

Objection and Appeal Procedure

Better Life Label Foundation

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Objection and Appeal Procedure of the Better Life Label Foundation

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Introduction

This procedure is based on the text of the Regulations on the use of and supervision regarding the “Beter Leven” certification label, as last amended and adopted on 20 December 2019.

Article 7(5) and Article 7(6) of the Regulations give the parties concerned the right, in certain cases, to lodge an objection or appeal with the BLLF. This Objection and Appeal Procedure document sets out the procedures for lodging an objection or appeal in response to (1) certain written decisions taken by or on behalf of the Board of the Better Life Label Foundation (hereinafter referred to as: BLLF), (2) a refusal by the BLLF to take a written decision, or (3) a sanction imposed by the Certification Body (CB) with a weighting of ‘major’ or ‘critical’.

In an Objection, a decision is reconsidered by the BLLF; this is an internal procedure. In an Appeal, the decision is assessed by a Committee whose members have no direct connection with the BLLF or the Dutch Society for the Protection of Animals. Before an appeal can be lodged, the objection procedure must first have been completed.

The handling of an objection and an appeal each follows its own procedure, as described in the relevant chapter. For the Objection Procedure, see Chapter I; for the Appeal Procedure, see Chapter II.

Complaints related to the working method (actions such as inspection, assessment or certification, or conduct) of the CB engaged by the Complainant are excluded from this Objection and Appeal Procedure.

Definitions

Terms written with a capital letter in the Objection and Appeal Procedure of the Better Life Label Foundation have the following meaning:

Board	:	the Board of the BLLF;
Appeal	:	an appeal lodged by a Complainant with the Appeals Committee;
Objection	:	an objection lodged by a Complainant with the Board;
Certification Label or Better Life label	:	the Better Life certification mark of the Dutch Society for the Protection of Animals, registered with the Benelux Office for Intellectual Property under registration number 0968002;
CB (Certification Body)	:	an accredited Certification Body contracted by the BLLF;
Appeals Committee	:	the appeals committee of the BLLF, as referred to in Article 7(6) of the Regulations and as further described in Chapter II of this Objection and Appeal Procedure;
Participant	:	a Primary Participant or Secondary Participant as referred to in the document “BLL definitions”, available on the BLLF website;
Certified Participant	:	the party that, pursuant to the Regulations, is entitled to use the Certification Label;
Dutch Society for the Protection of Animals	:	the Nederlandse Vereniging tot Bescherming van Dieren, established in The Hague;
Complainant	:	the party that lodges an Objection or Appeal in accordance with this procedure;
Regulations	:	the Regulations on the use of and supervision regarding the “Beter Leven” certification mark, as last amended and adopted on 20 December 2019;
Team Leader	:	the Team Leader of the BLLF;
Secretary	:	the (acting) secretary of the Appeals Committee, who supports the Appeals Committee;
BLLF	:	the Better Life Label Foundation;
Chairperson	:	the chairperson of the Appeals Committee.

Chapter I: Objection

Article 1

An Objection may be lodged:

- a. by the natural person or legal entity that has submitted an application for the right to use the Certification Mark, against the refusal by the BLLF of that right as referred to in Article 2(6) of the Regulations;
- b. by the relevant Certified Participant or Participant against a sanction decision taken by or on behalf of the BLLF as referred to in Article 7(1)(b) of the Regulations;
- c. by the relevant Certified Participant or Participant against a sanction decision taken by or on behalf of the BLLF as referred to in Article 7(1)(c) of the Regulations;
- d. by the relevant Certified Participant or Participant against a decision taken by or on behalf of the BLLF as referred to in Article 7(2)(a) or (b) of the Regulations.

Lodging an Objection

Article 2

1. An Objection must be received by the Board within one month after the date of the contested decision. An Objection must be submitted in writing.
2. Exceeding the time limit shall not result in inadmissibility if the Complainant demonstrates, to the satisfaction of the Board, that the delay cannot reasonably be attributed to him.
3. An Objection must in any event contain the following information:
 - a. the name and address of the Complainant;
 - b. if a sanction is involved:
 - i. what was found by the CB or the BLLF;
 - ii. how the shortcoming was able to occur;
 - iii. the extent and consequences of the shortcoming (e.g. how many products were incorrectly delivered under the Certification Mark);
 - iv. where applicable: which corrective measures have been taken to rectify the shortcoming, and
 - v. where applicable: which preventive measures have been taken to prevent the same shortcoming from occurring in the future;
 - c. a description of the grounds for the Objection that is as precise as possible;
4. Each Objection must be accompanied by documentary evidence, insofar as the Complainant has such evidence available.
5. In the notice of objection, the Complainant may submit a request to convert the effect of a contested decision to withdraw ('critical') or suspend ('major') into a measure one category lighter, being 'major' or 'minor', until a decision has been made on his Objection.
This request will be granted unless, in the opinion of the BLLF:
 - a. there are direct adverse consequences for animal welfare and/or
 - b. there is a recurrence and/or
 - c. there is, in the opinion of the BLLF, an exceptionally serious infringement of the right to use the Better Life label, which infringement may endanger trust in, or the image of, the Certification Mark.Conditions may be attached to the granting of the request.

Course of the Objection

Article 3

1. The Board will forward the notice of objection to the Team Leader as soon as possible after receipt.
2. The Team Leader may, if desired, request further information from the Complainant and the CB concerned.
3. If, in the opinion of the Team Leader, the file is complete, he or she will submit it, together with his or her advice, to the Board. In the case of an animal-related substantive shortcoming, advice from the Dutch Society for the Protection of Animals may be added.
4. On the basis of the notice of objection and the accompanying advice, the Board will take a decision within six weeks after receipt of the Objection. This may be a 'revision of the decision' or 'upholding of the decision'.
5. The Complainant will be informed of the Board's decision within five working days after the decision referred to in paragraph 4.
6. The Complainant may lodge an Appeal against a decision on a notice of objection. For more information, see Chapter II: Appeal.

Chapter II: Appeal

The Appeals Committee

Article 4

1. The Complainant may lodge an Appeal against the decision on a notice of objection. The Appeal will be handled by an Appeals Committee to be appointed for each Appeal.
2. The Appeals Committee is responsible, after examining the facts and circumstances, for issuing binding advice to the Board.
3. The Board will decide in accordance with the binding advice issued by the Appeals Committee and will notify the Complainant of this decision.

Composition of the Appeals Committee

Article 5

1. The Supervisory Board of the BLLF appoints at least three persons who may serve as members of the Appeals Committee. These persons have no direct connection (unless arising from this Objection and Appeal Procedure) with the Dutch Society for the Protection of Animals, the BLLF, the CB or any Certified Participant or Participant.
2. The Supervisory Board of the BLLF appoints one of the members of the Appeals Committee as Chairperson. The Chairperson holds a Master of Laws degree and is preferably also a member of the judiciary, or has been one.
3. The BLLF appoints a Secretary. The Secretary is not a member of the Appeals Committee, but does attend its hearings and meetings.

Lodging an Appeal

Article 6

1. An Appeal must be received by the Appeals Committee within six weeks after the date of the contested decision on the Objection. The Appeal must be submitted to the Appeals Committee in writing, by registered post.
2. Exceeding the time limit shall not result in inadmissibility if the Complainant demonstrates that the delay cannot reasonably be attributed to him.

Article 7

1. An Appeal must in any event contain the following information:
 - a. the name and address of the Complainant;
 - b. a description of the grounds for Appeal that is as precise as possible;
 - c. the decision on the Objection.
2. Each Appeal must be accompanied by documentary evidence, insofar as the Complainant has such evidence available. When lodging the Appeal, the Complainant must also deposit a handling fee of €250 into the bank account of the Appeals Committee as described in the chapter contact details. This amount is payable at all times, irrespective of the advice of the Appeals Committee.

3. If, in the opinion of the Secretary, insufficient information has been provided by the Complainant and/or the amount referred to in paragraph 2 has not been deposited before the expiry of the time limit referred to in Article 6, the Secretary will give the Complainant the opportunity to supplement his Appeal and/or ensure deposit of the amount within a period to be set by the Secretary, on penalty of inadmissibility.
4. At the same time as lodging his Appeal with the Appeals Committee, the Complainant may submit a request to the BLLF to convert the effect of a contested decision to suspend or withdraw into a measure one category lighter until a decision has been made on his Appeal.
This request will be granted by the BLLF unless, in the opinion of the BLLF:
 - a. there are direct adverse consequences for animal welfare and/or
 - b. there is a recurrence and/or
 - c. there is, in the opinion of the BLLF, an exceptionally serious infringement of the right to use the collective logo, which infringement may endanger trust in or the image of the Certification Mark.

Conditions may be attached to the granting of the request.

Composition and challenge of the Appeals Committee

Article 8

1. The Chairperson determines the composition of the Appeals Committee that will handle the Appeal. To this end, he or she appoints, in addition to himself or herself, two members from among the persons appointed in accordance with Article 5(1).
2. As soon as it is known which persons have been appointed as members of the Appeals Committee, the Secretary will inform the BLLF and the Complainant accordingly.
3. Both the BLLF and the Complainant may challenge one or more members of the Appeals Committee if there is justified doubt as to his or her impartiality or independence.
4. The challenging party must notify the Appeals Committee, the Secretary and the other party of the challenge in writing, stating the reasons. This notification must be made within fourteen days after the challenging party has become aware of the reasons for the challenge.
5. The handling of the Appeal by the Appeals Committee will be suspended from the date on which the Appeals Committee receives the notification referred to in the previous paragraph.
6. If the challenged member does not withdraw within two weeks after the date on which the Appeals Committee receives the notification, the challenge will, at the request of the most interested party, be decided by the Interim Relief Judge (Dutch: *Voorzieningenrechter*) of the District Court of Utrecht.

Appeal Procedure

Article 9

1. The Secretary will send a copy of the lodged Appeal to the BLLF as soon as possible and will draw its attention to the possibility of submitting a written statement of defence to the Secretary within twenty-one days. The Secretary may, on his or her own initiative, extend this period once by, in principle, the same period.
2. The Secretary will send a copy of the statement of defence to the Complainant as soon as possible and, if the Secretary considers there are grounds to do so, will give the Complainant the

opportunity to respond to the defence in writing within twenty-one days. The Secretary may, on his or her own initiative, extend the stated period once by, in principle, the same period.

3. If the Complainant makes use of this opportunity, the Secretary will send a copy of the Complainant's written response (reply) to the BLLF and give the BLLF, in a corresponding manner, the opportunity to submit a written response to it (rejoinder).

Article 10

The BLLF and the Complainant are obliged to provide the Appeals Committee with all information requested and, upon request, to submit documents. The Appeals Committee may obtain information from the CB.

Article 11

1. As soon as he has received the last written document, the Secretary will provide the Appeals Committee with all documents submitted by the parties.
2. The Appeals Committee will give the parties the opportunity to explain their positions orally during a hearing to be held by it for that purpose. The Chairperson determines the day and time of the hearing, which will take place within four weeks after the provision referred to in the previous paragraph. The Secretary summons the members of the Appeals Committee and the parties to this hearing.
3. In principle, the lodged Appeal will take place behind closed doors.
4. The Appeals Committee is authorised to hear witnesses and experts. The Appeals Committee will act according to the circumstances.
5. The parties are authorised to be assisted by legal counsel.
6. In cases not provided for in this Objection and Appeal Procedure, the Chairperson will decide.

Issuing binding advice

Article 12

The Appeals Committee will decide on the lodged Appeal in the form of advice that is binding on the Board and will adopt its binding advice within six weeks after the (last) hearing referred to in Article 11 has taken place, by majority vote. In special cases, the Appeals Committee may extend this period by no more than six weeks. The written advice will include, among other things, the grounds for the advice issued. The advice will not mention the opinion of any minority. The Complainant and the BLLF will receive a copy of the advice from the Secretary as soon as possible.

Article 13

In its advice, the Appeals Committee will also determine the amount of the costs of handling the Appeal and who will bear these costs, it being understood that the party that is wholly or largely upheld cannot be ordered to pay the costs of the Appeal procedure. The costs also include the remuneration and expenses of the members of the Appeals Committee and the Secretary, and the costs of the location of the hearing. Depending on the advice, the amount deposited pursuant to Article 7(2) will be set off or refunded.

Final provisions

Article 14

1. The members of the Appeals Committee are obliged to maintain confidentiality regarding all matters and business secrets that come to their knowledge in that capacity.
2. If a member of the Appeals Committee acts in breach of the provisions of the first paragraph, that member may be suspended or dismissed from his or her position by the Board. Such a decision will not be taken before the person concerned has been given the opportunity to account for the matter to the Board.

Article 15

The amount of remuneration for the members of the Appeals Committee and the Secretary is determined by the Supervisory Board of the BLLF.

Article 16

1. This procedure may be cited as the “Objection and Appeal Procedure of the Better Life Label Foundation 2026”.
2. This procedure comes into force on 1 June 2026 and replaces, as of that date, the previous version for objection cases and appeal cases submitted on or after that date.

Contact details

The postal address to be used for addressing the Appeal is as follows:

Better Life Label Foundation
P.O. Box 148
3500 AC Utrecht
The Netherlands

The bank account to be used for the Appeal is as follows:

Number: NL08 RABO 0318 1667 98
Account name: Better Life Label Foundation