

No. R. 299

16 April 2010

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

**CONTINUATION OF STATUTORY MEASURE AND DETERMINATION OF
GUIDELINE PRICES: INFORMATION LEVY ON GRAPES, GRAPE JUICE
CONCENTRATE AND DRINKING WINE**

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) continue the statutory measure set out in the Schedule;
- (b) determine that the guideline price for –
 - (i) grapes intended for the production of wine shall be R3091,00 per ton;
 - (ii) grape juice concentrate intended for use in wine shall be 265,17 cents per litre at 17.4 °Balling; and
 - (iii) drinking wine shall be 337,99 cents per litre.

T 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 –

“drinking wine” includes grape juice used in the production of drinking wine and drinking wine used in the production of other alcoholic products;

“grapes” means grapes intended for the production of drinking wine or distilling wine;

“grape juice” means grape juice and grape juice concentrate intended for use in drinking wine or other alcoholic products;

“grape producer” means any producer of grapes intended for the production of drinking wine or distilling wine;

“in bulk” means a container of more than five litres;

“registered” means registered with SAWIS as a bottler, grape producer, grape juice producer, wine exporter, wine producer or wine trader, as the case may be;

“SAWIS” means the South African Wine Industry Information and Systems, a company incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

“wine producer” means any person who crushes grapes and who is not registered as a wine trader;

“wine spirit” means any spirit derived from wine, wine lees or husks;

“wine trader” means any person not registered as a wine producer who purchases or otherwise acquires -

- (a) grapes;
- (b) drinking wine, distilling wine or wine spirit, in bulk from a wine producer.

Purpose and aims of continuation of statutory measure and the relation thereof to the objectives of the Act

2. (1) The continuation of the information levy is needed by SAWIS to fund the registration of industry role players, and ensure the collection and dissemination of information. This measure is necessary to ensure that continuous, timeous and accurate information relating to various products in the wine industry, is available to all role players in order for them to make informed decisions.
- (2) The information levy will not be detrimental to the number of employment opportunities or fair labour practice and is a necessity in view of the registration and records and returns statutory measures.
- (3) The information levy will be administered by SAWIS. SAWIS will continue to implement and administer the information levy.

Products to which statutory measure shall apply

3. The information levy shall apply to grapes, grape juice concentrate and drinking wine.

Area in which statutory measure shall apply

4. The information levy shall apply in the geographical area of the Republic of South Africa.

Information levy

5. (1) An information levy is hereby continued to be imposed on –
- (a) grapes;
 - (b) grape juice concentrate; and
 - (c) drinking wine.
- (2) The amount of the information levy shall –
- (a) in the case of grapes, be R8,75 per ton;
 - (b) in the case of grape juice concentrate, be 1,25 cent per litre at 17,4 degrees Balling;
 - (c) in the case of drinking wine, be 1,25 cent per litre.
- (3) The information levy shall –
- (a) be payable by a wine producer in respect of drinking wine packaged in containers of 5 litres or less;
 - (b) be payable by a wine trader in respect of -
 - (i) grapes;
 - (ii) grape juice concentrate in containers of more than 5 litres, acquired from a wine producer; and
 - (iii) drinking wine in containers of more than 5 litres, acquired from a wine producer.
- (4) The information levy shall be payable to SAWIS in accordance with sub clause (5).

- (5) (a) Payment of the information levy shall be made not later than sixty days following the month of delivery of a quantity of grapes, grape juice concentrate or drinking wine sold, purchased or otherwise acquired.
- (b) Payment shall be made by means of a cheque or electronic transfer in favour of SAWIS, and shall –
- (i) when paid by cheque, be addressed to –
- SAWIS, P O Box 238, Paarl, 7620;
- (ii) when electronically transferred, be paid to the bank account obtainable from SAWIS on request.

Remaining levies

6. For the purposes of section 15(5)(a) of the Act, any information levies collected, administered or kept by SAWIS before 1 November 2009, and remaining in the possession or under the control of SAWIS after 1 November 2009, may only be utilised by SAWIS for the purpose and aims set out in clause 2.

Use of levy

7 The Minister approves that –

- (a) at least 70% of the levy funds should be used for the core business e.g. providing information services;
- (b) no more than 10% for administrative use; and
- (c) approximately 20% be allocated towards transformation.

Period of validity

8. The information levy shall be implemented on date of publication and will lapse on 31 December 2013.