

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 3482

2 June 2023

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

REGULATIONS REGARDING CONTROL OF THE EXPORT OF FRESH FRUITS

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 –

"**apple**" means the fruit of the cultivars which are grown from the species *Malus sylvestris*;

"**apricot**" means the fruit of the cultivars which are grown from the species of the tree *Prunus armeniaca*;

"**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);

"**avocado**" means the fruit of the cultivars which are grown from the species *Persea Americana Miller*;

"**blackberry**" means the fruit of the cultivars which are grown from the species *Rubus spp.*

"**blueberry**" means the fruit of the cultivars which are grown from the species *Vaccinium corymbosum L.*, *Vaccinium australe Small*, *Vaccinium angustifolium Ait.* and their hybrids.

"**cactus pear**" means the fruit of the cultivars which are grown from the species *Opuntia spp.*

"**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;

"**cherry**" means the fruit of the cultivars which are grown from the species *Prunus avium* or *Prunus cerasus*;

"**citrus fruits**" means fruit of the kinds oranges, grapefruit, lemons, kumquats, mandarins, pummelos, seville oranges and limes;

"**consignment**" means a quantity of fresh fruits of the same cultivar, belonging to the same owner and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or is delivered by the same vehicle, or in the case of a quantity of fresh fruits that is divided into different cultivars, classes, diameter groups, pallet loads, trademarks or types of packaging, every quantity of each of the different cultivars, classes, diameter groups, pallet loads, trademarks of types of packaging;

"**consignment note**" means a description of a consignment approved by the Executive Officer or the Assignee;

"**deciduous fruits**" means fruits of the kinds apricots, apples, cherries, table grapes, nectarines, pears, peaches, plums and prunes;

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

"**fig**" means the fruit of the cultivars which are grown from the species *Ficus carica L.*;

"**Food Business Operator (FBO)**" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

"**Food Business Operator code**" means an alpha-numeric code which needs to be uniquely identified and has been registered with the Executive Officer of the Act by each responsible person (FBO)

producing or handling in any way products of plant origin destined for the export market. Examples include farms, fields, processing facilities, storage units, transportation, etc.;

"fresh fruits" means deciduous fruits, citrus, subtropical fruits and other unspecified fruits;

"gooseberry" means the fruit of the cultivars which are grown from the species *Ribes uva-crispa* L. (*R. grossularia*).

"granadilla" means the fruit of the cultivars which are grown from the species *Passiflora edulis*, or *Passiflora* var. *Flavicarpa* and their hybrids;

"grapefruit" means the fruit of the cultivars which are grown from the species *Citrus paradisi* (Macf.) and its hybrids;

"inspector" means the Executive Officer or an officer under his control, or an Assignee or an employee of an Assignee;

"ISO" means International Organization for Standardization;

"kiwifruit" means the fruit of the cultivars which are grown from the species *Actinidia deliciosa*;

"kumquats" means the fruit of the cultivars which are grown from the species *Fortunella margarita* and *Fortunella japonica* (Thunb.) Swingle;

"lemon" means the fruit of the cultivars which are grown from the species *Citrus limon* (L.) Burm. F.;

"lime" means the fruit of the cultivars which are grown from the species *Citrus latifolia* (Yu. Tan.) Tan. (*Acid limes*) and *Citrus aurantifolia* (Christm.) Swingle (*Mexican limes*).

"litchi" means the fruit of the cultivars which are grown from the species *Litchi chinensis*;

"mandarin" means fruit of the cultivars which are grown from the species *Citrus reticulata* Blanco, *Citrus unshiu* Marcow, *Citrus nobilis* Lour, *Citrus deliciosa* Tenore and their hybrids;

"mango" means the fruit of the cultivars which are grown from the species *Mangifera indica*;

"melon" means the fruit of the cultivars which are grown from the species *Cucumis melo*;

"National Reference Laboratory" means an official laboratory of the Department of Agriculture, Land Reform and Rural Development 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);

"nectarine" means the fruit of the cultivars which are grown from the species *Prunus persica* var. *nucipersica*;

"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);

"orange" means the fruit of the cultivars which are grown from the species *Citrus sinensis* (L.) Osbeck;

"other unspecified fruit" means all other fruits not mentioned under this regulation;

"papaya" means the fruit of the cultivars which are grown from the species *Carica papaya*;

"peach" means the fruit of the cultivars which are grown from the species *Prunus persica*

- "pear" means the fruit of the cultivars which are grown from the species *Pyrus communis*;
- "persimmon" means the fruit of the cultivars which are grown from the species *Diospyros kaki*;
- "pineapple" means the fruit of the cultivars which are grown from the species *Ananas comosus*;
- "plum" means the fruit of the cultivars which are grown from the species *Prunus salicina*;
- "pomegranate" means the fruit of the cultivars which are grown from the species *Punica granatum*;
- "prune" means the fruit of the cultivars which are grown from the species *Prunus domestica*;
- "pummelo (Shaddocks)" means the fruit of the cultivars which are grown from the species *Citrus grandis* (L.) Osbeck;
- "raspberry" means the fruit of the cultivars which are grown from the species *Rubus idaeus* L., *Rubus occidentalis* L.
- "seville orange" means the fruit of the cultivars which are grown from the species *Citrus aurantium* (L.);
- "strawberry" means the fruit of the cultivars which are grown from the species *Fragaria ananassa*;
- "subtropical fruits" means fruits of the kinds avocado, mango, kiwifruit, litchi, pineapple, melon and watermelons;
- "table grape" means the fruit of the cultivars which are grown from the species *Vitis vinifera*;
- "the Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990); and
- "water melon" means the fruit of the cultivars which are grown from the species *Citrullus vulgaris*.

Prohibition on the export of fresh fruits

2. (1) Subject to the provisions of subregulation (2), no person shall export fresh fruits from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.
- (2) Fresh fruits 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 a foreign 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 fresh fruits, 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 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 of fruit, cultivar and class thereof.
- (c) The applicable Food Business Operator code.
- (d) The number and type of containers in the consignment.
- (e) The intended date and time of export and the port or airport from which the consignment concerned shall be exported.
- (f) The particulars concerning the marking and destination of the consignment concerned.
- (g) 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.
- (h) Any other additional information regarding the consignment concerned.

Presentation for inspection

4. (1) Each consignment of fresh fruits 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 fresh fruits 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 fresh fruits referred to in subregulation (1), shall be submitted 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 fresh fruits 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 fresh fruits 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 and the contents thereof by virtue of the provisions of subregulation (1), 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 fresh fruits -
 - (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: Provided that, the Executive Officer taking into consideration the country of destination's legal requirements may in his or her

discretion authorize in writing the issuance of a certificate(s) within a prescribed time after the fruit has left South Africa; 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 fresh fruits 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 fresh fruits

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

(2) The Executive Officer shall nominate a National Reference Laboratory or 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 analysis of fresh fruit;
- (b) Compliance with the general criteria for testing laboratories as laid down in ISO/IEC Guide 17025:2017;
- (c) Annual participation in appropriate proficiency testing schemes for analysis 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 analysis 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 analysis

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

- (1) The determined inspection fee when fresh fruits are presented for inspection.

(2) The fee for testing and analysis of samples shall be charged by the laboratory concerned and this shall include incidental costs such as courier or transport fee.

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 Nos. R748 of 3 October 2014 and R. 864 of 7 November 2014 are hereby repealed from the date of commencement of these regulations.