



Article 1 DEFINITIONS

Under the definitions, reference is made to the General Administrative Law Act (AWB). The notion "Decision is explained further here": A decision refers to a written decision by or on behalf of NMI Certin B.V., including a public legal act whereby the following is equated with a decision: a written refusal to take a decision; the non-timely taking of a decision.

Thus: Decisions which NMI Certin B.V. takes within the framework of a law (including the aforementioned refusal and non-timely taking of a decision) are decisions within the meaning of the AWB. For example, they concern: Decisions relating to an inspection (inspection certificate, re-inspection certificate); Decisions relating to an inspection within the framework of surveillance; Type examination certificate (model authorisation certificate); Recognised tester's certificate

Article 2 SUBMISSION OF A NOTICE OF APPEAL

Requirements which the notice of appeal must satisfy

Article 6.5 of the AWB stipulates which requirements a notice of appeal must satisfy.

The notice of appeal must, amongst other things, be submitted within six weeks following the day on which the decision is "announced". Announcements may occur through publication in a journal or by sending a letter containing the decision to the party (or parties) concerned. NMI Certin B.V. generally announces its decisions by means of the latter method. In such cases, the interested party (or parties) may submit their notice of appeal within six weeks following the date of sending.

In the event of publication, the notice of appeal must be submitted within six weeks following the date of publication.

Direct appeal

If all parties agree to it, the appeal procedure can be omitted and the submission of a direct appeal before an administrative court is possible. However, the general rule is that the submission of an appeal before an administrative court is only possible once the appeals procedure has been completed.

Direct appeal is only possible in very exceptional cases, namely in those cases in which the appeals procedure can be regarded as representing a pointless delay. This is the case, for example, if all those involved have already exchanged arguments so exhaustively that it is certain in advance that an appeals procedure would have no additional value.

The request to agree to a direct appeal before the administrative court must be made in the notice of appeal. The request will in each case be refused if: the notice of appeal is directed against the non-timely taking of a decision; another notice of appeal which does not contain such a request has been submitted against the decision, unless that other notice of appeal is clearly inadmissible. Direct appeal is provided for in article 7 of the AWB.

Article 3 RIGHT TO A HEARING

See article 7:2, 7:3 and 7:9 of the AWB.

Article 4 INFORMATION

See article 7:4 of the AWB.

Article 5 THE HEARING

See article 7:5 to 7:8 of the AWB.

Article 6 RULING

See article 7:10 to 7:12 of the AWB.

Article 7 APPEAL

In general, an appeal against an appeal ruling can only be submitted before a court once that appeal ruling has been made. This is pursuant to article 6:13 of the AWB. As regards decisions made on the basis of the various laws, appeals can be submitted to the Trade and Industry Appeals Tribunal (see article 38 of the Metrology Act and article 30v of the Betting and Gambling Act).

Details of the Trade and Industry Appeals Tribunal
Visitors address: Prins Clauslaan 60, 2595 AJ 's-Gravenhage, The Netherlands
Correspondence address: P.O. Box 20021, 2500 EA 's-Gravenhage, The Netherlands
Telephone: +31 (0)70 381 39 10
Faxnumber: +31 (0)70 381 39 99

NB. The possibility of "direct appeal" is indicated. Direct appeal is explained above under the explanatory notes to article 2.

Article 8 GENERAL ADMINISTRATIVE LAW ACT

No further explanation.

Article 9 ENTRY INTO FORCE AND OFFICIAL TITLE

No further explanation.