

Procedure for handling of appeals

(translation from Estonian)

I GENERAL PROVISIONS

1.1 This document establishes the procedure for handling of the appeals submitted against the decisions of the Foundation Estonian Accreditation Centre (*hereinafter* EAK) on accreditation or against attestation of measurer's professional competence (*hereinafter* accreditation decisions).

1.2 Observance of this procedure is mandatory for the Management Board of EAK and the Accreditation Council (*hereinafter* **Council**).

II REGISTRATION OF APPEALS

2.1 The Management Board of EAK will ensure the immediate registration of any written well-grounded appeal, received within the term, on the accreditation decisions made by the EAK in the appropriate register (journal). Only the appeals filed within one month from the relevant accreditation decision will be registered.

2.2 The registration entry shall reflect the personal data of the person who filed the appeal (*hereinafter* appellant), the date of filing and the content of the appeal. Anonymous appeals shall not be registered.

2.3 The appeal and its annexes, if any, shall be presented in Estonian. If this requirement is not met, the appellant will be given 10 days for translation of the documents. If the documents are not translated within the term, the appeal will not be considered.

III PROCEDURE FOR HANDLING OF APPEALS

3.1 After registration the Management Board submits the appeal to the EAK Quality Manager to evaluate the validity of the appeal and he/she will discuss the circumstances with employees concerned and will present his/her position on the validity and satisfying of the appeal to the Management Board within 5 working days. If the Quality Manager participated in the assessment related to the appeal, the Deputy Quality Manager will perform the evaluation of the appeal.

3.2 Taking into account the suggestions of the Quality Manager the Management Board makes a decision on the validity and satisfaction of the appeal within 3 working days. If the Management Board decides to satisfy the appeal, the appellant will be informed of it within 3 working days and handling of the appeal will be considered finished. If the Management Board decides not to satisfy the appeal, a copy of the appeal and of the decision of the Management Board will be forwarded to the Council Chairman or in his/her absence to the Deputy Chairman for approval within 3 working days.

3.3 The Council Chairman or in his/her absence the Deputy Chairman (*hereinafter* Chairman), after getting acquainted with the content of the appeal and the decision of the EAK Management Board and, if needed, after consultations with the Council members, within 5 working days after receipt of the appeal and the decision of the EAK Management Board, will make one of the following decisions:

3.3.1 to ask for additional materials and explanations from the EAK Management Board on the issue concerned;

3.3.2 to agree with the decision made by the EAK Management Board;

3.3.3 to make a proposal to the EAK Management Board to change their decision;

3.3.4 to set up a Committee for the Resolution of an Appeal for thorough investigation of the circumstances of the appeal.

3.4 The Chairman will notify the EAK Management Board on his/her decision in writing within 2 working days after adopting his/her position.

3.5 If the Chairman makes a request to the EAK Management Board to present additional materials and explanations referred to the case in order to adopt his/her position, the Management Board will present the materials within the term set by the Chairman. After getting acquainted with the materials and explanations the Chairman will make one of the decisions indicated in clauses 3.3.2 – 3.3.4 within 5 working days.

3.6 If the Chairman agrees to the decision of the EAK Management Board, the EAK Management Board will deliver the appellant a copy of its decision with a note on approval of it by the Council within 3 working days after receipt of the Chairman's decision. The Management Board will ensure that the measures provided for in the decision will be implemented by the EAK by the due date.

3.7 If the Chairman makes a proposal to the EAK Management Board on the amendment of their decision, the Management Board will make appropriate amendments to his/her decision within 2 working days after receipt of the Chairman's decision. A copy of the decision of the Management Board will be delivered to the appellant within 3 working days after amending the decision. The EAK Management Board will ensure that the measures provided for in the decision will be implemented by EAK by the due date.

3.8 If the Chairman makes a decision on setting up a Committee for the Resolution of Appeal (e.g. if the appellant is not satisfied with the decision made pursuant to clauses 3.6 or 3.7), the EAK Management Board will inform the appellant correspondingly within 3 working days. Decision made by the Committee for the Resolution of the Appeal and the implementation of the subsequent measures are mandatory for the EAK Management Board.

3.9 An appellant may withdraw the appeal any time. Subsequently handling of the appeal will be closed and any appeal filed on the same issue later shall not be proceeded.

IV COMMITTEE FOR RESOLUTION OF APPEAL

4.1 The Committee for Resolution of Appeal will be set up by the Chairman's resolution within 10 days after the decision made according to clause 3.8. All members of the Council will be informed of the setting up of a Committee.

4.2 The Committee for Resolution of Appeal consists of 3 members, one of them is the Council Chairman, who is simultaneously the chairperson of the Committee. A member of the Committee can be either a member of the Council or a member of the relevant EAK technical committee.

4.3 The members of the Committee must be impartial to the parties of the appeal in question. When appointing the Committee members, availability of the technical competence necessary for resolving the appeal shall be ensured. In handling of the appeal the Committee is entitled to involve specialists of the appropriate technical field without the right to take part in decision-making.

4.4 The time and location for discussing the appeal will be determined by the Chairman in agreement with the Committee members and appellant. The Committee meeting for discussing the appeal must be held within 20 working days after the decision on setting up the Committee. All the members of the Committee and

representatives of the disputing parties (i.e the EAK and appellant) will participate in the Committee meeting.

4.5 The Committee meeting will be chaired by the Chairman. Both disputing parties will be given possibility to explain and justify their positions at the meeting.

4.6 The majority vote of the Committee members in favour shall be required for adopting the Committee decisions. Disputing parties will not attend the decision making process. It is not allowed to refuse to vote or abstain from voting.

4.7 The Chairman will be responsible for taking the minutes of the meeting. The Committee decision will be recorded in the minutes. The decision will include the names and posts of all the participants and the formulation of the decision with justification. All the Committee members will sign the minutes. Any case of refusal from signing will be noted in the minutes. A dissentient Committee member is entitled to add a short summary of the dissent to the minutes. Such addition must be signed.

4.8 The Committee decision (an excerpt from the minutes) will be sent to the appellant as a registered letter.

4.9 The Committee decision is final. Repeated appeals on the same issue will not be discussed.

4.10 The Committee members cover the expenses related to their participation in the Committee work themselves. Involvement in the Committee work is not reimbursed to the Committee members.

NOTE. *The above procedure for handling of appeals was agreed with the Accreditation Council and was confirmed by the Member of EAK Management Board on 16th of May 2013.*