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South Africa, Republic of

Food and Agricultural Import Regulations and Standards

Country Report

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Report Highlights:

Updates in this report include the following:

In June 2002, the South African Department of Health released two proposed regulations for public comment, governing application of the both the usage of the HACCP system, and microbial specifications for certain products. The 2001 proposal by South African Department of Health on labeling requirements for GMO products is still under review.

Includes PSD changes: No
Includes Trade Matrix: No
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" This report was prepared by the office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Pretoria, S.A. for the U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate because of fragmented information received from different government organizations. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY."

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Executive Summary

The Import/Export Control Act gives the Minister of Trade overall authority to control imports and exports to and from South Africa. In April 2002, South Africa's Department of Health released a proposed document on regulations governing usage of a HACCP system applicable for both domestic and imported foodstuffs, for public review for three months. The 2001, proposal by the South African Department of Health on labeling requirements for GMO products is still under review.

Report Purpose

The FAIRS report is a market access report which aims to consolidate general information on the technical requirements for food and agricultural imports imposed by a country. It covers all edible food products, including processed fishery products, as well as regulations and standards governing the products.

Report Type

This is a FAIRS 'Country' report.

Report Update

Section I, VI and VIII are updated.

SECTION 1

In June 2002, the South African Department of Health, Directorate of Food Control, released a proposed regulation on Hazard Analysis Critical Control Point (HACCP) under the Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972). A special HACCP working group under Food Legislation Advisory Group (FLAG), an initiative of the Directorate of Food Control, has drafted regulations governing the application of HACCP in all sectors of the South African food industry.

All imports of foodstuffs should comply with the regulations as applied by the Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972); and the South African Bureau of Standards (SABS) through the Trade Metrology Act (Act of 1973).

SECTION II. LABELING REQUIREMENTS

Imported food products must meet South Africa's phytosanitary, veterinary, legal and labeling requirements. The responsibility to comply with the regulations lies principally with the South African importer. Some requirements must be met by the exporter before shipment occurs, but it is the responsibility of the importer to ensure that the exporter is aware of and meet all the requirements. Articles of food in unlabeled containers are prohibited and are detained after inspection by the Health Port Officer. Labeling requirements are covered under the Foodstuffs, Cosmetics and Disinfectants Act, the Agricultural Product Standards Act, 1990, and the Agricultural Pest Act of 1983.

GMO PRODUCT LABELING

In May 2001, South Africa's Department of Health released proposals on the labeling of Genetically Modified and non-Genetically Modified foodstuffs for public comment. According to the proposals, labeling is to be mandatory only when; The composition differs significantly from non-GM foods; Nutritional value differs significantly; Storage, preparation or cooking differs significantly; Has potential hypersensitivity; Derived from plant material containing human or animal nucleic or protein from a GMO; Derived from animal material containing foreign animal nucleic acids or proteins from a GMO.

Voluntary claims on labeling are permitted if; It is applicable to improved composition, nutritional value, reduced causation of hypersensitivity; It is validated and certified and with the name of certifying body on the label; The claim must indicate that improvement has been achieved by certain GM techniques. A GM-free claim is not permitted.

Detailed explanations and comments on the proposals are available from the Department of Health, Tel no: 27-012-312-0159.

SECTION III. PACKAGING AND CONTAINER REQUIREMENTS

For all goods, temperature in transit and at points of destination must be taken into consideration when using gels and dry ice. Dry goods should be packed tightly to avoid internal damages. Chilled goods should be packed either in insulated containers with gel-packs/blue ice or in heavy cardboard boxes with gel-packs. Frozen goods, as with chilled, should be tightly packed with gel-packs and/or dry ice. Carton labels should be marked to indicate either dry/chilled/frozen contents. Goods should never be packed with wet ice. The shipments should be marked with colored labels, and all boxes should contain the following:

Supplier's name, address, Destination, Total number of cartons shipped, and a copy of pro-forma / Commercial invoice.

SECTION IV. FOOD ADDITIVE REGULATIONS

Foodstuffs containing food additives used as oxidants, sweeteners, colourants, curing agents, flavor enhancers, flavourants or preservatives, must be labeled with indications of every food additive. The label on any prepacked food additive or blend of food additives must comply with all labeling requirements and bear the words 'for use in foodstuffs', or 'for use in food' or 'blend of food additives'. If an additive is sulphur dioxide, the maximum and minimum percentages should be specified. The common chemical name of the product should be used in labels. The names 'food colorant' or 'food coloring' or 'food color' and common chemical name and color index number should appear in the label. The date of maximum durability for food additives with the shelf-life not exceeding 18 months should have words as 'use before X', where X represents the latest recommended date of use.

Regulations governing the labeling and advertising of foodstuffs are contained in: Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act no. 54 of 1972).

SECTION V. PESTICIDES AND OTHER CONTAMINANTS

Restrictions on agricultural products

The Foodstuffs, Cosmetics and Disinfectants Act, 1972 governs the maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuffs, as well as regulations that govern microbiological standards for foodstuffs and related matters; and regulations governing the maximum limits for pesticide residues that may be present in foodstuffs.

The National Department of Agriculture's standards and requirements for imported and exported agricultural and food products are published annually under the Agricultural Product Standards Act (Act No. 119 of 1990). These standards stipulate the maximum residue limits for permissible chemicals.

SECTION VI. OTHER SPECIFIC STANDARDS

South Africa is a member of the WTO and is bound by the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). It also generally applies CODEX standards, but has very stringent SPS standards for some agricultural products. For example, the Department of Health (and not the Department of Agriculture), has imposed very restrictive tolerances for certain noxious seeds in grains. The legislation has been in force since the early 1970's and had never been reviewed until late 1999, when a shipment of U.S. wheat was detained upon detection of amounts of *Convolvulus* (Morning Glory) seeds above the tolerance level. To facilitate trade, and in the absence of clear international guidelines on tolerance levels for those seeds, the Department of Health enacted interim tolerance levels of 50 seeds for 10 kilograms of seed for *Convolvulus*. The issue is still under review by the Ministry of Health.

South Africa requires permits for import, development, production, usage, release and distribution of GMO products. However, a permit is not necessary if the organisms are used in academic and research facilities. All GMO related consignments (containing more than 1% GMOs) entering South Africa require permit under the Genetic Modified Organisms Act, 1997 (Act no. 15 of 1997). Application for imports, exports and contained use of GMO products takes a minimum of 30 days and must be accompanied by a nominal fee. Specific requirements for the importation to South Africa that may inadvertently contain GMOs require a certificate from an independent accredited entity confirming that the consignment is free from GMOs or contains less than 1% GMOs. For further information, the Department of Agriculture, Directorate Genetic Resources can be reached at Tel: 27-12-319-6336, Fax; 27-12-319-6329.

The phytosanitary regulation that restricted U.S. corn imports into certain areas of South Africa was lifted in 2000. The restriction was based on the concern that the corn grown by South African farmers might not be resistant to Stewart's wilt, a bacterial disease present in the United States. Entry of U.S. corn is subject to inspection but no laboratory testing is required. However, the normal phytosanitary certificate will require an additional declaration stating that the consignment was inspected and found free of corn flea beetle. This favors prospects for further imports from the U.S. Imports of corn seed from certain U.S. states are still subject to phytosanitary restrictions.

Restrictions for honey and mixtures of honey

The regulations relating to the grading, packing and marking of honey and mixtures intended for sale in South Africa are applied under the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990). Imported honey must also comply with relevant requirements prescribed by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 as applied by the Department of Health (Tel. 27-12-312-0186/5), and conditions as stipulated by the prescribed permit issued in terms of the Agricultural Pests Act, 1983, as applied by the Department of Agriculture (Tel. 27-12-319-6102/1). A rebate permit can be accessed at the Department of Agriculture at (Tel. 27-12-319-6025).

Phytosanitary requirements for fresh fruit imported from the U.S.

Currently, the only fresh fruit permitted entry into South Africa from the U.S. are fresh grapes and citrus from certain areas, subject to quarantine and inspection requirements. Access for additive fruits will be subject to basic risk assessments. For more information, contact: Directorate: Plant Health Quality, NDA, tel: 27-12-319-6346.

The Perishable Products Export Control Board (PPECB)

PPECB is mandated and obliged by law to act in the best interests of the South African perishable product industries as a whole and to enforce specific shipping temperatures.

It is also responsible for ensuring that products meet quality standards; its principal control mechanism is through product sampling. Currently, the PPECB is in the process of registering as an international quality Management Organization (ISO 9000). It also intends to extend its management system to cover the full 'orchard to consumer' logistical chain, e.g. improving procedures on HACCP and quality management systems on food safety in order to provide a fully comprehensive range of services.

The National Department of Agriculture, Directorate of Plant Quality and Health, is developing a system-based quality assurance program for export food industries, including the deciduous fruit sector, incorporating HACCP-based principles for food safety control.

The South African Bureau of Standards (SABS), recently revised codes of practice, SABS 049-1989, for hygiene, GMP in South African food industries. This will also impact the deciduous fruit sector. The code of practice, SABS 0330-1999, entitled "The Implementation and Management of a HACCP System" has been published and it provides a detailed description of points outlined above.

Regulations for a HACCP system applicable to imported foodstuffs

In April 2002, South Africa's Department of Health released a proposed regulations governing usage of HACCP system applicable for both domestic and imported foodstuffs, for a three month public review. The HACCP system, which is science based and systematic, identifies specific hazards and measures for their control to ensure the safety of food. South Africa structured the system to address the principles provided by the Joint Food and Agricultural Organization/ World Health Organization (FAO/WHO) food standards programs and the Codex Alimentarius Commission's general food hygiene requirements.

This regulation can be accessed under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act no.54 of 1972).

Regulations governing microbial standards for foodstuffs and related matters

Amendments have been made to this regulation for rooibos and honey-bush teas to include microbial specifications by June 2002. This regulation can be accessed under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act no.54 of 1972).

SECTION VII. TRADEMARK OR COPYRIGHT LAWS

Regulations relating to copyright and related matters are applied under the Copyright Act no.98 of 1978, amended as Copyright Amendment Act, no. 125 of 1992. All products require documentation to enter South Africa and some require specialized certification.

SECTION VIII. IMPORT PROCEDURES

The following table summarizes requirements for certain imported food products:

PRODUCTS	REQUIREMENTS
1. Meat or meat products	Import permit/ veterinary health certificate
2. Dairy products	Import permit/ veterinary health certificate
3. Wine, spirit, beer, liquor	Import permit
4. Seafood products	Import permit required, *DTI
5. Plant products	Phytosanitary certificate

*DTI (Department of Trade and Industry)- Director: Bilateral Trade Relations, Private Bag X84 PRETORIA. Tel:27-012-310-9373, Fax: 27-012-322-7353.

A permit is required for the importation of controlled commodities. This should be done 30 days prior to date of arrival of controlled goods at specific port of entry. Upon entry, imports should be inspected in terms of section 3(2)(b) of Act 36 of 1983 to ensure that the consignments are readily available and the marks, printing/writing on the containers or on labels attached can readily be read. All import documents should be submitted to the Director: Plant and Quality Control, Private Bag X258 PRETORIA, 0001

A permit shall not be issued to any person other than linked to a research institution for importation of any live plants, vegetative propagation material or seed of a kind of plant that has in terms of section 2(3) of the Conservation of Agricultural Resource Act, 1983(Act 43 of 1983), been declared a weed or an invader plant.

No phytosanitary certification is required for some specified commodities intended for planting. However, for other species a phytosanitary certificate is necessary with no additional declaration required. A permit is required for imports of all organisms derived from activities which involve genetic manipulations.

Tariffs

Following the deregulation of the agricultural sector, tariffs have become the main policy instrument used by the government to regulate imports. South Africa's tariffs on agricultural products are normally applied at below their Uruguay Round bound rates. One of the major constraints to increased U.S. trade in South Africa is high import prices of U.S. products as a result of an unfavorable dollar/rand exchange rate. The value of the South African Rand has fallen from an average of 4.30 in 1996 to a 9.89 Rand per dollar by 10 June 2002.

Field crops

South Africa's applied tariffs for some products, such as wheat and corn, are not derived from a straight line yearly average reduction over the Uruguay Round implementation period, but rather are based on a pre-determined trigger price, which mirrors a minimum import price.

Corn

The current corn tariff, as at 06/14/2002 is full duty less 10%.

Under normal conditions, South Africa imports only a small quantity of corn into the coastal areas, mainly from Argentina which enjoys a transport cost advantage. In 1999, U.S. corn also faced phytosanitary restrictions which was phased out in early 2000.

The wheat tariff is full duty less 14,4% by 06/14/2002

Meat and Meat Products

Poultry

In December 2000, South Africa imposed anti-dumping duties on U.S. chicken parts (HS 0207.14 and 1602.332) as a result of an investigation that began in December 1999 following a complaint by the South African poultry industry.

The duties are as follows:

Frozen, prepared or preserved meat of fowls of species *Gallus domesticus*, cut in pieces with bone-in (excluding that cleared in terms of rebate item 470.03 of schedule no.4 to the Customs and Excise Act, 1964), manufactured by Tyson Foods Incorporated, has a tariff of R2,24c/kg.

Frozen, prepared or preserved meat fowls of species *Gallus domesticus*, cut in pieces with bone-in (excluding that cleared in terms of rebate item 470.03 of schedule no.4 to the Customs and Excise Act, 1964), manufactured by Gold Kist Incorporated, has a tariff of R2,45c/kg.

Frozen, prepared or preserved meat of fowls of species *Gallus domesticus*, cut in pieces with bone-in (excluding that manufactured by Tyson Foods Incorporated and Gold Kist Incorporated and that cleared in terms of rebate item 470.03 of schedule no.4 to the Customs and Excise Act, 1964), has a tariff of R7,25c/kg. The current report is that the previous R7,25c/kg has been reduced to R6,96c/kg.

Red meat

Import duties for beef and mutton/lamb is 40% ad valorem. The duty is based on the cost of the product ex-store in the exporting country. This method of applying duties can lead to under-invoicing of imported products. The industry is now opting for a flat rate duty as in the case of chicken portions. Import duties for Pork meat is 15% or 130c/kg.

Horticultural products

Fruits and fruit juices

Fresh Oranges:	5%/kg
Fresh Grapefruit:	5%/kg
Fresh Lemons:	5%/kg
Frozen Concentrate Orange Juice:	25%/kg
Orange Juice, not frozen:	25%/kg
Fresh Apples :	5%/kg
Apple juice	Free
Fresh Pears:	5%/kg
Fresh Cherries:	5%/kg
Fresh Peach/Nectarines:	5%/kg
Fresh Strawberry:	5%/kg
Fresh Grapes:	5%/kg
Grape juice	5%
Raisins	Full duty less 4,6%
Prunes	Full duty less 6,6%

Tree nuts

Almonds, unshelled	Free
Almonds, shelled	Free
Pistachios	Free
Walnuts	Free

Vegetables

Corn,sweet canned	20%/kg
Broccoli	Free
Lettuce	Free
Tomatoes	15%/kg
Potatoes	0.48%/kg

Wine

Wine (2 liters or <)

Full duty in part 1 less 19,6%

Sparkling wine(2 liters or <)

Full duty in part 1 less 14,6%

Tariff Rate Quotas

South Africa has tariff-rate quotas on many products, among which are wheat, sorghum, corn, meat of swine and sheep, sunflower-seed, potatoes and sugar. These TRQs were established as part of the Uruguay Round market access commitment, and their implementation became effective on January 1, 1995. The main administrative mechanism for implementing these TRQs is through import permits issued by the Department of Agriculture, and country specific allocations to traditional importers. South Africa's implementation of TRQs appears to be WTO consistent. The South African Department of Trade and Industry has noted to the WTO that many of the TRQs have not been opened because the applied rates for the products have been less than the in-quota tariff rates, and that for those that have been opened the applied rates have usually been less than the bound rates.

In 2000 the South African Government restructured its administration to include a Directorate of Dumping Investigation which is responsible for the anti-dumping matters that were traditionally handled by the Board on Tariffs and Trade (BTT). The Board on Tariffs and Trade now handles only all tariff matters.