 **APPROVED**

**Director of "National Accreditation Body” SNCO**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_N. Mkrtchyan**(name, surname)

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**PROVISION**

**ON APPEALS COMMITTEE ACTIVITIES AND CONSIDERATION OF APPEALS**

**K-04**

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# Scope

1. The present Provision defines the Provision of addressing appeals by Conformity Assessment Bodies (hereinafter CAB) regarding the activities of the Appeals Committee (hereinafter committee), as well unfavorable decisions by the National Accreditation Body, including Accreditation Council (hereinafter NAB).

2. The present Provision was developed in accordance with item 9 of the Annex developed by the RA Government decision N 1201-N, September 6, 2012.

# Terms and definitions

The following referenced documents are indispensable for the application of this document.

**Appeal** (to align the definition as PR-07)–request by a CAB for reconsideration of any adverse decision made by the accreditation body related to its desired accreditation status. Adverse decisions include - refusal to accept an application, refusal to proceed with an assessment, corrective action requests, changes in accreditation scope, decisions to deny, suspend or withdraw accreditation, and any other action that impedes the attainment of accreditation .

**Appealer** – conformity assessment body, whether accredited or aspiring accreditation, submitting appeal.

**Conformity assessment body** – body that performs conformity assessment activities, including calibration, testing, certification and technical inspection.

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# Appeals Committee

3.1 The Committee is established in accordance with the item 11, part 8, article 9 of the RA Law on Accreditation (HO-20-N, 08.02.2012).

3.2 The Committee acts in accordance with the RA Law on Accreditation, other legal acts and the present Provision .

3.3 The Committee has 5 members, whose candidacies are approved by the Accreditation Council, for a period of 3 years. The members of the Accreditation Council cannot be members of the committee. The selection of Committee members is done providing its impartiality and independence.

The chairperson of the Committee is elected from the Committee members, by means of the voting by the simple majority of votes. In case of equal distribution of the votes another member of the Committee is suggested for the position.

3.5 The secretary of the Committee is an employee of the National Accreditation Body SNCO, who is a member of the Committee.

3.6 The Committee works on a voluntary basis.

3.7 The Committee member may be dismissed based on his/her request or other circumstances, which make his/her participation in the works of the Committee impossible.

3.8 Non-participation in least 3 meetings of the Committee without a reasonable justification is a ground for the dismissal of the member from the committee.

**3.9 The Committee is obliged to:**

1) provide consideration of each appeal;

2) provide full scale investigation of materials submitted to the Committee, ensuring impartial evaluation of facts and arguments brought therein;

3) provide substantiated decisions based on the examination of appeals;

4) be guided solely by the results of the examination of appeals when making decisions without yielding to any kind influence;

5) provide confidentiality of examination of appeals and sign declaration of impartiality and confidentiality.

**3.10 Rights of Appeals Committee**

The Committee has right to:

1) invite representatives of the NAB and the appealer (hereinafter Parties), as well as assessors (experts) of an appropriate sphere, in case of necessity. Assessors (experts) are selected from the list of assessors (experts) involved in the process of accreditation validated by the Accreditation Council;

2) request the parties to submit documents, as well as additional information, if necessary, and if critical for the final decision.

**3.11 The chairperson of the committee:**

1) coordinates the activities of the Committee and organizes its works, is responsible for the fulfillment of the task and the functions of the committee;

2) invites Committee meetings and moderates them;

3) validates the candidacies of assessors (experts) involved in the works of the committee;

4) signs meeting protocols, decisions and other documents, as necessary.

3.12 In the absence of the chairperson of the committee, he/she is replaced by one of the Committee members.

**3.13 Secretary of the committee:**

1) accepts and registers the appeals in the registry, checks the completeness of documents and reports to the chairperson of the Committee;

2) prepares the agenda of the Committee meeting and handles the organization of the meetings;

3) prepares protocols of Committee meetings and drafts decisions of the Committee based the protocols;

4) shares excerpts of protocols with the parties;

5) performs other functions as assigned by the chairperson of the committee.

**3.14 Committee members:**

1) meet the requirements of the present Provision , as well as the confidentiality of information received as result on the examination of questions during the Committee meetings;

2) guarantee proficiency in normative and legal (legislative) acts pertaining to accreditation and other documents related to accreditation;

3) undertake obligation to participate in the Committee meetings;

4) have right to speak and express opinion on discussed questions;

5) submit recommendations;

6) have right to vote and express special opinions, which are attached to the protocols of the Committee meetings;

7) sign protocols of Committee meetings.

# 4. General provisions

4.1The present Provision defines the examination of appeals submitted by appealer in regard to the activities of the NAB on the following decisions:

- denial of application;

- denial of assessment;

- requirement to implement corrective actions;

- changes in the scope of accreditation;

- denial of accreditation, suspension, reduction or withdrawal;

- other activities hindering accreditation.

4.2 The conditions of appealing shall be documented and accessible for interested parties

4.3 CAB cannot re-appeal on the same subject matter of appeal

4.4 The CAB has right to call back the appeal it submitted any time on its own discretion.

4.5 The decision of the NAB remains in force throughout the period of examination of the appeal.

# 5. Provision of appealing

5.1 The written appeal is submitted to the National Accreditation Body SNCO within 2 working days?? after the subject matter decision of the NAB and the notification of the CAB. The appeal is complemented with copies of the appropriate decision, as well as other required materials **(WHICH DOCUMENTS??)\***

Anonymous appeals are not accepted.

5.2 The submitted appeal is recorded in the registry of incoming documents.

5.3 Within 2 working days after receiving the appeal the secretary of the Committee checks its compliance with the provisions of item 4.1 of the present Provision .

5.4 In case of acceptance of the submitted appeal to the provisions of item 4.1 the secretary of the Committee registers the appeal in the registry of appeals and provides the materials to the chairperson of the Committee. The chairperson of the Committee makes a decision on the date, time, and venue of the Committee meeting for examination of the appeal within 2 working days.

5.5 The secretary of the Committee sends a notification on examination of appeal indicating the date, the time and the venue of the meeting.

5.6 In cases of non-conformity of the submitted appeal to the provisions of item 4.1 of upon coordination with the chairperson of the Committee the present Provision the secretary of the Committee notifies the appealer on the decision not to examine the appeal within 3 working days.

5.7 The Committee examines the appeal within one month period after the registration of appeal in the registry of appeals. The indicated date, in case additional information is required, may be prolonged for up to 40 days, upon the decision of the Committee.

5.8 In case of necessity all parties involved are invited for participation in the meeting of the committee.

5.9 Each party has right to express its opinion and defend its own interests during the discussion of the appeal.

5.10 Persons related to assessor (expert) and appealer shall not be involved in the works of the committee. The Commission can only request the clarification in written form to the assessor (expert) and appellant. The member of the Committee related to the appealer shall abstain.

5.11 Participants to the discussion of the appeal have right to review the materials of the case – get excerpts from them or their copies; to pose questions to other participants and members of the Committee during the discussion on the essence of the issue and to request oral and (or) written clarifications, which are attached to the protocol of the meeting.

5.12 The meeting of the Committee is deemed valid if at least 3 of the Committee members participated in it. In the absence of quorum the meeting of the Committee is delayed for a period of up to 7 working days with proper notification of all parties to the examination of the appeal.

5.13 As a result the Committee can:

- Deny the appeal

- Argument for the legitimacy of the appeal and submit the decision made in regard to the appeal to the NAB for revision

5.14 The protocol on the meeting of the Committee includes:

1) the name of the Committee;

2) the date and the venue of the meeting;

3) information on the members of the Committee and all participants of the meeting;

4) entry number in the registry of appeals and information about the appealer;

5) brief information about the subject matter of the discussion;

6) summary of the speeches of the participants of the meeting;

7) concluding part of the decision of the Committee on the issue discussed.

5.15 The protocol of the meeting is signed by the members of the Committee and is attached to the file of the case.

5.16 Upon the end of the discussion of the appeal during the meeting the chairperson of the Committee summarizes the draft decision and puts it to vote.

5.17 Decisions of the Committee meetings are passed by simple majority of votes of the Committee members participating in the meeting. In case of equal distribution of the votes the chairperson of the Committee has a decisive voice.

5.18 The decision of the Committee is signed by the chairperson of the Committee.

5.19 The decision of the Committee is attached to the file of the case; its copy (or copies) is provided to the appealer and the NAB after signing.

5.20 In case of disagreement to the decision of the Committee each party has right to appeal to the court as prescribed by the legislation of the Republic of Armenia.

**5.21 Revision of appeal by the NAB**

Based on the decision to substantiate the legitimacy of the Committee appeal, the NAB may, in case of necessity, create a working group involving assessors (experts) from the list of experts validated by Accreditation Council, as well as to assess the CAB based on its location, with a purpose of revising own decision.

Based on the results of the revision the NAB substantiates its decision and notifies the appealer on it in written form.

In case of finding inconsistencies on the activities of the NAB, the NAB invalidates the decision on the CAB and initiates an internal audit followed by relevant corrective and/or preventive actions.

# 6. Records

Records in relation to the present Provision include:

1) registration of appeals;

2) protocols of the Committee and the decisions made in regard to appeals;

3) correspondence related to appealer;

4) written opinions and substantiations related to the appeal;

5) decisions of the NAB in relation to the appeal;

6) notification on decision regarding the appeal sent to the appealing party.

# 7. Records storage

The records made in accordance with the present Provision are retained by the “National Accreditation Body” SNCO 3 years, and are further archived for 5 more years.