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South Africa - Republic of

Food and Agricultural Import Regulations and Standards Report

FAIRS Annual Country Report

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Report Highlights:

All the sections of the report have been updated based on recent amendments to regulations, updated website links and to comply with the updated reporting instructions. The report includes an assessment of laws and import requirements for food and agricultural products. It is recommended that this report be read with the FAIRS – Certification Report ([Click here to download the 2018 FAIRS Report](#)) for a comprehensive understanding of the South African regulations, standards and import requirements.

SOUTH AFRICA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

This report was prepared by the USDA/Foreign Agricultural Services in Pretoria, South Africa for U.S. exporters and policy makers, and relates to all food and agricultural products for human and animal consumption. While every possible care was taken in the preparation of this report, information provided may not be completely verifiable either because policies may have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I: GENERAL FOOD LAWS

Regulatory Authorities and Key Responsibilities

The South African food and agricultural import regulations and standards are developed and administered by three ministries, namely, the Department of Agriculture, Forestry and Fisheries (DAFF), Department of Health (DOH) and Department of Trade and Industry (DTI). In some instances, these ministries also appoint independent agencies to undertake specific regulatory functions. The responsibilities and related legislations of these ministries and associated agencies are presented in Tables 1, 2 and 3.

Table 1: Department of Agriculture, Forestry and Fisheries

| Division/Agency | Summary |
|--|--|
| Food Safety and Quality Assurance | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Administrating standards and norms for food producers, agricultural and related products of animal and plant origin. • Appoint the following assignees for inspections and enforcement; <ul style="list-style-type: none"> • <u>The Perishable Products Export Control Board (PPECB)</u>: to conduct inspections, certification and chain management for producers and exporters of perishable food products. • <u>South African Meat Industry Company</u>: classification and marking of meat intended for sale in South Africa. • <u>Product Control for Agriculture (PROKON)</u>: for potatoes intended for sale on the local market. • Liquor import and export regulations and certifications. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Agricultural Products Standards Act, 1990 (Act 119 of 1990). • Click here to download the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947). • Click here to download the Liquor Product Act, (Act 60 of 1989). |
| Plant Health | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulation of import and export of plants and plant products. • Registration and approval of facilities (Production Units (PUC), Pack houses (PHC) and Inspection Points) to enable the Agricultural Products Inspection Services (APIS) and PPECB to conduct inspections. • Serve as the National Plant Protection Contact Point (NPPCP) of South Africa. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Agricultural Products Standards Act, 1990 (Act 119 of 1990). |
| Plant Production | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Registration of premises for seed and nurseries, seed quality laboratories and plant and seed health laboratories for seed testing. • Importation of listed and unlisted varieties. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Plant Improvement Act, No 53 of 1976. |
| Animal Health | <p><u>Key responsibilities</u></p> |

| | |
|--------------------------|---|
| | <ul style="list-style-type: none"> Promote awareness of, prevent and control animal diseases Formulate policy and manage risks in the import and export of animals and animal products <p>Legislation</p> <ul style="list-style-type: none"> Click here to download the Animal Diseases Act No. 35 of 1984 Click here to download the Meat Safety Act No.40 of 2000 Click here to download the Animal Identification Act No. 6 of 2002 Click here to download the Veterinary and Para-Veterinary Professions Act No. 19 of 1982 Click here to download the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act no. 36 of 1984) |
| Genetic Resources | <p>Key responsibilities</p> <ul style="list-style-type: none"> Develop and implement policies, legislations, strategies and standards on the management of genetic resources for food and agriculture. Regulate and promote the availability of propagating material of genetic resources for food and agriculture. <p>Legislation</p> <ul style="list-style-type: none"> Click here to download The Plant Breeders' Rights Act. 1976 (Act No.15 of 1976) |

Source: Department of Agriculture, Forestry and Fisheries

Table 2: Department of Health

| Division/Directorate | Summary |
|------------------------------|---|
| Food Control Division | <p>Key responsibilities</p> <ul style="list-style-type: none"> Food legislation and regulations related to food safety, food labeling, and advertisement. Audit and support Port Health Services, and Municipal Health Services. Evaluate risk assessments related to agricultural chemicals and food produced through biotechnology for DAFF. Acts as South Africa's National Contact Point for the joint FAO/WHO Codex Alimentarius Commission, International Food Safety Authorities Network and the European Union Rapid Alert System for Food and Feed. <p>Website Link</p> <ul style="list-style-type: none"> http://www.health.gov.za/index.php/shortcodes/2015-03-29-10-42-47/2015-04-30-09-10-23/2015-04-30-09-11-35 <p>Legislation Link</p> <ul style="list-style-type: none"> Click here to download the Foodstuffs, Disinfectants and Cosmetics Act 54 of 1972 |

Source: Department of Health

Table 3: Department of Trade and Industry

| Division/Agency | Summary |
|---|---|
| The National Regulator for Compulsory Specification (NRCS) | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Enforces and sets standard specifications for both locally produced and imported seafood and canned fish products. <p><u>Website</u></p> <ul style="list-style-type: none"> http://www.nrcs.org.za/ <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the National Regulator for Compulsory Specifications Act, 2008. Click here to download the Compulsory specifications for seafood and canned fish products. Click here to download the Consumer Protection Act, 2008 |
| National Liquor Authority (NLA) | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Registration and inspection services of macro-manufacturers and distributors of liquor. Develop National Liquor laws, e.g. Minimum drinking age. <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to down the Liquor Act, No. 59 of 2003 Click here to download the Regulations for the registration of liquor manufacturers and distributors and related matters arising under the liquor Act 2003 |
| South African Bureau of Standards (SABS) | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Development, promotion and maintenance of independent food standards and quality systems. Food Product testing. Certification, auditing and assessment services for food and beverage processes, equipment, accessories, services and standards Serve as South Africa`s WTO/TBT Point of Contact. <p><u>Website</u></p> <ul style="list-style-type: none"> https://www.sabs.co.za/ <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the Standards Act, 2008 (Act No. 5 of 2008) |
| Companies and Intellectual Property Commission (CIPC) – Patents, Designs and Innovation Division | <p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Registration and maintenance of Intellectual Property Rights (trademarks, patents, designs and copyright) <p><u>Website</u></p> <ul style="list-style-type: none"> http://www.cipc.co.za/ <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the Patent Act, 1978 Click here to download the Trade Marks Act No 194 of 1993 Click here to download the Merchandise Marks Act 17 of 1941 Click here to download the Designs Act, 1983 Click here to download the Copyright Act, 1978 |

Source: Department of Trade and Industry

Enforcement of Food Regulations

The South African food and agricultural import regulations and standards are encompassed within at least fourteen Acts that are administered and enforced by three ministries and their associated agencies. A number of coordination mechanisms have been established, e.g. there are several Inter-Ministerial Committees comprising all the key government ministries affected by certain regulations. However, there are still challenges caused by a fragmentation of control, lack of coordination when implementing regulations and capacity constraints to ensure compliance. These challenges often result in the inconsistent application and implementation of regulations, affecting both domestic and imported food products. Although South Africa faces challenges in the enforcement of domestic regulations, imported agricultural products have to strictly adhere to these regulations as there are inspections undertaken at the ports of entry.

The Food Control Division under the DOH is responsible for drafting regulations, and assigns the enforcement of compliance with all foodstuffs regulations to local municipalities and food health inspectors at the port of entry. The challenge with this approach is that some municipalities do not have adequate budgets and capacity to ensure the effective enforcement of all the food regulations. As a result, many small to medium businesses operate under the radar, while the larger businesses self-regulate. According to Post contacts and media reports, DAFF also faces staffing challenges to enforce some of its regulations.

The National Regulator for Compulsory Specification (NRCS) and the South African Bureau of Standards (SABS) of the DTI place food inspectors alongside the DOH and DAFF inspectors to examine both locally manufactured and imported seafood and canned fish products. The NRCS issues quality and compliance health certificates for seafood products in terms of the Foodstuff Cosmetic and Disinfectants Act. The DTI also faces challenges to enforce some of its proposed regulations. For example, the mandatory labeling of GMO's regulations was pulled back due to the controversy and criticism it received as well as concerns regarding widespread industry non-compliance.

SECTION II: FOOD ADDITIVE REGULATIONS

Existing Food Additive Regulations

South African food additives regulations are developed and administered by the Ministry of Health, under the Food Control Division. Food additive regulations are developed and governed in line with the Foodstuffs, Cosmetics and Disinfectants Act no. 54 of 1972 ([Click here to download the Act](#)). In the absence of a regulation pertaining to a specific additive, South Africa normally adopts the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission (CAC). **Table 4** shows the list of applicable additives regulations in South Africa, which contain a positive additive list (additives permitted for use in foodstuffs are allowed for use), and the foodstuffs in which these additives may be used.

Table 4: Existing Food Additives Regulations

| Name of regulation | Website link |
|---|--------------------------|
| Regulations relating to the use of sweeteners in foodstuffs (R733/201) | Download |
| List of permissible sweeteners referred to in the regulations relating to the use of sweeteners in foodstuffs | Download |
| Codex General Standards for Food Additives | Download |
| Regulations – Preservatives and antioxidants: Amendment (R60/2009) | Download |
| Regulations – Preservatives and antioxidants: (R965/1977) | Download |
| Regulations relating to food colorants (R1055/1996) | Download |
| Miscellaneous additives in foodstuffs | Download |

Source: Department of Health: Food Control Division

Amendments to the Miscellaneous Food Additives Regulations

On November 17, 2017, the Regulations relating to Miscellaneous Additives in Foodstuffs came into effect and apply to both domestic and imported foodstuffs. This regulation adopted the Codex recommendations for the maximum amount of additives which may be present in foodstuffs. In the absence of such specifications, South Africa is willing to accept appropriate levels developed by reputable national or international bodies. The DOH also focused on foodstuffs intended for infants and young children. The following regulations were also repealed and now fall under the Regulations relating to Miscellaneous Additives in Foodstuffs:

- The Regulations Relating to Anti- caking Agents and the Amounts thereof that may be used in Foodstuffs.
- The Regulations Governing Acids, Bases and Salts and the Amounts thereof that Foodstuffs may contain.
- The Regulations Governing Emulsifiers, Stabilizers and Thickeners and the amounts thereof the Foodstuffs may contain.
- The Regulations Governing the use of Certain Food Additives in Certain Wheaten and Rye Products.
- The Regulations Relating to Baking Powder and Chemical Leavening Substances.
- The Regulations Relating to Jam, Conserve, Marmalade and Jelly.

- The Regulations Governing the Additives and Amounts as well as Tolerances, for Certain Substances in Wine, other Fermented Beverages and Spirits.

SECTION III: PESTICIDES AND OTHER CONTAMINANTS

The DOH and DAFF are responsible for regulations pertaining to pesticides and other contaminants. The DOH is responsible for determining and approving the Maximum Residue Limits (MRLs) for pesticides, metals and other chemicals that may be present in foodstuffs. In addition, the DOH is also responsible for inspections, and ensuring compliance with MRLs in all domestic and imported foodstuffs. The existing Pesticides and veterinary drugs (MRLs) regulations published by the DOH are listed in **Table 5**. DAFF is responsible for the registrations, permits and usage of pesticides in agriculture production, and for ensuring that South African producers and exporters comply with the MRLs and only use chemical remedies registered in terms of The Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No. 36 of 1947) on the specific crop ([Click here to download the DAFF export legislation and MRLs for specific plant commodities](#)). In the absence of regulations governing a specific pesticide and contaminant, South Africa defers to the CODEX standards.

Table 5: Existing Pesticides and Veterinary Drugs MRLs Regulations

| Name of Regulation | Website Link |
|--|--------------------------|
| Regulations governing the maximum limits for pesticide residues that may be present in foodstuffs (R46/2012, R548/2010, R1047/2006 & R246/1994). | Download |
| Regulations governing the maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuffs (2017) | Download |

Source: Department of Health: Food Control Division

Table 6: Existing Contaminants Regulations

| Name of Regulation | Website Link |
|--|--------------------------|
| Regulations governing the tolerance for certain agricultural products | Download |
| Regulations relating to maximum levels of metals in foodstuffs | Download |
| Regulations governing tolerance for fungus-produced toxins in foodstuffs | Download |
| Regulations relating to objects packed in foodstuffs intended for children | Download |
| Regulations relating to maximum levels for melamine in foodstuffs | Download |
| Regulations relating to Marine Biotoxins | Download |
| Regulations governing certain solvents in foodstuffs | Download |
| Regulations relating to edible fats and oils | Download |
| Regulations governing radio activity in food stuffs | Download |

Source: Department of Health: Food Control Division

Plant Health (Phytosanitary) Bill

On December 2, 2016, DAFF published the final Plant Health (phytosanitary) bill, whose purpose is to provide phytosanitary measures to prevent the introduction, establishment and spread of regulated pests in South Africa; to provide for the control of regulated pests; and to provide for regulation of the movement of plants, plant products and other regulated articles into, within and out of South Africa. This Bill also gives effect to international agreements on phytosanitary matters which South Africa has ratified and which became binding on the date the Bill entered into force. [Click here to download the Bill](#). An explanatory notice of the Bill was also published, [Click here to download the explanatory summary](#).

Draft Regulations Governing the Maximum Limits for Pesticide Residues that may be Present in Foodstuffs

On April 7, 2017, the DOH published a government notice (No. 40772) inviting the public to comment on the amendments to the regulations governing the maximum limits for pesticide residues that may be present in foodstuffs ([Click here to download the notice](#)). The key amendments to the regulation include the addition and revision of various maximum residue limits (MRLs), the prohibition of certain chemicals, regrouping of products and their respective MRLs, and the addition and removal of certain definitions. According to the DOH, the objective of the proposed amendments is to update the current list of MRLs, in respect of the products covered and their respective limits. A commenting period of three months was provided and the deadline for public comments was July 7, 2017. Post published a GAIN report on this proposed regulation ([Click here to download the GAIN Report](#)). The proposed regulation is still undergoing internal review process and has not been finalized or published.

Draft Regulations Relating to Maximum Levels of Metals in Foodstuffs

On September 6, 2016, the DOH published a government notice (No. 990) inviting the public to comment on the Draft Regulations relating to maximum levels of metals in foodstuffs ([Click here to download the notice](#)). According to the DOH, following the concerns and public comments received from several WTO members including the United States, the draft regulations had to be further amended and aligned with the latest relevant Codex standards. As a result, on May 18, 2017, the MOH sent out an email inviting further comments or inputs on the amended draft regulations. Post published a GAIN report on this proposed regulation ([Click here to download the GAIN Report](#)). The proposed regulation is still to be finalized and published.

SECTION IV: PACKAGING AND CONTAINER REGULATIONS

Existing Regulations

Packaging and container regulations for various agricultural products are developed in terms of the Agricultural Products Standards Act and falls within the mandate of DAFF. [Click here to download the Agricultural Products Standards Act, 1990 \(Act 119 of 1990\).](#) The list of packaging and container regulations for various foodstuffs published in terms of the Agricultural Products Standards Act can be obtained from the following website link; [Click here to download the list of Legislation published in terms of the Agricultural Product Standards Act.](#)

In general, container regulations require that containers be intact, closed/ sealed properly, clean, moisture resistant, suitable and strong enough for the packing and normal handling of foodstuffs. In addition, containers should not pass any odor, taste, colour or other foreign characteristics to the product during processing or distribution. For all products, temperature in transit and at the destination point must be taken into consideration when using gels and dry ice. Chilled products should be packed either in an insulated container with gel-packs/blue ice or in heavy cardboard boxes with gel-packs. Frozen products should be tightly packed with gel-packs and/or dry ice. Dry goods should be packed tightly to avoid internal damage. Carton labels should be marked to indicate either dry or chilled or frozen content. The shipments should be marked with colored labels, and all boxes should contain the following: Supplier name, address, destination, total number of cartons shipped, and a copy of pro-forma / commercial invoices.

Specific packaging and container regulations for specific products can be obtained from the list of regulations published in terms of the Agricultural Products Standards Act provided above. Packaging material such as Polyvinyl Chloride (PVC) also has to comply with standards and certifications set by the South African Bureau of Standards (SABS). [Click here to download the SABS packaging standards.](#)

Table 7: Regulations Relating to the Grading, Classification, Packing and Marking

| Product | Year Published | Regulation Link |
|--|-----------------------|--|
| Onions and Shallots | 2015 | Click here to download the regulation. |
| Dairy Products and Imitation of Dairy Products | 2015 | Click here to download the regulation. |
| Poultry Meat Labels | 2015 | Click here to download the regulation. |
| Classification and Marking of Meat | 2015 | Click here to download the regulation. |
| Edible Ices | 2015 | Click here to download the regulation. |
| Rice | 2014 | Click here to download the regulation. |
| Malting Barley | 2013 | Click here to download the regulation. |
| Sunflower Seed | 2014 | Click here to download the |

| | | |
|-----------------------|------|--|
| | | regulation. |
| Soya Beans | 2014 | Click here to download the regulation. |
| Avocados | 2014 | Click here to download the regulation. |
| Jam, Jelly, Marmalade | 2013 | Click here to download the regulation. |
| Fruit juice and drink | 2013 | Click here to download the regulation. |

Source: DAFF

Relaxation of Regulations Relating to the Classification, Packing and Marking of Fruit Juice and Drink

In August 2015, DAFF published a notice relaxing the restrictions of the fruit juice and drink regulations, as industry and government deemed the regulation to be restrictive to the creativity of containers containing the classes of fruit drink and fruit flavored drinks, as well as to assist industry and inspectors with the interpretation and enforcement of the regulation. The published regulation can be found on the following link: [Download amendment.](#)

Inclusion of Coconut Water under Fruit Juice and Drink Regulation

In November 2015, DAFF also published a notice relating to the inclusion of coconut water under fruit juice and drink regulation. [Click here to download the notice.](#) Prior to this notice, the grading, classification, packing and making of coconut water was unregulated, and only had to comply with the general labelling and advertisement regulations.

Relaxation of the Restriction of Letter Size for Trademarks or Trade Names still in the Process of Registration – Dairy and Imitation Dairy Products

In September 2015, DAFF introduced new regulations relating to the relaxation of the restriction of letter size for trademarks or trade names still in the process of registration of dairy and imitation dairy products. [Click here to download the regulation amendment.](#)

SECTION V: LABELING REQUIREMENTS:

Existing Regulations

Food and liquor labeling regulations are developed and enforced by the Food Control Division of the Ministry of Health. Inspectors under the MOH at the ports of entry are responsible for ensuring compliance with labeling regulations. According to the current regulations it is not mandatory to include nutritional information tables on labels. However, should a label contain nutritional information it has to comply with the existing labeling regulations as shown in **Table 8**. United States food labels face challenges in complying with the current South African Food Labeling regulations for two main reasons. Firstly, South African regulations require that labels use the wording “Typical Nutritional Information”, while U.S labels use the wording “Nutritional Facts”. Secondly, South African regulations only permit the use kiloJoules (kJ) in food labels, while U.S food labels use Calories. Notably, South Africa permits importers to cover non complying labels with a white sticker when such shipments are intercepted at the port of entry. However, importers have previously complained that such an exercise is too expensive and the main retailers/ supermarkets do not usually accept food products with covered labels as it raises unnecessary suspicions from consumers. **Table 9** shows the differences between a South African and United States food label.

Table 8 shows the regulations relating to labeling of foodstuffs.

Table 8: Existing Labeling Regulations

| Name of Regulation | Website Link |
|--|--------------------------|
| Regulations relating to labeling and advertising of foodstuffs: Amendment (R45/2012) | Download |
| Regulations relating to the labeling and advertising of foodstuffs (R146/2010) | Download |
| Guidelines relating to the labeling and advertising of foodstuffs (applicable to R146/2010 for compliance purposes) | Download |
| Regulations relating to the labeling of foodstuffs obtained through certain techniques of genetic modification (R25/2004) | Download |
| Regulations relating to Foodstuffs for Infants and Young Children : Extension Notice (R433/2014) and Amendment (R434/2013) | Download |
| Regulations relating to foodstuffs for infants and young children (R991/2013) | Download |
| Regulations relating to Health messages on container labels of Alcoholic beverages : Amendment (R1208/2008) | Download |
| Regulations relating to Health messages on container labels of Alcoholic beverages (R764/2007) | Download |

Source: Department of Health: Food Control Division

Table 9: Example of the differences between a South African Food Label and United States Food Label



Proposed Amendments to the Regulations Relating to the Labeling and Advertising of Foods

On May 29, 2014, the MOH published a government notice inviting public comments on the proposed amendments to the regulations relating to the labeling and advertising of foods. The deadline for the submission of comments was August 29, 2014. [Click here to download the government notice](#). Post published a GAIN report on the proposed amendment. [Click here to download the Post GAIN report](#). The proposed amendment generated a lot of interest and controversy. Post's contacts indicated that the DOH was under the impression that they had the buy in from industry, and was surprised with the high number of comments submitted. The date for the finalization of the regulation is now uncertain and this will push back some of the compliance deadlines proposed in the regulation.

Figure 1 below provides clear guidance on "do's" and "don'ts" regarding the information provided on the labels and in advertisements of foodstuffs. The label also provides an example of what must appear on domestic and imported foodstuffs

Figure 1: Example of the Requirements on Food Labels



- The following words may no longer appear on any food product: x% fat free, nutritious, healthy, healthful, wholesome, complete nutrition or balanced nutrition or other words implying the same thing. The words 'sugar-free' and 'fat-free' are only allowed if specific conditions are met.
- The words 'suitable for those with diabetes', 'diabetic friendly' or words with a similar meaning, may only be used if all criteria stipulated are met e.g., low GI, lower fat, controlled sodium, etc..

Source: <http://www.bdo.co.za/>

Proposed Amendment to the Regulations Relating to Health Messages on Container Labels of Alcohol Beverages

On September 4, 2014, the MOH proposed amendments to the regulations relating to health messages on container labels of alcohol beverages. The deadline for the submission of comments was December 4, 2014. [Click here to download the proposed amendment.](#) Post published a GAIN report on this proposed regulation ([Click here to download the GAIN Report](#)). Following widespread industry comments, the MOH is re-engaging the domestic liquor industry to review the proposed regulations and the concerns raised by industry. Post has attended a consultative meeting arranged by the DOH to discuss the concerns, and it was agreed that industry would make a submission offering solutions and alternative clauses to be included in the new regulations. The DOH stated that the revised regulations would be subject to approval by the Minister, but seemed positive that they would consider changing or repealing the regulation depending on the extent of changes that would be required.

Proposed Regulation Relating to the Mandatory Labeling of Genetically Modified Organisms (GMOs) or Food Containing Genetically Modified (GM) Ingredients

South Africa permits the production of genetically modified crops through the Genetically Modified Organisms Act of 1997 ([Click here to download the Act](#)). For further information on the production of

GM crops in South Africa refer to the following Post GAIN report on Biotechnology ([Click here to download the GAIN report](#)). GM labeling legislation has been in place since 2004 under the DOH Food Control Division ([Click here to download the labeling regulation](#)).

On April 1, 2011, under the Consumer Protection Act, the DTI published the regulation titled Product Labeling and Trade Descriptions: Genetically Modified Organisms. The regulation proposed the mandatory requirement of the labeling of all foodstuffs containing 5% or more GMO content ([Click here to download the proposed GMO regulation](#)). Following wide criticism, lobbying and noncompliance by industry, the Minister of Trade and Industry published a set of amended regulations on October 9, 2012 for further public comment ([Click here to download the amended regulation](#)). The deadline for public comments was initially set as November 8, 2012. However, the public comment period was re-opened until August 15, 2014, and the proposed regulation has still not been finalized and passed for implementation.

Amendments to Regulations Relating to Foodstuffs for Infants and Young Children

On July 7, 2015, the DOH published amendments to the regulations relating to foodstuffs for infants and young children, under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972). The deadline for comments was October 7, 2015 ([Click here to download the amendments](#)). The key amendments relate to the labeling and distribution of infant and young children's food. The amendment also provides for the dates of implementation of the various clauses, which range from 6 to 24 months. The proposed regulation has still not been finalized and passed for implementation.

SECTION VI: OTHER SPECIFIC STANDARDS

Table 10: Other Specific Standards

| Name of Regulation | Ministry | Website Link |
|--|----------|--|
| Fortification and other Nutritional Issues | | |
| Regulations relating to trans-fat in foodstuffs | DOH | Download |
| Regulations Relating to the Reduction of Sodium in certain Foodstuffs and related Matters | DOH | Download |
| Regulations relating to food-grade salt | DOH | Download |
| Regulations relating to the fortification of certain foodstuffs | DOH | Download |
| Hazard Analysis and Critical Control Point System | | |
| Regulations Relating to the Application of the Hazard Analysis and Critical Control Point System (HACCP System) | DOH | Download |
| Hygiene and Related Matters | | |
| Guidelines for Monitoring Irradiated Foodstuffs in South Africa | DOH | Download |
| Regulations Relating to Irradiated Foodstuffs | DOH | Download |
| Regulations Governing General and Hygiene Requirements for Food Premises and the Transport of Food | DOH | Download |
| Regulations Relating to Milking Sheds and the Transport of Milk | DOH | Download |
| Regulations Regarding Processed Foodstuffs | DOH | Download |
| Regulations Relating to Perishable Foodstuffs | DOH | Download |
| Microbiological Standards | | |
| Regulations Governing Microbiological Standards for Foodstuffs and Related Matters | DOH | Download |
| Regulations Relating to Milk and Dairy Products | DOH | Download |
| Packaged Water and other Beverages | | |
| Prohibition | | |
| Regulations Prohibiting Guar Gum as a Foodstuff | DOH | Download |
| Regulations Relating to the Prohibition of the Manufacturing, Importation, Exportation and Sale of Polycarbonate infant Feeding Bottles containing Bisphenol A | DOH | Download |
| Minimum Brix and Puree Requirements | | |
| Veterinary Procedural Notices | | |
| Veterinary procedural notice for buffalo disease risk management in South Africa | DAFF | Download ; Download |
| Veterinary Procedural Notices | DAFF | Download |
| Plant Breeders Rights | | |
| | DAFF | Download |

Source: Department of Health: Food Control Division; DAFF

Seafood Products and Canned Meat Products

The Food and Associated Industries Division of the National Regulator for Compulsory Specifications (NRCS) regulates canned meat and canned meat products, canned fish, canned marine mollusks and canned crustaceans, frozen fish and frozen marine mollusks, frozen rock lobsters, frozen shrimps/prawns, langoustines and crabs, smoked snoek, and live abalone. The Food and Associated Industries Division drafts the regulations and requirements for the above products, with respect to, packaging and labeling; quality and composition, and the processing facilities and persons handling and processing the above food products ([Click here to download the applicable compulsory specifications](#)).

Proposed Regulatory Requirements for Imported Fish and Fishery Products and Canned Meat Products

On October 20, 2017, the DTI published the proposed administrative regulatory requirements for imported fish and fishery products and canned meat products regulated under the National Regulator for Compulsory Specifications Act No. 5 of 2008 ([Click here to download the proposed regulation](#)). The proposed regulatory requirements cover the general requirements, handling of specific consignments, handling of non-compliances, application for approval of the product, and the health guarantees for imported fish and fishery products and canned meat products regulated under the NRCS. The comment period opened on October 20 and closed on December 29, 2017. This regulation is still to be finalized.

Proposed National Liquor Policy (Liquor Act 59 of 2003)

On May 20, 2015, the DTI published a government notice (No. 38808) inviting the public to comment on the amendments to the National Liquor Policy Act, 59 of 2003. If the policy is implemented in its current form, it is expected to have economic implications to the liquor industry and could affect U.S. liquor exports. The deadline for submitting comments was August 13, 2015. Post published a GAIN report on this proposed policy. [Click here to download the GAIN report](#). Due to the significant criticism of the policy, the DTI published the following document on August 2016 to outline and explain the policy recommendations intended to amend the Liquor Act, [Click here to download the document](#). The proposed policy is yet to be finalized and published as the DTI is still undertaking consultations and considerations.

SECTION VII: FACILITY AND PRODUCT REGISTRATION REQUIREMENTS

Facility Registration

The Department of Agriculture, Fisheries and Forestry (DAFF) requires that the imports of animals and animal products be from approved abattoirs and de-boning plants in terms of the Meat Safety Act, (Act No 40 of 2000). United States facilities are required to be registered and certified with the Food Safety and Inspection Service (FSIS). The following FSIS website link provides the facility registration details and processes, <https://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-checklist>. Once registered with FSIS, the U.S facilities are included in the approved South African database and the products from these facilities would qualify for import permits subject to the relevant conditions. [Click here to download the list of approved abattoirs and de-boning plants, as well as the process and forms for registration.](#)

Table 11 below provides links to the processes and details for the registration of plant and plant-product facilities as outlined by DAFF. South Africa accepts certifications issued by the Animal and Plant Health Inspection Services (APHIS). United States exporters and facilities can obtain the information on facilities registration, procedures and export requirements, on the following APHIS website, https://www.aphis.usda.gov/aphis/ourfocus/planthealth/SA_Export.

Table 11: Facility and Product Registration Requirements

| Facility or Product | Website link |
|---|--------------------------|
| Premises for seed and nurseries | Download |
| Premises for Laboratory: seed quality | Download |
| Premises for Laboratory: Plant and seed health | Download |
| Production Unit (s) (PUC), Pack house (s) (PHC) and Inspection Points | Download |

Source: Department of Agriculture, Forestry and Fisheries

Product Registration

Product registrations required in South Africa are for Genetically Engineered (GE) Events, Plant Breeders Rights and animal feed. According to the [Genetically Modified Organisms Act](#), prior to exporting commodities such as GE corn to South Africa, DAFF requires that the exporting country must have approved the same type/number of GE events that have been approved in South Africa. As a result, it is the responsibility of the company that owns the intellectual property rights to the GE event (e.g. Monsanto) to ensure that it is registered in South Africa. The following link provides the timelines, costs, procedure and contact details for exporting and the registration of GE products, [Click here to download the relevant documents.](#)

According to the [Plant Breeders Rights Act](#), plant and propagating material intended for sale into South Africa need to be registered and issued with a Plant Breeders Rights, valid for either twenty five years (vines and trees) or twenty years (all other cases). The application for a Plant Breeders Right should be undertaken by an agent based in South Africa on behalf of the foreign intellectual property owner. The application process, forms, costs and contact details can be obtained from the following link, <http://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Genetic-Resources/Plant-Breeders-Rights/Application-Forms-and-Technical-Questionnaires>.

All pet food must be registered prior to importation, manufacture or sale in South Africa. Registration of pet foods can only be done by an individual residing in South Africa or a company registered in South Africa. This may be handled by the South African importer or distributor. Guidelines for the registration of the product and requirements are attached for your review. Alternatively, information on the registration of the product can be obtained by contacting DAFF by email (AICHelpdesk@daff.gov.za) and accessing the following website (<http://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Agriculture-Inputs-Control/Forms>). The regulations relating to farm feed including pet food, and subsequent amendments can also be downloaded on the following website link, <http://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Agriculture-Inputs-Control/Policies-Legislation/Regulations>.

SECTION VIII: OTHER CERTIFICATION AND TESTING REQUIREMENTS

Inspections and Testing

When imported commodities arrive at the port of entry, the South African Revenue Services (SARS) will inspect a random sample of the products to ensure that the declarations, HS Codes and customs duties applicable to that shipment have been correctly determined. The DOH inspectors and DAFF inspectors will inspect the consignment for compliance with the relevant regulations including labeling and SPS, and ensure that the correct permits are presented. Samples of the products may be taken for further analysis. [Click this link for regulations relating to the powers and duties of inspectors and analysts conducting inspections and analyses on foodstuffs and food premises.](#) Also, [Click here to download the fees charged for the testing by DAFF.](#)

Following inspection of the imported commodities, and if the consignment meets the import requirements, the DAFF and/or the DOH inspectors will release the products. Once the consignment has been released by the inspectors, the importer/agent must take the import documents to SARS for final release. If the consignment does not meet the import requirements, risk management measures will be recommended. The consignment may be treated and cleared to enter South Africa, or rejected and refused entry. If the shipment has been rejected, the importer together with the exporter may decide whether the consignment should be destroyed, returned to the country of origin or re-routed to another country. Note that a consignment re-routed to another country must meet import requirements for that country.

Basic Certification and Documentation that Must Accompany Shipment

In addition to the import permits, certificates, sanitary and phytosanitary permits, the following basic documentation should accompany all shipments into South Africa:

- A commercial invoice that shows the price charged to the importer in addition to the cost of placing goods on board of the ship for export.
- Bills of entry documentation that provide the correct physical addresses of supplier, storage facilities, correct quantities, grades and HS codes of commodities.
- The Bill of Lading.
- Insurance documents.
- Other special documentation and certifications may be required by the importer, e.g. Laboratory results/certificates or Organic Certifications if the product claims to be organic.

SECTION IX: IMPORT PROCEDURES

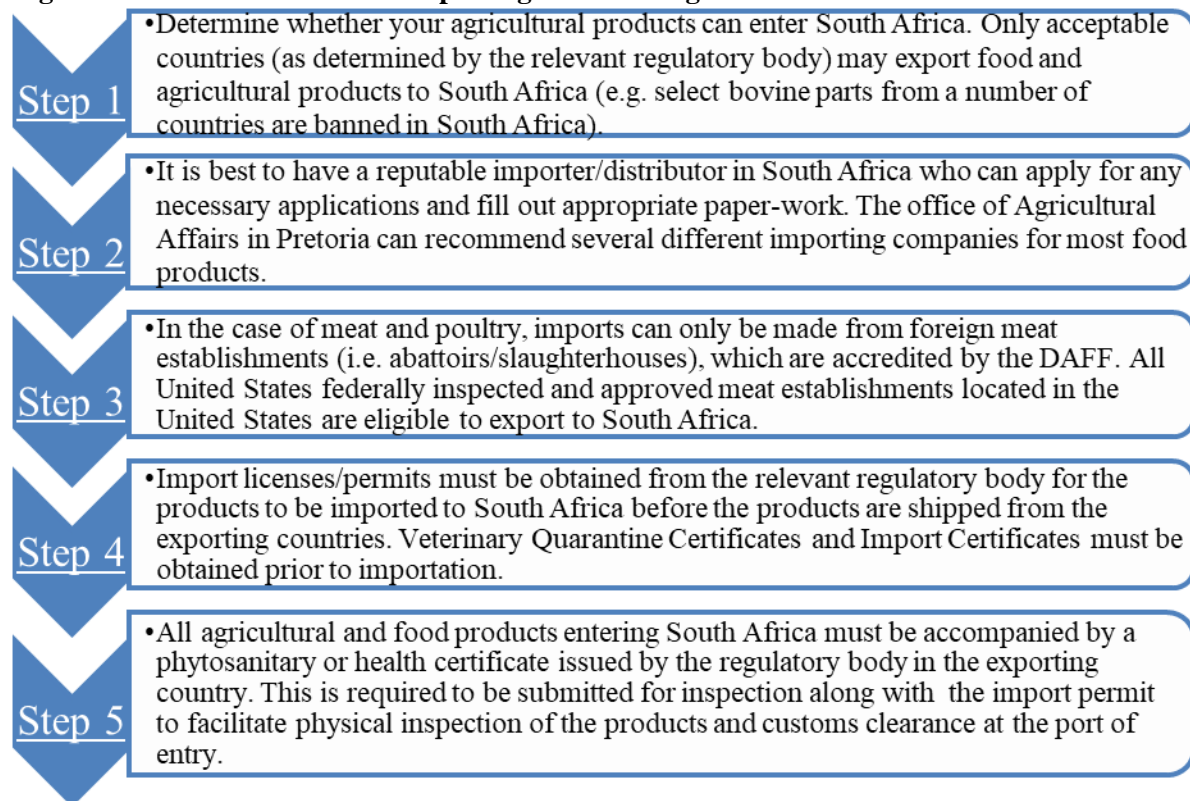
Import Application Forms and Procedures

The Department of Agriculture, Fisheries and Forestry (DAFF) provides an extensive list of procedures, applications forms and the legal framework applicable when importing agricultural products into South Africa. The following website link provides all the necessary procedures, applications forms and the legal framework applicable to the importation of animals and animal products, plants and plant products, veterinary import permits, GMO imports and the import of unlisted plant variety; <http://www.daff.gov.za/daffweb3/Services/Imports>.

An import certificate is required for all liquor products imported and intended for sale in South Africa. The DAFF is responsible for the inspection, sampling and issuance of import certificates for liquor products. An importer may apply for an import certificate only once in the lifetime of a product. The issued import certificate can be re-used provided that the composition, content, bottle size and label of that product don't change. [Click this link to download the application forms and procedures when importing liquor products into South Africa.](#)

Figure 2 provides the basic procedures to follow when importing agricultural products into South Africa. Detailed procedures, forms and the respective authorities dealing with specific products can be downloaded on the website link provided above.

Figure 2: Basic Procedures for Importing Food and Agricultural Products into South Africa



Source: Department of Agriculture, Forestry and Fisheries

Registration with the South African Revenue Services

All exporters to South Africa must register with Customs at the South African Revenue Service (SARS). Post recommends that exporters appoint a local registered agent to act on their behalf. The following link has all the details for registrations,

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Processing/Pages/default.aspx>

The SARS also publishes the list of customs duties applicable. [Click here to download the latest 2019 customs schedule](#). South Africa also provides tariff determinations, and applicants must apply for a determination through their customs broker/clearing agent to the Customs branch office where the goods are intended to be cleared or have been cleared for importation. The application must be properly motivated in terms of the Customs Act, Tariff and World Customs Organisation (WCO) explanatory notes. The application must be supported by manufacturer's/supplier's literature, all clearing documents and a sample of the products if available. The application will be forwarded to the SARS Tariff Division in Pretoria for a determination to be made and ultimate reply to the applicant via the customs branch office.

SECTION X: COPYRIGHT AND/OR TRADEMARK LAWS

Protection of Geographical Indications in South Africa

On October 21, 2016, the DTI published the final list of agricultural products including beer names, which will be protected on the basis of their geographical indications (GIs) under the Economic Partnership Agreement (EPA) between the Southern Africa Development Community (SADC) and the European Union (EU). The SADC countries included in agreement are Botswana, Lesotho, Mozambique, Namibia, Eswatini (previously known as Swaziland) and South Africa. **Table 12** below provides the links to the descriptions of the agricultural products and beers names as well as the Rules of Use applicable thereto can be viewed at the following links:

Table 12: List of Geographical Indications and Applicable Rules

| Product | Link to the list and rules of use applicable |
|--|---|
| Fruit, vegetables and cereals fresh or processed | http://www.thedti.gov.za/business_regulation/docs/AnnexII_1.pdf |
| Cheeses Part 1 | http://www.thedti.gov.za/business_regulation/docs/AnnexII_2_partie.pdf |
| Cheeses Part 2 | http://www.thedti.gov.za/business_regulation/docs/AnnexII_2_partie_2.pdf |
| Meat Products | http://www.thedti.gov.za/business_regulation/docs/AnnexII_3.pdf |
| Olive oil | http://www.thedti.gov.za/business_regulation/docs/Annex_II_4.pdf |
| Fisheries Products | http://www.thedti.gov.za/business_regulation/docs/Annex_II_5.pdf |
| Beer | http://www.thedti.gov.za/business_regulation/docs/Beers_list.pdf |
| Ceske pivov | http://www.thedti.gov.za/business_regulation/docs/Ceske_pivo.pdf |
| Ceskobudejovicke pivo | http://www.thedti.gov.za/business_regulation/docs/Ceskobudejovicke.pdf |
| Bayerisches Bier. | http://www.thedti.gov.za/business_regulation/docs/Bayerisches_Bier.pdf |
| Bremer Bier | http://www.thedti.gov.za/business_regulation/docs/Bremer_Bier.pdf |
| Munchener Bier | http://www.thedti.gov.za/business_regulation/docs/Munchener_Bier.pdf |
| Other Products | http://www.thedti.gov.za/business_regulation/docs/annexII_7.pdf |

Source: Department of Trade and Industry

Copyright and Trademarks Regulations and Procedures

The Companies and Intellectual Property Commission (CIPC): Patents, Designs and Innovation Division under the DTI is responsible for the registration and maintenance of certain property rights (trademarks, patents, designs and copyright). Property rights, including intellectual property, are protected under a variety of laws and regulations, which basically provides the right for the property right holder to enforce their registered rights through the courts. South Africa has an independent judiciary under which any challenge to property rights may be enforced.

Patents may be registered under the Patents Act of 1978 and are granted for 20 years. [Click here to download the Patent Act, 1978.](#) The CIPC provides detailed definitions, examples and processes for registering patents on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/patents/>.

Trademarks can be registered under the Trademarks Act of 1993, are granted for ten years and may be renewed for an additional ten years. [Click here to download the Trade Marks Act No 194 of 1993.](#) The

CIPC provides detailed definitions, examples and processes for registering trademarks on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/trade-marks/>.

New designs may be registered under the Designs Act of 1967, which grants aesthetic designs for one period of 15 years, and to functional designs for one period 10 years.

[Click here to download the Designs Act, 1983.](#) The CIPC provides detailed definitions, examples and processes for registering designs on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/designs/>.

Literary, musical and artistic works, cinematographic films and sound recordings are eligible for copyrights under the Copyright Act of 1978. This act is based on the provisions of the Berne Convention as modified in Paris in 1971 and was amended in 1992 to include computer software. [Click here to download the Copyright Act, 1978.](#) The CIPC provides detailed definitions, examples and processes for registering copyrights on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/copyright/>.

The overall objective of the Merchandise Marks Act is to make provision concerning the marking of merchandise and of coverings in or with which merchandise is sold and the use of certain words and emblems in connection with business. [Click here to download the Merchandise Marks Act 17 of 1941.](#)

The CIPC also provides a detailed processes and options for enforcing property rights including intellectual property rights. Click the following link for details; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/enforcement/>.

APPENDIX I: GOVERNMENT REGULATORY KEY AGENCY CONTACTS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

Table 13: Department of Agriculture, Forestry and Fisheries (DAFF) Contacts

| Responsibility | Contacts |
|--|---|
| Import and Export Permits- Animals and Animal Products | Head Permit Office: Mr Weekend Mantshidi (Acting) Email: WeekendM@daff.gov.za Tel: +27 12 319 7514/ 7632 / 7503 / 7414 Fax: +27 12 329 8292 / +27 12 319 7491 |
| Import and Export Permits- Plant and Plant Products | Mr Bennie Kgomo/ Ms Priscilla Baloyi Email: PlantHealthPermits@daff.gov.za Tel: + 2712 319 6130 Fax +27 319 6383 |
| Import regulations for Animals and Animal Products | Ms. Lerato Diale Email: LeratoDi@daff.gov.za Tel + 27 (0) 12 319 7559 Fax + 27 (0) 12 329 6892 |
| Import regulations for plants, and plant products | Division: Policy Norms and Standards Email: MaandaR@daff.gov.za or CharlesN@daff.gov.za Tel: +27 12 319 6164/ 6116 Fax: +27 12 319 6025 |
| List of approved foreign abattoirs & slaughterhouses; applications and certificates for facilities and compartments. | Ms. Tsholofelo Malatsi Email: TsholofeloM@daff.gov.za Tel + 27 (0)12 319 7546 Fax +27 (0)12 329 7699 |
| Airport/ Port/ Border Inspections | Cape Town Harbour Dr N Naude NiekN@daff.gov.za & KarenSa@daff.gov.za Tel: +27 (0)21 421 0270 Cell: 083 261 8502 Cape Town Quarantine Dr Zarina Motala - ZarinaM@daff.gov.za Tel: +27 (0)21 551 2050 City Deep – Inland Port Dr A Ikatekit-Okonera - ikatekitO@daff.gov.za Tel: +27 (0)11 613 1636 Cell: 083 661 6809 Durban: Meat & Meat Products Dr D Naidu - DaveN@daff.gov.za & MelanieA@daff.gov.za Tel: +27 (0)31 368 8564 Cell: 083 775 5171 Durban: Animal Quarantine & Animal Products Dr S Soni - SharonS@daff.gov.za Tel: +27 (0)31-368 8503 Kempton Park Dr Ian McDonald - IanM@daff.gov.za Tel: +27 (0)11 973 2827 Cell: 076 519 1977 Port Elizabeth Dr I Burnand - ianB@daff.gov.za Dr C Darke - ChrisD@daff.gov.za Tel:+27 41 585 8907 Cell: 082 829 8512 / 082 925 1436 |

Source: DAFF

DEPARTMENT OF HEALTH

Food Control Division

Penny Campbell

Director

Tel: 012 395 8799/ 8800

Fax: 012 395 8854

E-mail Address: Penny.Campbell@health.gov.za

Malose Daniel Matlala

Deputy Director: Inter-Agency Liaison and Regulatory Nutrition

(National Codex Contact Point: South Africa)

Tel: +27 12 395 8789

Fax: +27 12 395 8854

Email: CACPSA@health.gov.za or Malose.Matlala@health.gov.za

Aluwani Madzivhandila

Responsible for MRLs

Tel: +27 12 395 9359

Fax: +27 12 395 8854

E-mail: MadziA@health.gov.za

Yvonne Tšiane

Responsible for Metal Levels

Tel: +27 12 395 8779

Fax: +27 12 395 8854

Email: Yvonne.Tsiane@health.gov.za

Port Health Services and Inspectors at Various Ports of Entry

The list of contact details of the port health services can be downloaded on the following link:

<http://www.health.gov.za/phocadownload/FoodInfor/PortHealth.pdf> .

South Africa Codex Point of Contact

Tel: +27 12 395 8789

Fax: +27 12 395 8854

E-mail: CACPSA@health.gov.za

Liquor Labeling

Directorate: Mental Health & Substance Abuse

Tel: +27 12 395 8047

Email: Sifiso Phakathi (PhakaO@health.gov.za); Tebogo Daphne Tladi (TladiT@health.gov.za); Ansie Tenner (TenneA@health.gov.za); Dineo Deane (DeaneD@health.gov.za); Palesa Phasha (phashP@health.gov.za);

DEPARTMENT OF TRADE AND INDUSTRY

Companies and Intellectual Property Commission

Patents, Designs and Innovation Division

Ms Fleurette F Coetzee

Senior Manager: Trade Marks:

Tel: +27 12 394 5109

Fax: + 27 12 394 6109

E-mail: fcoetzee@cipc.co.za

National Regulator for Compulsory Specifications (NRCS)

Maphuti Kutu

National Regulator for Compulsory Specifications (NRCS)

Technical Specialist: Food & Agro-processing

Division: Regulatory Research and Development

Tel: +27 12 482 8930 Cell: +27 82 584 6086

Email: maphuti.kutu@nrcs.org.za

Website: www.nrcs.org.za

Ms Ntomboxolo Meisie Katz

General Manager

Food and Associated Industries| NRCS|

14 B Railway Road, Montague Gardens, Cape Town, South Africa|

Tel +27 21 526 3400| Cell +27 84 974 3164|Fax +27 21 526 3451

Email: meisie.katz@nrcs.org.za

Principal Inspector

14B Railway Road, Montague Gardens, Cape Town, South Africa

Tel +27 21 526 3406 | Fax 0867468512

Email: prinsak@nrcs.org.za

South African Bureau of Standards (SABS)

WTO/TBT Enquiry Point

Economic Impact & IP Department

Tel: +27 12 428 6229

E-mail: wto@sabs.co.za

Website: www.sabs.co.za

National Liquor Authority (NLA)

Ms Nkoe Ramphele

Email: NRamphele@thedti.gov.za or nationalliquorauthority@thedti.gov.za

APPENDIX II: OTHER IMPORT SPECIALIST TECHNICAL CONTACTS

Office of Agricultural Affairs (FAS/USDA)

U.S. Embassy Pretoria, 877 Pretorius Street, P.O. Box 9536

Pretoria, South Africa 0001

Tel: (+27) 12 431 4057

Fax: (+27) 12-342-2264

E-mail: agpretoria@usda.gov

Animal and Plant Health Inspection Service (APHIS)

U.S. Embassy Pretoria, 877 Pretorius Street, P.O. Box 9536

Tel: (+27) 12 431 4740 Fax: (+27) 12-342-3385

<http://www.aphis.usda.gov/>

Food & Allergy Consulting & Testing Services

Gabrielle Jackson, B.Sc. Dietetics (Stellenbosch)

Tel: +27 21 882 9883

Email: www.factssa.com