



Fungicide Resistance Action Committee FRAC

An inter-company committee dedicated to prolonging the effectiveness of fungicides liable to encounter resistance problems and to limit crop damage during the emergence of resistance.

CONSTITUTION

ANTITRUST GUIDELINES

As FRAC is composed of representatives of companies competing in the marketplace, it is imperative that our activities do not contravene Antitrust Guidelines. These guidelines are an integral part of the FRAC constitution and are set out here for reference. They should be complied with for any meetings of FRAC personnel e.g. Steering Committee and Working Group meetings:

While some activities among competitors are both legal and beneficial to the industry, group activities of competitors are inherently suspect under the antitrust laws. Agreements or combinations between or among competitors need not be formal to raise questions under antitrust laws, but may include any kind of understanding, formal or informal, secretive or public, under which each of the participants can reasonably expect that another will follow a particular course of action.

All FRAC Members have a responsibility to see that topics, which may give an appearance of an agreement that would violate the antitrust laws, are not discussed during meetings. It is the responsibility of each member in the first instance to avoid raising improper subjects for discussion and the purpose of the Antitrust Guidelines is to assure that participants are aware of this obligation.

The Dos and Don'ts presented below highlight only the most basic antitrust principles. Each participant in a meeting should be thoroughly familiar with his/her responsibilities under the antitrust laws and should consult counsel in all cases involving specific situations, interpretations or advice.

DON'T

1. *Do not, in fact or appearance, discuss or exchange information regarding:*
 - (a) *Individual company prices, price changes, price differentials, mark-ups, discounts, allowances, credit terms, etc., or data that bear on price, e.g. costs, production, capacity, inventories, sales, etc..*
 - (b) *Industry pricing policies, price levels, price changes, differentials, etc..*
 - (c) *Changes in industry production, capacity or inventories.*
 - (d) *Bids on contracts for particular products; procedures for responding to bid invitations.*
 - (e) *Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers.*
 - (f) *Matters relating to actual or potential individual customers or suppliers that might have the effect of excluding them from any market or of influencing the business conduct of firms toward such suppliers or customers.*
2. *Do not discuss or exchange information regarding the above matters during social gatherings incidental to meetings, even in jest.*

DO

1. *Have an agenda and adhere to prepared agendas for all meetings.*
2. *Get minutes taken and object if they do not accurately reflect the discussion and actions taken.*
3. *Consult with your legal counsel on all antitrust questions relating to meetings.*
4. *Protest against any discussions or meeting activities which appear to violate the antitrust laws; disassociate yourself from any such discussions or activities and leave any meeting in which they continue.*

OBJECTIVES

To prolong the effectiveness of fungicides liable to encounter resistance problems and to limit crop damage during the emergence of resistance.

To foster a responsible attitude of industry to resistance issues.

Approach

- Identify existing and potential resistance issues
- Establish a **Working Group / Expert Forum** for each fungicide type considered to be at risk
- Collate existing information
- Generate new information
- Communicate the results of the information to those involved in fungicide research, distribution, registration and use

Functions

To be a professional body representing the agrochemical industry in all technical and scientific matters relating to fungicide resistance and its management.

In particular to:

- Initiate, stimulate and monitor the Working Groups and Expert Fora
- Provide guidelines and co-ordinate the efforts of the Working Groups and Expert Fora
- Help Working Groups and Expert Fora communicate their conclusions
- Publicise guidelines on procedures/definitions of practical resistance research
- Develop, maintain and publicise a FRAC code list
- Provide technical counsel for fungicide resistance courses and research studies
- Liaise with local groups dealing with resistance matters, universities, advisory and extension services, farmers, distributors, government
- Provide advice and guidance on resistance management strategies for fungicides not covered by either working groups or expert forum

STATUS

FRAC is a Specialist Technical Group of CropLife International. The FRAC Constitution shall be governed by the law applicable to CropLife International, currently Belgian law.

FRAC has equal status with Specialist Groups dealing with Herbicides (HRAC), Insecticides (IRAC) and Rodenticides (RRAC), but FRAC operating procedures and financial management is independent of any other group.

THE FRAC STEERING COMMITTEE

FRAC is managed by the FRAC Steering Committee (hereafter referred to as the 'Committee'). The Committee will delegate authority to FRAC Working Groups and Expert Fora as appropriate.

Membership

The Steering Committee comprises senior technical people from the R & D functions of agrochemical manufacturers except that the Committee may appoint a member from another function providing that person is suitably technically qualified. Representatives must be experienced and influential in company fungicide resistance management matters.

Structure

The Committee comprises:

- Chairman
- Vice-Chairman
- Secretary
- Treasurer
- Communications Officer
- Chairpersons, or representatives, of Working Groups
- Chairpersons or representatives of Expert Fora
- Ordinary members
- Ad-hoc members

Individuals make a commitment to undertake an active and constructive role in resistance management matters.

Membership is expected to be limited to 9-12 full members so as to remain manageable. In addition, ad hoc members may be appointed by the Committee for specific purposes.

For liaison, the Chairman of any other Resistance Action Committee may attend FRAC meetings and vice versa.

Appointment of Officers and Members

Chairman, Vice-Chairman and Secretary: are appointed by the Committee and serve for an indefinite period.

Treasurer: shall be appointed by the Committee to manage the accounts. The Treasurer may or may not hold another position on the Committee, but shall not be Chairman or Vice-Chairman.

Communications Officer: shall be appointed to manage all communication matters which will include management of the FRAC webpage. The Communications Officer may or may not hold another position on the Committee, but shall not be Chairman or Vice-Chairman.

An election for any of these positions may be called by any Committee Member to take place at the next full FRAC meeting.

Notification of such a call must be made in writing to all full committee members at least four weeks in advance of the meeting. Votes may be cast in person or in writing

to the committee. A minimum of seven votes (in person or in writing) is required for an election decision to be valid. Elections are decided on a simple majority vote and become effective immediately. Incumbent(s), or candidate(s) for positions, may vote for themselves. In the event of a tie the incumbent remains in office.

Working Group Representation

A Representative from each Working Group is appointed to serve on the Committee by the appropriate Working Group members. Representatives are usually the Chairperson of the Working Groups.

Expert Fora Representation

A Representative from each Expert Forum is appointed to serve on the Committee by the Committee. Representatives are usually the Chairperson of the Expert Forum.

Ordinary Members

Candidates must be proposed to the Committee by a full FRAC member. Majority approval by current Committee members is required for acceptance based on a thorough appraisal of the applicant's C.V. The Committee must agree a positive need for new membership based upon the objectives outlined above.

New members are usually only appointed to fill vacancies caused by retirement (or due to professional changes) of standing members.

Ad Hoc Members

The Committee must agree a positive need for the appointment of ad hoc members and may specify the terms of such membership prior to the appointment of such members. Ad hoc members have no voting rights.

Where appropriate, the Chairman or a representative of a local FRAC committee will be invited to join the Committee as an Ad-hoc member.

FRAC Policy Decisions

FRAC policy decisions on matters such as fungicide usage recommendations for resistance management, monitoring methods, classifications, definitions etc., must be unanimous.

Committee Financial and Management Decisions

Decisions not enjoying unanimous approval shall be taken on a simple majority vote of those attending. A quorum of seven full members is required in such cases. In the event of a tie the Chairperson (or in his / her absence the Vice-Chairperson) has a deciding vote.

Financial Management

Bank Account

The FRAC account will be held at a Bank agreed by the Committee. The account should be interest bearing.

There will normally be three signatories for the account including the Chairperson and Treasurer. The third signatory shall be appointed by the Committee and will normally be the Vice-Chairperson. The Committee shall determine the signatory conditions for the Bank Mandate. Normally each signatory will be individually authorised to sign cheques up to a value agreed by the Committee; cheques in excess of this value will require two signatories to authorise.

Payments from FRAC funds to a signatory, for example for authorised expenses incurred on behalf of FRAC, must be approved and authorised by one or both of the other two signatories, depending on the sum involved.

The Treasurer shall present the FRAC Bank Accounts for approval at each Steering Committee meeting

Membership Fees

FRAC activities are financed by donations and membership fees from agrochemical companies and other appropriate organisations as agreed by the Committee.

Requests for donations and membership fees will be made at times agreed by the Committee. The Committee shall also recommend a minimum donation or membership fee.

Dissolution

FRAC can only be dissolved by the unanimous vote of all Committee members. In the event of this happening CropLife International must be informed and given the opportunity to establish an alternative.

In the event of dissolution of FRAC, all monies held in the FRAC account after settlement of any outstanding debts shall be donated to CropLife International. The FRAC Committee reserves the right to stipulate how the funds should be used by CropLife International.

FRAC WORKING GROUPS

Where two or more companies having compounds of similar mode of action and/or cross-resistance potential exist, the companies involved will be encouraged to establish a FRAC Working Group in order to co-ordinate resistance management activities. Each Working Group comprises technical representatives from companies with a compound in the market or in registration. Organisations involved only in the distribution of a product (i.e. not prime manufacturers) are invited to special meetings of the Working Group as appropriate.

The contact person from each company is a senior scientist with the technical expertise and authority to represent his/her company. Collectively, these contact persons foster technical collaboration. Representatives of company marketing functions may be members of Working Groups providing their inclusion aids Working Group and company decision making.

Members of each Working Group establish an atmosphere of mutual trust, pool all relevant information for their Group, define the scope of the problem(s) and assess the risks.

Working Group members are responsible for appointing their own Group officials and for selecting a representative to the Committee. This is usually the Chairperson of the Working Group. Each Company on the Working Group is allowed one vote in this process.

Responsibilities

After calling on experts for technical and legal advice the Working Groups recommend TECHNICAL strategies aimed at prolonging the useful life of the group of fungicides at risk and encourage their implementation. This is done, with the help of the Committee, to inform appropriate personnel (users, advisory services, registration authorities and independent distributors) of the strategies and the reasons for them.

Working Groups establish and direct collaboration on:

- Monitoring programmes - share methodologies and definitions (in some cases developing common methodologies), establish base-line data, agree joint interpretation of results.
- Research – define areas of basic and applied research that needs to be done, help to influence the direction, methodology and reporting of work already done.
- Educational programmes – encourage the publication of research results and provide relevant information to the Committee.
- Verification of reports on resistance, statements, investigations, remedies.
- Formulation of use strategies in terms of resistance prevention or delay and checking on the implementation of such strategies.
- Monitoring and guiding the activity of national/regional sub-groups.

The Working Group shall meet as often as necessary, usually once or twice per annum, in order to collate and discuss progress within the Group. The appointed representative of the Group will present the findings of the Group at the next meeting of the Committee and arrange for a suitable summary to be prepared and communicated to the Communications Officer for inclusion on the FRAC web page. The content of this summary must be agreed by all the member companies of the Working Group.

Working Group Conditions of Membership

Any manufacturer of an appropriate molecule, including generic manufacturers, are eligible to join a Working Group providing they meet the conditions of membership:

- The member company, through their representative(s) must be able to make an active contribution to the technical discussions held within the Group. The representative member must either have the necessary technical ability or be present to support the technical decision making process of a suitably qualified technical person from that company who is a member of the Working Group.
- The term 'active contribution' means that the company will contribute data and active constructive discussion that will lead to formulation of resistance management strategies for the Group.
- The term 'data' is understood to include, but not necessarily be limited to, provision of base line sensitivity data, sensitivity monitoring data, mode of action data, cross-resistance information. Such data may be generated in-house or under contract.
- Should any member company consistently fail to make an active contribution and gives no undertaking to provide such a contribution, they shall be liable for exclusion from the Group. A recommendation for exclusion shall be made to the Committee by the Working Group Chairperson and the Committee shall decide on the appropriate action to be implemented by the Chairman with the authority of the Committee.
- Ad-hoc members may be appointed by the Working Group. The Working Group must agree a positive need for the appointment of ad hoc members and may specify the terms of such membership prior to the appointment of such members. Ad hoc members have no voting rights.

Decision making

All recommendations on resistance management strategies must be agreed by all member companies of the Group (unanimous decision).

If decisions outside resistance management strategies and use recommendations have to go to a voting process, each Company on the Working Group is allowed one vote and decisions will be taken on a simple majority. In the event of a tie the Chairperson has a deciding vote.

The Banana Working Group

The Banana Working Group differs from other Working Groups in that it deals with several chemical groups. Terms and Conditions of membership are as for other Working Groups with the following exceptions:

- The Chairperson shall be appointed from, and by, members representing the chemical manufacturers.
- Representatives from the banana producing companies are welcomed as 'invited members'. They are encouraged to contribute data for consideration by the Group.

FRAC EXPERT FORA

When a Working Group and the Committee agree that the activities of a Working Group can be stopped, consideration will be given to the formation of an Expert Forum for the chemical group. The Expert Forum will consist of technical people able to advise on all aspects of resistance management and its history for that group.

- The Chairperson of the Expert Forum shall be appointed by the Committee
- Other members of the Forum shall be appointed by the Committee in consultation with the Forum Chairperson.
- The chairperson or appointed representative shall be a member of the Committee. Terms and Conditions of membership of the Committee shall be as for other members.

PUBLIC RELATIONS AND COMMUNICATIONS

The minutes of FRAC meetings and summary reports and recommendations of Working Group activities may be published in the most appropriate format and route, as decided by the Committee.

ACKNOWLEDGEMENTS

FRAC acknowledges and applauds the vital role of academic and government research institutes and advisory services throughout the world for their invaluable studies on fungicide resistance.

FRAC sees its role as being complementary to these activities and seeks to encourage basic and applied research into all aspects of fungicide resistance. A concerted effort by all people involved in fungicide use is required if we are to limit the impact of resistance.

FRAC

Approved by the FRAC Steering Committee, 24 April 2008