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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 1046

10 September 2004

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE PRICES: LEVIES RELATING TO POTATOES

I, Angela Thokozile Didiza, Minister of Agriculture, 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.

A.T. DIDIZA,
Minister of Agriculture.

SCHEDULE

Definitions

~~1.~~ In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

"certification body" means an organisation which executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

"exporter" means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

"export inspection body" means an organisation which executes the export inspection of potatoes in terms of the Agricultural Product Standards Act, (Act No. 119 of 1990);

"fresh produce market" means a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

"importer" means a person who imports table potatoes, seed potatoes, processed potatoes or any other form of potatoes for his or her own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"kraft paper importer" means any person who imports extensible wet strength sack kraft paper for the manufacturing of potato sacks;

"kraft paper manufacturer" means any person who manufactures extensible wet strength sack kraft paper locally for use in the manufacture of potato sacks;

"Potatoes South Africa" means the Potato Producers' Organisation, trading as Potatoes South Africa, an organisation incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"potato producer" means a person who produces potatoes for export, sale as seed potatoes, or domestic consumption either as table potatoes or processed products;

"potato sack importer" means a person who imports potato sacks manufactured from extensible wet strength sack kraft paper;

"potato sack manufacturer" means a person who manufactures potato sacks from extensible wet strength kraft paper;

"processor" means a person who processes potatoes in various products intended for human consumption or industrial purposes; and

"trader" means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade on the domestic market.

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

2. (1) The measure is required by the potato industry to fund -

- (a) basic as well as applied research, including cultivar development and evaluation, and the dissemination of all relevant technical information; and
- (b) the gathering, processing, analysing and compiling of industry related information, including market statistics, and the dissemination thereof as well as creating market access for emerging farmers (small and medium scale), including development projects related to the potato production marketing chain and the development of foreign markets for South African potatoes.

(2) The measure is necessary to ensure that continuous, timeous and accurate information relating to the potato industry is available to all role players to make informed decisions in the spheres indicated.

(3) The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measure relating to registration and the rendering of returns applicable to potatoes.

(4) The levies collected under this measure will be paid into the Potato Industry Development Trust, (enacted specifically for the purpose of these levies) to be utilized in accordance with the purposes set out in this notice. It is envisaged that the Trust will make use of Potatoes South Africa to perform the administrative functions around the collection and administration of the levies.

Administration of statutory levies

3. The guideline funds are hereby determined that –

- (a) at least 80% of the funds should be used for the core business function;
- (b) not more than 10% for administrative use; and
- (c) 10% be allocated towards transformation.

Products to which statutory measure applies

4. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

5. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Determination of guideline prices

6. The guideline prices are hereby determined as –

- (a) 120,2 c/kg for table potatoes;
- (b) 97,1 c/kg for potatoes for processing;
- (c) 187,0 c/kg for certified seed potatoes; and
- (d) 120,2 c/kg for potatoes destined for exports.

Imposition of levy

7. A levy is hereby imposed on potatoes.

Amount of levy

8. The amount of the levy payable –

- (a) for all classes of potatoes marketed in potato sacks manufactured from kraft paper, is 1,00 c/kg;
- (b) for all classes of potatoes not marketed in the potato sacks contemplated in paragraph (a) and intended for sale on the domestic market –
 - (i) as table potatoes, is 1,00 c/kg;
 - (ii) for processing, is 0,5 c/kg; and
 - (iii) as certified seed potatoes, is 0,34 c/kg.
- (c) for all classes of potatoes not marketed in the potato sacks contemplated in paragraph (a) and intended for export, is 1,00 c/kg.

Persons by whom levy is payable

9. (1) The levy imposed in terms of clause 6 is payable by -

- (a) a potato sack manufacturer or potato sack importer on behalf of a potato producer in respect of all potatoes marketed in potato sacks purchased by such potato producer;
- (b) a potato producer or, on such potato producer's behalf, by a trader, exporter, owner of a fresh produce market, processor or any other person who purchases potatoes from a potato producer in respect of all potatoes not marketed in potato sacks contemplated in paragraph (a); or
- (c) a potato importer on all potatoes imported.

(2) A levy imposed in terms of clause 6 must be paid to the Potato Industry Development Trust in accordance with clause 9.

(3) Subclause (1) shall be construed in such a manner that a levy contemplated in that subclause shall only be payable once.

Payment of levy

10. (1) The levy must be paid by the seventh day of the month following the month in which -

- (a) the potato sacks were delivered to the potato producer by the potato sack manufacturer or potato sack importer;
- (b) the quantity of potatoes were delivered by a potato producer for export, sale or processing; or
- (c) the potatoes were imported by the potato importer concerned.

(2) Payment must be made to the Potato Industry Development Trust -

- (a) by means of a cheque which must be forwarded to -

The Potato Industry Development Trust
Private Bag X135
PRETORIA
0001; or

- (b) directly into the bank account of the Potato Industry Development Trust, details of which are obtainable on request from the administrators. Notification of the payment must be sent by e-mail to potatolevies@agric.co.za.

Commencement and period of validity

11. This statutory measure comes into operation on the date of publication hereof and lapses on 30 June 2007.

No. R. 1046

10 September 2004

~~WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996~~
(WET No. 47 VAN 1996)

**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYSE:
HEFFINGS IN VERBAND MET AARTAPPELS**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende ingevolge artikels 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreël soos in die Bylae uiteengesit, in.

A.T. DIDIZA,
Minister van Landbou.

BYLAE

Woordomskrywings

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is daardie betekenis en, tensy dit uit die samehang anders blyk, beteken -

"aartappelprodusent" 'n persoon, wat aartappels produseer vir uitvoer, vir verkoop as moere, of vir huishoudelike verbruik as tafelaartappels of verwerkte produkte;

"aartappelsakinvoerder" 'n persoon wat aartappelsakke invoer wat van rekbare natsterkte "sack kraft" papier gemaak is;

"aartappelsakvervaardiger" 'n persoon wat aartappelsakke van rekbare natsterkte "sack kraft" papier vervaardig;

"Aartappels Suid-Afrika" die Aartappelprodusente-organisasie, handeldrywend as Aartappels Suid-Afrika, 'n organisasie ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet no. 61 van 1973);

"handelaar" 'n persoon wat aartappelmoere of tafelaartappels van 'n aartappelprodusent of enige ander voorsiener aankoop vir handel op die binnelandse mark;

"invoerder" 'n persoon wat vir sy of haar eie rekening tafelaartappels, aartappelmoere, verwerkte aartappels of enige ander vorm van aartappels invoer, of as 'n agent optree op 'n kommissiebasis namens aartappelprodusente, handelaars of verwerkers;

"kraftpapier-invoerder" 'n persoon wat rekbare natsterkte "sack kraft" papier invoer vir die vervaardiging van aartappelsakke;

"kraftpapier-vervaardiger" 'n persoon wat rekbare natsterkte "sack kraft" papier plaaslik vervaardig vir gebruik in die vervaardiging van aartappelsakke;

"sertifiseringsliggaam" 'n organisasie wat die sertifisering van aartappelmoere namens die Onafhanklike Saadsertifiseringsraad vir Aartappelmoere onderneem;

"uitvoerder" 'n persoon wat vir sy of haar eie rekening in aartappels vir uitvoer handel dryf, of wat as agent op 'n kommissiebasis namens aartappelprodusente optree;

"uitvoerinspeksieliggaam" 'n organisasie wat die uitvoerinspeksie van aartappels ingevolge die Wet op Landbouprodukstandaarde (Wet nr. 119 van 1990) onderneem;

"varsproduktemark" 'n mark, hetsy privaat eiendom of die eiendom van plaaslike regering, daargestel vir die ordelike en gesentraliseerde verspreiding van varsprodukte; en

"verwerker" 'n persoon wat aartappels verwerk tot verskeie produkte bestem vir menslike verbruik of vir industriële doeleindes.

Doel en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2 (1) Die maatreël word deur die aartappelbedryf benodig vir die befondsing van -

(a) basiese sowel as toegepaste navorsing, ingesluit kultivarontwikkeling en evaluasie, en die oordraging van alle relevante tegniese inligting; en

(b) die insameling, prosessering, analisering en samestelling van bedryfsverwante inligting, insluitend markstatistiek, en die oordraging daarvan asook die skepping van marktoegang vir opkomende boere (klein en mediumgroot), insluitend ontwikkelingsprojekte rakende die aartappelbedryfsketting en die ontwikkeling van buitelandse markte vir Suid-Afrikaanse Aartappels.

(2) Die maatreël is noodsaaklik om te verseker dat deurlopende, tydige en akkurate inligting met betrekking tot die aartappelbedryf aan alle rolspelers beskikbaar is, sodat hulle ingeligte besluite op die terreine soos aangedui, kan neem.

(3) Die maatreël sal nie nadelig wees vir die aantal werksgeleenthede of billike arbeidspraktyk nie en sal die statutêre maatreël wat met registrasie en die indiening van opgawes met betrekking tot aartappels verband hou, ondersteun.

(4) Die heffings gevorder ingevolge hierdie maatreël sal aan die Potato Industry Development Trust betaal word, (spesiaal ingestel vir die doeleindes van hierdie heffings) om aangewend te word ooreenkomstig die doeleindes uiteengesit in hierdie kennisgewing. Dit word in die vooruitsig gestel dat die Trust Aartappels Suid-Afrika sal gebruik om die administratiewe funksies uit te voer insake die vordering en administrasie van die heffings.

Administrasie van statutêre heffings

3. The riglynfonds bepaal dat –

- (a) 80% van die fondse gebruik sal word vir besigheid;
- (b) nie meer as 10% vir administrasie; en
- (c) 10% aangewend sal word vir transformasie.

Produk waarop die statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op aartappels van toepassing.

Gebied waar die statutêre maatreël van toepassing is

5. Hierdie statutêre maatreël is van toepassing binne die geografiese gebied van die Republiek van Suid-Afrika.

Bepaling van riglynpryse

6. Die riglynpryse word hierby bepaal as –

- (a) 120,2 c/kg vir tafelaartappels;
- (b) 97,1 c/kg vir aartappels vir verwerking;
- (c) 187,0 c/kg vir gesertifiseerde moere; en
- (d) 120,2 c/kg vir aartappels wat vir uitvoere bestem is.

Oplegging van heffing

7. 'n Heffing word hiermee op aartappels ingestel.

Bedrag van heffing

8. Die bedrag van die heffing betaalbaar –

- (a) vir alle klasse aartappels bemark in aartappelsakke van kraftpapier vervaardig is 1,00c/kg;
- (b) vir alle klasse aartappels wat nie bemark word in die aartappelsakke soos in paragraaf (a) bedoel en bestem is vir verkoping op die binnelandse mark –
 - (i) as tafelaartappels, is 1,00c/kg
 - (ii) vir verwerking, is 0,5c/kg; en
 - (iii) vir gesertifiseerde aartappelmoere, is 0,34c/kg
- (c) Vir alle klasse aartappels wat nie bemark is in die aartappelsakke soos in paragraaf (a) bedoel nie en wat vir uitvoer bestem is, is 1,00c/kg.

Persone deur wie heffing betaalbaar is

9. (1) Die heffing ingestel ingevolge klousule 6 is betaalbaar deur -
- (a) 'n aartappelsakvervaardiger of aartappelsakinvoerder namens 'n aartappelprodusent met betrekking tot alle aartappels bemark in aartappelsakke wat deur sodanige aartappelprodusent aangekoop is;
 - (b) 'n aartappelprodusent, of namens sodanige aartappelprodusent, deur 'n handelaar, uitvoerder, eienaar van 'n varsproduktemark, verwerker of enige persoon wat aartappels aankoop van 'n aartappelprodusent met betrekking tot alle aartappels nie bemark in aartappelsakke soos in paragraaf (a) bedoel nie; of
 - (c) 'n aartappelinvoerder op alle ingevoerde aartappels.
- (2) 'n Heffing ingestel ingevolge klousule 6 moet betaal word aan die Potato Industry Development Trust ooreenkomstig klousule 9.
- (3) Subklousule (1) sal sodanig saamgestel word dat die voorgestelde heffing in daardie subklousule slegs eenmalig betaalbaar is.

Betaling van heffing

10. (1) Die heffing moet betaal word teen die sewende dag van die maand wat volg op die maand waarin -
- (a) die aartappelsakke deur die aartappelsakvervaardiger of aartappelsakinvoerder aan die aartappelprodusent gelewer is;
 - (b) die hoeveelheid aartappels deur 'n aartappelprodusent vir uitvoer, verkoop of verwerking gelewer is; of
 - (c) die aartappels deur die betrokke aartappelinvoerder ingevoer is.
- (2) Betaling moet ten gunste van die Potato Industry Development Trust geskied -
- (a) by wyse van 'n tjek wat geadresseer moet word aan -

Potato Industry Development Trust
Privaatsak X135
PRETORIA
0001 ; of
 - (b) direk in die bankrekening van die Potato Industry Development Trust, waarvan die besonderhede op versoek beskikbaar is van die administrateurs. Kennisgewing van die betaling moet per e-pos gestuur word aan: potatolevies@agric.co.za.

Inwerkingtreding en geldigheidsydperk

11. Hierdie statutêre maatreël tree in werking op die datum van publikasie hiervan en verval op 30 Junie 2007.

No. R. 1047

10 September 2004

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)**

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY POTATO
PRODUCERS, TRADERS, PROCESSORS, EXPORTERS, IMPORTERS, CERTIFICATION BODIES,
EXPORT INSPECTION BODIES, KRAFT PAPER IMPORTERS, KRAFT PAPER MANUFACTURERS,
POTATO SACK MANUFACTURERS, POTATO SACK IMPORTERS, AND FRESH PRODUCE
MARKETS**

I, Angela Thokozile Didiza, Minister of Agriculture, 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.


A.T. DIDIZA,
Minister of Agriculture.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

"certification body" means an organisation which executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

"exporter" means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

"export inspection body" means an organisation which executes the export inspection of potatoes in terms of the Agricultural Product Standards Act, (Act No. 119 of 1990);

"fresh produce market" means a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

"importer" means a person who imports table potatoes, seed potatoes, processed potatoes or any other form of potatoes for his or her own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"kraft paper importer" means any person who imports extensible wet strength sack kraft paper for the manufacturing of potato sacks;

"kraft paper manufacturer" means any person who manufactures extensible wet strength sack kraft paper locally for use in the manufacture of potato sacks;

"Potatoes South Africa" means the Potato Producers' Organisation, trading as Potatoes South Africa, an organisation incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"potato producer" means a person who produces potatoes for export, sale as seed potatoes, or domestic consumption either as table potatoes or processed products;

"potato sack importer" means a person who imports potato sacks manufactured from extensible wet strength sack kraft paper;

"potato sack manufacturer" means a person who manufactures potato sacks from extensible wet strength kraft paper;

"processor" means a person who processes potatoes in various products intended for human consumption or industrial purposes; and

"trader" means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade on the domestic market.

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

2 (1) The purpose and aims of this statutory measure are to compel potato producers, traders, processors, exporters, importers, certification bodies, export inspection bodies, kraft paper importers, kraft paper manufacturers, potato sack manufacturers, potato sack importers and fresh produce market owners to keep records and furnish returns to the Potato Industry Development Trust. This is necessary to ensure that continuous, timeous and accurate market information relating to potatoes is made available to all role players.

(2) Relevant information gathered by the Potato Industry Development Trust from the records and returns will be freely available to the market place. Market information is deemed essential for all role players in a deregulated market, in order for them to make informed decisions. By the compulsory furnishing of monthly returns on an individual basis, market information for the whole country can be processed and disseminated to the market place.

(3) The establishment of this statutory measure will not only enhance market access for all market participants but will also promote the efficient marketing of potatoes. Proper market information will enhance the viability of the potato industry and the agricultural sector at large. The measure will not be detrimental to the number of employment opportunities within the economy and will not negatively influence fair labour practice.

(4) It is envisaged that the Trust will appoint an administrator to perform the administrative functions regarding the administration of this statutory measure.

(5) It is envisaged that the administrators will make available macro generic market information to the potato industry and other interested parties on a monthly basis. This information will be obtained from the returns rendered to the administrators and will be made available on a national basis in a manner accessible to the majority of the role players in the potato industry.

Products to which statutory measure applies

3. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Records and returns to be kept and submitted

5 (1) The following parties must keep records and furnish returns to the administrators in respect of potatoes in his or her possession or under his or her control –

- (a) potato producers;
- (b) traders;
- (c) processors;
- (d) exporters;
- (e) importers;
- (f) certification bodies;
- (g) export inspection bodies;
- (h) kraft paper importers;
- (i) kraft paper manufacturers;
- (j) potato sack manufacturers;
- (k) potato sack importers; and
- (l) fresh market owners.

(2) Returns must be completed on the applicable forms obtained free of charge from the administrators.

(3) Returns must –

- (a) when forwarded by post, be addressed to –

The Administrators: Potato Industry Development Trust
Private Bag X135
PRETORIA
0001

- (b) when delivered by hand, be delivered to --

The Administrators: Potato Industry Development Trust
529 Belvedere Street
ARCADIA
PRETORIA

- (c) when delivered electronically, be sent to potatolevies@agric.co.za

(4) Monthly returns must reach the administrators on or before the twentieth day of the month following the month to which the records and returns relate, while seasonal returns must reach the administrators not later than the last day of the month in which such season ends.

- (5) A potato producer must submit a seasonal return, which reflects the -

- (a) production year concerned;
- (b) name and address of the potato producer concerned;
- (c) hectares planted;
- (d) cultivars planted;
- (e) yield per hectare; and
- (f) total crop that was produced.

- (6) A trader must submit a monthly return, which reflects the -

- (a) month concerned;
- (b) production year concerned;
- (c) name and address of the trader concerned;
- (d) date on which the report is submitted;
- (e) name and address of the potato producer or any other supplier concerned;
- (f) quantities in kilograms of the products purchased; and
- (g) type of container in which the product was delivered.

- (7) A processor must submit a monthly return, which reflects the -

- (a) month concerned;
- (b) production year concerned;
- (c) name and address of the processor concerned;
- (d) date on which the report is submitted;
- (e) quantities in kilograms of the raw products purchased;
- (f) name and address of the potato producer, trader, importer or other person concerned from whom the raw products were purchased; and
- (g) type of container in which the product was delivered.

- (8) An exporter must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the exporter concerned;
 - (d) name and address of the potato producer concerned;
 - (e) date on which the report is submitted;
 - (f) type of product exported;
 - (g) quantities in kilograms of the products exported;
 - (h) type of container in which the product was delivered; and
 - (i) destination of the exported products.
- (9) An importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the importer concerned;
 - (d) name and address of the producer or trader in the country of origin;
 - (e) date on which the report is submitted;
 - (f) type of product imported;
 - (g) quantities in kilograms of the products imported;
 - (h) the type of container in which the product was delivered; and
 - (i) destination of the imported products.
- (10) A certification body must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the certification body;
 - (d) names and addresses of potato producers or other persons concerned, whose seed potatoes were certified;
 - (e) date on which the report is submitted;
 - (f) quantities in kilograms of the certified seed potatoes; and
 - (g) date of certification of the seed potatoes.
- (11) An export inspection body must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;

- (c) name and address of the export inspection body concerned;
 - (d) names and addresses of potato producers, exporters or other persons concerned, whose products were inspected;
 - (e) date on which the report is submitted;
 - (f) types of products inspected;
 - (g) quantities in kilograms of the products inspected;
 - (h) types of containers in which the products were delivered; and
 - (i) destinations of the inspected products.
- (12) A kraft paper importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the kraft paper importer concerned;
 - (d) date on which the report is submitted;
 - (e) quantities in tonnage of kraft paper importer;
 - (f) name and address of the person to whom kraft paper was sold; and
 - (g) end stock of kraft paper at month end.
- (13) A kraft paper manufacturer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the kraft paper manufacturer concerned;
 - (d) date on which the report is submitted;
 - (e) quantities in tonnage of kraft paper manufactured;
 - (f) name and address of the person to whom the kraft paper was sold; and
 - (g) end stock of kraft paper at month end.
- (14) A potato sack manufacturer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the potato sack manufacturer concerned;
 - (d) date on which the report is submitted;
 - (e) quantities per sack size of potato sacks manufactured;
 - (f) tonnage of kraft paper supplied to the manufacturer concerned and the name and address of that supplier;
 - (g) quantities of each size of potato sacks sold;

- (h) end stock of kraft paper at the end of the month concerned; and
 - (i) names and addresses of the persons to whom the potato sacks are supplied.
- (15) A potato sack importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the potato sack importer concerned;
 - (d) date on which the report is submitted;
 - (e) quantity of potato sacks imported;
 - (f) sack sizes of the potato sacks importer;
 - (g) country of origin of the imported potato sacks; and
 - (h) name and address of the person to whom the potato sacks are supplied.
- (16) The owner of a fresh produce market must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the fresh produce market concerned;
 - (d) names and addresses of the producers, traders or other persons concerned;
 - (e) date on which report is submitted;
 - (f) quantities in kilograms of the product sold; and
 - (g) type of container in which the product was delivered.
- (17) A record system that reflects good accounting practice must be introduced and kept by the administrators.
- (18) The records of potato producers, traders, processors, exporters, importers, certification bodies, export inspection bodies, kraft paper importers, kraft paper manufacturers, potato sack manufacturers, potato sack importers and fresh produce market owners and, if appointed, their agents must be audited at least annually by an internationally recognised firm of chartered accountants.

Commencement and period of validity

6. This statutory measure comes into operation on the date of publication hereof and lapses on 30 June 2007.

No. R. 1047

10 September 2004

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 VAN 1996)

**INSTELLING VAN STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES DEUR AARTAPPEL-
PRODUSENTE, HANDELAARS, VERWERKERS, UITVOERDERS, INVOERDERS, SERTIFISERINGS-
LIGGAME, UITVOERINSPEKSIELIGGAME, KRAFTPAPIER-INVOERDERS, KRAFTPAPIER-
VERVAARDIGERS, AARTAPPELSAKINVOERDERS, AARTAPPELSAKVERVAARDIGERS EN
VARSPRODUKTEMARKE**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende ingevolge artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreël soos in die Bylae uiteengesit in.


A.T. DIDIZA,
Minister van Landbou.

BYLAE

Woordomskrywings

1. In hierdie bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is daardie betekenis en, tensy dit uit die samehang anders blyk, beteken -

"aartappelprodusent" 'n persoon, wat aartappels produseer vir uitvoer, vir verkoop as moere, of vir huishoudelike verbruik as tafelaartappels of verwerkte produkte;

"aartappelsakinvoerder" 'n persoon wat aartappelsakke invoer wat van rekbare natsterkte "sack kraft" papier gemaak is;

"aartappelsakvervaardiger" 'n persoon wat aartappelsakke van rekbare natsterkte "sack kraft" papier vervaardig;

"Aartappels Suid-Afrika" die Aartappelprodusente-organisasie, handeldrywend as Aartappels Suid-Afrika, 'n organisasie ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973);

"handelaar" 'n persoon wat aartappelmoere of tafelaartappels van 'n aartappelprodusent of enige ander voorsiener aankoop vir handel op die binnelandse mark;

"invoerder" 'n persoon wat vir sy of haar eie rekening tafelaartappels, aartappelmoere, verwerkte aartappels of enige ander vorm van aartappels invoer, of as 'n agent optree op 'n kommissiebasis namens aartappelprodusente, handelaars of verwerkers;

"kraftpapier-invoerder" 'n persoon wat rekbare natsterkte "sack kraft" papier invoer vir die vervaardiging van aartappelsakke;

"kraftpapier-vervaardiger" 'n persoon wat rekbare natsterkte "sack kraft" papier plaaslik vervaardig vir gebruik in die vervaardiging van aartappelsakke;

"sertifiseringsliggaam" 'n organisasie wat die sertifisering van aartappelmoere namens die Onafhanklike Saadsertifiseringsraad vir Aartappelmoere onderneem;

"uitvoerder" 'n persoon wat vir sy of haar eie rekening in aartappels vir uitvoer handel dryf, of wat as agent op 'n kommissiebasis namens aartappelprodusente optree;

"uitvoerinspeksieliggaam" 'n organisasie wat die uitvoerinspeksie van aartappels ingevolge die Wet op Landbouprodukstandaarde (Wet No. 119 van 1990) onderneem;

"varsproduktemark" 'n mark, hetsy privaat eiendom of die eiendom van plaaslike regering, daargestel vir die ordelike en gesentraliseerde verspreiding van varsprodukte; en

"verwerker" 'n persoon wat aartappels verwerk tot verskeie produkte bestem vir menslike verbruik of vir industriële doeleindes.

Doel en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. (1) Die doel en doelwitte van hierdie statutêre maatreël is om aartappelprodusente, handelaars, verwerkers, uitvoerders, invoerders, sertifiseringsliggame, uitvoerinspeksieliggame, kraftpapier-invoerders, kraftpapier-vervaardigers, aartappelsakvervaardigers, aartappelsakinvoerders en varsproduktemarkeienaars te verplig om aantekeninge te hou en die Potato Industry Development Trust van opgawes te voorsien. Dit is noodsaaklik om te verseker dat deurlopende tydige en akkurate markinligting ten opsigte van aartappels aan alle rolspelers beskikbaar gestel word.

(2) Tersaaklike inligting wat deur die Potato Industry Development Trust versamel word uit aantekeninge en opgawes sal vrylik beskikbaar wees vir die mark. Markinligting word as noodsaaklik beskou vir alle rolspelers in 'n dereguleerde mark sodat hulle ingeligte besluite kan neem. Deur die verpligte indiening van maandelikse opgawes op 'n individuele basis, kan markinligting vir die hele land verwerk en in die mark versprei word.

(3) Die instelling van hierdie statutêre maatreël sal nie net marktoegang vir alle markdeelnemers verbeter nie, maar sal ook die doeltreffende bemaking van aartappels bevorder. Behoorlike markinligting sal die lewensvatbaarheid van die aartappelbedryf en die landbousektor as geheel bevorder. Die maatreël sal nie nadelig wees vir die aantal werksgeleenthede in die ekonomie nie en sal nie billike arbeidspraktyk negatief beïnvloed nie.

(4) Dit word in die vooruitsig gestel dat die Trust, 'n administrateur sal aanstel om die administratiewe funksies uit te voer insake die administrasie van hierdie statutêre maatreël.

(5) Daar word in die vooruitsig gestel dat die administrateurs makro generiese markinligting op 'n maandelikse basis aan die aartappelbedryf en ander belanghebbende partye beskikbaar sal stel. Sodanige inligting sal verkry word uit opgawes wat aan die administrateurs gelewer word en sal op 'n nasionale basis beskikbaar gestel word op wyse wat vir die meerderheid van die rolspelers in die aartappelbedryf toeganklik is.

Produk waarop die statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op aartappels van toepassing.

Gebied waarbinne die maatreël van toepassing is

4. Hierdie statutêre maatreël is van toepassing binne die geografiese gebied van die Republiek van Suid-Afrika.

Aantekeninge en opgawes wat bygehou en ingedien moet word

5. (1) Die volgende partye moet aantekeninge byhou en opgawes indien by die administrateurs ten opsigte van aartappels in sy of haar besit of onder sy of haar beheer -

- (a) aartappelprodusente;
- (b) handelaars;
- (c) verwerkers;
- (d) uitvoerders;
- (e) invoerders;
- (f) sertifiseringsliggame;
- (g) uitvoerinspeksieliggame;
- (h) kraftpapier-invoerders;
- (i) kraftpapier-vervaardigers;
- (j) aartappelsakvervaardigers;
- (k) aartappelsakinvoerders; en
- (l) varsproduktemarkeienaars.

(2) Opgawes moet voltooi word op die toepaslike vorms gratis verkrygbaar van die administrateurs.

(3) Opgawes moet -

- (a) wanneer per pos gestuur, geadresseer word aan -

Die Administrateurs: Potato Industry Development Trust
Privaatsak X135
PRETORIA
0001

- (b) wanneer per hand afgelewer, afgelewer word aan -

Die Administrateurs: Potato Industry Development Trust
Bevederestraat 529
ARCADIA
PRETORIA

- (c) wanneer elektronies ingedien, gestuur word na: potatolevies@agric.co.za.

(4) Die maandelikse opgawes moet die administrateurs bereik op of voor die twintigste dag van die maand wat volg op die maand waarop die aantekeninge en opgawes betrekking het, terwyl seisoensopgawes die administrateurs moet bereik nie later nie as die laaste dag van die maand waarin sodanige seisoen eindig.

- (5) 'n Aartappelprodusent moet 'n seisoenale opgawe indien, wat weergee die -

- (a) betrokke produksiejaar;
- (b) naam en adres van betrokke produsent;
- (c) hektare beplant;
- (d) kultivars geplant;
- (e) opbrengs per hektaar; en
- (f) totale oes wat geproduseer is.

- (6) 'n Handelaar moet 'n maandelikse opgawe indien wat weergee die -

- (a) betrokke maand;
- (b) betrokke produksiejaar;
- (c) naam en adres van betrokke handelaar;
- (d) datum waarop opgawe ingedien word;
- (e) naam en adres van betrokke aartappelprodusent of enige ander verskaffer;
- (f) hoeveelhede in kilogram van die produk wat aangekoop is; en
- (g) tipe houer waarin die produk gelewer is.

- (7) 'n Verwerker moet 'n maandelikse opgawe indien wat weergee die -

- (a) betrokke maand;
- (b) betrokke produksiejaar;
- (c) naam en address van betrokke verwerker;
- (d) datum waarop die opgawe ingedien word;
- (e) hoeveelhede in kilogram van die rou produkte aangekoop;
- (f) naam end adres van die aartappelprodusent, handelaar, invoerder of ander persoon betrokke van wie die rou produkte aangekoop is; en
- (g) tipe houer waarin die produk gelewer is.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

"certification body" means an organisation which executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

"exporter" means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

"export inspection body" means an organisation which executes the export inspection of potatoes in terms of the Agricultural Product Standards Act, (Act No. 119 of 1990);

"fresh produce market" means a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

"importer" means a person who imports table potatoes, seed potatoes, processed potatoes or any other form of potatoes for his or her own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"kraft paper importer" means any person who imports extensible wet strength sack kraft paper for the manufacturing of potato sacks;

"kraft paper manufacturer" means any person who manufactures extensible wet strength sack kraft paper locally for use in the manufacture of potato sacks;

"Potatoes South Africa" means the Potato Producers' Organisation, trading as Potatoes South Africa, an organisation incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"potato producer" means a person who produces potatoes for export, sale as seed potatoes, or domestic consumption either as table potatoes or processed products;

"potato sack importer" means a person who imports potato sacks manufactured from extensible wet strength sack kraft paper;

"potato sack manufacturer" means a person who manufactures potato sacks from extensible wet strength kraft paper;

"processor" means a person who processes potatoes in various products intended for human consumption or industrial purposes; and

"trader" means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade on the domestic market.

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

2. (1) The purpose and aims of this statutory measure are to compel potato producers, traders, processors, exporters, importers, certification bodies, export inspection bodies, kraft paper manufacturers, potato sack manufacturers, potato sack importers and fresh market owners to register with the administrators

(2) Registration is necessary to assist the potato industry in ensuring that continuous, timeous and accurate market information relating to the potato industry is available to all role players.

(3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of monthly returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.

(4) ~~The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for the South African potato, internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.~~

(5) It is envisaged that the Trust will appoint an administrator to perform the administrative functions regarding the administration of this statutory measure.

Product to which statutory measure applies

3. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Registration of parties concerned

5. (1) The following parties must register as such with the administrators in the manner set out in clause 6 –

- (a) potato producers;
- (b) traders;
- (c) processors;
- (d) exporters;
- (e) importers;
- (f) certification bodies;
- (g) export inspection bodies;
- (h) kraft paper importers;
- (i) kraft paper manufacturers;
- (j) potato sack manufacturers
- (k) potato sack importers; and
- (l) fresh market owners.

(2) A person who is required to register for more than one category listed in subclause (1) must complete a separate application for each category.

Application for registration

6 (1) An application for registration must be made within 30 days from the date of commencement of this statutory measure and, in the case of a person becoming a party in terms of clause 5(1) after such date of commencement, within 30 days of becoming such party.

(2) An application for registration must be made on an application form obtainable free of charge from the administrators.

(3) The application form must be completed and signed by a person duly authorised thereto.

(4) Application must -

- (a) when forwarded by post, be submitted to -

The Administrators: Potato Industry Development Trust
Private Bag X135
PRETORIA
0001

- (b) when delivered by hand, be delivered to -

The Administrators: Potato Industry Development Trust
529 Belvedere Street
ARCADIA
PRETORIA

- (c) when delivered electronically, be sent to
- potatolevies@agric.co.za

Commencement and period of validity

7. This statutory measure comes into operation on the date of publication hereof and lapses on 30 June 2007.

No. R. 1048

10 September 2004

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 VAN 1996)

**INSTELLING VAN STATUTÊRE MAATREËL: REGISTRASIE VAN AARTAPPELPRODUSENTE,
HANDELAARS, VERWERKERS, UITVOERDERS, INVOERDERS, SERTIFISERINGSLIGGAME,
UITVOERINSPEKSIELIGGAME, KRAFTPAPIER-INVOERDERS, KRAFTPAPIER-VERVAARDIGERS,
AARTAPPELSAKVERVAARDIGERS, AARTAPPELSAKINVOERDERS EN
VARSPRODUKTEMARKTE**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelend ingevolge artikels 13 en 19 van die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreël in soos in die Bylae uiteengesit.


A. T. DIDIZA,
Minister van Landbou.

BYLAE

Woordomskrywings

1. In hierdie bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is daardie betekenis en, tensy dit uit die samehang anders blyk, beteken -

"aartappelprodusent" 'n persoon, wat aartappels produseer vir uitvoer, vir verkoop as moere, of vir huishoudelike verbruik as tafelaartappels of verwerkte produkte;

"aartappelsakinvoerder" 'n persoon wat aartappelsakke invoer wat van rekbare natsterkte "sack kraft" papier gemaak is;

"aartappelsakvervaardiger" 'n persoon wat aartappelsakke van rekbare natsterkte "sack kraft" papier vervaardig;

"Aartappels Suid-Afrika" die Aartappelprodusente-organisasie, handeldrywend as Aartappels Suid-Afrika, 'n organisasie ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973);

"handelaar" 'n persoon wat aartappelmoere of tafelaartappels van 'n aartappelprodusent of enige ander voorsiener aankoop vir handel op die binnelandse mark;

"invoerder" 'n persoon wat vir sy of haar eie rekening tafelaartappels, aartappelmoere, verwerkte aartappels of enige ander vorm van aartappels invoer, of as 'n agent optree op 'n kommissiebasis namens aartappelprodusente, handelaars of verwerkers;

"kraftpapier-invoerder" 'n persoon wat rekbare natsterkte "sack kraft" papier invoer vir die vervaardiging van aartappelsakke;

"kraftpapier-vervaardiger" 'n persoon wat rekbare natsterkte "sack kraft" papier plaaslik vervaardig vir gebruik in die vervaardiging van aartappelsakke;

"sertifiseringsliggaam" 'n organisasie wat die sertifisering van aartappelmoere namens die Onafhanklike Saadsertifiseringsraad vir Aartappelmoere onderneem;

"uitvoerder" 'n persoon wat vir sy of haar eie rekening in aartappels vir uitvoer handel dryf, of wat as agent op 'n kommissiebasis namens aartappelprodusente optree;

"uitvoerinspeksieliggaam" 'n organisasie wat die uitvoerinspeksie van aartappels ingevolge die Wet op Landbouprodukstandaarde (Wet No. 119 van 1990) onderneem;

"varsproduktemark" 'n mark, hetsy privaat eiendom of die eiendom van plaaslike regering, daargestel vir die ordelike en gesentraliseerde verspreiding van varsprodukte; en

"verwerker" 'n persoon wat aartappels verwerk tot verskeie produkte bestem vir menslike verbruik of vir industriële doeleindes.

Doel en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. (1) Die doel en doelwitte van hierdie statutêre maatreël is om aartappelprodusente, handelaars, verwerkers, uitvoerders, invoerders, sertifiseringsliggame, uitvoerinspeksieliggame, kraftpapier-invoerders, kraftpapier-vervaardigers, aartappelsakvervaardigers, aartappelsakinvoerders en eienaars van varsproduktemarkte te verplig om by die administrateurs te registreer.

(2) Registrasie is noodsaaklik om die aartappelbedryf te help verseker dat deurlopende, tydige en akkurate markinligting ten opsigte van aartappels aan alle rolspelers beskikbaar gestel word.

(3) Tersaaklike markinligting word as noodsaaklik beskou in 'n dereguleerde mark vir alle rolspelers om ingeligte besluite te neem. Deur die verpligte registrasie te kombineer met die indiening van maandelikse opgawes op 'n individuele basis, kan markinligting vir die hele land verwerk en in die mark versprei word.

(4) Die instelling van hierdie statutêre maatreël sal nie net help om marktoegang vir alle markdeelnemers te verbeter nie, maar sal ook internasionaal nuwe markte vir die Suid-Afrikaanse aartappel ontwikkel. Die lewensvatbaarheid van die aartappelbedryf sal dus verhoog word. Hierdie maatreël sal nie nadelig wees vir die aantal werksgeleenthede in die ekonomie of billike arbeidspraktik nie.

(5) Dit word in die vooruitsig gestel dat die Trust 'n administrateur sal aanstel om die administratiewe funksies uit te voer insake die administrasie van hierdie statutêre maatreël.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is van toepassing op aartappels.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie maatreël is van toepassing binne die geografiese gebied van die Republiek van Suid-Afrika.

Registrasie van betrokke partye

5. (1) Die volgende partye moet as sodanig registreer by die administrateurs op die wyse uiteengesit in klousule 6 -

- (a) aartappelprodusente;
- (b) handelaars;
- (c) verwerkers;
- (d) uitvoerders;
- (e) invoerders;
- (f) sertifiseringsliggame;
- (g) uitvoerinspeksieliggame;
- (h) kraftpapier-invoerders;
- (i) kraftpapier-vervaardigers;
- (j) aartappelsakvervaardigers;
- (k) aartappelsakinvoerders; en
- (l) varsproduktemarkeienaars

(2) 'n Persoon wat in meer as een van die kategorieë gelys in subklousule (1) val, moet 'n afsonderlike aansoek om registrasie vir elke kategorie voltooi.

Aansoek om registrasie

6. (1) Aansoek om registrasie moet binne 30 dae vanaf die inwerkingtredingsdatum van hierdie statutêre maatreël gedoen word en, in die geval waar 'n persoon 'n party word ingevolge klousule 5(1) na sodanige inwerkingtredingsdatum, binne 30 dae nadat hy sodanige party geword het.

(2) Aansoek om registrasie moet gedoen word op 'n aansoekvorm wat gratis by die administrateurs verkrygbaar is.

(3) Die aansoekvorm moet voltooi en onderteken word deur 'n persoon wat behoorlik daartoe gemagtig is.

(4) Aansoeke moet –

- (a) indien per pos gestuur geadresseer word aan –

Die Administrateurs: Potato Industry Development Trust
Privaatsak X135
PRETORIA
0001

- (b) indien per hand afgelewer, afgelewer word aan –

Die Administrateurs: Potato Industry Development Trust
Belvederestraat 529
ARCADIA
PRETORIA

- (c) Indien elektronies afgelewer, gestuur word aan: potatolevies@agric.co.za.

(5) Binne 30 dae vandat opgehou is om 'n party te wees in terme van Klousule 5(1), moet geregistreerde partye die administrateurs skriftelik daarvan in kennis stel, waarop sy of haar registrasie gekanselleer moet word.

Inwerkingtreding en geldigheidsydperk

7. Hierdie statutêre maatreël tree in werking op die datum van publikasie hiervan en verval op 30 Junie 2007.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 1041****10 September 2004**

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE FISHING INDUSTRY: EXTENSION OF PERIOD OF OPERATION OF
MAIN COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (i) of the Labour Relations Act, 1995, extend the periods fixed in *Government Notice Nos. R. 217* of 20 February 2004 and *R. 743* of 25 June 2004, by a further period ending 30 November 2004.

T. MKALIPI**Executive Manager: Collective Bargaining****No. R. 1041****10 September 2004**

WET OP ARBEIDSVERHOUDINGE, 1995

**BEDINGINGSRAAD VIR DIE VISNYWERHEID: VERLENGING VAN
TYDPERK VAN HOOF KOLLEKTIEWE OOREENKOMS**

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermmentskennisgewings Nos. R. 217 van 20 Februarie 2004 en R. 743 van 25 Junie 2004, met 'n verdere tydperk wat op 30 November 2004 eindig.

T. MKALIPI**Uitvoerende Bestuurder: Kollektiewe Bedinging****No. R. 1045****10 September 2004**

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

FACILITIES REGULATIONS, 2004**CORRECTION NOTICE**

Government Notice No. R. 924 published in *Government Gazette* No. 26636 (*Regulation Gazette* No. 8025) of 3 August 2004, is hereby corrected as follows:

In the English text on page 9:

Regulation 11 of the Facilities regulation should read as follows:

Repeal of regulation:

11. The facilities Regulations promulgated by Government Notice No. R. 2362 of October 1990, are hereby repealed.

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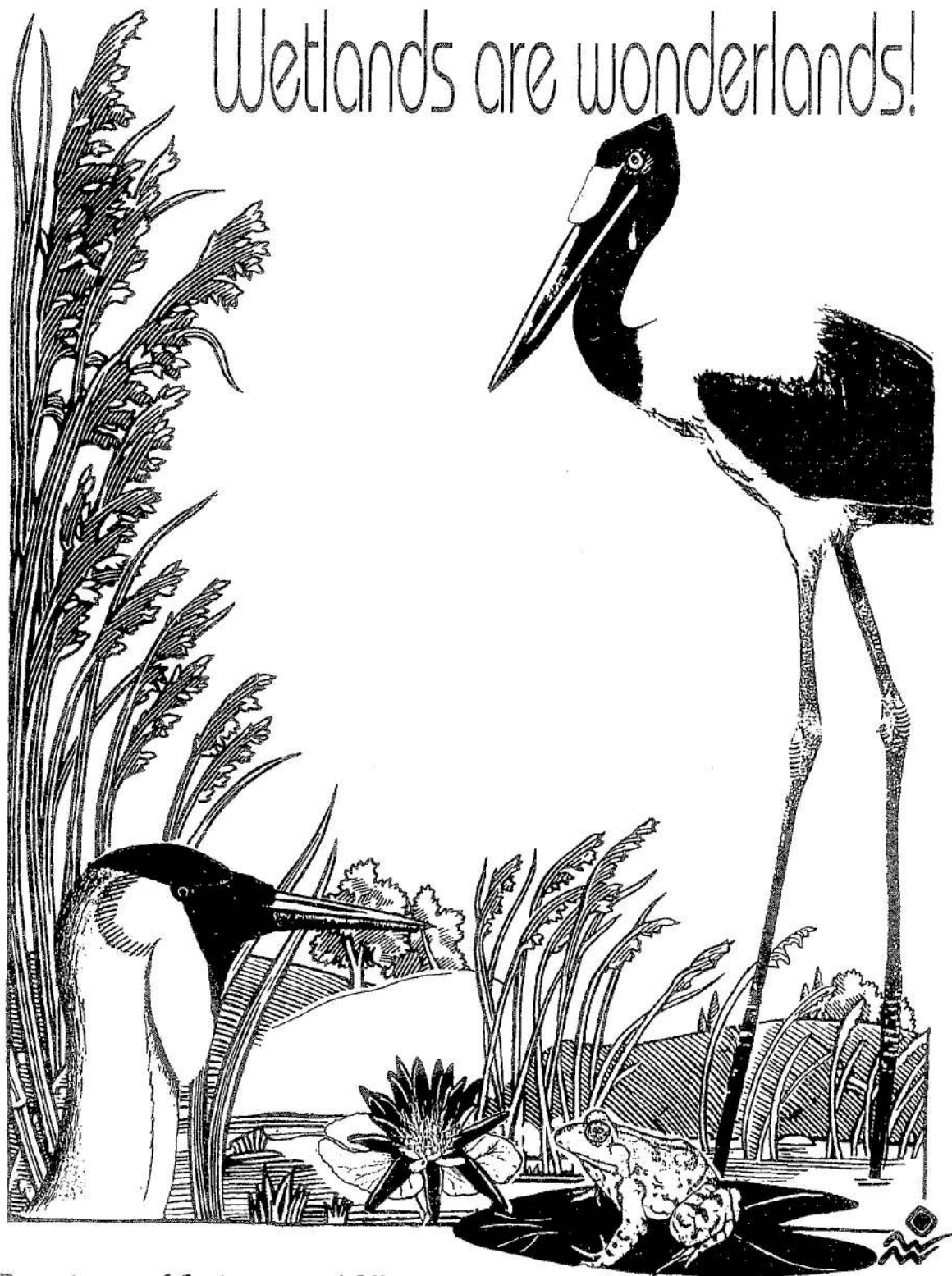
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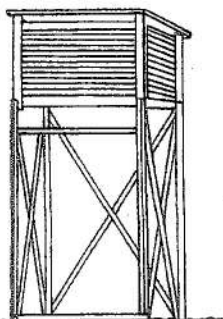
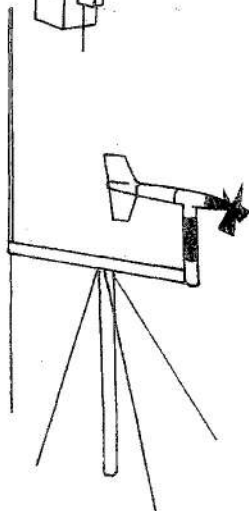
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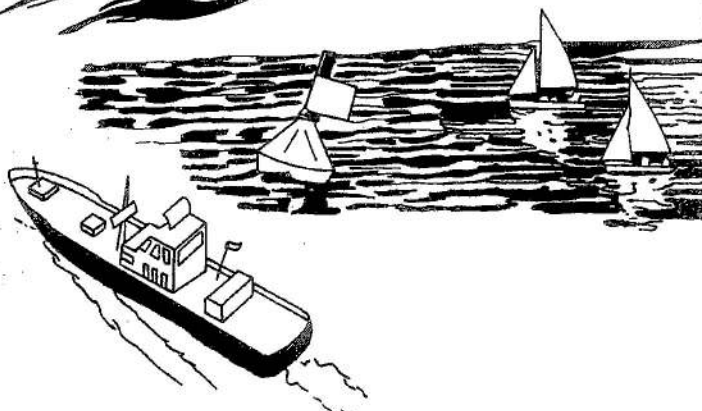
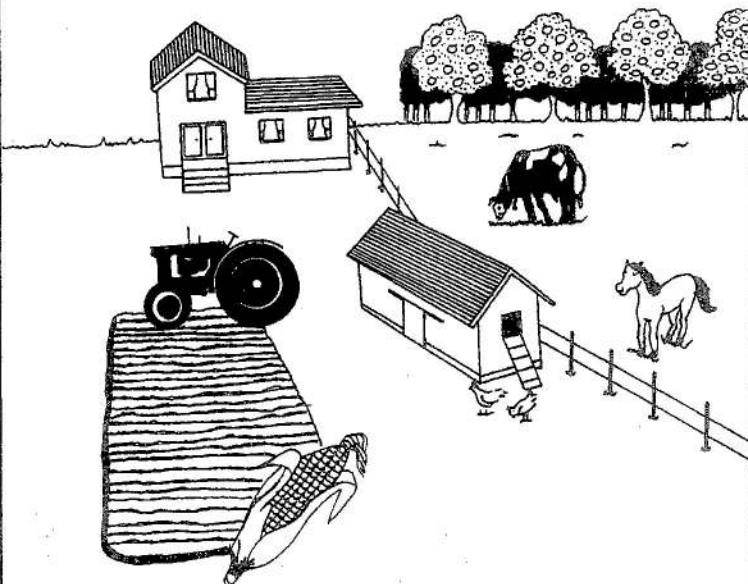
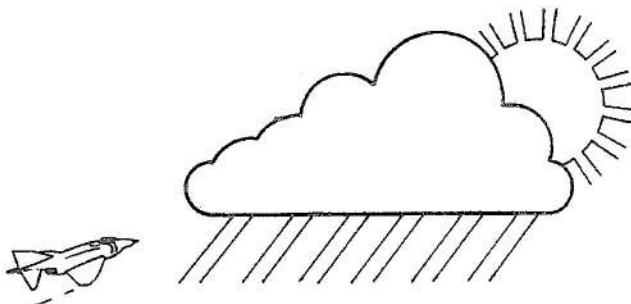


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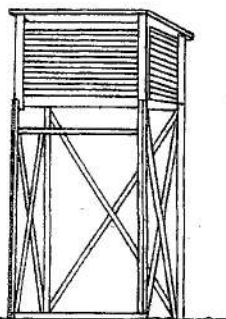
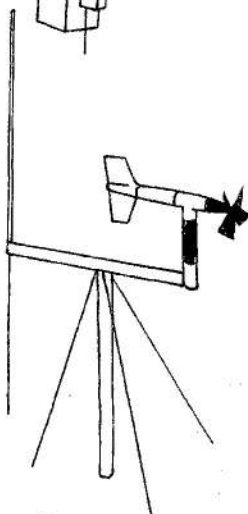
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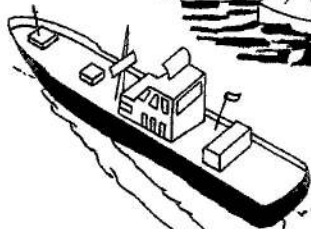
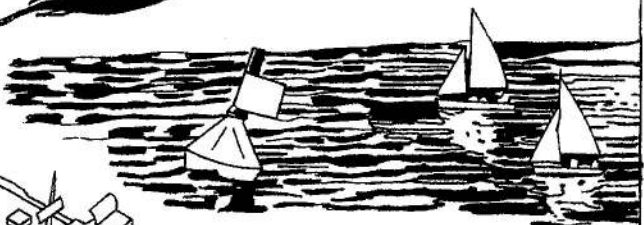
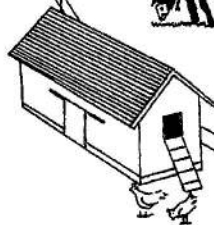
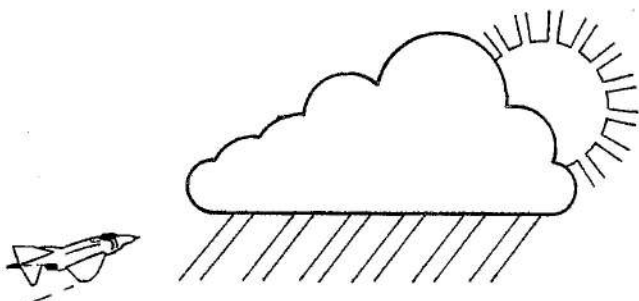
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