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Article 1 General

1. The Managing director of Certima is obliged to draw up rules of appeal against a decision made by the Managing director of Certima or other duly authorized employee of Certima.
2. In the event of an appeal as mentioned in the previous paragraph, according the certification regulations Managing director of Certima is obliged to set up an Appeals Tribunal.
3. In these rules of appeal the Managing director of Certima specifies the constitution, the authority, the procedure and the responsibilities of the Appeals Tribunal, which shall have the approval of the Impartiality Committee of Certima.
4. Every decision or measure by the Managing director of Certima against which appeal is possible, must be brought to the attention of those involved by means of a registered letter.
5. Certima stands surety for any costs arising as a result of fees and expenses payable incurred by the members of the Appeals Tribunal, including office costs. Certima's rates apply to remuneration and fees.
6. The terms used in these regulations are described in the certification regulations.

Article 2 Lodging an appeal

1. The appeal must be lodged within thirty calendar days after the decision or measure of Certima was communicated to the party concerned by registered letter, or after such time that the concerned party could, in the opinion of the Appeals Tribunal, have reasonably been informed of the controversial decision or measure.
2. Lodging an appeal leaves unimpaired the decision or measure of Certima until such time the Appeals Tribunal has made a decision.
3. In addition to lodging an appeal, the appealing party may also submit a request for full or partial suspension of the controversial decision or measure so long as the Tribunal has not yet made a decision regarding the appeal. The chairman of the Tribunal, after consulting with both parties, shall give a reasoned decision regarding the request as soon as possible after receiving the request for suspension.
4. Lodging an appeal, as well as a request for suspension as meant above, shall be by means of a registered letter to the Certification manager of Certima, which letter sets out the reasoned objection.

5. Simultaneously with the lodging of the appeal, the appealing party shall pay Certima a deposit of € 3,000 for possible settlement at a later date of any costs owed by it in connection with the appeal.
6. If there is no contractual relationship between Certima and the appealing party, the latter shall also submit a signed declaration attesting that it shall comply with the provisions of these regulations.

Article 3 Constitution of the Appeals Tribunal

1. Upon receipt of that which is specified in previous Article, the Managing director of Certima takes decision whether the appeal is related to the certification activities for which Certima is responsible and shall acknowledge the receipt of the appeal and will inform the appealing party about its decision.
2. As soon as possible, after taking a decision that the appeal is related to the certification activities, but in any case within thirty calendar days of receipt of that which is specified in previous Article, the Managing director of Certima shall establish an Appeals Tribunal by appointing a person to represent Certima.
3. The representatives of both parties shall appoint a third member as chairman. The chairman shall possess a Master of Laws degree based on an examination taken in the Netherlands civil law, commercial law and criminal law as well as one of the following subjects: Netherlands constitutional law, administrative law or tax law.
4. The Tribunal shall endorse the certification regulations, of which the rules of appeal are part, adopted by the Managing director of Certima and confirm this in writing to the Managing director of Certima.
5. The Tribunal shall appoint a secretary, who is not a member of the Tribunal.
6. Both the members and the secretary of the Appeals Tribunal may not be members of the Certima's organisation and must be independent of those involved in the Certima's activities.
7. Both parties are entitled to reject the representative of the other side should this person not satisfy the intended profile.
8. The Managing director of Certima shall provide the secretary of the established Appeals Tribunal with the documents mentioned in Article 2 without delay.

Article 4 Information, confidentiality

1. Members of Certima or persons called in by Certima in the execution of its activities shall be obliged, if required, to provide the members of the Appeals Tribunal with any information deemed necessary, without prejudice to their obligation of confidentiality vis-à-vis third parties.
2. Members, as well as the secretary of the Appeals Tribunal, are obliged to observe the greatest confidentiality in regard to all that comes to their knowledge in the framework of that which is laid down in these regulations, including all company information, information on persons, on the organisation or the personal or business affairs of the parties involved.

Article 5 Procedure

1. The secretary shall notify the chairman of the Appeals Tribunal without delay as soon as the appeal and the documents mentioned in Article 3 have been received from the Managing director of Certima.
2. If the appellant has not paid the deposit mentioned in Article 2, the Managing director of Certima shall set a deadline of eight calendar days with notification to the appellant by registered letter. If after this deadline the appellant has still not paid the deposit, the appeal shall be dismissed.
3. The Appeals Tribunal is entitled to examine witnesses, consult with experts and take any measures and provisions, including holding several sessions, as it deems necessary in order to come to an adequate decision.
4. As soon as possible, the chairman shall decide, in consultation with the other members of the Appeals Tribunal, the place, date and time of the session and shall immediately inform the secretary thereof. The secretary shall notify the Managing director of and the appellant of the relevant data as soon as possible, at least fourteen calendar days before the appointed date of the session.
5. Certima is entitled to submit a defense, as well as bring along witnesses and experts to the session, provided the names and addresses of the witnesses as well as the defense are made known to the Appeals Tribunal and the other party no later than five calendar days before the date of hearing.
6. Both the appellant and Certima are entitled to be represented at the session and/or be assisted by a counsel.
7. The Appeals Tribunal is obliged to hear both the appellant and Certima.

Article 6 Decision

1. The members of the Appeals Tribunal shall base their decision on reasonableness and fairness and are bound by the regulations adopted by Certima. These include in any case: the certification regulations, the rules, the certification scheme and the list of rates.
2. The Appeals Tribunal shall decide on the appeal lodged by majority vote and inform the parties of the decision in writing, with reasons, within fourteen calendar days of the date of the decision.
3. The decision of the Appeals Tribunal is a binding ruling for the parties.
4. The chairman and the secretary shall sign the decision of the Appeals Tribunal; the secretary shall subsequently send a copy thereof to each party by registered letter.
5. The original copy is filed in the records of the Tribunal, which are managed by the secretariat of Certima.
6. If the Appeals Tribunal quashes the decision or measure of Certima, in full or in part, it may decide that Certima must revoke or amend its controversial decision or measure, or that Certima make a decision or take a measure or refrain from an act or carry out an act in accordance with the Tribunal's decision.
7. Concurrently with the decision, the Tribunal also determines the amount of the costs of the action, as well as the party that is to pay the costs, either in part or in full. The costs of legal assistance are not included in this amount.
8. If the appellant is ordered to pay the costs mentioned in the previous paragraph, either in full or in part, these shall be settled with the deposit made by the appellant as meant in Article 2. Any balance shall be immediately refunded to the appellant. If the deposit is insufficient to cover the aforesaid costs, the appellant shall be obliged to pay Certima the amount still owing within 30 calendar days of the date of the decision mentioned in the second paragraph.

9. The Appeals Tribunal is obliged to decide on the appeal within six months of the date on which the appeal was lodged with the Managing director of Certima. If, in the opinion of the Tribunal, circumstances so necessitate, the Tribunal shall be entitled to extend the period mentioned in the previous sentence by a period of six months.

Article 7 Other conditions

1. In all cases for which these regulations do not provide, the Appeals Tribunal shall decide.
2. These regulations may be cited under the name Certima Rules of Appeal.