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## Regulation

### Complaint – Objection - Appeal

#### 0.1.1

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L I F T I N S T I T U U T B . V . - P A S S I O N A T E A B O U T S A F E T Y

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*Since* 1933

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## 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.

### 0.1 Version management

In this version, version management has been added, the layout has been adjusted, the definitions have been supplemented (h to k), the numbering of the chapters has been adjusted and textual changes have been made in sections 4.1, 4.3 and 4.4.

The current version of this document can be seen on the site of Liftinstituut. All previous versions are no longer valid.

## 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 delivered products, processes, services and/ or management systems 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	Notice of Complaint	A complaint, a problem concerning a situation.
e	Notice of Objection	An objection, a private objection to a decision or order.
f	Notice of Appeal	An appeal, an objection to the decision made in a notice of objection.
g	Decision	A decision based on certification reports or other reports.
h	Complainant	Submitter of a complaint
l	interested party	The person whose interest is directly involved in a decision. (An addressee of a decision is always an interested party).
j	Administrative matter	An administrative matter that relates to the execution of a legal activity in accordance with 'warenwetbesluit liften' and 'warenwetbesluit machines'
K	Legal activity	inspections and certifications that are carried out on the basis of a legal designation decision.

Version 6.0

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#### 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 decision made by Liftinstituut;
  - the contents of the relevant certification report.
- An appeal concerns:
  - the decision by Liftinstituut concerning a submitted objection.

It is not possible to submit an appeal against a decision originating from a complaint.

#### 4.1 Complaint

A verbal complaint will, if possible, be dealt with immediately. A verbal complaint is not confirmed or answered in writing. If the proposed handling does not appear to be possible to the satisfaction of the complainant, the complainant may proceed to submit a written complaint.

The complainant can submit a written complaint for the attention of the management.

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.

If it is in the opinion of Liftinstituut a serious complaint, Liftinstituut will assess whether the complaint should have consequences for the decision regarding certification. In this case Liftinstituut can decide to perform an additional assessment

## 4.2 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 decision.

It is requested to also enclose any other documents relating to the case.

Concerning an objection, the management is responsible for:

- the registration,
- a written confirmation within two weeks of receipt,
- 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 objection was sent.

## 4.3 Handling time

The handling time for a complaint and an objection can be extended once by a maximum of six weeks. After that, the period can only be extended with the consent of the interested parties.

Liftinstituut will inform the complainant about the findings of the investigation following the complaint and the possible conclusions that Liftinstituut draws from this.

When declaring the objection justified, Liftinstituut will revoke the decision and take a new decision in this regard. Liftinstituut will communicate the substantiation and reasons for the decision to the objection to interested parties.

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.

## 4.4 Opportunity to be heard

Liftinstituut gives the complainant / interested party the opportunity to be heard if requested when submitting the complaint or objection.

The hearing is done by a person or persons who is/are not involved in the primary decision and who have no ties with the interested parties. The hearing takes place at a time to be determined by Liftinstituut, within the usual office hours. Relevant documents can be submitted up to ten days before the hearing and are available for perusal for one week before the hearing. Hearing is waived if the complaint or the request for review is inadmissible or unfounded, the request has since been met or if the complainant / interested party does not wish to make use of it.

#### 4.5 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 submit 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.

##### 4.5.1 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.

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.

##### 4.5.2 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).

#### 5. 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 publicities of administration, anyone can make a request for disclosure of information about an administrative matter. 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 wishes to view or receive information.

### *providing information*

The requested information is provided in the following ways:

- the applicant receives a copy;
- 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).

## **6. Opportunity for opinion prior to a decision**

Before Liftinstituut completely or partially rejects a request for a decision for a legal activity or gives a decision against which an interested party who has not applied for the decision is expected to have reservations, Liftinstituut will give the applicant or the interested party the opportunity to express his views verbal or in writing, albeit under the conditions and limitations as included in section 4.1.2 of Algemene wet bestuursrecht (AwB) (the Dutch general administrative law).