

# Complaints and Appeals Procedure of the Foundation for Climate-Friendly Procurement and Business (SKAO)

## 1 Introduction

The complaints and appeals procedure of the Foundation for Climate-Friendly Procurement & Business (SKAO) is based on ISO 17021-1 sections 9.7 and 9.8 and the general provisions on objections and appeals set out in the Dutch General Administrative Act (AWB).

NB. SKAO considers it desirable to receive as many reports as possible regarding the practical application of the certification scheme and the procurement tool. If a complaint is declared inadmissible because it concerns the conduct of a party over which SKAO has no direct control (e.g. a contracting authority), this does not imply a judgement on the relevance of this report to the scheme. Where possible or desirable, SKAO will bring the reports from practice to the attention of the relevant stakeholder.

## 2 Complaints Procedure

### 2.1 Conditions for complaints

- 2.1.1 Complaints may only be made regarding the conduct of the following parties involved in the CO<sub>2</sub> Performance Ladder, insofar as the complaint relates to the CO<sub>2</sub> Performance Ladder:
- the Foundation for Climate-Friendly Procurement & Business,
  - certification bodies,
  - certificate holders,
  - organisations in the process of becoming certificate holders.
- 2.1.2 Complaints may relate to, amongst other things:
- the CO<sub>2</sub> Performance Ladder certification system (documents, scheme, etc.),
  - the operation of the system in individual cases,
  - (informative) documentation from SKAO,
  - the organisation of SKAO, including all its bodies,
  - the SKAO website, including the Measure List and the login environment.
- 2.1.3 Complaints must be submitted in writing to the secretariat of the Foundation for Climate-Friendly Procurement & Business (the complaint form).
- 2.1.4 The complaint form must contain at least:
- a) the name and address of the complainant,
  - b) the date,
  - c) a description of the complaint.
- 2.1.5 The grounds for the complaint must not be more than one year old.
- 2.1.6 A complaint must be submitted in Dutch or English.

2.1.7 A complaint may be declared inadmissible if the above points are not met.

## 2.2 General procedure for handling complaints

- 2.2.1 The SKAO secretariat – to which the complaint has been submitted – shall confirm receipt.
- 2.2.2 Complaints are registered and archived by the SKAO secretariat, along with the actions taken to resolve them.
- 2.2.3 The secretary of the Central College of Experts (CCoE) may ask one or more of its members to conduct a preliminary investigation with a view to reaching an amicable settlement.
- 2.2.4 SKAO may decide that the respondent should be heard.
- 2.2.5 Complaints shall be dealt with by the CCoE within three months of the complaint being lodged.

## 2.3 Written withdrawal of complaint

The complaint may be withdrawn in writing by the complainant.

# 3 Appeal procedure

## 3.1 Conditions for appeal

- 3.1.1 Appeals may only be lodged against decisions of the CCoE regarding the complaints procedure.
- 3.1.2 The deadline for lodging an appeal is 4 weeks after the decision in the complaints procedure.
- 3.1.3 Appeals must be submitted in writing to the secretariat of the Foundation for Climate-Friendly Procurement & Business (the notice of appeal).
- 3.1.4 The notice of appeal must be signed and must contain at least:
  - a) the name and address of the appellant;
  - b) the date;
  - c) a description of the decision against which the appeal is directed;
  - d) the grounds for the appeal.
- 3.1.5 Where possible, a copy of the decision to which the dispute relates must be submitted with the notice of appeal.
- 3.1.6 A notice of appeal must be submitted in Dutch or English.
- 3.1.7 The appeal may be declared inadmissible if the above points are not met.

## 3.2 General course of the appeal procedure

- 3.2.1 The SKAO secretariat – to which the notice of appeal has been submitted – shall confirm receipt thereof within 10 working days.
- 3.2.2 Appeals are registered and archived by the SKAO secretariat, as are the actions taken to resolve them.
- 3.2.3 The SKAO secretariat notifies the Board as soon as possible that a contested decision has been taken.
- 3.2.4 A ruling on behalf of the Board follows within three months of the appeal being registered.
- 3.2.5 The secretariat of the Foundation for Climate-Friendly Procurement & Business shall determine, in consultation with the appellant and after

hearing the interested parties, whether the case and its outcome should be made public.

### 3.3 Written withdrawal of appeal

The appeal may be withdrawn in writing by the appellant.

### 3.4 Costs

Administrative costs may be charged for the processing of an appeal.

## 4. Safeguarding independence

If a member of the CCoE, a member of the secretariat staff or a member of the board is directly involved in the activities giving rise to the complaint, the board or the CCoE may exclude that person from further involvement in the handling of the complaint or appeal.

## 5. Confidentiality

Members of the CCoE, secretariat staff and members of the board are bound by a duty of confidentiality regarding all information that comes to light during the handling of complaints and appeals.