

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1145

23 SEPTEMBER 2016

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No 47 OF 1996)ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO
OLIVE TREES AS WELL AS DOMESTIC PRODUCTION AND PROCESSING OF TABLE OLIVES
AND OLIVE OIL, AND IMPORTATION OF TABLE OLIVES AND OLIVE OIL

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, 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 Schedule.

S ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

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 indicates otherwise:

“**Extra virgin olive oil**” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil;

“**exporter**” means an entity which exports processed and or unprocessed fruits and or products of *Olea europaea*;

“**fresh olives**” means the unprocessed fruits of the *Olea europaea* to be used for the production of table olives, olive paste or olive oil;

“**grower**” means any entity involved in growing the *Olea europaea* to be sold for commercial gain, i.e. nurseries;

“**importer**” means an entity which imports packaged product and prepares it for retail distribution;

“**olive industry**” means all participants and role players in the South African olive industry;

“**olive oil packer**” means the entity which buys in olive oil in bulk and packages the oil for resale;

“**olive pomace oil**” means the oils that are obtained by treating olive oil pomace with solvents or other physical treatments excluding oils that are obtained by re-esterification process and any mixture with oils of other kinds with the exception of olive oils;

“**olive oil processor**” means the entity which extracts olive oil from fresh olives;

“**olive products**” means the processed products obtained from fresh olives, namely table olives, extra virgin olive oil and virgin olive oil;

“**olives**” means the fruits of the *Olea europaea*;

“**processed olive products**” means the fruits which have been processed and are ready for consumption;

“**processed table olives**” means olives that have been processed and are ready for consumption;

“**producer**” means the entity which grows olive trees to produce fresh olives for commercial gain;

“**table olive packer**” means the entity which buys in processed table olives in bulk and packages these olives for resale;

“**table olive processor**” means the entity which converts the fresh olives into product which can be consumed;

“**The Act**” means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996); and

“**virgin olive oil**” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for virgin olive oil.

A person shall have a choice to register as either a producer or as an importer or as a processor. A person who is a producer as well as an importer and/or processor, must register as a producer and as an importer and/or processor.

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 SA Olive. This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players in the olive Industry. Such 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, import and production information of table olives and olive oil can be processed and disseminated.

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

It will be administered by the SA Olive, a company incorporated under Section 21 of the Companies Act, 1973 (Act 61 of 1973). SA Olive 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 table olives and olive oil obtained from domestic production and/or imports.

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, importers and processors of table olives and olive oil shall keep such records and render the returns as may be required by SA Olive relating to -
- (a) Olive trees; and
 - (b) Volumes of table olives and olive oil.
- (1B) No records or returns will be required in terms of this measure which could be regarded as confidential or of a marketing nature. Specifically no information which reflects amongst others contracting parties, buyers of olive products, cost of services, price of products or similar information will be required.
- (2) The National Department of Agriculture or its assignee shall render a copy of all import certificates or furnish the information required by SA Olive contained in such certificates within the period specified in sub-clause (4)
- (3) The records referred to in sub-clause (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 sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from SA Olive within 15 days after the end of the month in which the returns have been requested.
- (a) be submitted, when forwarded by post, to –
SA Olive
PO Box 357
PAARL
7620
 - (b) when delivered by hand, be delivered to –
SA Olive
Main Road 258
PAARL
7620
 - (c) when sent by telefax, be addressed to –
021 870 2915
 - (d) when sent by E-mail, addressed to –
info@saolive.co.za

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication hereof and shall lapse 4 years later.