

PROCEDURE

PROCEDURE FOR HANDLING OF APPEALS OR DISPUTE RESOLUTION

QA – PC – PAD
Revision: L00



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1. Objective(s)

- a) The purpose is to provide information for the handling of appeals and/or disputes when an applicant of Product Certification activities requests for reconsideration of any adverse decision made by TNB Labs related to its desired Product Certification activities status.
- b) This procedure outlines the procedure involved in handling appeals and disputes to Product Certification activities, decision and activities including maintenance of relevant record. All steps in the procedure are covered under the Certification Body requirement/ procedure for confidentiality and covered by the policy for safeguarding impartiality.
- c) This document is consistent with the requirements of ISO/IEC 17065.

2. Scope

This prescribed procedure is applicable on the resolution of appeals and disputes for certification body activities scheme / services administered by TNB Labs.

3. Reference

- 2.1. Quality Manual: QA-PC-QM
- 2.2. ISO/IEC 17065, Clause 7.13 – Resolution of Complaint and Appeals
- 2.3. Product Certification Handbook, QA-PC-HBK.

4. Definition

- 4.1. Appeal - An appeal is a request for reconsideration of any decision made by the Quality Certification Committee or the management of TNB Labs. A written official letter of appeal or dispute to the Head of QA of TNB Labs.
- 4.2 Disputes - a disagreement or argument which relates to activity of product certification.
- 4.3 Arbitration - the formal process of having an outside person, chosen by both sides to a disagreement, to end the disagreement.

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5. Abbreviation used in this procedure:

CB	Certification Body
QA-PC	Product Certification team
Head of QA	Head of Quality Assurance Unit
Head of QA-PC	Head of Product Certification Section
QCC	Quality Certification Committee

6. Procedure

6.1 Appeal / Dispute Handling

- 6.1.1 Appeal is allowed to proceed when there is NO PRODUCT QUALITY ISSUES. TNB Labs will only entertain those appeal and/or dispute after consideration and decision from the QCC.
- 6.1.2 In cases where the outcome of the evaluation is regarded as fail, QCC may request the SGP Applicant to rectify the defect and get the product re-evaluated. Any nonconformity shall be resolved within 10 working days; otherwise, the application will be returned.
- 6.1.3 In situations where the product is rejected outright, the application will be returned to the SGP Applicant.
- 6.1.4 An appeal or dispute should be lodged in the form of letter to the Head of QA of TNB Labs who will notify the General Manager of TNB LABS, as the case required, in a timely manner.
- 6.1.5 On the above situation, additional fee may be applied, or the appellant will be issued an invoice for a non-refundable appeal fee as per the TNB Labs (Fees) to cover any costs which might be incurred in respect to the appeal or dispute.

6.2 The Appeal or Dispute Panel (AP) - (or Arbitration Committee Selection Process)

- 6.2.1 Immediately after receipt of appeal or dispute letter and fee, Head of QA-PC (Secretariat) will then direct the Appeal or Dispute Panel Committee to proceed on the appeal or dispute process.
- 6.2.2 The Scheme Owner shall appoint a Chairman of the Appeal or Dispute Panel and another member. The Head of QA-PC or his designated representative will be the secretary to the Appeal or Dispute Panel who is a non-voting member. The appointment letter of Appeal or Dispute Panel members will be

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issued by the General Manager of TNB Labs as the Product Certification Body.

- 6.2.3 The Chairman of the Appeal or Dispute Panel will ensure that the composition of Appeal or Dispute Panel satisfies the requirements of IMPARTIALITY AND NO CONFLICT OF INTEREST. No member of the Appeal or Dispute Panel will be from the product certification body activities or have a direct interest in the subject of the appeal / dispute, in any form.
- 6.2.4 Where the appeal or dispute is against a decision with regards to technical matters, the Head of QA may propose to the chairman of the Appeal or Dispute Panel to include competent persons from among its staff and/or external assessors as a non-voting member of the Appeal or Dispute Panel.
- 6.2.5 The appellant will be informed of the members of the Appeal or Dispute Panel and he has the right to object with valid reason(s) to any member(s) of the Appeal or Dispute Panel. The appellant's reasons for lodging objections should be considered by TNB Labs which should decide whether to accept them and change the membership of the panel accordingly.
- 6.2.6 TNB Labs shall issue a letter of decision of appeal or dispute to notify the appellant of the outcome or decision of the Appeal or Dispute Panel.

6.3 Functions of Appeal or Dispute Panel

- 6.3.1 The Appeal or Dispute Panel will have the following defined functions:
 - a) to convene meetings to deliberate appeal or dispute.
 - b) to evaluate material facts submitted by the appellants, TNB Labs and the relevant parties to the appeal or dispute.
 - c) to investigate the appeal or dispute and decide on what actions are to be taken in response to it.
 - d) to ensure that any appropriate action is taken in timely manner.
 - e) to judge in all fairness.
 - f) to act in impartial and independent manner and with no undue pressure and with no conflicts of interest.
 - g) to maintain confidentiality on all information pertaining to the appeal, the appellant and TNB Labs.
 - h) to abide by TNB Labs procedures on appeals; and

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- i) to give recommendation to the chairman of the Appeal or Dispute Panel for decision.

6.4 Confidentiality

- 6.4.1 The members of the Appeal or Dispute Panel are under obligation of confidentiality concerning anything that might come to their knowledge during their duty, with regard to the person, the product certification body activities or the personal or business situation of the appellant as stipulated in Procedure of Preservations, Independence, Impartiality, Confidentiality and Integrity, QA-PC-P11.
- 6.4.2 Unless prohibited by the law, TNB Labs will notify the appellant of any release of confidential information.
- 6.4.3 The staff of TNB Labs, external assessors and experts involved in the assessment of the certification body activities (appellant), is obliged without prejudice to their declaration of confidentiality towards all others, to provide the members of the Appeal or Dispute Panel with the necessary information, if required to do so.

7. Quality Records

No	Quality Records Name	Document Number	Responsible Person	Location	Retention Time
1.	NIL	NIL	NIL	NIL	NIL

 TNB Labs Trusted Solution - Assured Services	HANDLING OF APPEALS OR DISPUTE RESOLUTION	Document No.	QA-PC-PAD
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REVISION CONTROL

This document is verified, and approved by the following persons and is governed by the Document Control Procedure

Prepared by: Head (Product Certification) TNB Labs	Verified by: Head (Quality Assurance) TNB Labs	Approved by: General Manager TNB Labs
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Revision Number	Affected Page(s)	Description of Changes	Verified by	Approved by
1	All	New document	Ir. Ts. Norizan Bin Mat on 01/08/2023	Dr. Ahmad Basri bin Abd Ghani on 01/08/2023