Complaints and Appeals Procedure of the Foundation for Climate Friendly Procurement and Business

1 Introduction

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

Please note: SKAO wishes to receive as much feedback as possible on how the certification scheme and the procurement instrument are applied in practice. 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 any judgement on the relevance of that feedback to the scheme. Where possible and appropriate, SKAO will bring feedback from practice to the attention of the stakeholder concerned.

2 Complaints procedure

2.1 Conditions for complaints

2.1.1 Complaints may only be made about the following parties involved in the CO_2 Performance Ladder, insofar as the complaint relates to the CO_2 Performance Ladder:
- the Foundation for Climate Friendly Procurement and Business,
- certification bodies,
- certificate holders,
- organisations in the process of becoming certificate holders.

2.1.2 Complaints may relate to, among other things:
- the CO_2 Performance Ladder certification scheme (documents, scheme, etc.),
- the operation of the system in individual cases,
- SKAO's (informative) documentation,
- the SKAO organisation, including all its bodies,
- the SKAO website, including the Measure list and My CO_2 Performance Ladder.

2.1.3 Complaints must be submitted in writing to the secretariat of the Foundation for Climate Friendly Procurement and Business (the notice of complaint) via info@skao.nl or info@co2performanceladder.com.

2.1.4 The notice of complaint 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 event giving rise to the complaint may not be more than one year old.

2.1.6 A notice of complaint must be submitted in Dutch or English.

2.2 Course of the complaints procedure

2.2.1 SKAO aims to confirm receipt of the complaint within 10 working days and will give the complainant an intended timeframe for handling the complaint, see also 2.2.8.
2.2.2 A complaint may be declared inadmissible if the conditions set out in 2.1 have not been met.
2.2.3 Complaints are registered and archived by SKAO, together with the actions taken to resolve them.
2.2.4 SKAO appoints a person within the organisation who is responsible for handling the complaint. This person must not have been directly involved in the matter giving rise to the complaint. If the complaint concerns the certification scheme, this person will in principle be the secretary of the Central College of Experts (CCvD).
2.2.5 The secretary of the CCvD may ask one or more members of the CCvD to conduct a preliminary investigation with a view to reaching an amicable settlement.
2.2.6 SKAO will investigate the causes of the complaint.
2.2.7 If the complainant wishes to be heard further, SKAO will always provide the opportunity to do so. The same applies to the other party's right to respond.
2.2.8 Complaints are dealt with by the CCvD within three months of submission. Where necessary, measures are taken or planned to resolve the complaint.
2.2.9 The complainant is informed of how the complaint has been handled.

2.3 Written withdrawal of a complaint

The complainant may withdraw the complaint in writing.

3 Appeals procedure

3.1 Conditions for appeals

3.1.1 Appeals may only be lodged against decisions of the CCvD in 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 and 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 enclosed with the notice of appeal.
3.1.6 A notice of appeal must be submitted in Dutch or English.

3.2 Course of the appeals procedure

3.2.1 The SKAO secretariat (with which the notice of appeal was lodged) aims to confirm receipt within 10 working days and will give the appellant an intended timeframe for handling the appeal; see also 3.2.8.

3.2.2 An appeal may be declared inadmissible if the conditions set out in 3.1 have not been met.
3.2.3 Appeals are registered and archived by SKAO, together with the actions taken to resolve them.
3.2.4 SKAO appoints a person within the organisation who is responsible for handling the appeal. This person must not have been directly involved in the matter giving rise to the complaint and must not be the same person who was responsible for handling the complaint as described in 2.2.4.
3.2.5 SKAO will inform the Board as soon as possible that a decision has been contested.
3.2.6 SKAO will further investigate the causes of the appeal and of the complaint to which it relates.
3.2.7 If the respondent wishes to be heard further, SKAO will always provide the opportunity to do so. The same applies to the other party's right to respond.
3.2.8 A decision will be issued on behalf of the Board within three months of the appeal being lodged. Where necessary, measures are taken or planned to resolve the complaint and the appeal.
3.2.9 The SKAO secretariat, in consultation with the appellant and having heard the interested parties, decides whether the case and its outcome should be made public.

3.3 Written withdrawal of an appeal

The appellant may withdraw the appeal in writing.

3.4 Costs

Administrative costs may be charged for handling an appeal.

4 Safeguarding independence

If a member of the CCvD, 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 CCvD may exclude that person from further involvement in handling the complaint or appeal.

5 Confidentiality

Members of the CCvD, secretariat staff and members of the Board are bound to keep confidential all information that comes to light during the handling of complaints and appeals.