

Operating Procedure of Complaint and Appeal process 抱怨及申訴作業程序

I. General 總則

- A. Applicants for certification who believe they have been adversely affected by a noncompliance decision may appeal that 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，得向本公司提出申訴。
- B. Applicants for certification who have concerns regarding TOC or TOC's clients may lodge a complaint with TOC. 對本公司或客戶之行為有意見時，得向本公司提出抱怨。
- C. All written communication between parties involved in appeal or complaint proceedings must be sent to the recipient's place of business through a delivery service. 所有涉及申訴或抱怨程序的雙方來往通訊，皆須以書面(包含電子郵件或一般郵件)送至收件人通訊地址。
- D. All appeals or complaints shall be reviewed, heard, and decided by individuals who are not involved in the decision being appealed or complained about. 所有申訴或抱怨將由不涉及該申訴或抱怨案件的人士審查、公聽和決定。

II. Complaint 抱怨

- A. 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。
- B. 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。
 - 1. Definitely indicate the object of complaint. 明確指出抱怨對象。
 - 2. Provide a sufficient explanation of the cause of the complaint (e.g., a statement that violates the provisions of EU organic regulations) and its claims. 對抱怨的原因提出充分的說明(例如：具體說明違反歐盟有機法規中那一項規定)及其訴求。
 - 3. Relevant supporting documents (if applicable). 相關佐證文件(如有)。
 - 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)。
- C. TOC will decide to accept the complaint or not depends on whether the relevant evidence provided by customer is sufficient within 1 month after the complaint is received. If the complaint does not adhere to the conditions stated in paragraph B of this section, or if the information provided is incomplete or not relevant to TOC's certification activity, TOC may choose not to respond. 本公司收到抱怨案件將視客戶提出之證據決定是否受理，如可受理將以書面方式(包含電子郵件或一般郵件)通知抱怨者並登載於「抱怨及申訴案件作業管制表」列入管制。如未以本節第B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動無關，本公司得視情況不予

回覆。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。

- D. 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：
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。
 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。
 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。
- E. 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。
- F. 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。
- G. 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。
- H. 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。

III. Appeals 申訴

- A. An certification applicant or a certified operator who has objection to TOC's notice of certification, may file an appeal to TOC. 驗證申請者或已獲驗證資格者對本公司之驗證決定有異議時，得對本公司提出申訴。

- B. An appeal of a noncompliance decision must be filed within the time period provided in the notification of certification decision 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. 必須在驗證決定通知書註明之期限內或收到驗證決定通知書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。
- C. 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。
- D. 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。
- E. 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，以新資訊作為提出申訴的理由，否則本公司不予受理。
- F. Investigation and a 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。

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. 在調查期間，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。
- G. 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。



- H. Upon completion of the investigation of the appeals, TOC shall send the resolutions to the applicant in a "Notification of Complaint/Appeal Resolution (QF-012)." 申訴案調查完畢決議後，本公司將申訴處理結果以「抱怨申訴決議通知書(慈QF-012)」函覆申訴人。
- I. If a complaint or appeal reveals a potential recurring noncompliance of certification operation, the "Operating Procedure of Corrective and Preventive Actions (TOC-INT-QP02)." shall be followed to correct the noncompliance. 由抱怨、申訴發現有潛在重複發生的驗證作業缺失時，則依「Operating Procedure of Corrective and Preventive Actions 矯正與預防措施作業程序 (TOC-INT-QP02)」辦理。

IV. 聯絡資訊：

聯絡窗口：總務行政股

(02)7714-6060 分機 30204

電子郵件：info@tw-toc.com
