

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. R. 1653****13 DECEMBER 2019****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT NO 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND
RETURNS RELATING TO TREES AS WELL AS PRODUCTION &
MARKETING INFORMATION OF POMEGRANATES**

I, Angela Thoko Didiza, Minister for Agriculture, Land Reform and Rural Development, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), hereby establish the statutory measure set out in the attached Schedule.

Ms AT DIDIZA (MP)

Minister of Agriculture, Land Reform and Rural Development.

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 otherwise indicates –
 “Exporter” means a person who trade pomegranates for export for his own account, or acts as an agent on a commission basis on behalf of producers;
 “Pomegranate Producer” means a producer of pomegranates intended for fresh fruit exports and/or domestic fresh consumption, as well as pomegranate juice or juice concentrate;
 “Processor” means a person (natural, juristic or otherwise) who processes pomegranates for sale as arils (fresh or otherwise) or any other way; and
 “Trees” means trees intended for the production of pomegranates.

A person who is a producer as well as an exporter, importer, processor or an agent must register as a producer and as an exporter, importer, processor or an agent.

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

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to Pomegranate Association of South Africa (POMASA). This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market and production information for the pomegranate industry can be processed and disseminated.

The establishment of the measure will assist in promoting the efficiency of the marketing of pomegranate products. The viability of the pomegranate industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive or potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

The measure will be administered by POMASA, a company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). POMASA will implement and administer the measure as set out in this Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to pomegranates intended for domestic, import and or export sales and shall apply to fruit intended to be sold as whole fruit or for processing purposes (sale of extracted arils)

Area in which measure shall apply

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

Records to be kept and returns to be rendered

5. (1A) All producers, exporters and processors of pomegranates shall keep such records and render the returns as may be required by POMASA relating to:
- (a) tree surveys;
 - (b) the volume of pomegranates destined for domestic fresh consumption and/or export; and
 - (c) the volume of pomegranates destined for processing for sale as fresh or dried arils.
- (1B) No records or returns shall be required in terms of this measure which disclose confidential information of a marketing nature, and in particular, no returns disclosing, *inter alia*, contracting parties; purchasers of fruit; prices of services or the prices obtained for fruit, or any similar information, shall be required to be furnished.
- (2) The National Department of Agriculture, Land Reform and Rural Development or its assignee shall render a copy of all export certificates or furnish the information required by POMASA contained in such certificates within the period specified in subclause (4).
- (3) The records referred to in subclause (1) shall –
- (a) be recorded on a computer or with ink in a book; and
 - (b) be kept at the registered premises of the person required to keep it for a period of at least three years.
- (4) The returns referred to in subclause (1) shall be rendered on forms obtainable free of charge for this purpose from POMASA within fifteen (15) days after the end of the month in which the returns have been requested.
- (a) be submitted, when forwarded by post, to –
POMASA
PO Box 163
PAARL
7620
 - (b) when delivered by hand, be delivered to –
POMASA
Main Road 258
PAARL
7646

- (c) when sent by telefax, be addressed to –
021-870 2915
- (d) when sent by E-mail, addressed to –
andriette@hortgro.co.za

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication hereof and will lapse four years later.