

REGULATIONS GOVERNING THE COMPLAINTS PROCEDURE

As referred to in article 21, paragraph 1 of the articles of association of the MOA.

Laid down by the MOA's council on 11th of December 2007

Article 1 – the Supervisory Board

- 1.1. The council of the MOA has set up a disciplinary committee entitled the Supervisory Board with the approval of the council of members. The Supervisory Board is charged with handling complaints concerning members of the MOA in the first instance.
- 1.2. The Supervisory Board will judge upon complaints made about members that concern acts or omissions that are in violation of the provisions of the international ICC/ESOMAR Code of Conduct for Market and Social Research Practise or that concern acts or omissions that do not befit a respectable commissioner or commissionee in regard to advising about, or respectively, conducting market intelligence and/or market or policy research, hereinafter to be referred to simply as "*Market research*".
- 1.3. The Supervisory Board will only judge upon complaints that have been submitted by a complainant who falls under one or more of the following categories:
 - a. members of the MOA;
 - b. companies or organisations, who are not members of MOA, but who as a commissioner can reasonably be considered as having a professional interest in Market Research;
 - c. companies or organisations, who are not members of MOA, but who as commissionee are involved in advising about, or respectively, conducting marketing intelligence and/or market and policy research to which the complaint is connected.
 - d. the council of the MOA;
 - e. the Ombudsman for Market Research, if and as soon as the MOA's internal regulations provide for the possibility of appointing an Ombudsman for Market

Research and this appointment has been made by the agency of the MOA authorised to do so.

- 1.4. If the member of the MOA against which the complaint has been made, who will hereinafter be referred to as: “the party involved”, is no longer a member of the MOA, the party involved will still be subject to disciplinary proceedings in relation to any acts or omissions as referred to in paragraph 2 during the period in which their membership had not yet been terminated.
- 1.5. The Supervisory Board is established in Amsterdam. It can also hold hearings outside Amsterdam.

Article 2 – Composition of the Supervisory Board

- 2.1. The Supervisory Board consists of a chairperson and any as yet to be appointed deputy chairperson, in addition to a maximum of four other members.
- 2.2. The members of the Supervisory Board will be appointed by the council of the MOA with the approval of the council of members for the duration of four years. They will retire according to the retirement schedule laid down by the Supervisory Board and will be immediately eligible for reappointment.
- 2.3. The chairperson and the deputy chairperson of the Supervisory Board must be lawyers, which in this context is understood as someone who:
 - a. has been awarded a Bachelor degree in the area of law and a Master degree in the area of law on the grounds that they have passed the final examinations of a university degree course in the area of law at a university or the Open University as referred to in the Higher Education and Research Act;
 - b. has been awarded a doctorate of jurisprudence or right to use the title of *Meester* on the grounds that they have passed the final examinations of a university degree course in the area of law at a university or the Open University as referred to in the Higher Education and Research Act.

The chairperson and the deputy chairperson may not be a member of the MOA and may not be affiliated to or employed by a member of the MOA.

- 2.4. With the exception of the chairperson and the deputy chairperson, the members of the Supervisory Board must work in the area of Market Research. If this work comes to an end, their membership of the Supervisory Board must also be terminated.
- 2.5. Retiring members who are not eligible for reappointment or members whose membership is coming to an end as laid down in paragraph 4, will remain in their function in order to complete the handling of the cases that they have been dealing with at the time of their retirement/the time of the termination of their membership.
- 2.6. The members of the Supervisory Board will, in any event, retire in the first month following the month upon which they have reached the age of 70.
- 2.7. Membership of the Supervisory Board is not compatible with membership of the council of the MOA.
- 2.8. No relationship of spouse or registered partner, relationship by blood or affinity to the third degree, long-term collaborative relationship in the area of advising about or respectively, conducting marketing intelligence and/or market research and policy research or employer/employee relationship may exist between members of the Supervisory Board.
- 2.9. The secretariat of the Supervisory Board will be run by the MOA's secretariat.
- 2.10. For their activities, the members of the Supervisory Board will receive reimbursement of their travel and accommodation expenses as well as a payment for each hearing for the time that is spent on preparing the hearing, the actual hearing and the tasks after the hearing, in accordance with the regulations that have been laid down by the council of the MOA and approved by the council of members.

- 2.11. The members of the Supervisory Board and persons involved in handling the complaint on behalf of the secretariat of the Supervisory Board are bound to strict secrecy in relation to everything that they have come to know, including everything discussed in chambers about the lodged complaint, all this subject to article 4.2 and article 5.3.

Article 3 - Complaints

- 3.1. Complaints must be submitted in writing to the secretariat of the Supervisory Board.
- 3.2. The Supervisory Board will notify the party involved of the complaint. They will also notify the MOA's council, if the chairperson of the Supervisory Board considers that there are well-founded reasons for doing so in the general interests of Market Research.
- 3.3. An amount of € 1,000-- will be payable for the handling of a complaint. Before the Disciplinary Council deals with a complaint, the complainant must deposit the amount of € 1,000-- with the MOA. The party to whom the costs of handling the complaint will be charged will be established as laid down in article 5.2.
- 3.4. The parties involved are obliged to cooperate with the handling of the complaint. The Supervisory Board may attach such consequences that it deems advisable to any failure to do so.

Article 4 - Handling of the complaint

- 4.1. The Supervisory Board will provide the party involved with the opportunity to react to the complaint in writing. The chairperson may decide to give the complainant the opportunity to comment in writing on the written reaction from the party involved after which the party involved may respond to this in writing.
- 4.2. If the (deputy) chairperson is of the opinion that the written handling of the complaint can be concluded, the secretariat will inform the parties of the date upon which the complaint will be handled verbally at a hearing of the Supervisory Board. Notification

will be given hereby of the names of the members of the Supervisory Board in whose presence the verbal hearing will be held.

- 4.3. A member of the Supervisory Board may request to be excused or may be challenged if there is any question of facts or circumstances pertaining to their person that could prejudice their judicial impartiality in general. The other members of the Supervisory Board will decide on the excusal or challenge as quickly as possible. The request for a challenge or excusal will be granted in the event of an equality of votes.
- 4.4. Three members of the Board, which must include the chairperson or deputy chairperson, must participate in the handling of the complaint and the decision of the Supervisory Board. Decisions by the Supervisory Board must be taken with a majority of votes.
- 4.5. The Supervisory Board will not make a decision on a complaint before both the party involved and the complainant have been heard at the hearing, or have at least been given the opportunity to be heard at the hearing.
- 4.6. The party involved may allow themselves to be represented by an authorised representative at the hearing. The party involved may be represented by counsel.
- 4.7. The Supervisory Board may refuse to admit persons who do not have the title of lawyer as authorised representative or counsel. In the event of such a refusal, proceedings will be stayed until the next session.
- 4.8. The complainant and the party involved or their counsel will be given the opportunity to take cognisance of the pleadings (and other documents) in good time.
- 4.9. The Supervisory Board may summon and hear witnesses and experts. The hearing of witnesses and experts can be delegated to the chairperson or the deputy chairperson. The witnesses will be requested by the Supervisory Board to tell the whole truth and nothing but the truth. Experts will be requested to report to the best of their knowledge and in good faith. Witnesses and experts may receive a reimbursement for their travel expenses which will be set by the Supervisory Board.

- 4.10. Hearings of the Supervisory Board are not public. The following persons will be admitted to hearings of the Supervisory Board: the complainant, the party involved and their authorised representatives, and persons granted entrance by the Supervisory Board.

Article 5 – The decision

- 5.1. The Supervisory Board's decisions on submitted complaints will state the grounds on which they are based and will be signed by the chairperson. The decision will also state the ways in which way an appeal can be lodged.
- 5.2. If the complaint is upheld in part or in whole, the Supervisory Board may decide in its judgement that the deposited sum and the costs referred to in article 4.9 will be charged to the party involved, at least in part. If so, the MOA will pay the amount in question back to the complainant within 14 days of the ruling. The party involved must pay the MOA within 14 days of the decision an amount that is equal to the amount that the MOA must repay to the complainant. If the complaint is not upheld, the deposited amount and costs referred to in article 4.9 must be borne by the complainant.
- 5.3. The secretariat of the Supervisory Board will immediately send a copy of decisions to:
- the complainant;
 - the party involved;
 - the council of the MOA, if the chairperson of the Supervisory Board considers that there are well-founded reasons for doing so in the general interests of Market Research.
- 5.4. Having upheld a complaint, the Supervisory Board, may impose one of the following measures:
- a declaration that the complaint is well-founded without taking measures;
 - a written warning;
 - a written censure;

- suspension as (special) member of the MOA for the maximum duration of one year.
- expulsion of the (special) member from membership of the MOA.

If suspended, members may not make themselves known as a member of MOA, either verbally or in writing, in any statements connected to advising about or respectively conducting marketing intelligence and/or market and policy research for the duration of the suspension.

Article 6 – Appeal Board

- 6.1. The MOA's council has founded an Appeal Board approved by the council of members, which is charged with judging appeals that are lodged against decisions of the Supervisory Board.
- 6.2. The Appeal Board is established in Amsterdam. It can also hold hearings outside Amsterdam.

Article 7 – Composition of the Appeal Board

- 7.1. The Appeal Board consists of a chairperson and a deputy chairperson as well as a maximum of four other members.
- 7.2. The members of the Appeal Board will be appointed by the council of the MOA with the approval of the council of members for the duration of four years. They will retire according to the retirement schedule laid down by the Appeal Board and will be immediately eligible for reappointment.
- 7.3. The provisions laid down in articles 2.3 up to and including 2.11 shall apply *mutatis mutandis* in respect of the members and the secretariat of the Appeal Board, on the understanding that where, as the occasion arises, they mention “the Supervisory Board”, this must be read as “the Appeal Board”.

Article 8 - Appeal.

- 8.1. An appeal against a decision given by the Supervisory Board on a complaint submitted against an involved party can be lodged with the Appeal Board within two months of the day upon which the copy referred to in article 5 paragraph 3 is sent:
- a. by the party involved if the complaint has been upheld in part or in whole;
 - b. by the complainant if their complaint has been declared unfounded in part or in whole;
 - c. by the council of the MOA.
- 8.2. The appeal must be lodged by means of a notice of appeal stating reasons. This notice of appeal must be submitted to the Appeal Board in duplicate with a copy of the decision against which the appeal has been lodged.
- 8.3. The secretariat of the Appeal Board will give notification of the appeal to the Supervisory Board and the complainant if the appeal has been lodged by the party involved or to the party involved if the appeal has been lodged by the complainant. They will also notify the council of the MOA, if the chairperson of the Appeal Board considers that there are good reasons for doing so in the general interests of Market Research. The Appeal Board will give the party who is the respondent the opportunity to react in writing to the notice of appeal.
- 8.4. An amount of € 1,000.-- is payable for handling the appeal and articles 3 paragraph 3 and 3 paragraph 4 are applicable *mutatis mutandis* in regard to the rest.

Article 9 - Handling of the appeal

- 9.1. The secretariat of the Appeal Board will inform the parties of the date upon which the appeal will be handled verbally in the Appeal Board hearing. Notification will be given hereby of the names of the members of the Appeal Board in whose presence the

verbal hearing will be held.

- 9.2. Articles 4 paragraph 3 up to and including 4 paragraph 10 shall apply to the handling of the appeal *mutatis mutandis*.

Article 10

- 10.1. The decisions of the Appeal Board shall state the grounds on which they are based and will be signed by the chairperson.
- 10.2. Articles 5 paragraph 2, 5 paragraph 3 and 5 paragraph 4 shall apply to the appeal proceedings *mutatis mutandis*.
- 10.3. If only the party involved has lodged an appeal, the Appeal Board may only increase the measures imposed by unanimous vote.