



CODE OF CONDUCT



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1. PURPOSE

This, the Code of Conduct of CropLife South Africa ("CROPLIFE"), sets out the Industry and Trade standards for research, development, manufacturing, production, marketing, handling, warehousing and distribution including importation and/or exportation of crop protection products and domestic garden and home products, as defined. The premise on which the Code has been based is:

- 1.1 In order to feed and clothe the South African nation, primary producers of food and fibre have to rely on crop protection and animal health products not only to produce enough but also to produce the best quality at the lowest possible cost. Because these products are, and will remain, vital to the production of food and because they are potentially hazardous when misused a high standard of conduct and practice in research, development, production manufacture, storage, distribution, handling and marketing of these products is required in order to meet the following objectives:
 - 1.1.1 to create ready acceptance of and confidence in these products by the users;
 - 1.1.2 to minimize the risk of negative results and misuse, thereby protect the interests of the users, the public at large and the environment;
 - 1.1.3 to create acceptance by all that the industry is a responsible body.
- 1.2 The Code shall be binding on the members of CROPLIFE. Crop Protection firms who are not members of CROPLIFE are encouraged also to observe the Code. A firm may elect to be bound by the Code by making an unequivocal announcement to that effect. The firm will then be bound by the Code upon completion of a written agreement with CROPLIFE.
- 1.3 The Code will be administered and reviewed regularly by the Executive Council, and members are free to make recommendations.
- 1.4 Member companies will be committed to self-regulation. Where a member becomes aware of a transgression of the Code by a fellow member he shall report it to the Executive Director in writing. Members of the public are also encouraged to report any transgression of the Code to the Executive Director.
- 1.5 All signatories to the agreement, whether members, shall comply with the provisions of the Code.
- 1.6 Members shall make an annual declaration signed by the Chief Executive of the member company, to the effect that this Code of Conduct is being complied with and adhered to. They shall also communicate all relevant parts of the Code to their staff. Nothing contained in this clause, however, shall be construed so as to release a member from compliance with the Code.
- 1.7 All members shall continue to compete with each other and shall comply with the Competitions Act No. 89 of 1998.

2. DEFINITIONS

2.1 Crop Protection products shall include all products requiring registration in terms of the legislation. This includes:

2.1.1 Any substance or mixture of substances intended for preventing, destroying or controlling any pest, including pests, diseases and pathogens of plants, unwanted species of plants or animals impacting on the environment or causing harm during or otherwise interfering with the production, processing, warehousing, distribution, manufacturing, handling or marketing of food, agricultural product, wood, fibre or farm feeds;

2.1.2 Substances intended for use as plant growth regulators, defoliants and desiccants, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport;

2.1.3 Agricultural remedies, adjuvants and foliar feeds.

2.2 These terms shall bear the meanings assigned to them in the legislation.

2.3 The crop protection products industry ("the Industry") means all persons qualifying for ordinary membership of CROPLIFE in terms of article 5 of the articles of association.

3. PHRASES AND MEANINGS

Unless inconsistent with the subject or context, the following words or phrases shall bear the meanings assigned to them hereunder:

3.1 Accredited course means the Crop Protection Course facilitated and administered by AVCASA;

3.2 Accredited dealership/distribution outlet means a dealership/distribution outlet nominated by and operating under the guardianship of its primary outlet nominated by and operating under the guardianship of its primary CROPLIFE product supplier;

3.3 Advertising means the promotion of the sale and use of products by print or electronic media, signs, displays, gifts, demonstrations, word of mouth, etc.;

3.4 Articles of Association means the Articles of Association of CROPLIFE;

3.5 Associate Member means a member as defined in the Articles of Association of CROPLIFE;

3.6 AVCASA means the Association of Veterinary and Crop Associations of South Africa (Association incorporated under Section 21);

3.7 CROPLIFE means CropLife South Africa (Association incorporated under Section 21);

3.8 CropLife AME means the CropLife Africa Middle East;

3.9 Day means any day including a Saturday, Sunday or public holidays;

3.10 Distribution means the process by which these products are supplied through trade channels to local or international markets;

3.11 Environment means surroundings, including water, air, soil and their interaction as well as all relationships between them and any living organisms;

3. PHRASES AND MEANINGS CONT...

- 3.12 Executive Council means the Executive Council of CROPLIFE;
- 3.13 FAO means the Food and Agricultural Organisation of the United Nations;
- 3.14 Formulation means the combination of the active ingredient with one or more inerts to render a product that is useful and effective for the purpose claimed;
- 3.15 Good Practice shall include Good Laboratory Practice (GLP), Good Agricultural Practice (GAP) and Good Manufacturing Practice (GMP);
- 3.16 Hazard means the likelihood that a crop protection product will cause an adverse effect (injury/damage) to human beings, animals, aquatic, bird life, or the environment under the conditions in which it is used;
- 3.17 Label means the written, printed or graphic matter on, or attached to, the crop protection health product(s), or the immediate container thereof and the outside container or wrapper of the retail package of the product;
- 3.18 Law means South African law as it is in force from time to time;
- 3.19 Legislation means the legislation applicable to the industry from time to time and, includes statues and regulations;
- 3.20 Member means a member of CROPLIFE and also any organisation which voluntarily agrees to be bound by this code;
- 3.21 Packaging means the container, together with the protective wrapping, used to carry products via wholesale or retail distribution to users;
- 3.22 Product means the crop protection product in the form in which it is packaged and sold; and which usually consists of or contains one or more active ingredient plus formulation ingredients or additives and may require dilution prior to use;
- 3.23 Registration means the process whereby the responsible national government authority approves the sale and use of a crop protection product. Registration follows the evaluation of comprehensive scientific data demonstrating that the product is effective, for the purposes intended and not unduly hazardous to human or animal health or the environment;
- 3.24 Residue means any specified substance in food, agricultural commodities or products resulting from the use of a crop protection product. The term includes any derivatives of a crop protection product such as conversion products, metabolites, reaction products and impurities considered to be of toxicological significance;
- 3.25 SANS means the South African National Standards of the South African Bureau of Standards;
- 3.26 Toxicity means the physiological or biological property which determines the capacity of a chemical to do harm to a living organism other than by mechanical means;
- 3.27 Use pattern means the combination of all factors involved in the use of a crop protection product, including the concentration of the active ingredient in the preparation being applied, rate of application, time/timing of treatment, stage of crop development, number and interval of treatments, use of adjuvants and methods and sites of application which determine the quantity applied, and interval before harvest, etc.;
- 3.28 WHO means the World Health Organization of the Untied Nations.

4. CODE OF CONDUCT COMPLIANCE

- 4.1 Members shall be bound by the International Code of Conduct on Pesticide Management, but in the event of any conflict between the law and/or these Codes, the order of precedence will be the law, then this Code and then the International Code of Conduct.
- 4.2 Members shall comply with the provisions of legislation as well as relevant and approved guidelines the purpose of which is, inter alia to safeguard human beings, domestic animals, wildlife and the environment against risk from crop protection products.
- 4.3 Research and Development
- 4.3.1 Members shall ensure that all research and development work meets statutory requirements at all times.
 - 4.3.2 Members shall ensure that every crop protection or animal health product is adequately and effectively tested by well recognised procedures and test methods so as to evaluate fully its safety, efficacy, and residue with regard to the various anticipated conditions in the various regions of its intended use.
 - 4.3.3 Members shall ensure that such tests are conducted in accordance with currently applicable guidelines and regulations, as well as relevant methodology prescribed or implied by the Code of Conduct. The data being produced by such tests, when evaluated by competent experts should be capable of showing whether the product can be handled and used safely without unacceptable hazard to human health, plants, animals, wildlife and the environment.
 - 4.3.4 Members shall comply with the relevant guidelines and protocols as prescribed by the Department of Agriculture, Forestry and Fisheries in South Africa.
 - 4.3.5 Members shall ensure that the research reports submitted to the Registrars of Act 36 of 1947 and/or Act 101 of 1965, or other officials responsible for the administration of such Acts, are of acceptable scientific standard and that the research results are properly summarised and clearly elaborated.
 - 4.3.6 Members shall continuously endeavour to improve formulations and packaging with a view to reducing hazardous to users and to minimise contamination of the environment, subject to such economic, legal and scientific restraints as may be relevant.
 - 4.3.7 Members shall ensure that the proposed use pattern, label claims, warning and directions for use, as well as the technical and promotional literature, truly reflect the research results.
 - 4.3.8 Members shall ensure that where research is carried out with products of unknown toxicity, all agricultural produce for trial animals or foodstuffs and fibre produced in these experiments are destroyed.
 - 4.3.9 Members shall ensure that all relevant authorities are timeously informed of all emergencies related to their products.
 - 4.3.10 Members shall accept that data submitted to the relevant Registrars of the relevant Acts in support of a registration application shall remain the sole and confidential property of the originator.
 - 4.3.11 In the event of an inquiry or investigation instituted or conducted by a government authority into the proper use or safety of products members shall co-operate to the best of their ability.

4. CODE OF CONDUCT COMPLIANCE CONT...

4.4 Manufacturing (Including formulation and packaging)

4.4.1 The members who are supplying products for distribution shall ensure that all manufacturing meets statutory requirements at all times and should strive towards GMP accreditation

4.4.2 Members shall take care to ensure the safety of their employees at all times.

4.4.3 Members shall take all necessary steps to ensure full compliance with all environmental pollution legislation.

4.4.4 Members shall ensure that the quality of all products manufactured by them or on their behalf is in accordance with current manufacturing legislation.

4.4.5 Members shall comply with the currently applicable International Code of Conduct and SANS Codes of Practice.

4.5 Warehousing, Distribution and Handling:

In order to embody and give credibility to the purpose of this code:

4.5.1 The members who are supplying products for distribution shall:

4.5.1.1 Undertake that accredited distribution outlets comply with laws and codes referred to herein;

4.5.1.2 Only supply products to dealer and distribution outlets which are accredited by AVCASA or which have signed the agreement to abide by this code or, failing which, members shall refrain from supplying such outlets.

4.5.2 Members shall ensure that all statutory minimum requirements with regard to the warehousing, distribution and handling of products are adhered to at all times.

4.5.3 Members shall ensure that all depots and warehouses which handle, store or transport their products are familiar with all relevant legislation and SANS Standards and Codes pertaining to warehousing and transportation and that all personnel are properly trained in the execution of these procedures.

4.5.4 Members shall ensure that all depots and warehouses which handle, store or transport their products are supplied all information, hazard symbols, etc., required for the safe distribution, handling and storage of products, and that the statutory requirements in terms of transportation legislation are adhered to at all times.

4.5.5 Members shall inform carriers and drivers of the nature of the goods carried, advise them of any precautions necessary to ensure safe transport. They shall ensure that each carrier is provided with the documentation required in terms of transportation legislation and procedures to be carried out in case of an accident e.g. "Tremcards" and MSDSs.

4.5.6 Members shall ensure that all customers are provided with adequate information and training on the handling and storage of products with specific reference to products which require special storage, and on the disposal of empty containers as prescribed in the waste management legislation in SA.

4. CODE OF CONDUCT COMPLIANCE CONT...

4.6 Marketing

4.6.1 Advertising and Promotion

4.6.1.1 Members shall ensure that any form of advertising and promotion, including verbal presentation, shall comply with the applicable legislation and also with the relevant Articles in the International Code of Conduct.

4.6.1.2 Members shall ensure that all advertising and promotional material, including verbal communication, shall accurately reflect the research and development results of the product concerned. Where reference is made to trial results for promotional purposes, such results/conclusions shall be based on recognised scientific principles and be extracted from scientific data which has been approved by the Registrar.

4.7 Sales

4.7.1 Members shall at all times practice and encourage fair trading practices, and ethical marketing practices to maintain the good image and credibility of the Industry.

4.7.2 Members shall recommend and supply only crop protection products registered and labelled in accordance with the requirements of the relevant statutes and regulations promulgated in terms thereof.

4.7.3 Members shall ensure that all persons recommending and/or selling their products have successfully completed the Association's prescribed course in crop protection. Trainee sales persons shall at all times operate under the guidance and control of a suitably qualified accredited person. It is a requirement for all sales persons to complete the accredited courses referred to supra within twenty-four months of appointment. If an existing sales person is found not to have completed the course, the member shall inform him/her that he/she has a period not exceeding twelve months in which to do so. Failure to comply will result in the person being considered unfit for recommending and/or selling products. Members are encouraged to participate in regular Continued Education courses particular to their field of interest. Members shall ensure that their accredited dealers are provided with new product or product use training annually. Records shall be kept, for reference purposes, of the dates, content, and attendees of all training sessions.

4.7.4 Members shall provide all reasonable assistance in training and advising the end-users in the storage, transportation and end-use of their products.

4.7.5 Members shall assist in the training of their customers' application or sales personnel in the use and safe handling of crop protection and animal health products and effective application techniques.

4.7.6 Members shall at all times retain an active interest in following their products to the ultimate user (cradle to grave principle). They shall keep track of major uses and the occurrence of any problems arising in the actual use of their products as a basis for determining the need for changes in the warnings, labelling, directions for use, packaging or formulation.

5. MUTUAL CO-OPERATION

It is recognised that the development of resistance of pests/diseases/weeds to products can be a major problem. Members shall therefore collaborate with each other as well as the government and other advisory institutions in developing strategies, which will prolong the useful life of products and reduce the adverse effects of the development of resistant organisms. Members shall ensure that sales personnel selling their products support these strategies at all times in line with recommendations and policies of local and international resistance action committees.

6. ENFORCEMENT

6.1 The enforcement of the Code shall be the responsibility of the Executive Council.

6.2 The Executive Council may:

6.2.1 on receipt of a written complaint from a member alleging a transgression of the Code; or

6.2.2 of its own accord, when it becomes aware of any transgression of the Code submit details of such alleged transgression of the Code to the member concerned and invite a written response from the member concerned, allowing 14 days therefor.

6.2.3 Upon receipt of such written response, or should the member concerned fail to respond, the Executive Council may request the member concerned to appear in person before the Executive Council to deal with the complaint received.

6.2.4 The President of the Executive Council shall determine the procedure to be followed at sittings of the Council in line with the principles of fairness.

6.3 If it is determined by a two thirds majority of the members of the Executive Council who dealt with the complaint received, that the Code has in fact been transgressed, the Executive Council may impose one or more of the following penalties:

6.3.1 A warning

6.3.2 A fine of not more that R100 000 (one hundred thousand Rand) payable to CROPLIFE.

6.3.3 Expulsion as a member.

6.3.4 An order that the member pay all or a portion of the actual costs and expenses incurred by CROPLIFE in connection with the disciplinary hearing.

6.4 The decision of the Executive Council shall be final and binding