

APPEAL PROCEDURE Aidsfonds

Article 1

1. Any person whose interests are directly affected by a decision taken by the Executive Director of the Stichting Aidsfonds – Soa Aids Nederland concerning Aidsfonds ('Aidsfonds') on the allocation of a grant is entitled to appeal against this decision by lodging an appeal in good time with the Aidsfonds' Executive Director. The appellant should submit five copies of the notice of the appeal, that should be addressed to the Appeals Committee. The Appeals Committee is authorised to review all decisions taken by the Executive Director in relation to grant applications, with the exception of decisions on requests for individual support.
2. Appeals must be lodged within a period of six weeks, commencing on the day after the date stated in the letter announcing Aidsfonds' decision to reject the grant application.
3. The notice of appeal should be signed and should contain the following information at the least:
 - a. the appellant's name and address;
 - b. the date;
 - c. a description of the decision against which the appellant is appealing;
 - d. the grounds for the appeal;
 - e. a copy of the decision against which the appellant is appealing.

Article 2

1. Before deciding on the appeal, the Appeals Committee will give both the appellant and the Executive Director of the Aidsfonds an opportunity to be heard.
2. The Appeals Committee may decide not to hear the parties if:
 - a. it takes the view that the appeal is manifestly inadmissible;
 - b. it takes the view that the appeal is obviously unfounded;
 - c. the parties state that they do not wish to exercise their right to be heard.
3. The hearing will be held before the Appeals Committee itself.
4. In principle, the parties will be heard in each other's presence.
5. A report will be made of the hearing.

Article 3

1. The parties may submit other documents that are relevant to the appeal up to ten days prior to the hearing.
2. The Appeals Committee will give the parties an opportunity to examine the notice of appeal and all other documents relating to the case, during a period of at least one week prior to the hearing.
3. When convening the hearing, the Appeals Committee will make clear to the parties that they are entitled to submit other documents and to examine the documents relating to the case.

Article 4

1. The Appeals Committee will decide on the appeal within 16 weeks of the date on which it receives the notice of appeal.
2. The Appeals Committee is entitled to defer its decision by a period of eight weeks. The parties will be notified in writing if the Appeals Committee decides to exercise this right.
3. The time limit by which a decision should be taken on the appeal will be deferred with effect from the date on which the appellant is requested to rectify an omission as referred to in Article 1(3) of these by-laws or if the appellant has failed to satisfy any other requirement that has to be met in order for the appeal to be considered, until the date on which the omission has been rectified or the time limit set for rectifying the omission has passed without the appellant having rectified the omission.

Article 5

1. If the Appeals Committee rules that the appellant is admissible, that it is itself competent to rule on the appeal and that the appeal is founded, the decision against which the appellant has appealed will be quashed. The Appeals Committee is entitled to give the Executive Director of Aidsfonds certain instructions with regard to a possible reconsideration of the decision.
2. If and insofar as the Appeals Committee quashes the decision in question, the Executive Director of the Aidsfonds will take a fresh decision on the grant application within a reasonable period of time, and will in doing so take account of the grounds on which the Appeals Committee has arrived at its judgment.

Article 6

1. The criterion applied by the Appeals Committee in considering the appeal is whether the Executive Director, in the given circumstances, reached its decision in all reasonableness, in terms of both the decision-making procedure and the nature of the decision.
2. Notice of the ruling on the appeal will be given by posting or hand-delivering a copy of the ruling to the person to whom it is addressed.
3. As soon as possible after notice of the ruling has been given, a notification will be sent to the Executive Director of Aidsfonds, the person affected by the decision against which the appeal was made, and all other parties who expressed their views during the appeal proceedings.
4. After notification as described in paragraph 2, there is no further possibility for appeal.

Article 7

1. The Executive Director of Aidsfonds is responsible for constituting the Appeals Committee, as well as for appointing and dismissing its members.
2. The members may be dismissed only if they are incapable of performing their duties or if they are seriously remiss in performing their duties.

3. The members are appointed for a period of three years and may be reappointed for one further term of office when their term of office comes to an end.

Article 8

1. The Appeals Committee consists of three independent members who should all be sufficiently competent.
2. At least one of the members should hold a law degree.
3. The members appoint a chairman from among their own ranks.
4. A deputy may be appointed for every member.

Article 9

1. The following persons may not be appointed as members of the Appeals Committee:
 - a. persons who are members either of the Executive Director of Aidsfonds or of an advisory body constituted by the Executive Director of Aidsfonds;
 - b. persons employed at Aidsfonds' offices;
 - c. persons who are directly involved in any other way in taking decisions on grant applications.

Article 10

1. The Aidsfonds may make arrangements with the members of the Appeals Committee about paying them a reasonable remuneration for their work, as well as an allowance to cover their travel and accommodation expenses.
2. Aidsfonds is responsible for paying all costs incurred by the Appeals Committee.

Article 11

1. The members of the Appeals Committee are not bound by a mandate or obliged to consult with third parties before reaching a decision.

Article 12

1. The Appeals Committee is itself responsible for regulating all other matters relating to its work.

Amsterdam, 6th July 2004/rev. 2a