

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 3481

2 June 2023

**AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)**

REGULATIONS REGARDING CONTROL OF THE EXPORT OF ANIMAL PRODUCTS

The Minister of Agriculture, Land Reform and Rural Development has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) made the regulations in the Schedule.



A.T. Didiza

Minister of Agriculture, Land Reform and Rural Development

SCHEDULE**Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

“**animal products**” means dairy products, eggs and poultry meat;

“**assignee**” means a person, undertaking, body, institution, association or board designated as such under section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

“**certificate**” means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

“**composite dairy product**” means a product consisting of a combination of a primary dairy product and another foodstuff, the solids of which are not intended to replace any part of the milk solids of that primary dairy product;

“**consignment**” means, where used with regard to --

- (a) dairy products, a quantity of dairy products of the same kind which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production lots, classes or packing sizes, each quantity of each of the different production lots, classes or packing sizes;
- (b) eggs, a quantity of eggs belonging to the same supplier, which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is sub-sorted into different production groups, grades or size groups, each quantity of each of the different production groups, grades or size groups; or
- (c) poultry meat, a quantity of poultry meat of the same type, which belongs to the same owner, delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is divided into different classes, grades, portions, cuts or production lots, every quantity of each of the different classes, grades, portions, cuts or production lots;

“**consignment note**” means a consignment note approved by the Executive Officer or Assignee;

“**dairy product**” means a primary dairy product, a composite dairy product or a modified dairy product;

“**Department**” means the Department of Agriculture, Land Reform and Rural Development;

“**eggs**” means the eggs of the specie *Gallus domesticus* (domesticated fowls), *Meleagrus gallapavo* (turkeys) and *Anas* (ducks and muscovies);

“**Executive Officer**” means the officer designated under section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990)

“**inspector**” means the Executive Officer or an officer under his/her control, or an Assignee or an employee of an Assignee;

“**ISO**” means International Organization for Standardization;

“**milk**” means the normal secretion of the mammary glands of bovines, goats or sheep or other milking animals;

"**modified dairy product**" means a product that, in so far as it relates to general appearance, presentation and intended use, corresponds to a primary dairy product, and of which not more than 50 per cent of the fat content, protein content and/or carbohydrate content has respectively been obtained from a source other than a primary dairy product;

"**National Reference Laboratory**" means an official laboratory of the Department and the Perishable Products Export Control Board that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"**Officially Recognized Laboratory**" means any laboratory that is not a National Reference Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"**poultry meat**" means the slaughtered and sometimes deboned carcasses of the species *Gallus domesticus* (fowls), *Meleagrus gallopavo* (turkeys) and *Anas* (ducks and muscovies) as well as any portions or parts of such carcasses which are usually sold for human consumption, whether as such or in cut form and which is still recognizable as a carcass, portion, piece or strip and includes raw processed poultry meat;

"**primary dairy product**" means milk or a product that has been derived or manufactured solely from milk, and to which no substance other than permitted food additives not intended to replace any part of the milk solids in that product are added, and includes a product that consists of a combination of two or more of such products;

"**raw processed poultry meat**" means poultry meat which has been treated with a formulated solution, has not undergone any heat treatment and is still recognizable as a poultry carcass, portion, piece or strip; and

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

Prohibition on the export of animal products

2. (1) Subject to the provisions of subregulation (2), no person shall export animal products from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Animal products which are -

- (a) exported in a consignment of less than 20 kg net mass; and
- (b) taken in as provisions for consumption aboard a conveyance to another country, shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee.

Application for approval for export

3. (1) An application for an approval in terms of section 4 of the Act for the export of a consignment of animal products, shall be directed in writing to the Executive Officer or Assignee.

(2) Such an application shall be made at least four working days before the intended date of export, or as otherwise arranged with the Executive Officer or Assignee.

(3) The following particulars shall be supplied when such an application is made:

- (a) The name and address of the applicant and, where applicable, of his agent or exporter.
- (b) The type, class or grade and size (in the case of eggs) of product.

- (c) The number of containers in and the mass of the consignment concerned.
- (d) The intended date and time of export, the method of transport and, in the case of export by sea, the name of the vessel concerned and the port or airport from which the consignment concerned shall be exported.
- (e) The particulars concerning the marking and destination of the consignment concerned.
- (f) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
- (g) Any other additional information regarding the consignment concerned.

Presentation for inspection

4. (1) Each consignment of animal products intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of animal products concerned shall be presented for inspection at least 12 hours prior to the intended time of export, or as otherwise arranged with the Executive Officer or Assignee.

(2) A consignment of animal products referred to in subregulation (1), shall be presented for inspection in such a manner that -

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

Consignment note

5. (1) Every consignment of animal products destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

Procedure at inspection

6. (1) An inspector may in any consignment of animal products open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her by virtue of the provisions of subregulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of animal products

- (a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval; or
- (b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each

container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of animal products which has already been approved for export, and may confirm or withdraw according to subregulation (3)(b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Assessment of the competence of testing laboratories involved in the export of animal products

7. (1) For the purpose of analyses as required by regulation 6(1), analyses may be conducted by a National Reference Laboratory or an Officially Recognized Laboratory.

(2) The Executive Officer shall nominate a National Reference Laboratory or an Officially Recognized Laboratory in writing to conduct analyses as set out in subregulation (1).

(3) The said laboratory shall be considered on the basis of their suitability, which shall *inter alia* be based on the following criteria:

- (a) A reasonable demonstrable knowledge or expertise in the testing and analyses of animal products;
- (b) Compliance with the general criteria for testing laboratories laid down in ISO/IEC Guide 17025:2017;
- (c) Annual participation in appropriate proficiency testing schemes for analyses which conform to the requirements as laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (d) Whenever available, use methods of analyses which have been validated according to the principles as laid down by the *Codex Alimentarius Commission*; and
- (e) Use internal quality control procedures as described in the document titled "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

(4) In addition to compliance with suitability criteria as set out in subregulation (3), an Officially Recognized Laboratory shall be considered for nomination on the following grounds:

- (a) Of necessity in as far as fulfillment of capacity as determined from time to time by the Executive Officer.
- (b) On a three-year period, the period which may be considered for renewal upon assessment by the Executive Officer.

Fees for inspection and analyses

8. The following fees shall be payable for inspection and analyses:

- (1) The determined inspection fee when animal products are presented for inspection.
- (2) The fee for testing and analyses of samples shall be charged by the laboratory concerned and this shall include incidental costs such as courier or transport fees.

Appeal

9. Any person may lodge an appeal against a decision or direction of the Executive Officer or an Assignee in terms of section 10(1) of the Act or as prescribed in the Appeal Procedures Regulations promulgated under the Act, to the Director-General.

Offences and penalties

10. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

Commencement

11. These regulations shall come into operation on the date of publication.

Repeal

12. Regulations published by Government Notice No.R.422 dated 22 May 2015 are hereby repealed from the date of commencement of these regulations.