

**NOTICE 1068 OF 2008****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.

**Njabulo Nduli**  
**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.
- 1.5 New entrants means new exporters that join the export market during the exporting year.

**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 2009 until 31 December 2009.
- 3.3 In the case of cut flowers, potential exporters must apply to SARS (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](mailto:DuduM@nda.agric.za)/[JanK@nda.agric.za](mailto:JanK@nda.agric.za)/[SisiC@nda.agric.za](mailto:SisiC@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. The exception is Wine exporters with "Approved Exporter Status", who will follow the electronic exporter-to-client system on Wine Online.

### 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, DA 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.
- (d) 5% of the initial quota will be reserved to new entrants. The exception is the wine quota, where one million liters will be reserved.

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.
- (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.
- (d) Exporters in the new entrants category equal to the maximum average of the SMME and new exporters category or combined category for BEE's, New and SMME's. The allocation for new entrants will be made until 30 June 2009, after which the balance of the unused quota will be re-allocated proportionally to the historical; New and SMME and BEE categories. New entrants must submit proof of orders and ability to export the applied quota.

- 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 30 June 2009, 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 – 2009.71.99 (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](mailto:DuduM@nda.agric.za)/[JanK@nda.agric.za](mailto:JanK@nda.agric.za)/[SisiC@nda.agric.za](mailto:SisiC@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 R350 per permit will be payable for permits issued for annual permits, as well as lost permits and replacement permits issued until 31 March 2009.

(b) Payment of a proposed tariff of R395 per permit to be approved by National Treasury will be payable for permits and replacement permits issued after 1 April 2009.

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 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 do a proper evaluation in terms of the Agri-BEE Charter or Industry Charter in accordance to Annexure B (example) to indicate their progress towards BEE compliance as at 31 October 2008.

7.3 Evaluation must preferably be 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 2009  
(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	Capital Investment.....	Capital Investment.....	Capital Investment.....
4. Preferential Procurement			
5. Employment Equity	Permanent Employees.....	Permanent Employees	Permanent Employees
6. Enterprise Development			
7. Corporate Social Investment			

\* According to the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003 and Agri-BEE Charter- indicate compliance with the criteria, and attach BEE evaluation certificate.

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 \_\_\_\_\_ 2008/9

**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:** \_\_\_\_\_

**PLACE:** \_\_\_\_\_

## ANNEXURE B (EXAMPLE)

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

	OBJECTIVE & CODE	MEASURES	ACHIEVEMENT	TARGET	WEIGHT	TOTAL SCORE	
			TOTAL		100.0%	0.0%	
DIRECT EMPowerMENT	<b>EQUITY OWNERSHIP (100)</b>		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%		
		<b>MANAGEMENT (200)</b>		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	<b>Employment Equity (300)</b>		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%		
		<b>Skills Development (400)</b>		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/Formerly 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	<b>Preferential Procurement (500)</b>		Subtotal		20.0%	0.0%	
		BEE Spend from suppliers based on the BEE Procurement Recognition Level as a BEE Spend from Qual Small Ent. Based on the BEE Procurement Recognition.....		70.0%	15.0%		
		BEE Spend from Exmpted Micro Ent. Based on the BEE Procurement.....		4.0%	4.0%		
		BEE Spend from Exmpted Micro Ent. Based on the BEE Procurement.....		1.0%	1.0%		
		<b>Enterprise Development (600)</b>		Subtotal		11.0%	0.0%
		Non-Recoverable Contributions made as a % of the cumulative EBITDA from.....		2.0%	6.0%		
		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%		
RES-DUAL	<b>Social investment and upliftment (700)</b>		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
<b>Under EC tariff code 0406.10 – 0406.90.99, a total quantity of 7 250 tons [(agf 5%)<sup>2)</sup>] is allocated</b>			
<b>0406</b>	<b>Cheese and curd:</b>	100 MFN <sup>1)</sup>	<p>In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be allocated in collaboration with the industry.</p> <p>(b) Exportation can only take place from an approved EC registered processing plant. Proof of EC registration must be included with the application.</p> <p>(c) Permits will be issued on an annual basis and will be valid for twelve months.</p>
0406.10	- Fresh (unripened or uncured) 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 glarus 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 Appenzel have been used and which may contain, as an addition, Glarus 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 <sup>3)</sup> )		
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 <sup>1)</sup>	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.
0406.90.87	----- 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)		
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)		
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)		
0406.90.99	----- Cheese of a fat content by weight exceeding 40% (not elsewhere specified)		
<b><u>Under EC tariff code 0603.10; 0603.11.00 to 0603.14.00, a total quantity of 635 tons [(agf 3%) <sup>2)</sup>] is allocated</u></b>			
<b>0603</b>	<b>Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared</b>	50 MFN <sup>1)</sup> or 80 GSP <sup>4)</sup>	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.
0603.10	- Fresh flowers- -Roses (from 1 January to 31 May and from 1 November to 31 December only)		
0603.11.00	-- Orchids (from 1 June to 31 October only)		
0603.13.00	-- Chrysanthemums (from 1 January to 31 May and from 1 November to 31 December only)		
0603.14.00			

<b><u>Under EC tariff code 0603.19.90 a total quantity of 762 tons [(agf 3%)<sup>2)</sup> is allocated</u></b>			
0603.19.90	-- Other fresh flowers (from 1 June to 31 October only)	50 MFN <sup>1)</sup> or 80 GSP <sup>4)</sup>	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.
<b><u>Under EC tariff code 0603.19.90.10, a total quantity of 1 305 tons [(agf 5%)<sup>2)</sup> is allocated</u></b>			
0603.19.90.10	- Proteas (from 1 January to 31 May and from 1 November to 31 December only)	100 MFN <sup>1)</sup>	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.
<b><u>Under EC tariff code 0603.90.00, a total quantity of 635 tons [(agf 3%)<sup>2)</sup> is allocated</u></b>			
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 <sup>1)</sup> or 80 GSP <sup>4)</sup>	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.
<b><u>Under EC tariff code 0811.10.90, a total quantity of 317.5 tons [(agf 3%)<sup>2)</sup> is allocated</u></b>			
0811	<b>Fruits and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter</b>	100 MFN <sup>1)</sup>	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 2006 and 2007 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		

<b>*Under EC tariff codes 2008.40, 2008.50 and 2008.70, a total quantity of 52 208.75 [(agf 3%)<sup>2</sup>] is allocated</b>			
<b>2008</b>	<b>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</b>	<b>50 MFN<sup>1)</sup></b>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
<b>2008.40</b>	<b>- Pears</b>		Permits will be allocated in collaboration with the industry, based on actual exports during the 2005, 2006 and 2007 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		<b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b>
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		
<b>2008.50</b>	<b>- Apricots</b>		
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		
	--- Apricots not containing added spirit, not containing added sugar, in immediate packings of a net content :		
2008.50.92	---- of 5 kg or more		
2008.50.94	---- of 4,5 kg or more but less than 5 kg		
2008.50.99	---- of less than 4,5 kg		

<b>2008.70</b>	<b>- Peaches, including nectarines</b>	50 MFN <sup>1)</sup>	<p>In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:</p> <p>Permits will be allocated in collaboration with the industry, based on actual exports during the 2005, 2006 and 2007 calendar years.</p> <p>Permits will be issued on annual basis and will be valid for twelve months.</p> <p><b>* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b></p>
2008.70.61	----- 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		
2008.70.69	----- 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		
2008.70.71	----- 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		
2008.70.79	----- 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 -		
2008.70.92	----- of 5 kg or more		
2008.70.98.11/19	----- of 4.5 kg or more		
2008.70.98.11	----- Peach halves (including nectarines)		
2008.70.98.15	----- Peaches, flaked or powered, whether or not containing starch		
2008.70.98.19	----- Other		
2008.70.98.21/29	----- Of less than 4.5 kg		
2008.70.98.21	----- Peach halves (including nectarines)		
2008.70.98.25	----- Peach, flaked or powered, whether or not containing starch		
2008.70.98.29	----- Other		

<p align="center"><b>*Under EC tariff code 2008.92.59 – 2008.92.98 (excluding 2008.92.72), a total quantity of 23 251 tons [(agf 3%)<sup>2)</sup>] is allocated</b></p> <p align="center"><b>Under EC tariff code 2008.92.72, a total quantity of 2 540 tons [(agf 3%)<sup>2)</sup>] is allocated</b></p>				
2008.92.59	-----	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)	50 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2008.92.72	-----	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 2005, 2006 and 2007 calendar years.  Permits will be issued on annual basis and will be valid for twelve months.
2008.92.74	-----	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)		<b>* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b>
2008.92.78	-----	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)		
2008.92.98	-----	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)		

<b>* Under EC tariff code 2009.11.99, a total quantity of 889 tons [(aqf 3%)<sup>2)</sup>] is allocated</b>			
2009  2009.11.99	<b>Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:</b>  - <b>Orange juice, frozen</b> , 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	50 MFN <sup>1)</sup>	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 2006 and 2007 calendar years.  Permits will be issued on annual basis and will be valid for twelve months.  <b>* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b>
<b>* Under EC tariff code 2009.41.10 – 2009.79.99, a total quantity of 6 350 tons [(aqf 3%)<sup>2)</sup>] is allocated, split into 4 445 tons [(aqf 3%)<sup>2)</sup>] for pineapple juice and 1 905 tons [(aqf 3%)<sup>2)</sup>] for apple juice</b>			
2009.41.10 2009.49.30 2009.71.20/99 2009.79.19 2009.79.30 2009.79.91 2009.79.93 2009.79.99	- <b>Pineapple juice</b> , of a Brix value not exceeding 20 but not exceeding 67, of a value exceeding 30 Euro per 100 kg net weight, containing added sugar <b>Pineapple juice</b> , of a Brix value exceeding 20 but not exceeding 67, of a value exceeding 30 Euro per 100 kg net weight, containing added sugar ---- Apple juice, other, of a Brix value exceeding 67, of a value not exceeding 22 Euro per 100 kg net weight ---- Apple juice, other, of a Brix value exceeding 67, of a value exceeding 22 Euro per 100 kg net weight ---- 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 ---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: with an added sugar content exceeding 30% by weight ---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: with an added sugar content not exceeding 30% by weight ---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: not containing added sugar	50 MFN <sup>1)</sup>	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 2006 and 2007 calendar years.  Permits will be issued on annual basis and will be valid for twelve months.  <b>* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b>

<b>* Under EC tariff code 2204.10.19.98 and 2204.10.99.98, a total quantity of 652 500 litres [(agf 5%)<sup>2</sup>] is allocated</b>			
<b>2204</b>	<b>Wine of fresh grapes, including fortified wines; grape must other than that of heading no. 2009</b>	100 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2204.10.19.98	--- <b>Sparkling wine</b> , of an actual alcoholic strength by volume of not less than 8.5% volume, other excluding Champagne		Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 2006, 2007 and 2008 calendar years.
2204.10.99.98	--- <b>Sparkling wine</b> , of an actual alcoholic strength of not less than 8.5% volume, other excluding Asti spumante		Permits will be issued on annual basis and will be valid for twelve months.
			<b>* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b>

<b>* Under EC tariff code 2204.21.79 – 2204.21.85, a total quantity of 49 433 000 litres [(agf 3%)<sup>2)</sup>] is allocated</b>			
2204.21.79	-----	<b>White wine of fresh grapes:</b> 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 <sup>1)</sup>  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 2006, 2007 and 2008 calendar years.  Permits will be issued on annual basis and will be valid for twelve months.  <b>* This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 June 2009.</b>
2204.21.80	-----	<b>Wine of fresh grapes:</b> 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	
2204.21.84	-----	<b>White wine of fresh grapes:</b> 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	
2204.21.85	-----	<b>Wine of fresh grapes:</b> 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	

- 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.