

## **Provision for Handling of Appeals Concerning the JFS-C Certification Program\*1**

### **1. Objectives**

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

### **2. Definitions**

#### **(1) Appeals**

An appeal refers to an act conducted by any accreditation bodies, certification bodies, training organizations, certified organizations or auditors against whom JFSM has made a disadvantageous decision and who has an objection to the decision to make a request to JFSM for the reconsideration of the decision where the appeal remains unsolved in spite of the initial actions by JFSM.

#### **(2) Executive meeting**

Executive meeting refers to consultation by the group consisting of the President, the Secretary-General, and related group leader(s) of JFSM.

#### **(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 President shall have the following responsibilities to:**

- 1) make decisions on the acceptance of appeals; and
- 2) convene the Appeal Handling Panel.

#### **(2) The Secretary-General shall have the responsibilities to:**

- 1) act as a secretariat function for the Appeal Handling Panel; and
- 2) ensure corrective actions derived from appeals.

#### **(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**

JFSM shall accept appeals filed using the **Appeal Statement (Form 1** hereto attached) or by any means by which the details of the appeal are clear (including e-mail and other

electromagnetic methods). JFSM, shall in principle, accept no oral statements of appeal.

#### 4. 2 Acceptance of Appeals

- (1) The General Affairs Department of the Secretariat shall check with the party filing an appeal (hereinafter referred to as “the filing party”) regarding the facts associated with the appeal and report the results to the President, the Secretary-General, and each group leader of JFSM.
- (2) Executive meeting shall discuss whether or not the appeal filed may be accepted. In accordance with its results, the President shall decide to accept what falls under 2 (1) as an appeal.

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 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 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) Upon deliberation in executive meeting, the Secretary-General shall select the Secretariat personnel for any appeal 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.
  - (4) 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).
  - (5) After a decision on acceptance made, the steps prescribed in 4.4 shall apply to appeals.

#### 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 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 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, executive meeting shall discuss whether or not the appeal is appropriate. On the basis of the results thereof, the

President 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 President 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 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 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.

#### **5. Others**

##### **5. 1 Suspension of Appeal Handling**

If the matter concerned with an appeal 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 Handling**

- (1) The appointed personnel shall keep records of the progress of the handling of the appeal accepted, appeal deliberation results handling policy on the **Appeal 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 accepted, appeal deliberation results, the handling end results and the existence or absence of appeals against the response.

### **5.3 Standard Handling Period**

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

### **5.4 Publication of Appeal Deliberation Results**

If there is any body or organization concerned with the publication of the detail of the appeal, and appeal deliberation results 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.

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

JFSM shall respond to appeals 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 filed, investigations and response to appeals does not lead to any discriminatory behaviors.

### **5.6 Non-Disclosure**

JFSM shall keep confidential any information acquired on the basis of appeal 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**

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

\*1 Disclaimer: This translated document is provided for information purposes only. In the event of a difference of interpretation or a dispute, the original Japanese version of this document is binding

## **Annex 1: Provision for the Appeal Handling Panel concerning the JFS-C Certification Program**

### **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 Program 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. Management of the Panel**

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

The President 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 Concerning the JFS-C Certification Program (PR\_301\_05)**.

#### **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 JFSM if necessary).

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

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

### **4. Duty of Confidentiality**

Panel members shall be responsible for maintaining the confidentiality of all information concerning panel deliberations that comes to their knowledge in the course of their duties at the association.

They shall continue to assume this obligation and responsibility even after resignation from the panel.

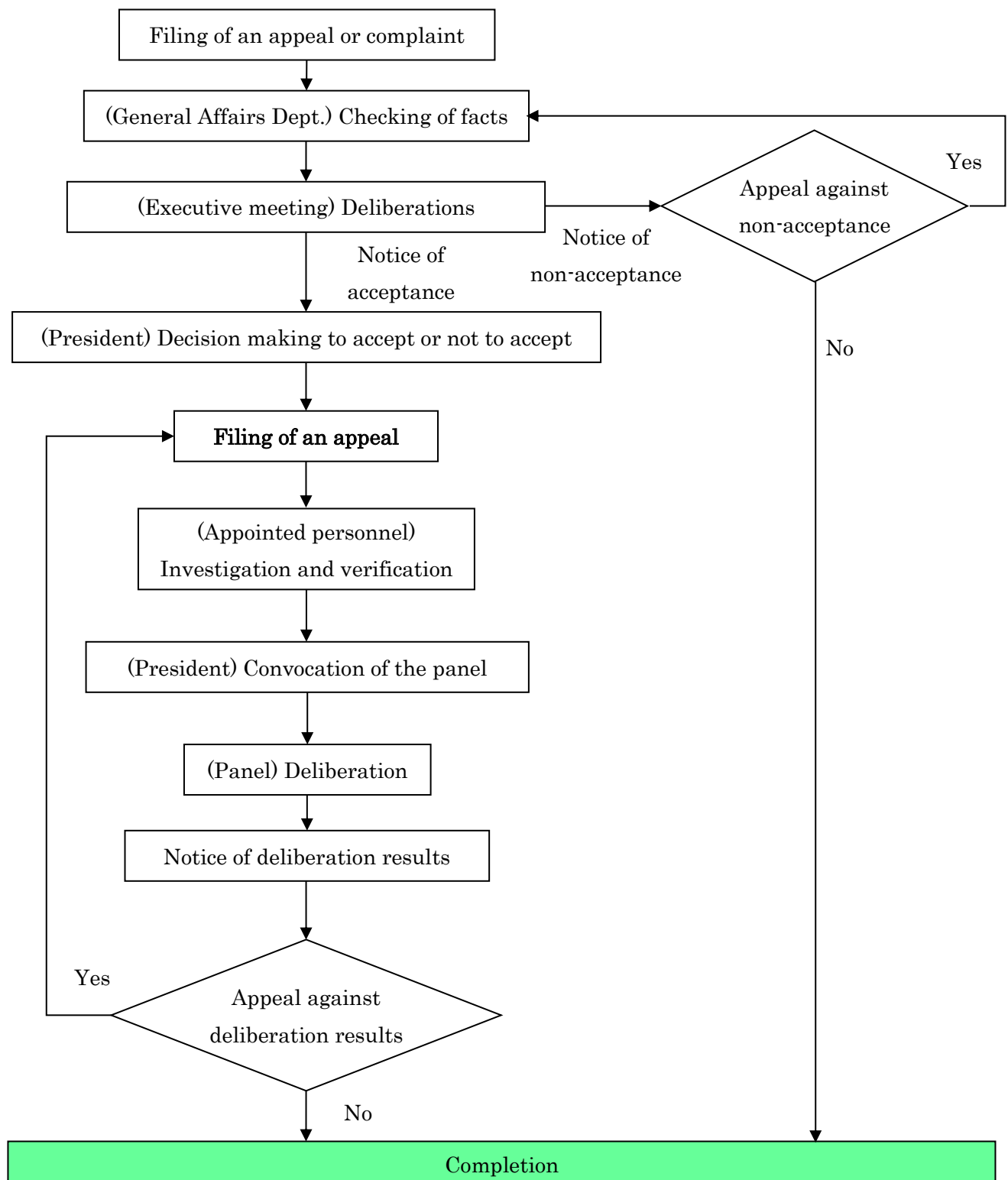
However, the following information is not subject to the obligation of confidentiality.

- (1) Information that is already publicly known
- (2) Information that is already in your possession at the time of disclosure
- (3) Information for which consent has been obtained in advance from the provider who has the legitimate right to possess the information.
- (4) Obtained without obligation of confidentiality from a third party who has a legitimate right to possess the information
- (5) Information that is required to be disclosed by law.

### **5. Remuneration, etc. for Panel Members**

Remuneration and transportation expenses for panel members shall be determined separately.

## Annex 2: Flow Chart for Handling of Appeals



**Form 1**

To: Japan Food Safety Management Association

**Appeal 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 Concerning the JFS-C Certification Program (PR\_301\_05).

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 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

<p><b>For inquiries, contact: Japan Food Safety Management Association (JFSM)</b> 8F, Shintomicho Building, 3-10-9, Irifune, Chuo-Ku, Tokyo Phone: +81-(0)3-6862-9691, Fax: +81-(0)3-6862-9697 E-mail: XXXXXX Contact Person: XXXXXX</p>
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Note: The Provision for Handling of Appeals Concerning the JFS-C Certification Program (PR\_301\_05) and the Appeal Statement (PR\_301\_05Form 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 Concerning the JFS-C Certification Program (PR\_301\_05), and that we have consequently determined that it does not fall under the 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 Statement (PR\_301\_05Form 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)**

8F, Shintomicho Building, 3-10-9, Irifune, Chuo-Ku, Tokyo 104-0042 JAPAN

Phone: +81-(0)3-6268-9691, Fax: +81-(0)3-6268-9697

Note: The Provision for Handling of Appeals Concerning the JFS-C Certification Program (PR\_301\_05) and the Appeal Statement (PR\_301\_05Form 1) are available on the JFSM website.

**Form 4**

**Appeal 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 Concerning the JFS-C Certification Program (PR\_301\_05).

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 Statement (PR\_301\_05Form 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

Note: The Provision for Handling of Appeals Concerning the JFS-C Certification Program (PR\_301\_05)

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

8F, Shintomicho Building, 3-10-9, Irifune, Chuo-Ku, Tokyo 104-0042 JAPAN

Phone: +81-(0)3-6268-9691, Fax: +81-(0)3-6268-9697

E-mail: XXXXXX Contact Person: XXXXXX

and the Appeal Statement (PR\_301\_05Form 1) are available on the JFSM website.

### Revision history

Outline of revision	Date of enactment/revision
Newly published	November 9, 2017
In accordance with the publication of the "Provision for Handling of Complaints" for JFSM, the description of complaints in "Provision for Handling of Appeals and Complaints Concerning the JFS-C Certification Scheme" was removed and renamed to "Provision for Handling of Appeals Concerning the JFS-C Certification Scheme".	February 18, 2020
With the release of JFS-C Certification Program Ver. 3.1, the provision name was changed to "Provision for Handling of Appeals Concerning the JFS-C Certification Program".	August. 18, 2021
The definition of some terms such as an appeal was revised.	June 27, 2022