

**CropLife CANADA**

**Plant  
Biotechnology  
CODE  
OF  
Practice**

**Final  
January 2003**

**Plant Biotechnology Code of Practice**

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*Please Note: The CropLife Canada Plant Biotechnology Code of Practice is national in scope. Member companies will investigate provincial regulations and legislation as it applies to marketing practices prior to the development of their programs.*

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Section I -- **INTRODUCTION**

Modern plant biotechnology is a relatively new science. The basic principles used today date back thousands of years but recent advances in knowledge and application of plant biotechnology has produced some novel products. These products have demonstrated tremendous potential for beneficial applications in agricultural, forestry, horticultural, urban, public health, industrial and domestic uses. Expectations are that these and future developments can be used to enhance production of crops, establish new uses for crops, improve public health and ultimately enhance the quality of life in Canada.

As an emerging technology there are also unanswered questions and speculation on the consequences of the introduction of plant biotechnology. CropLife believes that open dialogue and sound science based investigation continues to provide the best basis for addressing issues and advancing the knowledge and understanding of plant biotechnology.

This Code of Practice was developed by members with the intent of providing guidance for their activities as they proceed with the introduction of the products of plant biotechnology.

**It is the intention of the CropLife Plant Biotechnology Code of Practice to have demonstrable and measurable commitments and practices. To that end, addendum C of this document will be a “living document” which will be regularly updated to outline the actions taken by CropLife Canada and our member companies towards fulfilment of the commitments and practices as delineated in this Code.**

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Section II - **INDUSTRY COMMITMENTS:**

Members are committed to research, development and production of plant biotechnology products for enhancing the quality of life.

Members will respect patents, intellectual property rights and confidential business information related to plant biotechnology

Members will comply with all laws and regulations governing the research, development, production distribution, storage, labelling, advertising, promotion, sale and use of plant biotechnology products.

Members support a rigorous science based regulatory system that develops and evaluates health and safety standards for plant biotechnology. Members will also comply with industry standards to ensure responsible business conduct and industry leadership.

Members will work with customers to ensure responsible use of plant biotechnology products.

Members will support activities that enhance our knowledge of plant biotechnology products, their safe use and ability to enhance the quality of life.

Members are committed to transparency of operations and open communications with employees and the public on issues related to plant biotechnology.

Members will work with any agri-food chain stakeholders for the betterment of plant biotechnology.

Members are committed to stewardship of plant biotechnology products throughout their life cycle.

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Section III - **PRACTICES**

Member companies will only introduce plant biotechnology products that have demonstrated safety.

Members will abide by the regulations governing plant biotechnology

Members will participate and support regulatory agencies in the development of sound science based policy and regulations governing plant biotechnology

Members will freely provide plant biotechnology information that is based on sound science

Members will develop and distribute information on the responsible use of plant biotechnology products

Members will develop training and information programs for their employees and customers to ensure they have access to the most up to date information

Members will participate in and encourage scientific investigations that will lead to an enhanced understanding of plant biotechnology

Members will promote and utilize the CropLife Canada – Compliance Policy for resolution of disagreement or dispute between members or with common customers

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**ADDENDUM A:  
Compliance Policy**

It is the intent of CropLife Canada that all member companies ensure compliance with the Plant Biotechnology Code of Practice. Should disagreement or dispute arise, member companies are encouraged to resolve the alleged violations between themselves or with the involved third party. If this is not possible, CropLife Canada will endeavour to facilitate resolution.

**PROCESS:**

Complaints brought forward by the public or a member company concerning the practices of another member company of CropLife Canada must be addressed in writing to the official representative of the company, and the President of CropLife.

If the complaint emanates from a member of the public, it will be the responsibility of the CropLife President and the member company involved to resolve the issue. If the complaint emanates from another member company, the steps in the process are as follows:

**STEP ONE:**

1. Company heads endeavour to resolve the issue between them, using the ***Plant Biotechnology Code of Practice*** as the standard of good practice. This is to be done within 10 working days of notification.

**STEP TWO:**

1. If still outstanding after a 10 working day period, the President of CropLife is to be advised that the complaint has not been resolved. The complainant must then submit all relevant information and documents to the President, and refer to specific provisions in the ***Code*** alleged to have been violated. A fee to CropLife for \$5000.00 is to accompany the complainant's submission in order to demonstrate intent and mitigate frivolous investigations.

2. The President will convene a meeting to resolve the issue with the heads of the companies involved and independent legal counsel (legal counsel at the discretion of the President) within 15 working days from notice that complaint was not resolved in Step One. Both parties will share the costs of legal counsel equally.

3. If the complaint is not resolved through this process, the member companies will have the option to pursue other legal avenues.

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**ADDENDUM B:  
Competition Law Guidelines for Conforming  
to the Canadian Competition Act  
(R.S.C. 1985, c. C-34)**

**Forward**

CropLife CANADA is a not for profit trade association of the manufacturers, formulators, developers and distributors of crop protection and plant biotechnology products in Canada. The mission of CropLife Canada is "To support innovative and sustainable agriculture in Canada, in co-operation with others, by building trust and appreciation for plant life science technologies." Its members remain committed to the research, development, and safe manufacture of the industry's products, as well as to their responsible transportation, storage, field use and end use.

The Competition Act is an Act to provide for the general regulation of trade and commerce in respect of conspiracies, trade practices and mergers affecting competition [R.S.C. 1985, c. 19 (2nd Supp.), s. 18]

The purpose of this Act is to maintain and encourage competition in Canada in order to promote the efficiency and adaptability of the Canadian economy, in order to expand opportunities for Canadian participation in world markets while at the same time recognising the role of foreign competition in Canada, in order to ensure that small and medium-sized enterprises have an equitable opportunity to participate in the Canadian economy and in order to provide consumers with competitive prices and product choices. [R.S.C. 1985, c. 19 (2nd Supp.), s. 19]

**Guidelines**

Competitors participating in trade associations must avoid activity which could violate Canadian or foreign competition laws or which could lead observers to suspect such violations. For example, agreements or understandings (regardless of how informal) related to prices, production, dealings with specific suppliers or customers and other restraints on freedom to act independently, might violate the Canadian Competition Act. CropLife Canada member firms and their employees are all potentially at risk if they participate in activities which violate competition laws.

Where any doubt exists about the appropriateness of joint activity by competitors, legal advice should be obtained before discussions are undertaken.

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CropLife Canada takes its obligations under Canadian and foreign competition laws seriously. However, the fact that a staff member or legal counsel is present at a meeting should not invite probing to determine how far a discussion can proceed before it becomes apparent that it is improper and should be terminated. It is the responsibility of each member in the first instance to avoid raising improper subjects for discussion. The do's and don'ts below provide only an overview of basic principles and the types of activities, which might give rise to a violation of the law. Each participant should consult his or her own counsel in all cases involving specific situations, interpretations or advice.

**DO:**

1. Be thoroughly familiar with your company's guidelines and instructions regarding competition law.
2. Understand the purpose and authority of each committee or other CropLife Canada group in which you participate.
3. Adhere to prepared agendas for all meetings.
4. Ensure minutes are taken and object if meeting minutes do not accurately reflect the matters, which were discussed.
5. Protest against any discussions or meeting activities, which appear to violate the competition laws. Disassociate yourself from any such discussions or activities, and leave any meeting in which they continue. Make a written record of your action and give it to your counsel.
6. Consult with CropLife Canada counsel or your company counsel on any matter, which might give rise to competition law questions.

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**DON'T:**

1. In fact or appearance discuss or exchange information regarding:
  - (a) Price or non-price competition between members of CropLife Canada or with non-members.
  - (b) Individual company prices, price changes, mark-ups, discounts or other terms of sale.
  - (c) Industry pricing policies, price levels, price changes, differentials, etc.
  - (d) Bids on particular contracts or procedures for responding to bid invitations.
  - (e) Changes in industry production, capacity or inventories.
  - (f) Individual company data related to sales, costs, profit margins, production, capacity, inventories or other competitively sensitive information.
  - (g) Plans of individual companies concerning the production, distribution or marketing of particular products.
  - (h) Agreements not to compete, including all allocations of territories or customers between companies.
  - (i) Matters relating to individual suppliers, customers or competitors that might have the effect of excluding them from any market or of influencing the business conduct of Institute members towards them.
  - (j) Restrictions on imports or exports.
2. Discuss or exchange information regarding the above matters during social gatherings incidental to any meetings, even in jest.
3. Say or write anything you would not want disclosed in court.

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**Addendum C  
Commitments & Practices in Action**

<b>Commitment</b>	<b>Practices</b>	<b>Actions</b>
Members are committed to research, development and production of plant biotechnology products for enhancing the quality of life.	-Member companies will only introduce plant biotechnology products that have demonstrated safety.	- >50 products have been approved by Canadian regulatory authorities for use in Canada - Grower adoption and market acceptance of the technologies has been high (70 –80% market share in some cases) - Numbers of submissions for new products and traits remains high
Members will respect patents, intellectual property rights and confidential business information related to plant biotechnology	- Members will promote and utilize the CropLife Canada – Compliance Policy for resolution of disagreement or dispute between members or with common customers	- Continued support and compliance with Canadian laws.
Members will comply with all laws and regulations governing the research, development, production distribution, storage, labelling, advertising, promotion, sale and use of plant biotechnology products.	- Members will abide by the regulations governing plant biotechnology -Members will participate and support regulatory agencies in the development of sound science based policy and regulations governing plant biotechnology	- Support and comply with CFIA & HC regulations (see Web sites) - Support and comply with Seeds Act (see Web site) - Support and compliance with CropLife policies and Codes of Conduct
Members support a rigorous science based regulatory system that develops and evaluates health and safety standards for plant biotechnology. Members will comply with industry standards to ensure responsible business conduct and industry leadership.	-Members will participate and support regulatory agencies in the development of sound science based policy and regulations governing plant biotechnology - Members will promote and utilize the CropLife Canada – Compliance Policy for resolution of disagreement or dispute between members or with common customers	- Support and comply with CFIA & HC regulations (see Web sites) - Support and comply with Seeds Act (see Web site) - Support and compliance with CropLife policies and Codes of Conduct - Conduct annual meeting with CFIA and HC to review the state of the business.
Members will work with customers to ensure responsible use of plant biotechnology products	- Members will develop and distribute information on the responsible use of plant biotechnology products - Members will develop training and information programs for their	- Compliance Management for Conducting Confined Field Trials - Biotechnology module prepared for the Certified Crop Science Consultant (CCSC) program - Best Management Practices for

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	employees and customers to ensure they have access to the most up to date information	Controlling Herbicide Tolerant Volunteers - SOP for Handling Enquires Related to Trace Level Presence of Herbicide Tolerant Traits
Members will support activities that enhance our knowledge of plant biotechnology products, their safe use and ability to enhance the quality of life.	- Members will participate in and encourage scientific investigations that will leads to an enhanced understanding of plant biotechnology	- Participation on research and policy committees. - Participation on CARC Standing Committee on Biotechnology - Participation on CBAC Exploratory Committee
Members are committed to transparency of operations and open communications with employees and the public on issues related to plant biotechnology.	- Members will freely provide plant biotechnology information that is based on sound science - Members will develop and distribute information on the responsible use of plant biotechnology products - Members will develop training and information programs for their employees and customers to ensure they have access to the most up to date information	- Compliance Management for Conducting Confined Field Trials - Biotechnology module prepared for the Certified Crop Science Consultant program - CropLife BioCrop news bulletin - Best Management Practices for Controlling Herbicide Tolerant Volunteers - SOP for Handling Enquires Related to Trace Level Presence of Herbicide Tolerant Traits - Notice of Submissions Pilot Project - Commercial Status Database under development - Participation in CBI activities
Members will work with any agri-food chain stakeholders for the betterment of plant biotechnology.	- Members will develop training and information programs for their employees and customers to ensure they have access to the most up to date information - Members will participate in and encourage scientific investigations that will leads to an enhanced understanding of plant biotechnology	- The Plant Biotechnology Committee will hold quarterly meetings with the food manufacturers - Yearly farm association and media stakeholder tour - Participation on committees (e.g. AAFC roundtables, Food Safety Coalition) - Participation in CBI activities
Members are committed to stewardship of plant biotechnology products throughout their life cycle.		- Compliance Management for Conducting Confined Field Trials - Stewardship Program for Herbicide Tolerant Crops - Notice of Submissions Pilot Project - Marketing and Commercialization Commitments