

## Appeals Procedure

### – Criteria and process for Appeals –

1<sup>st</sup> General Assembly  
25 June 2008

Ref. GA1/05.1  
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*On 25 June 2008, the 1<sup>st</sup> General Assembly in Sarajevo adopted the following Appeals Procedure pursuant to art. 10 h. and art. 21 (3) of the Statutes:*

#### Art. 1 - Grounds of appeal

- (1) Applicants may, within the scope of appeal outlined in Art 2 below, appeal against a decision of the Register Committee claiming that
  - a. the Register Committee has violated EQAR's statutes or secondary regulations, general legislation or any commonly accepted principles of fair and equal procedures ("procedural grounds" according to art. 21 (1) of the statutes); or
  - b. the Register Committee's decision was unreasonable or disproportionate in the light of the available evidence ("perversity of judgement" according to art. 21 (1) of the statutes), for example in that the Register Committee has
    - i. not considered or misunderstood certain facts and/or evidence duly provided in the proceedings; or
    - ii. based its decision on facts and/or evidence which were not duly provided in the proceedings; or
    - iii. not used or exceeded the scope of discretion at its disposal; or
    - iv. based its decision on considerations which are evidently not substantially related to the issue in question; or
    - v. failed to consider an aspect which is likely to be of substantial relevance for the decision.

#### Art. 2 - Scope of Appeal

- (1) The appeal may only be based on those facts which have been duly introduced into the proceedings of the Register Committee and shall clearly state the grounds for appeal.
- (2) EQAR's statutes and further regulations shall be relevant for appeals as in effect when the decision appealed against was made.
- (3) Except in case of grave and evident fault, the Appeals Committee will only consider those complaints which the applicant has put forward in the appeal.

### **Art. 3 - Appeals Procedures**

- (1) An appeal shall be submitted to EQAR within 90 days from receipt of the notification of rejection.
- (2) The Appeals Committee should consider an appeal within 120 days from receipt of the appeal. The appeal shall be forwarded to the Register Committee for comment before a decision is made.
- (3) In case of lack of relevant information or need for clarification, the Appeals Committee may request further information from the Register Committee and/or the review coordinator and/or chair of the review panel. The Appeals Committee may, if appropriate, request further information from the applicant; in particular, the request may seek to further substantiate the complaints. An appropriate deadline for responses shall be granted.

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### **Art. 4 - Decisions and consequences**

- (1) The Appeals Committee shall decide to either accept the appeal or reject the appeal, deeming it either inadmissible or unsubstantiated. The applicant and the Register Committee shall be notified of the decision and its grounds.
- (2) If the appeal is accepted, the Register Committee shall reconsider the application, taking due account of the appeal and the decision of the Appeals Committee.
- (3) If the appeal is rejected, the Register Committee's decision is final.

### **Art. 5 - No conflict of interests policy**

- (1) A member of the Appeals Committee who has a conflict of interests with regard to a particular application may not take part in the consideration of an appeal regarding that application. A member is assumed to have a conflict of interest if, for example
  - a. s/he receives financial compensation from the applicant as an employee, consultant or subcontractor; or
  - b. s/he holds a position, whether paid or unpaid, with the applicant, for example as a member of a commission or board; or
  - c. s/he was involved in the external review of the applicant; or
  - d. s/he holds a position in an entity currently being reviewed by the applicant; or
  - e. any of the above applies to a close relative of the person; or
  - f. any of the above applied until recently.
- (2) A member of the Appeals Committee is expected to declare a possible conflict of interest of his/her own accord.

- (3) Applicants shall notify the President of the Executive Board if they consider that a member of the Appeals Committee has a conflict of interest with regard to their application.
- (4) Any disputes shall be settled by the President of the Executive Board in consultation with the Chair of the Appeals Committee.

**Art. 6 - Further provisions**

- (1) The Appeals Committee may specify the process further in its own Rules of Procedure.

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