

**Dutch Accreditation Council (RvA)**

**Policy rule Handling  
objections**

**Document code:**

**RvA-BR006-UK**

**Version 2, 23 June 2016**

RvA policy rules describe the RvA rules and the policy on specific subjects.

A current version of the policy rules can be obtained through the RvA web site ([www.rva.nl](http://www.rva.nl)).

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# 1 Scope

## **Article 1.** Scope

This policy rule is applicable to objections raised against decisions taken by the board of the RvA, in the performance of its duties, as referred to in the National Accreditation Body Appointment Act.

## **Article 2.** Exclusion

This policy rule is not applicable to:

1. the accreditation of medical laboratories under the CCKL code of practice, for which see the regulations that can be obtained through the CCKL web site (<http://www.cckl.nl>);
2. assessments that the RvA carries out as part of the Ministry of Social Affairs and Employment policy on designation, for which see regulations RvA-R020 ([www.rva.nl](http://www.rva.nl));

## **Article 3.** Entry into force

This document shall enter into force on the day of publication of the notification in the Staatscourant.

# 2 Definitions

## **Article 4.** Definitions

In this policy rule the terms below shall have the following meanings:

- a. Act: General Administrative Law Act;
- b. committee: committee as referred to in Section 7:13 of the Act, which advises the board of the Dutch Accreditation Council on the handling of objections;
- c. the chairman: an external jurist appointed as such by the Supervisory Board of the Dutch Accreditation Council. who as chairman as defined in Section 7:13 of the Act, is responsible for advising the board of the Dutch Accreditation Council on the handling of objections.

# 3 The committee

## **Article 5.** Chairmen

1. A maximum of three chairmen are appointed.
2. A chairman must have completed a university degree course in Dutch law (Master of Laws).
3. A chairman is not a member of the Supervisory Board, the Accreditations Committee, the User Council or any other advisory committee of the Dutch Accreditation Council nor employed by the Dutch Accreditation Council and has no business interest in the Dutch Accreditation Council or in an institution accredited or registered by the Dutch Accreditation Council.
4. Chairmen are appointed and dismissed by the Supervisory Board of the Dutch Accreditation Council.

**Article 6.** Notices of Objection Advisory Committee

1. There is a committee that, in the context of the handling of objections raised against decisions taken by the board of the Dutch Accreditation Council, hears interested parties and advises the board of the Dutch Accreditation Council on the way in which a ruling is made on the objection.
2. The committee is not competent with regard to objections for which the board of the Dutch Accreditation Council has ruled that, by application of Section 7:3 of the Act, the hearing be waived.

**Article 7.** Composition and appointment of Notices of Objection Advisory Committee

1. The board of the Dutch Accreditation Council may decide to convene the committee for an objection to be handled.
2. The committee consists of two members and a chairman.
3. One of the chairmen, as referred to in Article 5, is acting chairman of the committee at a hearing.
4. The members are employees of the Dutch Accreditation Council.
5. None of the members of the committee has been involved in the decision that is the subject of the objection.

**Article 8.** Secretariat

1. The Dutch Accreditation Council shall place a secretary at the disposal of the committee, who is not part of the committee.
2. The secretary is, with regard to the performance of his duties as such, accountable solely to the committee.

## **4 Procedure**

**Article 9.** Lodged notice of objection

1. The date of receipt is recorded on the lodged notice of objection.
2. The board of the Dutch Accreditation Council may decide to convene the committee referred to in Article 6, in which case the objection is processed following Article 10 up to Article 16.

**Article 10.** Information

1. The notice of objection, with the documents relating to the objections, is sent to the chairman and members of the committee as soon as possible.
2. The board of the Dutch Accreditation Council can lodge a defence with annexes with the secretary within three weeks of receipt of the notice of objection. The secretary immediately forwards the documents to the aggrieved party and to the chairman and members of the committee.
3. The chairman is authorised to depart or to permit departure from the period of time given in the second paragraph.

**Article 11.** Exercising powers

The powers under the sections of the Act given below are exercised by the chairman for the application of this policy rule:

- a. section 2:1(2);
- b. section 7:6(4).

**Article 12.** Non-participation in the handling

The chairman and members of the committee do not participate in the handling of objections if their impartiality may be at issue in the process.

**Article 13.** Hearing

1. The chairman sets the date of the hearing at which the interested parties and the board of the Dutch Accreditation Council are given the opportunity to be heard by the committee in person or represented by an agent.
2. The hearing takes place at the offices of the RvA or in some other location decided by the chairman in consultation with those concerned.
3. The chairman notifies the interested parties and the board of the Dutch Accreditation Council at least two weeks before the hearing in writing that they are being given the opportunity to be heard at this hearing.
4. In special circumstances the chairman is authorised to depart or to permit departure from the period of time given in the third paragraph.

**Article 14.** Public nature of hearing

The hearing of the committee is public, unless the committee decides that there are compelling reasons to oppose the public nature of the hearing. An interested party can make a request to have the hearing take place behind closed doors.

**Article 15.** Further inquiry

1. If at the end of the hearing further inquiry appears desirable, the chairman can hold this inquiry of his own volition or at the request of a member of the committee.
2. The information obtained from the further inquiry is copied to the members of the committee, the board of the Dutch Accreditation Council and the interested parties.

## 5 Advice

**Article 16.** Deliberation room and advice

1. The committee deliberates and decides on the advice to be issued by it behind closed doors.
2. The advice is supported by reasons and includes a proposal for the ruling to be made on the objection.
3. The secretary does not take part in the deliberation and formation of judgment by the committee.
4. The advice is signed by the chairman and the secretary of the committee.
5. The advice of the committee is issued to the board of the Dutch Accreditation Council.

## 6 Changes compared with the previous version

### Article 17.

Compared to version 1, dated 17 august 2010, the following changes have been made:

- The scope of this policy rule has been updated;
- The term 'arbitrator' has been replaced with the term 'chairman';
- A second paragraph is added to Article 8;
- In Article 11, two paragraphs were deleted;
- Removal of article 17 in previous version while this is already included in the Dutch General Administrative Law