

APPROVED BY
14th of April, 2017 order No. V-42 of
Director of PI "Ekoagros" (edition of
10th of February, 2022 order No. V-
11)

PROCEDURE FOR SUBMISSION AND ASSESSMENT OF APPEALS FOR DECISIONS OF PUBLIC INSTITUTION "EKOAGROS" REGARDING OPERATORS OF THIRD COUNTRIES (TV-19)

CHAPTER I GENERAL PROVISIONS

1. The description of the procedure for submission and assessment of appeals for decisions made by the Public Institution "Ekoagros" (hereinafter – Ekoagros) regarding operators of third countries (hereinafter - the Procedure) regulates the submission, acceptance, establishment of the Ekoagros Appeal Commission (hereinafter – the Commission), its work and the procedure for assessing appeals.

CHAPTER II SUBMISSION AND ACCEPTANCE OF APPEAL

2. All operations of third countries engaged in organic production in accordance with the Equivalence Standard of Organic Production and Processing (hereinafter referred to as Applicants) who do not agree with the decision made by Ekoagros, have the right to submit a reasoned appeal to the Commission no later than within 30 (thirty) calendar days from the date of adoption of the decision to review the certification decision made by Ekoagros (hereinafter – the Appeal)

3. The Appeal must be addressed to the Commission and submitted signed by original seal, scanned by e-mail certification@ekoagros.lt.

4. The Appeal is signed by the Applicant or his representative. A legally valid power of attorney or other document confirming the rights of representation must be attached to the Appeal submitted by the representative.

5. The Appeal is accepted and registered by the coordinator of the Certification department that certified the Ekoagros Applicant (hereinafter referred to as the Coordinator). The Coordinator, no later than on the next working day after receiving the Appeal, presents the Appeal to the Head of the Ekoagros department that certified the Applicant (hereinafter – Head of the Department) by means of the document management system (hereinafter referred to as

DMS). If the Appeal is received after working hours, on a day of rest or a holiday, the day of its receipt is considered the following working day.

6. If the Appeal is related to the activities carried out by Ekoagros, submitted without violating the deadline specified in Article 2 of this Procedure and meets the other requirements set out in the Procedure and other legal acts, the Head of the Department within 1 working day appoints the Ekoagros employee responsible for the assessment (hereinafter – the Employee) and presents it through DMS means the Appeal documents for this Employee. The employee prepares a case description (form F-004) no later than within 5 (five) working days.

7. If the Appeal is not related to the decision on certification made by Ekoagros, submitted in violation of the deadline specified in point 2 of the Procedure, the decision of the Appeals Commission has already been made on the same subject matter of the Appeal and on the same basis, or the Appeal does not meet the other requirements set forth in this Procedure, the Head of Ekoagros Certification Department, after receiving the Appeal, forwards the Appeal to the Employee within 1 working day through DMS means, who prepares a reasoned response to the Applicant within 2 working days, indicating the reasons why the Appeal will not be considered and the appeal procedure. This answer is sent to the Applicant by e-mail within 2 working days, but no later than within 5 working days from the date of registration of the Appeal.

8. After preparing the case description according to the procedure set out in Article 6 of the Procedure, the Head of the Department informs the Director of Ekoagros (hereinafter referred to as the Director) to form the Commission.

CHAPTER III PROCEDURE TO FORM THE COMMISSION

9. The Commission is formed and approved by the Director's order from 3 Ekoagros employees who are not related to the Applicant submitting the Appeal and who did not participate in making the appealed decision. By the same order, one of the members of the Commission is appointed as the Chairman of the Commission, and the Employee who will write the Commission's decision.

10. The Commission is formed to assess each appeal separately.

CHAPTER IV COMPETENCE, RIGHTS AND DUTIES OF THE COMMISSION

11. The purpose of the Commission is to assess whether Ekoagros, by adopting the appealed decision, did not violate legal acts related to certification and decision-making procedures, and whether the decision taken by Ekoagros is validated.

12. The Commission makes decisions on assessed appeals.

13. The Commission, in carrying out its functions, has the right to request all the information necessary for the assessment of appeals from the Applicant and Ekoagros.
14. In its activities, the Commission is guided by the legal acts regulating the production of organic products in the EU, the Equivalence standard for organic production and processing for third countries, other laws, by-laws and this Procedure.
15. The activity of the Commission in assessing appeals is based on the principles of process concentration, economy and cooperation. The Commission is autonomous and independent when making decisions.
16. The Commission members:
 - 16.1. votes when making a decision;
 - 16.2. must not misapply the rights of the Commissioner and not deviate from the substance of the Appeal during the hearing;
 - 16.3. must be polite and respectful to the persons participating in the hearing;
 - 16.4. must comply with the provisions of this Procedure.

CHAPTER V

ORGANIZATION OF THE COMMISSION'S WORK AND ASSESSMENT OF APPEALS

17. The form of organization of the Commission's work is hearing, which can also be organized by means of electronic communication (hereinafter referred to as the remote method).
18. The Commission's hearing is organized and chaired by the Chairman of the Commission.
19. The Chairman of the Commission is responsible for selecting the date, time and place of the Commission's hearings, information about the date, time and place of the hearings, if it is organized remotely, and the remote connection link to the Applicant in writing with the details specified in the Appeal (by e-mail or by sending an SMS to the phone specified by the Applicant) no later than 2 working days before the Commission hearing.
20. The Appeal assessment at the Commission hearing is legal if all three members are present.
21. The Applicant (a person authorized by the Applicant) can participate in the Commission hearing, as well as Ekoagros employees, Ekoagros Council members, who can participate as observers, competent specialists in the relevant fields can also be invited as needed.
22. During the Commission hearing, the Appeal and the information related to its investigation are presented by the Employee who prepared the case description, or by the Head of the Certification Department that certified the Applicant, or, in their absence, by the Chairman of the Commission.

23. Chairman of the Commission by e-mail informs the members of the Commission and the members of the Ekoagros Council about the date, time and place of the hearing and about the received Appeal, by sending the documents related to the received Appeal and, if the hearing is organized remotely, the remote access link.

24. An audio recording is being made during the Commission hearing.

25. When organizing the hearing remotely, the Applicant has the right to participate in the hearing remotely or, if possible, directly at the designated place of the Commission hearing. If a person authorized by the Applicant participates in the Commission hearing, he must submit a power of attorney or other document confirming the rights of representation to the Chairman of the Commission. The Applicant or his / her authorized person must also submit an identity document to the Chairman of the Commission. When organizing a hearing remotely, a power of attorney or other document confirming the rights of representation must be submitted via electronic means of communication.

26. The Applicant's participation in the Commission hearing is not mandatory. The Commission can examine the Appeal and make a decision without the Applicant attending the Commission hearing.

27. During the hearing, before the final decision is made, the Commission may ask the Applicant or Ekoagros to carry out additional actions within the deadline set by the Commission. In such a case, if these actions are carried out / not carried out, an additional hearing of the Commission is organized in accordance with the procedures specified in the Procedure, during which the Commission's decision is adopted. This additional hearing of the Commission can also be organized remotely.

CHAPTER VI DECISION MAKING

28. The Commission adopts decisions by voting (hereinafter – decisions), during the adoption the members of the Commission and the Employee, who writes down the Commission's decision, remain at the hearing. Decisions of the Commission are made by a simple majority of votes of the members of the Commission.

29. The Commission, after examining the appeal, makes one of the following decisions:

29.1. reject the Appeal as unreasonable;

29.2. submit to Ekoagros to reconsider the decision made by Ekoagros, which the Applicant is complaining about;

30. The appointed Employee shall write down the decision of the Commission no later than 3 (three) working days after the hearing. If the Appeal is complex or large-scale - no later than within 5 (five) working days.

31. The following data shall be indicated in the Commission's decision: the place and date of the decision; Name and composition of the Commission; the names and surnames of the disputing parties and their representatives, other participants in the process, participating in the hearing; documents presented during the hearing; Content of the appeal; The factual circumstances determined by the Commission, the evidence, the essence and reasons for the adopted decision and the legal norms, which the Commission was guided by when making the decision.

32. The procedure for assessing the appeal must be completed and the hearing of the Commission, during which the decision of the Commission is adopted, must take place within 20 working days from the date of registration of the Appeal. When, due to the objective reasons, the Appeal review procedure cannot be completed within this term, Ekoagros may extend it, but not longer than 10 working days. The Applicant is notified in writing about the extension of the deadline for the appeal procedure within 5 working days from the day of the decision to extend the deadline and the reasons for the extension are indicated.

33. The Chairman of the Commission submits the decision of the Commission to the Head of the Department, which is accepted and signed by him and the Employee who wrote the Commission's decision.

34. The Commission's decision is submitted to the translation office for translation into the language specified in the Applicant's application form.

35. The Head of the Certification Department, upon receiving the Commission's decision translated by the translation office, carries out actions in accordance with the conclusions of the decision and the Applicant is notified in writing of the newly adopted decision no later than within 3 working days from the date of adoption of this decision.

36. Decisions taken or actions (inaction) specified in this Procedure may be appealed to the Lithuanian Administrative Disputes Commission or the District Administrative Court in accordance with the procedure established by the legal acts of the Republic of Lithuania.

CHAPTER VII FINAL PROVISIONS

37. The Procedure is publicly announced on the Ekoagros website www.ekoagros.lt.

38. This Procedure is approved by order of the Director and comes into force from the date of its approval.