Complaints And Disputes

This policy applies to following categories:

- Complaints and disputes by an applicant or other party pertaining to ZENITH certification policies, procedures, or decisions, not filed as an appeal;
- Complaints regarding ZENITH -certified operations from third parties; and
- Disputes between ZENITH and another party that are not filed as a complaint or appeal.
- Complaints regarding ZENITH: ZENITH personnel or ZENITH performance (Auditor, certification personnel, certification committee, Quality Personnel, inspection and certification policy & procedure, conflict related issue) which are handled per "Complaints-ZENITH Policy".
- Misuse of certification status either in the scope or in the logo.

Definitions

- **Complainant** - a person or body who files a complaint, whether internal or external to ZENITH (referred to herein as an "internal source" or "external source").
- **Subject** - a person or body who is being investigated.
- **Distribution**: This policy is distributed to all Board members, ICOM members, personnel, applicant, and certified operators upon revision. Other interested parties may obtain a copy on request; complaint policy will be made available in ZENITH website.

Applicability & Conditions (Complaint handling mechanism):

Complaints and disputes must be in writing, signed and submitted with appropriate details and objective evidence. Anonymous complaints without objective evidence will not be accepted.

- **In the event that a complaint or dispute personally involves the Director,** the complaint or dispute will be submitted to the impartiality Committee.
- **Complaints against ZENITH** (including its staff, Inspectors, Management personnel) should be immediately directed to the ZENITH Quality Manager.
- **If the complaint involves actions of the Quality Manager**, it should be immediately directed to the ZENITH Director,
- **If the complaint involves actions of the Top management,** it should be immediately directed to the ZENITH Complaints and Appeals committee.
- **If the complaint involves actions of the certification decision,** it should be immediately directed to the ZENITH Complaints and Appeals committee.

ZENITH will investigate complaints where the issue is relevant to activities under ZENITH supervision. However, it is critical that as much information and substantiating documentation as possible be provided to enable a thorough and complete investigation.

The complaint will be handled in a strictly confidential manner. In addition, through the investigation itself, the subject of the complaint may deduce the identity of the complainant based upon the nature of the complaint.

The complainant is always informed of the outcome of the complaint investigation; however specific details regarding actions taken may remain confidential if the circumstance warrants.

The Director or Quality Personnel may resolve the complaint with required recommendation or resolution. The decision to refer the complaint or dispute to the Impartiality Committee shall be at the discretion of Director. All complaints, whether pending or resolved, shall be reported to the next regular periodic management review meetings. A record of all complaint and dispute proceedings and resolutions is kept in the complaint & Dispute file.

ZENITH has the right and duty to investigate complaints of ZENITH-certified operations' noncompliance with the regulations of NPOP standards. Likewise, a APEDA official may investigate such complaints. Investigation may include unannounced inspections or testing.

14.1 Procedure for Complaint and Dispute Handling:

1) Filing of Complaints

- **Complaints against a certified operator or applicant** should normally be directed first to the Quality Manager. If the complainant feels the issue was not appropriately handled by its certification body (ZENITH), they then should refer the matter to firstly to ZENITH appeals committee. ZENITH will follow the appeal procedure as defined in this manual. In case operator is not satisfies with ZENITH appeals committee decision, then they should refer the matter to APEDA. (see appeals procedure in respective section).
- Where a complainant has good reason (for example, if they are a current or former employee of the ZENITH and fear retaliation), the complaint can be referred directly to APEDA.

Disciplinary measures and Sanctions:

— ZENITH shall follow its sanctions policy and sanction catalogue in the event of non-compliances by the Operators
— Shall apply documented range of disciplinary measures (sanctions) including measures to deal with minor and major infringements of the standards including upgrading repeated minor non-conformity to major non-conformity.
— In case of Grower Group, sanction should be applied to the entire Grower Group when inspections, based on the representative sample of farmers, show that the ICS has failed to comply with the certification norms applicable to a Grower Group.

Withdrawal of Certification:

— Where an infringement that affects the organic integrity is found, then non-compliant lot of production shall be removed from the entire lot of the production cycle which is affected by the infringement concerned.

— In case of any violation by the Operator, ZENITH shall withdraw certification from the Operator for a specified period in case serious non compliances affecting the organic integrity are observed.

— In case of severe infringement or repeated violations of the NPOP norms, the certification of the Operator shall be terminated.

— ZENITH will notify its certification decision to APEDA and shall also publish the same on their website. The pertaining records will be kept at respective client file and separate complaint file and make readily available for review by competent authority

Steps to be followed for complaint & Dispute handling:

- Timeline:
    - — Acknowledgment of receipt of complaint will be done within 1 week (7 working days)
    - — Investigation is generally initiated within 10 days after a case is assigned
    - — Complaint & Dispute resolution timeline is 30 days from the date of complaint registration.

Step 2: Initial step: Complaint registration Process:

- ZENITH receives information from the public through the following mechanisms: Email /Postal Mail, ZENITH web portal (At communication Address)

- Upon receipt of a communication, the Director or his Designee (Quality Manager) reviews and confirms that it is a valid complaint and enters the complaint into the ZENITH Complaint Database (Log) and assigns a case number. Director or his Designee (Quality Manager) may include additional personnel for investigation, if required. A case file will be established and starts a Complaint Investigation Chronology Log. An acknowledgement of receipt is provided to the complainant.

Step 2: Review of Incoming Correspondence:

a. To be accepted by ZENITH as a formal complaint, the complaint must:
   (i) Be in writing
   (ii) State that it is a complaint with subject area of complaint (must be within the scope of certification or service). Complainants are advised to submit as much as information as possible regarding their concerns, i.e. who, what, when, where, why, how, and any supporting documentation.
   (iii) Be specific and include appropriate objective evidence to substantiate any claim of dissatisfaction with the ZENITH's certification activities and/or a Inspector; and
   (iv) Complaints should be submitted by email to Cad@zenithcertifications.com

- All incoming correspondence is reviewed and recorded in the Complaint Log by the Quality Manager.
- When issues clearly fall outside the ZENITH NPOP certification scheme or scope, the incoming communication is treated as correspondence and closed out with an appropriate response. The invalid or irrelevant complaint will be stated to the complainant, accompanied by the reasons.
- If the complaint has no details of the complainant or the description is not adequate, ZENITH has reserved the right of detailing the complaint as deemed unfit.
- Where a complaint is considered valid, an investigation shall be carried out. Additional information may be requested of the complainant, third parties named as sources of information in the complaint and other parties likely to have information relevant to the investigation. Appropriate deadlines are established in all external communications requesting action, information, feedback, input or opinions.
- When a communication does not allege violations of NPOP regulations, but raises NPOP and ZENITH certification requirement related questions that can be addressed by the ZENITH, a response, preferably by email, is provided.
- When a communication does not allege violations, but raises policy issues or asks complex questions about the ZENITH NPOP certification and Clarity on NPOP standards, it is referred to the Director or Quality Manager or to the Accreditation Authority i.e. APEDA (As deemed fit).
- When a communication alleges violations, it is forwarded to the impartiality Committee by quality Manager as directed by the Director for investigation.
- All referral and assignments for complaint investigation are generally completed **within a week** of the receipt of a communication.
- The Quality Manager will be responsible for the investigation of complaints.
- Investigation of complaints of noncompliance with the regulations may include unannounced inspections, sampling, or any other method intended to assess the veracity of the complaint.
- A log will be kept of each complaint and how it is resolved.

- An independent review team (consist of auditor/ reviewer) not previously involved in the subject of the complaint may be assigned to work with the Quality Manager on each complaint, discuss the complaint and establish the specific steps needed to appropriately investigate and resolve the complaint The approach to investigation of the complaint shall depend on the nature and subject of the complaint.
- When sufficient information has been compiled by requesting evidence from the complainant and any other background research, the investigator (Quality Manager) shall contact the subject of the complaint.
- ZENITH reserves the right to initially request specific information from the Operator without giving full information on the complaint if it is determined that giving all information might prejudice the information received from the operator. Once gathered sufficient evidence and background, the operator shall be contacted with the information and asked to comment or provide further details **in 15 days timeline**. The investigator shall request a full explanation/ clarification of actions taken by the subject operator relevant to the complaint.
- The investigation may include the following components:

  — Identify the cause of the issue/ complaint and record corrective actions.
  — Start investigation of the complaint by obtaining relevant documents from the concerned stakeholder.
  — Review of pertinent data. Complainants are advised to submit as much as information as possible regarding their concerns, i.e. who, what, when, where, why, how, and any supporting documentation.
  — determine whether sufficient information has been obtained. If there is still a lack of clarity or if the investigator requires additional evidence of the operator's actions, will continue to carry out the investigation, reporting to the Quality Manager.
  — Conduct risk assessment
  — Unannounced inspection may be conducted to the concerned unit/operation to investigate the matter, take sample for residue analysis (if need arises) or any other method intended to assess the veracity of the complaint.

    - Sampling may include, but is not limited to, OCs, OPs, pyrethroids, other modern agrichemicals, heavy metals, GMO genetic material, herbicides and microbiological.
    - Contact related certifier of the supplier/ stakeholder involved for investigation, respecting the confidentiality requirements.
    - In cases where significant costs have been incurred (such as arising from an on-site visit, sampling & testing), the cost of the investigation will be fully covered by the operator when the complaint against the operator is well-founded and determined to be valid.

  — Interviews with audit team members, as appropriate.
  — Interviews with client's personnel, as appropriate.
  — The investigation team will report its findings to Quality manager along with its recommendation for the disposal of the complaint
  — The Quality Manager will maintain a log of actions taken until the complaint is resolved.
  — If a noncompliance is confirmed, the noncompliance procedure for certified operations will be followed. APEDA will be notified of all compliance proceedings and actions taken pursuant to Adverse actions
  — The Quality Manager will handle and/or coordinate the investigation of complaints where it deems necessary, e.g. involving multiple ACAs (accredited certification agency) as applicable. Communicate accredited certifier to exchange information and conduct investigation if the raw material/ supplier of ZENITH certified operator (Complaint in question) is certified by another certifier
  — ZENITH shall check the various mechanisms through which information is received and

records all incoming correspondence in the Complaint Correspondence Log. The Quality Manager in consultation with the Director, forwards potential complaints to the complaint investigation panel or Impartiality Committee for investigation. **(Note: Complaints pertaining to ZENITH personnel will be directed to appeals committee, in case not resolved at Appeals committee then forwarded to Impartiality committee for exclusive investigation)**

- In course of the investigation, if major irregularities/non conformities are observed, ZENITH shall issue a show cause notice to the operator as to why sanction should not be imposed. The operator shall have to respond within 15 days from the date of receipt of such Show Cause Notice.
- The investigator will review all information/ response obtained and formulate a final report with recommendation. The recommendation may contain corrective actions and/or disciplinary measures. The final investigation report shall place before the Director for its decision.
- If the non conformities are confirmed against the operator, ZENITH shall impose appropriate sanction as per ZENITH procedure.
- All information gathered is analyzed to establish facts that tend to prove or disapprove the alleged violations.
- The investigation is concluded with a Case Closure Memorandum. For cases involving the issuance of a Notice of Noncompliance, a written Report of Investigation (ROI) is drafted. The ROI outlines the allegations and the applicable regulations and adverse actions, organizes the findings and supporting evidence to allow for a logical conclusion, and recommends resolution options. Complaints with its outcome shall be notified to the competent Authority (APEDA).

Referral of Complaints (where incoming or supplier is certified by another accredited Certification body, complaint received from the competent authority or accredited certification agency):

- When a complaint receives from the competent authority or accredited certification body, and where the ZENITH operator (against which complaint received) whose incoming material or supplier is certified by another accredited Certification body (ACA), ZENITH will refer the case to the respective supplier ACA for investigation, it is referred to the ACA on record. And ZENITH will investigate its own certified operator as per defined complaint handling procedure
- The Quality Manager will issue a letter to the ACA and requests that the ACA to investigate the the alleged noncompliance. Alleged issues are described in as much detail as given in the complaint and a **15-day deadline or earlier** as notified in letter for response is given. At times, specific instructions on what needs to be verified are provided.
- It will be ensured through proper verification that information requested in the referral letters is submitted within the proposed timelines and grant extensions where appropriate. Extensions and unforeseen delays are properly documented.
    - Upon receipt of information from the referred ACA, shall evaluate whether actions taken by ACAs are adequate to address the complaints.
    - Determine whether further investigation by the ACAs or by the ZENITH is warranted.
    - Draft appropriate closure documents to the complainant, the ACA and/or the operator.
- The ZENITH and ACA (As per case involvement of Certification Agency) investigates the complaint and reports its findings to ZENITH Quality Manager along with supporting documentation. Any non-compliances found will be addressed in order to ensure proper adverse action procedures are followed and the ZENITH can utilize Disciplinary measures and Adverse Actions when appropriate.
- ZENITH will conduct follow-up activities and generally concluded **within 15 days** of receipt of

the requested information and documents.

- ZENITH may perform traceability checks based on the annual risk assessment performed by it, complaints received by the AB, ACA, or randomly.
- For the purpose of tracing the ingredients or production phases of an organic product, the ZENITH may ask information from the ACA or operators involved in the production and handling of those products falling under its supervision.

Case Closing Process:

Quality Manager conduct the following activities to ensure proper case closure:

a. Quality Manager will draft relevant closing documents to include:
   - Notice to Complainant of Case Closure
   - Notice to ACA – No Violations or Noncompliance detected at ACA Operator
   - Notice to Certified Operation – No Violations
   - **Notice to Certified Operation –** Noncompliance and applicable Disciplinary action. And notify its outcome to APEDA
b. Once approved, the documents are finalized and sent to recipients by Postal Address (Mail) or Email as preference). When email addresses are available, closure documents can be emailed as PDF files.
c. Quality Manager will annotate their calendars for further monitoring activities.
d. A Case Closure Memorandum is drafted by the Certification compliance reviewer and signed by the Quality manager.
e. The Complaint Database and case folders are updated and properly closed out.
f. ZENITH will keep a record of all complaints and remedial actions relating to certification in respective Client File and in separate complaint folder. When a complaint is resolved a documented resolution shall be made and forwarded to the complainant and the party concerned. All documents related to this process are retained for 5 years after the final action. The complaint log is established with the date of receipt, operator name, product name, type of complaint, communication/follow-up, status, date resolved, resolution, and additional remark for TC issuance (hold/release after checking specific conditions like sample testing).

Follow-up Procedures (for Closed Cases Where Violation(s) Occurred):

For cases closed with the "Closed – follow-up required" closure category, follow-up activities (additional/ unannounced inspection or may be combined with regular annual inspection) will be conducted within 90 days after case closure, depending on the corrective actions required. An annual review (during internal audit) of such cases, up to 2-5 %, based on a random selection, is also conducted.

Procedure to be followed when irregularity/ Infringement identified:

— Where an irregularity is found, ZENITH will ensure that no reference to the organic production method is made in the labeling and advertising of the entire lot or production run affected by this irregularity, where this would be proportionate to the relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities.

— Where a severe infringement or an infringement with prolonged effect is found, ZENITH shall prohibit the operator concerned from marketing products as organic/ in-conversion.

The level of contamination shall depend on the severity and the extent of the irregularity or infringement found.

— Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately notified to the respective control bodies applicable to the operations supply chain (for the product / lot in question), accreditation authority.

If prohibited substance(s) are detected in any product certified by ZENITH, then ZENITH will initiate investigation by:

- Performing a risk assessment through review of control file (past & current inspection results) and Field visit. The Risk Assessment will take the following into consideration:
  - ✓ Within Farm; this includes factors like soil, transition (in conversion seed) water, air & manure, farm waste, buffer management, on farm primary processing activity, Packaging (shared/rented with cleaning measures).
  - ✓ Outside source; this includes factors like off- farm inputs used, manures, storage & transportation, subcontracted activity.
- Collecting soil & product, farm debris, water samples as per sampling procedure during field audit.
- Tracing lot and batch numbers back to the farm or source of material

The following actions will be taken in response to positive detection of prohibited substance(s):

- The operation and responsible parties, product in question will be categorized as high risk.
- Uphold Product for organic sale, unless substantiated.
- If the analysis report reveals positive detection, then further investigation will be carried out and actions will be taken per the *Sanction Catalogue*.
- The source of contamination will be traced; all relevant producers, processors and certification bodies will be notified.
- If the contaminated material is procured from ZENITH certified operator, then appropriate investigation will be done at all level under its control. If another certifier is responsible for certification at farm level, then ZENITH will share findings and notify the certification body to investigate further with sampling as deem fit by ZENITH. In addition to this Relevant control file (inspection report, review and decision, OSP as required, analysis report if any) of the supplier will be asked from supplier CB for review.
- If the investigation report reveals no issue and analysis report reveals an absence of residue then no action will be taken, those products shall be allowed to be used and labelled as organic or in-conversion products. However, the operator/ supplier will remain categorized as high risk and a subsequent crop/lot will be taken for residual testing. Further Export may be allowed only after getting satisfactory results. Additional testing of the lot may be carried out by same or other contracted NABL and APEDA approved Lab subcontracted with ZENITH.
- The investigation result will be documented and kept in operator file and separate complaint investigation file.

Procedure for responding to detection of prohibited substance(s) in pre-shipment samples for export:

- When prohibited substance(s) are detected in pre-shipment samples tested, the lot will be blocked for further export unless substantiated through investigation and will not be allowed to be exported as certified organic.
- Investigation will be done (desk review or physical additional audit as deem fit by

ZENITH)

INVESTIGATION ON EU RAPID ALERT (EU) Export Consignment, notified by APEDA:

- The lot of concern will be blocked.
- Source of contamination will be investigated thoroughly, back to the farm level. Farm level investigation and sampling (if needed) will be done in case the farm source is certified by ZENITH.
- If other certification bodies are involved, they will be notified to investigate and share information.
- All related producers, processors and traders will be categorized under high risk.
- If repeated rapid alerts are received for any producer, and farm level contamination is confirmed, then the material from the related crop season will be blocked from export to the EU. If ZENITH receives three rapid alerts for an operation, then they will be subjected to further sanctions and suspension, Disciplinary actions as per ZENITH's *Sanction Catalogue.*
- Reply will be submitted to APEDA within deadline set by APEDA.
- Notify Investigation result to the concerned party including Control body, operator, Accreditation authority

14.2 Appeals Handling Procedure (NPOP 4.9.3)

Responsibility: Appeal panel

Stages of Appeal Submission:

Stage 1: First Appeal: (**Timeline: Filing period: 30 days from decision date, Disposal time: 30 days)**

I. The Operator can file appeal to the ZENITH appeal committee against the decision of the ZENITH certification within 30 days of communication of the decision. Acknowledgement of receipt of appeal will be sent by 07 days (working days). **The appeal shall be disposed of within 30 days.** Unless the appeal is timely, the decision to deny, revoke, or suspend your certification will become final. Appeals not filed within the allotted timeframe may be dismissed.

II. If any complaint and appeal is filed against certification decision: The case will be referred to the Appeals committee where an interim appeal committee will be formed for redressal of complaint, appeal and dispute handling, comprised of Director, Quality expert & certification expert and legal experts. Input will be sought from various parties involved in the complaint. The quorum will be 30 %. See further appeal procedure outlined in further appeal handling section

III. ZENITH will follow policy and procedures for handling appeals by its certified Operators against its certification decision.

IV. ZENITH will inform the Operators of the appeal procedures at the time of certification (part of guideline, host in website).

V. The ZENITH appeal committee shall be independent from the certification activities and free from conflict.

Stage 2: Second appeal

I. If the Operator is not satisfied with the decision of the appeal committee of the ZENITH, it can file a second appeal with the NAB Sub Committee constituted by the NAB for hearing such appeals. The Committee shall ordinarily dispose of the appeal within three months. ZENITH will respect NAB decision and proceed as per direction received. The records of appeal, communication, result shall be maintained on respective client folder as well as separately under Appeals folder.

Annual complied list of appeal cases shall also be maintained.

The appeal shall include minimum:

a) A copy of the notification of the adverse action,
b) Specify the grounds on which the appeal is made;
c) The reasons for believing the decision were not proper or made in accordance with NPOP regulations, policies, or procedures
d) Be accompanied by relevant documented evidence;
e) Indicate what steps were taken to resolve the issue prior to lodging the appeal.

Procedure:

I. Persons subject to the regulations who believe that they are adversely affected by a noncompliance decision of a ZENITH may appeal such decision to the ZENITH APPEAL Committee. Written request must be sent to the Director, Director will forward the case Appeal Panel assisted by Quality manager

II. ZENITH will acknowledge receipt of appeal within 07 working days. Appellant will be notified of any missing required documentation if it did not accompany the appeal. The appellant may correct any procedural deficiencies before the filing period ends.

The appeal acknowledgement letter makes clear that:

— A currently certified operation remains certified during the appeal process unless its certification is otherwise suspended or withdrawn or revoked. During the certified operation's appeal process, ZENITH maintains its oversight of the operation. ZENITH may at any time issue additional adverse action for additional violation arise separate from appeal process which the operator may also appeal.
— An already suspended or revoked operation remains suspended or revoked during the appeal process. (Examples of when this would occur: A suspended operation appeals a Denial of Reinstatement; a revoked operation appeals a Denial of Certification; a suspended or revoked operation appeals a Cease-and-Desist Notice.)
— An uncertified operation, applicant for certification, remains uncertified during the appeal process.

III. All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service which provides dated return receipts.

IV. All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed.

V. Additional relevant documentation may be requested from the appellant, relevant for review and addressing appeal decision. Once the administrative record is complete, ZENITH Director formulate Appeal Panel assisted by Quality manager and forward the appeal registered case to the Appeal Panel for review and Decision. Director will ensure that the Appeal Evaluation Committee convenes **within 5 working days** to examine the issue.

VI. An applicant or certified operator may appeal a decision by ZENITH to deny, suspend, or cancel certification. The burden of proof to show adverse effect shall be on the Appellant. Records of appeals are maintained in an Appeals Log or an appropriate

notation is made in the Log while records are kept with the process of the applicant / certified operator's files. ZENITH maintains records related to the appeal, including evidence of communication, final decision and any follow-up actions taken. The Appeals panel shall be screened for any potential conflict of interest.

VII. The Appeal Panel may, after giving to the appellant a reasonable opportunity of being heard, if so desires, and after making such further inquiries, if any, as it may consider necessary, make such orders as it thinks fit, confirming, modifying or reversing the decision or order appealed against, or may send back the case with such directions as it may think fit, for a fresh decision, as the case may be, after taking additional evidence, if necessary. The order made in appeal by the Appeal Panel shall be final.

Appealable Adverse Actions:

Examples of adverse actions that may be appealed include:

I. suspension of certification
II. revocation of certification
III. Denial of certification/ withdrawal / cancellation of certification
IV. Cease and desist notice and
V. Withdrawal,
VI. Termination
VII. Derogation denial
VIII. Any other sanction decision or certification decision

A.2. How To Submit an Appeal:

I. Filing Period: The party filing the appeal (appellant) must submit the appeal within 30 days of issuance of the notification of the adverse action, or within the timeframe specified in the notification, whichever occurs later. Unless the appeal is timely, the decision to deny, revoke, or suspend your certification will become final.

II. Where and What to File:

The appellant must submit the appeal and any accompanying documentation, in writing, to the Director by mail (Communication Address), or email.

The appeal shall include minimum:

a. A copy of the notification of the adverse action,
b. Specify the grounds on which the appeal is made;
c. The reasons for believing the decision were not proper or made in accordance with NPOP regulations, policies, or procedures
d. Be accompanied by relevant documented evidence;
e. Indicate what steps were taken to resolve the issue prior to lodging the appeal.

III. The ZENITH notifies the appellant of any missing required documentation if it did not accompany the appeal. The appellant may correct any procedural deficiencies before the filing period ends.

IV. **Appeal Dismissed:** The ZENITH reviews the appeal and accompanying documentation to determine if the procedural requirements have been met. Appeals not filed within the allotted timeframe may be dismissed.

V. **Appeal Acknowledged:** Within a week (7 working days) of ZENITH's receipt of an appeal, ZENITH shall send confirmation to the appellant of its receipt of such appeal. When the procedural requirements are met, ZENITH formally acknowledges its receipt of the appeal of its registration. The ZENITH sends the appellant and the entity involved in the adverse action a letter notifying the parties of its receipt of the appeal. The letter also notifies the appellant of its rights during the appeal process and requests that the appellant and the entity involved in the adverse action submit further documentation as evidence in support of its position, to develop the administrative record.

VI. **Operation Status During an Appeal:**

The appeal acknowledgement letter makes clear that:

a. A currently certified operation remains certified during the appeal process unless its certification is otherwise suspended or revoked. During the certified operation's appeal process, the ZENITH maintains its oversight of the operation. ZENITH may at any time issue additional proposed adverse actions, which the operator may also appeal.

b. An already suspended or revoked operation or certifier remains suspended or revoked during the appeal process. (Examples of when this would occur: A suspended operation appeals a a revoked operation appeals a Denial of Certification; a suspended or revoked operation etc.) The ZENITH may at any time issue additional adverse actions, which the operator or certifier may also appeal.

c. An uncertified operation, applicant for certification remains uncertified during the appeal process. The ZENITH may issue additional adverse actions, should additional violations arise separate from the appeal process, which also may be appealed. During the appeal process, the ZENITH maintains oversight of the operator. The ZENITH may at any time issue additional proposed adverse actions, which the certifier may also appeal.

d. All appeals must be accompanied by an appeal fee to offset the costs and time associated with process of the appeal.

VII. **Substantive Review and Recommendations by Appeals Panel:**

a. ZENITH may request additional relevant documentation from the appellant, relevant for review and addressing appeal decision. Once the administrative record is complete, the ZENITH Director formulate Appeal Panel and forward the appeal registered case to the Appeal Panel for peer review and Decision.

b. Appeal panel reviews the substance of the case, writes a case summary, and recommends an appeal outcome (from the possible appeal outcomes below) to the ZENITH Director not involved in certification decision (The second Director). The Director has the discretion to close the appeal without a formal Administrator's Decision. The Director issues a decision either to sustain or deny the appeal. In the Directors absence, the other official from the Appeal panel delegated the acting authority to sign the Decision, may sustain or deny the appeal. The final closure timeframe is **30 days from the date of receipt of appeal**, after which escalation process is started. If the final decision cannot be determined within this timeframe, the client is provided with a progress report.

VIII. **Possible Appeal Outcomes:**

An appeal may be closed by closure letter or by ZENITH decision (Appeal Denied).

- **Closure Letter:** In certain cases, the ZENITH may close an appeal without a formal Administrator's Decision. For example, if the issue has been fully resolved as a result of communication clarifications, if procedural errors have occurred, and/or and the certifier has acknowledged the operation's full compliance, the appeal may be closed without a Decision. If an appeal is closed without a Decision, the ZENITH must withdraw the proposed adverse action, and the appeal becomes moot. The closure letter explains the reasons for closing the appeal and the implications of this outcome. The appeal decision

letter will also include operators right to file 2nd appeal request to APEDA against ZENITH appeal decision unsatisfactory

- **ZENITH Decision – Appeal Denied:** The ZENITH may determine that it is more likely than not that the appellant violated the NPOP organic regulations. Consequently, the ZENITH signs a certification Decision denying the appeal (i.e., upholding the adverse action). The appellant is then provided an opportunity to request a hearing before an ZENITH APPEAL PANEL. If the hearing is waived, then the ZENITH Decision is implemented.
- **ZENITH Appeal Panel Decision – Appeal Sustained:** The ZENITH Appeal Panel may determine that it is more likely than not that the appellant's arguments are correct. Consequently, the ZENITH signs a Decision upholding the appeal, and the adverse action is overturned and must be withdrawn.

ZENITH Policy on Impartiality and Objectivity

Adherence to ISO 17065 Requirement and safeguarding Impartiality	o ZENITH safeguards the impartiality of certification activities, takes responsibility for its management and certification activities at all levels of the organization to ensure certification is handled in an objective and transparent manner. ZENITH monitors the risk to impartiality, takes preventive actions and takes appropriate measures to minimize or eliminate any risk to the impartiality of services offered to its operator. o ZENITH have in place safeguards that mitigate or eliminate threats to auditor/any personnel impartiality. Safeguards mechanism include prohibitions, restrictions, disclosures, policies, procedures, practices, standards, rules, institutional arrangements, and environmental conditions. These are regularly reviewed to ensure their continuing applicability implemented in order. o ZENITH ensures to adhere ISO 17065 requirements on impartiality. o ZENITH is not involved in any sort of consultancy. o Ensures appropriate and adequate structures and defined procedures. The mechanism and system operates without undue influence from vested interests. o Allows significantly affected parties to participate in the development of its principles and policies, no single interest predominate, have balanced stakeholder representation. o Ensure an equal treatment for all certified operators, employee, committee members o Ensures impartial mechanism in place for all stage of certification steps and activities (Application screening process through final certification decision) based on an objective assessment of relevant factors. Certification activities do not affect the confidentiality, objectivity and impartiality of its certifications. o **For NOP:** Ensures The individual who conducted the onsite inspection cannot conduct a final review of documents or make a certification decision for the operation they inspected for 12 months after the date of that inspection. o Ensure that its responsibly connected persons (if any), employees, and sub contractors (Lab service), analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned. o Does not provide any service that could compromise the confidentiality, objectivity or impartiality of its certification process, unless the product/service and certification programs are clearly separated in a manner that ensures that such compromise cannot occur. o certification decisions activity, process and personnel are free from any commercial, financial and other pressures that might influence decisions. o Have mechanism in place for exclusive certification decision (Personnel conducted or assinged) for inspection shall not have any decision-making power in the respective certification decision.

	Persons responsible for a decision that is being appealed is devoid of appeal decision power. o Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services o Supply information related to and limited to the certification only <u>Not engaged in;</u> o Marketing of certified products or promotion of individual products o Not offering technical advice or helping or training to set up management systems of any operations, related organic operations, Group operations , correcting or advicing on non conformities. Training on regulatory requirements, certification requirements and procedures and its updates allowed and recorded. o Strictly prohibits acceptance of any gifts or financial offers from its client to avoid any conflict of interest. Retains authority of all certification decisions. o Non compromising objectivity ensured in Fee structures and other issues related to payment, All payments accepted to ZENITH account only, No charges applied to Inspectors or personnel. Direct payment of inspection and certification services, in cash or to their private bank account o No subcontracted or outsourced activity for certification decision, appeals, complaints. o Have no relationships with companies who offer consultancy, internal audit services or other services that can be construed as having an impact on the certification services provided by ZENITH. Only allowed to inform regulatory and certification policy requirements. ZENITH will never certify operations for which internal audit service provided prior to accreditation, Cease this activity immediate after accreditation. o ZENITH management personnel or personnel involved in the evaluation or certification process shall not be involved in activities of a separate legal entity offering or manufacturing the certified product (including products to be certified) or offering advice o Certification fee applies, charged in disclosed and non- discriminatory manner. **Following principals have been established to ensure that impartiality is both maintained and can be demonstrated at certification and other related activities:** o Independent authorized and competent certification personnel, member of the management team, ensures that no interest shall predominate, o Have mechanism in place to identify, evaluate, Potential conflict (real and perceived) and refrain with risk assessment prior to that relationship being formalized. <u>Potential conflict of interest prevented which may arise through or include but not limited to:</u> o Shall not offer any internal audit service, management system consultancy or any other form of conflict to companies or individuals pertaining to organic certification o Shall not design, manufacture, install, distribute or maintain any organic certified products; does not (and has never) design, implement, operate or maintain any organic certified process; does not (and has never) design, implement, provide or maintain any certified organic services including setting up of Grower group management system and its documentation. o Shall not have any interests & will not be linked with the activities of an organization (financially or otherwise) o not accept any gifts or financial offers from its client to avoid any conflict of interest. ZENITH retains authority of all certification decisions. o All employees, committee members including impartiality committee will be reviewed annually

	to ensure that they remain impartial when conducting audits, review and decision activity. o Individuals employed by or otherwise contracted to shall declare their current and past 2 years relationships with all companies (12 month for NOP & COR). In case of real and perceived interest identified, shall be abstain from task for 12 month for NOP and COR and 24 month for EU programme o Annual and periodic review mechanism for any threats to impartiality and will not use that individual in any capacity unless they can demonstrate that there is no conflict of interest. If any past relationship identified, the individual will (ZENITH PERSONNEL OR SUB_CONTRACTOR) not allowed to conduct a management system audit. Impartiality risk matrix developed, reviewed and updated annually (periodically as needed) at management review, internal audit. Impartial Committee also reviews and approves impartiality risk matrix with actions and outcomes on annual basis for system compliance based on all certification and activities/ relations exist if any which includes review of all personnel (including top management, impartiality committee members, other committee members), inspection and administrative review and certification personnel. Auditors shuffling tool ensures familiarity threat. The top management involvement (identifies if any which might make or influence the certification decisions) with any other related entity reviewed and monitored consistently, applies and implements abstainment from decision activity. The management personnel (top management, Quality, committee members) or personnel involved in the evaluation or certification process shall not be involved in activities of a separate legal entity offering or manufacturing the certified product of related organic sector (including products to be certified) or offering advice o Application is open to all operations engaged in organic, sustainable, and related sector without regard for membership or any other extraneous factors, apply certification charges as per declared certification fee structure o ZENITH maintains a record system that demonstrates the way in which each certification policy, procedure and criteria is applied. Review and evaluation activities are based on an objective assessment of relevant factors, following a comprehensive protocol. The inspection, review and decisions on certification truly based on the applicable requirements and have been applied in an impartial and consistent manner. Any conditions of certification including investigation outcome shall be monitored effectively and recorded in a transparent manner. o To safeguard impartiality, ZENITH has established an Impartiality Committee (IC) for effective involvement of interested parties for safeguarding impartiality. ZENITH ensures a balanced representation of interested parties with no single party predominating. o To safeguard impartiality, ZENITH has developed a procedure on management of risks to impartiality (Quality manual and its addendum document) and maintains an Impartiality Matrix to identify, analyse, monitor, and document the risks to impartiality arising from its activities including any conflicts arising from its relationships or from the relationships of its personnel. The process includes identification of and consultation with the said committee to advise on matters affecting impartiality. The compositional criteria, minimum quorum ensured consistently. The ZENITH Impartiality committee assess and review the ZENITH certification policy & procedures, certification decisions meet the relevant requirements and been applied in an impartial and consistent manner. Comments or feedback of impartiality committee have been taken into account. ZENITH policy and procedures includes provision for impartiality committee, ZENITH employees, committee members and other stakeholders (organic/ anonymous) to file complaint to the accreditation body against ZENITH certification service, decision found unsatisfactory or not compliant to the norms and regulations. o ZENITH screens inspectors for any potential conflicts of interests that may conflict with the ability to provide operators an objective inspection. As a best practice, ZENITH prefers to rotate inspectors often to avoid over- familiarity. If the operator objects to the assignment of a particular inspector to evaluate their operation, ZENITH considers the request is sufficient to

	reassign the inspection. The operator may not choose or recommend a specific inspector. o Certification services hasn't any interests & not linked with the financial or otherwise vested activities of an organization that provides management system consultancy. If it is known that any organization is making inappropriate claims regarding certification, then that organization will be informed for not doing this. o Inspectors/ Verification Officer and others involved in the certification process shall not be put under any pressure (e.g. targets to increase clientele, any financial pressure etc.) and shall not be influenced in any way to come to a particular conclusion regarding the result of an audit. o All members, personnel, committee members, top management personnel obliged to declare potential and perceived conflict of interest and maintain confidentiality which is subject to evaluation on annual basis and task assignments, o Effectively respond to complaints and deal with them appropriately o Handle confidential information from customers, while appropriate to balance the principle of openness and confidentiality in dealing with and responding to complaints o Avoid, respectively. A ban on using methods of intimidation of any person participating in the testing, inspection and certification process
Related internal documents	o Impartiality Risk Matrix o Quality and Procedure manual (Impartiality Policy & Impartiality Management and Mechanism for maintenance for impartiality, Confidentiality and Conflict of interest and its declaration forms, Certification Policies and Procedures) o ZENITH Staff guidelines (Steps to Organic Certification , Inspector and Reviewer Guidelines)