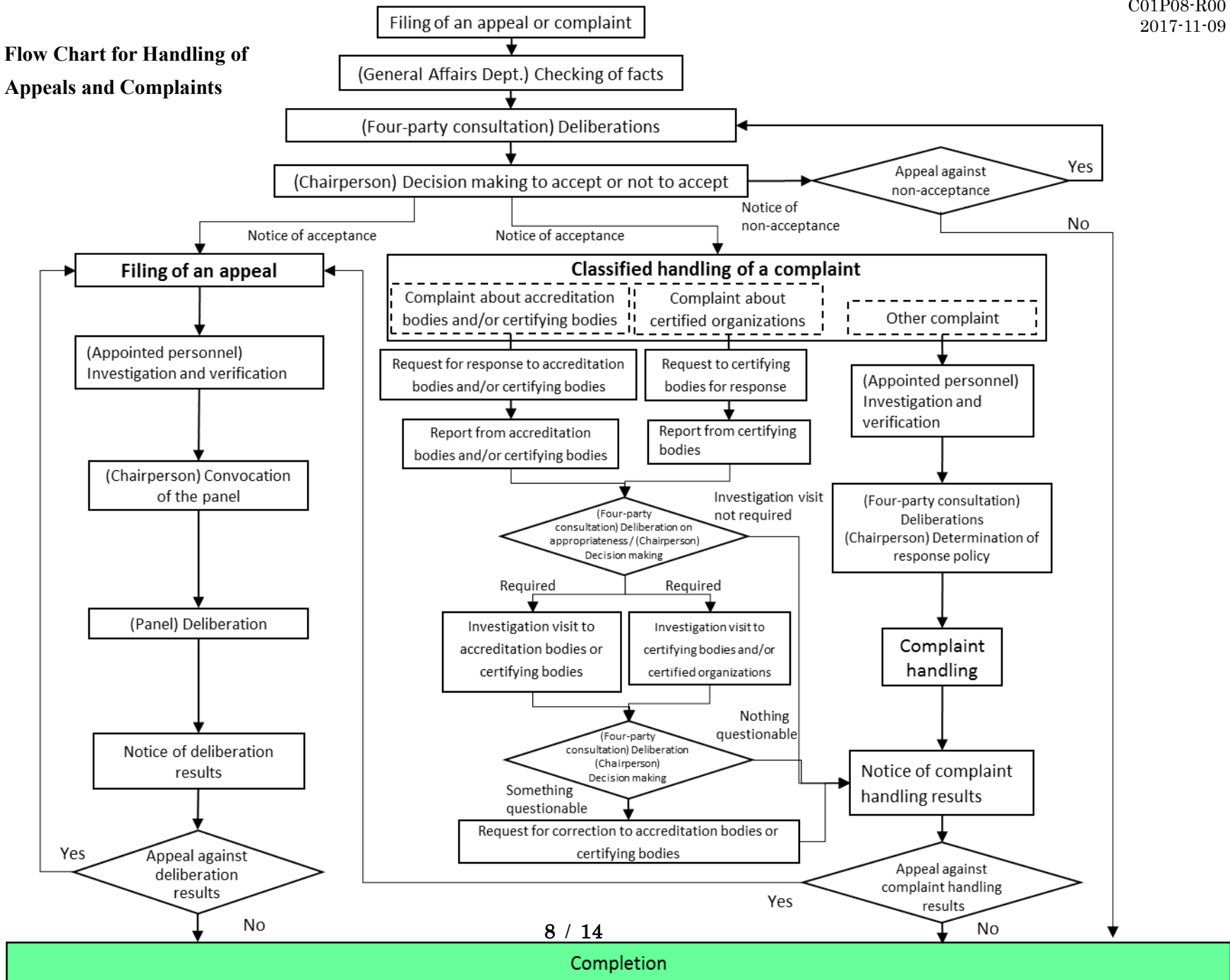
(2) Upon request from the filing party, the Appeal Handling Panel shall give it the opportunity to state its opinions on the occasion of deliberation.

(3) The Appeal Handling Panel shall judge whether or not the appeal is appropriate from a fair and impartial standpoint and organize the deliberation results to prepare a **Deliberation Results Report** (including recommendations of actions to be taken by the JFSM if necessary).

#### **3.3 Reporting of the Deliberation Results**

The Appeal Handling Panel shall report its deliberation results to the Chairperson of the Board of Directors by submitting the Deliberation Results Report. The reporting to the Chairperson of the Board of Directors shall conclude the deliberation process of the Appeal Handling Panel.

**Annex 2: Flow Chart for Handling of Appeals and Complaints**





**Form 1**

To: Japan Food Safety Management Association

**Appeal or Complaint Statement**

Date	
Organization	
<i>"Furigana" for JP only</i>	
Name	
Contact Information	Postal Address:
	Telephone:
	Fax:
	E-mail:
Statement	(Separate sheets may be attached.)
Supporting Materials, etc.	(If any supporting documents and materials are attached, please specify their titles.)

For Use by the Secretariat Only

Date of Receiving:

Name of Receiving Person:

(Receiving person -> Receiving personnel: General Affairs Dept., Secretariat)

**Form 2**

**Notice of Acceptance**

Date: \_\_\_\_\_

Dear \_\_\_\_\_,

Thank you for your daily support of and cooperation with the Japan Food Safety Management Association (JFSM).

We would like to inform you that we have decided to accept the complaint or appeal that you filed on the date of \_\_\_\_\_ as a complaint or appeal that we at JFSM should deal with properly as a result of our deliberations in accordance with the Provision for Handling of Appeals and Complaints (C01P08).

We will discuss the matter and report the results to you at a later date.

During this process, we may possibly ask you for details about the matter. In this event, we would be grateful if you could kindly cooperate.

In addition, for the purpose of ensuring the fairness and impartiality of our deliberations, we would hereby ask you whether you grant consent for us to provide the accreditation body, the certification body or the certified organization associated with the appeal or complaint with information on the items shown below. If you do not consent to this, please notify the contact personnel shown below in writing, by fax or by e-mail no later than one (1) week from the receipt of this notice.

- Details of the complaint or appeal
- Name and organization of the person filing the complaint or appeal

Thank you in advance for your cooperation.

Sincerely,

Japan Food Safety Management Association

**For inquiries, contact: Japan Food Safety Management Association (JFSM)**  
Burex Kojimachi Bldg., 3-5-2 Kojimachi, Chiyoda-ku, Tokyo 102-0083 JAPAN  
Phone: +81-(0)3-6862-9691, Fax: +81-(0)3-6862-9697  
E-mail: XXXXXX Contact Person: XXXXXX

Note: The Provision for Handling of Appeals and Complaints (C01P08) and the Appeal and Complaint Statement (C01P08 Form 1) are available on the JFSM website.

**Form 3**

**Notice of Non-Acceptance**

Date: \_\_\_\_\_

Dear \_\_\_\_\_,

Thank you for your daily support of and cooperation with the Japan Food Safety Management Association (JFSM).

We would like to inform you that we have discussed the complaint or appeal that you filed on the date of \_\_\_\_\_ in accordance with the Provision for Handling of Appeals and Complaints (C01P08), and that we have consequently determined that it does not fall under the complaints or appeals that we should deal with for the reasons mentioned below.

If you have an objection to this notice of non-acceptance, you may file an appeal with us by using the Appeal and Complaint Statement (C01P08 Form 1) within fourteen (14) days from your receipt of this notice.

Thank you in advance for your understanding of and cooperation with our activities.

Sincerely,

Japan Food Safety Management Association

(Reasons for Non-Acceptance)

**For inquiries, contact: Japan Food Safety Management Association (JFSM)**

Burex Kojimachi Bldg., 3-5-2 Kojimachi, Chiyoda-ku, Tokyo 102-0083 JAPAN

Phone: +81-(0)3-6862-9691, Fax: +81-(0)3-6862-9697

Note: The Provision for Handling of Appeals and Complaints (C01P08) and the Appeal and Complaint Statement (C01P08 Form 1) are available on the JFSM website.

**Form 4**

**Appeal or Complaint Handling Record**

Japan Food Safety Management Association

Date of Acceptance:

Filing Party:

Date	Contact	Handling Personnel	Description

**Form 5**

**Notice of Appeal Deliberation Results**

Date: \_\_\_\_\_

Dear / To \_\_\_\_\_,

Thank you for your daily support of and cooperation with the Japan Food Safety Management Association (JFSM).

We would like to inform you that with respect to the complaint or appeal that you filed on the date of \_\_\_\_\_, we have made a decision as described on the attached sheet as a result of deliberations at our Appeal Handling Panel in accordance with the Provision for Handling of Appeals and Complaints (C01P08).

We would like to publish the attached document on our website with your consent, and we would be grateful if you could possibly notify us as to whether or not you consent to the publication within one (1) week from your receipt of this notice.

If you have an objection to the deliberation results, you may file an appeal with us using the Appeal and Complaint Statement (C01P08 Form 1) within fourteen (14) days from your receipt of this notice.

Thank you in advance for your understanding of and cooperation with our activities.

Sincerely,

Japan Food Safety Management Association

Enclosure:

One copy of the draft of the document to be published on the website

**For inquiries, contact: Japan Food Safety Management Association (JFSM)**

Burex Kojimachi Bldg., 3-5-2 Kojimachi, Chiyoda-ku, Tokyo 102-0083 JAPAN

Phone: +81-(0)3-6862-9691, Fax: +81-(0)3-6862-9697

E-mail: XXXXXX Contact Person: XXXXXX

Note: The Provision for Handling of Appeals and Complaints (C01P08) and the Appeal and Complaint Statement (C01P08 Form 1) are available on the JFSM website.

**Form 6**

**Notice of Complaint Handling Results**

Date: \_\_\_\_\_

Dear / To \_\_\_\_\_,

Thank you for your daily support of and cooperation with the Japan Food Safety Management Association (JFSM).

We would like to inform you that with respect to the complaint that you filed on the date of \_\_\_\_\_, we have made a decision as described on the attached sheet as a result of our consideration in accordance with the Provision for Handling of Appeals and Complaints.

We would like to publish the attached document on our website with your consent, and we would be grateful if you could possibly notify us as to whether or not you consent to the publication within one (1) week from your receipt of this notice.

If you have an objection to the handling results, you may file an appeal with us using the Appeal and Complaint Statement (C01P08 Form 1) within fourteen (14) days from your receipt of this notice.

Thank you in advance for your understanding of and cooperation with our activities.

Japan Food Safety Management Association

Enclosure:

One copy of the draft of the document to be published on the website

**For inquiries, contact: Japan Food Safety Management Association (JFSM)**

Burex Kojimachi Bldg., 3-5-2 Kojimachi, Chiyoda-ku, Tokyo 102-0083 JAPAN

Phone: +81-(0)3-6862-9691, Fax: +81-(0)3-6862-9697

E-mail: XXXXXX Contact Person: XXXXXX

Note: The Provision for Handling of Appeals and Complaints (C01P08) and the Appeal and Complaint Statement (C01P08 Form 1) are available on the JFSM website.