

RESOLUTION OF COMPLAINTS AND APPEALS

Any differences between the Serbian and English versions of this document are not intended, but if in doubt, the Serbian version should be consulted.

1. SCOPE

This document shall lay down the procedure to be undertaken by the Accreditation Body of Serbia (ATS) when resolving complaints and appeals referred thereto when these relate to its decisions and work or the work of accredited conformity assessment bodies (CABs).

2. REFERENCE DOCUMENTS, TERMS AND DEFINITIONS AND ACRONYMS

Reference documents:

- SRPS ISO/IEC 17011:2018, Conformity Assessment – Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies;
- Law on Accreditation (“Official Gazette of RS“ No. 73/10, 47/21);
- Rulebook on the manner of establishment and work of the Appeals Committee of the Accreditation Body of Serbia (“Official Gazette of RS“ No. 74/21);
- Decision on Amendments to the Act on Establishment of the Accreditation Body of Serbia (“Official Gazette of RS“, No. 79/2021);
- ATS-PA01, Rules of Accreditation.

Terms and definitions:

Appeal: request by a conformity assessment body for reconsideration any adverse accreditation decision related to its desired accreditation status.

Complaint: an expression of dissatisfaction, other than an appeal, by any person or organisation to an accreditation body relating to activities of the accreditation body or of an accredited conformity assessment body, where a response is expected.

Acronyms:

CAB: conformity assessment bodies

3. COMPLAINT AND APPEAL RESOLUTION PROCESS

3.1 Complaint Resolution

Complaints shall be resolved by the ATS Director in keeping with this Procedure. Complaints may relate to the work of ATS, which includes the work of ATS employees and externally engaged persons, assessors, and technical experts, including complaints about the accreditation process and the application of procedures within it, as well as complaints about the work of accredited conformity assessment bodies.

ATS shall be responsible for gathering and verifying all necessary information for the validation of complaints, as well as for all decisions at all levels of the complaint handling process.

3.1.1 Complaint Resolution Process

3.1.1.1 Receipt and validation of objections

Complaints shall be submitted in writing to ATS, by direct submission of the complaint in the ATS office or by mail (electronic or ordinary). The responsible person in the Department for Financial, Legal and General Affairs shall submit the subject of the complaint to the ATS Deputy Director. Before filling the complaint and opening the file of the complaint, the Deputy Director shall examine whether the submitted document can actually be treated as a complaint (existence of the complainant's address, explicit statement in the received text that it is a complaint/reclamation/objections/dissatisfaction with the work of ATS or accredited conformity

assessment bodies to which ATS response is expected, adequacy of the submitted documents accompanying the complaint, etc.).

ATS shall confirm in writing to the applicant the receipt of the complaint, as well as the date of receipt of the complaint. In case that there are circumstances that are already known (e.g. state of emergency, epidemics, etc.), and can significantly affect the duration of the complaint or the course of resolving the complaint, the complainant shall be notified in a timely manner and, if necessary, reported on the status of resolving the complaint.

3.1.1.2 Investigation of complaints and decision-making on actions related to resolving complaints

After reviewing and analyzing the complaint, the Deputy Director shall submit to the Director a proposal for resolving the complaint. If the content of the complaint is of a more complex nature, i.e. if additional competence is required, the Deputy Director shall propose to the Director the composition of the Committee for Resolving Complaints, which is appointed by the Director (hereinafter referred to as: the Committee). The President of the Committee is, as a rule, the Deputy Director who is responsible for conducting the complaint resolution procedure. In case that the Deputy Director participated in the activities that are the subject of the complaint, the President of the Committee shall be notified from among the employees who did not participate in the activities in question. Other members of the Committee shall be selected from among the employees, taking into account the absence of business interest and the fact that the members of the Committee must not be persons directly or indirectly involved (participated/connected) with the activities subject to objections, in order to ensure independence, impartiality and objectivity.

The Committee shall review the complaint and prepare the *Report on Complaint, ATS-PR16-001*, which also shall contain a proposal for resolving the complaint and submit it to the ATS Director.

In the process of resolving complaints, the Committee may request explanations/information/expertise from third parties/organizations/expert body or ATS body/Committee for selection and performance monitoring of assessors and technical experts/ assessors and experts, etc. taking into account confidentiality (see cl. 3.1.1.4).

Externally engaged persons participating in the appeal procedure shall be required to sign the *Declaration of Confidentiality, ATS-UP10-006* and the *Declaration of Absence of Conflict of Interest, ATS-UP10-005*.

The Committee may request an explanation/information from the person to whom the complaint relates, and may also request CAB to first resolve the complaint in question and submit evidence of its resolution no later than 15 days from the receipt of the request.

The Committee, with the approval of the Director, may conduct an unannounced visit to CAB, if the complaint concerns him, in order to gather appropriate information in order to resolve the complaint.

During the complaint resolution process the ATS Director can make a decision on undertaking of the following actions:

- extraordinary assessment of an accredited CAB or
- extraordinary internal audit at ATS.

Request for extraordinary assessment of CAB shall only be given if in making the decision about the complaint it is not otherwise possible to collect data about the circumstances that led to the complaint.

The ATS Director shall make a final decision on the complaint by taking into consideration the proposed solution given in the Report on resolution of the complaint and all the relevant information from the complaint resolution file that was submitted. In the process of resolving the

complaint, ATS adheres to the principle that the investigation and the decision on the complaint shall not result in any discriminatory action against the complainant.

The complainant shall be notified in writing of the decision on the complaint, i.e., the reply to the complaint shall be delivered within a period not longer than 30 days from the day when the complaint was registered in ATS. Along with the decision on the complaint, the complainant shall be provided, possibly, with information on additional activities to be undertaken by ATS, which are related to the subject of the complaint. These activities relate, but are not limited to, to verifying certain facts regarding the complaint in question during the next assessment of CAB, the results of which will be notified to the complainant, if necessary.

The deadline for resolving the complaint may be extended in case additional time is needed to gather all relevant information for resolving the complaint. If the deadline is extended, the complainant shall be notified in writing.

3.1.1.3 Tracking and recording complaints

The complaint resolution file shall contain: a written complaint, all relevant documents collected in the procedure, which relate to its resolution, the Report on the complaint, the decision of the director, the response to the complainant.

If it is necessary to take certain measures as a consequence of the decision on the complaint, the file shall also contain detailed information on the actions taken or information on where they can be found (e.g., in the accreditation file, etc.).

3.1.1.4 Confidentiality

All information obtained during the appeal resolution process shall be considered confidential, except for the information included in the response to the appeal or the law/contractual arrangements require its disclosure.

CAB information obtained from sources other than CAB (e.g., complainant, regulatory bodies) shall be treated as confidential between CAB and ATS. The identity of the provider (source) of this information shall be considered confidential by ATS and shall not be shared with CAB unless agreed by source.

Persons involved in resolving a complaint shall keep confidential all information obtained or created during the performance of the complaint resolution activity, except as required by law.

3.1.2 Undertaking of Actions after the Complaints Have Been Resolved

By reviewing and resolving complaints ATS can also collect information that can be used to upgrade its management system.

As a consequence of resolving complaints, ATS may take actions related to ATS management system, externally engaged persons from the organs and bodies of ATS, assessors/technical experts and/or accredited CAB.

Received complaints, resolution methods, decisions and actions that were undertaken shall be analysed once a year at the meeting of the management review.

3.2 Appeal Resolution

ATS shall resolve appeals submitted thereto that pertain to any of adverse accreditation status-related decisions. The ATS shall be responsible for all decisions at all levels of the appeal process.

In the appeals process, ATS adheres to the principle that the investigation and decision on the appeal shall not result in any discriminatory action against the appellant.

The ATS Management Board shall form the Appeals Committee as a permanent body, of: one member from the ministry responsible for accreditation, one member from the ranks of experts for

laboratories, one member from the ranks of experts for inspection bodies, one member from the ranks of experts for certification bodies, one member who is a representative of the conformity assessment body from other areas of accreditation, one member at the proposal of the Serbian Chamber of Commerce, two members from the national standardisation body and one member from the body or organization responsible for preparation or adoption of technical regulations.

The Appeals Committee shall be appointed for four years.

A member of the Appeals Committee from the ministry responsible for accreditation shall be the Chair of the Appeals Committee.

Members of the Appeals Committee from the ranks of experts for laboratories, experts for inspection bodies, experts for certification bodies may be appointed from among the lead assessors, technical assessors, technical experts, and members of the ATS technical committees.

Members of the Appeals Committee shall not be the Director and members of the ATS Management Board.

The members of the committee who decide on an individual appeal must not have a business interest, nor be persons who were directly or indirectly involved in or related to the activities that are the subject of the appeal.

Members of the Appeals Committee, other persons participating in the work, attending the session or participating in the preparation of materials for the decision of the Appeals Committee are obliged to sign *the Declaration of Confidentiality, ATS-UP10-O06* and *the Declaration of Absence of Conflict of Interest, ATS-UP10-O05* for each specific engagement in the Appeals Committee.

The manner of establishment and work of the Appeals Committee is defined by the *Rulebook on the manner of establishment and work of the Appeal Committee of the Accreditation Body of Serbia*.

3.2.1 Appeal Resolution Process

3.2.1.1 Receipt and validation of the appeal

The appeal shall be submitted to ATS within 15 days from the day of delivery of the decision which is the subject of the appeal.

Appeals are submitted in writing to ATS, by direct submission of the appeal in the ATS office or by mail (electronic or ordinary). The appeal shall contain the grounds for filing the appeal, as well as all documentation, i.e., records underpinning the appeal statements.

The responsible person in the Department for Financial, Legal and General Affairs shall submit a submitted document to the ATS Deputy Director. Before filing the submitted document and opening the appeal file, the Deputy Director shall examine whether the submitted document can be considered an appeal at all, taking into account the definition of the appeal, timeliness and admissibility. If the stated conditions are not met, the submitted document shall be rejected.

If during the review it is established that there is a technical error related to the decision documentation, the submitted document is processed for correction in accordance with the procedure *Decision-making and Granting Accreditation, ATS-PR15*.

ATS shall confirm in writing to the applicant the receipt of the appeal, as well as the date of receipt of the appeal, and if necessary, reports on the implementation of the procedure for resolving the appeal.

3.2.1.2 Investigating the appeal and deciding on actions related to resolving the appeal

The ATS shall be responsible for gathering and verifying all information necessary to validate the appeal.

If during the review it is established that the submitted document can be considered an appeal, no later than seven days from the receipt of the appeal, ATS shall submit a copy of the appeal and accompanying documentation to the Chair of the Appeals Committee, in order to make a decision on the composition of the Appeals Committee.

The accompanying documentation shall contain, as a rule: a summary of the accreditation process; assessment report with attachments; decision report; accreditation decision; requested clarifications for the Accreditation Committee if applicable and other relevant information.

A copy of the appeal and the accompanying documentation shall be prepared by the competent Accreditation File Manager and submitted to the Appeals Committee through the recorder.

The Appeals Committee shall decide on the submitted appeal in a panel composed of the Chair of the Appeal Committee and two members of the Appeals Committee, depending on the area that is the subject of the appeal. The Chair of the Appeals Committee shall determine the composition of the panel.

In order to determine the members of the Appeals Committee who decide on a particular appeal, the Chair of the Appeals Committee may request ATS to provide information regarding the possible conflict of interest of the members of the Appeals Committee, including information on the participation of members of the Appeals Committee in accreditation process of the appellant that have been conducted or are ongoing.

Regarding the subject matter of the appeal, the Appeals Committee may request additional information and records from the appeal or ATS. When necessary, the Appeals Committee may request the expert opinion of other members of the Committee (in a broader composition) regarding the subject of the appeal, additional clarifications, documents, or other evidence, if it determines that they are necessary to establish the facts and decide on the appeal. If necessary, at the proposal of the Chair of the Appeals Committee, independent experts from the field that is the subject of the appeal or a representative of ATS who explains the disputed accreditation decision may participate in the work of Appeals Committee without the right to vote.

Within 30 days from the day of receipt of the appeal, Appeals Committee is obliged to make a decision on the appeal and forward it to ATS for sending to the appellant.

The Appeal Committee may reject the appeal or accept the appeal.

The Appeal Committee shall reject the appeal if it is found that:

- 1) ATS has properly conducted the accreditation procedure and that the disputed accreditation decision is legal and correct;
- 2) during the accreditation procedure there were deficiencies that did not affect the legality and regularity of the disputed accreditation decision.

In case it accepts the appeal, the Accreditation Committee (for decision-making) may decide to annul the disputed accreditation decision in whole or in part and/or return the file in procedure and/or decision-making, all in accordance with the procedure *Decision-making and Granting Accreditation, ATS-PR15*.

Following the decision of the Appeal Committee, ATS shall deliver it to the appellant within 7 days from the date of the decision.

The decision on the appeal shall be made on ATS memorandum in accordance with the requirements for drafting the accreditation decision given in the procedure *Decision-making and Granting Accreditation, ATS-PR15*. After each session, the records shall be made on the form *Records from the session of the Appeals Committee, ATS-PR16-002*.

An administrative dispute against the decision of the Appeals Committee can be brought to the competent court.

3.2.1.3 Monitoring and recording of appeals

The file of resolving the appeal shall contain: CAB appeal with attachments, accompanying documentation from cl. 3.2.1.2, expert opinions, decision on the establishment of the Appeals Committee in question, records of the Appeals Committee, decision of the Appeals Committee, letter from ATS on the resolved appeal and, if applicable, a new accreditation decision.

3.2.1.4 Confidentiality

In case of resolving appeals, the appropriate confidentiality requirements given in cl. 3.1.1.4 of this procedure are applicable.

3.2.1.5 Taking action after resolving appeals

By reviewing and resolving appeals, ATS shall also learn what it uses to improve its own management system.

As a consequence of resolving complaints, ATS may take actions related to ATS management system, externally engaged persons from the organs and bodies of ATS, assessors/technical experts and/or accredited conformity assessment bodies.

Once a year, during the management review, the appeals, the way of their resolution, the decisions made and the actions taken are analysed.

4. DISTRIBUTION

This document shall be used by all those participating in the complaint and appeal resolution process within the scope of their competence. This document shall be made publicly available on the ATS internet page at <https://www.ats.rs/>.

5. ANNEXES

None.

6. FORMS

ATS-PR16-001 Report on Complaint

ATS-PR16-002 Record from the session of the Appeals Committee

7. ATS-PR16 DOCUMENT AMENDMENT HISTORY

Issue/revision	Date of issue/revision
3/0	05.10.2009
3/1	03.02.2011
3/2	15.06.2011
3/3	11.07.2012
3/4	29.01.2013

4/0	19.12.2013
4/1	30.07.2015
4/2	16.01.2017
5/0	05.09.2019
6/0	23.08.2021