GMP+ Feed Safety Assurance scheme

Disputes Procedure

GMP+ A4

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EN

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Stadhoudersplantsoen 12
2517 JL The Hague
The Netherlands

Tel: +31 (0)70 370 86 70
Fax: +31 (0)70 370 86 71

info@gmpplus.org
www.gmpplus.org

Feed for Food

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1 Introduction

1.1 General

The GMP+ Feed Safety Assurance scheme (GMP+ FSA) has been developed since 1992. It was managed from 1992 up until 2009 by the Product Board Animal Feed, The Hague, The Netherlands. Since 2010, this scheme is managed by GMP+ International.

It is a scheme for assuring feed safety in all the links in the feed chain. It is also an international scheme, applicable worldwide.

The establishment and development of the scheme was primarily the result of demand from the subsequent links in the animal production chain for better control of feed safety. Another contributory factor was the damage caused by more and less serious contamination incidents.

In the initial phase the demand arose for better differentiation in an increasingly saturated European sales market for animal products. Since 1999, feed & food safety has been a top issue internationally both politically and commercially, because of serious incidents in the feed sector. Because of this, demonstrable assurance of feed safety has become a sales prerequisite.

The basic principle of the GMP+ FSA scheme is that the feed chain is part of the whole animal production chain. Proper assurance of feed safety worldwide is a high priority. Companies must live up to their responsibilities and respond properly and convincingly to the needs of animal production. The GMP+ Feed Safety Assurance scheme is an aid to realise this.

1.2 Structure of the GMP+ FSA schema

The documents within the GMP+ FSA scheme are subdivided into a number of series. A description follows of these:

A General (framework) documents	These documents contain the requirements for participation in the certification scheme for companies and certification bodies (framework regulation, the use of logo's, etc.). This series also includes a general list of definitions and abbreviations.
Document ⇒ Standard	**Code** GMP+ Axx — **Name** e.g. GMP+ A2 *Disputes Procedure*
B Normative documents	These documents contain the international standards and additional country notes for use by companies with respect to the various feed products and production phases including cultivation and industrial production, treatment and processing, collection, trade, means of transport, storage

	and transhipment. These documents are divided in several subgroups, with a code and a name **Document** **Code** **Name** ⇒ Standard GMP+ Bxx ⇒ Appendix GMP+ BAxx ⇒ Country Note GMP+ BCNxx
C Certification requirements	These documents contain the Rules of Certification including those for the approval of certification bodies and auditors, the frequency of audits, minimum audit time, assessment criteria, checklists, etc. There is also an explanation of how the supervision by certification bodies is implemented and of how GMP+ International supervises the certification process..
D Interpretations and accompanying texts	In addition to the above-mentioned normative documents, there are also supporting documents in the D series including a list of frequently-asked questions, manuals and guidances with additional information.

All these documents are available through the website of GMP+ International (www.gmpplus.org).

The document in the present case is referred to as standard GMP+ A4 *Disputes Procedure* and is part of the GMP+ FSA scheme.

1.3 Scope and application of this standard

This standard contains the procedures for disputes between:

a. a participant and a certification body
b. a participant and GMP+ International.

2 Definitions

2.1 In addition to the definitions and abbreviations mentioned in GMP+ A1 *General Regulations* and GMP+ A2 *Definitions and Abbreviations*, the following are applicable too:

a. GMP+ Disputes Committee	:	the disputes committee described in sections 3
b. Secretary	:	the secretary of the disputes committee, appointed by GMP+ International.

3 Disputes committee

3.1 There is a GMP+ Disputes Committee, sitting at the offices of GMP+ International.

3.2 The GMP+ Disputes Committee is tasked with adjudicating in all disputes which may arise between participants and certification bodies as well between participants and GMP+ International.

3.3 GMP+ International will appoint a minimum of seven persons to function as members of the GMP+ Disputes Committee. These persons are to have no connection with certification bodies apart from those created through these regulations. GMP+ International will also appoint a Chairman having the Master of Laws degree.

3.4 The GMP+ Disputes Committee will consist of the Chairman and two members nominated by the Chairman from among the persons specified in section 3.3.

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 3.4, appoint three persons from among those specified in section 3.3. These three members will then act as the GMP+ Disputes Committee in the dispute. This GMP+ Disputes Committee will nominate one of their members as an occasional Deputy Chairman.

3.6 A by GMP+ International appointed by person will act as Secretary of the GMP+ Disputes Committee, having the Master in Laws degree.

3.7 A member of the GMP+ Disputes Committee appointed by the Chairman will appear as permanent Deputy Chairman of the committee.

4 Initiating the dispute procedure

4.1 An application for dispute adjudication should be submitted in writing and by registered post to the GMP+ 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 or of GMP+ International was announced, stated or dispatched, or of the day on which the certification body's or GMP+ International's disputed action took place.

4.2 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.

4.3 Exceeding the stated periods will not lead to invalidity of the application provided the interested party demonstrates to the satisfaction of the GMP+ Disputes Committee that this failure was not due to fault on his part.

4.4 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.

4.5 Every application should be accompanied by written evidence where the claimant has this available, as well as a payment of € 300 to GMP+ International's bank account with a reference to "dispute" and the names of the involved organisations.

4.6 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 stipulated by the Secretary, at the expiry of which the submission will be deemed invalid.

4.7 No application will be dealt with where it remains incomplete, in the opinion of the Secretary.

4.8 The Secretary will deem the application for adjudication of the dispute invalid, where it is not accompanied by the payment specified in section 4.5. In all other cases the Chairman will determine the admissibility of applications.

5 Challenges to membership

5.1 The Secretary will inform the involved parties as soon as it is known which persons are to be appointed to the GMP+ Disputes Committee.

5.2 The parties involved may challenge the membership of one or more of the GMP+ Disputes Committee's members, if there is reasonable doubt about their partiality or independency.

5.3 A member of the GMP+ Disputes Committee may also be challenged because of reasons which emerged prior to his appointment.

5.4 The party issuing the challenge should make this known in writing, stating the reasons, to the relevant member, the other GMP+ Disputes Committee's members and the other party involved in the dispute. This notification should be made within 14 days of the reasons for challenge coming to the attention of the challenging party.

5.5 Adjudication on the matter may be suspended by the GMP+ Disputes Committee as of the day of receipt of this notification.

5.6 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 under Dutch law.

6 Procedure

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.

6.2 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.

6.3 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.

6.4 The GMP+ 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.

6.5 At the request of one of the parties and where deemed appropriate by the GMP+ Disputes Committee, the resolution of a dispute may take place wholly or fully in camera.

6.6 The (acting) Chairman of the GMP+ Disputes Committee is empowered to extend the period stipulated by or by virtue of these regulations.

6.7 The GMP+ Disputes Committee is authorised to call witnesses or expert witnesses.

6.8 Parties may be represented by a lawyer.

6.9 In cases not settled by reference to these regulations, the decision of the GMP+ Disputes Committee's (acting) Chairman shall be final.

7 Findings

7.1 The GMP+ 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 GMP+ Disputes Committee. All interested parties will be provided with a copy of the findings by the Secretary as soon as possible.

7.2 The GMP+ Disputes Committee will include in their findings a decision regarding 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 include the honorarium and expenses of the GMP+ Disputes Committee's members

and their meetings. The paid amount as mentioned in sections 4.5 shall be charged or repaid according to the nature of the findings.

8 Final stipulations

8.1 A certification body respectively GMP+ International is required to provide all requested information and documentation to the GMP+ Disputes Committee.

8.2 The GMP+ Disputes Committee's members 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 GMP+ Disputes Committee has required confidentiality, or whose confidential nature they may be assumed to understand.

8.3 Where a GMP+ Disputes Committee's member acts in breach of the requirements of section 8.2, this member may be suspended or discharged by GMP+ International. No such decision shall be made before the person involved has been informed and has been given the opportunity to respond.

8.4 The fee to be received by the GMP+ Disputes Committee's member shall be determined by GMP+ International.