

No. 8

9 January 2004

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996**(ACT No. 47 OF 1996)****REQUEST FOR THE ESTABLISHMENT OF STATUTORY MEASURES
RELATED TO WEEKLY RECORDS AND RETURNS FOR IMPORTS AND
EXPORTS OF WHOLE MAIZE AND WHEAT**

It is hereby made known in terms of section 11 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), that the Minister of Agriculture has received a request for an amendment to statutory measures in terms of sections 18 and 19 of the said Act as set out in the Schedules hereto.

Directly affected groups are hereby invited to lodge any objection or representation regarding the proposed amendment to the statutory measures with the National Agricultural Marketing Council within 14 days of the publication thereof.

Submissions should be in writing and be addressed to:

**The Chairperson
National Agricultural Marketing Council
Private Bag X 935
PRETORIA
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Fax No.: (012) 341 1811
Enquiries: Ms Lizette Mellet
Tel.: (012) 341 1115**

M.G.RATHOGWA**CHAIRPERSON: NATIONAL AGRICULTURAL MARKETING COUNCIL**

REQUEST FOR THE ESTABLISHMENT OF STATUTORY MEASURES RELATED TO WEEKLY RECORDS AND RETURNS FOR IMPORTS AND EXPORTS OF WHOLE MAIZE AND WHEAT, IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO 47 OF 1996). AS ESTABLISHED

1. STATUTORY MEASURE: WEEKLY RECORDS AND RETURNS

The statutory measure that is requested to be established, is that the Minister, in terms of sections 13 and 18 of the Act, by notice in the Government Gazette, direct that end-consumers, importers, storers, exporters and processors keep weekly records and submit returns to SAGIS for imports and exports of whole maize and whole wheat.

2. INFORMATION REQUIRED BY SECTION 10 OF THE ACT

The particulars as required by section 10 of the Act to be included in a request for the establishment of a statutory measure, are as follows:

- 2.1 The statutory measure that is requested to be established, would relate to weekly records and returns.
- 2.2 The categories of directly affected groups which would probably be affected by the establishment of the proposed statutory measure, are:
 - End consumers: a person who consumes or processes maize and/or wheat (directly imported or locally produced maize) for commercial purposes, but who does not sell any resulting product;
 - Exporters: a person who exports maize and/or wheat from South Africa, and this includes a person who administrates or handles the exports in the name of or on behalf of another person;
 - Importers: a person who imports maize and/or wheat into South Africa, and this shall also include the person who arranges or handles the imports in the name of or on behalf of another person;
 - Processors: a person who mills, crushes, grinds to grist or otherwise processes maize and/or wheat, in any manner whatsoever, for the manufacture of maize products with the aim of selling the resultant product; and
 - Storers: a person with storage facilities where maize and/or wheat is handled commercially for import and/or export purposes.
- 2.3 Support for the proposed establishment of the statutory measure on maize and wheat, by the different categories of directly affected and other groups in the maize and wheat industries were given during an informal meeting held on 17 March 2003.
- 2.4 The proposed statutory measure will apply to the whole of the Republic of South Africa.
- 2.5 According to the applicant, the proposed establishment of the statutory measure, will further the objectives of the Act as stipulated in section 2(2) thereof. Such establishment will also not contravene section 2(3) of the Act.

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- 2.6 The manner in which the objectives referred to in section 2(2) of the Act will be furthered (namely the increasing of market access for all market participants, the promotion of the efficiency of the marketing of agricultural products, the optimisation of export earnings from agricultural products and the enhancement of the viability of the agricultural sector), are summarised below:

The availability of the information on weekly imports and exports of whole maize and wheat (as identified by the relevant parties) in a deregulated environment is essential for the grains industries as well as all the directly affected groups. Reliable market information enables role-players to make informed decisions.

The market access for all the participants could increase, and the efficiency of the marketing of grain and oilseed products could be improved with the availability of accurate and relevant market information on a timeous and continuous basis.

Market information disseminated by an independent organisation enables role players to participate on an equal footing based on objective information. It also enhances the viability of the grains and the total agricultural sector.

To be able to disseminate information as accurately as possible, it will be necessary for end-consumers, importers, storers, exporters and processors of wheat and maize to render weekly returns on an individual basis, so that market information for the whole of the country can be processed and disseminated to the market place. A system of compulsory registration of the relevant parties involved in grains and oilseeds is in place for the administration of the statutory measure relating to records and returns.

Market information also enhances food security as stock levels of grains stored by owners of commercial grain storage are readily available on a national basis.

The statutory measures will not be detrimental to the number of employment opportunities within the economy or to fair labour practise.

- 2.7 If the Minister approves the application, the statutory measures will come into operation on the date of publication thereof in the Government Gazette and shall lapse on 30 April 2008.
- 2.8 The body that will be responsible for the administration of the statutory measure is the South African Grain Information Services (SAGIS), a company without profit motive incorporated in terms of section 21 of the Companies Act, 1973 (Act No 61 of 1973).
- 2.9 The Minister authorised and designated SAGIS inspectors for the inspection and enforcement functions of the statutory measure.