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## **1 General and tasks**

Within the framework of accreditation of accreditation DAP German Accreditation System for Testing – hereinafter referred to as DAP – uses a procedure for dealing with appeals, complaints and disputes filed by applicants and accredited testing laboratories, certification and inspection bodies (hereinafter referred to as complainant). It is for this purpose that a Committee for Complaints (AfB) was set up.

The AfB processes complaints and disputes as a DAP body in accordance with the standard **DIN EN ISO/IEC 17011**.

Appeals are handled in accordance with the rules of arbitration of the German Institute for Arbitral Jurisdiction (Deutsches Institut für Schiedsgerichtsbarkeit e.V. DIS).

## **2 Procedure**

2.1 In the sense of this rule, a procedure of complaint is introduced if an appeal, a complaint or a dispute is presented in writing or for record at DAP Office.

2.2 Within three weeks after the appeal, complaint or dispute has been passed to DAP Office, the complainant receives an acknowledgement of receipt in writing.

2.3 The procedure of complaint starts with the filing of the complaint. The complaint has to contain the following details:

- the name of the parties involved
- details on the subject matter of the complaint
- details of the accreditation case, where applicable

2.4 Appeals and complaints are processed at DAP Office under the special direction of the managing director. Where a complaint cannot be remedied at adequate time, the managing director passes the complaint on to the AfB.

If the managing director cannot reach an agreement, the appeals on the granting, refusal, suspension or termination of accreditations resulting in connection with the “Contract on the Assessment, Accreditation and Surveillance” with the applicant or with regard to the validity of the contract are definitely decided in accordance with the rules of arbitration of the German Institute for Arbitral Jurisdiction to the exclusion of the ordinary legal proceedings.

When disputes are passed on to DAP Office for arbitration, the managing director has the task to reach an amicable solution for all parties involved. Where necessary, the dispute is to be passed to the AfB.

2.5 According to its rules of procedure, the AfB starts its activity after having received complaints by DAP Office.

2.6 The AfB chair asks the person addressed by the complainant to put forward a statement within four weeks. He then immediately passes on the statement to the complainant.

- 2.7 Should the complainant not withdraw his complaint on the basis of the statement provided by the person addressed by the complaint, the AfB chair convenes the committee for a meeting attaching the statement of the person addressed by the complaint, in so far as the procedure is not conducted in writing. The parties to the complaint are invited to this meeting, where necessary.
- 2.8 At the AfB meeting, the parties put forward their positions. The AfB may instruct for measure to be taken to establish the facts. The committee should endeavour to achieve an amicable settlement.
- 2.9 The meeting also takes place if one or all parties decide not to appear at the meeting or if one party is absent without an excuse. In these cases, the recommendation for a decision may be drawn up on the basis of the available documents.
- 2.10 Minutes are drawn up on the negotiation, which are signed by the AfB chair. The parties are sent a copy of the minutes through the DAP Office.
- 2.11. The AfB draws up a recommendation for a decision and immediately submits it to the DAP managing director.
- The recommendation for a decision has to be justified and in writing containing the following tasks:
- name of the parties
  - names of the AfB members
  - subject matter
  - recommendation for a decision with reasons and, where relevant, a minority vote
  - date of the recommendation for a decision
  - signatures of the AfB members
- 2.12. Upon receipt the recommendation for a decision, the managing director decides on the complaint within four weeks. A decision applying the written procedure is possible. The decision has to be justified.
- 2.13 The DAP Office passes on the decision with advice as to legal remedies to the parties to the complaint and the AfB. Should no objection be raised within the period laid down in the advice on legal remedies, the procedure of complaint is completed. The DAP Office instructs for the decision to be carried out, where relevant.

### **3 Obligation of confidentiality**

All persons involved shall observe strict confidentiality towards anyone with regard to all information made known to them. The AfB shall oblige any persons included in the procedure to observe confidentiality. Any passing on of information rendered anonymous requires the approval of the DAP managing director.

### **4. Cost of complaint procedure**

The cost is borne by the parties themselves.