



GRIEVANCES, WHISTLEBLOWING & APPEALS PROCEDURE

CERTIFHY EU RFNBO VOLUNTARY SCHEME

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1. Status of this document

This document, 'Grievance, Complaint & Appeal procedure', is part of the CertifHy EU RFNBO Voluntary Scheme.

All CertifHy EU RFNBO Voluntary Scheme documents in their latest applicable version are valid and must be considered for the scope of application.

In the event of conflict between the text of this document and the CertifHy EU RFNBO Voluntary Scheme "Scheme Document", the CertifHy EU RFNBO Voluntary Scheme "Scheme Document" shall always take precedence.

1.1 Change History

Version	Date	Description
1.0	28.02.2023	Version 1.0
1.1	10.07.2023	Version 1.1: - Adjustments following the publication of an updated version of the Assessment Protocol for Voluntary Schemes for RFNBOs
1.2	15.01.2024	Version 1.2: - Adjustments taking up the Q&A Document of the European Commission of 26.07.2023
1.3	02.05.2024	Version 1.3: - Adjustments taking up the Q&A Document of the European Commission of 14.03.2024 and feedback from DG ENER
1.4	15.07.2024	Version 1.4: - Title of document changed - Document structure changed and simplified - Clarification on handling conflicts of interest in the submission of complaints - Alignment of whistleblower process with regulations
1.5	25.07.2024	Version 1.5: - Alignment with the Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law



1.6	31.10.2024	Version 1.6: - Editorial adjustments
1.7	22.10.2025	Version 1.7: - Editorial adjustments



2. Purpose of this document

The purpose of this document is to define the grievance and conflict resolution process which aims to ensure the integrity and reliability of the CertifHy EU RFNBO Voluntary Scheme. It ensures that grievances and conflicts are handled in a consistent, impartial, non-discriminatory, user friendly, timely, and effective manner.



3. Scope and Normative References

The processes outlined in this document are not intended to replace, contravene, or otherwise alter the requirements of any applicable national, state, or local governmental statutes, laws, regulations, ordinances, or other requirements.

This document gives general guidance only and should not be regarded as a complete and authoritative statement on the subject matter contained herein.

This process considers the following parties:

- Economic Operators
- Certification Bodies
- The CertifHy Scheme Operator
- Stakeholders

The process should be publicly and easily accessible to all parties.

Every Certification Body must have a complaint and appeal procedure, which shall cover all the requirements in this document.

In cases where it does not, the additional requirements of this document will need to be adopted by the Certification Body before getting recognition by the CertifHy Scheme Operator.



4. Procedures

4.1 General Provisions

Conflicts should always be resolved at the lowest possible level and with direct participation of the parties involved in and affected by the conflict.

Conflicts can occur on different levels, involving different stakeholders, organisations, or individuals in relation to procedures of the CertifHy EU RFNBO Voluntary Scheme:

- Conflicts between a Certification Body and an Economic Operator (e.g. regarding findings during audits and certification decisions);
- Conflicts between the CertifHy Scheme Operator and Certification Bodies or Economic Operators (e.g. regarding decisions made by the CertifHy Scheme Operator);
- Conflicts regarding activities of Economic Operators or Certification Bodies affecting local or regional stakeholders.

Prior to initiating the CertifHy EU RFNBO Voluntary Scheme conflict resolution process, affected parties should seek to resolve the conflict through direct dialogue. If dialogue between the parties involved does not resolve the conflict, the conflict resolution process can be initiated.

The conflict resolution process of the CertifHy EU RFNBO Voluntary Scheme refers to this 'Grievances, Whistleblowing & Appeals procedure' document.

Appeals against decisions by a Certification Body must be directed to the Certification Body, not to the CertifHy Scheme Operator (see chapter 4.4).

Each case (Grievance, Whistleblowing or Appeal) directed to the CertifHy Scheme Operator will receive a unique reference number by which the case is registered within the CertifHy Scheme Operator and which will be included in each communication regarding the case.

Cases accepted by the CertifHy Scheme Operator will be analysed, investigated, and decided on impartially and in an unbiased way by the CertifHy Scheme Operator on a case-by-case basis. While investigating the reason for the Grievance, Whistleblowing case or Appeal, the CertifHy Scheme Operator is entitled to contact the parties and stakeholders affected and to ask for supporting evidence, documentation, or statements in order to gain a sufficient understanding of the situation and to ensure that all parties involved can explain their view and position regarding the case.

The CertifHy Scheme Operator will respond to any information and evidence received within 10 working days of receipt. Any result and decision will be communicated to the party that filed the Grievance, Whistleblowing case or Appeal by the CertifHy Scheme Operator without delay. Based on the decision or any evidence received during the analysis of the case, the CertifHy Scheme Operator is entitled to make provisions for certification Audits or request that the Certification Body conducts surveillance Audits of the affected Economic Operator.

CertifHy keeps a register of all Grievances, Whistleblowing cases or Appeals received during the last calendar year and provides a summary of those to the European Commission in the annual activity report (this applies to Grievances and Whistleblowing cases that affect any activities related to the CertifHy EU RFNBO Voluntary Scheme recognised by the European Commission).

Upon request by the European Commission or a Member State, CertifHy will provide all documents related to a Complaint, Whistleblowing case or Appeal and its handling.



Records and all other written materials related to a case will be saved by the CertifHy Scheme Operator for a minimum period of five years or longer if required by the relevant national authority.

At any point in the process, the CertifHy Scheme Operator may require that the use of the CertifHy logo or any other public affiliation with CertifHy be suspended while investigations and resolutions are ongoing.

4.2 Grievances

4.2.1 Filing a grievance and formal requirements

The CertifHy Scheme Operator decides on the admissibility of a Grievance based on the formal requirements specified below. Grievances must:

- Be submitted in written form via the CertifHy website¹;
- Contain basic information about the party bringing forth the Grievance (name, address, contact information) and, if applicable, the organisation and the position of the contact person within the organisation;
- Contain a clear and brief description of the Grievance, including the relevant circumstances and affected stakeholders/ parties in a way that any impartial person or party can obtain a clear idea and an unambiguous understanding of the situation;
- Include evidence to support the Grievance (this may consist of verifiable information, records, observations, personal knowledge and/ or statements of fact, which can be qualitative or quantitative); and
- Provide evidence of the steps already taken, where applicable, to resolve the Grievance directly.

The CertifHy Scheme Operator has the right to return incomplete Grievances to the submitting party, with an explanation of what is needed to constitute a complete submission that can then be further processed.

The party that filed the Grievance will be informed in writing within 3 working days about the receipt of their Grievance. The CertifHy Scheme Operator will decide if the Grievance is admissible within 10 working days upon receipt of the Grievance.

To avoid conflict of interests in the event of a Grievance regarding a decision or action taken by the CertifHy Scheme Operator, the Grievance will be systematically transferred to and analysed by an independent party with relevant expertise outside of the CertifHy Scheme Operator. This could be an independent and impartial lawyer or auditor with expertise on the subject at hand.

4.2.2 Inadmissible grievance

Grievances are considered inadmissible if:

- The above stated requirements regarding form and content are not met; or
- They are trivial, vexatious or appear to have been generated solely to gain competitive advantage; or

¹ <https://www.certifhy.eu/certifhy-grievance-procedure/>



- The Grievance is not sufficiently supported by compelling, objective evidence in order to be able to obtain a clear idea and unambiguous understanding of the situation at hand. Except for exceptional circumstances, Grievances based solely on hearsay cannot be investigated; or
- The Grievance seeks adjustments of the recognised CertifHy EU RFNBO Voluntary Scheme requirements. Recognised CertifHy EU RFNBO Voluntary Scheme documents should not be addressed as Grievance. Suggestions for changes to CertifHy EU RFNBO Voluntary Scheme documents can be made through the public consultation processes, or can be provided to the CertifHy Scheme Operator by e-mail or mail;
- The Grievance aims to have sanctions amended which have been imposed by the Certification Body due to non-conformities detected (such Grievances must be addressed to the Certification Body); or
- The Grievance does not explicitly relate to CertifHy EU RFNBO Voluntary Scheme requirements, policies, or activities.

4.2.3 Anonymity

If a party wishes to maintain anonymity throughout the entire Grievance process, this party shall declare this at the time of filing the formal Grievance as well as explain why anonymity shall be maintained. If anonymity is granted by the CertifHy Scheme Operator, all parties involved in the resolution process will ensure that the identity of the party will not be disclosed throughout the process.

If anonymity cannot be granted for any reason, the party that filed the formal Grievance has the right to rescind the grievance. If anonymity is granted, the CertifHy Scheme Operator and/ or Certification Bodies will protect the identity of the party throughout the process except where there is an obligation to disclose information to authorities or courts.

4.3 Procedure for whistleblowers

Whistleblowers play a key role in exposing and preventing breaches, e.g. of Union law, and in safeguarding the welfare of systems and society. Whistleblower cases are reports of non-conformity of an Economic Operator or Certification Body or a failure to follow CertifHy policies and operating procedures. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation, which is why CertifHy is committed to a balanced and effective whistleblower protection.

Whistleblower can be any party (individual or organisations) that has a substantial interest in the activities related to CertifHy, including Economic Operators and their employees, Certification Bodies and their employees, Auditors, CertifHy members or employees, and other third parties related to CertifHy's activities such as competent authorities, NGOs, or other stakeholders. Whistleblower can get in contact with the CertifHy Scheme Operator for any conflict.

During the whistleblowing procedure, the CertifHy Scheme Operator guarantees the Whistleblower's anonymity and protection in compliance with the EU Whistleblowing Directive.² This assurance extends to ensuring that Whistleblowers who act in good faith will not face any adverse consequences from the CertifHy Scheme Operator.

² Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law



Whistleblower cases should be submitted via the dedicated complaint form which offers the possibility to keep anonymity. The complaint form is secure and compliant with the EU General Data Protection Regulation (GDPR) and shall be end-to-end encrypted. All incoming Whistleblower cases will be processed by the CertifHy Scheme Operator staff only. Access to Whistleblower cases is restricted to designated authorized CertifHy employees to ensure confidentiality. The dedicated Whistleblower complaint form ensures secure and anonymous communication between the Whistleblower and the authorized CertifHy employees.

The said “authorized CertifHy employees” shall receive specific training for the purpose of handling Whistleblowing cases. Whistleblower cases must:

- Be submitted in written form via the website;
- Contain a clear and brief description of the Whistleblower case, including the relevant circumstances and stakeholders/parties affected allowing any impartial person or party to clearly understand the situation;
- Provide evidence to support the Whistleblower case (this includes verifiable information, records, observations, personal knowledge and/ or statements of fact, which can be qualitative or quantitative);
- Be submitted by someone with reasonable grounds to believe that the information reported was true at the time and that such information fell within the scope of Directive (EU) 2019/1937;
- Be submitted by a person who has already reported the issue either internally, externally or via a public statement in accordance with Directive (EU) 2019/1937 Art. 6.

The Whistleblower will promptly receive written notification from the CertifHy Scheme Operator upon their first contact. To ensure a timely response to Whistleblowers, the CertifHy Scheme Operator dedicates specific material and human resources. The CertifHy Scheme Operator guarantees that the employees authorized to handle Whistleblower cases possess the utmost care and qualification, processing the cases with confidentiality and within specified timeframes.

Upon receiving Whistleblower information, the designated CertifHy Scheme Operator representative promptly determines whether the information presented will proceed to internal referral and/or if additional documentation or supporting evidence is necessary. During the investigation of the Whistleblower case, the CertifHy Scheme Operator has the right to reach out to affected parties and stakeholders, requesting supporting evidence, documentation, or statements to gain a comprehensive understanding of the situation. This ensures that all parties involved have an opportunity to present their perspective. Based on the analysis, CertifHy may arrange certification Audits or request the Certification Body to conduct Audits of the relevant Economic Operator.

The CertifHy Scheme Operator must ensure the confidentiality of the Whistleblower's identity throughout the process and investigations initiated by the Whistleblower case. However, this confidentiality protection is not applicable if the reporting individual intentionally discloses their identity publicly. Additionally, it does not apply when there is a necessary and proportionate legal obligation under Union or national law in the context of investigations conducted by authorities or judicial proceedings. This exception is particularly relevant to safeguarding the rights of defense for individuals involved.

The submission of a Whistleblower form on the CertifHy website will automatically notify all members of the CertifHy Steering Committee. If an issue concerns the CertifHy Scheme Operator directly, the Steering Committee will appoint an internal team that is sufficiently independent from the decision in question.



4.4 Appeals

Appeals must be filed in writing within 30 calendar days of the appealing party receiving the decision from the Certification Body or from the CertifHy Scheme Operator. The Certification Body or the CertifHy Scheme Operator will inform the appealing party in writing without delay about the receipt of their Appeal.

Where Economic Operators appeal against a decision by a Certification Body, the Certification Body will handle the appeal (see also CertifHy EU RFNBO Voluntary Scheme document 'Requirements for Certification Bodies & Auditors'). Where Economic Operators cannot agree with the Certification Body on an Appeal, the issue shall be brought to the attention of the CertifHy Scheme Operator for resolution.

To evaluate Appeals against decisions of the CertifHy Scheme Operator, the CertifHy Steering Committee will appoint an internal team that is sufficiently independent of the decision of the CertifHy Scheme Operator the Appeal relates to. The CertifHy Scheme Operator will evaluate the Appeal within 20 working days of receipt, or, if additional evidence is requested, within 20 working days of receiving the additional evidence. If the evaluation leads to a different outcome, the CertifHy Scheme Operator will adjust its decision or that of the Certification Body and communicate the adjusted decision.



5. Potential outcomes and measures

Possible outcomes following a Grievance, Whistleblowing case or Appeal procedure as well as next steps are outlined in the following table, which contains a non-exhaustive list:

Finding	Possible outcome / measures taken
Infringement of CertifHy EU RFNBO Voluntary Scheme requirements by an Economic Operator	- A subsequent Audit will focus on the issue detected - Corrective actions are recommended, agreed upon, and implemented within an agreed-upon timeframe - Withdrawal of Certificate
Infringement of CertifHy EU RFNBO Voluntary Scheme requirements by a Certification Body (e.g. poor-quality auditing/ certification processes)	- Improvements to operating procedures are published and implemented within an agreed-upon timeframe - Probationary period, suspension, or exclusion of an Auditor - Suspension of recognition as a Certification Body recognised by the CertifHy Scheme Operator
Failure of the CertifHy Scheme Operator to follow governance processes/ policies/operating procedures	- Acknowledge failures and revisit processes/policies/operating procedures - Determine corrective actions/improve operating procedures - Probation or termination of staff

Other recommendations, outcomes, and measures may also be considered and taken.