

Procedure name	TUVR-AccredSt07-14-Complaint dispute appeal
Version and date	00, 01/12/2022
Active from	01/01/2023
Responsible person	Head, DOE
CDM Standard	CDM Accreditation Standard - Version 7.0, EB98, Annex 4
Relevant paragraphs	160-169
Other relevant procedures	TUVR-AccredSt07-11-InformationManagement TUVR-AccredSt07-13-Quality Management System
Documents required and associated	013-07-Nonconformity Form 013-08-Request for Review_Tracking 013-09-NonConformityReport_Tracking 014-01-Complaint, Dispute and Appeal Tracking

1 **Complaints / Disputes / Appeals – Introduction**

A procedure for the management of complaints, disputes and appeals against the DOE is documented below. This procedure described how the DOE shall handle complaints, disputes and appeals in an objective, effective and efficient manner. §160;
§163;
§166

2 **Public availability**

The document is available to the UNFCCC CDM Secretariat and to the public and clients, through TUV Rheinland's website: §161;
§164;
§167;
<https://www.tuv.com/greater-china/en/about-us/document-download/>

Customers and interested parties (including external and internal parties) can address complaints, disputes and appeals to: e-mail doe@chn.tuv.com

Note: Complaints and Disputes could be handled following the same process described in paragraphs 3 to 7. Appeals require a different process as shown in paragraphs 8 to 13.

Complaints and Disputes

3 **Responsibility**

The Head of DOE is responsible for the implementation of the complaint and dispute handling process. This includes mainly determining the validity of complaints/disputes, assigning related resources for investigation, handling, and verifying the effectiveness of complaint and coordinating any dispute resolution. The Head of DOE is also responsible to monitor the implementation of correction/corrective actions and verify their effectiveness. §162 (a);

The persons engaged in the complaint and dispute handling process shall be different from those who carried out the validation or verification / certification activities of the project under examination. It is the responsibility of the Head of DOE to allocate these staff appropriately. §162 (g);
§165 (f)

4 **Receiving a complaint / dispute**

It is the DOE's policy to have all complaints and disputes submitted in written format. Anonymous communications will not be processed, and will be considered as non-valid. Submissions shall be accompanied by documented evidence. §162 (b);
(h); (c);
(i)

When a complaint /dispute are received, the complaint / dispute are then forwarded to the Head of DOE. Each appeal, complaint and dispute shall be properly recorded in the '**014-01-Complaint, Dispute and Appeal Tracking**' sheet, with supporting information stored at the DOE server '**Beijing Drive**'. A unique identification number, following the format [Number 0x]-COMP/DISP/APPL-[year], shall be allocated to each case. 165(a);
(b); (g);
(h);

Criteria for the Validity of complaints / disputes

The complaint /dispute must relate to issues under the authority of the DOE, including but not restricted to:

- i) CDM validation and verification processes and decisions,
- ii) financial issues,
- iii) professional conduct,
- iv) project timeline,
- v) discrimination,
- vi) procedures followed,
- vii) methodologies applied,
- viii) criteria of judgment

Acknowledging a complaint / dispute

After receiving a complaint/dispute, the Head of DOE has to determine its validity within 15 workdays.

If the complaint/dispute is acknowledged as *valid*, the Head of DOE shall inform the complainant/disputant in writing and initiate the process for investigating the complaint/dispute.

The Head of DOE shall initially assess the severity, safety implication, complexity, impact, and the need and possibility of immediate action for the particular complaint/dispute. A timeline for the investigation could also be provided to the complainant/disputant.

If the complaint/dispute is acknowledged as *non-valid*, the Head of DOE shall inform the complainant/disputant in writing and explain the reasons for refusal. The complainant/disputant could resubmit the complaint/dispute providing more substantiation, for example through additional documented evidence for further investigation.

A complaint/dispute that could result in monetary or other damages or risks has to be reported immediately to the Vice President, Energy and Environment.

Investigating a complaint/dispute

The Head DOE shall allocate suitable personnel to investigate the complaint/dispute. It is recommended the investigation team to have 2 to 3 members, one including the Head of DOE. Other members could be employees of TUV Rheinland but not from the audit team of the specific project. The persons engaged in the complaint and dispute handling process shall be different from those who carried out the validation or verification/certification activities of the project under examination. The investigation team should examine issues including:

- Causes of the complaint/dispute
- Technical and methodological issues
- Issues of judgment
- Potential liabilities of DOE personnel
- Internal procedures that might have not been followed
- Suggestions for corrections and corrective actions

Handling of a complaint/dispute

After the investigation of a complain/dispute has been completed and sufficient information has been collated, the Head DOE shall decide on the actions to resolve the complaint/dispute.

These proposed actions shall be communicated to the complaint/disputant to achieve their satisfaction, if applicable. If an agreement is achieved between the two sides, then the proposed actions, corrections and/or corrective actions, shall be implemented and documented using the Procedure '**TUVR-AccredSt07-13-Quality Management system**' using the Nonconforming Work and Corrective Action provisions using the '**013-07-Nonconformity Form**' and summarized in '**013-08-NonConformityReport_Tracking**' and

‘013-09-Request for Review_Tracking’ (for more detail on requests for review), implementing corrections and corrective actions and properly documenting and archiving the process.

The Head of DOE shall monitor the implementation of the agreed corrections and / or corrective actions. Once the implementation process is completed, a written statement could be provided to the complainant/disputant. Such information and statement shall be recorded and the complaint / dispute can be closed.

- 5 **Tracking and recording complaints / disputes** §162(d), (h),(j), 165 (c), (g), (i)
 Each appeal, complaint and dispute shall be properly recorded in the **‘014-01-Complaint, Dispute and Appeal Tracking’** sheet, with supporting information stored at the DOE server **‘Beijing Drive’**. A unique identification number, following the format [Number 0x]-COMP/DISP/APPL-[year], shall be allocated to each case.

Progress reports, could be in the form of email communication, shall be made available to the complainant / disputant upon request.

- 6 **Non conformities** §162(e), 165(d)
 Any non-conformity identified during the complaint / dispute investigation shall be processed as per Procedure **‘TUVR-AccredSt07-13-Quality Management system’** using the Nonconforming Work and Corrective Action provisions using the **‘013-07-Nonconformity Form’** (for more detail on requests for review), implementing corrections and corrective actions and properly documenting and archiving the process.

- 7 **Confidentiality** §162(f), 165(e)
 Personnel assigned to handle complaints and disputes or appeals are responsible to ensure confidentiality of any non-public information acquired during handling process. The confidentiality of the complainant and the subjects of the complaint shall be safeguarded following procedure **‘TUVR-AccredSt07-11-InformationManagement’**.

- 8 **Appeals** §166
 A procedure for appeals is documented in detail in paragraphs 9 to 13 below.

9 **Appeal process**

Receiving an appeal §168 (a);(b); (d); (i)
 It is the DOE’s policy to request all appeals to be submitted in written format. A party requesting reconsideration of a decision regarding a previously submitted complaint (the appellant) is asked to submit the appeal in writing within 30 workdays after the appellant’s acknowledgment of the related decision. Appeals submissions shall be accompanied by documented evidence.

Acknowledging an appeal
 After receiving an appeal, the Head of DOE has to determine its validity within 15 workdays.

If the appeal is acknowledged as valid, the Head of DOE shall inform the appellant in writing and initiate the process for investigating the appeal, which is to convene the Appeal Panel.

If the appeal is acknowledged as non-valid, the Head of DOE shall inform the appellant in writing and explain the reasons for refusal. The appellant could resubmit the appeal providing more substantiation, for example through additional documented evidence.

Investigating an appeal
 If the appeal is acknowledged as valid, the Head of DOE shall inform the appellant in writing and initiate the process for convening the Appeal Panel.

Appeal panel

The Appeal Panel shall be independent and carry the overall responsibility for the appeal process. The appellant and the DOE shall agree upon the composition of the Appeal Panel which shall be composed of:

- At least one person from the DOE who was not involved in the certification or other work, including technical review and final decision-making, of the work that is the subject of the appeal. It is recommended this person to be another DOE Technical Reviewer (not the one that reviewed the project initially).
- At least one person from the appellant's entity who was not involved in the certification or other work that is the subject of the appeal.
- At least one person from another party, as agreed by the appellant and the DOE. This could be, for example, a TUV Rheinland Group employee or a representative from a relevant business association etc.

After this step is completed, the Appeal Panel shall carry out the appeal investigation examining issues such as:

- Causes of the appeal
- Technical and methodological issues
- Issues of judgment
- Potential liabilities of TUV's or the appellant's personnel
- Internal procedures that might have not been followed (by both sides)
- Suggestions for corrections and corrective actions

After the investigation of the appeal has been completed and sufficient information has been collated, the Appeal Panel, having the authority to make the final decision in regards to the investigated appeal, shall decide on the actions to resolve the appeal.

The Head of the DOE, in cooperation with the Appeal Panel, shall provide progress reports in writing of the appeal process to the appellant at regular intervals or as soon as the decision is taken.

§168 (h)

If an agreement is achieved between the two sides, then the proposed actions, corrections and / or corrective actions, shall be documented using the following the Procedure '**TUVR-AccredSt07-13-Quality Management system**' using the '**013-07-Nonconformity Form**' and summarized in '**013-08-NonConformityReport_Tracking**' and '**013-09-Request for Review_Tracking**' (for more detail on requests for review), implementing corrections and corrective actions and properly documenting and archiving the process. The Head of DOE shall monitor their implementation. Once the implementation process is completed, a written statement could be provided to the appellant. Such information and statement shall be recorded and the appeal can be closed.

§169

If the appeal cannot be resolved and the appellant wishes to pursue the appeal further, the Head of DOE shall inform the appellant that the case could be transferred to the CDM Executive Board for further action under CDM EB procedures.

10 **Measures against Discrimination**

§168 (c)

The submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant by the DOE. The entity of the appellant shall not be treated in a different way in regards to other ongoing projects the DOE is working on.

The Appeal Panel shall ensure that the decision on the appeal and any follow-up actions taken, if needed, do not result in discrimination against the appellant.

11 **Tracking and recording**

§168 (e)

Records of handling appeals, complaints, disputes and incidents shall be kept at the DOE server

‘Beijing drive’ and recorded using the **‘014-01-Complaint, Dispute and Appeal Tracking’** sheet.

- 12 **Non conformities** §168 (f)
 Any non-conformity identified during the appeal investigation shall be processed as per Procedure **‘TUVR-AccredSt07-13-Quality Management system’** using the **‘013-07-Nonconformity Form’** (for more detail on requests for review), implementing corrections and corrective actions and properly documenting and archiving the process.

- 13 **Confidentiality** §168 (g)
 Confidentiality of the appellants and the subjects of the appeal shall be safeguarded following **‘TUVR-AccredSt07-11-InformationManagement’**.

-End-

Revision History:

SL No	VERSION	REASON FOR CHANGE	APPROVAL
1	00	Initial version of procedure in accordance with the requirements of Accreditation Standard version 07	Ms. Jessie Wang Dated 01/12/2022

The initial version is considered as “00” and further changes to this version will continue to be in order of “01 ...”