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**No. 33535**

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## GENERAL NOTICE

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### NOTICE 854 OF 2010

#### DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

#### PROCEDURES FOR THE APPLICATION, ADMINISTRATION AND ALLOCATION OF EXPORT PERMITS 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 Organization (WTO) rules and the strengthening of European development assistance to South Africa.

As part of the concessions provided for under the TDCA, the EC has agreed to grant tariff preferences on limited quantities of selected products in the form of tariff quotas. Export permits will be issued for the access quantities at reduced levels of duty under the conditions set out in the Schedule.

**Peter Thabethe**

**ACTING DIRECTOR-GENERAL: AGRICULTURE, FORESTRY AND FISHERIES.**

### SCHEDULE

#### 1. Definitions

- 1.1 **"BEE-category"** means companies which qualify under the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003.
- 1.2 **"Historical category"** means companies that have a proven export performance over the period of one to three years, as stipulated under item 5.3 of this schedule and item 11 of the application form.
- 1.3 **"New entrants"** means new exporters that join the export market during the exporting year.
- 1.4. **"SMME"** means small, medium, and micro enterprises as defined in the National Small Business Act, Act No. 102 of 1996. The Act classifies small businesses according to size, and in descending order as medium, small, very small or micro enterprises.
- 1.5 **"SMME and new exporter's category"** means SMME's and new exporters that do not qualify under the historical or BEE-category.

#### 2. Countries for Export

Permits for exportation of any of the products specified in the Table on Export Arrangements, to the European Community, will be issued only to exporters in

South Africa registered at DTI and SARS of which proof is required as stipulated in paragraphs 7 and 8 of the Annexure A to the Schedule.

### **3. Application for EC export permits**

- 3.1 Any person interested in exporting any of the products specified in the Table (excluding cut flowers – EC tariff code 0603.10 – 0603.90) must apply therefor on a copy of the application form attached as an Annexure.
- 3.2 Application for export permits issued annually must be submitted to the Deputy Director: Marketing Administration within four weeks from the date of publication of this notice. Permits will be valid from 1 January 2011 until 31 December 2011.
- 3.3 In the case of cut flowers, potential exporters must apply to SARS (Customs and Excise) on a first-come, first-served basis until the quota allocated is fully utilized.
- 3.4 The application form is available electronically on request from: [JanK@daff.gov.za/SisiC@daff.gov.za](mailto:JanK@daff.gov.za/SisiC@daff.gov.za).
- 3.5 The application form will only be accepted if duly completed.
- 3.6 An applicant bears the responsibility to ensure that –
  - (a) the application form reflects the correct information as requested for the product concerned;
  - (b) the application is submitted timeously as set out in paragraph 3.2, and
  - (c) the application (whether sent electronically, faxed, posted or delivered by hand) has been received by the Administrative Officer: Management Support (Mr B. Nedombeloni).
- 3.7 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). Please note: The EUR 1 form that must accompany each consignment to be exported in terms of the TDCA, is obtainable from the applicant's local SARS office. The exception is Wine exporters with "Approved Exporter Status", who will follow the electronic exporter-to-client system on Wine Online.

### **4. Addresses for applications**

- 4.1 Applications must –
  - (a) when forwarded by post, be addressed to:

The Administrative Officer: Management Support  
Department of Agriculture  
Private Bag X15  
**ARCADIA,**  
0007

(For attention: Mr. B.Nedombeloni, Sefala Building, Room 715);

- (b) when delivered by hand, be delivered to:  
The Administrative Officer: Management Support  
Department of Agriculture  
Sefala Building  
503 Belvedere Street  
ARCADIA  
(For attention: Mr. B.Nedombeloni, Room 715);
- (c) when sent by facsimile, be transmitted to:  
Facsimile number: (012) 319-8077  
For attention: Mr. B.Nedombeloni  
An application transmitted by facsimile must be followed up by forwarding the original application (do not include copies of the bills of entry export, DA 550/32 or Certificates of Export) to the address contemplated in paragraph (a) or (b) to reach the Department within 14 days of the facsimile transmission;
- (d) when sent electronically to [BernardN@daff.gov.za](mailto:BernardN@daff.gov.za); an electronic application including Wine Online applications 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 electronic transmission.

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

## **5. Conditions for the issuing of export permits**

5.1 Permits for the products specified in the Table will be allocated on the basis of the following categories, unless specified differently in the Table:

- (a) 70% to historical exporters.
- (b) 10% to BEE exporters.
- (c) 20% to the SMME and new exporter's category.

**Please note that 5% of the Initial quota will be reserved to new entrants. The exception is the wine quota, where one million liters will be reserved.**

5.2 The allocation of quotas for permits will be done as follows:

- (a) Exporters in the SMME and new exporter's category on an equal basis.

- (b) BEE exporters either on an equal basis or as a historical exporter whichever will enhance government policy for BEE development.
  - (c) Historical exporters in proportion to the average quantity of the product concerned, exported by the applicant during the period stipulated for the product in column 4 of the Table.
  - (d) Exporters in the new entrants category equal to the maximum average of the SMME and new exporters category or combined category for BEE's, SMME's and New. The allocation for new entrants will be made until 30 April 2011, after which the balance of the unused quota will be re-allocated proportionally to the historical; New and SMME and BEE categories. New entrants must submit proof of orders and ability to export the applied quota.
- 5.3 The quantity exported by a historical exporter will be calculated on the basis of the detailed list of bills of entry export (DA 550/32 or export certificates for new exporters) or exports captured on the Wine Online System for the product applied for, for the period concerned, submitted together with the application form.
- 5.4 (a) If the allocation for a particular category is not fully utilized, the balance may be re-allocated to the other categories.
- (b) In order to enhance government policy on BEE's, quotas for exporters in the SMME and new exporter's category, as well as the BEE category can be combined to ensure the most beneficial allocation.
- 5.5 The quotas allocated to exporters will be provisional quotas, and the rule of "use it or lose it" will be applied. Therefore, if quotas have not been utilized satisfactorily (export rate of 75% per month) by 30 April 2011 for and 31 July 2011, the Department has the prerogative to re-allocate the unused quotas after a process of consultation with the exporter has been followed.
- 5.6 Permits for the exportation of products under tariff headings 2008.40; 2008.50 and 2008.70 (canned fruit) will be allocated on receipt of a letter of intent from a local supplier indicating that the exporter can source the product for exportation to the EC with the exception of Black entrepreneurs who will qualify under of the BEE promotion initiative for Black exporters.
- 5.7 If the allocation for a particular product under tariff headings 2009.41.10 – 2009.71.99 (pineapple and apple juice) is not fully utilized, the balance may be re-allocated to the other product concerned.
- 5.8 Despite any provisions in other laws, applicants registered as joint ventures, mergers, consortiums, holding companies or other similar business arrangements are not allowed to apply separately from their subsidiaries, minority shareholders or divisions for the same product, as this will establish an unfair advantage towards other applicants.
- 5.9 If the market share for a particular applicant exceeds the limit for dominant firms, contemplated in section 7(a)-(c) of the Competition Act, Act 89 of 1998

as amended, the Department can adjust the allocation formula to create fair competition within that industry sector.

- 5.10 A lost permit will only be replaced if an affidavit in this regard has been submitted and the Department is satisfied that the applicant acted in good faith and took the necessary steps to recover the original permit, as well as undertake to return the original permit if it is found. The pro forma of the affidavit is electronically available on the departmental website <http://www.daff.gov.za> or on request from [JanK@daff.gov.za](mailto:JanK@daff.gov.za)/SisiC@daff.gov.za.
- 5.11 The provisions of this section shall apply subject to the conditions specified in the Table.

## **6. Procedure to pay for an export permit**

- 6.1 (a) Payment of a tariff of R435 per permit will be payable for permits issued for annual permits, as well as lost permits and replacement permits issued until 31 March 2011.
- (b) Payment of a proposed tariff of R470 per permit to be approved by National Treasury will be payable for permits and replacement permits issued after 1 April 2011.
- 6.2 All application forms to be accompanied by proof of payment (bank deposit slip or cashier receipt) as stipulated under item 12 of the application form.
- 6.3 Payment to be made as follows:

Payment to Department of Agriculture, bank account	OR	Payment in cash: Department of Agriculture cashier
<u>Bank:</u> Standard Bank		<u>Pretoria:</u>
<u>Branch:</u> Arcadia		Agricultural Place, 20 Beatrix Street,
<u>Branch No.:</u> 01-08-45		Arcadia,
<u>Account No.:</u> 013024175		Pretoria
<u>Account Name:</u> NDA:Marketing Administration– Trade Incentives		Block P: Room GF 15

- 6.4 If a permit has been lost by an applicant either in his/her possession or during the process of clearing, a replacement permit will only be issued after proof of payment for the new permit has been received.

## **7. Compliance to BEE criteria in terms of Agri-BEE Charter for Agriculture**

- 7.1 Permits issued for products in terms of the Trade Development and Co-operation Agreement between the EC and the RSA are subject to the Agricultural Black Economic Empowerment (AgriBEE) Sector Charter (AgriBEE Charter) under section 12 of the Broad Based Black Empowerment



Act, 2003 (Act No 53 of 2003). The AgriBEE Charter was published in Notice no. 314 of Government Gazette No. 30886 of 20 March 2008. The AgriBEE Charter is also available on the departmental website <http://www.daff.gov.za>; Publications / Government Gazette / Notice no. 314.

- 7.2 In the initial phase of implementation of the AgriBEE criteria, until such time that the AgriBEE Sector Code under section 9 of BEE Charter is finalized, exporters will not be disqualified for quota allocation purposes but failure to do an evaluation after the initial phase of implementation will constitute automatic non-compliance.
- 7.3 According to the Generic Codes of Good Practice, enterprises with a moving average turnover of less than R5 million (Exempted Micro Enterprises or EME's) are deemed to be exempted. A declaration confirming their EME status, signed by a Financial Accountant must be submitted to the Department of Agriculture, Forestry and Fisheries. The envisaged AgriBEE Sector Code under section 9 will indicate the turnover threshold levels for Exempted Micro Enterprises (EME's) and Qualifying Small Enterprises (QSE's).
- 7.4 The AgriBEE Charter applies to multinational businesses or South African multinationals whose business falls within the scope of the Charter as defined in the Broad Based Black Empowerment Act, 2003 (Act No 53 of 2003). A specific regime for multinationals exists in the Codes of Good Practice and will apply.
- 7.5 Enterprises using agricultural or agricultural related products for processing and / or manufacturing products in a multidiscipline sector will be evaluated according to the AgriBEE Charter.
- 7.6 Companies or businesses, irrespective of the size (large, medium, small, very small or micro) have to do a proper evaluation in terms of the indicative AgriBEE Scorecard to indicate their progress towards BEE compliance as at 31 October 2010.
- 7.7 Only BEE verification certificates issued by Accredited Verification Agencies or Verification Agencies that are in possession of a valid pre-assessment letter from South African National Accreditation Systems will be valid. The period of validity of the certificates will be 12 months from the date of issue. Despite this aforementioned provision, all verification certificates issued by non-accredited verification agencies before 1 February 2010, will remain valid for 12 months from the date of issue as published in the Government Gazette No. 32467 of 31 July 2009. The list of accredited Verification Agencies is available on the Department of Trade and Industry website ([http:// www.thedti.gov.za](http://www.thedti.gov.za)). Certificates issued for a holding company can be used by all its subsidiaries.



**8. General**

- 8.1 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.
- 8.2 This notice replaces all previous notices regarding the procedures for the application, administration and allocation of export permits under the TDCA between the EC and the Republic of South Africa.

## ANNEXURE A

# APPLICATION FORM FOR EXPORT PERMITS UNDER THE TDCA BETWEEN THE EC AND THE REPUBLIC OF SOUTH AFRICA FOR THE CALENDAR YEAR 2011

(Please note that an application form is necessary for each product)

1. NAME OF EXPORTER: .....

2. POSTAL ADDRESS: ..... CODE: .....

3. RESPONSIBLE PERSON: .....

4. TELEPHONE NUMBER: CODE: ..... NUMBER: ..... CELL NO.: .....

5. FAX NUMBER: CODE: ..... NUMBER: .....

6. E-MAIL ADDRESS: .....

7. COMPANY/CC REGISTRATION NUMBER: .....

(NB: First time applicants: Please include a copy of the registration certificate (obtainable from the Department of Trade and Industry (DTI))

8. CUSTOMS CODE NO.: .....

(NB: First time applicants: Please include a copy of the Customs Code Certificate (obtainable from SARS)

9. CLASSIFICATION OF CATEGORIES:

For classification into categories (see Item 1, 5.1 and 5.2 of schedule) please complete:-

*BEE CRITERIA	HISTORICAL CATEGORY	BEE-CATEGORY	SMME AND NEW EXPORTER'S CATEGORY
1. Ownership	Turnover:.....	Turnover:.....	Turnover:.....
2. Management			
3. Skills Development			
4. Preferential Procurement	Capital Investment.....	Capital Investment.....	Capital Investment.....
5. Employment Equity			
6. Enterprise Development	Permanent Employees.....	Permanent Employees	Permanent Employees
7. Corporate Social Investment			

\* According to the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003 and Agri-BEE Charter- Indicate compliance with the criteria and attach BEE evaluation certificate or declaration of exemption.

10. APPLICATION – SUBMISSION FOR THE PERIOD (Where applicable).....

EC TARIFF HEADING OF PRODUCT	DESCRIPTION OF PRODUCT	QUANTITY APPLYING FOR: Tons/Litres

11. Summary of BILLS OF ENTRY EXPORT/DA 550/32. Quantity exported over the past 2 or 3 years (first time applicants not registered on Wine Online-See Column 4 of Table)  
PLEASE NOTE: A detailed list of either bills of entry export, or DA 550/32s or Export Certificates) (not copies of documents) must be attached to this application (see Item 4.1 (c) of Schedule)

TARIFF HEADING	TOTAL FOR ..... (where applicable)	TOTAL FOR ..... (where applicable).	TOTAL FOR ..... (where applicable).

12. INDICATE PAYMENT OPTION IN ACCOUNT NO. 013024175 AND ATTACH PROOF OF PAYMENT

BANK	CASH RECEIPT NO .....

**AFFIDAVIT**

I the undersigned \_\_\_\_\_  
do hereby make oath / affirmation and declare that:

1. I am duly authorized to depose to this affidavit on behalf of the applicant; and
2. The particulars contained in the application form are true and correct.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2010/11

**DEPONENT**

**(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/affirmation?

**Answer:** .....

(3) Do you consider the prescribed oath/ affirmation 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**

**TO BE COMPLETED BY THE JUSTICE OF THE PEACE/COMMISSIONER OF OATHS:**

**FULL FIRST NAMES AND SURNAME:**

**(BLOCK LETTERS)**

**DESIGNATION:**

**PHYSICAL ADDRESS:**

**DATE:**

**PLACE:**

**PLEASE COMPLETE THE ABOVE AFFIDAVIT WHICH IS AN INSEPARABLE PART OF THE APPLICATION FORM AND MUST BE SUBMITTED WITH EACH APPLICATION.**

**TABLE**  
**EXPORT ARRANGEMENTS SET OUT PER EC TARIFF CODE LINE**

EC TARIFF CODE	DESCRIPTION OF PRODUCT	TARIFF QUOTA DUTY (% REDUCTION)	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4
<b><u>Under EC tariff code 0603.10: 0603.11.00 to 0603.14.00, a total quantity of 665 tons [(agf 3%) <sup>2)</sup>] is allocated</u></b>			
<b>0603</b>	<b>Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared</b>	50 MFN <sup>1)</sup> or 80 GSP <sup>4)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with:
0603.10	- Fresh flowers- -Roses (from 1 January to 31 May and from 1 November to 31 December only)		Potential exporters must apply to Customs and Excise on a first-come, first-served basis until the quota allocated is fully utilized.
0603.11.00	-- Orchids (from 1 June to 31 October only)		
0603.13.00 0603.14.00	-- Chrysanthemums (from 1 January to 31 May and from 1 November to 31 December only)		
<b>z</b>			
<b><u>Under EC tariff code 0603.19.90 a total quantity of 798 tons [(agf 3%) <sup>2)</sup>] is allocated</u></b>			
0603.19.90	-- Other fresh flowers (from 1 June to 31 October only)	50 MFN <sup>1)</sup> or 80 GSP <sup>4)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with:  Potential exporters must apply to Customs and Excise on a first-come, first-served basis until the quota allocated is fully utilized.
<b><u>Under EC tariff code 0603.90.00, a total quantity of 665 tons [(agf 3%) <sup>2)</sup>] is allocated</u></b>			
0603.90.00	- Cut flowers and flower buds; dried, dyed, bleached, impregnated or otherwise prepared, of a kind suitable for bouquets or for ornamental purposes	75 MFN <sup>1)</sup> or 80 GSP <sup>4)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following condition must be complied with:  Potential exporters must apply to Customs and Excise on a first-come-first-served basis until the quota allocated is fully utilized.

EC TARIFF CODE	DESCRIPTION OF PRODUCT	TARIFF QUOTA DUTY (% REDUCTION)	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4
<b><u>Under EC tariff code 0811.10.90, a total quantity of 332.5 tons [(agf 3%) <sup>2)</sup>] is allocated</u></b>			
0811 0811.10.90	<b>Fruits and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter</b> - <b>Strawberries, not containing added sugar or other sweetening matter</b>	100 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:  Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 2008 and 2009 calendar years.  Permits will be issued annually and will be valid for twelve months.
<b><u>*Under EC tariff codes 2008.40, 2008.50 and 2008.70, a total quantity of 54 682.25 [(agf 3%) <sup>2)</sup>] is allocated</u></b>			
2008  2008.40 2008.40.51  2008.40.59  2008.40.71  2008.40.79	<b>Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included.</b>  <b>--Pears</b> ---- Pears not containing added spirit, containing added sugar, with a sugar content exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg.  ---- Pears not containing added spirit, containing added sugar, with a sugar content not exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg.  ---- Pears not containing added spirit, containing added sugar, with a sugar content exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg  ---- Pears not containing added spirit, containing added sugar, with a sugar content not exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg	50 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:  Permits will be allocated in collaboration with the industry, based on actual exports during the 2007, 2008 and 2009 calendar years.  Permits will be issued on annual basis and will be valid for twelve months.  <b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 April 2011.</b>

EC TARIFF CODE	DESCRIPTION OF PRODUCT	TARIFF QUOTA DUTY (% REDUCTION)	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4
2008.40.11	---- Pears not containing added spirit, not containing added sugar, in immediate packings of a net content of 4,5 kg or more	50 MFN <sup>1)</sup>	<p>In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:</p> <p>Permits will be allocated in collaboration with the industry, based on actual exports during the 2007, 2008 and 2009 calendar years.</p> <p>Permits will be issued on annual basis and will be valid for twelve months.</p> <p><b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 April 2011.</b></p>
2008.40.21	---- Pears not containing added spirit, not containing added sugar, in immediate packings of a net content of less than 4,5 kg .		
<b>2008.50</b>	<b>- Apricots</b>		
2008.50.61	---- Apricots not containing added spirit, containing added sugar with a sugar content exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg		
2008.50.69	---- Apricots not containing added spirit, containing added sugar with a sugar content not exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg		
2008.50.71	---- Apricots not containing added spirit, containing added sugar with a sugar content exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg		
2008.50.79	---- Apricots not containing added spirit, containing added sugar with a sugar content not exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg.		
2008.50.92	--- Apricots not containing added spirit, not containing added sugar, in immediate packings of a net content :		
2008.50.94	---- of 5 kg or more		
	---- of 4,5 kg or more but less than 5 kg		
2008.50.99	---- of less than 4,5 kg		
<b>2008.70</b>	<b>- Peaches, including nectarines</b>		
2008.70.61	---- Peaches not containing added spirit, containing added sugar with a sugar content exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg		
2008.70.69	---- Peaches not containing added spirit, containing added sugar with a sugar content not exceeding 13% by weight, in immediate packings of a net content exceeding 1 kg		
2008.70.71	---- Peaches not containing added spirit, containing added sugar with a sugar content exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg.		



2008.70.79	<ul style="list-style-type: none"> <li>---- Peaches not containing added spirit, containing added sugar with a sugar content not exceeding 15% by weight, in immediate packings of a net content not exceeding 1 kg</li> <li>---- Peaches not containing added spirit, not containing added sugar, in immediate packings of a net content -</li> </ul>	50 MFN <sup>1)</sup>	<p>In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:</p> <p>Permits will be allocated in collaboration with the industry, based on actual exports during the 2007, 2008 and 2009 calendar years.</p> <p>Permits will be issued on annual basis and will be valid for twelve months.</p> <p><b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 April 2011.</b></p>
2008.70.92	---- of 5 kg or more		
2008.70.98.11/19	---- of 4.5 kg or more		
2008.70.98.11	---- Peach halves (including nectarines)		
2008.70.98.15	---- Peaches, flaked or powered, whether or not containing starch		
2008.70.98.19	----- Other		
2008.70.98.21/29	----- Of less than 4.5 kg		
2008.70.98.21	----- Peach halves (including nectarines)		
2008.70.98.25	----- Peach, flaked or powered, whether or not containing starch		
2008.70.98.29	----- Other		
<p><b><u>*Under EC tariff code 2008.92.59 – 2008.92.98 (excluding 2008.92.72), a total quantity of 24 351.4 tons [ (agf 3% <sup>2)</sup> ] is allocated</u></b></p> <p><b><u>Under EC tariff code 2008.92.72, a total quantity of 2 660 tons [ (agf 3% <sup>2)</sup> ] is allocated.</u></b></p>			
2008.92.59	----- Mixtures of fruit not containing added spirit, containing added sugar, in immediate packings of a net content exceeding 1 kg, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)	50 MFN <sup>1)</sup>	<p>In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:</p> <p>Permits will be allocated in collaboration with the industry, based on actual exports during the 2007, 2008 and 2009 calendar years.</p> <p>Permits will be issued on annual basis and will be valid for twelve months.</p> <p><b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 April 2011.</b></p>
2008.92.72	----- Mixtures of tropical fruit not containing added spirit, containing added sugar, in immediate packings of a net content not exceeding 1 kg, mixtures of fruit in which no single fruit exceeds 50% of the total weight of the fruit, of tropical fruit (including mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		
2008.92.74	----- Mixtures of tropical fruit not containing added spirit, containing added sugar, in immediate packings of a net content not exceeding 1 kg, mixtures of fruit in which no single fruit exceeds 50% of the total weight of the fruit, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		

2008.92.78	----- Mixtures of tropical fruit not containing added spirit, containing added sugar, in immediate packings of a net content not exceeding 1 kg, other than mixtures of fruit in which no single fruit exceeds 50% of the total weight of the fruits, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit)		
2008.92.98	----- Mixtures of tropical fruit not containing added spirit, not containing added sugar, in immediate packings of a net content of less than 4.5 kg, of tropical fruit (excluding mixtures containing 50% or more by weight of tropical nuts and tropical fruit).		
<b>*Under EC tariff code 2009.11.99, a total quantity of 931 tons [(agf 3%) <sup>2)</sup>] is allocated</b>			
2009	<b>Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:</b>	50 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2009.11.99	- <b>Orange juice, frozen</b> , of a Brix value not exceeding 67, other than that of a value not exceeding 30 Euro per 100 kg net weight and with an added sugar content exceeding 30% by weight		Permits will be allocated in collaboration with the industry, based on actual exports during the 2008 and 2009 calendar years. Permits will be issued on annual basis and will be valid for twelve months. <b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 April 2011.</b>
<b>* Under EC tariff code 2009.41.10 – 2009.79.99, a total quantity of 6 650 tons [(agf 3%) <sup>2)</sup>] is allocated, split into 3 325 tons [(agf 3%) <sup>2)</sup>] for pineapple juice and 3 325 tons [(agf 3%) <sup>2)</sup>] for apple juice.</b>			
2009.41.10	- <b>Pineapple juice</b> , of a Brix value not exceeding 20 but not exceeding 67, of a value exceeding 30 Euro per 100 kg net weight, containing added sugar.	50 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2009.49.30	- <b>Pineapple juice</b> , of a Brix value exceeding 20 but not exceeding 67, of a value exceeding 30 Euro per 100 kg net weight, containing added sugar.		Permits will be allocated in collaboration with the industry, based on actual exports during the 2008 and 2009 calendar years. Permits will be issued on annual basis and will be valid for twelve months.
2009.71.20/99 2009.79.19 2009.79.19	---- Apple juice, other, of a Brix value exceeding 67, of a value not exceeding 22 Euro per 100 kg net weight		Taric code 2009.49.30.91 is on autonomous suspension from 1 January 2010 to 31 December 2014 and will be free of quota and free of duty until such time the EU withdraws it.
	---- Apple juice, other, of a Brix value exceeding 67, of a value exceeding 22 Euro per 100 kg net weight		<b>This is a provisional quota which can be re-</b>
	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding		

2009.79.30	67, of a value exceeding 18 Euro per 100 kg net weight, containing added sugar		allocated by the Department if it is not utilized satisfactorily by 30 April 2011.
2009.79.91	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: with an added sugar content exceeding 30% by weight		
2009.79.93	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: with an added sugar content not exceeding 30% by weight		
2009.79.99	---- Apple juice, other, of a Brix value exceeding 20 but not exceeding 67, other: not containing added sugar.		
<b>* Under EC tariff code 2204.21.79 – 2204.21.85, a total quantity of 51 551 000 litres [(agf 3%) <sup>2)</sup>] is allocated</b>			
2204.21.79	- <b>White wine of fresh grapes:</b> Other wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume not exceeding 13% volume	100 MFN <sup>1)</sup>	In addition to the conditions stipulated in item 5 of the Schedule, the following conditions must be complied with:
2204.21.80	- <b>Wine of fresh grapes:</b> Other than white wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume not exceeding 13% volume		Permits will be allocated in proportion to market share figures to historical exporters, based on actual exports during the 2008, 2009 and 2010 calendar years.
2204.21.84	- <b>White wine of fresh grapes:</b> Other wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume exceeding 13% volume but not exceeding 15% volume, excluding quality wines produced in specified regions		Permits will be issued on annual basis and will be valid for twelve months.
2204.21.85	- <b>Wine of fresh grapes:</b> Other than white wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less, of an actual alcoholic strength by volume exceeding 13% volume but not exceeding 15% volume, excluding quality wines produced in specified regions		<b>This is a provisional quota which can be re-allocated by the Department if it is not utilized satisfactorily by 30 April 2011.</b>

1) MFN = Most favoured nation.

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

3) Entry under this subheading is subject to conditions laid down in the relevant European Commission provisions.

4) GSP (Generalised system of preferences) = whichever results in the lower duty application.