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ROYAL GOVERNMENT OF BHUTAN  
MINISTRY OF HEALTH  
BHUTAN FOOD AND DRUG AUTHORITY  
INSPECTION SERVICES



## PROCEDURE FOR HANDLING APPEALS

### 1. PURPOSE

To ensure that all appeals received on the services and decisions of BFDA-IS are redressed in timely and effective manner.

### 2. SCOPE

This covers all appeals received on decisions taken by BFDA-IS.

### 3. RESPONSIBILITY

3.1 Appeals Committee is responsible for handling appeals and satisfactorily resolving them.

3.2 Respective Chiefs- PABD/ FQSD are responsible for providing secretariat for the Appeals Committee and be a member secretary to the committee.

### 4. PROCEDURE

#### 4.1 Appeals Committee

4.1.1 BFDA has constituted the National Food Quality and Safety Commission (NFQSC) as an Appeals Committee to oversee the appeals process as per BFDA-IS- PR-17 (Guideline for appointment and operation of Appeals Committee).

#### 4.2 Terms of Reference

4.2.1 This committee provides:

- Receive and review written appeals submitted by individuals dissatisfied with decisions made by the Complaints Committee.
- Conduct a thorough and impartial review of the original complaint, the Complaints Committee's findings, and any additional evidence provided during the appeal process.
- Provide an opportunity for appellants to present their case and respond to the findings of the Complaints Committee.
- Make recommendations for upholding or modifying the decisions of the Complaints Committee.

#### 4.3 Appeal handling process

4.3.1 BFDA-IS may receive the appeal in any form e.g., letter, e-mail, online report etc.

4.3.2 Upon receipt of the appeal BFDA-IS acknowledges the receipt of the appeal to the appellant using BFDA-IS-FM-18 Form: Letter acknowledging appeal.

4.3.3 Upon receipt of an appeal BFDA-IS shall evaluate and confirm whether the appeal relates to the decision of BFDA-IS and if so, registers it in BFDA-IS-FM-19 Appeals status register and deals with it.

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**4.3.4** BFDA-IS is responsible for gathering and verifying all necessary information (to the extent possible) to progress the appeal to a decision.

**4.3.5** The decision resolving the appeal shall be made by, or reviewed and approved by Appeals Committee represented by person(s) not involved in the inspection activities and decision making related to the subject of the appeal.

**4.3.6** To ensure that there is no conflict of interest, personnel who have provided consultancy for, or been employed by a client (within two years following the end of the consultancy or employment), including those acting in a managerial capacity, shall not be used by BFDA-IS for resolution of appeal for that client.

**4.3.7** BFDA-IS gives formal documented notice of the outcome and end of the appeals process to the appellant within a decided time frame, typically 1 month.

**4.3.8** BFDA-IS takes any needed subsequent action to resolve the appeal at the earliest.

**4.3.9** BFDA-IS ensures that investigation and decision on appeals is not resulting in any discriminatory action against the appellant by effective legal and compliance activity.

## 5. Confidentiality

Members of the Appeals Committee are bound by secrecy regarding any information that may come to their knowledge during their function concerning the person, appellant, or the personal or business situation of the appellant.

## 6. Review and Amendment

- 6.1** Periodically review the effectiveness of the appeal procedures and make recommendations for improvements.
- 6.2** Amend these terms of reference as necessary to reflect changes in organizational structure, policies, or legal requirements.

## 7. REFERENCES

BFDA-IS-PR-17 Guideline for appointment and operation of Appeals Committee

BFDA-IS-FM-18 Form: Letter acknowledging appeal

BFDA-IS-FM-19 Appeals status register

BFDA-IS-FM-40 Form: Processing appeals

BFDA-IS-FM-41 Form: Letter informing the decision on appeal

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