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6.1 Purpose

This VA regulates the procedure for handling appeals, complaints, disputes and objections submitted to the certification body by the provider or others.

6.2 Application area

These procedural instructions apply to ARS PROBATA GmbH.

6.3 Terms

Complaint: Expression of dissatisfaction awaiting a response - but in a different sense than an objection - by any person or organisation to the certification body regarding the activities of that body.

Appeal: Request by an organisation for reconsideration of a negative decision made by the certification body with regard to the desired certification status.

Objection: is a legal term against official and court decisions. The objection is to be regarded as a preliminary procedure before the possibility of legal action in administrative proceedings.

Dispute: The procedure in the event of an objection/opposition with the support of an arbitration tribunal or lawyer.

6.4 Description

Complaints, appeals, disputes and objections are only accepted in writing to ARS PROBATA. Objections must be lodged no later than 6 months after the certification body has sent the certification result.

Objections must be lodged within one month of notification of the administrative act.

The management of the certification body or inspection body is responsible for the prompt processing of complaints, appeals, disputes and objections.


6.5 Responsibilities and authorisations

6.5.1 Complaint

The receipt of a complaint is first checked to see whether the complaint relates to an activity for which the certification body is responsible.

The receipt of complaints in connection with a certified customer will be confirmed in writing to the customer within 3 working days.

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Confidentiality towards the complainant and the cause of the complaint must be maintained when processing the complaint.

The certification body management is responsible for processing the complaint.

Every complaint, the investigation of the facts and the measures taken must be documented.

All necessary information is obtained and evaluated for processing:

- Questioning the parties involved about the facts of the case
- Background information, e.g. on customer requirements, legal interpretations or expert opinions

An initial response to the complaint will be sent within 10 working days. The complainant will receive a comprehensive written response within 4 weeks. If further information is required for final processing, written interim reports will be sent. The decision, which must be communicated to the complainant and signed by the certification body management, is reviewed and confirmed by persons who were not previously involved in the complaints procedure.

Together with the customer and the complainant, it is determined whether and up to what point degree, the subject matter of the complaint and its resolution must be made publicly accessible. If the complaint is justified, the employees must be informed of the conclusions to be drawn from the complaint and these conclusions must be documented as quality management instructions in the management system. In this case, these audits may be repeated free of charge for the provider.

6.5.2 Objection

Appeals are processed by persons other than those involved in the evaluation, assessment or certification decision and are determined in each case by the certification body management. The organisation initiating the appeal shall confirm receipt of the appeal within 3 working days. A final decision on each appeal received must be made in writing within 20 working days. The investigation of the objection must be neutral and must not lead to discriminatory activities against the provider/certification client.

Every objection, the investigation of the facts and the measures taken must be documented.

All necessary information is obtained and evaluated for processing:

- Questioning the auditor about the facts of the case
- Comparison with the standard
- Background information, e.g. on customer requirements, legal interpretations or expert opinions
- Examination of the certification process


The decision, which must be communicated to the provider or certification client, is reviewed and confirmed by persons who were not previously involved in the objection procedure and signed by the certification body management.

If the objection is justified, the employees must be informed of the conclusions to be drawn from the objection and these conclusions must be documented as quality management instructions in the management system. If no agreement can be reached on the justification of the objection, an arbitration review will be carried out. The arbitration review can be carried out by

- a federal or state institution or
- an impartial inspection body.

A contractual agreement is made regarding the choice of position.

If the appeal is successful, no claims for reimbursement of costs or other losses can be asserted against

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the certification body. In this case, these examinations may be repeated free of charge for the provider. Each decision of the certification body remains valid until the conclusion of the appeal procedure.

6.5.3 Contradiction

If a company lodges an appeal against an administrative decision by the inspection body, the inspection body will re-examine the facts of the case and the decision. If the inspection body comes to the conclusion that the original decision was incorrect and that the objection should be remedied, it issues a remedial decision to the company concerned. If the inspection body considers the original decision to be lawful, it justifies its decision in a technical opinion and forwards this opinion and all necessary original documents to the competent authority.

6.5.4 Dispute

Upon receipt of a dispute, the sender will receive confirmation of receipt within 3 working days. The facts of the case are clarified by the head of the certification body and, if necessary, the management. This process must be documented. The management decides whether external experts should be consulted.

6.6 Archiving

All processes must be archived.


6.7 Confidentiality

In addition - point 7 (2) Confidentiality, data protection - in the GTCs:

If the certification body is obliged to disclose confidential information in the context of its activities as a CB/KS on the basis of a legal provision or specifications of the accreditor and standard setter or body commissioned by a standard setter, the client (CL) or person concerned must be informed of the information provided, unless prohibited by law.

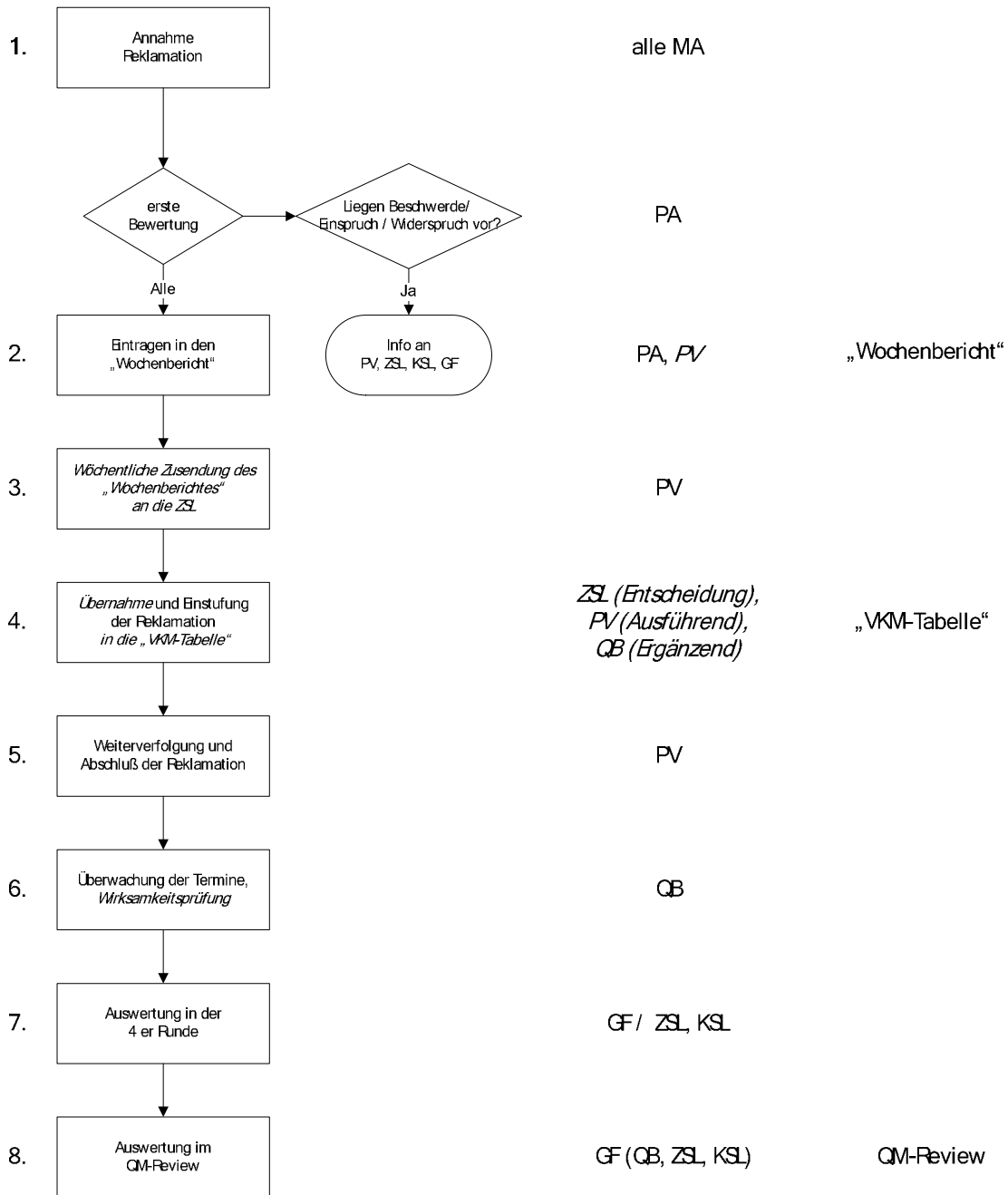
6.8 Publication of the procedure


These procedural instructions are made available to all interested parties and customers on the ARS PROBATA homepage.

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6.9 Complaint processing procedure

Process step ResponsibilityDocumentation



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6.10 Applicable documents

"VKM table"

For the Free State of Bavaria

Implementation of the legal provisions in the field of organic farming by the Bavarian State Ministry of Agriculture and Forestry published in the current version.