

PROCEDURAL
DOCUMENT

OIML-CS
PD-01

Edition 2

**Appeals, Resolution of Complaints and
Disputes**

OIML-CS PD-01 Edition 2



ORGANISATION INTERNATIONALE
DE METROLOGIE LEGALE

INTERNATIONAL ORGANIZATION
OF LEGAL METROLOGY

Contents

1 Introduction	5
2 Scope.....	5
3 Terminology and abbreviations	6
4 Composition and appointment of members of the BoA.....	6
4.1 Composition	6
4.2 Appointment of BoA Chairperson and BoA members.....	6
5 Appeals	7
6 Complaints	7
7 Disputes	7
8 Making an appeal to the BoA.....	8
9 BoA Procedure.....	8
10 References	9

Foreword

This publication has been prepared by the Maintenance Group of the OIML Certification System (OIML-CS) Management Committee (MC).

The MC approved this Edition 2 of OIML-CS PD-01 by electronic ballot on 30 November 2018. This edition takes effect immediately upon publication.

This publication is directly related to the *Framework for the OIML Certification System (OIML-CS)* (OIML B 18 [1]) which contains the framework for the operation of the OIML-CS.

The text of this publication is based on the following documents:

Edition	Document	Report on Voting/Acceptance
PD-01 Edition 1	PD-01 Edition 1	Published: July 2017
PD-01 Edition 2 (Draft)	BIML_SC8_P1_SG3_N001	Draft for MG comments – 20180226
PD-01 Edition 2 (Draft)	BIML_SC8_P1_SG3_N010	Draft for MG comments – 20180608
PD-01 Edition 2 (Draft)	OIML-CS_SC1_P1_N070 OIML-CS_SC1_P1_N071	Draft for MC approval – 20180928

1 Introduction

1.1 The OIML Certification System (OIML-CS) has been established:

- a) to promote the global harmonization, uniform interpretation and implementation of legal metrological requirements for measuring instruments and/or modules,
- b) to avoid unnecessary re-testing when obtaining national type evaluations and approvals, and to support the recognition of measuring instruments and/or modules under legal metrological control, while achieving and maintaining confidence in the results in support of facilitating the global trade of individual instruments, and
- c) to establish rules and procedures for fostering mutual confidence among participating OIML Member States and Corresponding Members in the results of type evaluations that indicate conformity of measuring instruments and/or modules, under legal metrological control, to metrological and technical requirements established in the applicable OIML Recommendation(s).

1.2 OIML B 18 *Framework for the OIML Certification System (OIML-CS)* [1] establishes the rules for a framework for the OIML-CS. OIML B 18 [1] is supplemented by a range of Operational Documents and Procedural Documents which are developed, maintained and approved by the OIML-CS Management Committee (MC).

2 Scope

This document is one of a series of Operational Documents and Procedural Documents that define the rules for the operation of the OIML-CS.

This publication contains information on appeals, resolution of complaints and disputes associated with the OIML-CS, along with the procedures relating to the operation of the Board of Appeal (BoA).

The information and procedures relate to the framework for the OIML-CS as given in OIML B 18 [1], the Operational Rules as given in OD-01 [2] and OD-02 [3], and the Procedures as given in PD-02 [4], PD-03 [5], PD-04 [6], PD-05 [7], PD-06 [8], PD-07 [9] and PD-08 [10].

3 Terminology and abbreviations

The terminology and abbreviations defined in clause 3 of OIML B 18 [1] apply.

4 Composition and appointment of members of the BoA

4.1 Composition

The composition of the BoA is defined in OIML B 18, 13.1 [1].

4.2 Appointment of BoA Chairperson and BoA members

4.2.1 The CIML shall seek nominations for candidates for the roles of BoA Chairperson and members of the BoA. MC Members and representatives cannot be appointed as the BoA Chairperson or as a BoA member. CIML Members shall be given at least one month to review all nominations ahead of a vote.

4.2.2 For the BoA Chairperson the appointment process shall be as follows:

- a) In the case that there is only one candidate, that candidate is appointed.
- b) Where there is more than one candidate, CIML Members vote for one of the candidates and the candidate who obtained the highest number of votes is appointed.
- c) If there is no candidate a member of the Presidential Council shall be appointed as BoA Chairperson (ex officio) until a new appointment process is conducted.

4.2.3 For the members of the BoA the appointment process shall be as follows:

- a) In the case where there are four candidates, those candidates are appointed.
- b) Where there are more than four candidates, CIML Members vote for four of the candidates and the four candidates who obtained the highest number of votes are appointed.
- c) In case there are fewer than four candidates, those candidates are appointed and a member of the Presidential Council or, at the discretion of the CIML President, a CIML Member shall be appointed to each vacant position until a new appointment process is conducted.

4.2.4 The terms of office of the BoA Chairperson and the four members shall be three years and they shall be immediately eligible for re-appointment for a further period of three years.

4.2.5 Neither the BoA Chairperson nor the other members shall serve in a case in which an OIML Issuing Authority or Test Laboratory of their country is involved. When necessary in such an event, a member of the Presidential Council or, at the discretion of the CIML President, a CIML Member from

a country not involved in the case shall be appointed. The Executive Secretary shall act as the Secretary of the BoA and shall have no right to vote.

5 Appeals

Decisions made by the MC may be appealed to the BoA. How to make an appeal and the operating rules for the BoA and are detailed in clauses 8 and 9 respectively.

6 Complaints

A complaint may be submitted to the Executive Secretary with documented and substantiated evidence that an OIML type evaluation report was issued by an OIML Issuing Authority on the basis of incorrect technical conclusions or procedures. The Executive Secretary shall notify the owner of the report and the MC of the complaint. The Executive Secretary shall investigate the complaint and will seek the advice of the Review Committee (RC) as to whether the complaint should be upheld. If the complaint is upheld then the corresponding OIML Certificate will be deregistered from the OIML-CS website and the OIML Issuing Authority shall take appropriate action to correct the OIML type evaluation report. The OIML Issuing Authority has the right to appeal the decision to deregister the OIML Certificate.

7 Disputes

7.1 The Executive Secretary shall be contacted in the event of a dispute initiated by:

- a) an applicant for OIML type evaluation regarding an OIML type evaluation report, or
- b) an OIML Issuing Authority, Utilizer or Associate regarding the incorrect application of the operational procedures of the OIML-CS.

7.2 The appropriate CIML Members may represent their OIML Issuing Authority, Utilizer or Associate involved in a dispute and shall attempt to resolve between the parties in dispute any issue that might arise. If the OIML Issuing Authorities, Utilizers or Associates affected are unable to resolve an issue, they shall provide a written explanation to the Executive Secretary who will then raise it with the BoA.

7.3 Where a dispute involves an applicant for OIML type evaluation (e.g. a manufacturer), the applicant shall attempt to resolve any issues that might arise with the relevant OIML Issuing Authority, Utilizer, Associate and/or their CIML Members. If the applicant is unable to resolve an issue, they may provide a written explanation to the Executive Secretary who will then raise it with the BoA.

8 Making an appeal to the BoA

8.1 Applicants for OIML Certificates, OIML Issuing Authorities, Utilizers or Associates have the right to submit an appeal to the BoA.

Note: Organizations that have applied to become an OIML Issuing Authority, Utilizer or Associate also have the right to appeal.

8.2 Appeals by applicants for OIML Certificates

8.2.1 When an applicant for an OIML Certificate wishes to appeal against a decision taken by an OIML Issuing Authority about a matter with which the applicant is concerned, the applicant shall first appeal according to the appeal procedure of the OIML Issuing Authority concerned, when that procedure is applicable.

8.2.2 If the applicant is not satisfied with the outcome of the appeal and the applicant is of the opinion that the decision goes against the operating rules and procedures of the OIML-CS, or if the OIML Issuing Authority appeal procedure is not applicable, the applicant may submit an appeal in writing to the Executive Secretary within one month after having been informed of the decision, setting out all reasons for the appeal.

8.3 Appeals by OIML Issuing Authorities, Utilizers or Associates

When an OIML Issuing Authority, Utilizer or Associate wishes to submit an appeal against a decision of the MC, it shall do so in writing to the Executive Secretary within one month after having concluded that it cannot reach an agreement, setting out its reasons in full.

9 BoA Procedure

9.1 In order to consider a case, the BoA shall normally meet in person. Alternatively the case can be considered via correspondence if all parties agree.

9.2 When the BoA meets to consider a case, either in person or via correspondence, all relevant information shall be made available. The information shall be circulated at least one month before a meeting by the Executive Secretary to the BoA Chairperson and the four members. Copies of all of the information shall be sent to the parties.

9.3 It is the duty of the Executive Secretary to assist the members and the parties involved. When the BoA decision is taken by correspondence, notes or minutes relevant to the decision shall be written.

- 9.4 The BoA shall deal with the case confidentially.
- 9.5 The parties involved each have the right to use an expert to advise on matters relevant to the case. This is applicable both at a meeting of the BoA to adjudicate the case or where the case is adjudicated by correspondence.
- 9.6 During the adjudication of the case, only the BoA Chairperson, the four members and the Executive Secretary shall be present.
- 9.7 Decisions of the BoA shall be taken by a simple majority of the members. If the votes are divided equally, the BoA Chairperson shall decide upon the action to be taken.
- 9.8 The BoA shall give its decision in writing, within one month after the case has been considered, to the parties, and, if action with regard to rules and operating procedures is needed, to the MC Chairperson.
- 9.9 Where the appeal relates to an MC decision, the BoA shall give its decision in writing, within one month after the case has been considered, to the party that raised the appeal and the MC Chairperson. If the BoA upholds the appeal against an MC decision, the BoA decision is binding upon the MC and cannot be subsequently appealed.
- 9.10 The decisions of the BoA shall be presented to the MC at its next meeting in such a way as not to reveal the identity of the parties, when that is desired. When an OIML Issuing Authority, Utilizer or Associate has not followed a decision from the BoA, the MC shall decide on the appropriate steps to be taken.

10 References

- [1] OIML B 18:2018 *Framework for the OIML Certification System (OIML-CS)*
- [2] OD-01 *OIML-CS Operational Document OD-01: Management Committee*
- [3] OD-02 *OIML-CS Operational Document OD-02: Test Laboratories Forum*
- [4] PD-02 *OIML-CS Procedural Document PD-02: Procedures to approve Legal Metrology experts and QMS experts*
- [5] PD-03 *OIML-CS Procedural Document PD-03: Application and approval of OIML Issuing Authorities, Utilizers and Associates*
- [6] PD-04 *OIML-CS Procedural Document PD-04: Assessment of Test Laboratories*
- [7] PD-05 *OIML-CS Procedural Document PD-05: Processing an application for an OIML Type Evaluation Report and OIML Certificate*
- [8] PD-06 *OIML-CS Procedural Document PD-06: Use of OIML Type Evaluation Reports and OIML Certificates*
- [9] PD-07 *OIML-CS Procedural Document PD-07: Transition Arrangements under the OIML-CS*
- [10] PD-08 *OIML-CS Procedural Document PD-08: Signing the OIML-CS Declaration*