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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES****NO. R. 493****29 APRIL 2016****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996  
(ACT NO 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON FYNBOS  
PRODUCTS**

I, SENZENI ZOKWANA, Minister for Agriculture, Forestry & 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.

**SENZENI ZOKWANA,**  
Minister for Agriculture, Forestry & Fisheries.

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**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 or organisation who exports fynbos products for his own account, or acts as an agent on behalf of producers and/or packers of fynbos products;

“Fynbos” refers to plant material from the families *Proteaceae*, *Ericaceae*, *Restionaceae* and *Bruniaceae* including any derived plant material such as hybrids, selections or mutations produced and harvested from natural veld, dedicated prepared dry land and/or irrigated planted areas and exported within a cold chain environment;

“Packer” means a person or organisation who manufactures bouquets and other derived products utilising, inter alia, fynbos material;

“Producer” means a producer of fynbos products harvested from natural veld, from dedicated prepared dry land and/or irrigated production conditions.

A person shall have a choice to register as either a producer or as a packer or as an exporter. A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

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

2. The levy is needed by Cape Flora SA (CFSA) to fund research projects, technical information and technology transfer; quality control, standards and certification; information and statistics; communication, market access; and transformation and training for the fynbos industry.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the fynbos 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 fynbos products.

The measure will be implemented and administered by CFSA, a not for profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008).

#### **Products to which statutory measure applies.**

3. This statutory measure shall apply to all fynbos destined for export as defined.

#### **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 all fynbos products destined for exports as defined.

#### **Amount of levy**

6. The amount of the levy shall be R1,85 per standard (S14) export carton and adjusted in the following 3 subsequent years to R1,96; R2,08 and R2,20 respectively per standard (S14) export carton during the 4 year levy period.

#### **Persons by whom and to whom levy shall be payable**

7. (1) The levy imposed under clause 5 shall be –
  - (a) Payable by a fynbos producer;
  - (b) Payable by a packer on behalf of a fynbos producer; or
  - (c) Payable by an exporter on behalf of a fynbos producer.
- (2) A levy imposed under clause 5 shall be payable to Cape Flora SA (NPC) in accordance with clause 8.

#### **Payment of levy**

8. (1) Payment of the levy shall be made not later than sixty (60) days following the month end wherein a quantity of cultivated fynbos was delivered for exports.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of Cape Flora SA (NPC), and shall –
  - (a) when paid by cheque, be addressed to –  
Cape Flora SA  
PO Box 163  
PAARL  
7622
  - (b) when electronically transferred, be paid to the bank account obtainable from CFSA 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.