



National Accreditation Scheme

Management of applications related to complaints and legal remedy procedures

NAR-54

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Introduction

This rule of procedure is a consolidated version of the management of applications related to complaints submitted to the Authority and to legal remedy procedures.

I. Submissions

1. In respect of submissions received by the Authority, the Head of the Secretariat decides on the day of receipt of the submission on whether the submission is a complaint or an application for legal remedy. In accordance with the provisions of the Act on public administration (Ket.), the submission is decided on any case on the basis of its content.

II. Management of complaints

1. Submission, investigation of the complaint

A complaint can be submitted by any natural person or legal entity, or economic organisation not being a legal person, who was subject to harm/grievance by those enlisted in point II/2 in the accreditation procedure or in relation with the accreditation procedure.

2. A complaint can be submitted to the Authority in relation with the conduct, activity or failure of:

- a) the accredited organisation or natural person,
- b) Organs of the Authority,
- c) the assessors and experts,
- d) the staff of the Authority,

which does not qualify as an application for substantive legal remedy.

3. Management of complaints

4. The complaint is referred by the Head of Secretariat to the Legal Remedy Office on the day of its receipt. The head of the Legal Remedy Office, or in his/her impediment or absence, his/her deputy informs the head of the competent general department of the receipt of complaint on the following workday.

5. The Head of the General Department explains his opinion in a technical position statement in relation with the complaint within 4 days following the receipt of information with a view to enable the Head of the Legal Remedy Office, or in his/her impediment or absence, his/her deputy to form a proposal of decision within 8 days dated from the receipt of the complaint with attention to the technical position statement. If it is justified, the 8 days deadline may be extended by 15 days.

6. The decision passed on the subject of the complaint is signed by the Director General or in his impediment or absence, the decision is signed by the Head of the Legal Remedy Office acting in the capacity of replacement. In impediment or absence of the Head of the Legal Remedy Office, the decision is signed by the deputy of the Head of the Legal Remedy Office.

7. All official acts are performed by informing the Director General at the same time.

8. If the complaint is not upheld by the Authority, an application for judicial review can be submitted against the substantive decision on refusal passed in the procedure.
9. In respect to an extraordinary surveillance launched as a response to the submission of complaint, the rules laid down in the current rule of procedure are applicable to the submission, investigation of the complaint and the procedure related to the complaint.
10. To an extraordinary surveillance audit, the rules contained in rule of procedure NAR-01 are applicable.
11. The provisions applicable to the management of a complaint are also applicable to the investigation of a complaint of public interest.

III. Rules of legal remedy procedure against a substantive decision

1. The application for legal remedy is referred by the Head of Secretariat to the Legal Remedy Office on the workday following the day of its receipt.
2. Against the substantive decision passed by the Authority in a procedure for accreditation, extension of the accredited scope, reduction of the accredited scope, in a surveillance or extraordinary surveillance procedure, procedure for flexible scope, or procedure for the recognition of foreign accreditation, as well as against orders that can be independently appealed against according to the Act on public procedure (Ket.), a request for judicial review - request for action - can be submitted.
3. The application can be lodged with reference to an infringement of law with the Legal Remedy Office – addressed to the Budapest Metropolitan Public Administration and Labour Court (1027 Budapest, Tölgyfa utca 1-3.) - within 30 days dated from the communication of the decision, or sent by post to the Legal Remedy Office as registered post.
4. The Legal Remedy Office examines the lodged application and passes a decision on whether the content thereof concerns legal or technical issues.
5. In case of a legal issue, the Legal Remedies Office shall hand over the claim together with the counter-claim to the Director General in 3 workdays dated from the date of receipt of the claim, in his impediment or absence, to the Head of the Secretariat.
6. The Director General passes a decision on whether the lodged application is well-founded or not well-founded, and issues the counter-application for judicial review. In impediment or absence of the Director General, the Head of Secretariat passes decision on the justification of the application for review or on the lack of justification.
7. In the impediment or absence of the Director General, the Legal Remedies Office informs the Director General on the content of the claim on the day of receipt of the application. In the event of impediment or absence of the Director General, the Legal Remedy Office informs the Head of Secretariat on the content of the application on the day of the receipt of the application.
8. The Director General, or in case of his impediment or absence, the Head of Secretariat may convene a Technical Advisory Body consisting of members not concerned with the case for the investigation of the technical issue. The members of the Technical Advisory Body have appropriate professional knowledge/competence to investigate the given case.

9. The Technical Advisory Body issues a position statement in respect of the content of the application lodged.
10. The Director General, or in case of his impediment or absence, the Head of Secretariat passes a decision on whether the lodged application is well-founded or not well-founded on the basis of the position statement of the Technical Advisory Body.
11. If, on the basis of the application, the Director General, or in his impediment or absence, the Head of Secretariat acting in the capacity of replacement established that the decision infringes law, the decision shall be amended or withdrawn by the Director General, or in his impediment or absence, by the Head of Secretariat acting in the capacity of replacement in accordance with the application.

IV. Procedures initiated ex officio

1. If the authority perceives, ex officio, that the decision by the Deputy Director General is an infringement of the law, in the impediment or absence of the Deputy Director General, the competent Head of Department will amend or withdraw the decision.
2. If a name, or number is incorrectly spelt or there is other misspelling or calculation mistake in a decision, if it is an order, it is corrected by the competent General Department Head, in his impediment or absence by the competent Deputy General Department Head, if it is a decision, it is corrected by the competent Deputy Director General, in his impediment or absence, it is corrected by the competent General Department Head.

V. Motion for exclusion

1. On the subject of a motion for exclusion of a member of the assessment team, decision is made by the competent General Department Head issuing the order. No application for legal remedy can be submitted against the order.
2. A motion for exclusion can be submitted against the new appointed assessment team member. In the event of a well-based motion for objection, the competent General Department Head appoints a new assessor, expert.
3. If the competent General Department Head does not uphold the motion for exclusion, objection against the refusing decision can be submitted in a request for judicial review submitted against the substantive decision passed in the procedure.

VI. Orders eligible for independent appeal

1. Within 15 days dated from the receipt of the order eligible for independent appeal, the organisation is entitled to submit an appeal to NAH Legal Remedy Office (1119 Budapest, Tétényi út 82.). The Head of Secretariat refers the appeal received to the Legal Remedy Office.
2. To orders eligible for independent appeal, the provisions of the Act on public administration shall be applied. The Head of the Legal Remedy Office, or in case of his impediment or absence, his deputy decides on the appeal.
3. A request can be submitted for judicial review against the decision of the Legal Remedy Office. The application shall be lodged with reference to the infringement of law to the

Budapest Metropolitan Public Administration and Labour Court (1027 Budapest, Tölgyfa utca 1-3.) - within 30 days dated from the communication of the decision.

VII. Closing provisions

1. This Rule of Procedure was approved by the Director General.
2. This Rule of Procedure enters into force on 14 day of February 2017.
3. This rule of procedure was compiled with attention to the provisions of Act CXXIV of 2015 (hereinafter: Natv.), Act CXL of 2004 (hereinafter: Ket.) on the general rules of public administration and services, Government Decree No. 424/2015. (XII.23.) (hereinafter: Korm. rend.) on the National Accreditation Authority and accreditation procedure, Instruction by the Ministry of National Economy No. 27/2015. (XII.30.) on the rules of organisation and operation of the National Accreditation Authority(hereinafter: Utasítás), and Act CLXV of 2013 on complaints and reports of public interest.
5. The publication of this Rule of Procedure on the website of the Authority (www.nah.gov.hu) shall constitute as its publication.
6. The rules of this procedure shall be applied to procedures launched following the entry into force of this rule, also including the repeated procedures.