

COLLABORATION AGREEMENT FOR IMPLEMENTATION OF THE REGULATIONS ON THIRD-PARTY RECOGNITION OF THE QUALIMAT TRANSPORT SPECIFICATIONS

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| Version | 6.0 |
| Publication date | 01/02/2022 |
| Effective date | 15/03/2022 |



BETWEEN THE UNDERSIGNED:

Qualimat Association

With registered office at: 5 rue de la Fontaine – 56500 LOCMINÉ, France
Represented by its president: Vincent GERFAULT

Hereafter 'Qualimat'
ON THE ONE HAND

AND

The certifying organization:

.....
With registered office at:
Represented by:

Hereafter the 'Certifying Organization' or 'CO'
ON THE OTHER HAND

and hereafter referred to individually as 'the Party' and collectively as 'the Parties'.

IT IS FIRST STATED THAT:

Wherever the following terms are used in this document, they will have the following definition:

- **Qualimat Transport Specifications:** the Specifications currently in effect;
- **Agreement:** this contract in its entirety, including the annexes and preamble which form an integral part of it;
- **Reference documents** or **Qualimat Transport reference documents:** includes all the following documents: The Qualimat Transport Specifications and annexes, the Regulations for Third-party Recognition and annexes, the CO-Qualimat Collaboration Agreement and annexes, and the collection of official positions.
- **Certifying organization** or **CO:** an independent certifying organization having a collaboration agreement with Qualimat;
- **Transport operators:** professional transportation agents appointed to deliver 'products' for animal feed. These transport operators may be common carriers or freight forwarders.
- **Qualimat:** refers to the association and/or its administrative bodies (in particular the Board of Directors, the office and the President, and any other person empowered by them, including the Qualimat Steering Committee).
- **Regulations** or **Qualimat Transport Regulations:** Qualimat Transport Regulations for Third-party Recognition and annexes;

IT HAS BEEN AGREED AND DETERMINED AS FOLLOWS:

Article 1: Purpose of the agreement

The purpose of this agreement is to set out the reciprocal obligations of the Parties in respect of the CO's undertaking to evaluate compliance with the Qualimat Transport Specifications by transport operators who undertake to comply with the current version of the Qualimat Transport reference documents.

It prevails over any other document, cited or otherwise, except the provisions of the Qualimat Transport Specifications themselves, the definitions of which apply in this agreement, and the Regulations for Third-Party Recognition of Compliance with Qualimat Transport Specifications (also referred to as the 'Qualimat Transport Regulations') which define the framework for Qualimat Transport third-party recognition.

It annuls and replaces all previous agreements having an identical or similar purpose. It comes into effect when it is signed by the CO, no later than 15/03/2022.

Article 2: Qualimat obligations

2.1 General obligations

Qualimat undertakes to:

- Manage the Specifications, the Qualimat Transport Regulations and all documents and information required to evaluate compliance with the Qualimat Transport Specifications.
- Ensure that the provisions of the reference documents are compatible with compliance with the current regulations.
- Provide regulations which ensure observation of the impartiality, objectivity and independence of COs.
- Bring to the attention of COs:
 - All amendments to the Qualimat Transport reference documents and their annexes;
 - New transport operators who have signed a commitment with Qualimat: transport operators who are registered and have been issued with a 3-month temporary certificate are included on a list updated each month by Qualimat;
 - Registered transport operators, by updating the Qualimat Transport list of registered transport operators on its website www.qualimat.org, and their registration expiry dates;
 - Transport operators who have received a negative certification decision: 'suspension of certificate' or 'withdrawal of certificate';
 - All documentation and information required to evaluate compliance with the Qualimat Transport Specifications.

- Allow a minimum period of 2 months between notifying amendments which affect the Qualimat Transport reference documents and applying them. This period may be reduced if the amendment is required in respect of a change in the regulations.
- Provide training in accordance with the procedures outlined in section 4 of this agreement.
- Notify transport operators of all amendments to the Qualimat Transport reference documents and list of authorized COs.
- Provide an advisory opinion in response to any request from a CO concerning the certification process for transport operators.

2.2. Supervision of certifying organizations

Qualimat undertakes to monitor application of the agreement by all authorized COs.

The monitoring will be carried out in accordance with the following procedures:

- Operational supervision:
 - Continuous monitoring of operational incidents: non-compliance with these Regulations and the Collaboration Agreement detected during the Qualimat Transport certification process
 - Periodic review of Enhanced Vigilance File (EVF) audit reports
- Annual evaluation of a sample of audit reports and assessment grids (checklists) according to a table drawn up and forwarded to COs;
- Periodic audit of COs according to a table drawn up and forwarded to the COs: assessment of compliance with the provisions of the Qualimat Transport reference documents;
- Witness audit of transport operators: observation of certification audits by a qualified Qualimat Transport auditor employed or commissioned by Qualimat.

Note 1: Qualimat will report any failure to observe the requirements of the reference documents (Qualimat Transport Specifications, Third Party Recognition Regulations, collection of official positions, Collaboration Agreement) to the CO.

Article 3: CO obligations

3.1 General obligations

The CO undertakes:

- To comply with all the requirements of the Qualimat Transport Third-party Recognition Regulations at annex 3 of this agreement.
- To operate in such a way as to preserve the positive image of transport operators, Qualimat and the Qualimat Transport Specifications.

- Not to use the names Qualimat or Qualimat Transport, or the Specifications or their content, for any purpose other than in reference to the third-party evaluation which is the object of this agreement.
- To have a system for preserving its impartiality, independence and objectivity in the exercise of its purpose.
- Not to maintain commercial links with any transport operator being audited for any purpose other than third-party evaluation.
- To provide evidence of its accreditation under the ISO 17065 standard for the activity of certifying products and services and to conduct the Qualimat Transport certification process in accordance with this standard.
- To designate a Qualimat Transport contact person within the company.
- To notify Qualimat of any changes to personnel involved in the Qualimat Transport system (account manager, auditors, administrative staff, etc.), to allow Qualimat to maintain an updated list of named contacts for receiving information from Qualimat Transport.
- To accept Qualimat evaluations in respect of the provisions of section 2.2.
- To participate in Qualimat's annual meeting with certifying organizations (a minimum of one representative of the certifying organization to participate in the agreed format).
- To pay Qualimat the Qualimat Transport fee for each certificate issued, according to the table set out in annex 2 of this agreement.
- To use the communication media indicated by Qualimat (documents, IT tools).
- In the event of a decision by the CO affecting its Qualimat Transport business portfolio (reduction or cessation of activity), the CO undertakes:
 - To act with professionalism;
 - To report the decision to Qualimat in good time;
 - To notify the transport operators concerned;
 - To complete any certification process already started;
 - To return all documentation received for executing the agreement, and any copies of it, to Qualimat or to the transport operator concerned.

3.2. Obligations specific to certain points in the Qualimat Transport Third-party Recognition Regulations

3.2.1. Contracting

The CO undertakes:

- Not to include any clause contrary to compliance with the Qualimat Transport Third-party Recognition Regulations.
- To request proof of transport operators' commitment and acceptance of it by Qualimat before entering into any contract (acknowledgment of receipt of commitment or temporary certificate for newly-registered transport operators).
- To conclude a contract in respect of its audit assignment with each transport operator to be audited.

Note 1: If the audit assignment is a preliminary audit, the CO should inform the transport operator of the obligation to formalize the preliminary and initial audits with a joint contract.

- To review the information provided and ensure that information relating to the transport operator and its activity is sufficient to allow the certification process to be carried out and that there are means available for carrying out the evaluation. This information review takes the form of a preliminary questionnaire which appears in annex 1 of the Third-party Recognition Regulations.
- Where a case file is taken over from another certifying organization, to request any audit reports drawn up over the previous 2 years and 2 months for the purpose of monitoring any inconsistencies, including their recurrence. Previous audit reports must be sent to the CO taking over the file within 15 days of the request being sent. If the previous CO experiences difficulties in sending the audit reports, it must notify Qualimat and the new CO, indicating the reasons for the difficulties.
- Not to refuse to supply audit reports for the previous 2 years and 2 months to COs taking over files.

3.2.2. Deadline management

- To maintain a schedule of audit activities to check that agreed timelines are observed, and issue reminders to transport operators to ensure their individual registration deadlines are met.
- To take file processing times into account to ensure continuity of certification. An audit must take place before a certificate expires.
- To encourage the option of advance audits as outlined in the Third-party Recognition Regulations.
- If an audit date is close to the due date, it may not be possible to issue the replacement certificate on time.

To cover these file processing times, COs have recourse to the following options without first requesting authorization from Qualimat:

- Issue one (1) extension to the current certificate for a maximum of 2 months, if the decision to do so is made before the audit takes place; validity is then based on the findings of the previous audit.
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This option is only available if the N-1 audit was carried out by the same CO.

- Issue one (1) provisional certificate for a maximum of 2 months, if the decision is taken after the audit has taken place; validity is then based on the findings of the audit which has just been carried out, but must be confirmed by the transport operator submitting corrections to any inconsistencies.

This option is only available if the transport operator has no unresolved critical inconsistencies.

3.2.3. *Obligations relating to auditors and the performance of audits*

The CO undertakes:

- To carry out audits of transport operators using only auditors trained and qualified for this purpose by Qualimat, the list for each CO of which appears at annex 1 of this agreement.
- To ensure no auditor audits the same transport operator for more than three consecutive years.
- [As of 01/01/2023, to carry out unannounced monitoring audits in accordance with the procedure specified by Qualimat.](#)
- Subcontracting:
 - No auditor may work for more than two certifying organizations at the same time.
 - Any certifying organization wishing to enter into a subcontracting agreement with another certifying organization which has an agreement with Qualimat, must make an initial request to Qualimat. The request must include the name of the auditor concerned, the name of the CO for which the subcontracting will be carried out and the planned period for the subcontracting.
 - On receiving a request, Qualimat will check that the auditor concerned does not work for more than two COs and provide an opinion on the subcontracting arrangement.

3.2.4. *Certification decisions*

3.2.4.1. General obligations

- [To maintain formal regulations defining the process for making certification decisions.](#)
- [To document the evidence supporting certification decisions, including EVFs.](#)
- [To have all audit reports reviewed by one or more person appointed by the CO and not involved in carrying out the audit.](#)
- To establish a system for systematic monitoring of the quality of the audit reports drawn up by each auditor and take appropriate measures where reports fail to meet Qualimat Transport requirements.
- To establish a system to ensure audit reports are not reviewed by the same person who carried out the audit.

3.2.4.2. Certification decisions with EVFs

- To track the person(s) who made the certification decisions for files processed under EVFs.
- To use a specific procedure for making certification decisions with EVFs.
- To comply with the provisions of annex 5 of the Third-party Recognition Regulations for cases involving a CRITICAL inconsistency.

3.3. Obligations to notify Qualimat

The CO undertakes:

- To inform Qualimat of any amendments to its accreditation in respect of the ISO 17065 standard.
- To report to Qualimat in good time any difficulty or dispute with a transport operator encountered at any time in Qualimat Transport registration process.
- When an anomaly with respect to the requirements of the Qualimat Transport Specifications is communicated to the CO by Qualimat, to examine it and take the appropriate measures.
- To keep Qualimat updated on the process of scheduling audits for transport operators to be carried out in the months ahead, and by the 19th of the current month at the latest. This obligation applies to initial audits, preliminary audits, additional audits and further audits. It does not apply to renewal audits, except in force majeure cases relating to a requirement for Qualimat to assess the functioning of the Qualimat Transport system.
- To notify Qualimat of all certification decisions (extension of certificate, provisional certificate, renewal of certificate, withdrawal of certificate, suspension of certificate) and the associated documentation (certificates, reports, negative certification decision letters) at the same time as notifying the transport operator.

Article 4: Staff training requirements

4.1. Auditors

4.1.1. Pre-requisites

- The prerequisites for initial qualifying training are:
 - Knowledge of agro-food;
 - Skills in the animal sector;These prerequisites must be documented when registering the candidate (e.g. CV)
- Self-study of the current Qualimat Transport reference documents available via the website www.qualimat.org.

4.1.2. Initial qualifying training

- Initial qualifying training is provided by Qualimat.
- Qualimat provides three training sessions per year.
- Qualimat determines the procedure and informs COs on an annual basis prior to the training.
- To pass the exam, a candidate must satisfy both the conditions below:
 - Achieve an average mark of at least 12/20;
 - Achieve a mark of not less than 10/20 in each part of the exam.
- If a candidate passes the exam, Qualimat will issue a certificate in the names of the auditor and the CO.
- If a candidate fails the exam:
 - The candidate may enter the next qualifying exam independently if:
 - He/she achieved an overall mark of between 10 and 12 and achieved the average mark in all parts of the exam;
 - The training must be repeated before entering for the exam again if:
 - The overall mark was above 12 but he/she did not achieve the average mark in all parts of the exam;
 - The overall mark was between 10 and 12 but he/she did not achieve the average mark in all parts of the exam;
 - The overall mark was below 10.

4.1.3. Maintaining the qualification

- The following conditions apply to maintain the qualification:
 - Observation of the CO's obligations (article 3 of the agreement);
 - Application of the principles outlined in the Qualimat reference documents in the execution of audits;
 - Proof that at least three Qualimat Transport audits have been carried out each year in compliance with all the QTTP Regulations. Where three Qualimat Transport audits have not been carried out, Qualimat will examine the possibility of taking audits carried out under mutual recognition schemes into consideration in making a decision on maintaining the qualification.
 - Where there has been a significant work interruption, the CO must inform Qualimat, who will consider changing the registration period.
- The CO will establish and implement a procedure for maintaining and updating the skills of its qualified auditors.

- Where there is a change of CO for an auditor, the auditor may retain the qualification if the CO which funded the initial training does not object.

4.1.4. *Requalification*

- Following loss of a qualification, the CO may submit a substantiated request to Qualimat for requalification, with the following documentation as a minimum:
 - Proof that the auditor satisfies the requirements outlined in section 4.1.1;
 - Reasons why the auditor lost the qualification;
 - Any documents providing evidence for evaluation of the auditor's current skills.
- Qualimat will examine the documents and pronounce the conditions for requalification:
 - Participation in a requalification session lasting a minimum of half a day, with assessment by exam, or
 - Participation in an initial qualifying training session, or
 - Special monitoring of the auditor in accordance with a procedure determined by Qualimat.

4.2. **Other CO staff**

- The CO must ensure that all administrative personnel who work on Qualimat Transport files have received training (internal or external) on all the Qualimat Transport reference documents.
- The CO must ensure that personnel involved in reviewing the audit reports have received training on all Qualimat Transport reference documents in accordance with the procedures outlined by Qualimat.
- The CO must establish and implement a procedure for maintaining and updating the skills of all personnel involved in the certification process.

Article 5: Confidentiality

- Qualimat takes all possible measures to ensure the confidentiality of any information which comes to its knowledge through the operational management of the Qualimat Transport system.
This obligation applies to all data regardless of the source.
- The CO is responsible for managing all information obtained or created in the execution of its certification activities. All this information is considered confidential. Exceptions are made where the information is required for evaluation when a file is taken over by another CO, and where the information is requested by official government authorities.
- The information which the CO receives from Qualimat and audited transport operators remains confidential for a period of two years after the end of the contract, except where the contractual period is longer, as required by one of the parties.
- Confidentiality does not apply to information:
 - of which the CO can prove it had knowledge before it was disclosed by Qualimat or by the organization being audited;
 - which is in the public domain at the time of disclosure by Qualimat or by the organization being audited;
 - which comes into the public domain after its disclosure by Qualimat or by the organization being audited, except where it is made public by the CO;
 - communicated to the CO by a third-party legal holder of the information who authorizes its dissemination.

Article 6: Exclusivity

The CO is prohibited under this agreement from forming any contact or agreement of which the object is evaluating transport operators in respect of the Qualimat Transport Specifications, with any party other than Qualimat (the CO may not confirm, certify, evaluate, etc. the Qualimat Transport Specifications on behalf of any party other than Qualimat).

Article 7: Payment terms

7.1. Between the CO and the transport operator

- All evaluation assignments are contracted directly between the CO and transport operator to be audited.
- The CO may require the transport operator to pay for an audit service before it is carried out.

7.2. Between the CO and Qualimat

The CO undertakes to pay Qualimat the fee as outlined in annex 2 of this agreement [by the deadline stipulated on the invoice](#).

Article 8: Termination of the agreement

- This agreement comes into effect as of the date it is signed by the two Parties.
- [It is concluded for an indefinite period](#).
- Either Party may terminate the agreement at any time without having to justify the decision, on condition that a notice period of sixteen (16) months is observed as of the date of the notice. The Party initiating the termination must notify the co-contractor by registered letter with acknowledgment of receipt.
- A CO wishing to terminate the agreement undertakes to:
 - inform the transport operators concerned, with copies to Qualimat.
 - cease entering into new contracts with transport operators in respect of the Qualimat Transport system immediately.
 - complete the certificate decision-making process where an audit has been carried out.
- Each party also has the right to terminate this contract unilaterally and without notice where one of the parties is in default.
- In the event of serious or repeated failure of a CO to comply with its obligations, Qualimat may place the CO in default by registered letter with acknowledgment of receipt. [On receipt of the default letter, the CO has one \(1\) month in which to establish a plan of action enabling it to satisfy its obligations again. At the end of this period or upon receipt of the action plan, Qualimat will examine the evidence in its possession and decide whether to maintain or terminate this agreement. Termination will be notified by registered letter with acknowledgment of receipt. The CO may no longer enter into contracts with transport operators in respect of Qualimat Transport certification. The CO remains bound to observe the provisions of the Qualimat Transport reference documents until the date the termination takes effect. The termination will take effect when the files for all transport operators handled by the CO have been transferred to another CO having a collaboration agreement with Qualimat.](#)
- If the term of this agreement approaches nine (9) years, the Parties will meet six (6) months before the renewal date to consider exclusive use of the Qualimat Transport Specifications.

Article 9: Jurisdiction

- The Parties will endeavor to resolve any differences that may arise regarding the interpretation or execution of this agreement amicably.

- Where this fails, the parties must bring their cases before the competent court of Vannes (Morbihan).

Signed in Locminé

on XX/XXX/XXXX

For the certifying organization

Pour Qualimat Association

ANNEX 1

List of auditors qualified to evaluate compliance with the Qualimat Transport Specifications version 6 and contact persons appointed to monitor Qualimat Transport files

Certifying organization

| Surname First name | Position (Auditor/Qualimat Transport contact) | Date of qualification (auditors) Date of appointment (contact persons) |
|---------------------------|--|---|
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ANNEX 2 Qualimat fee calculator

This calculator is to be used by COs for all certificates issued.

1. **Final certificates:** the amount payable depends on the length of the audit, as specified in the table below:

| Length of audit | Fee (€) until 01/04/2022 | Fee (€) from 01/04/2022 |
|-----------------|--------------------------|-------------------------|
| ½ day | 84 | 87 |
| ¾ day | 95 | 98 |
| 1 day | 106 | 109 |
| 1¼ days | 117 | 120 |
| 1½ days or more | 127 | 130 |

2. **Provisional certificates** see section 3.2.2: the fee is **€27** (€29 from 01/04/2022) for each provisional certificate issued (whether following a preliminary audit, decision made in an EVF case, etc.)
3. **Certificate extension** see section 3.2.2: the amount is **€27** (€29 from 01/04/2022) for each certificate extension issued.

The reference date for fee invoicing is the certificate start date.

ANNEX 3

**Regulations for Recognition of Third-party Compliance with
Qualimat Transport Specifications**

**REGULATIONS FOR RECOGNITION OF THIRD-
PARTY COMPLIANCE WITH QUALIMAT
TRANSPORT SPECIFICATIONS**

| | |
|-------------------------|-------------------|
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ANNEX 4 Audit plan



Qualimat Transport audit plan
Version 2.0 – 03/2022

QUALIMAT TRANSPORT AUDIT PLAN

| | |
|-------------------------|-------------------|
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