
GENERAL NOTICES

NOTICE 342 OF 2011

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

PROCEDURES FOR THE APPLICATION, ADMINISTRATION AND ALLOCATION OF REBATE PERMITS FOR THE IMPORTATION OF NATURAL HONEY FOR THE CALENDAR YEAR 2011

It is hereby made known that rebate permits will be issued to all persons interested in importing natural honey into the Republic of South Africa during the calendar year 2011, under a rebate of the full customs duty on natural honey classifiable under Tariff Heading 04.09 and under the conditions set out in the Schedule.

Langa Zita

DIRECTOR GENERAL: AGRICULTURE, FORESTRY AND FISHERIES

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 import performance over the period of one to three years, as stipulated under item 4.3 of this schedule and item 12 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 importer's category means SMME's and new importers that do not qualify under the historical or BEE-category.

2. Application for rebate permits

- 2.1 Any person interested in importing natural honey must apply therefore on a copy of the application form in the Annexure.
- 2.2 The application form is available electronically on request from TimothyM@daff.gov.za and JanK@daff.gov.za;
- 2.3 When applications for rebate permits are submitted a copy of the permit issued in terms of the Agricultural Pests Act, (Act No. 36 of 1983) must be included therewith.

- 2.4 An application form will only be accepted if duly completed.
- 2.5 An applicant bears the responsibility to ensure that –
- (a) the application form reflects the correct information as requested;
 - (b) the application is submitted timeously within the time period contemplated in paragraph 5.1; and
 - (c) the application has been received by the Administrative Officer: Management and Support (Mr B. Nedombeloni).

3. Addresses for applications

3.1 Applications must –

- (a) When forwarded by post, be addressed to:
The Administrative Officer: Management Support
Department of Agriculture
Private Bag X15
ARCADIA,
0007

(For attention: Mr. B. Nedombeloni, Sefala Building, Room 715)
- (b) When delivered by hand, be delivered to:
The Administrative Officer: Management and Support
Department of Agriculture
Sefala Building, Room 715
503 Belvedere Street
ARCADIA

(For attention: Mr. B. Nedombeloni)
- (c) When transmitted by facsimile, be transmitted to:
Facsimile number: (012) 319 8077
For attention: Mr. B. Nedombeloni

Applications transmitted by facsimile must be followed up by forwarding the original application to the address contemplated in paragraph (a) or (b) to reach the Department within 14 days of the facsimile transmission.

- 3.2 Applications delivered by hand will only be accepted during the Department's official hours of 07:30 to 16:00.

4. Conditions for the issuing of permits

4.1 Rebate permits will be issued under the following conditions:

- (a) Imported natural honey must comply with section (3) of the Agricultural Pests Act, 1983 (Act No. 36 of 1983).

- (b) Imported natural honey must be repacked in immediate packings of less than 1 000 g.
- (c) Repacked imported natural honey must comply with the stipulations of the regulations relating to the grading, packing and marking of honey and mixtures of honey intended for sale in the Republic of South Africa as published in Government Notice No. R. 835 of 25 August 2000 in terms of the Agricultural Products Standard Act, 1990 (Act No. 119 of 1990).
- (d) The importer must be a *bona fide* repacker of natural honey.

4.2 Permits will be allocated on the basis of the following categories:

- (a) 10% to importer, referred to as BEE importers;
- (b) 20% to importers, referred to as SMME and new importers; and
- (c) 70% to importers, referred to as historical importers.

4.3 The allocations of the quota for permits will be done as follows --

- (a) Importers in the SMME and new importer's category on an equal basis;
- (b) BEE importers either on an equal basis or as a historical importer, whichever will enhance government policy for BEE development; and
- (c) Historical importers in proportion to the average of the quantity imported and local take-up of honey by the applicant during the past three years to a ratio of 60:40, respectively.

4.4 The quantity imported by a historical importer will be calculated in proportion to the average of the quantity imported and local take-up by the applicant during the past three years (2008, 2009 and 2010). A detailed list of the bills of entry for the period concerned, together with a detailed list of quantities of local honey procured during the period stipulated must be submitted with the application form.

4.5 If the allocation for a particular category is not fully utilized, the balance may be re-allocated to the other categories.

4.6 Despite any provision in other law, 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. Time period for applications

5.1 Applications for rebate permits must be submitted within four weeks from the date of publication of this notice.

5.2 Permits will be valid from 1 January 2011 to 31 December 2011.

6. Procedure to pay for an import permit

6.1 (a) Payment of a tariff of R470 per permit will be payable for permits issued for annual permits for 2011, as well as lost and replacement permits issued until 31 December 2011.

6.2 All application forms to be accompanied by proof of payment (bank deposit slip or cashier receipt), as stipulated under item 14 of the application form.

6.3 Payment to be made as follows:

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

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 Permits issued for products in terms of schedule no. 4, General Rebates of Customs Duties, are subject to the Agricultural Black Economic Empowerment (AgriBEE) Sector Charter (AgriBEE Charter) under section 12 of the Broad Based Black Empowerment Act, 2003 (Act No 53 of 2003). The AgriBEE Charter was published in Notice no. 314 of Government Gazette no. 30886 on 20 March 2008. The AgriBEE Charter is also available on the departmental website <http://www.daff.gov.za>; Publications / Government Gazette / Notice no. 314.

7.2 In the initial phase of implementation of the AgriBEE criteria, until such time that the AgriBEE Sector Code under section 9 of BEE Charter is finalized, exporters will not be disqualified for quota allocation purposes but failure to do an evaluation after the initial phase of implementation will constitute automatic non-compliance.

- 7.3 According to the Generic Codes of Good Practice, enterprises with a moving average turnover of less than R5 million (Exempted Micro Enterprises or EME's) are deemed to be exempted. A declaration confirming their EME status, signed by a Financial Accountant must be submitted to the Department of Agriculture, Forestry and Fisheries. The envisaged AgriBEE Sector Code under Section 9 will indicate the turnover threshold levels for Exempted Micro Enterprises (EME's) and Qualifying Small Enterprises (QSE's).
- 7.4 The AgriBEE Charter applies to multinational businesses or South African multinationals whose business falls within the scope of the Charter as defined in the Broad Based Black Empowerment Act, 2003 (Act No 53 of 2003). A specific regime for multinationals exists in the Codes of Good Practice and will apply.
- 7.5 Enterprises using agricultural or agricultural related products for processing and / or manufacturing products in a multidiscipline sector will be evaluated according to the AgriBEE Charter.
- 7.6 Companies or businesses, irrespective of the size (large, medium, small, very small or micro) have to do a proper evaluation in terms of the indicative AgriBEE Scorecard to indicate their progress towards BEE compliance as at 31 October 2010.
- 7.7 Only BEE verification certificates issued by Accredited Verification Agencies or Verification Agencies that are in possession of a valid pre-assessment letter from South African National Accreditation Systems will be valid. The period of validity of the certificates will be 12 months from the date of issue. Despite this aforementioned provision, all verification certificates issued by non-accredited verification agencies before 1 February 2010, will remain valid for 12 months from the date of issue as published in the Government Gazette No. 32467 of 31 July 2009. The list of accredited Verification Agencies is available on the Department of Trade and Industry website ([http:// www.thedti.gov.za](http://www.thedti.gov.za)). Certificates issued for a holding company can be used by all its subsidiaries.

8. General

This notice replaces all previous notices regarding procedure for the application, administration and allocation of rebate permits for the importation of natural honey.

ANNEXURE

APPLICATION FORM FOR REBATE IMPORT PERMIT FOR NATURAL HONEY FOR THE CALENDAR YEAR 2011

1. NAME OF IMPORTER:
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. INDICATE PRINCIPAL BUSINESS:
- | | | | | |
|-------|----------|-----------|----------|-------|
| AGENT | REPACKER | PROCESSOR | RETAILER | OTHER |
|-------|----------|-----------|----------|-------|

If other, specify:

10. CLASSIFICATION OF CATEGORIES:
For classification into categories (see Item 1, 4.2 and 4.3 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 and AgriBEE Charter – indicate compliance with the criteria, and attach BEE evaluation certificate or declaration of exemption.

11. APPLICATION – SUBMISSION FOR THE PERIOD 1 JANUARY 2011 – 31 DECEMBER 2011:

TARIFF HEADING OF PRODUCT	DESCRIPTION OF PRODUCT	QUANTITY APPLYING FOR: Tonne

12. Summary of **BILLS OF ENTRY** Quantity imported over the past three years (first time applicants and where applicable) **PLEASE NOTE: A detailed list of bills of entry (not copies of documents) must be attached to this application form.**

TARIFF HEADING	TOTAL FOR 2008	TOTAL FOR 2009	TOTAL FOR 2010

13. Summary of Local take – up of Honey. **PLEASE NOTE: A detailed list of producers, specified transaction dates and quantities for the period 2008 to 2010 must be submitted for verification.**

PRODUCT	TAKE-UP FOR 2008	TAKE-UP FOR 2009	TAKE-UP FOR 2010

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

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 _____ 2011

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/affirmation?

Answer

(3) Do you consider the prescribed oath/affirmation 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: _____

PHYSICAL ADDRESS: _____

DATE: _____

PLACE: _____

PLEASE COMPLETE THE ABOVE AFFIDAVIT WHICH IS AN INSEPARABLE PART OF THE APPLICATION FORM AND MUST BE SUBMITTED WITH EACH APPLICATION