
GENERAL NOTICE

NOTICE 1142 OF 2007

DEPARTMENT OF AGRICULTURE

PROCEDURES FOR THE APPLICATION, ADMINISTRATION AND ALLOCATION OF EXPORT PERMITS UNDER THE TRADE, DEVELOPMENT AND CO- OPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF SOUTH AFRICA

A Trade, Development and Co-operation Agreement (TDCA) between the European Community (EC) and the Republic of South Africa has been established and came into force on 1 January 2000. This agreement provides for the establishment of a Bilateral Free Trade Area between the EC and South Africa in accordance with the World Trade Organization (WTO) rules and the strengthening of European development assistance to South Africa.

As part of the concessions provided for under the TDCA, the EC has agreed to grant tariff preferences on limited quantities of selected products in the form of tariff quotas. Export permits will be issued for the access quantities at reduced levels of duty under the conditions set out in the Schedule.

Masiphula Mbongwa
DIRECTOR-GENERAL: AGRICULTURE.

SCHEDULE

1. Definitions

- 1.1 BEE-category means companies which qualify under the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003;
- 1.2 Historical category means companies that have a proven export performance over the period of one to three years, as stipulated under item 5.3 of this schedule and item 11 of the application form.
- 1.3 "SMME" means small, medium, and micro enterprises as defined in the National Small Business Act, Act No. 102 of 1996. The Act classifies small businesses according to size, and in descending order as medium, small, very small or micro enterprises.
- 1.4. The SMME and new exporter's category means SMME's and new exporters that do not qualify under the historical or BEE-category.

2. Countries for Export

Permits for exportation of any of the products specified in the Table on Export Arrangements, to the European Community, will be issued only to exporters in South Africa registered at SARS of which proof is required as stipulated in paragraph 8 of the application form (Annexure A).

3. Application for EC export permits

- 3.1 Any person interested in exporting any of the products specified in the Table (excluding cut flowers – EC tariff code 0603.10 – 0603.90) must apply therefor on a copy of the application form attached as an Annexure.
- 3.2 Application for export permits issued annually must be submitted to the Deputy Director: Marketing Administration within four weeks from the date of publication of this notice. Permits will be valid from 1 January 2008 until 31 December 2008.
- 3.3 In the case of cut flowers, potential exporters must apply to Customs and Excise on a first-come, first-served basis until the quota allocated is fully utilized.
- 3.4 The application form is available electronically on request from: DuduM@nda.agric.za/JanK@nda.agric.za
- 3.5 The application form will only be accepted if duly completed.
- 3.6 An applicant bears the responsibility to ensure that –
- (a) the application form reflects the correct information as requested for the product concerned;
 - (b) the application is submitted timeously as set out in paragraph 3.2, and
 - (c) the application (whether faxed or posted) has been received by the Deputy Director: Marketing Administration.
- 3.7 All exporters and potential exporters must comply with –
- (a) the sanitary, phyto-sanitary and other technical requirements as stipulated by the EC; and
 - (b) the Rules of Origin that form part of the TDCA and which can be obtained on request from the Department of Trade and Industry (Chief Directorate: Foreign Trade Relations, EU desk). Please note: The EUR 1 form that must accompany each consignment to be exported in terms of the TDCA, is obtainable from the applicant's local SARS office.

4. Addresses for applications

- 4.1 Applications must –
- (a) When forwarded by post, be addressed to:
The Deputy Director: Marketing Administration
Department of Agriculture
Private Bag X15
ARCADIA,
0007
(For attention: Mr. G.J. Kamfer, Sefala Building, Room 715);

- (b) When delivered by hand, be delivered to:
The Deputy Director: Marketing Administration
Department of Agriculture
Sefala Building
503 Belvedere Street
ARCADIA
(For attention: Mr. G J Kamfer, Room 715);
 - (c) When sent by facsimile, be transmitted to:
Facsimile number: (012) 319-8077
For attention: Mr. G.J. Kamfer
An application transmitted by facsimile must be followed up by forwarding the original application (do not include copies of the bills of entry export, DAs 550/32 or Certificates of Export) to the address contemplated in paragraph (a) or (b) to reach the Department within 14 days of the facsimile transmission.
- 4.2 Applications delivered by hand will only be accepted during the Department's official hours, namely 07:30 to 16:00.
- 5. Conditions for the issuing of export permits**
- 5.1 Permits for the products specified in the Table will be allocated on the basis of the following categories, unless specified differently in the Table:
- (a) 70% to historical exporters.
 - (b) 10% to BEE exporters;
 - (c) 20% to the SMME and new exporter's category;
- 5.2 The allocation of quotas for permits will be done as follows:
- (a) Exporters in the SMME and new exporter's category on an equal basis;
 - (b) BEE exporters either on an equal basis or as a historical exporter, whichever will enhance government policy for BEE development; and
 - (c) Historical exporters in proportion to the average quantity of the product concerned, exported by the applicant during the period stipulated for the product in column 4 of the Table.
- 5.3 The quantity exported by a historical exporter will be calculated on the basis of the detailed list of bills of entry export (DA 550/32 or export certificates) or exports captured on the Wine-on-Line System for the product applied for, for the period concerned, submitted together with the application form.
- 5.4 (a) If the allocation for a particular category is not fully utilized, the balance may be re-allocated to the other categories.
- (b) In order to enhance government policy on BEE's, quotas for exporters in the SMME and new exporter's category, as well as the BEE category can be combined to ensure the most beneficial allocation.

- 5.5 The quotas allocated to exporters will be provisional quotas, and the rule of "use it or lose it" will be applied. Therefore if quotas have not been utilized satisfactorily (export rate of 75% per month) by 31 July 2008, the Department has the prerogative to re-allocate the unused quotas after a process of consultation with the exporter has been followed.
- 5.6 Permits for the exportation of products under tariff headings 2008.40; 2008.50 and 2008.70 (canned fruit) will be allocated on receipt of a letter of intent from a local supplier indicating that the exporter can source the product for exportation to the EC.
- 5.7 If the allocation for a particular product under tariff headings 2009.41.10 – 2009.70.99 (pineapple and apple juice) is not fully utilized, the balance may be re-allocated to the other product concerned.
- 5.8 Despite any provisions in other laws, applicants registered as joint ventures, mergers, consortiums, holding companies or other similar business arrangements are not allowed to apply separately from their subsidiaries, minority shareholders or divisions for the same product, as this will establish an unfair advantage towards other applicants.
- 5.9 A lost permit will only be replaced if an affidavit in this regard has been submitted and the Department is satisfied that the applicant acted in good faith and took the necessary steps to recover the original permit, as well as undertake to return the original permit if it is found. The pro forma of the affidavit is electronically available on the departmental website <http://www.nda.agric.za> or on request from DuduM@nda.agric.za/JanK@nda.agric.za.
- 5.10 The provisions of this section shall apply subject to the conditions specified in the Table.

6. Procedure to pay for an export permit

- 6.1 (a) Payment of a tariff of R300 per permit will be payable for permits issued for the first quarter; first semester; and annual permits for 2008, as well as lost and replacement permits issued until 31 March 2008.
- (b) Payment of a proposed tariff of R350 per permit to be approved by National Treasury will be payable for permits for the second quarter to fourth quarter and second semester of 2008, as well as lost and replacement permits issued after 1 April 2008.
- 6.2 All application forms to be accompanied by proof of payment (bank deposit slip or cashier receipt).

6.3 Payment to be made as follows:

Payment to Department of Agriculture's bank account	OR	Payment in cash: Department of Agriculture's cashier
<u>Bank:</u> Standard Bank		<u>Pretoria:</u>
<u>Branch:</u> Arcadia		Agricultural Place, 20 Beatrix Street, Arcadia,
<u>Branch No.:</u> 01-08-45		Pretoria
<u>Account No.:</u> 013024175		Block P: Room GF 15
<u>Account Name:</u> NDA:Marketing Administration– Trade Incentives		

6.4 Payments must be made per application period and no payments should be made in advance for another period.

6.5 If a permit has been lost by an applicant either in his/her possession or during the process of clearing, a replacement permit will only be issued after proof of payment for the new permit has been received.

7. Compliance to BEE criteria in terms of Agri-BEE Charter for Agriculture

7.1 A company or business fully owned by a black person as described in the BEE Act, Act No. 53 of 2003, qualifies as a BEE;

7.2 Companies or businesses, irrespective of the size (large, medium, small, very small or micro) have to complete Annexure B to indicate their progress towards BEE compliance as at 31 October 2007.

7.3 Evaluation must be in accordance with the Agri-BEE Charter for Agriculture and preferably done by an accredited BEE evaluator as approved by DTI (Department of Trade and Industry);

8. General

8.1 Applicants must return all expired permits within thirty (30) days after the date of expiry thereof. Applicants who do not return their expired permits timeously will not be considered for the granting of permits.

8.2 This notice replaces all previous notices regarding the procedures for the application, administration and allocation of export permits under the TDCA between the EC and the Republic of South Africa.

ANNEXURE A

APPLICATION FORM FOR EXPORT PERMITS UNDER THE TDCA BETWEEN THE EC AND THE REPUBLIC OF SOUTH AFRICA FOR THE CALENDAR YEAR 2008

(Please note that an application form is necessary for each product)

1. NAME OF EXPORTER:
2. POSTAL ADDRESS: CODE:
3. RESPONSIBLE PERSON:
4. TELEPHONE NUMBER: CODE: NUMBER: CELL NO.:
5. FAX NUMBER: CODE: NUMBER:
6. E-MAIL ADDRESS:
7. COMPANY/CC REGISTRATION NUMBER:
(NB: First time applicants: Please include a copy of the registration certificate (obtainable from the Department of Trade and Industry (DTI))
8. CUSTOMS CODE NO.:
(NB: First time applicants: Please include a copy of the Customs Code Certificate (obtainable from SARS))
9. CLASSIFICATION OF CATEGORIES:
For classification into categories (see Item 1, 5.1 and 5.2 of schedule) please complete:-

*BEE CRITERIA		HISTORICAL CATEGORY	BEE-CATEGORY	SMME AND NEW IMPORTER'S CATEGORY
1. Ownership		Turnover:.....	Turnover:.....	Turnover:.....
2. Management				
3. Skills Development				
4. Preferential Procurement		Capital Investment.....	Capital Investment.....	Capital Investment.....
5. Employment Equity				
6. Enterprise Development		Permanent Employees.....	Permanent Employees	Permanent Employees
7. Corporate Social Investment				

* According to the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003 – indicate compliance with the criteria

10. APPLICATION – SUBMISSION FOR THE PERIOD (Where applicable).....

EC TARIFF HEADING OF PRODUCT	DESCRIPTION OF PRODUCT	QUANTITY APPLYING FOR: Tonne/Litres

11. Summary of BILLS OF ENTRY EXPORT/DA 550/32. Quantity exported over the past 2 or 3 years (first time applicants – See Column 4 of Table)
PLEASE NOTE: A detailed list of either bills of entry export, or DA 550/32s or Export Certificates) (not copies of documents) must be attached to this application (see Item 4.1 (c) of Schedule)

TARIFF HEADING	TOTAL FOR (where applicable)	TOTAL FOR (where applicable).	TOTAL FOR (where applicable).

12. INDICATE PAYMENT OPTION IN ACCOUNT NO. 013024175 ☐ BANK ☐ CASH RECEIPT NO

PLEASE COMPLETE AFFIDAVIT ON THE NEXT PAGE. THE AFFIDAVIT ON THE NEXT PAGE IS AN INSEPARABLE PART OF THE APPLICATION FORM.

AFFIDAVIT

I the undersigned

do hereby make oath / affirmation and declare that:

1. I am duly authorized to depose to this affidavit on behalf of the applicant; and
2. The particulars contained in the application form are true and correct.

SIGNED at _____ on this _____ day of _____ 2007/8

DEPONENT

(to be signed in the presence of a Justice of the Peace or Commissioner of Oaths)

1. I certify that before administering the oath/affirmation, I asked the deponent the following questions and wrote down his/her answers in his/her presence.

(1) Do you know and understand the contents of the declaration?

Answer:

(2) Do you have any objection to taking the prescribed oath?

Answer:

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer:

2. I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. The deponent utters the following words; "I swear that the contents of this declaration are true so help me God"/ "I truly affirm that the contents of the declaration are true." The signature/mark of the deponent is affixed to the declaration in my presence.

.....
**JUSTICE OF THE PEACE
 COMMISSIONER OF OATHS**

TO BE COMPLETED BY THE JUSTICE OF THE PEACE/COMMISSIONER OF OATHS:

FULL FIRST NAMES AND SURNAME: _____
(BLOCK LETTERS)

DESIGNATION: _____

BUSINESS ADDRESS: _____
(STREET ADDRESS)

DATE: _____

ANNEXURE B

THIS SCORECARD IS USED TO RATE A COMPANY'S PROGRESS TOWARDS ACHIEVING GENERIC BEE TARGETS

	OBJECTIVE & CODE	MEASURES	ACHIEVE- MENT	TARGET	WEIGHT	TOTAL SCORE
			TOTAL		106.0%	0.0%
DIRECT EMPOWERMENT	EQUITY OWNERSHIP (100)		Subtotal		23%	0.0%
		Unrestricted Voting rights in the hands of Black People		25.1%	3.0%	
		Unrestricted Voting rights in the hands of Black Women		10.0%	2.0%	
		Economic Interest in the enterprise to which Black People are entitled		25.0%	4.0%	
		Economic Interest in the enterprise to which Black Women are entitled		10.0%	2.0%	
		Economic Interest in the enterprise to which Black Designated Groups are entitled		2.5%	1.0%	
		Level of unrestricted entitlement of Black People to receive their Economic Interest		25.0%	7.0%	
		Debt entirely unencumbered (only applicable when Ownership>15%)		YES	1.0%	
		Black new entrants		15.0%	3.0%	
	MANAGEMENT (200)		Subtotal		11.0%	0.0%
		Unrestricted Voting rights in the hands of the Black People		50.0%	3.0%	
		Executive Members of the board who are Black People		50.0%	1.0%	
		Executive Members of the board who are Black Women		25.0%	1.0%	
		Senior Executive Management who are Black People		40.0%	2.0%	
		Senior Executive Management who are Black Women		20.0%	1.0%	
		Other Executive Management who are Black People		40.0%	1.0%	
		Other Executive Management who are Black Women		20.0%	1.0%	
		Independent Non-Executive Board Members who are Black People – Bonus Point		40.0%	1.0%	
HUMAN RESOURCE DEVELOPMENT AND EMPLOYMENT EQUITY	Employment Equity (300)		Subtotal		10.0%	0.0%
		Black People with Disabilities as a % of all full-time employees		4.0%	2.0%	
		Black People in Senior Management as a % of all Senior Management		60.0%	2.0%	
		Black Women in Senior Management as a % of all Senior Management		30.0%	2.0%	
		Black People in Middle Management (& equivalent) as a % of all Mid Management		75.0%	2.0%	
		Black Women in Middle Management (& equivalent) as a % of all Mid Management		40.0%	1.0%	
		Black People in Junior Management (& equivalent) as a % of all Jnr. Management		80%	1.0%	
	Skills Development (400)		Subtotal		20.0%	0.0%
		*Skills Development Spend on:				
		- Black staff as a percentage of livable amount		3.0%	4.0%	
		- Critical/Core Skills for Black Staff as a percentage of livable amount		2.6%	2.0%	
		- Critical/Core Skills for Black Women staff as a percentage of livable amount		1.4%	2.0%	
		- Black staff with disabilities as a percentage of livable amount		0.3%	1.0%	
		*Learnership:				
		Black staff on SETA accredited Learnership as a % of Total Staff		5.0%	2.0%	
		Black Women staff on SETA accredited Learnership as a % of Total Staff		2.5%	2.0%	
		Rural/Formally unemployed Black people on Learnership as a % of Total Staff		1.0%	1.0%	
		Organisational Transformation Index				
		Existence of comprehensive BEE strategy to integrate components of scorecard.....		YES	1.0%	
		Employment of a Skills Development Facilitator		YES	1.0%	
		Existence of a policy on non-discrimination widely published within the Enterprise...		YES	1.0%	
		Compliance with all relevant employment related legislation		YES	1.0%	
		Skills development expenditure on Black Staff as a percentage of total payroll		YES	1.0%	
		Learnership for Black Staff as a percentage of total staff		YES	1.0%	
INDIRECT EMPOWERMENT	Preferential Procurement (500)		Subtotal		20.0%	0.0%
		BEE Spend from suppliers based on the BEE Procurement Recognition Level as a		70.0%	15.0%	
		BEE Spend from Qual Small Ent. Based on the BEE Procurement Recognition.....		4.0%	4.0%	
		BEE Spend from Exempted Micro Ent. Based on the BEE Procurement.....		1.0%	1.0%	
	Enterprise Development (600)		Subtotal		11.0%	0.0%
		Non-Recoverable Contributions made as a % of the cumulative EBITDA from.....		2.0%	6.0%	
RESIDUAL		Recoverable Contributions made as a % of the cumulative EBITDA from.....		3.0%	4.0%	
		Investment shown to create a job in the previous year		YES	1.0%	
	Social investment and upliftment (700)		Subtotal		11.0%	0.0%
		Non-recoverable Qualifying Corporate Social Investment Contributions		3.0%	6.0%	
		Qualifying Industry Specific Contributions made		0.0%	4.0%	
		Investment in Rural and/Urban renewal programme		YES	1.0%	

SUMMARY:		%
BEE Ownership	(100)	
BEE Management	(200)	
Employment Equity	(300)	
Skills development	(400)	
Preferential Procurement	(500)	
Enterprise Development	(600)	
Social Corporate Investment	(700)	
TOTAL:		

TABLE
EXPORT ARRANGEMENTS SET OUT PER EC TARIFF CODE LINE

EC TARIFF CODE	DESCRIPTION OF PRODUCT	TARIFF QUOTA DUTY (% REDUCTION)	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4
Under EC tariff code 0406.10 – 0406.90.99, a total quantity of 7 000 tons [(agf 5%) ²⁾] is allocated			
0406	Cheese and curd:	100 MFN ¹⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with: (a) Permits will be allocated in collaboration with the industry. (b) Exportation can only take place from an approved EC registered processing plant. Proof of EC registration must be included with the application. (c) Permits will be issued on an annual basis and will be valid for twelve months.
0406.10	- Fresh (unripened or uncurd) cheese, including whey cheese, and curd:		
0406.10.20	- - Of a fat content, by weight, not exceeding 40%		
0406.10.80	- - Other		
0406.20.90	- Grated or powdered cheese (excluding giarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs)		
0406.30	- Processed cheese not grated or powdered:		
0406.30.10	- - In the manufacture of which no cheeses other than Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Giarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56%		
0406.30.31	- - Processed cheese, not grated or powdered, of a fat content, by weight, not exceeding 36% and of a fat content, by weight, in the dry matter not exceeding 48%		
0406.30.39	- - Processed cheese, not grated or powdered, of a fat content, by weight, not exceeding 36% and of a fat content, by weight, in the dry matter exceeding 48%		
0406.30.90	- - Processed cheese, not grated or powdered, of a fat content, by weight, exceeding 36%		
0406.40.90	- Blue-veined cheese (excluding Roquefort and Gorgonzola)		
0406.90.01	Cheese for processing (not elsewhere specified ³⁾)		
0406.90.21	- - - Cheddar (excluding grated or powdered, and for processing)		
0406.90.50	- - - Cheese of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles		
0406.90.69	- - - - - Cheese of a fat content, by weight, not exceeding 40% and a water content, by weight, in the non-fatty matter not exceeding 47% (not elsewhere specified)		
0406.90.78	- - - - - Gouda of a fat content, by weight, not exceeding 40% and a water content, by weight, in the non-fatty matter exceeding 47% but not exceeding 72%		

EC TARIFF CODE	DESCRIPTION OF PRODUCT	TARIFF QUOTA DUTY (% REDUCTION)	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4
0406.90.86	----- Cheese of a fat content, by weight, not exceeding 40% and a water content calculated, by weight, in the non-fatty matter exceeding 47% but not exceeding 52% (not elsewhere specified)	100 MFN ¹⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
0406.90.87	----- Cheese of a fat content, by weight, not exceeding 40% and a water content calculated, by weight, in the non-fatty matter exceeding 52% but not exceeding 62% (not elsewhere specified)		(a) Permits will be allocated in collaboration with the industry.
0406.90.88	----- Cheese of a fat content, by weight, not exceeding 40% and of a water content calculated, by weight, in the non-fatty matter exceeding 62% but not exceeding 72% (not elsewhere specified)		(b) Exportation can only take place from an approved EC registered processing plant. Proof of EC registration must be included with the application.
0406.90.93	----- Cheese of a fat content, by weight, exceeding 40% of a water content calculated, by weight, in the non-fatty matter, exceeding 72% (not elsewhere specified)		(c) Permits will be issued on an annual basis and will be valid for twelve months.
0406.90.99	----- Cheese of a fat content by weight exceeding 40% (not elsewhere specified)		
Under EC tariff code 0603.10.10; 0603.10.30 and 0603.10.50, a total quantity of 620 tons [(agf 3%) ²⁾] is allocated			
0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	50 MFN ¹⁾ or 80 GSP ⁴⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with:
0603.10	- Fresh flowers		Potential exporters must apply to Customs and Excise on a first-come, first-served basis until the quota allocated is fully utilised.
0603.10.10	-- Roses (from 1 January to 31 May and from 1 November to 31 December only)		
0603.10.30	-- Orchids (from 1 June to 31 October only)		
0603.10.50	-- Chrysanthemums (from 1 January to 31 May and from 1 November to 31 December only)		

<u>Under EC tariff code 0603.10.80 a total quantity of 744 tons [agf 3%]²⁾ is allocated</u>			
0603.10.80	- - Other fresh flowers (from 1 June to 31 October only)	50 MFN ¹⁾ or 80 GSP ⁴⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with: Potential exporters must apply to Customs and Excise on a first-come, first-served basis until the quota allocated is fully utilised.
<u>Under EC tariff code 0603.10.80.30, a total quantity of 1 260 tons [agf 5%]²⁾ is allocated</u>			
0603.10.80.30	- Proteas (from 1 January to 31 May and from 1 November to 31 December only)	100 MFN ¹⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with: Potential exporters must apply to Customs and Excise on a first-come, first-served basis until the quota allocated is fully utilised.
<u>Under EC tariff code 0603.90.00, a total quantity of 620 tons [agf 3%]²⁾ is allocated</u>			
0603.90.00	- Cut flowers and flower buds; dried, dyed, bleached, impregnated or otherwise prepared, of a kind suitable for bouquets or for ornamental purposes	75 MFN ¹⁾ or 80 GSP ⁴⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with: Potential exporters must apply to Customs and Excise on a first-come-first-served basis until the quota allocated is fully utilised.
<u>Under EC tariff code 0811.10.90, a total quantity of 310 tons [agf 3%]²⁾ is allocated</u>			
0811	Fruits and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter	100 MFN ¹⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with: Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 2005 and 2006 calendar years. Permits will be issued annually and will be valid for twelve months.
0811.10.90	- Strawberries, not containing added sugar or other sweetening matter		

*Under EC tariff codes 2008.40, 2008.50 and 2008.70, a total quantity of 50 972 [agf 3%] ²⁾ is allocated		
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2008.40	- Pears	Permits will be allocated in collaboration with the industry, based on actual exports during the 2004, 2005 and 2006 calendar years.
2008.40.51	---- Pears not containing added spirit, containing added sugar, with a sugar content exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg	Permits will be issued on annual basis and will be valid for twelve months.
2008.40.59	---- Pears not containing added spirit, containing added sugar, with a sugar content not exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg	
2008.40.71	---- Pears not containing added spirit, containing added sugar, with a sugar content exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg	
2008.40.79	---- Pears not containing added spirit, containing added sugar, with a sugar content not exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg	
2008.40.11	---- Pears not containing added spirit, not containing added sugar, in immediate packings of a net content of 4,5 kg or more	
2008.40.21	---- Pears not containing added spirit, not containing added sugar, in immediate packings of a net content of less than 4,5 kg	
2008.50	- Apricots	
2008.50.61	---- Apricots not containing added spirit, containing added sugar with a sugar content exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg	
2008.50.69	---- Apricots not containing added spirit, containing added sugar with a sugar content not exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg	
2008.50.71	---- Apricots not containing added spirit, containing added sugar with a sugar content exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg	
2008.50.79	---- Apricots not containing added spirit, containing added sugar with a sugar content not exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg	
2008.50.92	---- Apricots not containing added spirit, not containing added sugar, in immediate packings of a net content :	
2008.50.94	---- of 5 kg or more	
2008.50.99	---- of 4,5 kg or more but less than 5 kg	
	---- of less than 4,5 kg	

*Under EC tariff codes 2008.40, 2008.50 and 2008.70, a total quantity of 50 972 [agf 3%]²⁾ is allocated

50 MFN¹⁾

In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:

Permits will be allocated in collaboration with the industry, based on actual exports during the 2004, 2005 and 2006 calendar years.

Permits will be issued on annual basis and will be valid for twelve months.

• This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.

2008.70 2008.70.61	- Peaches, including nectarines - - - - Peaches not containing added spirit, containing added sugar with a sugar content exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg - - - - Peaches not containing added spirit, containing added sugar with a sugar content not exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg - - - - Peaches not containing added spirit, containing added sugar with a sugar content exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg - - - - Peaches not containing added spirit, containing added sugar with a sugar content not exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg - - - - Peaches not containing added spirit, not containing added sugar, in immediate packings of a net content - - - - - of 5 kg or more - - - - of less than 5 kg - - - - of 4,5 kg or more (<5 kg) - - - - of less than 4,5 kg	50 MFN ¹⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with: Permits will be allocated in collaboration with the industry, based on actual exports during the 2004, 2005 and 2006 calendar years. Permits will be issued on annual basis and will be valid for twelve months. * This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.
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*Under EC tariff code 2008.92.59 – 2008.92.98 (excluding 2008.92.72), a total quantity of 22 700.8 tons [(agf 3%)²⁾] is allocated Under EC tariff code 2008.92.72, a total quantity of 2 480 tons [(agf 3%)²⁾] is allocated		
2008.92.59	50 MFN ¹⁾	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
----- Mixtures of fruit not containing added spirit, containing added sugar, in immediate packings of a net content exceeding 1 kg, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		
----- Mixtures of tropical fruit not containing added spirit, containing added sugar, in immediate packings of a net content not exceeding 1 kg, mixtures of fruit in which no single fruit exceeds 50% of the total weight of the fruit, of tropical fruit (including mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		Permits will be allocated in collaboration with the industry, based on actual exports during the 2004, 2005 and 2006 calendar years.
----- Mixtures of tropical fruit not containing added spirit, containing added sugar, in immediate packings of a net content not exceeding 1 kg, mixtures of fruit in which no single fruit exceeds 50% of the total weight of the fruit, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		Permits will be issued on annual basis and will be valid for twelve months.
----- Mixtures of tropical fruit not containing added spirit, containing added sugar, in immediate packings of a net content not exceeding 1 kg, other than mixtures of fruit in which no single fruit exceeds 50% of the total weight of the fruits, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.
----- Mixtures of tropical fruit not containing added spirit, not containing added sugar, in immediate packings of a net content of less than 4.5 kg, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		
2008.92.72		
2008.92.74		
2008.92.78		
2008.92.98		

* Under EC tariff code 2009.11.99, a total quantity of 868 tons [(agf 3%)²⁾] is allocated		
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2009.11.99	- Orange juice, frozen , of a Brix value not exceeding 67, other than that of a value not exceeding 30 Euro per 100 kg net weight and with an added sugar content exceeding 30% by weight	Permits will be allocated in collaboration with the industry, based on actual exports during the 2005 and 2006 calendar years. Permits will be issued on annual basis and will be valid for twelve months.
		* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.
* Under EC tariff code 2009.41.10 – 2009.79.99, a total quantity of 6 200 tons [(agf 3%)²⁾] is allocated, split into 4 340 tons [(agf 3%)²⁾] for pineapple juice and 1 860 tons [(agf 3%)²⁾] for apple juice		
2009.41.10	- Pineapple juice , other, of a Brix value exceeding 20 but not exceeding 67, of a value exceeding 30 Euro per 100 kg net weight, containing added sugar	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2009.79.11	---- Apple juice , other, of a Brix value exceeding 67, of a value not exceeding 22 Euro per 100 kg net weight	Permits will be allocated in collaboration with the industry, based on actual exports during the 2005 and 2006 calendar years.
2009.79.19	---- Apple juice, other, of a Brix value exceeding 67, of a value exceeding 22 Euro per 100 kg net weight	Permits will be issued on annual basis and will be valid for twelve months.
2009.79.30	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, of a value exceeding 18 Euro per 100 kg net weight, containing added sugar	* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.
2009.79.91	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: with an added sugar content exceeding 30% by weight	
2009.79.93	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: with an added sugar content not exceeding 30% by weight	
2009.79.99	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: not containing added sugar	

* Under EC tariff code 2204.10.11 and 2204.10.19, a total quantity of 630 000 litres (agf 5%) ²⁾ is allocated		
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading no. 2009	100 MFN ¹⁾
2204.10.19	--- Sparkling wine, of an actual alcoholic strength by volume of not less than 8.5% volume, other excluding Champagne	
2204.10.99	--- Sparkling wine, of an actual alcoholic strength of not less than 8.5% volume, other excluding Asti spumante	
	*	
In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with: Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 2005, 2006 and 2007 calendar years. Permits will be issued on annual basis and will be valid for twelve months. * This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.		

* Under EC tariff code 2204.21.79 – 2204.21.84, a total quantity of 48 374 000 litres (agf 3%) ²⁾ is allocated		
2204.21.79	----- White wine of fresh grapes: Other wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume not exceeding 13% volume	100 MFN ¹⁾
2204.21.80	----- Wine of fresh grapes: Other than white wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume not exceeding 13% volume	
2204.21.83	----- White wine of fresh grapes: Other wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume exceeding 13% volume but not exceeding 15% volume, excluding quality wines produced in specified regions	
2204.21.84	----- Wine of fresh grapes: Other than white wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume exceeding 13% volume but not exceeding 15% volume, excluding quality wines produced in specified regions	

In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:

Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 2005, 2006 and 2007 calendar years.

Permits will be issued on annual basis and will be valid for twelve months.

* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 31 July 2008.

1) MFN = Most favoured nation.

2) Agf = annual growth factor = % of base year volume.

3) Entry under this subheading is subject to conditions laid down in the relevant European Commission provisions.

4) GSP (Generalised system of preferences) = whichever results in the lower duty application.