

The Slovenian Accreditation Board has,
Based on Article 25, paragraph 12 of the Statute of the Public Institute Slovenian Accreditation (hereinafter called "SA"); Article 31, paragraph 5 of the Rules of Procedure of the SA Board; and Clause 10.1 of the Rules of Accreditation,
At its 62nd session of 14 May 2021,
Adopted the following

RULES OF PROCEDURE OF THE APPEAL COMMISSION

I. GENERAL PROVISION

Article 1

These Rules of Procedure govern the working methods of the Appeal Commission, which is a professional and independent body of the SA Board deciding on appeals at second instance.

The Appeal Commission shall not make decisions on appeals, but rather deal with appeals, conduct appeal proceedings and prepare motions for decisions on appeals for the SA Board.

Article 2

Any issues of the appeal handling procedure that are not governed by the SA Statute, the Rules of Procedure of the SA Board or by these Rules of Procedure of the Appeal Commission, shall be governed, *mutatis mutandis*, by the provisions of the law governing general administrative procedure, in the part governing the procedure as to regular legal remedies.

Article 3

The panel shall be chaired by the Chairman of the Appeal Commission.

With regard to the contents of the subject matter of appeal, the chair of the panel shall appoint two members into the panel, one from among the members of the Appeal Commission who are not SA employees, and one from among the members of the Appeal Commission who are SA employees.

In appointing the panel, it must be taken into account that at least one member of the panel shall be an expert in the area of accreditation to which the appeal refers, and that all members of the Appeal Commission's panel shall be independent of the subject matter of the appeal.

In individual appeal cases the Appeal Commission shall conduct the procedure in a three-member panel.

Article 4

Administrative work for the Appeal Commission, including minutes writing of the work of the Appeal Commission's panel, shall be provided by the SA Secretariat.

Article 5

Members of the Appeal Commission are obliged to perform their work in the Appeal Commission with due care.

Members of the Appeal Commission, as well as other participants in addressing an appeal, shall undertake to protect the confidentiality of data relating to individual appeal as well as the data considered to be personal data. Their commitment to that effect shall not be limited in time.

Article 6

With the two members of the Appeal Commission's panel who are not SA employees, SA shall conclude a contract fixing the amount and way of remuneration in accordance with the criteria adopted by the SA Board.

II. WORKING METHODS OF THE APPEAL COMMISSION'S PANEL

Article 7

The work of the Appeal Commission's panel shall be conducted by its Chairman who shall make sure that the decision on an appeal can be adopted within the period of time specified in the Rules of Accreditation.

Article 8

A lawyer who has passed the state examination in law, who has experience in accreditation procedures in relation to Slovenian legislation, and who is independent of the subject matter of the appeal, shall always take part in the work of the Appeal Commission's panel. His/her task shall be to provide for the legitimate conduct of the procedure, to provide help in conducting the appeal procedure, and – under the authority of the panel chair – he/she may also chair the appeal hearing, without the right to vote and make substantial decisions on the appeal.

Article 9

The panel chair may also include in addressing an appeal external independent experts in the area referred to by the appeal. The latter shall not have the right to vote and make substantial decisions on the appeal.

The external expert shall study the case and give a written expert opinion regarding the technical issues to which the appeal refers. The external expert shall also attend the sitting of the Appeal Commission's panel at which he/she may orally present his/her position regarding the technical issues to which the appeal refers, and answer the questions posed by the panel chair, or also directly the questions of the appellant, provided that the panel chair allows it.

III. HANDLING APPEALS

Article 10

The Appeal Commission's Chairman shall, upon receiving an appeal, first check his independence with regard to the appeal. Should the Appeal Commission Chairman find out that he is not independent of the subject matter of the appeal and that there exist causes for his debarment, he shall immediately notify the SA Board's Chairman to that effect and refer the case to the Deputy Chairman of the Appeal Commission, who in such a case, shall hold the position of the panel chair. Should the Deputy Chairman of the Appeal Commission himself find out that he is not independent of the subject matter of the appeal and that there exist causes for his debarment, he shall immediately notify the SA Board's Chairman to that effect. In such a case, the SA Board's Chairman shall appoint a panel chair with all powers from among the members of the Appeal Commission.

The panel chair shall, within 3 days of receipt of the documentation referring to the subject matter of the appeal, appoint the other two members of the panel, in the manner laid down in Article 3 hereof.

The panel chair shall send the decision on appointing the Appeal Commission's panel together with all the documentation referring to the subject matter of the appeal to the other two members of the Appeal Commission's panel.

Article 11

The panel chair shall, within 8 days of the receipt of appeal documentation at the latest:

- decide whether an external expert needs to be appointed in the case in accordance with Article 9 hereof, and when he/she decides so, appoint the expert and instruct the SA Secretariat to send to the external expert an invitation to participate in the appeal procedure;
- set the date and time of the appeal hearing and instruct the SA Secretariat to send to the appellant or his representative a summons to the appeal hearing;
- instruct the SA Secretariat to also notify the lawyer, in accordance with Article 8 hereof, of the date and time of the appeal hearing and send him the appeal documentation.

The invitation to the external expert to participate shall contain a brief description of the subject matter of the appeal and the technical issue to which the external expert's opinion is sought, and the expert shall be asked to communicate, within 3 working days of the date of invitation, whether he is independent of the subject matter of the appeal, and whether he agrees to assume the task.

Should the external expert not agree to participate, or should he prove not to be independent of the subject matter of the appeal, another external expert shall be chosen following the same procedure.

When the panel chair receives the external expert's agreement to participate, he/she shall instruct the SA Secretariat to serve to the external expert the complete documentation, asking him to provide his expert opinion within the deadline set by the panel chair.

Article 12

The appeal hearing shall normally be called within 30 days of the date when SA receives a complete appeal application.

In more complex cases, or when the panel chair decides to engage an external expert, the appeal hearing shall be called within 45 days of the date when SA receives a complete appeal application at the latest.

When a non-resident of the Republic of Slovenia is engaged as external expert, the appeal hearing shall be called within 75 days of the date when SA receives a complete appeal application at the latest.

Article 13

The appeal hearing shall take place in SA's premises.

The SA Secretariat shall notify the appellant of the date, time and venue of the appeal hearing. The Secretariat's notification shall be made in writing at least 8 days in advance of the Appeal Commission's panel sitting. The Secretariat shall notify the appellant by mail, email or fax.

In the invitation, the appellant's attention shall be drawn to his right, at the appeal hearing, to state facts and present evidence on which he has based his appeal.

In the invitation, the appellant's attention shall be drawn to the fact that the appeal hearing will be held even though the correctly invited appellant does not come to the hearing.

Article 14

The Appeal Commission's panel shall meet at least 3 days before the specified date of the appeal hearing to examine the documentation related to the subject matter of the appeal and draw up a factual report of the technical and legal bases (hereinafter called "the report"), and a motion for the decision on the appeal (hereinafter called "the motion").

To this meeting, the panel chair shall also invite a lawyer, and an external expert, when necessary.

The members of the Appeal Commission's panel shall communicate via mail, email, fax or phone.

IV. APPEAL HEARING

Article 15

The appellant shall be entitled to attend the appeal hearing by himself or through his representative, although his attendance at the appeal hearing is not compulsory.

The appeal hearing may be carried out even though the appellant or his representative does not come to the hearing. The appeal hearing may also be carried out even though the appellant has justified his absence and asked for postponement of the appeal hearing.

Article 16

The appeal hearing shall be audibly recorded. When the statements of several persons are recorded, the persons who made individual statements should be identifiable on the recording. The audio recording shall be preserved for 6 months of the date of the appeal hearing, unless legal proceedings have been brought against the decision of the Appeal Commission. When legal proceedings are brought against the decision of the Appeal Commission, SA shall keep the audio recording until a final decision in the legal proceedings is made.

The appellant shall be entitled to request, within the period referred to in the preceding paragraph, that he is allowed to listen to the audio recording.

Article 17

Minutes shall also be taken of the appeal hearing, which shall be dictated by the panel chair, or by the lawyer under the chair's authority. The minutes shall record the relevant data regarding the contents of the appeal hearing, in particular: the venue, date and time of the appeal hearing, the subject matter under discussion, the names of those present and their representatives, the essence of each statement by the appellant, his representative or a panel member, and the time of conclusion of the appeal hearing.

At the end of the appeal hearing, the minutes shall be signed by all the members of the Appeal Commission's panel, the appellant or his representative – when present at the hearing – and the minutes-taker.

The minutes-taker shall be a representative of the SA Secretariat.

Article 18

The appeal hearing shall start with the panel chair checking attendance at the hearing, then giving a brief presentation of the subject matter of the appeal and informing the appellant of the Appeal

Commission's position as to the merits of the appeal as well as of the opinion, if any, of the external expert, when engaged in the particular case.

The appellant shall be entitled to comment on the position of the Appeal Commission's panel and on any opinion of the external expert by stating facts and presenting evidence to substantiate his allegations and the appeal.

Article 19

Should the members of the Appeal Commission's panel find, during the appeal hearing itself, that they cannot adopt a motion for decision without a relevant expert opinion, they shall suspend the hearing and engage an external expert.

After obtaining expert's opinion, the appeal hearing shall be resumed on the basis of a new invitation by the panel chair.

V. THE MANNER OF ADOPTING DECISIONS

Article 20

As soon as the appeal hearing is concluded, the Appeal Commission's panel shall withdraw to consult.

After the consultation, the members of the Appeal Commission's panel shall adopt their decision regarding the motion that the panel chair will serve to the SA Board. The Appeal Commission's panel shall decide on the motion by a majority of the votes cast.

Should a consensus not be reached on the motion for decision, each member of the Appeal Commission's panel may give a reasoned separate opinion.

Article 21

The panel chair shall draw up a written motion for decision on the appeal and an explanation of the motion within three working days of the date of the appeal hearing at the most, and send them to the other two members of the panel for review.

Based on the comments that the remaining two members of the panel shall give within two working days, the panel chair shall prepare the final motion for decision and an explanation, which shall be signed by all the members of the Appeal Commission's panel.

The panel chair shall serve the final motion for decision with explanation and the complete documentation of the appeal proceeding to the Chairman of the SA Board through the SA Secretariat.

In the motion for decision on the appeal, the panel chair shall also move the possibility of convening an extraordinary meeting of the SA Board, or else propose that the decision be adopted at a correspondence meeting of the SA Board.

Article 22

The panel chair shall take care, throughout the appeal proceedings, that the Appeal Commission's panel adopts and serves its motion for decision within a period of time needed by the SA Board to make a timely decision on the appeal, and that SA meets the fixed deadline for adopting its decision on the appeal.

VI. RECONSIDERATION OF THE APPEAL

Article 23

Should the SA Board refer the case back to the Appeal Commission's panel for reconsideration, the Appeal Commission's panel shall, within 3 working days of receipt of the SA Board's decision, carry out all the necessary activities referred to by the SA Board and remedy any procedural errors referred to by the SA Board, and with regard to the factual situation, repeat the proceeding and draw up a new motion for decision on the appeal, in the manner and according to the procedure as laid down in Article 21 hereof.

VII. TRANSITORY AND FINAL PROVISIONS

Article 24

Changes and amendments to these Rules of Procedure shall be adopted according to the same procedure as the basic act.

Article 25

These Rules of Procedure shall become effective on the date of their adoption by the SA Board.

Done in Ljubljana, on 14 May 2021

Mag. Irena Možek Grgurevič

Chair of the SA Board