

No. 893

2 November 2012

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
LEVIES ON DRIED FRUIT

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996) hereby

- (a) establish the statutory measure set out in the Schedule hereto; and
- (b) determine that the levy for dried fruits shall be as set out in the Schedule.

TINA JOEMAT-PETTERSSON,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates

"currants" means the dried fruit obtained from seedless currant-type vine fruit;

"dried deciduous fruit" means apricots, apples, nectarines, pears, peaches, prunes and vine fruit (raisins, seedless raisins, sultanas and currants) where either in the whole, cut up or minced form, subjected to any acknowledged drying process during which the largest part of the moisture had been abstracted therefrom, irrespective whether having been treated with water or steam or any preservative;

"Dried Fruit Technical Services (DFTS)" means the company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008 as amended) and which operates under the name Dried Fruit Technical Services (DFTS). The DFTS is a company with the aim to keep the local dried fruit industry abreast of the need for agricultural research, strategic information on volumes and quality to meet all sanitary and phytosanitary requirements for local and export marketing to serve the best interest of the industry as the need arises and keep the NAMC and Minister of Agriculture informed on strategic issues. The DFTS is located at, 258 Main Street, Paarl, Western Cape, South Africa;

"exporter" means a person who exports dried fruit from South Africa, and includes a person who arranges or handles the exports in the name of or on behalf of another person;

"handle" means receive, store, dispatch or process;

"importer" means a person who imports dried fruit into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"packer" means a person who handles dried fruit and packs it for the purpose of sale;
"process" means to sort, clean, wash, cut, mince, mix or prepare to be packed for sale;

"producer" includes any person concerned in the production of dried fruit;

"prunes" means the dried fruit obtained from fruit of plants of *Prunus domestica* L.;

"raisins" means the dried fruit other than currants on seedless raisins that is obtained from vine fruit;

"seedless raisins" means the dried fruit obtained from seedless non-currant type vine fruit, and is either lyed or lyed and bleached or unlyed and unbleached;

"The Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

"vine fruit" means the fruits of the plants of *Vitis vinifera*.

Purpose and aims of statutory measures and the relation thereof to objectives of the Act

2. The purpose and aims of these statutory measures are to provide financial support for the following functions that the dried fruit industry has identified as essential and in the interest of the industry as a whole:

- (a) Rendering of information services, technology transfer, transformation and training and administration for the dried fruit industry.
- (b) the co-ordination and funding of research and development of the dried fruit industry;
- (c) the funding of plant improvement for the dried fruit industry;
- (d) to maintain national and international liaison.

The maintenance of macro industry information is regarded as critical for strategic planning by the dried fruit industry as well as the directly affected groups individually. Proper and accurate market information that is available on a continuous and timeous manner, will not only increase market access for all participants, but will also promote the efficiency of the marketing of dried fruit.

The promotion of the production of dried fruit can make a significant contribution towards the level of household food security and job security in South Africa, particularly in the more arid regions of the country.

Research is essential for the furtherance of the primary dried fruit industry's competitive position, taking into account the extremely competitive marketing environment in which dried fruit compete. Research is also important for dried fruit cultivation by commercial and small-scale farmers. Studies in connection with cultivar characteristics such as yield tendencies, adaptability and yield stability, make it possible for the dried fruit producer to make meaningful cultivar choices for specific conditions.

A portion of the funds collected by means of this levy will also be focussed on empowerment of Previously Disadvantaged Individuals and the developing dried fruit industry.

The establishment of this statutory measure will not only assist in increasing market access for all participants but will also enhance the viability of the dried fruit industry. The establishment of this statutory measure will in fact further all the objectives of the Act as stipulated in section 2 thereof.

This statutory measure shall be administered by Dried Fruit Technical Services (DFTS).

Product to which statutory measure applies

3. This statutory measure shall apply to all dried deciduous fruit as defined, produced in and imported into South Africa.

Area in which statutory measure applies

4. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Imposition of levy

5. A levy is hereby imposed on dried fruit bought or received by a packer or imported by a packer or processor or produced by a producer. A packer who has paid a levy may recover the amount of the levy from the person from which he has received the dried fruit on which the levy is payable, or who has produced the dried fruit.

Amount of levy

6. The amount of the levy will be 12c per kilogram for all dried tree fruits i.e. apricots, apples, peaches, prunes, nectarines, pears and other dried fruits during the first two years of the levy cycle (2012/2013 and 2013/2014) and 14c per kilogram during the next two years of the levy cycle (2014/2015 and 2015/2016). All excluding VAT.

The amount of the levy will be 7c per kilogram for all dried vine fruits i.e. Golden Raisins, Thompson Seedless Raisins, Muscat Raisins, Sultanas and Currants during the first two years of the levy cycle (2012/2013 and 2013/2014) and 8c per kilogram during the next two years of the levy cycle (2014/2015 and 2015/2016). All excluding VAT.

Persons by whom and to whom levy is payable

7. The levy imposed in terms of clause 5 shall
- (a) be payable by packers or processors or traders on behalf of producers of dried fruit; and
 - (b) be payable to Dried Fruit Technical Services (DFTS) in accordance with clause 8.

Payment of levy

8. (1) A monthly return of volumes acquired must be supplied to DFTS on which an invoice will be supplied.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of Dried Fruit Technical Services (DFTS) not later than the 31 day of July or within 30 days of receipt of the fruit.
- (3) The payment shall
- (a) When forwarded by post, be addressed to:
Dried Fruit Technical Services
P.O Box 163
Paarl
7620
 - (b) When delivered by hand, be delivered to:
Dried Fruit Technical Services
258 Main Street
Paarl
7646
 - (c) when electronically transferred, be paid to the bank account obtainable from DFTS on request.

Use of levy

9. The minister approves that -
- (a) at least 70% of the levy funds should be used for the core business functions e.g. research;
 - (b) not more than 10% for administrative use; and

(c) at least 20% be allocated towards transformation

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication hereof and shall lapse four (4) years later.