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Global Agricultural Information Network

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Food and Agricultural Import Regulations and Standards – Narrative

FAIRS Country Report

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Report Highlights:

All the sections of the Report except sections VIII (Import Procedures) and Section IX (Other Certification and testing requirements) have been updated based on recent regulation amendments and to provide feedback on the amendments published in 2014.

SOUTH AFRICA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

This report was prepared by the office of Agricultural Affairs of the USDA/Foreign Agricultural Services in Pretoria, South Africa for 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 either because policies may have changed since its preparation, or because clear and consistent information about these policies was not available. 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.

SECTION I: GENERAL FOOD LAWS

Regulatory Authorities

The South African Food and Agricultural import regulations and standards are developed and administered by three ministries, namely, the Department of Health (DOH), Department of Agriculture, Forestry and Fisheries (DAFF) and Department of Trade and Industry (DTI). The responsibilities and related legislations of these ministries are presented in **Table 1, 2 and 3**.

Table 1: Department of Health

Division/Directorate	Summary
Food Control Division	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Food legislation and regulations for all food safety, food labelling, advertisement and related matters. • Audit and support Port Health Services, and Municipal Health Services • Evaluate risk assessments related to agricultural chemicals and food produced through biotechnology for the DAFF • Acts as South Africa's National Contact Point for the joint FAO/WHO Codex Alimentarius Commission, International Food Safety Authorities Network and the European Union Rapid Alert System for Food and Feed <p><u>Website Link</u></p> <ul style="list-style-type: none"> • http://www.health.gov.za/index.php/gf-tb-program/114-food-control <p><u>Legislation Link</u></p> <ul style="list-style-type: none"> • Click here to download the Foodstuffs, Disinfectants and Cosmetics Act 54 of 1972

Source: Department of Health

Table 2: Department of Agriculture, Forestry and Fisheries

Division/Agency	Summary
Food Safety and Quality Assurance	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Administrating standards and norms for food producers, agricultural and related products of animal and plant origin. • Appoint the following assignees for inspections and enforcement; <ul style="list-style-type: none"> • <u>The Perishable Products Export Control Board</u>: to conduct inspections, certification and chain management for producers and exporters of perishable food products • <u>South African Meat Industry Company</u>: classification and marking of meat intended for sale in South Africa • Product Control for Agriculture (<u>PROKON</u>) : for potatoes intended for sale on the local market • Liquor imports and exports regulation and certifications. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Agricultural Products Standards Act, 1990 (Act 119 of 1990). • Click here to download the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947) • Click here to download the Liquor Product Act, (Act 60 of 1989).

Plant Health	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulation of import and export of plants and plant products. • Registration and approval process of facilities (Production Unit (s) (PUC), Pack house (s) (PHC) and Inspection Points) to enable APIS and PPECB to conduct inspections. • National Plant Protection Contact Point (NPPCP) of South Africa <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Agricultural Products Standards Act, 1990 (Act 119 of 1990).
Plant Production	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Seed testing • Registration of premises for seed and nurseries, seed quality laboratories and plant and seed health laboratories • Importation of listed and unlisted varieties <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Plant Improvement Act, No 53 of 1976
Animal Health	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Promote, prevent and control animal diseases • Formulate policy and manage risks in the import and export of animals and animal products <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Animal Diseases Act No. 35 of 1984 • Click here to download the Meat Safety Act No.40 of 2000 • Click here to download the Animal Identification Act No. 6 of 2002 • Click here to download the Veterinary and Para-Veterinary Professions Act No. 19 of 1982 • Click here to download the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act no. 36 of 1984)
Genetic Resources	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Develop and implement policies, legislations, strategies and norms and standard on the management of genetic resources for food and agriculture. • Regulate and promote the availability of propagating material of genetic resources for food and agriculture. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download The Plant Breeders' Rights Act. 1976 (Act No.15 of 1976)

Source: Department of Agriculture, Forestry and Fisheries

Table 3: Department of Trade and Industry

Division/Agency	Summary
The National Regulator for Compulsory Specification (NRCS)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Enforces and sets standard specifications for both locally produced and imported seafood and canned fish products. <p><u>Website</u></p> <ul style="list-style-type: none"> http://www.nrcs.org.za/ <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the National Regulator for Compulsory Specifications Act, 2008. Click here to download the Compulsory specifications for seafood and canned fish products. Click here to download the Consumer Protection Act, 2008
South African Bureau of Standards (SABS)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Development, promotion and maintenance of food standards and quality. Food Product testing Certification, auditing and assessment services for food and beverage processes, equipment, accessories, services and standards WTO/TBT Point of Contact <p><u>Website</u></p> <ul style="list-style-type: none"> https://www.sabs.co.za/ <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the Standards Act, 2008 (Act No. 5 of 2008)
Companies and Intellectual Property Commission (CIPC) – Patents, Designs and Innovation Division	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Registration and maintenance of Intellectual Property Rights (trademarks, patents, designs and copyright) <p><u>Website</u></p> <ul style="list-style-type: none"> www.cipc.co.za <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the Patent Act, 1978 Click here to download the Trade Marks Act No 194 of 1993 Click here to download the Merchandise Marks Act 17 of 1941 Click here to download the Designs Act, 1983 Click here to download the Copyright Act, 1978
National Liquor Authority (NLA)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Applications for national manufacturing and distribution licenses. Registration and inspection services of macro-manufacturers and distributors of liquor <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to down the Liquor Act, No. 59 of 2003 Click here to download the Regulations for the registration of liquor manufacturers and distributors and related matters arising under the liquor Act 2003

Source: Department of Trade and Industry

Enforcement of food regulations

Table 1 reports that the Food Control Division of the DOH is responsible for enforcing compliance with all foodstuffs regulations including processed ready-to-eat food products. The National DOH is responsible for drafting regulations, and assigns the enforcement of compliance with all foodstuffs regulations to local municipalities and food health inspectors at the port of entry. The challenge with this approach is that some municipalities do not have adequate budgets and capacity to ensure the effective enforcement of all the food regulations. As a result, many small to medium business operate under the radar, while the larger businesses self-regulate.

The DAFF, through the National Quality Assurance and Food Safety Division, regulates liquor products, agricultural processed products, perishables, flowers, and vegetables. The Agricultural Product Inspection Service (APIS) conducts plant inspections and monitors food transportation and processing facilities, regulating food handlings issues, general hygiene, and Hazard Analysis and Critical Points (HACCP). The DAFF also faces capacity challenges to enforce some of its regulations.

The National Regulator for Compulsory Specification (NRCS) and the South African Bureau of Standards (SABS) of the DTI, places food inspectors alongside the DOH and DAFF inspectors to examine both locally manufactured and imported seafood and canned fish products. The body issues quality and compliance health certificates for seafood products in terms of the Foodstuff Cosmetic and Disinfectants Act. The DTI also faces capacity challenges to enforce some of its regulations, e.g. the mandatory labelling of GMO's regulations was pulled back due to industry wide non-compliance.

The South African food safety and food control system is governed by at least fourteen Acts that are administered and enforced by the DAFF, DOH, and the DTI. Although a number of coordination mechanisms have been established, there are still challenges caused by the fragmentation of control, and capacity challenges. Although there are challenges of enforcement domestically, imported agricultural products have to adhere to these regulations as there are inspections undertaken at ports of entry.

SECTION II: FOOD ADDITIVES REGULATIONS

Existing Food Additives regulations

South African food additives regulations are developed and administered by the Ministry of Health, under the Food Control Division. Food additives regulations are developed and governed in line with the Foodstuffs, Cosmetics and Disinfectants Act no. 54 of 1972 ([Click here to download the Act](#)). The regulations in **Table 4** provide the positive additive lists for specific products.

Table 4: Existing Food Additives regulations

Name of regulation	Comment*	Website link
List of permissible sweeteners referred to in Regulation 4 of the regulations relating to the use of sweeteners in foodstuffs		Download
Regulations relating to the use of sweeteners in foodstuffs (R733/201)		Download
Also see Codex General Standards for Food Additives		Download
List of permissible sweeteners referred to in Regulation 4 of the regulations relating to the use of sweeteners in foodstuffs		Download
Regulations relating to baking powder and chemical leavening substances (R2486/1990)	Repealed	Download
Regulations – Preservatives and antioxidants: Amendment (R60/2009)		Download
Regulations relating to food colorants (R1055/1996)		Download
Regulations – Jam, conserve, marmalade and jelly (R2627/1986)	Repealed	Download
Regulations governing emulsifiers, stabilizers and thickeners and the amounts thereof that foodstuffs may contain (R2527/1987)	Repealed	Download
Regulations - Preservatives and antioxidants (R965/1977)		Download
Regulations governing acids, bases and salts and the amounts thereof the foodstuffs may contain (R115/1986)	Repealed	Download

Source: Department of Health: Food Control Division

*See amendment below.

Amendments to Miscellaneous Food Additives Regulations

On November, 23, 2015, the DOH published amendments to the regulations relating to miscellaneous additives in foodstuffs, under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972). The deadline for comments is 23 February 2016. [Click here to download the amendments.](#) The key amendments include the repealing of several food additives regulations relating to Anti-caking Agents, Wheaten and Rye Products, as well as those indicated in **Table 4** above. Secondly, several amendments have also been made to align with the Codex Alimentarius Commission, and to protect foodstuffs intended for infants and young children.

SECTION III: PESTICIDES AND OTHER CONTAMINANTS

The DOH and DAFF are responsible for regulations pertaining pesticides and other contaminants. The DOH is responsible for determining and approving the Maximum Residue Limits (MRLs) for pesticides and for other chemicals and metals that may be present in foodstuffs. In addition, the DOH is also responsible for inspections, and ensuring compliance with MRLs in all domestic and imported foodstuffs. The existing Pesticides and veterinary drugs (MRLs) regulations published by the DOH are listed in **Table 5**. The DAFF is responsible for the registrations, permits and usage of pesticides in agriculture production, and ensuring that South African producers and exporters comply with the MRLs and that only chemical remedies registered in terms of The Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No. 36 of 1947) are used on the specific crop. [Click here to download the DAFF export legislation and MRLs](#). In the absence of regulations governing a specific pesticide and contaminant, South Africa defers to the CODEX standards which are also published by the DOH.

Table 5: Existing Pesticides and veterinary drugs (MRLs) regulations

Name of regulation	Website link
Regulations governing the maximum limits for pesticide residues that may be present in foodstuffs	Download
Regulations relating to all bottled waters: Amendment	Download
Regulations governing the maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuffs (R1809/1992)	Download

Source: Department of Health: Food Control Division

Table 6: Existing Contaminants regulations

Name of regulation	Website link
Regulations governing the tolerance for certain seeds in certain agricultural products	Download
Regulations relating to maximum levels of metals in foodstuffs	Download
Regulations governing tolerance for fungus-produced toxins in foodstuffs	Download
Regulations relating to objects packed in foodstuffs intended for children	Download
Regulations relating to maximum levels for melamine in foodstuffs	Download
Regulation – Marine food	Download
Regulations governing certain solvents in foodstuffs	Download
Regulations relating to edible fats and oils	Download
Regulations governing radio activity in foodstuffs	Download

Source: Department of Health: Food Control Division

Plant Health (phytosanitary) Bill

In 2014, DAFF published the Plant Health (phytosanitary) bill, whose purpose is to provide for phytosanitary measures to prevent the introduction, establishment and spread of regulated pests in South Africa; to provide for the control of regulated pests; to provide for regulation of the movement of plants, plant products and other regulated articles into, within and out of South Africa; and to provide for matters connected therewith. This Act gives effect to international agreements on phytosanitary matters which the Republic has ratified and which are binding on the date of commencement of this Act. [Click here to download the Bill](#). Other plant health regulations can be found on the following link: [Click here to download the regulations](#).

SECTION IV: PACKAGING AND CONTAINER REGULATIONS

Existing Regulations

Packaging and container regulations for various agricultural products are developed in terms of the Agricultural Products Standards Act. [Click here to download the Agricultural Products Standards Act, 1990 \(Act 119 of 1990\)](#). In 2015, DAFF published an amendment to the Agricultural Products Standards Act so as to insert definitions and substitute others, to provide for auditing of a product for management control systems; to make provision for the setting of tariffs by assignees on a cost-recovery basis; to make further provisions for the Minister to make regulations pertaining to audit and management control systems; and to provide for matters connected therewith. [Click here to download the Agricultural Products Standards Amendment Bill](#).

The list of packaging and container regulations for various foodstuffs published in terms of the Agricultural Products Standards Act can be obtained from the following website link; [Click here to download the list of Legislation published in terms of the Agricultural Product Standards Act](#).

In general, container regulation requires that containers be intact, closed properly, new, clean, moisture resistant, suitable and strong enough for the packing and normal handling of foodstuffs. In addition containers should not pass any odour, taste, colour or other foreign characteristics on to the product during processing or distribution of the product.

For all goods, temperature in transit and at the destination point must be taken into consideration when using gels and dry ice. Chilled goods should be packed either in an insulated container with gel-packs/blue ice or in heavy cardboard boxes with gel-packs. Goods should never be packed with wet ice. Frozen goods should be tightly packed with gel-packs and/or dry ice. Dry goods should be packed tightly to avoid internal damage. Carton labels should be marked to indicate either dry/chilled/frozen content. The shipments should be marked with colored labels, and all boxes should contain the following: Supplier name, address, destination, total number of cartons shipped, and a copy of pro-forma / commercial invoices.

Specific packaging and container regulations for specific products can be obtained from the list of regulations published in terms of the Agricultural Products Standards Act provided above. Packaging material such as PVC also has to comply with standards and certifications set by the South African Bureau of Standards (SABS). [Click here to download the SABS packaging standards](#).

Table 7: Regulations relating to the grading/ classification, packing and marking

Product	Year Published	Regulation Link
Onions and Shallots	2015	Click here to download the regulation.
Dairy Products and Imitation of Dairy Products	2015	Click here to download the regulation.
Poultry Meat Labels	2015	Click here to download the regulation.
Classification and Marking of Meat	2015	Click here to download the regulation.
Edible Ices	2015	Click here to download the regulation.
Rice	2014	Click here to download the regulation.

Malting Barley	2013	Click here to download the regulation.
Sunflower Seed	2014	Click here to download the regulation.
Soya Beans	2014	Click here to download the regulation.
Avocados	2014	Click here to download the regulation.
Jam, Jelly, Marmalade	2013	Click here to download the regulation.
Fruit juice and drink	2013	Click here to download the regulation.

Relaxation of Regulation relating to the classification, packing and marking of fruit juice and drink

In August, 2015, DAFF published a notice relaxing the the restrictions of the fruit juice and drink regulations, as the regulation was deemed restrictive to the creativity of containers containing the classes of fruit drink and fruit flavored drinks, as well as to assist industry and inspectors with the interpretation and enforcement of the regulation. The published can be found on the following link: [Download amendment.](#)

Inclusion of coconut water under fruit juice and drink regulation

In November 2015, DAFF also published a notice relating to the inclusion of coconut water under fruit juice and drink regulation. [Click here to download the notice.](#)

Relaxation of the restriction of letter size for trademarks or trade names still in the process of registration – Dairy and imitation dairy products

In 2015, DAFF passed new regulation relating to the Relaxation of the restriction of letter size for trademarks or trade names still in the process of registration of Dairy and imitation dairy products. [Click here to download the regulation amendment.](#)

SECTION V: LABELLING REQUIREMENTS:

Proposed National Liquor Policy (Liquor Act 59 of 2003)

On May, 20, 2015, the South African Department of Trade and Industry (DTI) published a government notice (No. 38808) inviting the public to comment on the National Liquor Policy. If the policy is implemented in its current form, it is expected to have economic implications to the liquor industry and could affect United States liquor exports. The deadline for submitting comments was August, 13 2015, and at this stage no final policy has been passed. Post published a GAIN report on this proposed policy. [Click here to down the GAIN report.](#)

Proposed amendment to the Regulations relating to health messages on container labels of alcohol beverages

South Africa has regulations relating to health messages on container labels of alcohol beverages. [Click here to download the regulation.](#) On September, 4, 2014, the Minister of Health, in terms of Section 15 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), proposed amendments to the regulations relating to health messages on container labels of alcohol beverages. The deadline for the submission of comments was December, 4, 2014. [Click here to download the proposed amendment.](#) The DoH has indicated that the regulation review process is still underway, and the deadline for passing the final regulation is still uncertain.

Proposed amendment to the Regulations relating to the Labelling and advertising of foods

On May, 29, 2014, the Minister of Health published a government notice inviting public comments on the proposed amendments to the Regulations relating to the Labelling and advertising of foods. The deadline for the submission of comments was August, 29, 2014. [Click here to download the government notice.](#) Post published a GAIN report on amendment to the labelling and advertisement regulation. [Click here to download the Post GAIN report.](#)

The proposed amendment has drawn a lot of interest and controversy. Post contacts at the Ministry of Health have recently indicated that they were surprised with the high number of comments received for this proposed regulation. The Department of Health was under the impression that they had the buy in from industry. Post has been informed that it will take some time for the Department of Health to go through the high volume of comments. The deadlines for the finalization of the regulation is now uncertain and this will push back some of the deadlines for compliance proposed in the regulation.

Proposed regulation relating to the mandatory labelling of Genetically Modified Organisms (GMOs) or food containing Genetically Modified (GM) Ingredients

South Africa permits the production of GM crops through the Genetically Modified Organisms Act of 1997. [Click here to download the Genetically Modified Organisms Act of 1997.](#) For further information on the production of GM crops in South Africa refer to the following Post GAIN report on Biotechnology. [Click here to download the Post Biotechnology GAIN report.](#) GM labelling legislation has been in place since 2004 under the DOH Food Control Division. [Click here to download the](#)

[Regulation relating to the labelling of foodstuffs obtained through certain techniques of genetic modification.](#)

On April, 1, 2011, the Minister of Trade and Industry, in terms of the Consumer Protection Act published the regulation (Government Notice R.293 of 1 April 2011: Section 7 titled Product labelling and trade descriptions: genetically modified organisms, applies) announcing that the mandatory requirement of the labelling of all foodstuffs containing 5% or more GMO content. [Click here to download the GMO regulation published in 2011.](#) Following wide criticism, lobbying and noncompliance by industry, the Minister of Trade and Industry published a set of amended regulations on October, 9, 2012 for public comment. [Click here to download the amendment to GMO labelling regulation proposed in 2012.](#) The deadline for public comments was initially set as November, 8, 2012. However, the public comment period was re-opened until August, 15, 2014, and the final regulation has still not been passed.

Other existing labelling regulations

Table 8 shows the other regulations relating to labelling of foodstuffs not discussed above.

Table 8: Other existing labelling regulations

Name of regulation	Website link
Regulations relating to foodstuffs for infants and young children	Download
Regulations relating to the labelling and advertising of foodstuffs	Download

Source: Department of Health: Food Control Division

Amendments to regulations relating to foodstuffs for infants and young children

On July, 7, 2015, the DOH published amendments to the regulations relating to foodstuffs for infants and young children, under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972). The deadline for comments is October, 7, 2016. [Click here to download the amendments.](#) The key amendments relate to the labelling and distribution of infant and young children's food. The amendment also provides for the dates of implementation of the various clauses which range from 6 to 24 months. The final regulation is still to be published.

Mayonnaise regulations

On July, 11, 2014, the Minister of Health, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) repealed with immediate effect, the Regulations Relating to Mayonnaise and Other Salad Dressings. [Click here to download this Government Notice.](#) Mayonnaise now falls under the Regulations regarding control over the sale of mayonnaise and salad dressing in the republic of South Africa. [Click here to download the regulation.](#)

Food Labelling Example

Figure 1 below provides clear guidance on "*do's*" and "*don'ts*" regarding the information provided on the labels and in advertisements of foodstuffs. The label also provides an example of what must appear on domestic and imported foodstuffs

Figure 1: Example of current requirements on Food labels



- The following words may no longer appear on any food product: x% fat free, nutritious, healthy, healthful, wholesome, complete nutrition or balanced nutrition or other words implying the same thing. The words 'sugar-free' and 'fat-free' are only allowed if specific conditions, as stipulated in the new draft of the Food Labelling Regulations, are met.
- The words 'suitable for those with diabetes', 'diabetic friendly' or words with a similar meaning, may only be used if all criteria stipulated are met (e.g., low GI, lower fat, controlled sodium, etc.).

Source: <http://www.bdo.co.za/>

SECTION VI: OTHER SPECIFIC STANDARDS

Table 9: Other specific standards

Name of regulation	Website link
<u>Fortification and other nutritional issues</u>	
Regulations relating to trans-fat in foodstuffs	Download
Regulations Relating to the Reduction of Sodium in certain Foodstuffs and Related Matters	Download
Regulations relating to food-grade salt	Download
Regulations relating to the fortification of certain foodstuffs	Download
<u>Hazard analysis and critical control point system</u>	
Regulations Relating to the Application of the Hazard Analysis and Critical Control Point System (HACCP System)	Download
<u>Hygiene and related matters</u>	
Guidelines for Monitoring Irradiated Foodstuffs in South Africa	Download
Regulations relating to irradiated foodstuffs	Download
Regulations Governing General and Hygiene Requirements for Food Premises and the Transport of Food	Download
Regulations relating to milking sheds and the transport of milk	Download
Regulations regarding processed foodstuffs	Download
Regulations relating to perishable foodstuffs	Download
<u>Microbiological standards</u>	
Regulations Governing Microbiological Standards for Foodstuffs and Related Matters	Download
Regulations Relating to Milk and Dairy Products	Download
<u>Prohibition</u>	
Regulations prohibiting guar gum as a foodstuff	Download
Regulations relating to the prohibition of the manufacturing, importation, exportation and sale of polycarbonate infant feeding bottles containing Bisphenol A	Download
<u>Veterinary procedural notice for buffalo disease risk management in South Africa</u>	
	Download
	Download
<u>Veterinary Procedural Notices</u>	
	Download
<u>Plant Breeders Rights</u>	
	Download
<u>Minimum Brix and Puree Requirements</u>	
	Download
<u>Packaged water and other beverages</u>	
	Download

Source: Source: Department of Health: Food Control Division and Department of Agriculture, Forestry and Fisheries

SECTION VII: FACILITY AND PRODUCT REGISTRATION REQUIREMENTS

Department of Health (DOH)

In April, 2015, the DoH published the regulations governing general hygiene requirements for food premises, the transport of food and related matters. The deadline for the submission of comments was July, 2015. The final regulation is still to be published. [Click here to download the proposed regulation.](#)

All fortification mix manufactures/suppliers/importers are required to be registered by the DOH prior to importing their products to South Africa. The table below provides the links to the law enforcement, guidelines, training manuals and reports, and contact details that are relevant to facility registration and management under the DoH.

Table 10: Useful links

Documents	Link
Law enforcement	Download
Guidelines and training manuals and reports	Download
Contact details	Download

Source: Department of Health: Food Control Division

Department of Agriculture, Forestry and Fisheries (DAFF)

The DAFF requires that imports of animals and animal products be from abattoirs and de-boning plants approved by the director animal health in terms of the Meat Safety Act, (Act No 40 of 2000). [Click here to download the list of approved abattoirs and de-boning plants, as well as the process and forms for registration.](#) **Table 11** below provides the other products and facilities that require registration by the DAFF and DTI.

Table 11: Facility and product registration requirements

Facility or Product	Website link
Premises for seed and nurseries	Download
Premises for Laboratory: seed quality	Download
Premises for Laboratory: Plant and seed health	Download
Production Unit (s) (PUC), Pack house (s) (PHC) and Inspection Points	Download
Plant breeder's rights	Download
Plant varieties and Recognition of varieties	Download
Fertilizers, pest control and stock remedies	Download

Source: Department of Agriculture, Forestry and Fisheries

SECTION VIII: IMPORT PROCEDURES

Registration with the South African Revenue Services (SARS)

All exporters to South Africa must register as an importer with Customs at the South African Revenue Service (SARS). It is highly recommended that exporters appoint a local registered agent to act on their behalf. [Click here for the procedures and forms for registration.](#)

The SARS also publishes the list of customs duties applicable. [Click here to download the latest 2014 customs schedule.](#) South Africa also provides tariff determinations, and applicants' must apply for a determination through their customs broker/clearing agent to the Customs branch office where the goods are intended to be cleared or have been cleared for importation. The application must be properly motivated in terms of the Customs Act, Tariff and WCO explanatory notes. The application must be supported by manufacturer's/supplier's literature, all clearing documents and a sample of the goods if available. The application will be forwarded to the Tariff Division in Pretoria for a determination to be made and ultimate reply to the applicant via the customs branch office.

Import application forms and procedures

The DAFF provides an extensive list of procedures, applications forms and the legal framework applicable when importing agricultural products into South Africa. The following website link provides all the necessary procedures, applications forms and the legal framework applicable to the importation of animals and animal products, plants and plant Products, veterinary import permits, GMO Imports and the import of unlisted plant variety; <http://www.daff.gov.za/daffweb3/Services/Imports>.

An import certificate is required for all liquor products imported and intended for sale in South Africa. The DAFF is responsible for the inspection and sampling of liquor products and also issues the Import Certificates. An importer may apply for an Import Certificate only once in the lifetime of a product, after that the same Import Certificate number can be used provided that the composition, content, bottle size and label of that product doesn't change. [Click this link to download the application forms and procedures when importing liquor products into South Africa.](#)

Figure 2 provides the basic procedures to be followed when importing agricultural products into South Africa. Detailed procedures, forms and the respective authorities dealing with specific products can be downloaded on the website link provided above.

Figure 2: Basic procedures for importing food and agricultural products into South Africa



Source: Department of Agriculture, Forestry and Fisheries

SECTION IX: OTHER CERTIFICATION AND TESTING REQUIREMENTS

Inspections and Testing

When imported commodities arrive at the port of entry in South Africa., the South African Revenue Services (SARS) will detain the commodities for inspection. The DOH inspectors from the Port Health Authority and/or DAFF inspector/s from National Plant Protection Organization of South Africa (NPPOZA) will inspect the consignment together with the accompanying documents. The Port Health Authority may detain goods at customs or issue an extended health detention to assist the food industry and other associated industries to take samples and conduct one or more of the following tests: sensory, microbiological and chemical. The sample is divided and packed separately into three sealed and labeled containers to indicate its nature and to identify it as from the original sample. One of the packages is given to the person responsible for the commodity, and the other package is sent for testing, while the third package remains with the inspector. For further analysis, the sample is derived from the remaining two packages. The same procedure also applies to perishables. [Click this link for regulations relating to the powers and duties of inspectors and analysts conducting inspections and analyses on foodstuffs and at food premises.](#)

The following may happen following inspection of the imported commodities. If the consignment meets the import requirements, it will be released by the DAFF and Port Health Authority inspector/s. If the consignment does not meet the import requirements, risk management measures will be recommended

where after a consignment may either be treated and released, sent back to the country of origin or destroyed. Once the consignment has been released by the DAFF inspector/s, the importer or his/ her agent must take the import documents to SARS for final release. [Click here to download the tariffs charged for the testing by DAFF.](#)

Certification

The Food and Associated industries division of NRCS regulates frozen and canned fish and fishery products, smoked snoek and canned meat. The division conducts surveillance inspections on locally produced and imported products. Both local and imported goods are monitored and samples of food products are tested in accredited surveillance. Part of the physical inspections is to check the label and labeling of the products as well as the composition of products.

Basic documentation required

In addition to the import permits, certificates and phytosanitary permits, the following basic documentation is required:

- A commercial invoice that shows the price charged to the importer in addition to the cost of placing goods on board ship for export.
- Bills of entry documentation that provide the correct physical addresses of supplier, storage facilities, correct quantities, grades and HS codes of commodities.
- Bill of Lading
- Insurance documents
- Other special documentation may be required by the importer

SECTION X: COPYRIGHT AND/OR TRADEMARK LAWS

Proposed protection of Geographical Indications in South Africa

On February, 4, 2014, as part of the negotiating process of the Economic Partnership Agreement (EPA) between South Africa and the European Union (EU), the South African Department of Trade and Industry (DTI) issued a government notice, listing the names of certain products that the European Union requested to be protected on the basis of their geographical indications (GIs). [Click here to download the post GAIN report on the proposed GI protection.](#) The final notice of the protected product names is still to be published.

Existing regulations and procedures

The Companies and Intellectual Property Commission (CIPC): Patents, Designs and Innovation Division under the Department of Trade and Industry, is responsible for the registration and maintenance of Property Rights (trademarks, patents, designs and copyright). Property rights, including intellectual property, are protected under a variety of laws and regulations, which basically provides the right for the property right holder to enforce their registered rights even through the courts. South Africa has an independent judiciary under which any threat to property rights may be enforced.

Patents may be registered under the Patents Act of 1978 and are granted for 20 years. [Click here to download the Patent Act, 1978.](#) The CIPC provides detailed definitions, examples and processes for registering patents on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/patents/>.

Trademarks can be registered under the Trademarks Act of 1993, are granted for ten years and may be renewed for an additional ten years. [Click here to download the Trade Marks Act No 194 of 1993.](#) The CIPC provides detailed definitions, examples and processes for registering trademarks on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/trade-marks/>.

New designs may be registered under the Designs Act of 1967, which grants aesthetic designs for one period of 15 years, and to functional designs for one period 10 years. [Click here to download the Designs Act, 1983.](#) The CIPC provides detailed definitions, examples and processes for registering designs on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/designs/>.

Literary, musical and artistic works, cinematographic films and sound recordings are eligible for copyrights under the Copyright Act of 1978. This act is based on the provisions of the Berne Convention as modified in Paris in 1971 and was amended in 1992 to include computer software. [Click here to download the Copyright Act, 1978.](#) The CIPC provides detailed definitions, examples and processes for registering copyrights on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/copyright/>.

The overall objective of the Merchandise Marks Act is to make provision concerning the marking of merchandise and of coverings in or with which merchandise is sold and the use of certain words and emblems in connection with business. [Click here to download the Merchandise Marks Act 17 of 1941.](#)

The CIPC also provides a detailed processes and options for enforcing property rights including intellectual property (IP) rights. Click the following link for details;
<http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/enforcement/>.

APPENDIX I: GOVERNMENT REGULATORY KEY AGENCY CONTACTS

Import and Export - Animals and Animal Products

Permit Office

Head of Permit Office: Mrs. Ina Labuschagne

Email address: inaL@daff.gov.za

Tel: +27 12 319 7514 Other Tel: +27 12 319 7632 / -7503 / -7414

Fax numbers for permit applications: +27 12 329 8292 / +27 12 319 7491 / +27 12 319 7644

For the list of approved foreign abattoirs & slaughterhouses for importation; applications and certificates for facilities and compartments.

Contact: Mrs. Elmarie Viviers

Email address: ElmarieV@daff.gov.za

Tel + 27 (0)12 319 7700

Fax +27 (0)12 329 6892 (NO permit applications will be accepted at this fax)

Inspection of Imported Consignments at Airports and Harbours:

Cape Town Harbour

Dr. N Naude

Email address: NiekN@daff.gov.za & KarenSa@daff.gov.za

Tel: 021 421 0270

Fax: 021 421 9985

Cell: 083 261 8502

Cape Town Quarantine

Dr J Hovers

Email address: JanH@daff.gov.za

Tel: 021 551 2050

Fax: 021 551 1378

City Deep

Dr. A Ikatekit-Okonera

IkatekitO@daff.gov.za

Tel: 011 613 1636

Fax: 011 613 3672

Cell: 083 661 6809

Durban: Meat & Meat Products

Dr D Naidu

Email address: DaveN@daff.gov.za & MelanieA@daff.gov.za

Tel: 031 337 4346

Fax: 031 337 4602

Cell: 083 775 5171

Durban: Animal Quarantine & Animal Products Excluding Meat & Meat Products

Mr. T.S. Sithole

Email address: SamS@daff.gov.za & MarciaRa@daff.gov.za

Tel: 031-368 6011/2

Fax: 031-337 7469

Kempton Park

Mr. K. Limba

Email address: KhayaletuL@daff.gov.za

Tel: 011 973 2827

Fax: 011 973 2828

Cell: 076 519 1977

Port Elizabeth

Dr. I Burnand

Email address: IanB@daff.gov.za

Dr. C. Darke

Email address: ChrisD@daff.gov.za

Tel: 041 585 8907

Fax: 041 585 4953

Kempton Park Quarantine Station

Mudfish drive no. 3

Bonaero Park

Extension 3

Tel. No. (011) 973-2827

Durban quarantine Station

18 Stanger Street

Durban

Tel. No. (031) 337-4346

Quarantine Offices at Ports of Entry:

Johannesburg	Tel +27 (0) 11 973 2827	or	Fax +27 (0) 11 973 2828
Durban	Tel +27 (0) 31 368 6011	or	Fax +27 (0) 31 337 7469
Cape Town	Tel +27 (0) 21 551 2050	or	Fax +27 (0) 21 551 1378

Food Control: Food Safety

Department of Health

Tel: +27 12 395 8000

E-mail: pretoa@health.gov.za

Codex Point of Contact

Department of Health

Tel: +27 12 395 8789

Fax: +27 12 395 8854

E-mail: CACPSA@health.gov.za

Port Health Services

The list of contact details of the port health services can be downloaded on the following link:

<http://www.health.gov.za/phocadownload/FoodInfor/PortHealth.pdf> .

NRCS, National Regulator for Compulsory Specifications

Tel: +27 (0) 12 428 5000

Fax: +27 (0) 12 428 5199

South African Land Border Control

Tel: +27-12-319 6313/ +27 82 481 8670

Fax: +27-12- 319 -6397

Contact Person: Mr. A. van Schoor

Companies and Intellectual Property Commission: Patents, Designs and Innovation Division

Fleurette F Coetzee, Ms

Senior Manager: Trade Marks:

Tel: +27 (0) 12 394 5109

Fax: + 27 (0) 12 394 6109

E-mail: fcoetzee@cipc.co.za

APPENDIX II: OTHER IMPORT SPECIALIST TECHNICAL CONTACTS**Office of Agricultural Affairs (FAS/USDA)**

U.S. Embassy Pretoria, 877 Pretorius Street, P.O. Box 9536

Pretoria, South Africa 0001

Tel: (+27) 12-431-4057 Fax: (+27) 12-342-2264

E-mail: agPretoria@usda.gov

Animal and Plant Health Inspection Service (APHIS)

U.S. Embassy Pretoria, 877 Pretorius Street, P.O. Box 9536

Tel: (+27) 12-431-4740 Fax: (+27) 12-342-3385

<http://www.aphis.usda.gov/>

Email: Russell.A.Duncan@aphis.usda.gov