



## **Regulation**

### **Complaint – Objection - Appeal**

#### **0.1.1**

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## Regulation Complaint – Objection - Appeal. 0.1.1

### 0. Introduction

These regulations specify the working methods and conditions adopted by Liftinstituut for dealing with notice of complaint, notice of objections and notice of appeals, hereafter complaint, objection and appeals.

The current version of this document can be seen on the site of Liftinstituut. All previous versions are no longer valid. The previous version is “Regulations governing Complaints/ Objection/Appeals, document 160”, version 3.0 of 06-10-'09.

### 1. Area of applicability

These regulations apply to decisions and orders issued by Liftinstituut in the context of its inspection, examination and certification activities.

### 2. Statutory provisions

In conducting its statutory above mentioned activities, Liftinstituut complies with the provisions concerning complaints, objections and appeals to administrative bodies as laid down in Sections 6, 7 and 9 of the Dutch general administrative law act (the Dutch *Algemene Wet Bestuursrecht*).

Liftinstituut does not take part of considerations involving compensations of financial consequences of proven lacks of delivered products, processes, services and/ or managementsystems certified by Liftinstituut.

Complaints, objections and appeals must be filed in Dutch or English.

### 3. Definitions

a	Liftinstituut	Liftinstituut B.V., having its registered offices at Buikslotermeerplein 381, Amsterdam
b	General Terms and Conditions of Delivery	The General Terms and Conditions of the organisation mentioned in a.
c	Certification Regulations	The regulations governing all types of certification offered by Liftinstituut.
d	Conduct	A course of action.
e	Notice of Complaint	A complaint, a problem concerning a situation.
f	Notice of Objection	An objection, a private objection to a decision or order.
g	Notice of Appeal	An appeal, an objection to the decision made in a notice of objection.
h	Decision	A legal order.
l	Order	A decision based on certification reports or other reports.

#### **4. Notice of complains, objections and appeals**

Within its own organization, Liftinstituut makes a distinction between a complaint, an objection and an appeal.

- A complaint concerns:
  - performing a service;
  - the employees of Liftinstituut specifically,
  - the manner of conduct of Liftinstituut in general.
- An objection concerns:
  - a certification order or a certification decision, once it concerns a statutory activity - hereafter considered as an order - made by Liftinstituut;
  - the contents of the relevant certification report.
- An appeal is lodged against the order made by Liftinstituut concerning an objection filed by Liftinstituut.

It is not possible to file an appeal against an order originating from a complaint.

#### **5. Complaint**

Interested parties may submit a written complaint to the attention of the management within six weeks of the date on which the relevant order was sent. Statutory activities are exempt from written submission and may also be submitted verbally.

A written complaint must be signed and contain at least:

- the name and address of the party filing the complaint,
- the date,
- a description of the manner of conduct or the conduct itself against which the complaint is directed.

Concerning written complaints, the management is responsible for:

- the registration;
- a written conformation;
- to point the complaint to the responsible department/person;
- the settlement by a person not connected to the conduct to which the complaint is related, with the exception of a complaint concerning the conduct of Liftinstituut itself or its management,
- handling of the complaint by a person who the last two years has not been hired by, or is employed by the client;
- a written response to the party filing the complaint sent within six weeks of the date on which the complaint was submitted.

A verbal complaint will also be registered and dealt with directly if possible. A verbal complaint is not confirmed to or responded to in writing. If the proposed settlement does not appear to be satisfactory to the interested party a written complaint can be submit by the interested party.

## **6. Objection**

Interested parties may submit a written objection to the attention of the management within six weeks of the date on which the relevant order was sent.

An objection must be signed and contain at least:

- the name and address of the party filing the complaint,
- the date,
- a copy of the relevant order to which the objection relates,
- the reasons for objecting to the order.

It is requested that copies of all other documents relating to the case be included.

Concerning an objection, the management is responsible for:

- the registration,
- a written conformation,
- to point the objection to the responsible department/person,
- the settlement by a person not connected to the wording of the report or the order,
- handling of the objection by a person who the last two years has not been hired by, or is employed by the client
- a written response of the decision made to the notice of objection within six weeks of the date on which the order was sent.

### **6.1 Decision period**

The decision period may be extended once by a maximum of six weeks. Thereafter the deadline can only be extended with the consent of the stakeholders. Liftinstituut will, by justification of the objection, revoke the decision and make a new decision on the matter.

Of this decision Liftinstituut will inform the stakeholders with the motivation and justification.

The objection is inadmissible if the deadline of submission is not met. This does not apply if the applicant provides evidence that he could not reasonably have been in default.

The objection does not affect the decision but leads to reconsideration of the decision against which the objection is directed.

### **6.2 Opportunity to be heard**

Liftinstituut provides the interested parties the opportunity for a hearing if this should be requested in the objection. This hearing will take place in the Netherlands.

The hearing is done by a person or persons who is not involved / have been involved in the preparation of the decision, and have no relation with stakeholders. The hearing takes place at a time to be determined by Liftinstituut within the usual office hours. Relevant documents can be submitted up to 10 days before the hearing and are available for reading one week before the hearing.

The hearing is cancelled if

- the application for revision is inadmissible or unfounded;
- meanwhile Liftinstituut has responded to the applicant;
- or the stakeholders do not want to use the possibility of hearing.

A report will be made of the hearing. The report will be added by the decision on the objection.

## **7. Appeal**

Should the party submitting the objection and the management of Liftinstituut be unable to reach an agreement, then the party submitting the objection may file an appeal. In its written reply to the objection, Liftinstituut informs interested parties of the possibility of filing an appeal by means of referral to this regulation.

### **7.1 Appeals filed in connection with statutory activities**

Pursuant to the Dutch general administrative law act (Algemene wet bestuursrecht), interested parties may submit an appeal to the Dutch district court (Arrondissementsrechtbank) if they disagree with a written decision issued by Liftinstituut in response to a notice of objection. In its written reply to the objection, Liftinstituut informs interested parties of the possibility of filing an appeal by means of referral to this regulation

Liftinstituut provides the interested parties the opportunity for a hearing if this should be requested in the objection. This hearing will take place in the Netherlands.

Pursuant to the Dutch general administrative law act (Algemene wet bestuursrecht), appeals against orders issued by Liftinstituut must be filed within six weeks of the date on which the order was sent by submitting a notice of appeal, accompanied by a copy of the relevant order, to the District Court of the place of residence of the party lodging the appeal. The appeal must state the reasons for objecting to the order.

### **7.2 Appeals filed in connection with non-statutory activities**

Appeals against orders issued by Liftinstituut must be filed by the interested parties within six weeks of the date on which the order was sent by submitting an appeal, accompanied by a copy of the relevant order, to Liftinstituut. The appeal must state the reasons for objecting to the order.

Liftinstituut will forward any notices of appeal it has received to the “Nederlands Arbitrage Instituut” (NAI) without delay. The NAI secretariat will consider this as a request to provide arbitration in accordance with its Arbitration Rules. In the arbitration procedure, the interested party will be designated as the plaintiff and Liftinstituut will be designated as the defendant. Arbitrators are appointed to an Appeals Tribunal in accordance with the Arbitration Rules; the appeal proceedings are conducted in accordance with these rules. The Appeals Tribunal issues an arbitration ruling, whereby both parties are bound by the regulations applicable to the activities of Liftinstituut, including their regulations with all its associated annexes and the tariff sheet, as well as Liftinstituut’s General Terms and Conditions of Delivery. No appeals can be filed against the Tribunal’s ruling.

Pending the proceedings, the Appeals Tribunal may institute provisional arrangements at the request of one or both of the parties. When issuing its ruling, the Appeals Tribunal will also determine the costs of the proceedings and indicate which of the parties must bear these costs (in whole or in part).

## **8. Request Wet openbaarheid van bestuur (law on publicity of administration)**

Through press releases and the internet Liftinstituut provides Information about policy and execution of services. In addition to these active publicity of administration, anyone can make a request for disclosure of information about an administrative issue. When a person requests information at Liftinstituut then the Openbaarheid van Bestuur regulates disclosure hereof.

### *Contact*

The request for information can be addressed by the applicant to the management of Liftinstituut. In the application, the applicant must specify:

- on which subject the applicant wishes to receive information;
- which documents the applicant would like to see;
- how the applicant wish to view or receive information.

### *providing information*

The requested information is provided in the following ways:

- the applicant receives a copy;

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- the applicant is allowed to view the document;
- the applicant receives a summary of the content;
- the applicant receives information about the content.

Liftinstituut provides the information in the form requested by the applicant, unless:

- providing the information cannot reasonably be required;
- the information is already available on the website of Liftinstituut- [www.liftinstituut.com](http://www.liftinstituut.com).

Liftinstituut responds within 4 weeks after receiving the request, oral or in writing to the applicant. This period may be extended again by 4 weeks. This extension will be motivated and communicated to the applicant before the end of the first period for decision.

If Liftinstituut decides to provide the information, it will be provided digitally, preferably simultaneously with the publication of the decision, unless the applicant explicitly requests to receive a paper copy.

*Information about Wet openbaarheid van bestuur*

More information about the Wet openbaarheid van bestuur, such as the costs that may be associated with an application, the grounds for exceptions or limitations, can be found at [www.rijksoverheid.nl](http://www.rijksoverheid.nl).

**9. Opportunity for opinion prior to a decision**

The opportunity prior to a decision is applicable in the following situations;

- Liftinstituut rejects a request to issue an administrative decision totally or partially;
- Liftinstituut gives an administrative decision on which an interested party, not being the applicant for certification, could have his reservations

Liftinstituut gives the applicant or the interested party the opportunity to put forward his opinion oral or in writing, this under the conditions and restrictions contained in Section 4.1.2 of the Algemene wet bestuursrecht (AwB) (the Dutch general administrative law).