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GENERAL NOTICE

NOTICE 156 OF 2002

DEPARTMENT OF AGRICULTURE

AMENDMENT OF NOTICE 2220 OF 2001, PUBLISHED IN GOVERNMENT GAZETTE NO 22807 ON 1 NOVEMBER 2001

PROCEDURES FOR THE APPLICATION, ADMINISTRATION AND ALLOCATION OF EXPORT PERMITS FOR RED AND WHITE WINE UNDER THE TRADE, DEVELOPMENT AND CO-OPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF SOUTH AFRICA

A Trade, Development and Co-operation Agreement (TDCA) between the European Community (EC) and the Republic of South Africa has been established and came into force on 1 January 2000. This agreement provides for the establishment of a Bilateral Free Trade Area between the EC and South Africa in accordance with the World Trade Organisation (WTO) rules and the strengthening of European development assistance to South Africa.

On 28 January 2002 the Wine and Spirits Agreement was signed and as part of the concessions provided for under the TDCA, the EC has agreed to grant tariff preferences on 42 020 000 liters of red and white wine. Export permits will be issued for the access quantity at reduced levels of duty under the conditions set out in the Schedule.

B.N. Njobe.

DIRECTOR-GENERAL: AGRICULTURE.

SCHEDULE

1. Countries for Export

Export permits will be issued only to registered exporters in South Africa for exportation to the following European countries:

COUNTRY	ABBREVIATION	COUNTRY	ABBREVIATION
Austria	AT	Italy	IT
Belgium	BE	Luxembourg	LX
Denmark	DK	Netherlands	NL
Finland	FI	Portugal	PT
France	FR	Spain	ES
Germany	DE	Sweden	SE
Greece	GR	United Kingdom	GB
Ireland	IE		

2. Application for EC export permits

- 2.1 Any person interested in exporting red and/or white wine as specified in the Table must apply therefor on the application form which is available electronically on request from: elsabevdr@nda.agric.za.
- 2.2 The application form will only be accepted if duly completed.
- 2.3 The application must be submitted to the Deputy Director: Trade Permits within 4 weeks from the date of publication of this notice.
- 2.4 An applicant bears the responsibility to ensure that --
 - (a) the application form reflects the correct information as requested for the relevant product;
 - (b) the application is submitted timeously, and
 - (c) the application has been received by the Deputy Director: Trade Permits.
- 2.5 All exporters and potential exporters must comply with --

- (a) the sanitary, phyto-sanitary and other technical requirements as stipulated by the EC; and
- (b) the Rules of Origin that form part of the TDCA and which can be obtained on request from the Department of Trade and Industry (Chief Directorate: Foreign Trade Relations, EU desk).

2.6 The provisions of this section shall apply subject to the conditions specified in the Table.

3. Addresses for applications

3.1 Applications must –

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

The Deputy Director: Trade Permits
National Department of Agriculture
Private Bag X791
PRETORIA 0001
(For attention: Mr G J Kamfer, Room 468);

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

The Deputy Director: Trade Permits
National Department of Agriculture
Dirk Uys Building
30 Hamilton Street
ARCADIA
PRETORIA
(For attention: Mr G J Kamfer, Room 468);

- (c) when sent by facsimile, be transmitted to:

Facsimile number: (012) 319 6169
For attention: Mr G J Kamfer

Applications transmitted by facsimile must be followed up by forwarding the original application to the address contemplated in paragraph (a) or (b) to reach the Department within 14 days of the facsimile transmission.

3.2 Applications delivered by hand will only be accepted during the Department's official hours, namely 07:30 to 16:00.

4. Conditions for the issuing of export permits

4.1 Permits will be allocated on the basis of the following categories:

- (a) 10% to exporters who did not export the product applied for as specified in column 2 of the Table during the period stipulated in column 4 of the Table, referred to as new exporters.
- (b) 10% to exporters that are Small, Medium and Micro Enterprises, referred to as SMME exporters.
- (c) 80% to exporters who exported the product applied for as specified in column 2 of the Table during the period stipulated in column 4 of the Table, referred to as historical exporters.

4.2 Permits will be allocated to –

- (a) new exporters on an equal basis;
- (b) SMME exporters either on an equal basis or as a historical exporter, whichever will enhance government policy for SMME development; and
- (c) historical exporters in proportion to the average quantity of the product concerned, exported by the applicant during the period stipulated in column 4 of the Table.

4.3 The quantity exported by a historical exporter will be calculated on the basis of the list of bills of entry for the product applied for, for the period concerned, submitted together with the application form.

4.4 If the applications received under the combined category for new exporters and SMME exporters do not take up the full allocation for these categories, the balance may be allocated on a *pro rata* basis to the category for historical exporters.

4.5 If permits are not used by 31 July 2002 the unused balance may be re-allocated on a *pro rata* basis to historical exporters.

- 4.6 Permits will be issued annually and will be valid from 1 January 2002 to 31 December 2002.
- 4.7 Permits will be allocated in terms of the conditions stipulated in column 4 of the Table.
5. **General**
- 5.1 Applicants must return all expired permits within thirty (30) days after the date of expiry thereof. Applicants who do not return their expired permits timeously will not be considered for the granting of permits.
- 5.2 This Amendment Notice replaces EC tariff code 2204.21.79, 2204.21.80, 2204.21.83 and 2204.21.84 of Notice 2220 of 2001 as published in Government Gazette No 22807 on 1 November 2001, regarding the procedures for the application, administration and allocation of export permits under the TDCA between the EC and the Republic of South Africa.

TABLE
EXPORT ARRANGEMENTS SET OUT PER EC TARIFF CODE LINE FOR RED AND WHITE WINE

EC TARIFF CODE	DESCRIPTION OF PRODUCT	TARIFF QUOTA DUTY (% REDUCTION)	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4
Under EC tariff code 2204.21.79 – 2204.21.84, a total quantity of 42 020 000 litres is allocated			
2204	Wine of fresh grapes, including fortified wines;	100 MFN ¹⁾ ; (agf 5%) ²⁾	In addition to the conditions stipulated in item 4 of the Schedule, the following condition must be complied with: Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 1998, 1999 and 2000 calendar years.
2204.21.79	----- White wine of fresh grapes , in containers holding 2 litres or less, of an actual alcoholic strength by volume not exceeding 13% volume (excluding sparkling wine, semi-sparkling wines and quality wines produced in specific regions)		
2204.21.80	----- Wine of fresh grapes in containers holding 2 litres or less, of an actual alcoholic strength by volume not exceeding 13% volume (excluding sparkling wine, semi-sparkling wines and quality wines produced in specific regions)		
2204.21.83	----- White wine of fresh grapes , in containers holding 2 litres or less, of an actual alcoholic strength by volume exceeding 13% volume but not exceeding 15% volume (excluding sparkling wine, semi-sparkling wines and quality wines produced in specific regions)		
2204.21.84	----- Wine of fresh grapes , in containers holding 2 litres or less, of an actual alcoholic strength by volume exceeding 13% volume but not exceeding 15% volume (excluding sparkling wine, semi-sparkling wines and quality wines produced in specific regions)		

1) MFN = Most favoured nation.

2) Agf = annual growth factor = % of base year volume.

ANNEXURE**APPLICATION FORM FOR EXPORT PERMITS FOR RED AND WHITE WINE UNDER THE TDCA BETWEEN THE EC AND THE REPUBLIC OF SOUTH AFRICA****(Please duplicate if necessary)**

1. NAME OF EXPORTER:
2. POSTAL ADDRESS: Code:
3. CONTACT PERSON:
4. TELEPHONE NUMBER: Code: Number: Cell no.:
5. FAX NUMBER: Code: Number:
6. CUSTOMS CODE NO OF PRODUCTION UNIT (PLANT/FACTORY) TO BE EXPORTED FROM (NB: Please include a copy of the customs code certificate (obtainable from SARS):

7. For classification into categories (see item 4.1 of Schedule), please complete:-

Turnover: R	Capital investment: R	No of employees:
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8. APPLICATION - SUBMISSION FOR THE PERIOD

EC TARIFF HEADING OF PRODUCT	DESCRIPTION OF PRODUCT	QUANTITY APPLYING FOR	COUNTRY EXPORTING TO

9. Summary of
BILLS OF
ENTRY/DA 550

Quantity exported over the past 2 or 3 years (as relevant)

PLEASE NOTE: A detailed list of bills of entry or DA 550 forms must be attached to this application form.

TARIFF HEADING	TOTAL FOR	TOTAL FOR	TOTAL FOR	GRAND TOTAL

PLEASE COMPLETE AFFIDAVIT ON THE NEXT PAGE. THE AFFIDAVIT ON THE NEXT PAGE IS AN INSEPARABLE PART OF THE APPLICATION FORM.

AFFIDAVIT

I hereby declare that the particulars herein are true and correct.

NAME (PRINT): _____ **SIGNATURE:** _____ **DATE:** _____

(to be signed in the presence of a Justice of the Peace or Commissioner of Oaths)

1. I certify that before administering the oath/affirmation, I asked the deponent the following questions and wrote down his/her answers in his/her presence.

(1) Do you know and understand the contents of the declaration?

Answer

(2) Do you have any objection to taking the prescribed oath?

Answer

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer

2. I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. The deponent utters the following words: "I swear that the contents of this declaration are true so help me God" / "I truly affirm that the contents of the declaration are true." The signature/mark of the deponent is affixed to the declaration in my presence.

.....
**JUSTICE OF THE PEACE
COMMISSIONER OF OATHS**

FULL FIRST NAMES AND SURNAME: _____
(BLOCK LETTERS)

DESIGNATION: _____

BUSINESS ADDRESS: _____
(STREET ADDRESS)

DATE: _____

PLACE: _____

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