



Disputes Procedure

GMP+ A 4

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GMP+ Feed Certification scheme



History of the document

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0.0 / 09-2010	Transfer of the document from PDV to GMP+ International	Entire document	01-01-2011
0.1 / 09-2011	Introduction has been updated	1.1; 1.2	01-01-2012
1.0 / 11-2012	New introduction and modified text in reference to the Feed Certification scheme	Gehele document	01-03-2013
2.0 / 05-2014	After an evaluation of the procedure, it has been updated. Especially a fix address of the secretary of the Dispute Committee	4.5	01-01-2015
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1 Introduction

1.1 General

The GMP+ Feed Certification scheme was initiated and developed in 1992 by the Dutch feed industry in response to various more or less serious incidents involving contamination in feed materials. Although it started as a national scheme, it has developed to become an international scheme that is managed by GMP+ International in collaboration with various international stakeholders.

Even though the GMP+ Feed Certification scheme originated from a feed safety perspective, in 2013 the first feed responsibility standard has been published. For this purpose, two modules are created: GMP+ Feed Safety Assurance (focussed on feed safety) and GMP+ Feed Responsibility Assurance (focussed on responsible feed).

GMP+ Feed Safety Assurance is a complete module with standards for the assurance of feed safety in all the links of the feed chain. Demonstrable assurance of feed safety is a 'license to sell' in many countries and markets and participation in the GMP+ FSA module can facilitate this excellently. Based on needs in practice, multiple components have been integrated into the GMP+ FSA standards, such as requirements for a feed safety management system, for application of HACCP principles, for traceability, monitoring, prerequisites programmes, chain approach and the Early Warning System.

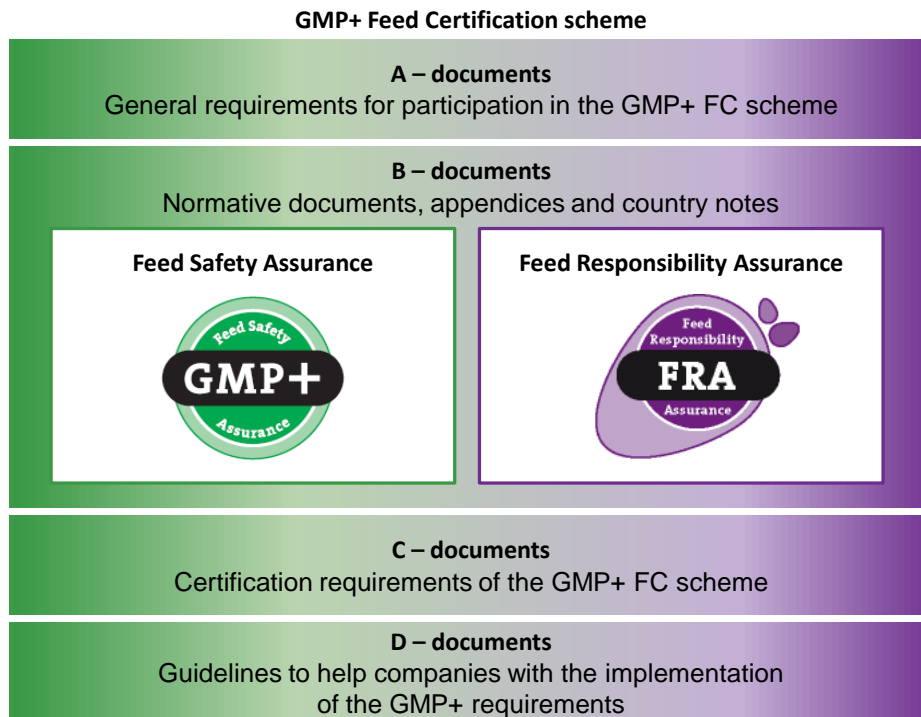
With the development of the GMP+ Feed Responsibility Assurance module, GMP+ International is responding to requests from GMP+ participants. The animal feed sector is confronted with requests to operate more responsible. This includes, for example, the sourcing of soy and fishmeal which are produced and traded with respect for humans, animals and the environment. In order to demonstrate responsible production and trade, a company can get certified for the GMP+ Feed Responsibility Assurance. GMP+ International facilitates via independent certification the demands from the market.

Together with the GMP+ partners, GMP+ International transparently lays down clear requirements in the Feed Certification scheme. Certification bodies are able to carry out GMP+ certification independently.

GMP+ International supports the GMP+ participants with useful and practical information by way of a number of guidance documents, databases, newsletters, Q&A lists and seminars.

1.2 Structure of the GMP+ Feed Certification scheme

The documents within the GMP+ Feed Certification scheme are subdivided into a number of series. The next page shows a schematic representation of the content of the GMP+ Feed Certification scheme:



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

This document is referred to as GMP+ A4 *Disputes Procedure* and is part of the GMP+ FC scheme.

1.3 Scope and application of this standard

This standard contains the procedures for disputes between:

- a. a Participant and a Certification Body, in case a dispute procedure in the framework of the Certification Body did not result in a satisfying end for one of the parties;
- 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 section 3
- b. Party : A natural or legal person involved in a dispute as mentioned in section 3.2
- c. 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 office of GMP+ International.
- 3.2 The GMP+ Disputes Committee is tasked with adjudicating in all disputes which may arise between a Participant and a Certification Body as well between a Participant and GMP+ International as mentioned in par.1.3..
- 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;
 - a. a description of the dispute, providing as much detail as possible;
 - b. the most precise description possible of the claim.
- 4.5 An application for adjudication of a dispute must be send to the following address:

HIL International Lawyers & Advisors
De Dreeftower, 7th Floor
Haaksbergweg 33
1101 BP Amsterdam
The Netherlands
Contact: amsterdam@hil-law.com
- 4.6 Every application should be accompanied by written evidence where the claimant has this available, as well as a payment of € 500 to GMP+ International's bank account with a reference to "dispute" and the names of the involved organisations. Consideration of a dispute will start after the application fee has been paid.
- 4.7 Where in the opinion of the GMP+ Disputes Committee 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 GMP+ Disputes Committee, at the expiry of which the submission will be deemed invalid.
- 4.8 No application will be dealt with where it remains incomplete, in the opinion of the GMP+ Disputes Committee.
- 4.9 The GMP+ Disputes Committee will deem the application for adjudication of the dispute invalid, where it is not accompanied by the payment specified in section 4.6. In all other cases the Chairman will determine the admissibility of applications.

5 Challenges to membership

- 5.1 The Secretary will inform the 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 impartiality 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 The challenge shall be decided upon by GMP+ International and a decision shall be given within two weeks of receipt of the challenge.
- 5.7 If a challenge is deemed to be rightful, GMP+ International shall replace the challenged member with another member from amongst the persons as described in 3.3 above.
- 5.8 The adjudication of the matter shall resume as soon as possible after parties have been notified of the decision of GMP+ International regarding the challenge.

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. The GMP+ Disputes Committee shall notify Parties if it wishes to call witnesses or expert witnesses. The GMP+ Disputes Committee may also call witnesses or expert witnesses at the request of the parties. Parties are allowed to be present when the witnesses or expert witnesses are examined. The GMP+ Disputes Committee will provide a copy of the expert report to the Parties, to which the Parties may respond within two weeks.
- 6.8 Parties may be represented by a lawyer.
- 6.9 All matters not provided for by these regulations will be decided by the GMP+ Disputes Committee with due observance of the principle of reasonableness and fairness.

7 Findings

- 7.1 The GMP+ Disputes Committee will adjudicate on the basis of binding recommendations and on the majority of votes. 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.

The written findings of the GMP+ Disputes Committee will in any case include, apart from the decision:

- a. the names of the members of the GMP+ Disputes Committee;
 - b. the names and domiciles of the Parties;
 - c. the date of the binding recommendation; and
 - d. the grounds for the decision.
- 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.
- 7.3 If the parties reach a settlement during the hearing, the GMP+ Disputes Committee may, upon request of the Parties, lay down the contents of this settlement in the form of a binding recommendation.
- 7.4
- a. The Chairman of the GMP+ Disputes Committee may on his own initiative or at the request of one of the parties, submitted within two weeks after the date of dispatch of the binding recommendation, rectify a manifest calculation or clerical error in the binding recommendation, or, if the information described under 7.1 above is incorrect, proceed to correct that information.
 - b. A copy of a request as described under 7.4 (a) above shall be sent to the other Party. Such a request shall suspend the possibility to execute the binding recommendation, until a decision on the request has been given.
 - c. The other Party shall have the opportunity to respond to a request as described under 7.4 (a) above within two weeks.
 - d. Rectification or correction shall take place by written notice to the Parties.

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.

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