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Povzetek sprememb:

- Sprememba naslova dokumenta
- V členu 1 dodan validacijski in verifikacijski organ
- Sprememba SIQ člana Komisije za prizive

Summary of changes:

- Change of the document name.
- In article 1 added validation and verification body.
- Change of the SIQ member in the Board of Appeal.

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PRAVILNIK SPREJET NA SEJI UOC DNE 2024-05-30.

THIS DOCUMENT WAS ADOPTED BY THE BOARD OF CERTIFICATION BODY AT ITS SESSION OF 2024-05-XX.

1 Predmet pravilnika in področje uporabe / Scope and field of application

Ta pravilnik določa pristojnosti in postopek v primeru prizivov na delo in odločitve certifikacijskih komisij za področja certificiranja proizvodov, procesov in storitev, sistemov vodenja in osebja, za področje delovanja validacijskega in verifikacijskega organa, za področje delovanja SIQ Ljubljana (v nadaljevanju SIQ) kot priglašene organa in preveritelja ter odločitve kontrolnega organa pri kontrolnih storitvah.

Ureditve in postopki certifikacijskih sistemov/kontrolnih storitev/storitev preveritelja/priglašene organa so podrobno opredeljeni v pravilnikih in vodilih, ki praviloma obravnavajo posamezne elemente certifikacijskih sistemov/validacijskih in verifikacijskih sistemov/storitev priglašene organa/kontrolnih storitev/storitev preveritelja, ter v delovnih navodilih za certifikacijsko/kontrolno osebje/osebje za preverjanje poročil o emisijah toplogrednih plinov.

These Rules lay down the competences and the procedure applicable in cases of appeals against the work and decisions of certification commissions for products, processes and services, quality systems and personnel, the work of SIQ as validation and verification body, the work of SIQ as a Notified Body and a Verifier, and decisions of an Inspection Body in inspection services.

The certification system/inspection arrangements and procedures are defined in detail in the rules and guides dealing, as a rule, with individual elements of certification systems/validation and verification systems/inspection services/services of a Verifier, and in working guides for the certification/inspection personnel/personnel to verify greenhouse gas emission reports.

2 Pristojnosti / Competences

Če certifikacijska komisija ne podeli certifikata, licence za uporabo certifikacijskega znaka (licence) ali izda poročila o preverjanju poročila o emisijah TGP (poročilo), ali če certifikacijska komisija odloči o preklicu veljavnosti certifikata/licence/poročila, ima vložnik zahtevka za certificiranje (v nadaljevanju "vložnik") oziroma nosilec (v nadaljevanju "nosilec") certifikata/licence/poročila o emisijah toplogrednih plinov pravico vložiti priziv pri komisiji za prizive.

Priziv pri komisiji za prizive ima pravico vložiti tudi vložnik zahtevka za kontrolne storitve, ki se ne strinja z odločitvijo kontrolnega organa.

Priziv se lahko vloži v pisni obliki v 15 dneh po prejemu odločitve, da se certifikat/ licenca/poročilo ali poročilo o kontroli ne podeli oz. prekliche.

SIQ je dolžan vložnika na to pravico opozoriti po vsaki posamezni odločitvi, da se certifikat ne podeli.

If the Certification Commission decides not to grant a certificate or a licence for the use of a certification mark or decides not to issue a GHG emission verification report or if it decides to cancel the validity of a certificate (licence), the applicant for certification (in continuation "the applicant" or the holder (in continuation "the holder") of a certificate/licence/GHG emission report has the right to appeal to the Appeals Commission.

An applicant for inspection services who disagrees with the decision of the Inspection Body has also the right to appeal to the Appeals Commission.

An appeal can be filed in writing in 15 days upon the receipt of the decision of the Certification Commission or Inspection Body.

SIQ is obliged to inform the applicant or the holder of their right to file an appeal against its decision each time a decision is taken.

3 Opis postopka / Procedure description

Vložnik oz. nosilec lahko vloži priziv, če misli, da je bil kršen postopek za podelitev certifikata/licence/poročila/poročila o kontroli, ali če se ne strinja z rezultati preskusa ali presoje, ki bistveno vplivajo na odločitev, ali če se ne strinja s preklicom. Vložnik oz. nosilec mora prizive dokumentirati (priložiti materialne dokaze, strokovna mnenja, ekspertize o sporni zadevi) in mora opredeliti, v kateri fazi postopka certificiranja oz. pridobivanja certifikacijskega znaka ali kontrolne storitve se čuti oškodovanega (predhodni oz. uvodni pregled, postopek preskušanja, obračun stroškov, začasen odvzem ali trajni preklic certifikata ali licence, izdaja negativnega poročila o kontroli itd.).

Komisija za prizive obravnava kot drugostopenjski organ pritožbe vložnikov/imetnikov na odločitev direktorja/direktorice področja (prvostopenjski organ) o upravičenosti njihove pritožbe na storitev SIQ ter prizive vložnikov na odločitev komisije za certificiranje oziroma komisije priglašene organa ali preveritelja. Komisijo sestavljajo po en predstavnik Zveze potrošnikov Slovenije, slovenskih univerz in vodja zagotavljanja kakovosti v SIQ.

Vse zapise povezane s prizivom hrani direktor/direktorica področja certificiranja.

Komisija za prizive o prizivu odloča na seji, ki jo skliče predsednik komisije in kamor je povabljen pritožnik oz. nosilec ali njegov zastopnik in predsednik pristojne komisije za certificiranje/priglašene organa in vodja dejavnosti preverjanja.

Komisija mora zadevo obravnavati in podati svoj sklep v roku 30 dni po prejemu priziva.

Komisija lahko zahteva dopolnitev priziva.

Komisija lahko:

- priziv zavrne kot neutemeljen,
- odločitev komisije za certificiranje/priglašene organa/kontrolnega organa ali odločitev preveritelja razveljavi in poda vlogo v ponovno obravnavo.

Komisija sklepa s soglasjem svojih članov. Če komisija za prizive ne pride do soglasne odločitve, predsednik komisije v roku 15 dni skliče novo sejo komisije. Na njej je prisoten tudi predsednik UOC, ki ima pravico glasovanja. Tako razširjena komisija odloča s preglasovanjem večine. V primeru neodločenega rezultata glas predsednika UOC odloči.

Odločitev komisije mora vsebovati obrazložitev. Odločitev prizivne komisije je dokončna.

Stroške morebitnih dodatnih aktivnosti v primeru ugoditve prizivu nosi SIQ, v nasprotnem primeru pa vložnik oz. nosilec. Odredba o refundaciji oziroma plačilu stroškov mora biti vključena v odločitvi komisije.

The applicant or the holder can file an appeal if they believe that the procedure for granting a certificate/licence/inspection report has been violated, or if they do not agree with test results or

audit findings having significant influence on the decision taken, or do not agree with the cancellation. The applicant or the holder shall enclose relevant documentation (e.g., material evidence, expert opinion(s), expert reports on the issues in question) and shall define in which phase of the certification procedure or procedure for granting a certification mark or inspection procedure their rights were violated (preliminary or introductory review, test procedure, statement of expenses, withdrawal or cancellation of a certificate or licence, issue of a negative inspection report, etc.)

The Appeals Commission treats as a second instance body the appeals of applicants/holders against the decision of the managing/department director (first instance body) on the justification of their appeal against the SIQ service and the appeals of applicants against the decision of the Certification Commission or the Notified Body or the Verifier. The Commission consists of one representative each from the Consumers' Association of Slovenia, Slovenian universities and the Quality Manager at SIQ.

All records related to the appeal are kept by the Director of Certification.

The Appeals Commission decides on the appeal at a meeting convened by the chairman of the commission and to which the complainant or holder or his representative is invited and the chairman of the competent certification commission/notified body and head of verification activities.

The Commission shall deal with the issue and submit its decision in 30 days upon the receipt of an appeal.

The Commission may ask the appealing client to amend the appeal.

The Commission decides on the appeals with the unanimity of its members. If the unanimity cannot be reached, a new commission meeting shall be convened within 15 days by the Commission Chairman. The Chairman of the Board of Certification Body shall be present at that commission meeting and shall have the right to vote. Such an enlarged commission shall act by the majority of its members. In the event of a tie, the Chairman of the Board of Certification Body shall have the casting vote.

The Appeals Commission may:

- reject an appeal as unsubstantiated;
- invalidate the decision of the Certification Commission/Notified Body/Inspection Body or the Verifier and submit to the relevant body the application for reconsideration.

The Commission's decision shall include an explanation. The Appeals Commission's decision is final.

The costs of additional activities, if any, are covered by SIQ provided the appeal is granted; if this is not the case, the costs shall be borne by the applicant or the holder. An order for reimbursement or settlement of the costs shall be included in the Appeals Commission's decision.

4 Zapisi / Records

Komisija na svojih sejah vodi zapisnike in jih hrani v arhivu komisije, ki se nahaja pri direktorju/direktorici področja certificiranja.

Dokumenti in zapisi v zvezi z obravnavami na komisiji so strogo zaupne narave.

In its meetings, the Appeals Commission keeps the minutes. These are kept in the Appeals Commission's archives located with the Director of Certification.

Documents and records relating to the discussions in the commission's meetings are highly confidential.

5 Razdelilnik / Distribution list

Dokument se objavi na spletni strani SIQ.

The document is available on the SIQ web page.

6 Drugi zadevni dokumenti / Other relevant documents

Pravilnik Upravnega odbora certificiranja	CR101S_E
Pravilnik: Delovanje certifikacijskega organa	CR107
Pravilnik za certifikacijo proizvodov/procesov/storitev	CR201
Certifikacijski pravilnik za certificiranje sistemov kakovosti	AR034
Pravilnik priglašene organa	DR001
Pravilnik validacijskega in verifikacijskega organa	VR001
Organizacija in vodenje preverjanja poročil o emisijah TGP	GHG VD001
Pravilnik o podeljevanju certifikacijskih znakov	CR301
Organizacija in vodenje kontrolne dejavnosti	ID001S_E

<i>Rules of the Board of Certification Body</i>	<i>CR101S_E</i>
<i>Rules: Operation of a certification body</i>	<i>CR107E</i>
<i>Rules for Product Certification/processes/services</i>	<i>CR201E</i>
<i>Rules for management system certification</i>	<i>AR034E</i>
<i>Rules of a Notified Body</i>	<i>DR001E</i>
<i>Rules of the validation and verification body</i>	<i>VR001</i>
<i>Organization and management of GHG emission report verification</i>	<i>GHG VD001</i>
<i>Rules for granting certification marks</i>	<i>CR301E</i>
<i>Organization and management of inspection</i>	<i>ID001S_E</i>

7 Določba o veljavnosti / Validity provision

Ta pravilnik zamenjuje pravilnik z dne 2022-05-25 in velja od dne, ko ga je na svoji seji sprejel Upravni odbor certificiranja (UOC).

These Rules substitute the Rules of 2022-05-25. These Rules entered into force when adopted by the Board of Certification Body at its session. In case of dispute, the Slovene version shall prevail.