

No. 414

1 June 2012

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
LEVIES ON TABLE OLIVES AND OLIVE OIL

I, Tina Joemat-Pettersson, Minister for Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), hereby establish the statutory measure set out in the Schedule.

TINA JOEMAT-PETTERSSON,
Minister for 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 indicates otherwise :

"cultivar" means a type of *Olea europaea* tree which may include cultivars such as Mission, Leccina, Frantoio, Coratina, Kalamata or any other recognised *Olea europaea* cultivar;

"fresh olives" means the unprocessed fruits of the *Olea europaea* to be used for the production of table olives, olive paste or olive oil;

"grower" means any entity involved in growing the *Olea europaea* to be sold for commercial gain, i.e. nurseries;

"olive oil processor" means the entity which extracts olive oil from fresh olives;

"olive products" means the processed products obtained from fresh olives, namely table olives, extra virgin olive oil and virgin olive oil;

"olive trees" means *Olea europaea* trees of any cultivar;

"olives" means the fruits of the *Olea europaea*;

"processed olive products" means the fruits which have been processed and are ready for consumption;

"processed table olives" means olives that have been processed and are ready for consumption;

"producer" means the entity which grows olive trees to produce fresh olives for commercial gain;

"table olive packer" means the entity which buys in processed table olives in bulk and packages these olives for resale;

"table olive processor" means the entity which converts the fresh olives into product which can be consumed;

"The Act" means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996);

"virgin olive oil" means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil.

A person shall have a choice to register as either a producer or as an importer or as a processor. A person who is a producer as well as an importer and/or processor, must register as a producer and as an importer and/or processor.

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

2. The levy is needed by SA Olives to fund research projects, technical information and technology transfer; quality control and certification; information and statistics; communication, consumer education and market development; and transformation and training for the olive industry.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the olive industry, is available to all role players in order for them to make informed decisions.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory

measures relating to registration and the rendering of returns applicable to olive products.

The measure will be administered by HORTGRO^{SERVICES}, a company incorporated under section 21 of the Companies Act, 1973 (Act 61 of 1973). HORTGRO^{SERVICES} will implement and administer the measure as set out in the Schedule on behalf of DFPT Finance, a company incorporated under section 21 of the Companies Act, 1973 (Act 61 of 1973).

Products to which statutory measure applies.

3. This statutory measure shall apply to table olives and olive oil both from domestic production and imports.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Imposition of levy

5. A levy is hereby imposed on table olives and olive oil.

Amount of levy

6. The amount of the levy shall be:
 - (a) 8c/kg on all table olives; and
 - (b) 40c/litre on all olive oil.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall –

- (a) be payable by a table olive and/or olive oil producer and/or processor and/or importer.
- (2) A levy imposed under clause 5 shall be payable to DFPT Finance in accordance with clause 8.

Payment of levy

- 8. (1) Payment of the levy shall be made not later than thirty (30) days following the month end wherein a quantity of table olives and/or olive oil was delivered or imported for sale on the domestic market.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of DFPT Finance, and shall –
 - (a) when paid by cheque, be addressed to –

DFPT Finance
PO Box 163
PAARL
7620
 - (b) when electronically transferred, be paid to the bank account obtainable from DFPT on request.

Commencement and period of validity

- 9. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.