
 OFFICE LUXEMBOURGEOIS D'ACCREDITATION ET DE SURVEILLANCE	<b>P006 – Complaints and appeals</b>			
	19.07.2019	Version 04	Page 1 of 6	

# P006



## Complaints and appeals

Modifications: complete revision of the document

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 OFFICE LUXEMBOURGEOIS D'ACCREDITATION ET DE SURVEILLANCE	<b>P006 – Complaints and appeals</b>			
	19.07.2019	Version 04	Page 2 of 6	

## 1. Purpose

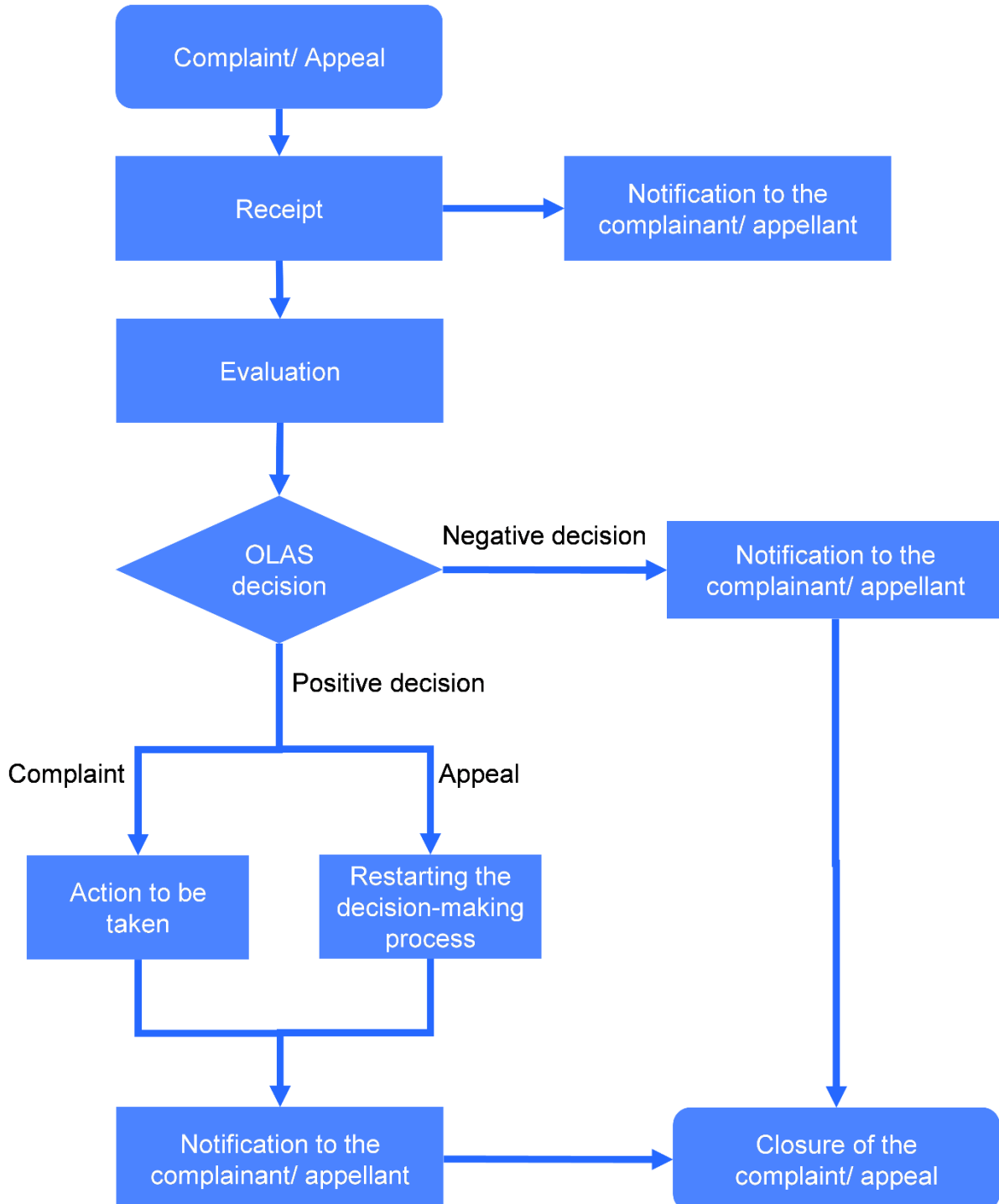
The purpose of the procedure is to define the complaint and appeal process in the context of the accreditation of CABs. The follow-up of the processing of complaints is carried out using form *F007 – improvement form*.



## 2. Definitions

**Appeal:** request by a CAB for reconsideration of any adverse accreditation decision related to its desired accreditation status (ISO/IEC 17011:2017, §3.21).

**Complaint:** expression of dissatisfaction, other than an appeal, by any person or organization, to an accreditation body, relating to the activities of that accreditation body or of an accredited CAB, where a response is expected (ISO/IEC 17011:2017, §3.20).

### 3. Complaints and Appeals Process Flowchart



 OFFICE LUXEMBOURGEOIS D'ACCREDITATION ET DE SURVEILLANCE	<b>P006 – Complaints and appeals</b>			
	19.07.2019	Version 04	Page 4 of 6	

## 4. Complaint handling process

### 4.1. Receipt of the complaint

In the event of dissatisfaction with OLAS accreditation activities or with the conformity assessment activities of a CAB, any interested party may lodge a complaint with OLAS.

When OLAS receives a complaint against a CAB or its accreditation activities, it acknowledges receipt to the complainant. The latter is informed of the progress of the processing of the complaint whenever necessary.

Each complaint should be addressed to OLAS by post, e-mail or any other appropriate means. OLAS treats the criteria identified as "insufficient" from the assessor/expert evaluation forms (forms F009, F010, F011A, F011B, F011C) as a complaint against OLAS or its assessors/experts.

The complainant undertakes to provide OLAS with all the evidence necessary to process the complaint. OLAS undertakes not to disclose information received about a CAB to any third party, except as required by law.

Where the complaint concerns an accredited CAB, the complainant authorizes OLAS to provide the necessary information to the CAB, to enable it to deal with the complaint in an appropriate manner. OLAS undertakes not to disclose the identity of the complainant to the CAB, except with the complainant's consent.

### 4.2. Evaluation of the complaint

OLAS then investigates and validates the complaint on the basis of the relevant evidence available. The OLAS opens a form *F007 – Improvement form*, and assigns it a unique identification number so that it can be tracked and traced.



If OLAS considers that it does not have sufficient information to validate the complaint, it asks the complainant to provide it with additional information.

On the basis of the information provided by the complainant, OLAS confirms whether the complaint relates to accreditation activities, and if so, it shall deal with it.

If the complaint is related to the conformity assessment activities of an accredited CAB, OLAS ensures that the complaint is first addressed by the CAB concerned. OLAS contacts the CAB concerned in order to inform it of the reason for the complaint and to obtain its opinion and justifications.

OLAS then examines the complaint and analyses the situation to determine whether the complaint is justified.

If necessary, the OLAS may request the opinions of assessors, experts or members of the Accreditation Committee as part of the evaluation of the complaint.

 OFFICE LUXEMBOURGEOIS D'ACCREDITATION ET DE SURVEILLANCE	<b>P006 – Complaints and appeals</b>			
	19.07.2019	Version 04	Page 5 of 6	

#### **4.3. Decision on the actions to be undertaken and follow-up of their implementation**

The head of OLAS department appoints a person responsible for handling the complaint who has not been involved in the activities in question to make the final decision on the basis of all the information collected by the OLAS.

The person in charge examines the elements of the complaint in order to determine whether any curative and/or corrective action should be taken. The complainant is informed of this decision.

In the event of a complaint against an accredited CAB, OLAS may ask the Accreditation Committee to advise on the appropriate follow-up to the complaint.

When the decision is against the complainant, OLAS informs him/her of this and gives him/her the reasons that led to the decision. This notification completes the complaint process.

### **5. Appeal handling process**

#### **5.1. Receipt of the appeal**

In the event of a request for reconsideration of an accreditation decision or sanction, any CAB may lodge an appeal with OLAS.

When OLAS receives an appeal, it acknowledges receipt to the appellant. The latter is informed of the progress of the appeal handling whenever necessary.

The filing of an appeal does not suspend the decision or sanction taken by OLAS.

The appeal has to be sent by post or e-mail to OLAS within 15 working days of notification of the decision/sanction by the head of OLAS department or his deputy.



#### **5.2. Evaluation of the appeal**

The head of OLAS department then validates the appeal on the basis of the relevant information available. A decision/sanction may only be reviewed if the CAB is able to present new information to OLAS.

If it considers that it does not have sufficient evidence to validate the appeal, OLAS asks the appellant to provide it with additional information.

Once validated, OLAS opens a form *F007 – Improvement form*, and assigns it a unique identification number so that it can be tracked and traced. OLAS then reviews the appeal and analyses the situation to determine whether the appeal is admissible.

If necessary, OLAS may request the opinions of assessors, experts or members of the Accreditation Committee as part of the evaluation of the appeal.

 OFFICE LUXEMBOURGEOIS D'ACCREDITATION ET DE SURVEILLANCE	<b>P006 – Complaints and appeals</b>			
	19.07.2019	Version 04	Page 6 of 6	

### 5.3. Decision on the actions to be undertaken and follow-up of their implementation

The head of OLAS department appoints person responsible for handling the appeal who has not been involved in the case in question to take the final decision on the basis of all the information collected by the OLAS.

The person in charge examines the new information provided by the CAB in order to determine whether the decision-making process leading to the decision or sanction shall be restarted. This decision is communicated to the appellant.

If the decision is positive, OLAS will restart the decision-making process as described in procedure *P003*, taking into account the new elements. Once the decision-making process is complete, OLAS notifies the CAB in writing of the final decision. This notification completes the process of handling an appeal.

If the decision is negative, the appellant is informed of the possible follow-up actions detailed in Chapter 6 below.

## 6. Appeal to the mediator and contentious appeal

If, following the appeal to the OLAS, a disagreement persists, the CAB may submit a complaint to the mediator attached to the Chamber of Deputies, whose task it is, to assist natural or legal persons challenging a decision of the State and municipal administrations, as well as the public institutions dependent on them (<http://www.ombudsman.lu>) (Law of 22 August 2003 establishing an Ombudsman). The CAB must then comply with the specific procedure established by the mediator.

In the case of a contentious appeal to the administrative court, the appeal will be dealt with in accordance with the amended law of 21 June 1999 on the rules of procedure before the administrative courts.