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Povzetek sprememb:

Pravilnik o prizivih je posodobljen. Uvaja sestavo prizivne komisije, ki zagotavlja tako neodvisnost kot kompetentnost komisije. Opis prizivnega postopka je podrobneje določen.

Summary of changes:

The document has been updated. It introduces a composition of the Appeals Commission that ensures both its independence and competence. The description of the appeals procedure is set out in more detail.

PRAVILNIK SPREJET NA SEJI UOC DNE 2025-05-29.

THIS DOCUMENT WAS ADOPTED BY THE BOARD OF CERTIFICATION BODY AT ITS SESSION OF 2025-05-29.

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

Ta pravilnik ureja prizivni postopek na odločitve SIQ Ljubljana (v nadaljevanju SIQ) kot certifikacijskega organa za proizvode, procese in storitve, certifikacijskega organa za sisteme vodenja, certifikacijskega organa za osebje, priglašene organa, kontrolnega organa ter validacijskega in verifikacijskega organa (v nadaljevanju organ SIQ).

Določene so pristojnosti in odgovornosti osebja ter postopek obravnave priziva.

These Rules govern the appeals procedure against decisions of SIQ Ljubljana (hereinafter referred to as SIQ) as a certification body for products, processes and services, a certification body for management systems, a certification body for personnel, a notified body, an inspection body and a validation and verification body (hereinafter referred to as the SIQ body).

The document defines the competence and responsibilities of the personnel and the appeals handling procedure.

2 Pristojnosti / Competence

Stranka (vložnik, naročnik, organizacija, upravljavec idr.) lahko poda priziv zoper odločitve organa SIQ, vezano na podelitev, zavrnitev podelitve, odvzem, preklic, omejitev obsega ali vsebino listine (certifikata, licence o uporabi certifikacijskega znaka, poročila in certifikata o kontroli, poročila o preverjanju poročila o emisijah toplogrednih plinov idr.).

SIQ je dolžan stranko na pravico priziva opozoriti ob vsaki posamezni zavrnitvi podelitve, odvzemu ali preklicu listine.

Vlogo priziva obravnava na prvi stopnji zadevna komisija organa SIQ.

V primeru, da ne pride do sporazumne odločitve, obravnava priziv stranke Komisija za prizive (v nadaljevanju Komisija) kot drugostopenjski organ.

Komisijo sestavljajo trije člani:

- predsednik Upravnega odbora certificiranja oziroma njegov član, ki ni zaposlen v SIQ in ga določi predsednik ter je strokovno seznanjen s področjem prizivne zadeve (predsednik komisije);
- direktor SIQ oziroma direktor certificiranja, v kolikor je bil direktor SIQ neposredno vključen v ocenitev ustreznosti zadeve, ki je predmet priziva;
- predstavnik organa SIQ, ki strokovno izvaja ocenitve ustreznosti zadev, kot je zadeva, na katero se priziv nanaša, ter ni neposredno vključen v zadevo, ki je predmet priziva. Potrdi ga predsednik Komisije.

Vsi člani Komisije morajo biti neodvisni od zadeve, na katero se priziv nanaša. V Komisiji ne smejo biti udeležene osebe, ki so bile neposredno vključene v ocenitev ustreznosti zadeve.

Prizivni postopek koordinira direktor certificiranja, ki sprejme priziv, potrdi stranki prejem priziva, zbira vse potrebne informacije, da se priziv pripelje do odločitve, ter obvesti stranko o izidu in zaključku postopka priziva.

A customer (applicant, client, organisation, operator, etc.) may file an appeal against a decision of the SIQ body related to the granting, refusal to grant, withdrawal, revocation, limitation of the scope or the content of a document (certificate, licence for the use of a certification mark, inspection report and certificate, verification report on the GHG emission report, etc.).

SIQ is obliged to remind the customer of the right of appeal each time a document is denied granting, withdrawn or revoked.

An appeal is considered in the first instance by the relevant SIQ body commission.

In the event of failure to reach an amicable decision, the customer's appeal is considered by the Appeals Commission (hereinafter referred to as the Commission) as a body of second instance.

The Commission is composed of three members:

- *the Chairman of the Board of Certification Body or a member of the Board of Certification Body who is not an employee of SIQ and who is designated by the Chairman and who has expertise in the matter subject to the appeal (Chairman of the Commission),*
- *the Managing Director of SIQ or the Director of Certification if the Managing Director has been directly involved in the conformity assessment of the matter subject to the appeal,*
- *a representative of the SIQ body who has expertise in carrying out conformity assessments of the matters such as the matter subject to the appeal. He/she shall be approved by the Chairman of the Commission.*

All members of the Commission shall be independent of the matter subject to the appeal. The Commission shall not include persons who were directly involved in the conformity assessment of the matter.

The appeals procedure shall be coordinated by the Director of Certification, who shall receive the appeal, acknowledge receipt of the appeal to the customer, gather all necessary information to bring the appeal to the decision and inform the customer of the outcome of the appeals procedure.

3 Opis postopka / Description of the procedure

Rok za vložitev priziva je 15 dni od sprejetja odločitve, zoper katero namerava stranka vložiti priziv. Priziv lahko vloži stranka na SIQ po pošti ali elektronski pošti.

V prizivu mora stranka navesti navedbo, da gre za priziv, zadevo, na katero se priziv nanaša, razloge za priziv ter utemeljitev priziva.

V primeru, da na prvi stopnji v 10 dneh ne pride do sporazumne odločitve, obravnava priziv stranke Komisija kot drugostopenjski organ.

Komisija potrdi, ali se priziv nanaša na pristojnosti, za katere je Komisija odgovorna, in če je tako, priziv obravnava.

Predsednik Komisije lahko v obravnavo posameznega priziva vključi tudi neodvisne strokovnjake s področja zadeve, na katero se priziv nanaša, in vodjo Pravne in kadrovske službe v SIQ. Vabljeni nimajo pravice glasovanja in vsebinskega odločanja o prizivu.

Člani Komisije in sodelujoči pri obravnavi priziva so dolžni varovati kot zaupne vse podatke, ki se nanašajo na posamezni priziv.

Komisija o prizivu odloča na seji, ki jo skliče predsednik Komisije, kamor je povabljen tudi stranka in zadevna odgovorna oseba organa SIQ.

Komisija mora zadevo obravnavati in podati svoj sklep v roku 30 dni od prejema priziva, oziroma največ v roku 60 dni, če oceni, da gre za zahteven primer.

Komisija lahko zahteva dopolnitev priziva.

Komisija lahko:

- priziv zavrne kot neutemeljen,
- odločitev organa SIQ razveljavi in poda vlogo v ponovno obravnavo.

Komisija sklepa praviloma s soglasjem svojih članov. Če Komisija ne pride do soglasne odločitve, se odloča s preglasovanjem večine.

Odločitev Komisije mora vsebovati obrazložitev. Odločitev Komisije je dokončna.

Stroške morebitnih dodatnih aktivnosti v primeru ugoditve prizivu nosi SIQ, v nasprotnem primeru pa stranka. Odredba o plačilu stroškov mora biti vključena v obrazložitvi Komisije.

Direktor certificiranja poroča Upravnemu odboru certificiranja o vseh prizivih enkrat letno.

An appeal shall be filed 15 days from the date of the decision against which the customer intends to appeal. The customer may file an appeal with SIQ by post or e-mail.

In the appeal, the customer shall state that that notice is an appeal, the matter to which the appeal relates, the reasons for the appeal and the grounds on which the appeal is based.

In the event of failure to reach an amicable decision at first instance within 10 days, the customer's appeal shall be considered by the Commission as a body of second instance.

The Commission shall confirm whether the appeal falls within the area of competence for which the Commission is responsible and, if so, deal with the appeal.

The Chairman of the Commission may also involve independent experts in the matter subject to the appeal or the Head of Legal and Human Resources Office at SIQ in the consideration of the appeal. The invitees shall not have the right to vote or decide on the outcome of the appeal.

The members of the Commission and the participants in the consideration of the appeal shall keep confidential all information relating to an individual appeal.

The Commission shall decide on the appeal at a session convened by the Chairman of the Commission, to which the customer and the relevant responsible person of the SIQ body shall also be invited.

The Commission shall consider the matter and give its decision within 30 days of receiving the appeal, or within a maximum of 60 days if it considers the matter to be complex.

The Commission may request that the appeal be supplemented.

The Commission may:

- reject the appeal as unsubstantiated,*
- annul the decision of the SIQ body and submit the application for reconsideration.*

The Commission shall normally decide by the unanimity of its members. If the Commission fails to reach a unanimous decision, it shall decide by a majority vote.

The Commission's decision shall include the reasons on which it is based. The Commission's decision shall be final.

The costs of potential additional activities are covered by SIQ, provided the appeal is granted; if this is not the case, the costs shall be borne by the customer. The order for settlement of the costs shall be included in the Commission's reasoning.

The Director of Certification shall report to the Board of Certification Body on all appeals once a year.

4 Zapisi / Records

Vse zapise, povezane s prizivom, hrani direktor certificiranja. Dokumenti in zapisi v zvezi z obravnavami Komisije so strogo zaupne narave.

All records related to the appeal shall be kept by the Director of Certification. Documents and records relating to the Commission's hearings shall be strictly confidential.

5 Razdelilnik / Distribution list

Dokument se objavi na spletni strani SIQ.

This document is published on the SIQ website.

7 Določba o veljavnosti / Validity provision

Ta pravilnik zamenjuje pravilnik z dne 2024-05-30 in velja od dne, ko ga na svoji seji sprejme Upravni odbor certificiranja (UOC).

These Rules substitute the Rules of 2024-05-30 and shall enter into force when adopted by the Board of Certification Body at its session. In case of dispute, the Slovene version shall prevail.