



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

**STANDARD OPERATING PROCEDURE
(SOP): RISK-PROFILING OF FOOD
BUSINESS OPERATORS OF REGULATED
GRAINS, OILSEEDS AND GRAIN
PRODUCTS FOR THE PURPOSE OF
INSPECTION BY THE DESIGNATED
ASSIGNEE**

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1. OBJECTIVE

- 1.1 To ensure compliance of grains, oilseeds and grain products intended for sale in the Republic of South Africa to applicable local/import regulations in terms of the APS Act.
- 1.2 To outline how the inspections of grains, oilseeds and grain products shall be carried out by the assignee Leaf Services in accordance with the risk profile of each Food Business Operator (FBO) following the first (1st) year of risk profiling.

2. SCOPE

The SOP is applicable to all, premises or conveyance upon which grains, oilseeds and grain products are produced, processed, treated, prepared, classified, packed, marked, kept, exhibited for sale as well as all importers of these products.

3. ABBREVIATIONS/ACRONYMS

- 2.1 **APS:** Agricultural Product Standards Act No. 119 of 1990.
- 2.2 **DAFF:** Department of Agriculture, Forestry and Fisheries
- 2.3 **FBO:** Food Business Operator.
- 2.4 **GAFTA:** Grain and Feed Trade Association
- 2.5 **SOP:** Standard Operating Procedure

4. DEFINITIONS

In this SOP, unless the context otherwise indicates--

- 4.1 **“assignee”** means a person, undertaking, body, institution, association or board designated as such under section 2(3) of the APS Act;
- 4.2 **“database”** means a written document which has records of the profiles of Food Business Operators in accordance with, their trading or business name(s), location (physical address), contact (person) details, number of regulated products handled

and/or processed, volumes, date of previous inspection visits, incidence of non-conformances, and which is kept by the designated assignee in terms of section 9 of the APS Act;

- 4.3 **"dispensation"** means a temporary permission or waiver granted by the Executive Officer: Agricultural Product Standards to the product owner, seller, importer or processor thereof to deviate from the applicable prescribed grading, packing and marking regulations;
- 4.4 **"Executive Officer"** means the officer designated under section 2(1) of the Agricultural Product Standards Act No. 119 of 1990;
- 4.5 **"Food Business Operator"** or **"Inspection point"** means all, premises or conveyance upon which grains, oilseeds and grain products are produced, processed, treated, prepared, classified, packed, marked, kept, exhibited for sale (Food Business Operator shall have a corresponding meaning as Inspection point);
- 4.6 **"grains and oilseeds"** means the following type of grains and oilseeds which are intended for sale in the Republic of South Africa:
- (a) Canola
 - (b) Groundnuts
 - (c) Maize
 - (d) Sorghum
 - (e) Soya beans
 - (f) Sunflower seeds
 - (g) Wheat
 - (h) Malting Barley
 - (i) Rice
 - (j) Dry Beans;
- 4.7 **"grain products"** means products derived from the processing of either wheat or maize as defined in respective regulations namely --
- (a) Wheat products
 - (b) Maize products; and
- 4.8 **"the product"** means raw grains, grain products and oilseeds for which the Minister has prescribed local/import grading, packing and marking regulations in terms of section 15 of the APS Act.

5. REFERENCES

- 5.1 Agricultural Product Standards Act No. 119 of 1990.
- 5.2 Regulations relating to the grading, marking and packing of the Grains, Oilseeds and Grain products intended for sale in the Republic of South Africa, with respect to --
 - (a) Canola, Dry Beans, Groundnuts, Maize, Malting Barley, Rice, Sorghum, Soya Beans, Sunflower seeds and Wheat (Bread wheat, Soft wheat, and Durum wheat);
 - (b) Wheat products and Maize products.
- 5.3 Regulations regarding Inspections and Appeals: Local, Notice No. R1979 of 23 August 1991.
- 5.4 Prohibition Regarding the Removal of Imported Regulated Agricultural Products Intended for sale in the Republic of South Africa from the Prescribed Ports of entry. Notice No. 570 of 27 May 2016.

6. PROFILING OF DOMESTIC FOOD BUSINESS OPERATORS

- 6.1 Identification of all FBO's including but not limited to handling and trading grains, oilseeds and grain products to be inspected.
- 6.2 Develop and maintain a complete database of the identified FBOs.
- 6.3 Identification of inspection points within the identified FBOs.
- 6.4 Requisite inspection activities shall be rolled out at all points of inspection during the first year of commencement. The initial (base) frequency of inspection shall be recommended by the assignee, and such frequency shall be agreed with the affected industry stakeholders before the final confirmation of such.
- 6.5 The inspections shall be undertaken in accordance with the applicable Regulations for grains, oilseeds and grain products.

- 6.6 During the initial inspection period (first year of commencement), a database of inspection findings shall be compiled and maintained for each inspected FBO with view to profiling the risk inherent in such an FBO.
- 6.7 Risk profiling shall be determined by considering, principally, the rate or level of non-compliance with the applicable regulation, especially grading parameters.
- 6.8 The assignee shall utilize the compliance data of each FBO site to establish a risk profile.
- 6.9 Each FBO site shall then be profiled as either High, Medium or Low risk. The following constitute the categorization of FBOs:
- (a) The FBO that recorded incidence of non-conformities (non-compliances) not exceeding one (1) per all inspections conducted per the first year shall be categorized as **Low risk (L)**.
 - (b) The FBO that recorded incidence of non-conformities (non-compliances) not exceeding three (3) per all inspections conducted per the first year shall be categorized as **Medium risk (M)**.
 - (c) The FBO that recorded incidence of non-conformities (non-compliances) not exceeding five (5) per all inspections conducted per the first year shall be categorized as **High risk (H)**.
- 6.10 The frequency of inspection for each inspected and categorized FBO shall be determined and varied as follows:
- (a) For Low risk FBO, the frequency of inspection shall be reduced by 50 % per year from the initially determined frequency during the first year of commencement or after the profiling of an FBO, whichever the case may be.
 - (b) For Medium risk FBO, the frequency of inspection shall be reduced by 25 % per year from the initially determined frequency during the first year of commencement or after the profiling of an FBO by the assignee, whichever the case may be.
 - (c) For High risk FBO, the frequency of inspection shall remain unchanged at 100% or equal to the initial determined frequency by the Assignee. In circumstances where non-conformance is in a range of 6 to 10, the frequency of inspection shall be increased by 25% from the initially determined frequencies of inspection. Furthermore in circumstances where the non-compliance rate is exceeding 11, the frequency of inspection shall be increased by 50% from the initially determined frequencies of inspection.

6.11 In circumstances where the same level of conformance is maintained over a period of two years in terms of low risk category, a further reduction of 50% shall be effected by the Assignee.

6.12 Once, the profiling of an FBO is concluded the information thereof shall be communicated to the concerned FBO and the Department of Agriculture, Forestry and Fisheries (DAFF).

6.13 This undertaking of inspection as set out herein shall be carried-out with full consideration of the agreed upon service level agreement also referred to as Directive in terms of section 2(3) (b) and (c) of the APS Act.

7. SANCTIONS

Notwithstanding the above, an FBO that has already been categorized as low risk or medium risk may be re-categorized (switched) depending on the number of non-conformances obtained during the year of inspection. In other words, should an FBO relapse after having been profiled favourably as either low or medium risk, the assignee shall have the right to switch the profile lowly according to the number of non-conformances obtained.

8. DIRECTION

In all circumstances, a direction as set out in section 3A (2) (b) of the APS Act shall be issued by the assignee in the event that non-compliances with the regulations are found. The direction will afford the owner an opportunity within which the identified non-conformances are remediated, and accordingly a reasonable period of time as set out in the direction shall be given to an FBO to effect corrective actions.

9. APPEAL

In the event that an FBO's interests are affected by any decision or direction of an assignee, the FBO shall appeal to the Director-General of the Department of Agriculture, Forestry and Fisheries in terms of section 10 of the Agricultural Product Standards Act No. 119 of 1990. In other words, where there is a dispute in terms of the application and interpretation of the applicable Regulations, the Director-General shall constitute an appeal Board in order to settle the dispute. It may happen that the Director-General constitutes an appeal Board from a list of names of experts provided for by the relevant industry body or association.

10 APPLICATION OF THE REGULATIONS

Notwithstanding the above, the regulations shall be fully applied and the necessary penalties shall be administered during the inspection of grains, oilseeds and grain products. In other words, where circumstances dictate, the product inspected may be downgraded or prohibited from being sold.

11. IMPORTED RAW GRAINS

11.1 The risk profiling shall not apply to imported raw grains, and the following conditions shall be applicable to imported raw grains which shall have been brought into the country by the same buyer or buyers.

11.2 For all imported raw grains, the regulatory specifications of the grades (classes) of the exporting country shall be used: Provided that there shall be prior written approval for the use of such foreign regulatory specifications by the Executive Officer: Agricultural Product Standards.

11.3 Where raw grains are imported under the provision of Grain and Feed Trade Association (GAFTA) contracts, the importer shall remain the buyer of the product in the exporting country as well as the processor of the product in the Republic of South Africa.

11.4 Such a product, once bought from the exporting country, shall not be sold in its raw form in the Republic of South Africa, except for processing purposes only.

11.5 The products so brought or imported into the country shall be deemed to have complied with the definition of "*exchange*" as it relates to the definition of "*Sell*" as captured in the principal legislation, namely the APS Act.

11.6 Such product shall not be inspected against the provision of the local regulations upon arrival at the port of entry. The accompanying importing documents shall be used to authenticate the ownership of such consignment/s.

11.7 Such documentation shall indicate the final destination or place where the product will be processed in the Republic of South Africa.

11.8 The authentication of the documentation shall be carried-out periodically, at least randomly, three (3) times a year.

12. REVIEW

This SOP is subject to review jointly by the Department of Agriculture, Forestry and Fisheries and the members of the Grains, Oilseeds and Grain Products industries as

well as the respective relevant commodity Forums. In this context grains, oilseed and grain products means all the raw grains, oilseeds and processed grain products which are regulated in terms of the APS Act.

13. APPROVAL



EXECUTIVE OFFICER:
AGRICULTURAL PRODUCT STANDARDS

22/09/2017

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Distribution

Copies of the Standard Operating Procedure will be distributed to all parties by the office of the Executive Officer: Agricultural Product Standards upon request. Alternatively it will be available on the DAFF intranet and website Page www.daff.gov.za.