
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 433

19 MAY 2017

**NATIONAL AGRICULTURAL MARKETING COUNCIL
MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, AS AMENDED
(ACT No. 47 OF 1996)**

**REQUEST FOR THE CONTINUATION OF STATUTORY MEASURES RELATING TO
LEVIES, REGISTRATION AND RECORDS & RETURNS IN THE DAIRY INDUSTRY IN
TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT**

It is hereby made known that, in terms of section 11 of the Marketing of Agricultural Products Act, 1996 (Act No.47 of 1996) (MAP Act), the Minister of Agriculture, Forestry and Fisheries has received a request from the dairy industry for the continuation of statutory measures relating to levies, registration, the keeping of records and the rendering of returns.

The South African Milk Processors' Organisation (SAMPRO), a directly affected group and representative organisation of the secondary dairy industry, applied for these statutory measures. The Milk Producers' Organisation (MPO), the representative organisation of the primary dairy industry, is also supporting the application. The current statutory measures for the dairy industry will expire on 31 December 2017. SAMPRO requested ministerial approval for the continuation of these statutory measures for a new period of four years, to lapse on 31 December 2021.

SAMPRO proposed that the current statutory levies increase by 6 percent per annum. According to SAMPRO, due to inflation since the current levies were first implemented in 2013, the income generated by these statutory levies is not sufficient to satisfactorily pursue the objectives of the regulations in the period for which the extension of the validity of the regulations is requested. The proposed new levies will be as follows:

Customs Tariff Classification	Product Description	Levy (Vat exclusive)			
		2018 c/kg	2019 c/kg	2020 c/kg	2021 c/kg
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter.	1,37	1,46	1,54	1,64
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter.	13,25	14,04	14,88	15,78
04.03	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruits, nuts or cocoa.	4,98	5,28	5,59	5,93
04.04	Whey, whether or not concentrated or containing added sugar or other sweetening matter; Products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	4,02	4,26	4,52	4,79
04.05	Butter and other fats and oils derived from milk, dairy spreads	14,20	15,05	15,95	16,91
04.06	Cheese and Curd	19,82	21,01	22,27	23,60

The estimated income from the proposed levies is between R46,8 million for 2018 and it will be R49,93 million, R52,69 million and R56,09 million respectively for 2019, 2020 and 2021.

The proposed statutory levies will finance the following functions, namely –

- Consumer education (40% of levy income);
- Improvement of the quality of milk and other dairy products (17% of levy income);
- Empowerment of previously disadvantaged individuals (20% of levy income);
- Research and development (6.5% of levy income);
- Industry information (6.5% of levy income); and
- Administration of regulatory measures (10% of levy income)

The MAP Act stipulates that a statutory levy may not exceed 5% of the price realised for a specific agricultural product at the first point of sale. The maximum of 5% must be based on a guideline price calculated as the average price at the first point of sale over a period not

exceeding three years. For the proposed statutory levies, the guideline prices will be as follows:

Customs Tariff Classification	Product Description	Guideline prices R/kg	Levy as a percentage of guideline price (percent)			
			2018 %	2019 %	2020 %	2021 %
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter.	4.65	0.29	0.31	0.33	0.35
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter.	60.00	0.22	0.23	0.24	0.26
04.03	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruits, nuts or cocoa.	23.00	0.21	0.22	0.24	0.25
04.04	Whey, whether or not concentrated or containing added sugar or other sweetening matter; Products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	14.00	0.28	0.30	0.32	0.34
04.05	Butter and other fats and oils derived from milk, dairy spreads	58.00	0.24	0.25	0.27	0.29
04.06	Cheese and Curd	84.00	0.23	0.25	0.26	0.28

The purpose of the statutory measure relating to registration is to compel all secondary industry role-players in the Republic of South Africa to register with Milk South Africa (the administrator). Registration will facilitate better communication in the industry on matters of common interest such as technical issues, food safety, product standards and other issues.

The purpose of the statutory measure relating to records & returns is to provide a statutory mechanism for dairy processors, traders, brokers, producer distributors, importers and exporters of dairy products, to keep records and furnish returns to Milk South Africa. The

information and analysis thereof will enable Milk South Africa to make market signals available to role-players and government institutions.

The National Agricultural Marketing Council (NAMC) took cognisance that the proposed continuation of the statutory measures relating to levies, registration, the keeping of records and the rendering of returns in the dairy industry as requested by SAMPRO, is consistent with the objectives of the MAP Act. The request is currently being investigated by the NAMC and recommendations in this regard will be made to the Minister in the near future.

Directly affected groups in the dairy industry are kindly requested to submit any comments, regarding the proposed statutory measures, to the NAMC on or before 2 June 2017, to enable the Council to finalise its recommendation to Minister in this regard.

Submissions should be in writing and be addressed to:

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