

Changes at last revision

Chairman changed to chairperson, good man changed to good person.

1. Introduction

TÜV UK Ltd. has implemented an appeal process within its quality management system in order to consider appeals against Certification decisions that have been made by TÜV UK Ltd.

- 1.1. All appeals shall be reported to the relevant Departmental Manager, who will be responsible for the correct handling of the appeal and conformity to this appeal procedure. Appropriate records shall be maintained of all procedures.
- 1.2. The appellant shall notify TÜV UK Ltd. in writing of their intention to lodge an appeal. The Departmental Manager shall confirm the receipt of the appeal and submit a copy of this appeal procedure to the appellant, and all action shall be taken in accordance to this procedure. The Departmental Manager shall ensure that the appeal is registered and that appropriate records are maintained. Records of all relevant conversations, phone calls, meetings, discussions, etc. shall be produced and filed.

2. The Appeal Committee

- 2.1. The Chairperson of the Governing Board shall assemble an appeal committee and shall propose the other members of the committee to the appellant within 30 days of the appeal notification to TÜV UK Ltd. The Chairperson shall be independent from both parties and shall be competent in the matter concerned.
- 2.2. The appellant shall inform TÜV UK Ltd. in writing whether the chairperson and the appeal committee are acceptable. The appellant has the right to object. This objection shall be in writing stating the reason.
- 2.3. Both parties, appellant and TÜV UK Ltd. shall nominate one member each for the committee. These members shall be experienced in the field of activity concerning the appeal. TÜV UK Ltd. shall appoint a secretary to the appeal committee.
- 2.4. Appeal committee members shall not be on the TÜV UK Ltd. board of directors, nor be employed by TÜV UK Ltd., nor have any conflicting business interests with the appellant or TÜV UK Ltd. and must be completely impartial.
- 2.5. Members of the appeal committee are appointed on a case-by-case basis. After the committee has given its judgement and the appeal is closed, the committee shall be dissolved.

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2.6. TÜV UK Ltd shall stand as a guarantor for the fees and travel expenses of the appeal committee.

2.7. When parties involved have agreed constitution of the appeal committee, the Departmental Manager will announce both the members to the chairperson in writing. The members will be informed that they are appointed as a member of the appeal committee for the period the committee needs in order to come to a decision with regard to the appeal.

3. Lodging an appeal

3.1. The Departmental Manager will provide relevant documentation to the secretary. The secretary is responsible for the members receiving any information and documentation required.

3.2. After the appeal committee is established a decision should be expected within six months; If this appear likely to be exceeded during the appeal, the chairperson of the committee has to inform both parties involved by registered letter at least 14 days before the end of the period explaining the reasons. A new period must be agreed between both parties involved and shall be recorded by the chairperson.

4. Information

4.1. TÜV UK Ltd. personnel, as well as any external experts involved in the assessment, must provide the appeal committee with any information that may be required by them.

4.2. The Responsible Manager must inform the Governing Board and the Managing Director of any appeal

5. Confidentiality

The members of the appeal committee must regard information related to the performance of their function, in respect of the person, the company, or the private or business circumstances of the appellants, as strictly confidential.

6. Appeal Procedure

6.1. In principle the chairperson shall seek resolution via written correspondence to all parties involved; if this is unsuccessful, the chairperson shall, at the earliest convenience, set a venue, date and time for the appeal to be heard and communicate this to the secretary forthwith. All appeal hearings shall be at a location to be agreed upon by all parties, and conducted in English language.

As soon as possible, but at least 14 days prior to the day set for the hearing, the secretary shall notify the other members of the appeal committee, TÜV UK Ltd. and the

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appellant. TÜV UK Ltd. will be represented at the hearing by its Departmental Manager or a representative appointed by him. Both the appellant and TÜV UK Ltd. shall be entitled to the assistance of a legal adviser at the hearing.

6.2. The appeal committee shall be free to hear witnesses, consult experts, and take all such measures and provisions as may seem necessary for a proper preparation of their decision including one or more subsequent hearings. Both, the appellant and TÜV UK Ltd. are entitled to bring forward witnesses during the hearing, provided their names and addresses have been submitted to the appeal committee, as the case may be, at least five days prior to the day set for the hearing.

6.3. The appeal committee shall judge as good person in equity. Should a conflict of interest or impartiality issue arise relating to a committee member and the appellant, that member shall resign immediately and re-nomination shall not be allowed before the appeal of the particular appellant has been decided. The appeal committee shall without undue delay render a reasoned decision in writing, copies of which, after signing by the chairperson and the secretary, will be sent by registered letter to both TÜV UK Ltd. and the appellant.

6.4. Appeal committee decisions shall be binding for TÜV UK Ltd.

7. Costs

The costs of the appeal committee will be the fees for the chairperson and the members of the committee in accordance with the accepted scale of TÜV UK Ltd daily rates together with all reasonable travel and accommodation expenses. TÜV UK Ltd. shall pay all above-mentioned costs until final judgement of the appeal committee. With the judgement of the appeal committee, a decision will be given on the costs and the sharing thereof. Normally all costs shall be borne by the unsuccessful party. In special cases the appeal committee shall be free to decide otherwise. For any such decision the committee must state its reasons.

8. Concluding Provisions

- 1) Any item not covered by this procedure will be decided by the appeal committee.
- 2) This procedure is valid from the date of the revision.
- 3) The Responsible Manager will inform the Governing Board and Managing Director about the sequence of events in case of an appeal.
- 4) It is to be noted that any submission, investigation and decision on appeals shall not result in discriminatory actions against the appellant.

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