

Regulations of the Appeals Committee

Under the terms of article 22 of the statutes, the General Assembly of the SGfB issues the following regulations for the activities of the Appeals Committee:

1. Elections and organization
 - As members of the Appeals Committee persons independent of the SGfB are elected. Especially delegates of the collective members, members of the SGfB, of the board or of other committees are not allowed to become member of the Appeals Committee.
 - The General Assembly elects the chairperson and at least two additional members of the Appeals Committee for a three-year period (cf. article 22/5-7 of the statutes)
 - The Appeals Committee selects a deputy chairperson from among its members. Otherwise, the Appeals Committee constitutes itself.

2. Admissibility of the Appeal (Contested decision)
 - Decisions and resolutions taken by the SGfB board and the SGfB committees can be contested with an appeal to the Appeals Committee.
 - Decisions with respect to admission and exclusion in accordance with the statutes article 5/2-3 and 6/3 are explicitly excluded.

3. Review authority of the Appeals Committee (Cognition)
 - In principle, the Appeals Committee's review authority is limited to the formal correctness of a decision. In particular, it reviews whether the decision was made in accordance with the law and the statutes of the competent body in the right way and according to proper procedures.
 - To the extent that the statutes and regulations provide for it, the Appeals Committee is

authorized to review the material aspects and the appropriateness of the decision.

4. Review authority

- Appeals can be lodged by all parties directly affected by the decision appealed against.

5. Written appeal

- An appeal is to be lodged with the Appeals Committee in writing and within a period of not more than 30 days after the announcement of the contested decision as set out in the leaflet “How to appeal”.
- The appeal must contain a request and statements of reasons. The contested decision must be enclosed or, if this is not possible, clearly described.
- The appeal has suspensive effect. The chairperson of the Appeals Committee can cancel the suspensive effect for specific reasons.

6. Appeal fee

- The appeal fee amounts to CHF 500.-. It is to be paid together with the submission of the appeal.
- Upon approval of the appeal the appeal fee is to be reimbursed.
- Should the appellant have contributed to the contested appeal by his/her own behavior (e.g. incomplete documentation, inadequate information, etc.), the Appeals Committee may decide that the appeal fee will not or only partially be reimbursed.

7. Appeals procedure

- After the receipt of the appeal, the Appeals Committee asks the board and/or the professionally competent committee a report.
- Depending on the issue concerned, the Appeals Committee can consult or involve further experts.

- The appellant has the right to be heard. S/he has the right to express her/his views with respect to all documents and reports that are in the possession of the Appeals Committee and are relevant for the appeal sentence or that have been collected within the context of the appeals procedure, prior to the decision about the appeal. Her/his views can be expressed orally or in writing.
- If the Appeals Committee concludes that procedural errors have been made, the decision regarding the reassessment is returned to the competent body.
- Where the Appeals Committee is entitled to assess the material evaluation as well as the appropriateness, the Committee can take its own decision.
- Furthermore, the appeals procedure will be executed in accordance with the provisions of the Federal Law on administrative procedures (VwVG) of 20 December 1968.

8. Appeal sentence

- The Appeals Committee has a quorum when at least the chairperson and two other members are present. Their decisions are taken by simple majority. If the votes are equal, the vote of the chairperson is decisive.
- In exceptional cases, members can make their decision known by telephone or in writing instead of by being present. The decision as to whether any exceptional case exists shall be taken by the chairperson.
- If a member of the Appeals Committee is biased in a matter of appeal, s/he must withdraw during the discussion of the matter. If the required number of members of the Appeals Committee falls below three, a replacement must be nominated for the duration of the appeal procedure. The Appeals Commission is

responsible for the nomination of the substitute member.

- If the chairperson withdraws or is prevented from exercising his/her duties, the deputy chairperson assumes control of the appeals procedure.
- The Appeals Committee provides the appeal sentence with reasons in writing.

9. Protection of privacy

- The protection of the privacy of all persons involved in or possibly affected by the appeal is to be observed. In particular, personal data and information that might reveal the identity of specific persons may not be given to other persons that are not directly involved in the appeals procedure without the express consent of the persons involved.

10. Professional secrecy

- The members of the Appeals Committee are bound to professional secrecy with respect to all information that comes to their knowledge in the exercise of their duties.
- Professional secrecy also applies to all bodies (parties, experts, secretariat etc.) involved in the appeals procedure.
- Professional secrecy must also be observed after resignation from the Appeals Committee, respectively after the end of the appeals procedure.

11. Financial compensation

- The members of the Appeals Committee are entitled to an overall financial compensation of CHF 300.- per appeal.

12. Archiving

- The appeal documents are archived on completion of the appeals procedure.

13. Activity report

- The Appeals Committee presents an annual report on its activities for the General Assembly.

These regulations were decided and put into effect by the General Assembly on 11.03.2019. They replace all previous appeals regulations.