

## TO BE SIGNED BY ALL BAYER CUSTOMERS FOR MODESTO

### MODESTO EMERGENCY AUTHORISATION TERM SHEET - 2015

An emergency 120 day authorisation of Modesto has been granted to supply a limited volume of Modesto to treat oilseed rape seeds for this autumn's drilling season in areas at highest risk from cabbage stem flea beetle ("Emergency Authorisation"). Details of the Emergency Authorisation are set out in Annex 1.

Accompanying the Emergency Authorisation are requirements to ensure careful management and monitoring of, and data capture from, the emergency use.

In order to make sure all the requirements associated with the Emergency Authorisation are met in an efficient and effective manner, this Term Sheet requires the limited permitted volumes of product to be targeted on four adjacent, high risk counties - Suffolk, Bedfordshire, Cambridgeshire and Hertfordshire.

Your eligibility to order Modesto from Bayer CropScience Limited, 230 Cambridge Science Park, Milton Road, Cambridge, CB4 0WB ("Bayer") under the Emergency Authorisation is subject to you first agreeing to the terms and conditions in this Term Sheet.

### TERMS & CONDITIONS

1. You must provide Bayer with a principal contact name and contact details for your company/ organisation to enable information to be exchanged between you and Bayer as required by this Term Sheet.
2. All your orders for Modesto in 2015 will be subject to Bayer's standard terms and conditions of sale as set out on our website <http://www.bayercropscience.co.uk/about-us/terms-conditions/> as amended by the terms and conditions in this Term Sheet, including Annexes 1 and 2 (which form part of this Term Sheet) to the exclusion of all other terms and conditions.
3. You will ensure that you and your staff fully understand and comply with the limits on supply, restrictions on use and other aspects of the Emergency Authorisation and this term sheet.
4. You will comply with the Product Stewardship Plan in Annex 2 (including any amendments notified to you by Bayer from time to time) and will ensure that your Trade Customers do the same (including by providing a copy of their signed Product Stewardship Plans to Bayer).

In this Term Sheet

"Treated Seed" means seed treated with Modesto under the Emergency Authorisation

"Trade Customers" means all purchasers of Treated Seed Modesto down the supply chain from you and customers for whom you have treated seed with Modesto under

the Emergency Authorisation as a toller,, including (as applicable) seed merchants, secondary distributors and contractors that purchase on behalf of growers, BUT EXCLUDING GROWERS (being the end-users of Treated Seed).

5. You will not supply Modesto from Bayer under the Emergency Authorisation to any third parties and you will only use Modesto to treat certified seed (not farm saved seed). This does not restrict you in selling Treated Seed for drilling in Suffolk, Hertfordshire, Bedfordshire and Cambridgeshire.
6. If any competent authority requires the withdrawal of Modesto or Treated Seed from use or sale, you will be responsible for implementing any such recall in consultation with Bayer.
7. Without affecting Bayer's other rights and remedies, Bayer will be entitled to refuse any of your orders and/or cancel any of your orders for Modesto if you have failed to comply with this Term Sheet.
8. Your signature on this Term Sheet does not guarantee supply of any particular quantity of Modesto. If demand for Modesto exceeds Bayer's total available supply or the total volume Bayer has been permitted to supply by the Emergency Authorisation, the quantity of Modesto to be supplied to you will be the quantity allocated by Bayer to you, and Bayer will not be liable to you if that allocated quantity is less than the quantity ordered by you.
9. You will provide Bayer with details of all facilities at which seed will be treated with Modesto supplied to you under the Emergency Authorisation ("Nominated Facilities"). You will not permit seed to be treated with Modesto supplied to you under the Emergency Authorisation other than at Nominated Facilities.
10. You will ensure records are kept of how much seed of each variety has been treated with Modesto supplied to you under the Emergency Authorisation and provide copies of these seed treatment records to Bayer each week until 30<sup>th</sup> September 2015, by which date (at the very latest) you must have provided Bayer with any and all remaining seed treatment records.
11. All notifications, documents and information you are required by this Term Sheet to give to Bayer will be given to the Bayer contact at the end of the Product Stewardship Plan or a replacement as notified by Bayer.

You have signed below to confirm your agreement with this Term Sheet.

Signature: .....

For and on behalf of:

Name:

Title:

Date:

Please use this space to notify any Nominated Facilities (see paragraph 9):

## **Annex 1 – Emergency Authorisation**

## Annex 2 – Product Stewardship Plan

(to be signed by Trade Customers (not growers) and a copy sent to Bayer)

Supplier: .....(Insert Supplier name)

An emergency 120 day authorisation of Modesto has been granted to supply a limited volume of Modesto to treat oilseed rape seeds for this autumn's drilling season in areas at highest risk from cabbage stem flea beetle ("Emergency Authorisation") subject to certain conditions.

Accompanying the Emergency Authorisation are requirements to ensure careful management and monitoring of, and data capture from, the emergency use.

In order to make sure all the requirements associated with the Emergency Authorisation are met in an efficient and effective manner, this **Product Stewardship Plan** requires the limited permitted volumes of product to be targeted on four adjacent, high risk counties - Suffolk, Bedfordshire, Cambridgeshire and Hertfordshire.

Modesto

One of the conditions of the Emergency Authorisation is that you must read and agree to implement this **Product Stewardship Plan** before we, Supplier, can accept any orders from you for seed treated with Modesto under the Emergency Authorisation ("Treated Seed"). .

1. You must provide Bayer CropScience Limited, 230 Cambridge Science Park, Milton Road, Cambridge, CB4 0WB ("Bayer") with a principal contact name and contact details for your company/ organisation to enable information to be exchanged between you and Bayer as required by this Product Stewardship Plan. All notifications, documents and information you are required by this Product Stewardship Plan to give to Bayer will be given to the Bayer contact at the end of this Product Stewardship Plan or a replacement as notified by Bayer.
2. You will ensure that you and your staff fully understand and comply with:
  - (i) the limits on supply, restrictions on use and other aspects of the Emergency Authorisation, and
  - (ii) the requirements of this Product Stewardship Plan.
3. You will ensure records are kept of:
  - (i) the customers/ growers to whom you have supplied Treated Seed Modesto; and
  - (ii) the units and variety(ies) of Treated Seed sold;(these records are referred to as "Supply Chain Records").
4. You are advised of the need for an assessment of need and risk and the importance of the SP8 phrase on the label and will not supply Treated Seed to any grower unless the grower has first completed, signed and returned to you a Modesto Stewardship Form (including the check sheet) in the form set out in the Appendix to this Product Stewardship Plan.
5. You will provide copies of all completed and signed Modesto Stewardship Forms, checksheets, Recommendations, Drilling Records, Supply Chain Records, Unsown Seed Information and other data and information required to enable Bayer to demonstrate compliance with the conditions of the Emergency Authorisation (together referred to as "Supply Chain Information") to Bayer each week until 30<sup>th</sup> September 2015, by which date (at the very latest) you must have provided Bayer with any and all remaining Supply Chain Information.

6. You will provide a copy of this Product Stewardship Plan, completed and signed by you, to Bayer.
7. You consent to the Supply Chain Information being used by Bayer to demonstrate to third parties, including the Chemicals Regulation Directorate, compliance with the conditions of the Emergency Authorisation.
8. You agree that we will be entitled to refuse any order from you and/or cancel any order from you if you have failed to comply with this Product Stewardship Plan.
9. You will ensure that the stewardship plan information will be placed in your retail outlets (if any) so as to convey the key stewardship restrictions for Treated Seed.
10. If any competent authority requires the withdrawal of Treated Seed from use or sale, you will assist in implementing any such recall.
11. You will cooperate with Bayer in the management of any unsown Treated Seed as reasonably required by Bayer.
12. You will allow Bayer or its agent on reasonable notice to inspect your original records and documents in connection with verifying the notifications, documents and information provided to Bayer in accordance with this Product Stewardship Plan and as necessary to check compliance with the conditions of the Emergency Authorisation.
13. Your assurances in this Product Stewardship Plan are given both to us and to Bayer.

**ALL NOTIFICATIONS TO BAYER REQUIRED BY THIS PRODUCT STEWARDSHIP PLAN SHOULD BE SENT TO: [INSERT DETAILS]**

This **Product Stewardship Plan** is agreed and accepted:

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Name & position:

Company/ organisation:

Date:

Please insert your contact details (see paragraph 1):

## Appendix - Modesto Stewardship Form

(to be signed by growers)

### TO BE COMPLETED BY ALL GROWERS USING MODESTO TREATED SEEDS

Supplier: .....(Insert Supplier name)

An emergency 120 day authorisation of Modesto has been granted to supply a limited volume of Modesto to treat oilseed rape seeds for this autumn's drilling season in areas of highest risk from cabbage stem flea beetle ("Emergency Authorisation") subject to certain conditions.

Accompanying the Emergency Authorisation are requirements to ensure careful management and monitoring of, and data capture from, the emergency use.

In order to make sure all the requirements associated with the Emergency Authorisation are met in an efficient and effective manner, this **Modesto Stewardship Form** requires the limited permitted volumes of product to be targeted on four adjacent, high risk counties - Suffolk, Bedfordshire, Cambridgeshire and Hertfordshire.

Modesto

One of the conditions of the Emergency Authorisation is that you must read and sign this **Modesto Stewardship Form** and complete the attached checksheet before we, Supplier, can accept any orders from you for seed treated with Modesto under the Emergency Authorisation ("Treated Seed").

1. You confirm that the information in the attached checksheet (and any later checksheet) is accurate.

2.

You must be in possession of a recommendation for application for cabbage stem flea beetle control from a BASIS qualified agronomist ("Recommendation") for each field to be drilled with Treated Seed, a copy of which you must send to us prior to ordering.

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3. Treated Seed must:

- only be drilled in Suffolk, Hertfordshire, Bedfordshire and Cambridgeshire;
- only be drilled within the 120 day authorisation period (ending **INSERT DATE**);
- not be mixed or drilled together with any other seed (including untreated seed);
- be drilled at the recommended rate for the variety.

4. You will keep the records of when and over what area you have drilled Treated Seed, including the coordinates of the fields drilled with Treated Seed, and provide copies of those records to us ("Drilling Records").

5. If you are left with any unsown Treated Seed after **INSERT DATE** you must notify us of the quantity involved ("Unsown Seed Information") and must arrange for it to be destroyed in a lawful manner as soon as possible.

6. You consent to copies of this Modesto Stewardship Form, checksheet(s), the Recommendation(s), Drilling Records, Unsown Seed Information, details of the supply of Treated Seed to you and your contact details being made available to third parties in

connection with demonstrating compliance with the conditions of the Emergency Authorisation. If you have any questions or concerns about this, or if any of your details need to be updated, amended or deleted, please contact us.

7. You will allow us, Bayer UK Limited or our agents on reasonable notice to inspect your original records and documents in connection with verifying the notifications, documents and information provided by you in accordance with this Modesto Stewardship Form and as necessary to check compliance with the conditions of the Emergency Authorisation.
8. You will also allow us, Bayer UK Limited or our agents on reasonable notice to inspect your treated and untreated crops of oilseed rape and to collect field data, including impact on adult and larval numbers, crop establishment/ damage and effects on crop yields, resistance occurrence and management.
9. You will comply with the Emergency Authorisation and this Modesto Stewardship Form even though the Modesto label may permit less restricted use of the product.
10. Your assurances in this Modesto Stewardship Form are given both to us and to Bayer CropScience Limited, 230 Cambridge Science Park, Milton Road, Cambridge, CB4 0WB.

You have signed this **Modesto Stewardship Form** to confirm that you have read and agree the conditions set out above, which will apply in addition to our standard terms and conditions of sale.

Signature: .....

Name:

Position:

Date:



**TO BE COMPLETED BY ALL GROWERS USING MODESTO TREATED SEEDS**

**MODESTO STEWARDSHIP 2015 CHECKSHEET**

BayerModestoName of Grower:

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Address of Grower: .....

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Post Code: .....

Contact telephone number: .....

Area of cropped Winter OSR: .....

Proposed area to be drilled with Modesto Treated Seed:.. .....

Variety choice: .....

Previous crop: .....

Proposed Drilling date:.....

BASIS Qualified Agronomist: .....

Processor: .....

Order date of Modesto Treated Seed .....

**BASIS RECOMMENDATION SHEET ATTACHED\***



\*Confirmation that the agronomist making the recommendation had considered the occurrence of pyrethroid resistance.

Grower Signature .....

Date .....

