

Complaint and Appeal process 申訴抱怨程序

A. General 總則

1. The applicants of certification who believe they are adversely affected by a noncompliance decision may compliant or appeal such decision to TOC. 驗證申請者認為本公司所做不符合之決定使其受不利影響時，得向本公司提出抱怨或申訴。
2. All written communication between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service. 所有涉及申訴程序的雙方書面來往信件，皆須以郵件遞送至收件人處所。
3. All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed. 所有申訴將由不涉及該申訴決策的人士審查、公聽和決定。

B. Complaint 抱怨

- 1 Any applicant for certification who has opinion to TOC or TOC's customer, may complain to TOC. 對本公司或客戶之行為有意見時，得向本公司提出抱怨。
- 2 Complaints can be made by e-mail or in writing, and the following should be stated. 抱怨可以電子郵件或書面方式提出，並敘明下列事項。
 - 2.1 Definitely indicate the object of complaint. 明確指出抱怨對象。
 - 2.2 Provide a sufficient explanation of the cause of the complaint (e.g, a statement that violates the provisions of TOC organic code) and its claims. 對抱怨的原因提出充分的解釋(例如：具體說明違反本公司有機規範中那一項規定)及其訴求。
 - 2.3 Relevant supporting documents (if applicable). 相關佐證文件(如有)。
 - 2.4 The basic information of the complainant (name/company name, address, telephone or other contact information). 抱怨者的基本資料(姓名/公司名稱、地址、電話或其他聯絡方式)。
- 3 If the complaint is not made as point paragraph 2 of this section stated or the information is not complete or the complaint is not relevant to the verification activity of TOC, TOC may not respond. 如未以本節第2條方式提出、提出資料不齊全或提出之抱怨與本公司負責的驗證活無關，本公司得視情況不予回覆。
- 4 TOC will decide to accept the complaint or not will be decided, depends on whether the relevant evidence provided by customer is sufficient within 1 month after the complaint is received. 本公司收到抱怨案件一個月內視客戶提出之證據決定是否受理。
- 5 After the complaint is accepted, in principle, the handling of complaints will be complete within 1 month. However, if necessary, the processing period might be extended with the agreement of the complainers. 本公司受理抱怨案後，原則上於一個月內完成抱怨事件之處理，必要時得徵詢抱

怨者同意後延長處理期限。

- 6 If an investigation is no need to the complaint, TOC may reply by telephone, e-mail or written, as appropriate; if necessary, it will be proceeded as follows: 如抱怨案無需調查，本公司得視情況以電話、電子郵件或書面回覆；如需調查，則依下列原則進行：
 - 6.1 TOC may investigate the object of complaint (including TOC's customers) without notice. 本公司得在無預告情況下，對受抱怨對象(含本公司客戶)展開調查。
 - 6.2 Contents of investigation including consult with the review committee, experts/ scholars, on-site inspection or other method that TOC deemed necessary. 調查項目：包括諮詢審查委員或專家學者、實地查驗及其他本公司認定之必要資訊。
 - 6.3 Any person who may affect the justice of the investigation, shall not be the investigator of the case. 任何可能影響調查公正性的關係者，不得擔任該案件之調查工作。
- 7 If the complaint is withdrawn before the investigation is completed, the investigation will be terminated unless TOC finds that the complaint has sufficient facts and is of great significance. 如未完成調查前，抱怨案即撤回，除非本公司認定抱怨案有足夠事實，且具有重大意義外，否則將終止調查。
- 8 The investigation of the case may be terminated, if it has been involved in criminal investigation. 所調查的抱怨案，若已涉及刑事偵查者，得停止調查。
- 9 The complaints should be reviewed or decided by persons who are not involved in the relevant certification activities. To whom have consulted or been hired by the client, he/she will not be allowed to participate in the review or decision of the complaint within two years after the consultation or employment. 抱怨案應由未參與相關驗證活動之人員審查或決定。如曾為客戶提出顧問諮詢或曾受客戶雇用之人員，在顧問諮詢或雇用結束後兩年內亦不得參與抱怨案之審查或決定。
- 10 TOC may disclose or not disclosed, as the case may, the information obtained during the investigation in whole or in part. 除法令規定或本公司保密政策所認定的機密資訊外，本公司得視情況公開或不公開調查所得的全部或部分資料。

C. Appeals 申訴

- 1 An applicant for certification who has objection to TOC's notice of certification, may file an appeal to TOC. 驗證申請者對本公司之驗證決定有異議，得對本公司提出申訴。
- 2 An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. the appeal would not be accepted if not filed in a timely manner. 必須在通知書註明之期限內或收到通知書30天內(以二者之中較晚者為準)提出對不符合決定的申訴。申訴應於收到抱怨裁決、驗證裁決通知之日起一個月內以書面為之，並以一次為限。逾期申訴者，本公司不予受理。
- 3 The appeal should specify the reason and demand in writing. 申訴人應以書面方式明確說明申

訴原因及其訴求。

- 4 The fee for each appeal is NT\$2,500, and which amount will be returned once the appeal is established, no matter if the decision will be changed or not. 單一案件申訴費用為每件新台幣2,500元，若該申訴案成立，則不論裁決是否有異動，申訴費一律退回。
- 5 Upon receipt of the appeal, TOC shall make a preliminary decision on the documents received immediately, and the appeal shall not be accepted if it is unrelated to the control activities. In addition, the applicant must submit other information different from what previous found as the reason for appeal, otherwise the appeal will not be accepted. 本公司收到申訴案件，應立即對所提文件作初步裁決，申訴內容如與驗證活動無關，本公司不予受理。此外，申訴人必須提出有別以往所提資訊，以新資訊做為提出申訴的理由，否則本公司不予受理。
- 6 Investigation and an review committee should be held within 1 months after the appeal is accepted. 本公司受理申訴案後，一個月內應進行案件調查並舉行審查會議。
- 7 TOC Personnel who handle the appeal shall be different from those who handle the inspection and determination of certification. 處理申訴過程的人員需不同於執行稽核與驗證決定的人員。
The investigation of appeals: 申訴案件調查：
Contents of investigation including consult with the review committee, experts/ scholars, on-site inspection or other method that TOC deemed necessary. 調查內容：諮詢審查委員或專家學者、實地查驗及其他本公司認定必要之資訊。
During the period of investigation, the effect of original decision would not be affected; Provided, if necessary, the implementation of relevant decision may suspend. 期間，原驗證決定之效力不受申訴提出之影響；惟必要時，得暫停該案驗證決定之執行。
Any fees derived from the appeals process, such as sample inspection fees or inspection fees, are on the cost by the applicant. 在申訴程序中所衍生的其他費用，如樣品檢驗費或查驗費等，由申訴人支付。
- 8 Conduct the review meeting: After the investigation has been completed, TOC shall notice the applicant and the review team to attend the review committee. If the applicant fails to attend without reason, the appeal shall be deemed to have withdrawn. 召開申訴審查會議：申訴案件於調查完畢後，由本公司通知申訴人及審查小組出席審查會議，申訴人無正當理由未出席者，得視為撤回申訴案件。