



Manual

NEN
SCHEMABEHEER

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Introduction

This is version 5 of the NEN Scheme Management Manual. Version 4 dates from December 2016. Since then, much has happened with regard to NEN scheme management. The relation between the Dutch Accreditation Council (RvA) and scheme managers has changed: the RvA no longer accepts scheme managers, but publishes a list of schemes (RvA BR10-list) for which accreditation is possible. Listed schemes are accepted by the RvA, based on evaluation of their own assessment of the scheme which is carried out by compliance assessment bodies (CBIs) or scheme managers (mandated by the CBIs).

Furthermore, independent scheme managers in the Netherlands have defined the requirements an independent scheme managers must meet: NTA 8813:2017 - Requirements for development and management of schemes for compliance assessment by independent scheme managers.

An independent scheme manager is:

An identifiable organisation that has established a scheme, is responsible for the design and management of the scheme, and carries out its own compliance assessment (NTA 8813:2017, paragraph 3.2).

This version of the Manual describes the main aspects of the scheme management process as it is currently conducted and/or established in NEN policy.

Most important changes and additions to the previous version are:

1. The principles of independent scheme management by NEN (1.1)
2. Change in the tasks of the Scheme Management Committee (2.2.2)
3. Appointing CCvDs (central boards of experts) (2.3.2)
4. Managing schemes where compliance assessment is not carried out under accreditation of the RvA, and the Scheme Management Committee's tasks with respect to that management (3.4)
5. Contents of license agreements (3.3.2)

This manual's objective is to describe the NEN procedure in developing and managing schemes for compliance assessment that meet the definition as given in paragraph 1.2. The manual thereby offers a framework to develop different forms of scheme management, but also defines the limits of what NEN pursues as a scheme manager.

1 General

1.1 Policy

To manage schemes, NEN has an infrastructure that is consistent with the applicable RvA¹ rules and the NTA 8813 requirements. Consistency with these rules offers NEN the right tools to implement scheme management in an unequivocal and professional manner. This is very consistent with the process of developing and managing standards.

As independent scheme manager, NEN manages² several schemes for a variety of subjects and within various sectors. It carries out this scheme management based on market support and if so mandated by CBIs. NEN manages schemes with respect to product and services certification, personal certification, and system certification. For each scheme, stakeholders and CBIs determine if it is appropriate to carry out compliance assessment of the concerned scheme under accreditation of the RvA³.

If compliance assessment is carried out according to a scheme under accreditation of the RvA, the RvA supervises the CBI acting as scheme manager. If the scheme manager is monitored by a central

¹ RvABR012 Policy evaluation compliance assessment schemes current version.

RvAT033 Explanation of requirements to compliance assessment schemes current version.

² NEN manages several schemes for which accreditation can be applied for. These are listed on the RvA website (BR010-list scheme manager S212 and S562).

³ Where appropriate, this may be a different accreditation body.

scheme manager (such as NEN), the RvA supervises the CBI accredited for the concerned scheme. In such case, this manual refers to a scheme "under accreditation".

For schemes where it is not (yet) appropriate to carry out compliance assessment under accreditation of the RvA, NEN arranges for supervision (see paragraph 3.6 Developing and managing schemes for which compliance assessment is not carried out under accreditation.).

Independent scheme management is well aligned with NEN's role as national standardisation body and with its core values such as independence, transparency, consensus, and 'all parties concerned', etc.

NEN uses several principles for Scheme Management:

- NEN's mission is to manage (national) schemes with a major impact, and social and wide stakeholders support;
- NEN's objective is to develop and manage schemes "under accreditation";
- Where NEN manages schemes where compliance assessment is not carried out under accreditation, management will still be as consistent as possible with the RvA's rules. Carrying out compliance assessment accreditation remains to be the long-term objective;
- Independent scheme management only occurs if this concerns "central scheme management": this means that the manner in which compliance assessment is carried out (for instance by CBIs) is harmonised centrally;
- NEN Scheme Management complies with NTA 8813:2017 requirements.

NEN can also offer support to other organisations in developing and managing their own schemes.

1.2 Definition scheme

A scheme for compliance assessment contains the following elements⁴:

- a) the subject of compliance assessment, i.e. (management) system, body, person, product, process, or service that/who is assessed for compliance;
- b) the requirements by which compliance is assessed⁵;
- c) the mechanism used to establish compliance, for example testing, examining, inspection, verification, or auditing, and other supporting activities to ensure continued compliance;
- d) requirements for CBIs, laid down by the scheme manager, and, insofar applicable, any specific applications and interpretations thereof.

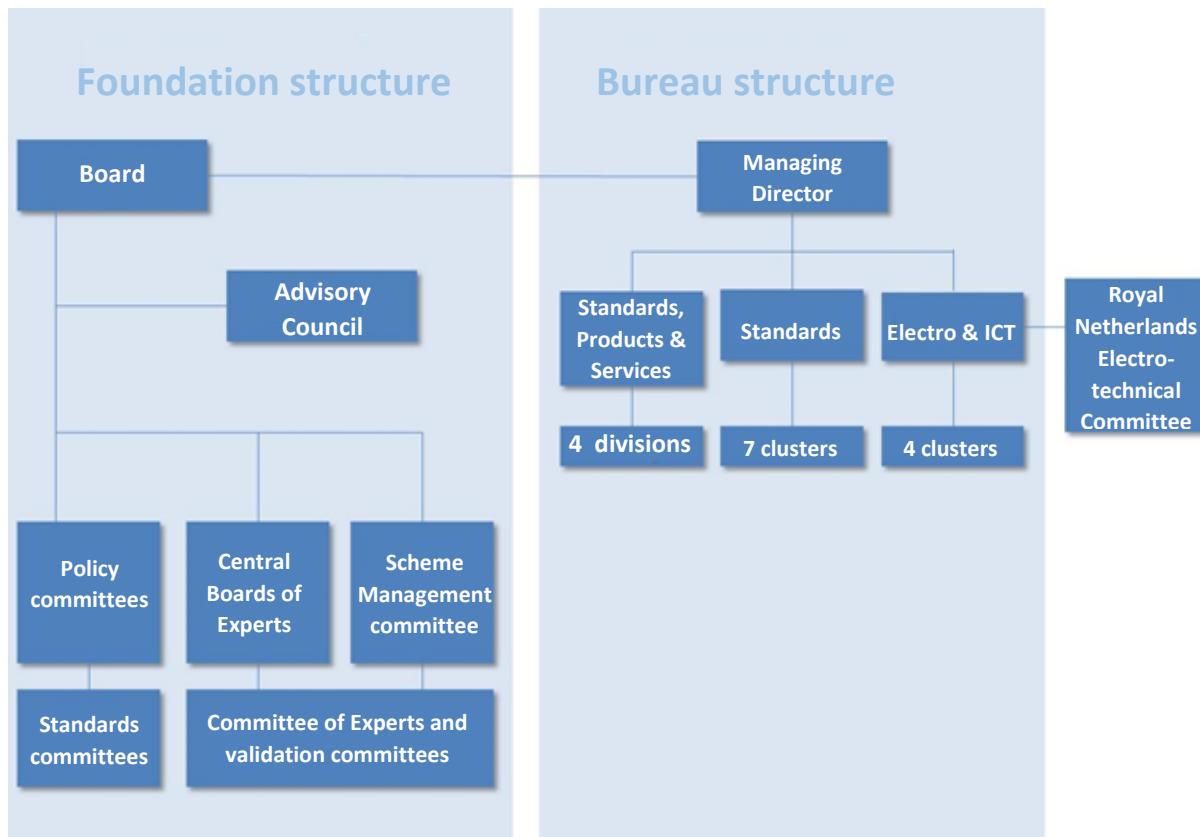
A document describing only one of the above-mentioned aspects, such as a normative document or an interpretation document, is not considered a scheme. The level of detail in which the mentioned elements are specified, depends on the intended use of the scheme.

⁴ NTA 8813:2017, paragraph 3.1.

⁵ The scheme also covers amendments and interpretation documents.

1.3 Procedure

This manual describes the procedure for developing and managing NEN schemes.



NEN scheme management can be realised in different ways:

- a scheme is developed at the same time a normative document is developed;
- a scheme is developed for a previously developed normative document;
- NEN is offered non-NEN documents for scheme management.

Within NEN, NEN Scheme Management supervises the activities of the committees involved in managing schemes. NEN Scheme Management isn't a separate organisational entity within NEN, but is integrated in the procedure of NEN's standards development business units.

NEN's procedure to develop and manage schemes is in accordance with the requirements in document RvA-BR012, the explanatory document for RvA-T033, and NTA 8813. In principle, the current agreements within NEN are adhered to, such as Regulations, Internal Rules, and the NEN process management Scheme Management. The NEN Scheme Management activities are safeguarded in the NEN quality management system, which complies with and is certified based on the requirements in ISO 9001:2015. Therefore, this manual is to be considered an addition to the current documents, and applicable to situations in which the current documents are insufficient or in which a different procedure is preferred.

Where, in practice, application of the current processes and this NEN Scheme Management manual leads to uncertainties and/or contradictions, the responsible bodies will provide for an appropriate solution (see chapter 2). If these bodies are unable to find an appropriate solution, the decision is referred to the Board.

2 Constitution and procedure committees in developing and managing schemes

This chapter describes the constitution and procedure of NEN bodies involved in developing and managing schemes.

2.1 Bodies involved in developing and managing schemes

All scheme management activities are carried out under ultimate responsibility of the board; committees, such as advisory committees or stakeholders committees, can be appointed to support the board.

The following bodies are involved in managing schemes:

- NEN Scheme Management;
- Scheme Management Committee;
- CCvDs (central boards of experts);
- Other scheme committees (for instance CvDs - boards of experts).

2.2 Tasks and responsibilities in developing and managing schemes

2.2.1 Tasks and responsibilities NEN Scheme Management

NEN Scheme Management comprises all NEN employees involved in the scheme management process. The scheme management process is NEN's core process.

NEN Scheme Management is an integral part of NEN's standards development business units, and is responsible for managing schemes and all correlated operational activities. NEN Scheme Management is the first point of contact for all stakeholders in managing the schemes.

2.2.2 Tasks and responsibilities Scheme Management Committee

The Scheme Management committee is responsible for identifying and prioritising the subjects to which scheme management is carried out for those sectors for which no CCvDs are established. In addition, the scheme management committee is responsible for supervising compliance assessment of schemes for which this is not (yet) carried out under accreditation.

The Scheme Management Committee's tasks are:

- advising the Board with respect to the scheme management policy;
- establishing scheme committees for activities not included in the sectors for which the board has established a Central Board of Experts (CCvD);
- advise NEN Scheme Management with respect to managing or developing schemes;
- supervising the implementation of the development and management of schemes, in accordance with NEN Scheme Management manual, NTA 8813, and other relevant regulations;
- identifying relevant social developments and third party schemes;
- establishing the NEN Scheme Management manual;
- handling received complaints and subsequent indications⁶ concerning the implementation of schemes.

The Scheme Management Committee carries out its tasks under responsibility of the Board.

⁶ The scheme management committee only handles a complaint if the scheme committees under its responsibility or the CCvD did not handle the complaint satisfactory.

2.2.3 Tasks and responsibilities of Central Boards of Experts

CCvDs have a constitution that is representative of the parties⁷ that (will) use schemes in a certain sector of society. It is a CCvD's responsibility to identify and prioritise the subjects of scheme management for their field.

CCvDs' tasks are:

- supervising the implementation of the development and management of schemes, in accordance with NEN Scheme Management manual and other relevant regulations within the sector for which this Board is established;
- identifying relevant social developments and third party schemes;
- obtaining and maintaining support for schemes;
- establishing schemes within the sector for which it is established;
- establishing scheme amendments and interpretation documents;
- evaluating schemes.

With respect to the above-mentioned tasks, the testability in the context of compliance assessment should, at all times, be assessed and the CBI's experiences should be associated. Furthermore, the following tasks should be fulfilled:

- advising the Board with respect to scheme management policy for the sector for which this Board is established;
- handling complaints and initial issues of interpretation with regard to schemes.

CCvDs carry out their tasks under the Board's responsibility.

2.2.4 Tasks and responsibilities CvDs and other scheme committees⁸

CCvDs can establish boards of experts (CvDs) and any other scheme committees to develop and manage (specific) schemes within the sector for which the CCvD is responsible. The Scheme Management Committee does so for sectors for which no CCvD is established.

NEN Scheme Management ensures at least the following tasks are fulfilled:

- obtaining and maintaining support for schemes;
- establishing schemes;
- establishing scheme amendments and interpretation documents;
- evaluating schemes.

2.2.5 Other tasks and responsibilities

All scheme committees are authorised to advise NEN Scheme Management on issues related to managing schemes. The scheme committees review NEN Scheme Management's activities for developments desired by stakeholders, as well as for other relevant developments in the market and/or society. NEN Scheme Management provides the scheme committees with all information necessary for their works. If NEN Scheme Management doesn't respond to advice from a scheme committee, it will inform the scheme committee of its reasons for this.

The Scheme Management Committee remains, but is assigned different tasks and responsibilities.

⁷ This may include:

- the applicant of the scheme for the concerned subject;
- manufacturer organisations and bodies;
- user organisations and bodies;
- trade organisations and bodies;
- consumer organisations and bodies;
- scientific bodies;
- research and inspection bodies;
- national public and semi-public bodies;
- employer organisations;
- employee organisations;

⁸ This may include: Stakeholders Committees, Boards of Experts, Review Committees, Examination Boards, etc.

2.3 Establishing and appointing committees

2.3.1 Establishing and appointing Scheme Management Committee

The Board establishes the Scheme Management Committee and appoints the chairman and members. The committee comprises at least four members:

- an independent chairman,
- a CBI representative,
- a user representative,
- a NEN Scheme Management secretary.

2.3.2 Establishing and appointing Central Boards of Experts

The Board appoints an independent chairman and the members. In doing so, it applies the principles as specified in 2.2.3.

A committee member terminates their tasks following resignation, dismissal, or losing the capacity their nomination was based on, and in case the organisation on behalf of which the member sits in the committee so indicates.

Appointment takes into account the committee member's personal competencies. Any necessity for specific competencies in the committee (for example due to the applicable accreditation standards) is determined for each committee. The Board reviews proposals of nomination based on the nominated committee member's résumés to determine their individual competence for the concerned committee and to determine whether, together, they cover the required competence for the committees. To this end, the Board is advised by NEN Scheme Management and the concerned committee.

2.3.3 Establishing and appointing other scheme committees

A CCvD can establish scheme committees specified under 2.2.4, insofar these are active within their sector. They also appoint the chairman and members, and decide on dismissing these scheme committees. The Scheme Management Committee establishes these scheme committees, appoints the chairman and members, and decides on dismissal for sectors for which no CCvD is established.

When appointing such scheme committees, the CCvD or scheme management committee ensures this committee's constitution meets the criteria specified under 2.2.3.

2.4 Procedure

The committees' members observe confidentiality with respect to the information obtained from their works, the confidential nature of which they are required to comprehend. The committees' members are to avoid any conflict of interest, and should abstain from voting in the committee in case of a possible conflict of interest.

2.5 Demonstrability representation

In the development of schemes, NEN supervises the fact that committee members demonstrably represent a party according to current procedures (see 1.1). Any exceptions have to be specified and justified by the concerned committee.

2.6 Decision-making

Decision-making in the committee pursues consensus, considering the different interests concerned. If consensus can't be reached on a subject and one or more members consider the matter of sufficient importance, it can be put to a vote.

2.7 Issues of interpretation

Based on issues of interpretation, the committees establish uniform interpretations under 2.2.3 and 2.2.4.

The CBIs and certificate holders are informed in writing on established interpretations. Issues of interpretation are monitored and archived, and incorporated in the concerned scheme with the next official revision.

3 Developing and managing schemes

This chapter describes how NEN develops and manages schemes.

3.1 Phase 1 Preliminary phase

3.1.1 Development request

Anyone can submit a request to NEN Scheme Management to develop a scheme for a specific subject. The request should be justified.

3.1.2 Establishing support

NEN Scheme Management ensures support is established. To substantiate this, NEN Scheme Management normally conducts a support survey on the feasibility of the scheme's development.

Insofar possible, this support survey takes account of the following elements:

- stakeholder analysis according to NEN process Scheme Management;
- important social aspects;
- potential market interest for a scheme and/or certification, and the size of the market for the product or service, including the interest among CBIs;
- current verifiable requirements for (similar) product groups;
- (im)possibilities to establish verifiable requirements for acceptable development and review costs;
- (im)possibilities to reach consensus within NEN;
- credibility of the scheme and/or a certificate/quality mark in relation to the concerned product group;
- possibility for NEN to obtain CBIs' mandate to implement independent scheme management.

The support survey should at least provide the following:

- definition and delimitation of the subject (the scope);
- insight into the market situation. The available versions, functional properties, market shares, most important parties in the market, companies, commercial chains, industries and their relation to each other, initiatives in the sector and market interest to using standards, verifiable requirements and/or schemes, and using a certificate/quality mark;
- insight into the level of (possible) credibility of the certificate/quality mark and a scheme for this subject. The consumer's or buyer's view on the subject is relevant in this;
- insight into the compliance with current laws, standards, quality marks, schemes and/or qualification systems.

3.1.3 Decision development

NEN determines if it is possible to develop a scheme. As consideration, NEN should believe that:

- establishing verifiable requirements and, based on that, implementing compliance assessment is able to safeguard the quality of a certain subject on a socially desired level, and is in accordance with NEN's general policy;
- the scheme's economic feasibility is, prior to actual implementation, sufficiently safeguarded, including the guarantee that there are enough CBIs willing to mandate NEN to implement scheme management.

If NEN decides to accept a request, they can establish a committee for it, appoint an existing committee to it, or establish a project group for it. If NEN decides to reject a request, NEN will inform the proposal submitter on this. If applicable, the submitter will be informed of other possibilities.

NEN's decision-making is advised by the Scheme Management Committee or a relevant CCvD.

3.2 Phase 2 Development

3.2.1 Formulating scheme

The responsible committee formulates a scheme containing (a reference to) the verifiable requirements to the subject to be reviewed, the method of compliance assessment, and the requirements to the compliance assessment body. Formulating the scheme takes account of current laws, standards, schemes, available verifiable requirements, available techniques, etc.

Conditions for verifiable requirements⁹ are:

- verifiable;
- uniformly formulated, so that issues of interpretation can be avoided as much as possible.

If requirements in current standards contain insufficient verifiable requirements, the following can be undertaken to formulate verifiable requirements:

- adapting the norm; or
- formulating verifiable requirements in the scheme.

Similarly, current standards and regulations can, in addition to verifiable requirements, contain requirements with respect to the method of compliance assessment and the compliance assessment body.

In principle, schemes are formulated in accordance with the document 'Dutch rules for formulating standards¹⁰' (unless external schemes). All schemes must at least meet the RvA-BR012 requirements.

3.2.2 Validating and establishing schemes

If a scheme has not yet been validated, NEN Scheme Management will arrange for this. Validation at least means the scheme has had a testing period that has demonstrated the scheme is practically feasible and complies with the authors' expectations. Important questions that need to be answered for validation are:

- what is the compliance assessment's objective and does this scheme achieve this objective?
- is the described compliance assessment practically feasible?
- are the results reproducible and reliable?

After validation, the responsible committee (CCvD or scheme management committee) establishes the scheme.

3.2.3 Own assessment of the scheme prior to RvA acceptance

"Own assessment" takes place before developed schemes or existing schemes are managed, or changes are implemented in schemes. This own assessment takes places with the RvA-BR012 requirements and using the RvA-T033 explanatory document. The responsible consultant carries out the own assessment. The own assessment is authorised by one of NEN's appointed consultants. In case of a scheme "under accreditation", this own assessment serves as a basis for the evaluation that is carried out by the RvA.

3.2.4 Publication

When publishing the scheme:

- NEN informs the submitter;

⁹ NTA 8813 provides further details on this in chapter 6:

the requirements, including any interpretations thereof, by which the subject's compliance assessment takes place, such as product, system, or process specifications, legal requirements, official standards, other normative documents, client specifications, industry standards, etc.

NOTE Requirements should be described in a clear, direct, and accurate manner, and should result in an accurate and uniform interpretation so that parties using the scheme have a common understanding of its meaning and intent. Requirements are preferably described in terms of outcome results (so not by prescribing specific technologies), along with limits and tolerances, if relevant. Requirements should be described unequivocally, using terms that are objective, logical, valid, and specific. NEN-ISO/IEC 17007 provides guidelines for formulating normative documents intended as a basis for compliance assessment.

¹⁰ Documents pertaining to NEN Quality Manual.

- NEN informs the stakeholders;
- the scheme is published as NEN Certification Scheme (NCS).

3.3 Phase 3 Management

3.3.1 Establishing managing schemes

NEN Scheme Management decides whether or not to manage a certification scheme. That decision is based on the following criteria.

- the scheme's support and credibility in the market;
- testability normative documents;
- developed according to the procedures specified in this manual¹¹;
- (potential) involvement of CBIs and the possibility to obtain their mandate to implement management.

NEN is advised by the Scheme Management Committee or the relevant CCvD for this.

3.3.2 License agreement

NEN concludes a license agreement with one or more¹² compliance assessment bodies for schemes to be managed. The content of license agreements with various CIs is identical for each scheme.

The license agreement includes agreements on:

1. rights, responsibilities, and obligations of the scheme managers and the CBI;
2. the use of any logo or reference to such agreements;
3. the compliance assessment body's obligation to meet the certification scheme's requirements without additions or limitations;
4. whether or not the concerned scheme is used under or without accreditation;
5. method of quality assurance if the scheme isn't used under accreditation;
6. if applicable: obtaining accreditation;
7. the obligation to exchange and provide information;
8. participation in the harmonisation meeting regarding the compliance assessment method;
9. if applicable: the accessibility of reports;
10. the obligation to partake in a NEN register and provide details for that register in a correct and timely manner¹³;
11. remittances, license costs, and any other reimbursements;
12. conditions precedent and (if applicable) sanctions;
13. the mandate given to NEN;
14. effective date, period of validity, and conditions for terminating the agreement;
15. if applicable, agreements on the scheme's use during the period in which the CBI is in the procedure of obtaining accreditation.

The agreement's provisions may not contradict the applicable standards used for accreditation and the associated documents.

For managing schemes of external scheme owners, NEN concludes an agreement with the scheme owner.

3.3.3 Logo

As soon and as long as the certificate holder is granted the right to use a certificate including the logo, they are authorised to use this logo on and/or with the concerned product/service, on this product's packaging, and/or in leaflets and advertisements for this product/service. There may, under no

¹¹ In case a scheme is developed within NEN, the authorised own assessment serves as a basis. An own assessment, which includes an inventory of the steps yet to be taken for the scheme to meet the requirements and an adequate roadmap, will first have to be carried out if an external scheme is going to be managed.

¹² Schemes for which a license agreement with at least two CBIs can be concluded are preferred.

¹³ Participation in a register may only be excluded from the license agreement if it is exempted by rules and regulations.

circumstance, be any misunderstanding about the subject the certification relates to. The logo's shape, size, typographic specification, and use of colours should meet the NEN provisions established for this purpose. The compliance assessment body and the certificate holder are not allowed to use the logo as their own trade mark.

The Dutch Advertising Code applies to the certificate holder's advertisements. NEN Scheme Management's logos are, as collective part of the logo Netherlands Standardisation Institute, registered with the Benelux Trade Mark Office. The Netherlands Standardisation Institute will act against any unauthorised use of the logo.

3.3.4 Renewing, terminating, deactivating, revising a scheme

A scheme can be renewed, terminated, deactivated, or revised. Deactivating means that the decision to revise or renew is deferred for an undetermined period, pending market interest or possible market developments.

Considerations involved are (see 3.1.2):

- market developments;
- involved CBIs' experience;
- the credibility and support;
- the number of license holders.

Changing the requirements will probably require more time in case of a revision. A decision to change the requirements will, therefore, usually entail an agreed extension of the period of validity.

NEN Scheme Management informs the stakeholders on a scheme's extension, termination, deactivation, or revision. In cooperation with the CBIs, NEN Scheme Management timely informs the certificate holders on the expiry of schemes' period of validity, any changes to requirements, and the effective date for the revised requirements. Agreements are made regarding the transition period.

3.3.5 Amendments

An amendment of the scheme is sometimes necessary. The concerned committee can advise on this. In cooperation with the CBIs, NEN Scheme Management timely informs the certificate holders on the expiry of schemes' period of validity and any changes to requirements, the transition period, and the effective date for the revised requirements.

Changes to schemes accepted by the RvA are, in consultation with the CBIs, submitted by NEN to the RvA for evaluation.

3.4 Developing and managing schemes used while not under accreditation

There is a market demand for developing or managing schemes that are used while not under accreditation. To this end, the term "not under accreditation" is used.

For schemes used while under accreditation of the RvA, there is independent monitoring of:

- the implementation of the compliance assessment by the compliance assessment body, based on that scheme;
- the conditions the scheme has to meet.

All this has one objective: to maintain as much confidence in certification as possible.

At the request of the Scheme Management committee, NEN Scheme Management monitors the compliance assessment of schemes that are used while "not under accreditation" in order to maintain as much confidence in compliance assessment as possible.

3.4.1 The Scheme Management Committee's tasks

This committee has the following tasks and responsibilities with respect to schemes that are used while not under accreditation:

- arrange for review of CBIs¹⁴;
- based on the findings, the Board, NEN Scheme Management, and concerned scheme committees offer their advice. This includes advice with respect to suspending and revoking license agreements.

Schemes that are used while "not under accreditation" are, in time, preferably placed under the RvA's supervision. Until then, the consideration not to do so should be documented with every revision of the scheme.

3.4.2. Developing and managing schemes that are used while not under accreditation.

The described rules with regard to developing and managing rules that are used while not under accreditation are in accordance with the rules as described for schemes used under accreditation.

The following exceptions or additions apply to this:

- a. Before a new or changed scheme can be published, an authorised own assessment has to be carried out.
- b. Agreements with the CBI have to be concluded with regard to NEN Scheme Management's supervision on the CBI's compliance assessment. Supervision is based on a risk assessment¹⁵.

3.4.3 Objection concerning certification decisions

The objection concerning certification decisions for schemes that are reviewed while "not under accreditation" is handled in accordance with chapter 4. A complaint concerning certification decisions is only handled by NEN if the appropriate CBI procedure is applied to handle the objection.

¹⁴ The so-called risk pyramid is used as a basis for this.

¹⁵ To this end, NEN scheme management has a risk pyramid in which the minimum requirements with respect to the supervision are established for each risk level.

4 Complaints, objections, and appeals

This chapter describes how NEN handles complaints, objections, and appeals in relation to managing schemes and in accordance with NTA 8813.

4.1 Complaint handling

Among others, NEN Scheme Management handles complaints about: the committees' functioning, the implementation of the committees' activities, and the improper and/or unauthorised use of certification marks by third parties. Complaints about NEN Scheme Management are handled by NEN's Board and/or, at the request of the Board, the Scheme Management Committee.

To handle complaints, NEN Scheme Management follows the NEN-wide complaint procedure with the following additions. NEN Scheme Management:

- is not obligated to handle complaints regarding a behaviour:
 - on which a complaint was already submitted, which has been handled;
 - that took place more than twelve months before submission of the complaint;
 - the complainant could appeal against;
- confirms receipt of a complaint in writing, forwards complaints to be handled by the responsible and authorised party, and informs the sender on above-mentioned and the handling period;
- informs the sender within 4 weeks in case the complaint is considered inadmissible;
- ensures the complaint is not handled by someone who is or was involved in the complaint's subject. A copy of the complaint and attached documents is sent to the person whose behaviour the complaint concerns. If evaluation of the complaint shows essential information is missing, the complainant is offered the possibility to provide additional information within a six week period;
- provides complainant with written and substantiated notification of the findings arisen from investigating the complaint, decision in the matter, and any associated conclusions. The notification specifies the period in which the complainant can submit an appeal.

4.2 Handling objections and appeals

4.2.1 Objection

NEN Scheme Management can receive objections to the following decisions:

- decision concerning licensing: by CBIs involved with NEN;
- rejection of the request to develop verifiable requirements, whether based on a feasibility study or not: by the applicant possibly already a member of the concerned committee;
- decision to cease development of verifiable requirements or not to establish verifiable requirements/scheme: by those who participated in the development in the concerned committee;
- decision to establish verifiable requirements/scheme: by stakeholders in the concerned committee;
- decision to renew, terminate, deactivate, or revise an existing scheme: by stakeholders in the concerned committee.

4.2.2 Appeal

NEN Scheme Management can receive appeals against the following decisions:

- all of NEN Scheme Management's decisions based on complaints and objections;
- all of the Scheme Management Committee's or CCvDs' decisions.

4.2.3 Suspension

If someone objects to a decision because they experience a disproportionate disadvantage from this decision or fear the decision maintaining in force during the handling of their complaint may lead to

such disadvantage, they can turn to NEN Scheme Management to request suspension of that decision and/or the taking of provisional measures to dissolve or limit the disadvantage.

Based on such a request, NEN Scheme Management will decide as soon as possible.

The provisional measure expires, in any event, when:

- the objection is withdrawn, or
- NEN Scheme Management has decided on the outcome, unless the outcome stipulates a later time.

4.2.4 Objection and appeal procedure

Objections are handled by the first higher committee it concerns. If the decision on the objection can be appealed against, this will be mentioned when announcing the decision; this will state who can appeal to NEN Scheme Management within what period.

An independent arbitration committee is established for the appeal procedure. The stakeholders are afforded the opportunity to be heard. The body reviewing the appeal:

- determines date and place for the hearing;
- notifies stakeholders of this, at least fourteen days in advance;
- to this end, ensures the appeal and corresponding documents and records are available to stakeholders at least fourteen days before the established hearing date.

Stakeholders are heard in each other's presence, unless it is likely that collective hearing will obstruct careful handling, or the hearing will disclose facts or circumstances that, for serious reasons, require confidentiality. If stakeholders are heard separately, each of them is informed of the hearing's proceedings in their absence, except insofar confidentiality is required for serious reasons. A report of the hearing will be made.

Up to seven days before the hearing, stakeholders can submit additional information to the person reviewing the appeal.

The independent arbitration committee can hear witnesses, consult experts, and make all arrangements it deems necessary to reach a proper decision. Stakeholders can, in writing and no later than seven days before the hearing, request the hearing of witnesses and experts. Both the submitter and NEN Scheme Management are entitled to legal representation or assistance during the hearing.

Holding a hearing, offering the opportunity to submit additional information, and presenting witnesses and experts may be omitted if:

- the appeal is apparently inadmissible or unfounded;
- stakeholders have declared they do not wish to exercise their right to be heard, submit additional information, or present witnesses or experts;
- the appeal is fully met and other stakeholders' interests are not affected;
- the required urgency dictates otherwise;
- the stakeholders were previously afforded the opportunity to present their view and no new facts or circumstances have occurred since then;
- the decision's intended objective can only be achieved if the stakeholder is not informed of this beforehand.

The independent arbitration committee decides in all reasonableness and fairness. They are bound to do so by the provisions they have established. This includes at least: the various procedures with respect to scheme management.

The decision to an appeal has to be made within six months of submission. This term can be extended once by two months if the circumstances call for it. Appeal decisions shall be in writing and, along with substantiation, be sent to the submitters and those involved in the hearing within fourteen days of the decision. The independent arbitration committee's decision will be signed and sent to all parties. The original will be archived for at least five years.

4.2.5 Deficiencies in objection or appeal

If the submitter did not meet the requirements established in these rules or if the provided information and documents are inadequate to reach a proper decision, the person reviewing an objection or appeal may decide not to handle the objection or appeal. However, the submitter must have been given the opportunity to sufficiently supplement their objection or appeal. The period is suspended from the day the submitter is requested to remedy an omission, to the day the omission is remedied or the deadline to do so has expired.

The submitter is informed of a decision not to handle an objection or appeal within four weeks of supplementing the objection or appeal, or after the deadline to supplement or meet other requirements has expired.

4.2.6 Advice on the review of objection or appeal

To reach a decision, NEN Scheme Management and/or the appointed responsible person can be advised by NEN Scheme Management's bodies.

4.3 Confidentiality

NEN Scheme Management and/or the appointed responsible person are obligated to observe confidentiality with regard to any and all experiences or knowledge acquired in the performance of their duties regarding the submitter's person, company/organisation, or personal or professional circumstances.

4.4 General provisions

The complaint, objection, or appeal is signed by the submitter and contains at least:

- the submitter's name and address;
- the date of issue;
- a description of the decision or action that gives rise to the complaint, or the decision against which the objection or appeal is directed;
- the indication it concerns either a complaint, an objection, or an appeal;
- the grounds for the complaint, objection, or appeal.

The appeal's submitter has to submit in writing to this procedure's provisions.

If the complaint, objection, or appeal is prepared in a foreign language and a translation is required to properly reach a decision, the submitter has to arrange for a translation. NEN Scheme Management confirms receipt thereof in writing. NEN Scheme Management will notify the party that they have reached the contested decision as soon as possible. If the objection or appeal is submitted to an unauthorised party, it is forwarded to the authorised party as soon as possible while, at the same time, informing the sender.

4.5 Periods

There is a six week period for submitting an objection or appeal. The period starts on the day after the decision on the prescribed method is made public.

An objection or appeal is timely submitted if received by NEN Scheme Management before the period expires. If an objection or appeal is submitted after the period has expired, it is not declared inadmissible if the submitter was not demonstrably at fault.

The objection or appeal does not suspend the effect of the decision it is directed against. The decision objected to or appealed against can, regardless of infringement of the procedural requirements, be maintained by NEN Scheme Management or the appointed responsible person deciding on the objection or appeal, if it doesn't place the stakeholder(s) at a disadvantage.