



Manual

NEN

SCHEMABEHEER

Version 4.0 | 2017

NEN Sets the standard

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0. Introduction

The document before you is Version 4 of the NEN Scheme Management Manual. Version 3 was published in September 2014, since which much has changed in the field of scheme management by NEN. The most important development is the rolling out of the scheme management process to all of the various NEN Standards clusters. An increasing number of consultants are now involved in the development and/or management of schemes.

This version of the manual describes the main aspects of the scheme management process as applicable at the current time and/or as set out in NEN policy.

The most important changes and additions to the previous version of this document are as follows:

1. The starting points for scheme management (1.1)
2. Changes to the duties of the Scheme Management Committee (2.2)
3. The appointment of Central Boards of Experts (2.3)
4. The management of schemes that are not assessed by the Dutch Accreditation Council (RvA) and the duties that the Scheme Management Committee has in relation to scheme management (3.6)
5. The content of licence agreements (3.3.2)

The object of this manual is to provide a framework in which various forms of scheme management are able to develop and also to specify the limits of what NEN is striving to achieve as a scheme manager. This manual focuses on the development and management of schemes that are in compliance with the definition set out in Subsection 1.2.

1 General

1.1 Policy

When managing schemes, NEN draws on an infrastructure that was developed in line with the relevant rules formulated by the Dutch Accreditation Council¹. This gives NEN a good basis for the uniform and professional implementation of scheme management. This ties in very well with the standard development and management process.

NEN manages² a number of schemes covering a whole range of subjects: products and services, person certification and system certification. NEN considers whether each scheme should be formally presented to the Dutch Accreditation Council for assessment. Schemes that are not presented to the Dutch Accreditation Council as outlined above will observe the NEN Scheme Management Manual (also see Subsection 3.6 about scheme management: "Schemes that are not subject to accreditation").

NEN operates as a scheme manager in various sectors; the same applies in relation to the development of standards. Scheme management complements the role that NEN plays as a national standardisation body and also its core values, which include independence, transparency, consensus and 'all parties concerned'.

NEN applies a number of starting points where its scheme management activities are concerned:

- NEN strives to develop and manage schemes 'subject to accreditation'. In other words, schemes are assessed by the Dutch Accreditation Council;
- Where NEN is currently managing non-accredited schemes, the intention is for its management to comply with the rules stipulated by the Dutch Accreditation Council. A long-term object will always be to make a scheme subject to accreditation in time;

¹ RvA-R013 Regulations governing the assessment and acceptance of scheme managers
RvA-T033 The assessment of schemes for conformity assessment, Version 2, June 2011

² The Dutch Accreditation Council has accepted NEN as the scheme manager for a number of schemes. See the website for the Dutch Accreditation Council for the names of these schemes (S212 and S562).

- NEN's mission is to manage national schemes that have a major impact and social and broad stakeholder support;
- NEN solely provides 'central scheme management'. In other words, the way in which audits are effected (by conformity assessment bodies, for example) is harmonised centrally.

1.2 Scheme definition

A scheme will consist of the following elements³:

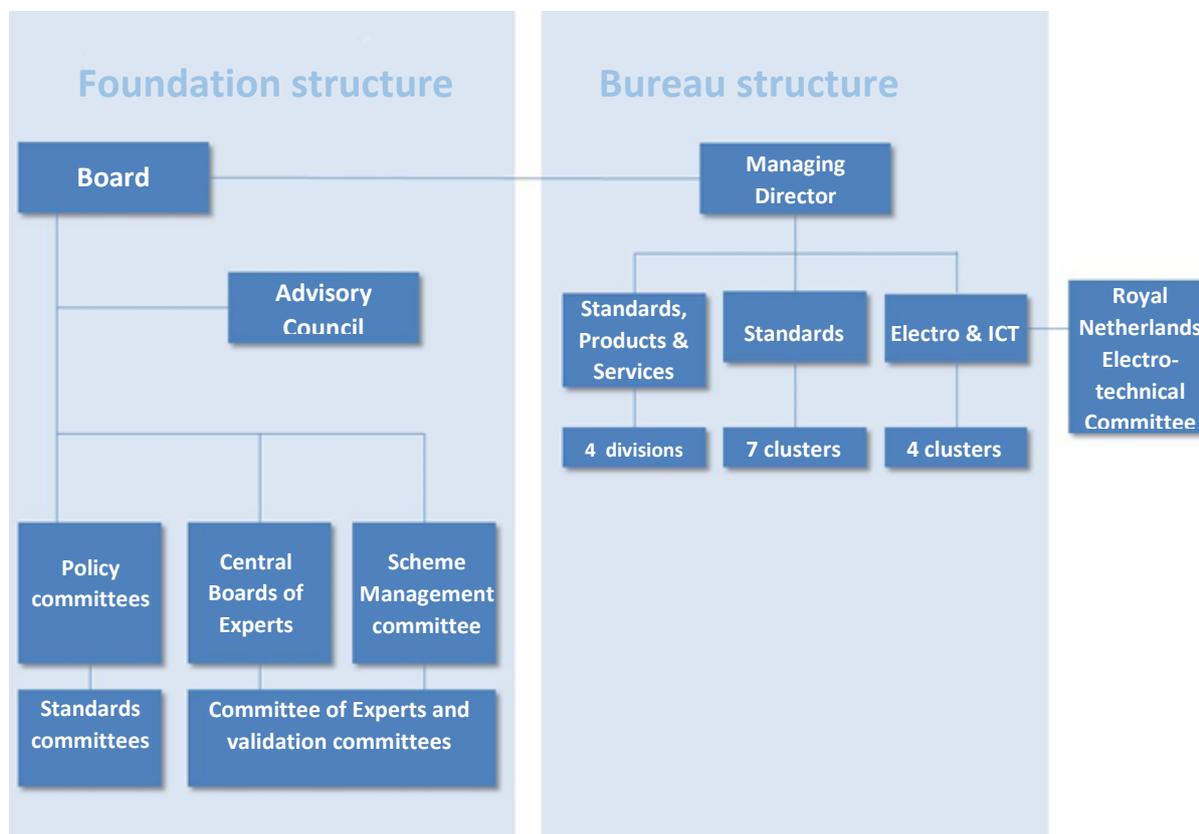
1. The **what** aspect of conformity assessment, which involves:
 - identifying the subject of the conformity assessment (product, system, person, installation, sample or matrix, for example);
 - the requirements and any resulting interpretations of these requirements that form the basis for assessment of the subject (certification standard, product specifications and statutory requirements, for example).
2. The **how** aspect of conformity assessment, consisting of:
 - the way in which a conformity assessment body establishes conformity (audit method, inspection protocols, test method, inspection regulations and examination method, for example) and also the process or procedure descriptions required;
 - where applicable, the way in which supervision is effected (audit frequencies, content and extent of organisation and project-related audits and reassessments, for example).
3. The **who** aspect, being the bodies that carry out assessments:
 - The requirements and any resulting interpretations of these requirements that apply to the organisation, working methods, employees, equipment, reporting and certificates, etc. of the conformity assessment body.

A document that describes just one of the aspects referred to above (a normative document or an interpretation document, for example) will not be regarded as a scheme. The level of detail in which the elements indicated above are documented will depend on the use envisaged for the scheme in question.

³ The Dutch Accreditation Council. The assessment of schemes for conformity assessment, RvA-T033, Version 2, June 2011

1.3 Procedure

This manual describes the procedure observed by NEN when developing and managing schemes.



There are various situations in which demand arises for scheme management:

- A scheme and normative document are developed at the same time;
- A scheme is developed for an existing normative document;
- Non-NEN documents are presented to NEN for scheme management.

The activities of the committees involved in scheme management are supervised by NEN Scheme Management, which is not a separate organisational entity at NEN. The activities of NEN Scheme Management have been integrated into the procedure followed by the standard development units that form part of the NEN Bureau.

The procedure observed by NEN when developing and managing schemes is in accordance with the requirements set out in Document RvA-R013. In principle, the existing agreements in place at NEN are observed in this respect. For example, Articles, internal regulations and the process management procedure for NEN Scheme Management. As such, this manual must be regarded as an addition to existing documents and applicable in situations that are provided for insufficiently by existing documents or in which a different approach is preferred.

In cases where existing processes and the NEN Scheme Management Manual give rise to ambiguities and contradictions, the bodies responsible will ensure that an appropriate solution is achieved (also see Section 2). If these bodies are unable to do so, the matter in question will be submitted to the Board of Directors for decision-making.

2 Committee composition and the procedure observed by committees when developing and managing schemes

This section describes the composition of and procedure observed by NEN bodies that are involved in scheme development and management.

2.1 Bodies involved in scheme development and management

All activities pertaining to scheme management are carried out subject to the ultimate responsibility of the Board of Directors. It is able to set up committees to assist it in these activities (advisory committees or stakeholder committees, for example).

The following bodies are involved in the management of schemes:

- NEN Scheme Management;
- The Scheme Management Committee;
- Central Boards of Experts;
- Other scheme committees.

2.2 Duties and responsibilities when developing and managing schemes

2.2.1 Duties and responsibilities of NEN Scheme Management

NEN Scheme Management is made up of all NEN employees who are involved in the scheme-management process, which is a core process at NEN.

NEN Scheme Management is an integrated part of the NEN Bureau and is responsible for managing schemes and all related operational activities. NEN Scheme Management is the first point of contact for all stakeholders in relation to scheme management.

2.2.2 Duties and responsibilities of the Scheme Management Committee

The Scheme Management Committee determines the subjects for which scheme management will be carried out in sectors for which no Central Boards of Experts have been established.

The Scheme Management Committee has the following duties:

- To advise the Board of Directors on scheme management policy;
- To create scheme committees for activities that fall outside the sectors for which the Board of Directors has created a Central Board of Experts;
- To advise NEN Scheme Management on the taking into management or development of schemes;
- To supervise implementation of scheme development and management in accordance with the NEN Scheme Management Manual;
- To identify relevant social developments and schemes established by third parties;
- To supervise implementation of schemes that are not (currently) being operated subject to accreditation;
- To supervise schemes that are still at the development stage and for which no committee has been appointed yet;
- To adopt the NEN Scheme Management Manual;
- To handle all complaints received about the implementation of schemes and also all indications in this respect⁴.

The Scheme Management Committee is accountable to the Board of Directors.

⁴ The Scheme Management Committee is only able to handle complaints that have not been handled satisfactorily by the scheme committees that fall under its responsibility or by a Central Board of Experts.

2.2.3 Duties and responsibilities of the Central Boards of Experts

The composition of Central Boards of Experts must reflect the parties that use, or will use, schemes in a certain sector in social and economic life. These boards determine the subjects for which scheme management will be carried out in their particular fields and also how they will be prioritised.

The Central Boards of Experts have the following duties:

- To supervise implementation of scheme development and management in accordance with the NEN Scheme Management Manual and other relevant regulations applicable in the sector for which the Committee has been established;
- To identify relevant social developments and schemes established by third parties;
- To gain and maintain support for schemes;
- To adopt schemes in the sector for which they have been established;
- To adopt changes to and interpretation documents for schemes;
- To evaluate schemes.

It should be observed that the auditability of the duties outlined above as part of a conformity assessment must always have been assessed, also taking into consideration the experiences of conformity assessment bodies. The duties below must have been conferred too:

- To advise the Board of Directors on scheme management policy for the sector for which the Board has been established;
- To handle complaints and interpretation disputes relating to schemes in the first instance.

Central Boards of Experts carry out their duties under the authorisation of the Board of Directors.

2.2.4 Duties and responsibilities of other scheme committees⁵

In sectors for which Central Boards of Experts have been created, these boards will establish committees responsible for scheme development and management. The Scheme Management Committee does this for the sectors for which no Central Board of Experts has been created.

NEN will ensure that the following duties are conferred at the very least:

1. Gaining and maintaining support for schemes;
2. Adopting schemes;
3. Adopting changes to and interpretation documents for schemes;
4. Evaluating schemes.

2.2.4 Other duties and responsibilities

All scheme committees are authorised to advise NEN Scheme Management about matters relating to the management of any scheme. Scheme committees assess the activities of NEN Scheme Management in relation to the developments envisaged by stakeholders and also other relevant developments in the market and/or society. NEN Scheme Management provides scheme committees with all of the information they need to be able to carry out their duties. If NEN Scheme Management fails to act on advice received from a scheme committee, it will notify the scheme committees of its reasons for choosing not to do so.

Note:

In the previous version of the NEN Scheme Management Manual, a number of other specific committees were named in addition to the Scheme Management Committee. For example, committees of experts and review committees. This is not the case in the current version of this document, given the many different forms of supervisory and management responsibility conferred. With this in mind, the duties and responsibilities to be conferred have been identified.

The Scheme Management Committee will continue to exist, but with different duties and responsibilities.

⁵ Examples of these committees are: stakeholder committees, committees of experts, boards of experts, review committees (bestaan er inderdaad Toetsingscommissies? Ik ken ze niet...).

2.3 Establishing and appointing committees

2.3.1 Establishing and appointing the Scheme Management Committee

The Board of Directors establishes the Scheme Management Committee and appoints the chair and members. The committee consists of a minimum of four members:

- An independent chair;
- A representative of the conformity assessment bodies;
- A user representative;
- A secretary from NEN Scheme Management.

2.3.2 Establishing and appointing Central Boards of Experts

The Board of Directors appoints an independent chair and members. When appointing the members of Central Boards of Experts, the Board of Directors strives to achieve a balanced composition of expert individuals from (if relevant):

- the scheme applicant for the subject in question;
- manufacturers' organisations and institutions;
- user organisations and institutions;
- commercial organisations and institutions;
- consumer organisations and institutions;
- scientific institutions;
- research and inspection institutions;
- government and semi-public institutions;
- employers' organisations;
- employees' organisations.

A committee member will discontinue his/her duties following his/her retirement or dismissal, or if he/she ceases to have the capacity that formed the basis for his/her nomination, and also if the organisation on behalf of which the member has a seat on the committee gives notice of a situation of this nature.

The personal competencies of committee members are taken into consideration at the time of their appointment. Steps are always taken to establish whether and, if yes, which specific competencies are required for each committee (as a result of the relevant accreditation standard, for example). The Board of Directors uses the CVs of the committee members who have been nominated to assess whether they have the individual competence necessary to have a seat on the committee in question and also whether they jointly cover the competency deemed necessary for the committees. The Board of Directors obtains the advice of NEN Scheme Management and the committee in question in relation to the above.

2.3.3 Establishing and appointing other scheme committees

A Central Board of Experts is able to establish the scheme committees mentioned in 2.2.4, provided these committees are active in its particular sector. It also appoints the chair and members and decides on the discontinuation of scheme committees. The Scheme Management Committee establishes these scheme committees for sectors for which no Central Board of Experts has been established and also appoints the chair and members and decides on the discontinuation of these committees.

2.4 Procedure

Where committee members obtain information during the course of their duties that they should understand is of a confidential nature, they will maintain the confidentiality of this information. Committee members are required to avoid conflicts of interest and to refrain from voting in the committee if a possible conflict of interest is the case.

2.5 The demonstrability of representation

When developing schemes, NEN ensures that committee members demonstrably represent various parties in accordance with existing procedures (see 1.1). Exceptions to the above must be justified and established by the relevant committee.

2.6 Decision-making

Committees endeavour to ensure that consensus is achieved in their decision-making processes, taking into consideration the various interests involved. However, if no consensus is reached about a subject and one or more members believe that the matter is sufficiently important, votes may be cast.

2.7 Interpretation disputes

The committees mentioned in 2.2.3 and 2.2.4 are required to arrive at unambiguous interpretations where interpretation disputes arise.

Conformity assessment bodies and certificate holders are notified in writing of the interpretations established. Interpretation disputes are archived in a verifiable manner and incorporated into the scheme in question at the time of the next official revision.

3 Developing and managing schemes

This section describes how NEN develops and manages schemes.

3.1 Phase 1 The preliminary process

3.1.1 Request for development

Anyone is free to submit a request to NEN for the development of a scheme for a particular subject. All such requests must be supported by reasons justifying the development of the scheme in question.

3.1.2 Establishing support

NEN ensures that support exists. Requests are usually substantiated on the basis of a support investigation into the feasibility of developing the scheme in question.

Wherever possible, support investigations will take the following elements into consideration:

- A stakeholder analysis prepared in accordance with the NEN Scheme Management process;
- Important social aspects;
- Potential market interest in a scheme and/or certification and the size of the market for the product or service;
- Existing auditable requirements for (comparable) product groups;
- The possibility or impossibility of setting auditable requirements, subject to acceptable development and auditing costs;
- The possibility or impossibility of reaching agreement within NEN;
- The credibility of the scheme and/or a certificate/quality mark in relation to the relevant product group.

The following matters are covered too:

- The definition and delimitation of the subject (scope);
- The market situation. The alternatives available in the market, functional properties, market shares, the most important parties in the market, companies, commercial chains, sectors and how they relate to one another, initiatives in the sector and market interest in the use of standards, auditable requirements and/or schemes and the introduction of a certificate or quality mark;
- The credibility of a certificate/quality mark and a scheme for this subject. The views of consumers or customers on the subject are relevant too;
- Compliance with existing legislation, standards, quality marks, schemes and/or recognition schemes.

3.1.3 Development decision

NEN assesses whether it is able to proceed to develop a scheme and also considers whether it believes that:

- by establishing auditable requirements and performing a conformity assessment on the basis of these requirements, the quality of a particular subject can be guaranteed at a socially desirable level and in line with the overall policy pursued by NEN;
- the economic feasibility of the scheme's implementation in practice has been ensured sufficiently.

If NEN decides to approve a request, it will be able to establish a committee in relation to the request, allocate the scheme to an existing committee or establish a project group for the scheme to be developed. If NEN decides to reject a request, it will notify the applicant accordingly. The applicant will be notified of any other possibilities that exist at this time too.

During the decision-making process, NEN obtains the advice of the Scheme Management Committee or a relevant Central Board of Experts.

3.2 Phase 2 Development

3.2.1 Developing a scheme

The committee will develop a scheme, which will include (a reference to) the auditable requirements to be met by the subject to be certified, the conformity-assessment method applicable and the requirements to be met by the conformity assessment body before being able to proceed with certification. When developing a scheme, existing legislation, standards, schemes and all auditable requirements and techniques available, etc. are taken into account.

Requirements are subject to certain preconditions. They must be:

- verifiable;
- formulated unambiguously, so that interpretation differences are avoided as much as possible.

If the requirements set out in existing standards are insufficiently possible to audit, the following may be done to ensure the formulation of auditable requirements:

- Adaptation of the standard; or
- Formulation of auditable requirements in the scheme.

Likewise, existing standards and regulations may contain both auditable requirements and requirements relating to the conformity assessment method to be used and the conformity assessment body.

In principle, schemes are always developed in accordance with the following document: *Nederlandse regels voor het opstellen van normen* (Dutch rules governing the development of standards⁶), except where external schemes are the case. All schemes are required to comply with the requirements of RvA-T033 at the very least.

3.2.2 Validating and adopting schemes

If a scheme has not been validated yet, NEN Scheme Management ensures that this happens. If nothing else, validation will mean that a scheme has completed a test period in which it has been demonstrated that the scheme is possible to implement in practice and meets the expectations of its developers. The following important questions should be answered during the validation process:

- What is the object of the conformity assessment and can the scheme be used to achieve this object?
- Is the conformity assessment described practicable?
- Are results reproducible and reliable?

When adopting schemes, the committee ensures that schemes are in accordance with Document RvA-T33 - The assessment of schemes for conformity assessment.

3.2.3 Publication

Once a scheme has been adopted:

- NEN notifies the applicant;
- NEN publishes the scheme and notifies all stakeholders of its publication;
- the scheme is published as a NEN Certification Scheme (NCS);
- If a scheme is to be accepted by the Dutch Accreditation Council and does not fall under the management of NEN, NEN clearly indicates the status of the scheme when publishing it.

⁶ Document corresponding to the NEN Quality Manual

3.3 Phase 3 Management

3.3.1 Adopting schemes to be taken into management

NEN decides whether or not to take a certification scheme into management. It does this on the basis of the following criteria:

- The composition of the relevant committee;
- Support for the scheme in the market;
- The auditability of normative documents;
- Development of the scheme in accordance with the procedures set out in this manual.

NEN obtains the advice of the Scheme Management Committee or the relevant Central Board of Experts when making its decision in this respect.

3.3.2 Licence agreement

If a scheme is to be managed by NEN, NEN Scheme Management signs a licence agreement with one or more conformity assessment bodies.

Licence agreements contain agreements about the following:

1. The use of a logo, if applicable, or a reference to agreements of this nature;
2. The obligation of the conformity assessment body to comply with the requirements of the certification scheme;
3. If applicable: agreements about gaining accreditation;
4. Participation in the harmonisation consultation on auditing methods;
5. If applicable: the accessibility of reports;
6. If applicable: the correct and prompt delivery of information for an NEN register;
7. Payments and licence fees;
8. Resolutive conditions and (if applicable) sanctions.

If a scheme is to be managed by an external scheme owner, NEN enters into an agreement with the scheme owner in question.

If a scheme is still to be accepted by the Dutch Accreditation Council, NEN ensures that this happens.

3.3.3 Logo

As soon as the right to use a certificate and the corresponding logo has been granted to a certificate holder and while this right prevails, the certificate holder will be authorised to use this logo on and/or in the product or service in question, on the packaging for the product/service and/or in brochures and advertising for the product/service. Under no circumstances, may any misunderstanding be allowed to arise in relation to the subject to which the certification relates. The shape, size and typographical design of the logo and colour use in the logo must comply with the regulations laid down by NEN in this respect. Neither the conformity assessment body nor the certificate holder may use the logo as its own trademark.

The Dutch Advertising Code (*Nederlandse Reclame Code*) applies to all advertising used by certificate holders.

As a collective component of the logo for the Netherlands Standardization Institute (*Nederlands Normalisatie Instituut*), all logos owned by NEN Scheme Management have been registered with the Benelux Trademarks Office. The Netherlands Standardization Institute will take action against any unauthorised use of the logo.

3.3.4 Extending, terminating, inactivating and revising a scheme

A scheme may be extended, terminated, inactivated or revised. Inactivation is understood to mean that a decision to revise or extend a scheme is postponed for an unlimited period, pending interest

from the market or possible market developments.

The following considerations play a role here:

- Developments in the market;
- The experience of the relevant conformity assessment bodies;
- Credibility;
- The number of certificate holders.

As additional time will probably be need to adjust requirements, a decision to adjust requirements will usually also result in the extension of the validity period by a certain period of time. NEN Scheme Management notifies all stakeholders accordingly. In cooperation with the conformity assessment bodies, NEN Scheme Management promptly notifies certificate holders of the expiry of the validity period for schemes, any adjustments to requirements and the commencement date for the requirements revised. Agreements are made about the transition period.

3.3.5 Interim changes

Interim changes to a scheme may be necessary sometimes. The relevant committee may be approached for advice should this situation arise. NEN Scheme Management notifies stakeholders and publishes the decision in a manner that is appropriate for stakeholders. In cooperation with the conformity assessment bodies, NEN Scheme Management promptly notifies certificate holders of the expiry of the validity period for requirements, any adjustments to requirements, the transition period and the commencement date for the requirements revised.

3.6 Schemes that are not subject to accreditation

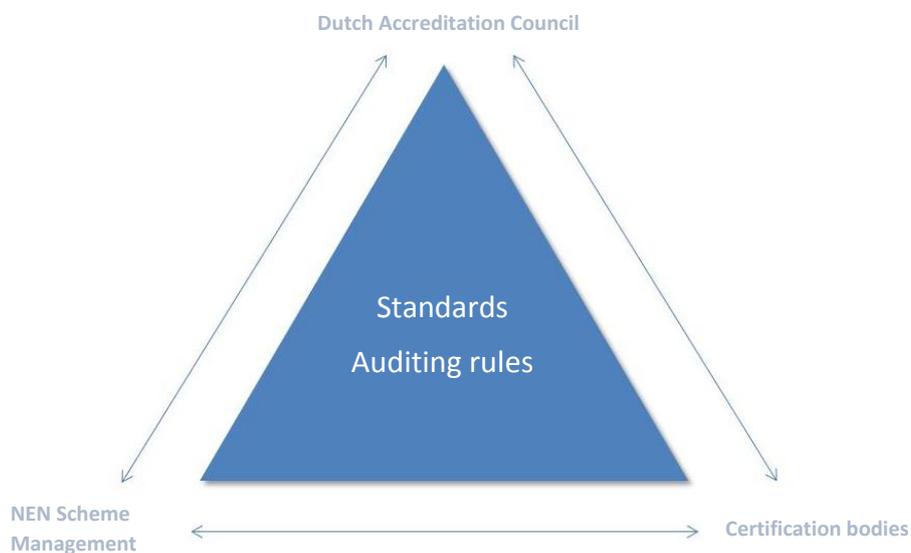
There is a demand from the market for the development or management of schemes that are not assessed by the Dutch Accreditation Council. The term "not subject to accreditation" is used in this respect.

If a scheme is assessed, the Dutch Accreditation Council will independently monitor:

- the performance of audits by conformity assessment bodies;
- the conditions to be met by a scheme (Document RvA-T033);
- the conditions to be met by a scheme manager (in this case, NEN) (RvA-R013).

The following object underlies the above: to maintain the current high level of confidence in certification.

The figure below shows the connection between the various organisations:



To maintain the current high level of confidence in certification, the Scheme Management Committee monitors schemes that are not operated subject to accreditation.

This committee has the following duties and responsibilities:

- To carry out internal audits of NEN Scheme Management in accordance with the rules agreed on for internal audits within NEN;
- To organise the auditing of conformity assessment bodies;
- To assess schemes in accordance with Document RvA- T033;
- To advise the Board of Directors, NEN Scheme Management and the relevant scheme committees on the basis of the findings obtained.

Ideally, schemes that are operated without being subject to accreditation will be made subject to accreditation in time. Until this happens, considerations for this not being the case must be documented on an annual basis.

4 Complaints, objections and appeals

This section describes how NEN handles complaints, objections and appeals relating to scheme management and in accordance with the *reglement voor de beoordeling en acceptatie van schemabeheerders* (regulations governing the assessment and acceptance of scheme managers; RvA-R13)), a document published by the Dutch Accreditation Council.

4.1 Complaint handling

NEN Scheme Management handles complaints about the following, amongst other things: how committees are functioning, the performance of activities by committees, the incorrect and/or unlawful use of certification marks by third parties. Complaints about NEN Scheme Management are handled by the Board of Directors at NEN and/or the Scheme Management Committee, at the request of the Board of Directors.

When handling complaints, NEN Scheme Management observes the NEN-wide complaints procedure, with the following additions. NEN Scheme Management:

- is not obliged to deal with complaints pertaining to behaviour:
 - about which a complaint was submitted in the past and has been settled;
 - that took place more than 12 months before the date on which the complaint in question was submitted;
 - against which the complainant could have brought an appeal.
- confirms receipt of complaints in writing, passes on complaints for handling to the party responsible and competent to settle the complaints in question and informs senders of the above;
- is not obliged to handle a complaint if the interests of the complainant or the severity of the complaint is clearly insufficient;
- notifies the complainant that a complaint has not been accepted for handling as soon as possible, being no later than six weeks of the date on which the complaint is received, in writing and stating reasons for its non-acceptance. No appeal may be brought against a decision regarding the handling of a complaint;
- ensures that a complaint is not handled by a person who was involved in the matter to which the complaint relates. A copy of the complaint and the documents by which it was accompanied are sent to the person to whose behaviour the complaint relates. If a complaint is assessed and it is found that essential information is missing, the applicant will be given the opportunity to provide additional information within a period of six weeks;
- sends a substantiated, written notification to the complainant of the findings of the investigation into the complaint, the subsequent decision and any conclusions associated with it. The notification referred to above specifies the period in which the complainant is able to submit a petition.

4.2 Handling objections and appeals

4.2.1 Objections

Objections to the following decisions may be lodged with NEN Scheme Management:

- A decision on whether or not to grant a licence: by conformity assessment bodies used by NEN;
- The rejection of a request to develop auditable requirements, whether or not in response to a feasibility investigation: by the applicant, who may already be a member of the committee in question;
- A decision to cease the development of auditable requirements or not to adopt auditable requirements or an auditable scheme: by parties who have been involved in the development process in the committee in question;
- A decision to adopt auditable requirements/an auditable scheme: by the committee in question;

- A decision to extend, terminate, inactivate or revise an existing scheme: by stakeholders in the committee in question.

4.2.2 Appeals

Appeals against the following decisions may be lodged with NEN Scheme Management:

- All decisions made by NEN Scheme Management in response to complaints and objections;
- All decisions on the part of the Scheme Management Committee.

4.2.3 Suspension

Should anyone object to a decision because he is, or fears that he will be, disproportionately affected by the fact that the decision in question will remain in effect while his objection is being handled, he may ask NEN Scheme Management to suspend the decision and/or to make a provisional arrangement removing or limiting the detrimental effect ensuing from the decision.

NEN Scheme Management arrives at a decision as soon as possible after receiving a request of this nature.

The provisional arrangement will lapse in the following situations, amongst others:

- The objection is withdrawn, or
- NEN Scheme Management has arrived at a decision, unless a later time is determined in the decision.

4.2.4 Procedure for objections and appeals

Objections are handled by the committee immediately above the committee in question in the hierarchy. If it is possible to lodge an appeal against a decision on an objection, this is indicated in the announcement of the decision in question. Information is also provided about who is able to appeal to NEN Scheme Management and within which period of time.

An independent arbitration committee is established to handle the appeals procedure, during which the various stakeholders will be given the opportunity to present their cases. The body responsible for assessing an appeal:

- sets the date and place for the hearing;
- notifies stakeholders of the above a minimum of 14 days in advance;
- submits the appeal and the relevant documents and records to the stakeholders for their perusal before the date set for the hearing - being a minimum of 14 days in advance - with this in mind.

Stakeholders are heard in each other's presence, except where it is likely that doing so would prejudice the proper conduct of the hearing or that facts or circumstances would be made known during the hearing that are to remain confidential for compelling reasons. If stakeholders are heard separately, each will be informed of everything discussed during the hearing at which they were not present, except where confidentiality is appropriate for compelling reasons. Reports are prepared of all hearings.

Stakeholders are able to submit further information to the party that is to decide on the appeal in question up to seven days before the hearing.

The independent arbitration committee may hear witnesses, consult experts and take all measures that it considers necessary to arrive at the right decision. Stakeholders may request that witnesses and experts be heard, provided they do so in writing and seven days before the hearing in question at the very latest. Both the applicant and NEN Scheme Management have the right to be represented or assisted by a legal adviser at a hearing.

It will not be necessary to hold a hearing, to offer parties the opportunity to submit further information or put forward witnesses and experts if:

- the appeal in question is clearly not admissible or clearly unfounded;
- stakeholders have declared that they do not wish to utilise their right to be heard, to submit

- further information or to put forward witnesses or experts;
- the appeal in question is conceded in full and the interests of other stakeholders cannot be harmed;
- the urgency of the matter in question dictates otherwise;
- the stakeholder was previously given the opportunity to present his views and no new facts or circumstances have arisen since this time;
- the reason for pursuing the decision in question will only be achieved if the stakeholder is not informed of it in advance.

The independent arbitration committee decides in accordance with the requirements of reasonableness and fairness, but is bound by the rules that it has established. These include the following at the very least: the various procedures relating to scheme management.

The decision arrived at on an appeal is to be delivered within six months of the date on which the appeal is submitted. Where required by circumstances, this deadline may be extended by two months on just one occasion. The decisions made on appeals and the reasons for arriving at them are set down in writing and sent to applicants and all of the parties involved in the hearing in question within 14 days of the date on which the decision is made. The decision arrived at by the independent arbitration committee is signed and sent to all parties. The original is then filed for a period of at least five years.

4.2.5 Deficiencies in objections or appeals

The party that is responsible for deciding on an objection or appeal may decide not to handle the objection or appeal in question if the applicant has failed to meet the requirements laid down in these regulations or if the information and documents provided are such that a proper assessment is not possible. However, the applicant must have been given the opportunity to supplement his objection or appeal sufficiently in this situation. The deadline applicable will be suspended with effect from the date on which the applicant was asked to rectify an omission and will only resume on the date on which the omission is rectified or when the period set for this purpose has passed without being utilised.

The applicant in question is notified of the decision not to handle an objection or appeal within four weeks of the date on which the objection or appeal has been supplemented or once the period set for this purpose, or for compliance with other requirements, has passed without being utilised.

4.2.6 Advice when assessing objections or appeals

NEN Scheme Management and/or the party designated as responsible in this respect may obtain the advice of the NEN Scheme Management bodies before arriving at a decision.

4.3 Confidentiality

NEN Scheme Management and/or the party designated as responsible in this respect are obliged to maintain the confidentiality of everything that it and/or they experience or gain cognisance of in relation to the person, the enterprise/organisation or the personal or business circumstances of the applicant during the course of his/her duties.

4.4 General provisions

Complaints, objections and appeals will be signed by the applicants and contain the following at the very least:

- The name and address of the applicant;
- The date;
- A description of the decision or action that has given rise to the complaint, or the decision against which the objection or appeal has been brought;
- The statement that a complaint, objection or appeal is being lodged;
- The grounds for the complaint, objection or appeal.

Anyone lodging an appeal must state in writing that he/she will comply with the conditions of this procedure.

If a complaint, objection or appeal has been drawn up in a foreign language and its proper handling requires that it be translated, the applicant should arrange the translation required. NEN Scheme Management will then confirm receipt of the translation in question in writing and notify the party responsible for the disputed decision of this fact as soon as possible. If an objection or appeal is submitted to an unauthorised party, it will be forwarded to the authorised party in question as soon as possible, subject to the simultaneous notification of the sender in this respect.

4.5 Deadlines

All objections and appeals must be submitted within a period of six weeks. This deadline will start the date after the date on which a decision has been announced in the manner prescribed.

An objection or appeal will have been submitted on time if it is received by NEN Scheme Management before the deadline. If an objection or appeal is submitted after the deadline, any declaration of its inadmissibility on these grounds will not be made if the applicant cannot reasonably be deemed to have been in default.

An objection or appeal will not suspend implementation of the decision to which it relates. NEN Scheme Management or the party designated as responsible to decide on an objection or appeal will be able to uphold a decision against which the objection or appeal was made despite the infringement of a procedural requirement if it is found that the stakeholder(s) is/are not adversely affected as a result.