

INFORMATION ABOUT COMPLAINTS AND APPEALS (excerpt from the quality system procedure KS 14-06-57)

General

SINTEF Community work on approval, certification and inspection, including accredited activities, is managed by SINTEF Community's executive vice president. The executive vice president manages the scheme through line management. The executive vice president formally reports the work of SINTEF Community's approval certification and inspection activities to the SINTEF Building Research Council. This is with the exception of; complaints in connection with the refusal of certification related to CE marking; in accordance with the Construction Products Regulation (CPR); complaints about the preparation of the European Technical Assessment (ETA); complaints on SINTEF Product Certificate in accordance with the Producer Regulations; and complaints on person certification, upper appeal body for the schemes. Complaints and appeals must always be dealt with by another person than the one who has complained. An overview of the appeal and appeal possibilities related to the different schemes can be seen in Appendix 1.

Refusal of SINTEF Technical Approval and SINTEF Product Certificate

In case of the refusal of approval or certification (except certification in accordance with the Producer Regulations), complaints can be directed to the certification manager, approval leader, or head of SINTEF Certification.

The certification manager/approval manager processes the complaint and provides the applicant with a written notification of the result. If the customer is not satisfied with the decision, an appeal can be made to SINTEF Community's executive vice president. SINTEF Community's executive vice president may, if they so decide, consult with the Supervisory Committee for product documentation at Community. The Executive Vice President's decision is final and cannot be further appealed.

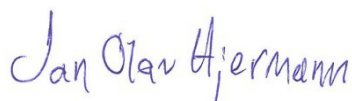
Refusal of certification and complaints about the preparation of ETA related to the Construction Products Regulation (basis for CE marking)

Right of appeal, as well as rules of appeal for refusal of certification related to the Construction Products Regulation and the Producer Regulations and work with ETA are set out in the enclosed briefing (Appendix 2).

Rejection of Personal Certification

In case of refusal of personal certification, the complaint can be directed to the certification manager. The Certification Manager then processes the complaint and makes a decision. The decision is quality assured by the deputy certification manager or the head of SINTEF Certification. The Certification manager provides the applicant with a written notification of the result. If the applicant is not satisfied with the certification manager's decision, the case can be appealed to the reference group for the subject area. The reference group's decision is final and cannot be further appealed.

Oslo 19.03.2020
for SINTEF Community



Jan Olav Hjermann
Research Director

Overview of appeals and appeal options related to SINTEF Certification's product documentation schemes

Order / decision made	Complaint Addressed	Complaint Dealt With	Appeal Addressed	Appeal Dealt With	Final Decision Made
	▶				
Product Certification / Certification Manager	SIC Manager	Deputy Certification Manager or Manager SIC	SIC Manager	Executive Vice President, possibly in consultation with the Supervisory Committee	Executive Vice President
CPR certification / Certification Manager	SIC Manager	Deputy Certification Manager or SIC Manager	DiBK	DiBK	DiBK
Product certification according to the Producer regulations / Certification Manager	SIC Manager	Deputy Certification Manager or SIC Manager	Directorate for labour inspection	Directorate for labour inspection	Directorate for Labour Inspection
Personal Certification / Certification Manager	Certification Manager	Certification Manager and Deputy Certification Manager / SIC Manager (KS)	Certification Manager	The reference group for the personal certification scheme	The reference group for the personal certification scheme
SINTEF Technical Approval / Approval Manager	SIC Manager	Deputy approval manager or SIC Manager	SIC Manager	Executive Vice President, possibly in consultation with the Supervisory Committee	Executive Vice President
European Technical Review (ETA) / Approval Manager	SIC Manager	Deputy approval manager or SIC Manager	DiBK	DiBK	DiBK
Inspection activities related to CPR certificates / Inspector	Inspection Manager	Inspection Manager	DiBK	DiBK	DiBK
Inspection activities related to other schemes	Inspection Manager	Inspection manager (substitute if inspection team has carried out the inspection)	SIC Manager	Executive Vice President, possibly in consultation with the Supervisory Committee	Executive Vice President

ORIENTATION OF COMPLAINTS AND TIME-LIMITS FOR THE SUBMISSION OF COMPLAINT REQUIREMENTS FOR CERTIFICATION OF OR EXPOSURE TO ETA FOR THE PRODUCT OR PRODUCTION CONTROL ORIENTERING

1. SINTEFs roles

1.1 TECHNICAL CONTROL BODY

Based on the Act of 16 June 1994., No. 20 on Technical Inspection Body and Regulations on turnover and documentation of products for construction works of 01.01.2014 Regulations 17.12.2013 no. 1579 (DOK), SINTEF has been designated as technical control body under the Council Regulation (EC 305/2011 (Construction Products Regulation), on the approximation of the laws and regulations of the Member States relating to construction products.

As a competent body, SINTEF Community can undertake assignments from the Directorate for Building Quality. The responsible authority is the Ministry of Local Government and Modernization.

SINTEF Community is approved to make conformity assessment of products covered by the Regulations on the design, design and manufacture of work equipment and chemicals (Producer Regulations) § 4. Responsible authority is the Directorate for Labour Inspection.

1.2 TECHNICAL ASSESMENT BODY

The European Technical Assessment Scheme (ETA) for a product has been created to provide a basis for CE marking of construction products under Council Regulation (EC) No 305/2011 (The Construction Products Regulation). The scheme is set out in Chapters IV and V of the Regulation.

Preparation of an ETA is organized through the European Organization for Technical Assessment, abbreviated as EOTA. SINTEF is appointed by the Directorate for Building Quality (DiBK) as a technical assessment body and a Norwegian member of EOTA. The responsible authority is the Ministry of Local Government and Modernization.

2. CONFORMITY REPRESENTATIONS

SINTEF Community makes conformity confirmations in accordance with rules that have been given for the implementation of the EEA - the agreement, cf. section 1 of the Act on Technical Inspection Bodies, 16 June 1994, and the rules laid down in the regulations on administrative arrangements § 7.3.

Confirmation of compliance is a decision based upon whether a product meets the technical requirements set by the regulations.

As the Technical Control Agency (TKO), SINTEF Community shall assess whether the products satisfy the requirements for product properties that have been operationalized through harmonized European product standards or European technical assessments (ETA), and which provide the basis for CE marking of products.

3. COPMPLAINTS AND COMPLAINT RULES

Legal Basis:

In relation to certification related to the Building Products Regulation and the preparation of ETA, reference is made to the following: Following to the Act of June 27, 2008 No. 71 (the Planning and Building Act) and the Act of 16 June 1994 No. 20 on Technical Inspection Bodies, the activities of the technical inspection body are subject to Chapters II to VI of the Public Administration Act. This means that the inspection body is subject to the provisions of the Act on procedural rules, decisions and complaints.

In relation to certification linked to the Producer Regulations, reference is made to the following: The Public Administration Act comes into effect on the basis of the regulations on administrative arrangements § 7-3, cf. section 1 of the Public Administration Act, second sentence. The right of appeal follows from section 28 of the Public Administration Act.

Complaints:

Any complaint made about the inspection body's decision must be received by the inspection body no later than three weeks after the decision was made, cf. section 29-30 of the Public Administration Act.

For those who have not received notification of the decision, the deadline runs from the time he or she has received or should have acquired knowledge of the decision.

However, in the case of a decision to grant someone a right, the time limit for appeal must expire no later than 3 months after the date on which the decision was made.

If a party has requested that the reasons for the decision pursuant to section 24, second paragraph, of the Act be stated, the time limit for an appeal shall be interrupted. A new time limit for an appeal is created, starting from the time when the statement of reasons has emerged, or they have been made aware of it in some other way.

The appeal body concerned may, in special cases, extend the time limit for an appeal before its expiry.

In order that the complaint to be made in time, it is sufficient that the statement has been submitted to the postal operator before the expiry of the deadline, who shall ensure that the consignment reaches the inspection body.

Deadline for lodging complaints:

Even if the complainant has overlooked the time limit for appeal, the complaint may be taken into consideration if the party or his agent cannot be charged for having missed the deadline, for having delayed complaint afterwards, or for special reasons. It is reasonable for the complaint to be tried.

When assessing whether the complaint should be considered for consideration, it should also be emphasized whether change of the decision may cause harm or inconvenience to others.

The complaint cannot be taken as a complaint if more than one year has passed since the decision was made.

The complaint's addressee and content:

Declaration of complaint must be submitted to SINTEF Community as the inspection body that has made the decision and sent to:

The SINTEF AS at its institute SINTEF Community

Postal Address: Postboks 124 Blindern, 0314 Oslo

Telephone: +47 73 59 30 00

Fax: +47 22 69 94 38

E-Mail: Certification@sintef.no

The complaint must be signed by the person complaining or its proxy, or be authenticated as stipulated in the regulations, or pursuant to regulations.

The complaint must mention the decision that is being appealed against, and which information is required for the assessment of the right of appeal and whether the time limit for appeal has been complied with. The complaint should mention the change that is desired in the decision it is complaining about. The statements should also mention the reasons the complainant relies on.

If the complaint contains errors or emissions:

If a statement of complaint contains errors or deficiencies, SINTEF Community as Control Body sets a short deadline for correction or completion. A statement of appeal can be made using electronic communication if the Control Body that is to receive the complaint has facilitated this.

SINTEF Community is the inspection body which must carry out the investigations, and can cancel, change the decision or reject the appeal if the conditions for processing the complaint are not available. If no such decision is made, the documents of the case shall be sent to the appeal body.

Product documentation according to the Building Products Regulation - Appeals Body
is:

The Building Quality Directorate; Postboks 8742-Youngstorget, 0028 Oslo.

Office Address: Mariboegate 13, 0183 Oslo.

Tel: 22 47 56 00

E-Mail:

post@dibk.no

Website: www.dibk.no

Product documentation in accordance with the Producer Regulations - Appeals Body
is:

The Labour Inspection Directorate; Postboks 4720 Sluppen, 7468 Trondheim

Office Address: Statens Hus, Prinsens Gate 1, Trondheim

Tel: 73 19 97 00

E-Mail: post@arbeidstilsynet.no

Website: www.arbeidstilsynet.no

If the conditions for processing the complaint are not available, the appeal body shall reject the case. The appeal body is not bound by the fact that the inspection body has considered the conditions to be available. If the complaint is dealt with, the appeal body can test all aspects of the case and, in this case, consider new circumstances. It should assess the views of the complainant and may also address issues that are not affected by the complainant. The decision cannot be changed to the detriment of the complainant, unless his interests exist to have to give in to the care of other private persons or public interests. Notification of such change must be sent to the complainant within 3 months after the inspection body received the complaint. The limitations here do not apply, however, when the decision is also appealed to another complainant, and its complaint is justified. The appeal body may itself make a new decision in the case or revoke it and send the case back to the Control Agency for wholly or partly new treatment.

Conversion of decisions without complaint:

SINTEF Community is the Control Agency, and can change its own decision without it being appealed if:

The change is not to the detriment of anyone that the decision is directed towards or directly caters to, or

- a) Notification of the decision has not reached the person concerned and the decision has not been publicly announced, or
- b) The decision is to be considered invalid.

If such conditions exist, the decision may also be reversed by the Appeals Body or by another superior body. If the consideration of other private persons or public interests so dictates, the Appeals Body, or the overriding authority may reverse the decision of the Inspectorate to the detriment of the person to whom the decision is directed or directly cater, even if the conditions under subsection b or c are not available.

Notification that a decision will be reviewed must, in that case, be sent to the person within three weeks of the notification of the decision, and notification that the decision has been reversed must be sent to the person within three months after the same date.

If there is an over-examination of a decision in a complaint case, the message that the decision has been reversed must nevertheless be sent to the person within three weeks.

19.03.2020

The SINTEF AS at its institute SINTEF Community