



## **GMP<sup>+</sup>-Certification Scheme Animal Feed Sector 2006**

### **Dispute Procedure**

#### **A.4**

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## 1 DEFINITIONS

### Article 1

This procedure is part of the GMP<sup>+</sup> Certification Scheme for the Animal Feed Sector 2006 and makes use of the terminology in the Regulation (A.1) and the Supplementary List of Terms and Definitions (A.2) and makes use of the following meanings:

- a. Disputes Committee: the disputes committee described in Article 2
- b. Secretary: the current secretary of the disputes committee

## 2 DISPUTES COMMITTEE:

### Article 2

1. There is a GMP<sup>+</sup> Animal Feed Sector 2006 Disputes Committee, sitting at the offices of the Product Board Animal Feed.
2. The Disputes Committee is tasked with adjudicating in all disputes which may arise between companies and certification bodies.
3. The Product Board will appoint a minimum of seven persons to function as members of the Disputes Committee. These persons are to have no connection with certification bodies apart from those created through these regulations. The Product Board will also appoint a Chairman having the capacity of Master of Laws.
4. The Disputes Committee will consist of the Chairman and two members nominated by the Chairman from among the persons specified in section 3.
5. Where in the opinion of the Chairman a dispute is of such a nature that his presence is not required to settle it, he may, contrary to section 4, appoint three persons from among those specified in section 3. These three members will then act as the Disputes Committee in the dispute. This Disputes Committee will nominate one of their number as deputy Chairman.
6. An official employed by the Product Board or appointed by it will act as Secretary of the Disputes Committee, having the capacity of Master of Laws.
7. A member of the Disputes Committee appointed by the Chairman will appear as Vice-Chairman of the committee.

### 3 INITIATING THE DISPUTES PROCEDURE

#### Article 3

1. An application for dispute adjudication should be submitted in writing and by registered post to the Disputes Committee. Such an application shall be valid only when delivered within six weeks of the day on which the disputed decision of the certification body was announced, stated or dispatched, or of the day on which the certification body's disputed action took place.
2. An application for adjudication of a dispute relating to a failure to take a decision or to carry out some action must be delivered by post within three months of the request by the interested party for that decision to be made or for that action to be taken.
3. Exceeding the stated periods will not lead to invalidity of the application provided the interested party demonstrates to the satisfaction of the Disputes Committee that this failure was not due to fault on his part.

#### Article 4

1. An application should include the following details:
  - a. names and addresses of the parties concerned
  - b. a description of the dispute, providing as much detail as possible
  - c. the most precise description possible of the claim
2. Every application should be accompanied by written evidence where the claimant has this available, as well as payment of € 200 to a bank account to be specified.
3. Where in his opinion insufficient information has been provided, the Secretary will provide the applicant with an opportunity to submit a complete application, within a period to be set down by the Secretary, at the expiry of which the submission will be deemed invalid.
4. No application will be dealt with where it remains incomplete, in the opinion of the Secretary.
5. The Secretary will deem the application for adjudication of the dispute invalid where it is not accompanied by the payment specified in section 2 above. In all other cases the Chairman will determine the admissibility of applications.

## 4 CHALLENGES TO MEMBERSHIP

### Article 5

1. The Secretary will inform the interested parties as soon as it is known which persons are to be appointed to the Disputes Committee.
2. The parties involved may challenge the membership of one or more members of the Disputes Committee if there is reasonable doubt about their partiality or independence.
3. A member of the Disputes Committee may also be challenged on grounds which emerged prior to his appointment.
4. The party issuing the challenge should make this known in writing, stating the reasons, to the relevant member, the other Committee members and the other party to the dispute. This notification should be made within 14 days of the reasons for challenge coming to the attention of the challenging party.
5. Adjudication on the matter may be suspended by the Committee as of the day of receipt of this notification.
6. Where the challenged member does not withdraw within two weeks of the receipt of the notification, the matter of the challenge shall be adjudicated at the request of whichever party requires it, by the President of the Court.

## 5 PROCEDURE

### Article 6

1. The Secretary shall provide the respondent with a copy of the application as soon as possible, indicating that a written defence may be submitted to the Secretary within fourteen days.
2. The Secretary will provide the claimant with a copy of this defence, and where the Secretary deems it appropriate, shall state a period within which any response to this defence must be submitted.
3. Where the claimant makes use of this facility, the Secretary will send a copy of this response to the respondent, giving him the opportunity to respond in his turn.

### Article 7

1. The Disputes Committee will determine the date and time for a hearing during which the parties may explain their positions verbally. The Secretary will invite the members to this hearing when sending them the relevant documents, and will invite them and the parties to this and to any subsequent hearing.
2. At the request of one of the parties and where deemed appropriate by the Committee, the resolution of a dispute may take place wholly or fully *in camera*.
3. The (acting) Chairman of the Disputes Committee is empowered to extend the period set down by or by virtue of these regulations.

4. The Disputes Committee is authorised to call witnesses or expert witnesses.
5. Parties may be represented by an advocate.
6. In cases not settled by reference to these regulations, the decision of the (acting) Chairman of the Committee shall be final.

## **6 FINDINGS**

### Article 8

The Disputes Committee will adjudicate on the basis of binding recommendations and on the majority of votes. Their written findings will include inter alia the grounds for the decision. No report will appear of the opinion of any minority of the Committee. All interested parties will be provided with a copy of the findings by the Secretary as soon as possible.

### Article 9

The Disputes Committee will also include in their findings a decision on the level of costs in the matter, and who shall be responsible for bearing these costs, on the proviso that the successful or largely successful party shall not bear the costs of the hearing. The costs shall be taken to include the honorarium and expenses payable to the Disputes Committee members. The amount payable under Article 4 Section 2 shall be charged or repaid according to the nature of the findings.

## **7 FINAL STIPULATIONS**

### Article 10

A certification body is required to provide all requested information and documentation to the Disputes Committee.

### Article 11

1. The members of the Disputes Committee are required to observe confidentiality in respect of all commercial and trade secrets which may come to their attention by virtue of their office, as well as all matters in respect of which the Disputes Committee has required confidentiality, or whose confidential nature they may be assumed to understand.

2. Where a member of the Disputes Committee acts in breach of the requirements of the first section, this member may be suspended or discharged by the Directors. No such decision shall be made before the person involved has been informed and has been given the opportunity to respond.

#### Article 12

The level of fee to be received by the members of the Disputes Committee shall be equal to the amounts which have been established by the board for members of other Product Board committees.

#### Article 13

These regulations may be cited as the “GMP<sup>+</sup> Animal Feed Sector Disputes Procedure”.

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