

Dispute procedure

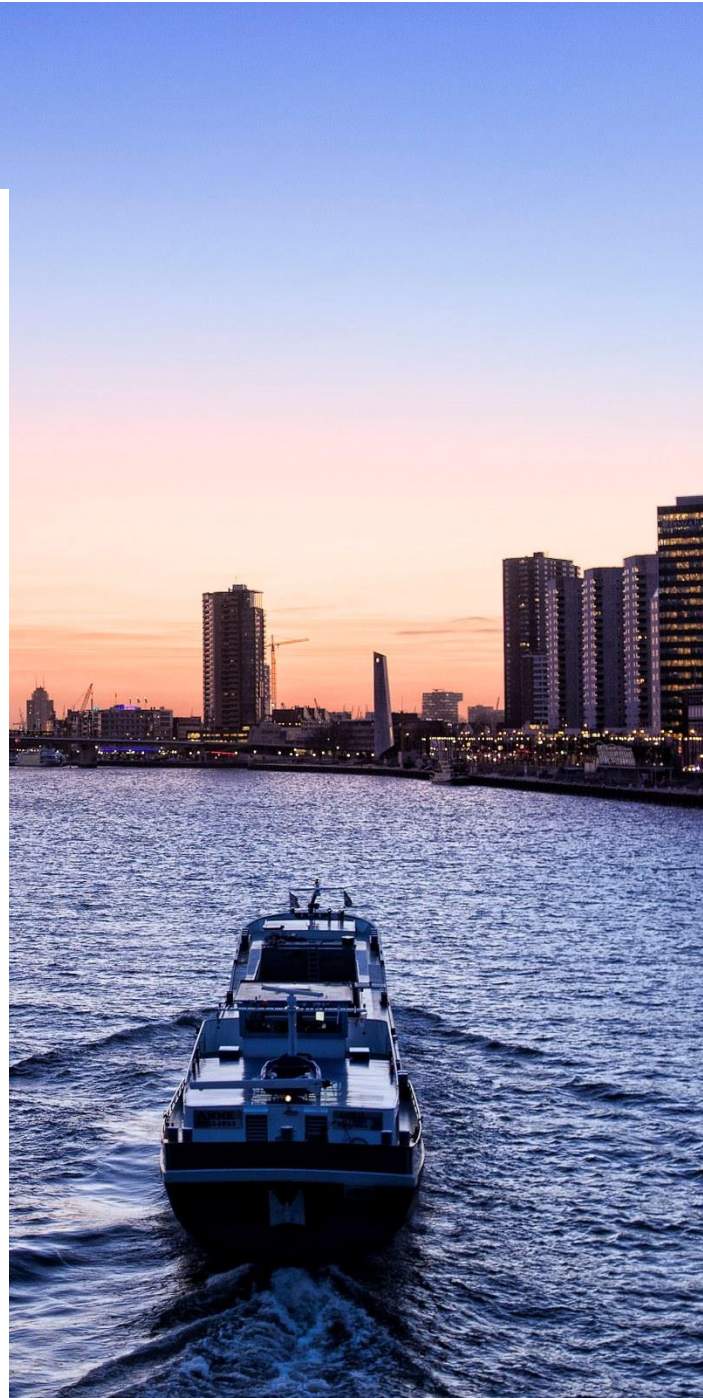
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1. Definitions

1.1

The in this document mentioned terms are defined in RD.004 (EMCI Register list of terms and conditions).

2. Purpose

2.1

This document regulates how EMCI Register manages

- disputes (complaints/appeals) and
- objections against a decision, sanction or ruling on a dispute.

3. Filing a dispute or objection

3.1

A dispute or objection must be filed within one month from the day of the event. This must be in writing by using form FO.002 (dispute form).

3.2

The date and time of filing are the date and time mentioned in the online confirmation receipt.

3.3

If the dispute or objection is not filed by using form FO.002, it is inadmissible and EMCI Register is alleviated from handling it.

4. Handling

4.1

Upon receipt of form FO.002, EMCI Register shall confirm whether the dispute or objection relates to conformity assessment activities for which it is responsible and, if so, shall address it.

4.2

EMCI Register shall acknowledge receipt of any dispute or objection within 10 working days

4.3

If the form FO.002 is admissible, EMCI Register is bound to handle it according to the articles laid out in this document.

4.4

EMCI Register shall gather and verify all necessary information to progress the dispute or objection to a decision.

4.5

The decision resolving the dispute or objection shall be made by, and approved by, person(s) not involved in the conformity assessment activities that related to the dispute or objection.

4.6s

To ensure that there is no conflict of interest, personnel (including those acting in a managerial capacity) who have provided consultancy for a client, or have been employed by a client, shall not be used by EMCI Register to review or approve the resolution of a dispute or objection for that client within two years following the end of the consultancy or employment.

4.7

EMCI Register will make a decision in writing and will always communicate this decision to the complainant.

4.8

There is no specific timetable for EMCI Register to handle a complaint or appeal.

4.9

EMCI Register shall take any subsequent action needed to resolve the complaint or appeal.

5. Alternative Dispute Resolution

5.1

If a dispute arises, EMCI Register will first attempt to solve the dispute through mediation. If this is unsuccessful, it will be attempted to be solved with arbitration, binding advice, negotiation, internal investigation, conflict coaching or via the court.

5.2

If mediation fails, arbitration or binding advice is favored over a court procedure.

5.3

EMCI Register has a relationship with ADR Platform. Through this platform arbitration, mediation or binding advice will be handled.

5.4

EMCI Register may outsource handling of disputes or objection to the ADR Platform in the interest of impartiality.

6. Costs

6.1

The handling of disputes or objections have costs attached to it.

6.2

The costs are displayed on the EMCI Register website and pricelists.

7. Admissibility

7.1

Disputes or objections where the complainant does not have a vested interest are not valid.

7.2

If the complainant has open balances with EMCI Register, the complaint will be declared inadmissible unless the complainant makes a deposit (at the discretion of EMCI Register), including added retrieval and collection costs, to an escrow account or bank clearance.