

## **COMPLAINT PROCEDURE of ORLEN Asphalt Česká republika s.r.o.**

### **1. Receiving complaints**

- 1.1. The complaint is reported to/received by the ORLEN Asphalt Česká republika s.r.o. employee.
- 1.2. Quantity complaints about a delivery are possible within 7 business days of the date of shipment to the customer.
- 1.3. Product quality complaints are possible within 21 business days of the date of shipment to the customer.
- 1.4. The complaint should be reported by the Customer in writing; complaints by telephone are possible. The ORLEN Asphalt Česká republika s.r.o. employee shall register the customer's complaint in the complaints register under the date of receipt of the letter or phone call and inform the claimant of the need to confirm the telephone notification in writing no later than 14 days from the date of lodging the complaint.
- 1.5. In the absence of a confirmation of a complaint in writing within 14 days of the telephone notification, the appropriate information is entered in the complaints register and the report is no longer considered a complaint.

### **2. Procedure in the case of quality complaints**

- 2.1. Within 21 days of the date of lodging a written quality complaint by the Customer, ORLEN Asphalt Česká republika s.r.o. is required to submit to the Customer its preliminary opinion on how to settle the complaint and the deadline for the completion of complaint handling depends on the complexity of the case, including the date of implementation of arbitration testing.
- 2.2. If the Customer, despite doubts as to product quality, processes it further, ORLEN Asphalt Česká republika s.r.o. will not be held responsible for the consequences of this action.
- 2.3. If there are any concerns or claims of product quality non-compliance with the reference document, the Customer should immediately transfer the product for analysis and not start or immediately stop its further processing.
- 2.4. The prerequisite to begin assessing the validity of quality complaints is the simultaneous fulfillment of 3 conditions:
  - the Customer must collect at least 4 control samples before unloading the product from the means of transport;
  - collecting the samples in the presence of the Customer's laboratory representative or the representative of another laboratory and the producer's representative or its delegate;
  - draw up sampling protocols in accordance with CSN-EN 58 along with the signatures of the persons taking part.
- 2.5. In the event that the Customer's laboratory finds non-compliance of the product parameters with the reference document, the Customer shall provide the specific parameter/parameters in the complaint notification.
- 2.6. Arbitration testing is performed with the samples collected by protocol by the Customer before unloading the means of transport. One sample is transferred to the ORLEN Asphalt Česká republika s.r.o. laboratory, the second is transferred, at the Customer's request and expense, for arbitration testing in an accredited laboratory. Laboratory test results are the basis for the recognition or rejection of quality complaints by ORLEN Asphalt Česká republika s.r.o..
- 2.7. Finding a complaint well-founded
  - 2.7.1. In the event that a complaint is found well-founded, the cost of the tests performed by an accredited laboratory is re-invoiced to be paid by ORLEN Asphalt Česká republika s.r.o..  
Further proceeding with the product may be carried out solely in accordance with the producer decision:
  - 2.7.2. ORLEN Asphalt Česká republika s.r.o. suggests to the Customer in writing the proceeding with the product along with clear information about the completion of complaint proceedings.
  - 2.7.3. In the absence of a response from the Customer within 30 days of the date on which the information by ORLEN Asphalt Česká republika s.r.o. was sent, then the conditions proposed by ORLEN Asphalt Česká republika s.r.o. shall be treated as accepted.
- 2.8. Finding a complaint unfounded
  - 2.8.1. In the event that a complaint is found unfounded, the cost of the tests performed by an accredited laboratory are to be paid by the Customer. Within 14 days of receiving the arbitration test results, the Customer is informed in writing of the completion of complaint proceedings.
- 2.9. Lack of acceptance of the laboratory results by the Customer
  - 2.9.1. If the Customer does not agree with the results of the laboratory tests, and is in possession of a secured additional sample of the claimed product, it may, at its own expense, conduct additional tests at an external accredited laboratory. Choosing an accredited laboratory conducting the tests should be agreed upon with ORLEN Asphalt Česká republika s.r.o..
  - 2.9.2. Depending on the result of the arbitration tests, further proceedings occur in accordance with point 2.7 or point 2.8.

### **3. Procedure in case of quantity complaints**

- 3.1. Assessment of the merits of a quantity complaint is made by the ORLEN Asphalt Česká republika s.r.o. employee based on the delivery documents, records of the production facilities (filling) and the weighing document prepared at the customer's premises using efficient devices with current weighing legalization. The weighing document prepared at the customer's premises must be signed legibly by the driver, who brought the batch of bitumen in question, under pain of nullity of the document.
- 3.2. The weighing document referred to in point 3.1 should be delivered to ORLEN Asphalt Česká republika s.r.o. at the latest within 14 days from the date of the occurrence of the event.
- 3.3. Within 21 days of the receipt of the written complaint and the weighing document referred to in point 3.1, the customer will be informed in writing whether the quantity complaint is accepted or rejected.

### **4. Arbitration or court proceedings in the event of a dispute and the need for payment are contained in the Trade agreement.**

### **5. Reference documents**

- 5.1. ČSN-EN 58 Road bitumen and bituminous binders - Sampling bituminous binders.
- 5.2. ČSN-EN ISO/IEC General requirements for the competence of testing and calibration laboratories.