



# MANUAL

## NEN Scheme management

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SCHEME MANAGEMENT

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## Introduction

This is version 6 of the NEN Scheme Management Manual. Version 5 dates from June 2018. This version of the NEN Scheme Management manual was established by the NEN Scheme Management Committee on September 20<sup>th</sup>, 2019.

## 1 Purpose

This manual's objective is to describe the NEN procedure in developing and managing schemes for conformity assessment that meet the definition as given in paragraph 2.6. 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 owner.

## 2 Terms and definitions<sup>1</sup>

### 2.1 Stakeholder

Party that is directly affected by the subject.

Note 1 for this term: Examples of stakeholders are:

- a) parties that are or can be the end user; meaning parties that take decisions based on the result (report, certificate) of the conformity assessment. Stakeholders for schemes can be parties like government agencies, customer representatives and/ or consumer representatives;
- b) direct customers of a conformity assessing body.

Note 2 for this term: Stakeholders have a common interest in the conformity assessment based on their own interests

### 2.2 Conformity assessment

demonstration that specified requirements relating to a product, process, (management)system, person or body are fulfilled.

### 2.3 Conformity assessment body (CAB)

body that performs conformity assessment services.

Note 1 for this term: Examples of CABs are:

- a) (medical) laboratories;
- b) Inspection institutes ;
- c) Certification institutes (certifying institutes);
- d) Calibration institutes.

### 2.4 Accreditation standard

normative document designating requirements for conformity assessment bodies for which the reference has been published by the European Committee in the Official Journal in relation to execution of Regulation (EG) Nr. 765/2008 and which serves as a basis for accreditation.

Note 1 for this term: A number of ISO standards, for example from the 17000-series, has been designated by the European Committee as a harmonized standard for accreditation. Accreditation based on these harmonized standards can only be performed by National Accreditation Bodies.

### 2.5 Independent scheme owner

an identifiable organization that has established a scheme and that is responsible for designing and managing the scheme and that does not perform any conformity assessments itself.

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<sup>1</sup> These definitions are based on NTA8813 and ISO 17000.

## 2.6 Conformity assessment scheme

documented and publicly available set of requirements for the determination of:

- a) the object of conformity assessment, meaning (management)system, institute, person, product, process or service, of which the conformity is assessed;
- b) the requirements for which conformity is assessed;
- c) the mechanism with which conformity is assessed, for example testing, inspection, verification or auditing and supportive activities to ensure continuous conformity.
- d) requirements for conformity assessment bodies (CABs) set by the scheme manager, and any specific applications and interpretations thereof, where applicable.

Note for 1 for this term: Throughout the rest of this document the term scheme will be used for conformity assessment scheme.

Note 2 for this term: Amendments and mandatory interpretations are also part of a scheme.

Note 3 for this term: Requirements listed under sub b) can also include legal requirements or national- or international standards.

Note 4 for this term: activities to ensure *continuous conformity* as listed under sub c) do not apply to all forms of conformity assessment (e.g. not for inspection)

## 2.7 Accreditation

third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.

## 2.8 Dutch Accreditation Council

The body appointed by the government (based on (EU)765/2008) to issue accreditations in the relevant country

# 3 General

## 3.1 Policy

To manage schemes, NEN has an infrastructure that is consistent with the applicable RvA<sup>2</sup> rules and the NTA 8813 requirements. By complying with these rules, NEN has good tools for implementing schedules in a clear and professional manner. This fits in well with the process of developing and managing standards.

As independent scheme owner, NEN manages<sup>3</sup> 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 CABs. NEN manages schemes with respect to product- and service-certification, person-certification, system-certification and inspection. For each scheme, stakeholders and CABs determine if it is appropriate to carry out conformity assessment of the concerned scheme under accreditation of the RvA<sup>4</sup>.

If conformity assessment is carried out according to a scheme under accreditation of the RvA, the RvA supervises the CAB acting as scheme owner. When scheme management is carried out by a central scheme owner (such as NEN), the RvA supervises the CAB 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 conformity assessment under accreditation of the RvA, NEN arranges for supervision (see paragraph 5.4 Developing and managing schemes for

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<sup>2</sup> RvABR012 Policy rule for evaluation of conformity assessment schemes current version.

RvAT033 Explanation of requirements for conformity assessment schemes current version.

<sup>3</sup> 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).

<sup>4</sup> Where appropriate, this may be a different national accreditation body.

which conformity 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.

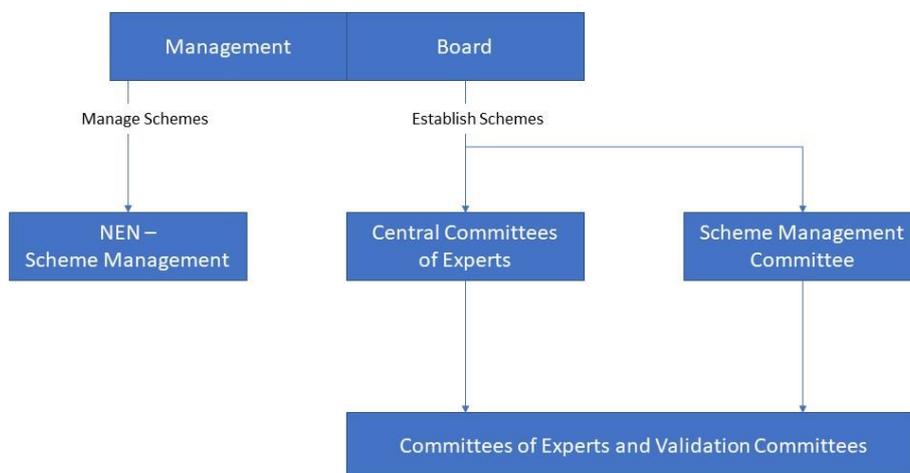
NEN uses several principles for Scheme Management:

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

### 3.2 Procedure

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



**Figure 1 Organizational Structure**

NEN scheme management can be realised in different ways:

- a normative document and the supplementary elements of a scheme are developed simultaneously;
- a scheme is developed; for which the requirements of conformity are recorded in an existing 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 business unit.

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 assured in the NEN quality management system, which conforms to and is certified based on the requirements in ISO 9001:2015 and is tested against NTA8813. 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 4). If these bodies are unable to find an appropriate solution, the uncertainties and/or contradictions are presented to the Executive Management for decision-making.

## 4 Composition and working method committees in developing and managing schemes

This chapter describes the composition and working methods of NEN bodies involved in developing and managing schemes.

### 4.1 *Bodies involved in developing and managing schemes*

All scheme management activities are carried out under ultimate responsibility of the Executive Management.

The following bodies are involved in managing schemes:

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

### 4.2 *Tasks and responsibilities in developing and managing schemes*

#### 4.2.1 **Tasks and responsibilities NEN Scheme Management**

NEN Scheme Management comprises all NEN employees involved in the scheme management process.

NEN Scheme Management is an integral part of NEN's business unit Standards, and is carried out under the responsibility of a programme manager. NEN Scheme management administers all schemes and carries out all relating tasks. NEN Scheme Management is the first point of contact for all stakeholders in managing the schemes.

#### 4.2.2 **Tasks and responsibilities Scheme Management Committee**

The Scheme Management committee is responsible for identifying and prioritising the subjects for 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 conformity assessment of schemes for that are not (yet) carried out under accreditation.

The Scheme Management Committee consists of at least three independent experts.

The Scheme Management Committee's tasks are:

- advising the Executive Management of NEN with respect to the scheme management policy;
- establishing scheme committees for activities not included in the sectors for which the Executive Management has established a Central Committee 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 the NEN Scheme Management manual, NTA 8813, and other relevant regulations;
- identifying relevant societal developments and third-party schemes;
- establishing the NEN Scheme Management manual;
- handling received complaints and signals concerning the implementation of schemes in second instance<sup>5</sup>.

The Scheme Management Committee carries out its tasks under responsibility of the Executive management of NEN.

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<sup>5</sup> The scheme management committee only handles a complaint if the scheme committees under its responsibility or the CCvD did not handle the complaint satisfactory.

#### 4.2.3 Tasks and responsibilities of Central Committees of Experts

CCvDs have a constitution that is representative of the parties<sup>6</sup> 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 Committee is established;
- identifying relevant societal developments and third-party schemes;
- obtaining and maintaining support for schemes;
- establishing schemes within the sector for which they are established;
- establishing scheme amendments and interpretation documents;
- evaluating schemes.

With respect to the above-mentioned tasks, the verifiability in the context of conformity assessment should, at all times, be assessed and the CAB's experiences should be considered. Furthermore, the following tasks should be fulfilled:

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

CCvDs carry out their tasks under the responsibility of the Executive Management of NEN.

#### 4.2.4 Tasks and responsibilities CvDs and other scheme committees<sup>7</sup>

CCvDs can establish committees 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.

#### 4.2.5 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 against developments desired by stakeholders, as well as against 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 does not give follow-up to any advice from a scheme committee, it will inform the scheme committee of its reasons for this.

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<sup>6</sup> 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;

<sup>7</sup> This may include: Stakeholders Committees, Boards of Experts, Review Committees, Examination Boards, etc.

## **4.3** *Establishing and appointing committees*

### **4.3.1 Establishing and appointing Scheme Management Committee**

The Executive Management establishes the Scheme Management Committee and appoints its chairman and members. The committee comprises at least three members:

- an independent chairman,
- two independent experts in the field of scheme management.

The committee is supported by a NEN Scheme Management secretary.

### **4.3.2 Establishing and appointing Central Committees of Experts**

The Executive Management appoints an independent chairman and the members. In doing so, it applies the principles as specified in 4.2.3.

A committee member terminates his/her 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 on 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 Executive Management 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 Executive Management is advised by NEN Scheme Management and the concerned committee.

### **4.3.3 Establishing and appointing other scheme committees**

A CCvD can establish scheme committees specified under 4.2.4, insofar these are active within its 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 4.2.3.

The Executive Management can also cancel the Scheme Management Committee or a CCvD as it sees fit.

## **4.4** *Procedure*

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

## **4.5** *Demonstrability representation*

In the development of schemes, NEN supervises whether committee members, with the exception of the members of the Scheme Management Committee, demonstrably represent a party according to current procedures. Any exceptions have to be specified and justified by the concerned committee.

## **4.6** *Decision-making*

Decision-making in the committee is aimed at consensus, considering the different interests concerned. If consensus cannot be reached on a subject and one or more members consider the matter of sufficient importance, it must be put to a vote. Relating rules will be decided upon by the committee autonomously.

#### **4.7** *Issues of interpretation*

Based on issues of interpretation, the committees mentioned under 4.2.3 and 4.2.4 establish uniform interpretations.

The CABs and 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.

## 5 Developing and managing schemes

This chapter describes how NEN develops and manages schemes.

### 5.1 Phase 1 Preliminary phase

#### 5.1.1 Development request

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

#### 5.1.2 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 societal 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 CABs;
- 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 CABs' mandate to implement independent scheme management.

The support survey should at least provide the following:

- definition and boundaries 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 conformity with current laws, standards, quality marks, schemes and/or qualification systems.

#### 5.1.3 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 conformity 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 CABs 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 submitter of this decision. NEN will provide the submitter, if applicable, information about alternative routes for the development of their scheme.

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

## 5.2 Phase 2 Development

### 5.2.1 Drafting scheme

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

Conditions for measurable requirements<sup>8</sup> are:

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

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

- updating the standard 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 conformity assessment and the conformity assessment body.

In principle, schemes (weo external schemes) are formulated in accordance with the document 'Dutch rules for formulating standards<sup>9</sup>'. All schemes must at least meet the RvA-BR012 and NTA 8813 requirements.

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

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

### 5.2.3 Self-assessment of the scheme prior to RvA acceptance

"Self-assessment" takes place before developed schemes or existing schemes are managed, or changes are implemented in schemes. This self-assessment takes places with the RvA-BR012 requirements and using the RvA-T033 explanatory document. The responsible consultant carries out the self-assessment. The self-assessment is authorised by one of NEN's appointed consultants. Records are kept on the competency of these consultants to perform this authorization. The competence is regularly reassessed.

In case of a scheme "under accreditation", this self-assessment serves as a basis for the evaluation that is carried out by the RvA.

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<sup>8</sup> NTA 8813 provides further details on this in chapter 6:

the requirements, including any interpretations thereof, against which the object is evaluated, such as product, system or process specifications, statutory requirements, formal standards, other normative documents, customer specifications, sector standards, etc.

NOTE Requirements should be described in a transparent, direct and accurate manner, and should result in an accurate and uniform interpretation so that any parties that use the scheme have a common understanding of their meanings and intent. Requirements should preferably be specified in terms of results or outcomes (i.e. not by specifying specific technologies), together with any thresholds and tolerances, if relevant. Requirements should be specified unambiguously, using objective, logical, valid and specific terms. NEN-ISO/IEC 17007 provides guidance for drafting normative documents intended for use as the basis for conformity assessment..

<sup>9</sup> Documents pertaining to NEN Quality Manual.

#### 5.2.4 Publication

When publishing the scheme:

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

### 5.3 Phase 3 Management

#### 5.3.1 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 manual<sup>10</sup>;
- (potential) involvement of CABs and the possibility to obtain their mandate to implement management.

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

#### 5.3.2 License agreement

NEN concludes a license agreement with one or more<sup>11</sup> conformity assessment bodies for schemes to be managed. The content of license agreements with various CIs is identical for each scheme.

The license agreement contains the following elements:

1. rights, responsibilities, and obligations of the scheme owners and the CAB;
2. the use of any logo or reference to such agreements;
3. the CAB'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 conformity 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 manner<sup>12</sup>;
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 CAB 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.

#### 5.3.3 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

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<sup>10</sup> In case a scheme is developed within NEN, the authorised self-assessment serves as a basis. An self-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.

<sup>11</sup> Schemes for which a license agreement with at least two CABs can be concluded are preferred.

<sup>12</sup> Participation in a register may only be excluded from the license agreement if it is exempted by rules and regulations.

packaging, and/or in leaflets and advertisements for this product/service. There may, under no 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 conformity assessment body and the certificate holder are not allowed to use the logo as their own trademark.

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 Trademark Office. The Netherlands Standardisation Institute will act against any unauthorised use of the logo.

#### **5.3.4 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 5.1.2):

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

In case of a revision, more time will probably be required to change the requirements .requirements. 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 CABs, 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.

#### **5.3.5 Amendments**

An amendment of the scheme is sometimes necessary. The concerned committee can advise on this. In cooperation with the CABs, 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.

NEN submits changes to schemes, which have been determined in consultation with the CABs, to the RvA for evaluation.

### **5.4 *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 under accreditation of the RvA, there is independent monitoring of:

- the implementation of the conformity assessment by the conformity 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.

In order to maintain confidence in conformity assessment at the highest possible level, NEN Scheme Management, chaired by the Scheme Management Committee, oversees conformity assessment against schemes that are 'not under accreditation'.

#### **5.4.1 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 CABs<sup>13</sup>;
- based on the findings, the Executive Management, NEN Scheme Management, and concerned scheme committees offer their advice. This includes advice with respect to suspending and revoking license agreements.

It is preferred to bring schemes that are 'not under accreditation' in due time under the supervision of the RvA. Until then, the consideration not to do so should be noted with every revision of the scheme.

- The development and management of schemes that are used while not under accreditation. The rules with regard to the development and management of schemes that are used while not under accreditation are in accordance with the rules as described for schemes that are used while under accreditation.

The following exceptions or additions apply to this:

- a. Before a new or changed scheme can be published, an authorised self-assessment has to be carried out.
- b. Agreements with the CAB have to be concluded with regard to NEN Scheme Management's supervision on the CAB's conformity assessment. Supervision is based on a risk assessment<sup>14</sup>.

#### **5.4.2 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 CAB procedure was applied while handling the objection.

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<sup>13</sup> The so-called risk pyramid is used as a basis for this.

<sup>14</sup> 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. In order to determine the manner and degree of supervision, NEN Scheme Management performs regular risk assessments.

## 6 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.

### 6.1 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 the Scheme Management Committee at the request of the Executive Management.

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.

### 6.2 Handling objections and appeals

#### 6.2.1 Objection

NEN Scheme Management can receive objections to the following decisions:

- decision concerning licensing: by CABs 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.

#### 6.2.2 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.

#### 6.2.3 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.

#### **6.2.4 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, submits the appeal and corresponding documents and records to the 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.

#### **6.2.5 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.

#### **6.2.6 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.

### **6.3 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.

### **6.4 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 of the complaint, objection or appeal in writing. NEN Scheme Management will notify the party that made the contested decision of the receipt of the complaint, objection or appeal 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.

### **6.5 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, the objection or appeal will still be processed 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 does not place the stakeholder(s) at a disadvantage.