

Required Report: Required - Public Distribution

Date: July 11, 2024

Report Number: SF2024-0014

Report Name: FAIRS Country Report Annual

Country: South Africa - Republic of

Post: Pretoria

Report Category: FAIRS Country Report

Prepared By: Dirk Esterhuizen and Amy Caldwell

Approved By: Ali Abdi

Report Highlights:

The FAIRS Annual Country Report has been updated and summarizes the rules and regulations governing the import of food and agricultural products in South Africa. This report should be read in conjunction with the FAIRS Export Certificate Report to gain a thorough grasp of South African laws, standards, and import requirements. Important updates include South Africa's new Maximum Residue Limits for pesticide residues, continued consideration of new food labelling regulation, a reduction in restrictions on plant-based meat alternatives, and the proposed new Plant Health Bill.

Table of Contents

Executive Summary	3
SECTION I: FOOD LAWS	4
SECTION II: LABELING REQUIREMENTS	10
SECTION III: PACKAGING AND CONTAINER REGULATIONS	15
SECTION IV: FOOD ADDITIVES REGULATIONS	16
SECTION V: PESTICIDES AND OTHER CONTAMINANTS	17
SECTION VI: OTHER REQUIREMENTS, REGULATIONS, AND REGISTRATION MEASURES	19
SECTION VII: OTHER SPECIFIC STANDARDS/LAWS	22
SECTION VIII: TRADEMARKS, BRAND NAMES, AND INTELLECTUAL PROPERTY RIGHTS	26
SECTION IX: IMPORT PROCEDURES	27
SECTION X: TRADE FACILITATION	29
APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS	31
APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS	35

DISCLAIMER:

This report was prepared by the USDA - Foreign Agricultural Service office in Pretoria, South Africa, for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. Before any goods are shipped, 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. FINAL IMPORT APPROVAL IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Executive Summary

In 2023, the United States exported \$241 million of agricultural products to South Africa, down 31 percent from the previous year. Major products exported by the United States to South Africa included poultry meat, tree nuts, distilled spirits, beef and beef products, and planting seeds. A decline in the exports of wheat, animal feed/fodder, tree nuts, poultry, dairy, and distilled spirits contributed to the sharp reduction in annual exports. South Africa faced poor economic growth, relatively high inflation and interest rates and a sharp depreciation of the South African rand in 2023, depressing consumer spending. South Africa's gross domestic product (GDP) grew by less than 1 percent in 2023 and is projected to grow by only 1.3 percent in 2024. The country is also confronting deterioration of infrastructure, including ports, roads, and the electric grid which makes the movement and provision of imported goods more challenging and costly for South African consumers.

In 2023, South Africa imported \$7.4 billion in agricultural products, down 5 percent from 2022, indicating the weakened consumer demand due to the struggling economy. Major agricultural products imported by South Africa include rice, palm oil, wheat, mixtures of odoriferous substances and mixtures, sunflower oil, sugar, and poultry products.

In May 2024, the Department of Agriculture, Land Reform and Rural Development published draft amendments regulations under the Liquor Products Act, 1989. The amendments are intended to align the regulations with the Liquor Products Amendment Act, 2021, which came into force in August 2023. The regulations were published as a first draft for comments from South African producers. Once local comments have been considered, a final set of draft regulations will be notified to the World Trade Organization (WTO) for other countries to submit comments.

On February 16, 2024, amended regulations that makes provision for the new maximum limits for pesticide residues in foodstuffs under the control of the Department of Health, in terms of the Foodstuffs, Disinfectants, and Cosmetics Act (Act 54 of 1972) were published. The restriction of specific chemicals, the grouping of goods and their corresponding maximum residue limits (MRLs), and the addition and revision of numerous MRLs, are among the major changes.

On December 6, 2023, the Department of Agriculture, Land Reform and Rural Development published a final version of the proposed Plant Health Bill. The Bill seeks to align South Africa's phytosanitary legislation with the obligations and standards of the relevant international agreements and treaties of which the country is a signatory member to enable safe and fair trade. The target date for finalization of the process is the fourth quarter of 2024.

On April 21, 2023, South Africa notified the WTO of its draft "Regulations Relating to the Labelling and Advertising of Foodstuffs". The draft regulations, if brought into force, could have several wide-ranging and arbitrary effects on local food manufactures and imported products. However, the Department of Health is still reviewing comments, making it difficult to determine the direction the final regulation will take, or the timeframe associated with the regulatory process.

SECTION I: FOOD LAWS

In South Africa three ministries, namely, the Department of Agriculture, Land Reform and Rural Development (DALRRD), the Department of Health (DOH), and the Department of Trade, Industry and Competition (DTIC) develop and oversee the import laws for food and agricultural products. These ministries also designate autonomous organizations to carry out certain regulatory tasks. Some imported goods may be subject to multiple restrictions under different ministries due to the numerous ministries and agencies involved in regulating agriculture and food products. As a result, it is crucial for American exporters to comprehend all the regulations that apply to the importation of food and agricultural products to South Africa, as well as the relevant ministries.

In April 2023, food and agricultural products inspection services at the ports of entry have been transferred to the new Border Management Authority (BMA), an autonomous Schedule 3A Public Entity that reports to the Department of Home Affairs and an Inter-Ministerial Consultative Committee on Border Management.

Tables 1, 2, 3 and 4 describe the duties and laws that fall within the three ministries, affiliated organizations, and the BMA.

Table 1

Major Food Laws, Legislation, and Regulations under DALRRD

Division	Summary
<p>Food Safety and Quality Assurance</p>	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulate the quality, standards, and food safety of agricultural products and food producers. • Control the production, import, export, and sale of certain alcoholic products. • Analyze and monitor pesticide residue for fruits, vegetables, tea, wine, and grains. • Appoint and oversee the following assignees to undertake inspections to ensure that the set standards and requirements are maintained: <ul style="list-style-type: none"> • The Perishable Products Export Control Board (PPECB) conducts inspections, certification, and chain management for producers and exporters of perishable food products. • South African Meat Industry Company (SAMIC) oversees classification and marking of meat intended for sale in South Africa. • Product Control for Agriculture (PROKON) inspects potatoes, fruits, and vegetables intended for sale on the local market. • Food Safety & Quality Assurance is responsible for inspections of plant and retail audits for regulated animal

	<p>products (poultry meat, eggs, processed meat, and any other meat products for which regulations may be promulgated).</p> <ul style="list-style-type: none"> • Leaf Services is responsible for inspection, quality assurance, grading and sampling of grains, oilseeds, and grain/oilseed products. <p>Legislation</p> <ul style="list-style-type: none"> • Agricultural Products Standards Act (Act 119 of 1990) • Local and Import Regulations • Liquor Product Act (Act 60 of 1989)
Plant Health	<p>Key responsibilities</p> <ul style="list-style-type: none"> • Regulate the import and export of plants and plant products. • Regulate and enforce phytosanitary measures. • Registration and approval of facilities (production units, packhouses, 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). <p>Legislation</p> <ul style="list-style-type: none"> • Plant Health Legislation and Regulations
Plant Production	<p>Key responsibilities</p> <ul style="list-style-type: none"> • Develop and promote national policies, standards, and guidelines to support sustainable production of grain crops, fruits, vegetables, industrial crops, ornamental crops, and indigenous crops. • Regulate plant varieties and propagating material. • Regulate the importation of listed and unlisted varieties. • Registration of premises for seeds, nurseries, and laboratories for seed testing and production. • Assess the impact of plant production systems/programs. • Render advisory services on crop production matters. <p>Legislation</p> <ul style="list-style-type: none"> • Plant Production Policies and Programs https://old.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Plant-Production/Policies-and-Programmes • Plant Improvement Act • Procedures for Registration of Premises • Import of Unlisted Varieties
Animal Health	<p>Key responsibilities</p> <ul style="list-style-type: none"> • Prevent and control of animal diseases. • Formulate policies to reduce disease risks in the import and export of animals and animal products.

	<ul style="list-style-type: none"> • Provide epidemiological and management support services for early warning and monitoring of animal diseases. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • The Animal Diseases Act • Meat Safety Act • Animal Identification Act • Veterinary and Para-Veterinary Professions Act • Regulations and Guidelines for Importing Animal and Animal Products • Tariffs for Veterinary Imports Permits 2024
Genetic Resources	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulate and provide an integrated management system to support conservation and sustainable use of genetic resources. • Develop and implement policies, legislation, 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. • Provide a risk-mitigating system in support of agricultural biodiversity. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • The Plant Breeders' Rights Act, 1976 • Genetically Modified Organisms Act, 1997
Agriculture Inputs Control	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulate the manufacturing, distribution, importation, sale, use, and advertisement of fertilizers, animal feeds, pesticides, and stock remedies, as well as the operation of sterilizing plants and pest control operators. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Policies and Regulations Relating to Agricultural Inputs • Fertilizers, Farm Feeds, Agricultural Remedies, and Stock Remedies Act 36 of 1947

Source: DALRRD

Table 2

Major Food Laws, Legislation, and Regulations under the Department of Health

Division	Summary
Food Control Division	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Develop and publicize food regulations to ensure administration of food legislation. • Audit and support Port Health Services and Municipal Health Services. • Evaluate risk assessments related to agricultural chemicals and food produced through biotechnology for DALRRD. • Act as South Africa’s National Contact Point for the joint FAO/WHO Codex Alimentarius Commission, the International Food Safety Authorities Network (INFOSAN), and the European Union Rapid Alert System for Food and Feed (RASFF). • Coordinate food monitoring programs and issue food safety alerts. <p><u>Website Link</u></p> <ul style="list-style-type: none"> • Department of Health <p><u>Legislation Link</u></p> <ul style="list-style-type: none"> • Foodstuffs, Disinfectants, and Cosmetics Act (Act 54 of 1972)

Source: DOH

Table 3

Major Food Laws, Legislation and Regulations under DTIC

Agency	Summary
The National Regulator for Compulsory Specification (NRCS)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Enforce and set standard specifications for both locally produced and imported seafood and canned meat and fish products. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • National Regulator for Compulsory Specifications Act, 2008 • Compulsory Specifications for Seafood and Canned Fish Products
National Liquor Authority (NLA)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Registration and inspection services of manufacturers and distributors of liquor. • Inspect premises to ensure compliance with terms of the Liquor Act of 2003.

	<ul style="list-style-type: none"> • Develop and enforce national liquor laws, including minimum drinking age. • Regulate and register manufacturers and distributors of liquor. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Liquor Act, (Act 59 of 2003) • Regulations on the Registration of Liquor Manufacturers and Distributors
<p>South African Bureau of Standards (SABS)</p>	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Develop, promote, and maintain 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>Legislation</u></p> <ul style="list-style-type: none"> • Standards Act (Act 5 of 2008) • Food and Beverage Standards
<p>Companies and Intellectual Property Commission (CIPC) – Patents, Designs, and Innovation Division</p>	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Registration and enforcement of intellectual property rights (trademarks, patents, designs, and copyrights). <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Patent Act, 1978 • Trademarks Act, 1993 • Merchandise Marks Act, 1941 • Designs Act, 1993 • Copyright Act, 1978

Source: DTIC and CIPC

Table 4

Legislation and Regulations under BMA

Border Management Authority	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none">• Inspection Services: Food and Agricultural products inspections have been transferred to the new Border Management Authority (BMA).• Risk management inspection/auditing services at official ports of entry points.• Provide national plant quarantine and diagnostic services.• Animal quarantine and inspection services. <p><u>Legislation</u></p> <ul style="list-style-type: none">• Proclamation to Transfer Agricultural Inspections Functions to the Border Management Agency• Border Management Authority Act 2 of 2020• Regulations Applicable to the Agricultural Products Inspection Services
------------------------------------	---

Source: BMA

Enforcement of Food Regulations

The three ministries (DALRRD, DOH, and DTIC) and BMA oversee and enforce South African food and agricultural import restrictions, standards, and inspections. However, despite several coordination mechanisms in place, such as Inter-Ministerial Committees, enforcement coordination and capacity limitations continue to be a challenge. Due to these difficulties, rules may not always be applied or implemented consistently. The DOH's Food Control Division oversees rulemaking and enforcement by local municipalities. However, in practice, many local governments lack the resources and funding necessary to ensure food standards are effectively enforced for domestically produced products. On the other hand, imported agricultural products must strictly adhere to the South African food laws, as inspections are conducted at the ports of entry which can be more easily monitored. Food health inspectors at the ports of entry are tasked with enforcing compliance with all food-related laws and regulations for imported products.

Alongside BMA inspectors, inspectors from DTIC's National Regulator for Compulsory Specification (NRCS) and the South African Bureau of Standards (SABS) enforce standards for both domestically produced and imported seafood and canned fish products. In accordance with the Foodstuff, Cosmetics, and Disinfectants Act, the NRCS gives health certificates for seafood items that attest to their quality and conformity.

SECTION II: LABELING REQUIREMENTS

Existing Labeling Regulations

The Food Control Division of the DOH is primarily responsible for developing and enforcing labeling laws for processed foods and alcoholic beverages. The inclusion of nutritional information tables on labels is not required by the existing labeling regulations. The current labeling laws are listed in Table 5 and must be followed if a label contains nutritional information. However, on April 21, 2023, the South African Minister of Health issued a Government Notice (R.3337) ([View](#)) inviting public comments on a draft regulation relating to the labelling and advertising of food products under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972). The deadline for the submission of comments on the draft regulation was initially July 21, 2023, but it was later extended to September 21, 2023.

The draft regulation emphasizes that no person may manufacture, import, sell, donate, or offer for sale any pre-packed foodstuff, unless the products are labelled in accordance with the regulation. Information on the product's label must be accurate regarding the character, origin, composition, quality, nutritive value, and time and place of manufacture. The regulation also specifies letter sizes on product labels, product description, the declaration of country of origin, and prohibited statements (also see [USDA South Africa Issues New Draft Regulation Food Labelling](#)). The draft regulations, if brought into force, could have several wide-ranging and arbitrary effects on local food manufactures and imported products. However, at the time of writing, the DOH is still reviewing comments, making it difficult to determine the direction the final regulation will take, or the timeframe associated with the regulatory process. Post will continue to monitor the situation and provide updates accordingly.

The packaging, marking, and container laws created and enforced by DALRRD, which are covered in Section III and stated in Table 6, must also be followed when it comes to labeling regulations for animal products, agronomy/crops, vegetables, fruits, and canned vegetable/fruit goods.

Table 5

Existing Labeling Regulations

Name of Regulation	Website Link
Regulations relating to the labeling and advertising of foodstuffs (R146/2010)	Download
Regulations relating to labeling and advertising of foodstuffs: Amendment (R45/2012)	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 (R991/2013)	Download
Regulations relating to foodstuffs for infants and young children: extension	Download

notice (R433/2014) and amendment (R434/2013)	
Regulations relating to health messages on container labels of alcoholic beverages (R764/2007)	Download
Regulations relating to health messages on container labels of alcoholic beverages: amendment (R1208/2008)	Download
Regulations regarding the classification, packing and marking of processed meat products intended for sale in the Republic of South Africa (R1283/2019)	Download

Source: DOH Food Control Division

A detailed list of terminology that is required or prohibited and how specific language and comparative claims may be used on food labels can be found in the guidelines relating to the labeling and advertising of foodstuffs ([View](#)) and regulations relating to the labeling and advertising of foodstuffs ([View](#)).

In South Africa, nutrient, health, or other claims on food and beverage labels are tightly restricted and defined. For instance, the claim "low in saturated fat" on the label may only be made if the amount of fat in the food is less than 1.5 grams per 100 grams of solids and 0.75 grams per 100 milliliters of liquids and does not account for more than 10 percent of the calories. If they meet all the requirements, absolute descriptors like "high fiber" or "low fat," as well as relative descriptors like "less," "fewer," "reduced," "light," or "more" are acceptable. Notably, comparison statements utilizing the terms "more than," "increased," or other similar expressions are not permitted when referring to nutrients that are physiologically advantageous, such as vitamins, minerals, bioflavonoids, carotenoids, or other advantageous food components. Inspectors at the ports have the authority to ask businesses for documentation of any claims made, including U.S.-approved health claims linking calcium and osteoporosis, fruits/vegetables and cancer, and sodium and hypertension. Implied claims are not covered by the existing South African regulations, and the inspector at the port of entry may interpret such claims in accordance with the rules regarding deceptive claims.

There are also requirements regarding how the nation of origin must be labeled on food products. The label should read "product of (name of country)" if all the major components, processing, and labor used to manufacture the food product are from that nation. The words "produced in," "processed in," "manufactured in," or "made in" should appear on the label of any food that has undergone processing that alters its composition in another nation. The phrase "packed in (name of county)" may also be used.

The shelf life of all food products should be indicated on the packaging using phrases like "best before," "use by," and "sell by." There is a list of exclusions to the labeling rule, together with their terms, in the DOH regulations pertaining to the labeling and advertising of foodstuffs ([Exclusions List](#)).

For American food labels to adhere to the current South African food labeling laws can be difficult. For example, according to South African rules, labels must include the phrase "typical nutritional information," whereas labels in the United States must include the phrase "nutritional facts." While U.S. food labels utilize calories, South African regulations only allow the use of

kilojoules (kJ) on food labels. Regulators and importers prefer that the proper labeling be applied before shipment. Notably, when such shipments are stopped at the port of entry, South Africa allows importers to conceal non-compliant labels with stick-on labels. At the ports of entry, non-compliant products are not released unless a corrective measure is taken. Retailers typically do not accept food products with covered labels since it generates unwarranted customer suspicions, and importers have previously claimed that such a process is too expensive. Figure 1 compares the variations between a food label from South Africa and one from the United States.

Figure 1

Differences between a South African Food Label and United States Food Label



Figure 2 below provides clear guidance on what is acceptable and what is not regarding the information provided on the current labels and in advertisements of foodstuffs. The label also provides an example of what must appear on domestic and imported foodstuffs. 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.

Figure 2

Example of the Requirements on Food Labels



Proposed Amendment to Regulations Relating to Health Messages on Alcoholic Beverages

In October 2020, South Africa published a notification repealing the contentious regulations relating to health messages on container labels of alcoholic beverages under the [Foodstuffs, Cosmetics, and Disinfectants Act of 1972](#). Post published a November 2020 [GAIN report](#) with more information. Given strong opposition from the domestic industry and international stakeholders, including the United States, the repeal of this regulation was anticipated. However, given South Africa's aim to address alcohol addiction and steps to limit the risks connected with alcohol consumption, Post anticipates that amended legislation will be introduced once more in the future.

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

South Africa permits the production of genetically engineered (GE) crops through the [Genetically Modified Organisms Act, 1997](#). For further information on the production of GE crops in South Africa, refer to Post's [South Africa Agricultural Biotechnology Annual](#) GAIN report.

The Foodstuffs, Cosmetics, and Disinfectants Act (Act 54 of 1972) controls the sale, manufacture and importation of foodstuffs, cosmetics, and disinfectants to ensure their quality and safety. The DOH accepts the Codex Alimentarius principles and guidelines for food/feed safety requirements of GE products as policy for South Africa. The DOH also published mandatory [GE food labelling regulations](#) in 2004 under the Foodstuffs, Cosmetics, and Disinfectants Act. Regulation 25 states that foodstuffs produced through genetic modification—where they differ significantly from existing foodstuffs in terms of their composition, nutritional value, mode of storage, preparation, or cooking, allergenicity, or genes with human or animal origin—must be labelled.

The Consumer Protection Act (Act 68 of 2008), enforced by DTIC, requires labelling for all GE goods. [Draft amendments](#) to the GE labelling regulations were published in October 2012, triggering serious concerns by the business community in South Africa. As a result, new GE labeling regulations under the Consumer Protection Act have not yet been published, precluding any required GE labeling by stakeholders in the food supply chains of South Africa.

Amendments to Regulations Relating to Foodstuffs for Infants and Young Children

In 2015 the DOH published [proposed amendments](#) to the regulations relating to foodstuffs for infants and young children, under the Foodstuffs, Cosmetics, and Disinfectants Act (Act 54 of 1972). The key amendments relate to the labeling and distribution of infant and young children's food. The amendment also provides the dates of implementation of the various clauses, which range from 6 to 24 months. The proposed regulation is yet to be finalized or passed for implementation.

SECTION III: PACKAGING AND CONTAINER REGULATIONS

Existing Packaging and Container Regulations

The [Agricultural Products Standards Act \(Act 119 of 1990\)](#) directs the development of packaging and container rules, which is the responsibility of DALRRD. The regulations relating to the grading, classification, container marking, labeling, packing, and container sizes of agricultural and food products are listed in Table 6.

Table 6

Regulations Relating to the Grading, Classification, Packaging, and Marking of Agricultural and Food Products

Product	Regulation Link
Animal Products (Dairy and imitation dairy products; eggs; edible ices including ice cream, frozen dessert, yoghurt, fruit sorbet; meat; mohair; poultry meat; and processed meat products)	Animal Products
Agronomy Crops (Canola, dry beans, ground nuts, sorghum, corn, corn products, malting barley, popcorn kernels, pulses, rice, wheat and wheat products, sunflower, and soybeans)	Error! Hyperlink reference not valid. Agronomy Crops
Vegetables (Potatoes, tomatoes, onions and shallots, garlic, and other vegetables)	Vegetables
Processed Products (Canned fruit, canned mushrooms, canned pasta, canned vegetables, dehydrated vegetables, dried fruit, fat spreads, vinegar, and table olives)	Processed Products
Deciduous Fruits (Apples, apricots, grapes, pears, peaches and nectarines, and plums and prunes)	Deciduous Fruit
Citrus and Subtropical Fruit (Avocados, bananas, citrus fruits, litchis, and pineapples)	Citrus and Subtropical Fruits
Other Fresh Fruit	Other Fresh Fruit

Source: DALRRD

Packaging Sustainability Measures

Generally, packaging and container rules demand that containers be sturdy enough for regular handling and packing of goods, undamaged, clean, moisture-resistant, and correctly sealed. Additionally, throughout processing or distribution, containers must not impart any flavors, aromas, colors, or other alien qualities to the food. Regulations require that containers be free from any harmful materials, ingredients, or other materials that could contaminate or spoil the food inside. In 2014, South Africa published regulations ([G37818 – GN549](#)) to gradually phase

out the use of polychlorinated biphenyl (PCB) materials and PCB-contaminated material. The phase-out time frames includes that no person may-

- use any PCB materials or PCB contaminated materials after the year 2023.
- have any PCB materials, PCB contaminated materials or PCB waste in their possession after the year 2026, excluding disposed PCB waste.

An official document certifying that the material has been fumigated must be included with packaging composed of natural materials and fibers. The South African Bureau of Standards (SABS) has created [packaging specifications](#) for materials like polyvinyl chloride (PVC). South Africa also recognizes international standards including the FSSC Global Standards and those of the British Retail Consortium (BRC).

South Africa has municipal waste disposal laws and product recycling regulations, but enforcement of these rules has not been a barrier to trade thus far. Waste in South Africa is governed by the [National Environmental Management: Waste Act \(Act 59 of 2008\)](#) and the [National Waste Management Strategy](#). Local municipalities also have bylaws aligned with the Waste Act, [the National Environmental Management Act \(Act 107 of 1998\)](#), and the [Air Quality Act \(Act 39 of 2004\)](#).

SECTION IV: FOOD ADDITIVES REGULATIONS

Existing Food Additive Regulations

Regulations for food additives in South Africa are created and overseen by the DOH Food Control Division, which also acts as the Codex point of contact. The [Foodstuffs, Cosmetics, and Disinfectants Act of 1972](#) serves as the foundation for the development and administration of food additive laws. Table 7 lists the restrictions that apply to additives in South Africa, including the permissible foodstuffs for each additive as well as a positive additive list. These regulations also outline the standards for additive usage, including labeling.

Table 7

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: DOH Food Control Division

In the absence of a specialized additive law, South Africa typically follows the Codex Alimentarius Commission's General Standard for Food Additives. An exporter may ask DOH for authorization to use an additive if it is not listed on the South African positive list or covered by Codex. The review could be lengthy, as the DOH may ask for proof that the additive is safe for consumption.

Amendments to the Miscellaneous Food Additives Regulations The [Regulations Pertaining to Miscellaneous Additives](#), which is applicable to both domestic and imported foodstuffs, went into force on November 17, 2017. The Codex recommendations for the maximum number of additives that may be contained in foodstuffs were implemented by this rule. South Africa is open to accept adequate levels created by respected national or international authorities in the absence of such requirements. The DOH also paid special attention to products for babies and young children. Additionally, the following regulations were repealed, and the subject matter is now covered under the Regulations Pertaining to Miscellaneous Additives in Foodstuffs:

- Regulations Relating to Anti-caking Agents.
- Regulations Governing Acids, Bases, and Salts.
- Regulations Governing Emulsifiers, Stabilizers, and Thickeners.
- Regulations Governing the Use of Certain Food Additives in Wheaten and Rye Products.
- Regulations Relating to Baking Powder and Chemical Leavening Substances.
- Regulations Relating to Jam, Conserve, Marmalade, and Jelly.
- Regulations Governing Certain Substances in Wine, Fermented Beverages, and Spirits.

SECTION V: PESTICIDES AND OTHER CONTAMINANTS

Existing Pesticide and Contaminant Regulations

Regulation of pesticides and other contaminants is the responsibility of the DOH and DALRRD. Maximum residue limits (MRLs) for pesticides, metals, and other chemicals are decided upon and approved by the DOH. Additionally, the DOH oversees inspections and is charged with ensuring MRLs are followed for all domestically produced and imported foods. DALRRD oversees pesticide registrations, permits, and usage in agricultural production. Information on permitted MRLs and approved pesticides is available to U.S. exporters on the [DALRRD website](#). South Africa follows Codex standards when there are no regulations covering a particular pesticide and pollutant.

On February 16, 2024, amended regulations ([Regulations Governing the Maximum Limits for Pesticide Residues that may be present in Foodstuffs](#)) that makes provision for the new maximum limits for pesticide residues in foodstuffs under the control of the DOH, in terms of the [Foodstuffs, Disinfectants, and Cosmetics Act \(Act 54 of 1972\)](#) were published. The restriction of specific chemicals, the grouping of goods and their corresponding MRLs, and the addition and revision of numerous MRLs, are among the major changes.

Table 8*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: DOH Food Control Division

Table 9*Existing Contaminants Regulations*

Name of Regulation	Website Link
Regulations governing the tolerance for certain seeds	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 foodstuffs	Download

Source: DOH Food Control Division

Plant Health Bill

Importation of controlled goods is regulated by the Agricultural Pest Act (Act 36 of 1983), as amended. An import permit is required by this act and regulation R111 of 1984. However, in 2016, DALRRD published a proposed new Plant Health Bill that seeks to repeal those sections of the Agricultural Pest Act that deal with phytosanitary matters to strengthen and improve the phytosanitary regulatory system of South Africa in relation to trade. On December 6, 2023, DALRRD published a final version of the proposed [Plant Health Bill](#). The aim of the new bill is:

- to provide for phytosanitary measures to prevent the introduction, establishment and spread of regulated pests in South Africa;
- to provide for the control of regulated pests;
- to provide for regulation of the movement of plants, plant products and other regulated articles into, within and out of the country;
- and to provide for matters connected therewith.

South Africa is a signatory member of the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS Agreement) and the

International Plant Protection Convention (IPPC), so it needs to align its phytosanitary legislation with the relevant obligations and standards to facilitate safe and fair international trade. The Agricultural Pests Act, 1983 (Act No. 36 of 1983) was promulgated in 1983, with its latest amendment promulgated in 1992. It has therefore been in force for nearly three decades, been through two different government systems and was promulgated before the adoption of the International Plant Protection Convention's 1997 text and the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS Agreement) of 1995. As a necessary step in the management of legislation, frequent revisions ought to be performed to determine the validity and relevance of the provisions of legislation.

An [explanatory notice of the bill](#) was also published. The Plant Health Bill has been passed by South Africa's National Assembly after presentations to selected Parliamentary committees and public hearing in various provinces of the country. However, new regulations need to be developed before it can be signed into law by the President. The target date for finalization of the process is the fourth quarter of 2024.

Fruit Quality Inspection and Cold Chain Management

Fruit quality certifications and cold chain management services for producers and exporters are conducted by the Perishable Products Export Control Board (PPECB), which is a state-owned entity. PPECB performs cold chain services under the authority of the [Perishable Products Export Control Act \(PPEC Act\) of 1983](#). The board also performs inspection and food safety services for certain agricultural products under the [Agricultural Product Standards Act of 1990](#).

SECTION VI: OTHER REQUIREMENTS, REGULATIONS, AND REGISTRATION MEASURES

Facility Registration

According to the [Meat Safety Act \(Act 40 of 2000\)](#) imports of animals and animal products can only be imported from deboning plants and abattoirs that have been certified. Prior to export, U.S. facilities must be registered and certified with the USDA's Food Safety and Inspection Service (FSIS). Details and procedures for facility registration are available on the [FSIS website](#). U.S. facilities are listed in the approved South African database once registered with FSIS, and the products from these facilities would be eligible for import licenses subject to the necessary requirements. The list of deboning factories and permitted abattoirs, as well as the registration procedure and forms, can be downloaded from the [DALRRD website](#). The expense of surety that the facility is registered, falls on the U.S. exporter or facility owner. A facility needs to register only once and may be subject to audits and inspections.

Links to the steps and information for registering plant and plant-product facilities as described by DALRRD are provided in Table 10. Certificates issued by USDA's Animal and Plant Health Inspection Service (APHIS) are accepted in South Africa. The [APHIS website](#) provides information on facility registration, cost, procedures, and export requirements for American exporters and facilities.

Table 10

Facility and Product Registration Requirements in South Africa

Facility or Product	Website link
Premises for nurseries	Download
Premises for Seed Production	Download
Premises for Laboratories	Download

Source: DALRRD

Guidelines for the sampling handling and transportation of meat products

On September 29, 2021, DALRRD published a document titled “Guidelines for the Sampling, Transportation, and Handling of Samples for the Microbiological Monitoring of Meat.” These guidelines fall under the legislative mandate of the Meat Safety Act, 2000 (Act No 40 of 2000), which provides the measures to promote meat safety and safety of animal products. The purpose of the guidelines is to provide guidance on good practices on sample collection, transportation, and handling at the cold stores and upon arrival at laboratories. Establishments must have procedures and sampling plans that define sampling plans. The standard procedures apply to abattoirs, importers, and export cold stores, cutting, deboning, and processing plants linked to an export abattoir (also see GAIN report [South Africa Updates Guidelines of the Sampling, Handling and Transportation of Meat](#)).

The new guidelines are an extension of the Standards Operation Procedure (SOP) for Microbiological Monitoring of imported meat that was published in 2011. While the 2011 Guidelines applied only to imported meats, the 2021 guidelines attempt to standardize sampling practices across all meat and poultry in South Africa. Post compared the two sets of guidelines and found no indications of substantial changes to processes. Post consulted with DALRRD and received confirmation that the updated guidelines will not supersede the 2016 bilateral agreement on sampling and testing between the U.S. and South Africa.

Product Registration

South Africa allows the importation of genetically engineered (GE) crops and processed products with GE ingredients that have been approved by South African regulators for food and feed purposes (commodity clearance). Since 2001, 106 GE events have received [commodity clearance](#) in South Africa. Commodity clearance means that South Africa allows the importation of these events for the use as food and/or feed. Typically, this represents seeds that will not be planted, but rather processed in a way that will leave them non-viable. A complete food safety assessment is required, but an environmental assessment is not necessary. Currently, commodity clearance approvals cover seven crops, including corn, soybeans, canola, cotton, rice, wheat, and rapeseed. However, according to the South African regulatory procedures: “Import permits are issued for the import of GE consignments, irrespective of the crop and country, provided the exporting country has approved the same or less number and type of events as South Africa”. The South African regulatory procedures for approving GE events sometimes take longer than those in supplier countries. Differences in the speed of authorizations lead to situations where

products are approved for use outside South Africa but not within South Africa. These asynchronous approvals can pose significant risks to trade since South Africa applies only one percent tolerance for unintentional presence of GE events in food and feed. Stakeholders in the South African grain and oilseeds industry continue to monitor for asynchronous GE approvals to ensure trade between South Africa and its trading partners, including the United States, is not unnecessarily interrupted.

Plant and propagating material must be registered to receive a “plant breeders right” permit, valid for either 25 years (for vines and trees) or 20 years (all other cases) according to the [Plant Breeders Right Act](#). An agent residing in South Africa shall submit the application for a plant breeders right permit on behalf of the international intellectual property owner. The following [website](#) provides information on the application procedure, forms, fees, and contact information.

Inspections and Testing

Agricultural inspections were one of many government duties transferred to the new Border Management Authority (BMA) ([Border Management Authority](#)). However, DALRRD will continue to create inspection guidelines. Please see Post’s [GAIN report](#) for further details on BMA and the transfer of inspection duties.

If inspectors determine that the shipment meets the import requirements, the BMA inspectors will release the products. Once the consignment has been released by the inspectors, the importer/agent must take the import documents to the South African Revenue Service (SARS) for final release. However, if the shipment does not meet the import requirements, risk management measures will be recommended. The shipment 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 product should be destroyed, returned to the country of origin, or re-routed to another country. Note that a shipment re-routed to another country must meet import requirements for that country, although prior experience in exercising this option has met with resistance from officials.

Basic Certification and Documentation that Must Accompany Shipments

All exports entering South Africa must also be supported by the following fundamental documents in addition to the import licenses, certificates, and sanitary and phytosanitary licenses listed in the FAIRS Export Certificate Report:

- 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.
- Bill of entry documentation that provides the correct physical addresses of the supplier and storage facilities, quantities, grades, and HS codes of commodities.
- Bill of lading.
- Insurance documents.
- Other special documentation and certifications that may be required by the importer, e.g., laboratory results/certificates from approved/accredited establishments or organic certifications if the product claims to be organic.

SECTION VII: OTHER SPECIFIC STANDARDS/LAWS

Popcorn

Exporters interested in sales of popcorn grain or microwave popcorn packages should reach out to the Office of Agricultural Affairs Pretoria (see Appendix II) for guidance on South African import requirements.

Other Specific Standards

Table 11 below provides information about other laws, regulations, or ordinances governing imported foods not covered in other sections of this report.

Table 11

Other Specific Standards

Name of Regulation	Ministry	Website
<u>Fortification and other Nutritional Issues</u>		
• Regulations relating to trans-fats in foodstuffs	DOH	Download
• Regulations relating to the reduction of sodium	DOH	Download
• Regulations relating to food-grade salt	DOH	Download
• Regulations relating to the fortification of certain foodstuffs	DOH	Download
<u>HACCP</u>		
• Regulations relating to the application of the Hazard Analysis and Critical Control Point System (HACCP System)	DOH	Download
<u>Hygiene</u>		
• Guidelines for monitoring irradiated foodstuffs in South Africa	DOH	Download
• Regulations relating to irradiated foodstuffs	DOH	Download
• Regulations governing 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

<u>Microbiological Standards</u>		
• Regulations governing microbiological standards for foodstuffs	DOH	Download
• Regulations relating to milk and dairy products	DOH	Download
<u>Prohibitions</u>		
• Regulations prohibiting guar gum as a foodstuff	DOH	Download
• Regulations relating to the prohibition of polycarbonate infant feeding bottles containing bisphenol A	DOH	Download
<u>Veterinary Procedural Notices</u>		
• Notice for buffalo disease risk management in South Africa	DALRRD	Download
• Other veterinary procedural notices	DALRRD	Visit Website

Source: DOH Food Control Division; DALRRD

Wine, Beer, and Other Alcoholic Beverages

DALRRD, DOH, and DTIC all play a part in enforcing laws controlling alcoholic beverages in South Africa. Under the [Liquor Products Act of 1989](#), DALRRD regulates the import and export of liquor products, including wine, by issuing certificates and ensuring that the quality standards are met. Import certificates are required for all alcoholic beverage products, and applications can be submitted through [DALRRD’s website](#).

In May 2024, DALRRD published a notice calling for comments on draft amendments ([Draft Regulations Amendments](#)) to regulations under the Liquor Products Act, 1989. The amendments are intended to align the regulations with the [Liquor Products Amendment Act, 2021](#), which came into force in August 2023. The regulations were published as a first draft for comments from South African producers of spirits and other liquor products. Once these comments have been considered and a final set of draft regulations have been agreed, the amendments will be notified to the WTO for other countries to submit comment.

Large-scale manufacture and distribution of alcoholic drinks are governed by the [National Liquor Act of 2003](#), which DTIC uses to determine national liquor standards, including the minimum drinking age. All such firms must register with the National Liquor Authority. The DOH regulates the labeling and advertising of liquor products in accordance with regulations governing those activities.

Seafood and Canned Meat Products

The [Food and Associated Industries Division](#) of the National Regulator for Compulsory Specifications (NRCS) regulates canned meat and meat products, canned fish, frozen fish, frozen marine mollusks, frozen rock lobsters, frozen shrimp/prawns, langoustines, crabs, smoked snoek, and live abalone. The division creates the rules and specifications for quality and composition, packaging and labeling, processing facilities, and those handling and processing the food products.

Plant-Based Meat/Dairy Alternatives

Dairy substitutes and imitations are governed by the regulations relating to the Classification, Packing and Marking of Dairy Products and Imitation Dairy Products Intended for Sale in South Africa ([Regulation R1510](#)). Plant-based meat substitutes must adhere to the [Consumer Protection Act \(Act 68 of 2008\)](#) and [Regulations Relating to the Labeling and Advertising of Foodstuffs \(R.146/2010\)](#), despite the fact that there are no laws in South Africa specifically governing them. The regulations address vegetarian and vegan claims and other labeling requirements that products, including plant-based meat and dairy alternatives, must abide by.

In 2022, DALRRD prohibited the use of meat-like names when referring to plant-based alternatives. In a letter addressed to all processors, importers, and retailers of meat analogues, DALRRD clearly states that South Africa's Food Safety Agency will seize any products that do not conform to this regulation. However, in 2024 a court's verdict overturned DALRRD's decision to seize all plant-based meat alternatives with meat-like names from the shelves, a ruling that allows names like "plant-based meat" or "veggie nuggets" to be on used plant-based products.

Organic Food Certification and Regulations

Government certification programs for organic goods do not exist in South Africa. Regarding the management and sale of organic products, only draft legislation and standards exist. As the organic food industry is not governed by any specific national policy or law in South Africa, the South African Organic Sector Organization (SAOSO) established a [domestic voluntary Standard for Organic Production and Processing](#). SAOSO ([SAOSO website](#)) is the most well-known and active organization in the South African organic industry, and the group based their voluntary standard on the International Federation of Organic Agriculture Movements (IFOAM). However, neither the government of South Africa nor any foreign certification organizations accept the SAOSO standard as a necessary organic standard in South Africa.

Even though there are no laws in existence expressly for organic foods in South Africa, the production, processing, and labeling of organic products must adhere to the basic food rules set forth by the DOH Food Control Division and DALRRD. Therefore, the [rules relating to food labeling and promotion](#) applies to both imported and domestic organic items. Additionally, organic products must adhere to the many DALRRD rules outlined in the [Agricultural Product Standards \(APS Act\) of 1990](#) regarding quality, safety, grading, packing, and marking.

Halal

Halal products are currently not subject to any official rules in South Africa. According to the Consumer Protection Act, Halal products must adhere to the most recent labeling requirements set forth by DOH and may not contain any misleading information. Where there are Halal claims, suitable substantiation from reputable bodies may be requested at the port of entry. There are several voluntary organizations including the [National Independent Halal Trust, and South African National Halal Authority](#), which are responsible for the domestic certification in South Africa.

Product Samples and Mail Order Shipments

The same registration, certification, testing, and inspection requirements that apply to regular shipments do not apply to samples of most products. To avoid paying import taxes, the importer might need to register with the South African Revenue Service. Post advises American exporters to get in touch with the FAS Office in Pretoria to find out if their sample goods will be exempt from regular procedures.

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

The [National Regulator for Compulsory Specifications Act of 2008](#) regulates imported fish and fishery products, as well as canned meat products. In 2017 DTIC announced [proposed administrative regulatory standards](#) for these products. The proposed regulatory requirements cover the management of consignments, treatment of non-compliances, product application for approval, and health assurances for imported fish and fishery goods and canned meat products regulated under the NRCS. This regulation is on hold, as some clauses are still being incorporated into the compulsory specifications.

Health Messages on Alcoholic Beverage Labels

Since 2007, South Africa has required health warnings on alcoholic beverages. According to the regulations, the warning needs to be visible and not affected by any other matter, on a devoted space and at least 1/8 of the total label size, be in black on white background and contain one of the defined messages:

- Alcohol reduces driving ability, don't drink and drive.
- Don't drink and walk on the road, you may be killed.
- Alcohol increases your risk to personal injuries.
- Alcohol is a major cause of violence and crime.
- Alcohol abuse is dangerous to your health.
- Alcohol is addictive.

DOH published regulations regarding health warnings on alcoholic beverage labels in December 2017. However, DOH withdraw this regulation in 2020 ([See Post's GAIN report](#)). Both domestic and foreign players, had voiced strong opposition to the regulation. The main concerns about the regulation included the lack of clarity regarding the definition of a container, challenges to complying with the regulation, increased costs for manufacturers, uncertainty regarding how DOH would enforce compliance, and a lack of evidence regarding the efficacy of changing health labels to reduce alcohol abuse.

Post expects that updated regulations will be proposed again in future. Therefore, before exporting to South Africa, it would be prudent to verify with Post or your local connections whether anything has changed or been modified.

SECTION VIII: TRADEMARKS, BRAND NAMES, AND INTELLECTUAL PROPERTY RIGHTS

Intellectual Property Regulations and Procedures

The registration and upkeep of specific intellectual property (IP) rights (including trademarks, patents, designs, and copyright) are handled by DTIC's Companies and Intellectual Property Commission (CIPC): Patents, Designs, and Innovation Division. Several laws and regulations protect IP rights and give the registered owner the ability to have those rights upheld in court. In South Africa, any challenge to IP rights may be pursued through an independent judiciary. [The Patents Act of 1978](#) allows for the registration of patents, which have a 20-year lifespan. For definitions, examples, and procedures for registering patents, visit the [CIPC website](#). Trademarks can be registered under the [Trademarks Act of 1993](#), are granted for 10 years, and may be renewed for an additional 10 years. To view definitions, examples, and processes for registering trademarks, visit the [CIPC website](#). New designs may be registered under the [Designs Act of 1993](#), which grants aesthetic designs for one period of 15 years, and to functional designs for one period of 10 years. The [CIPC website](#) offers definitions, examples, and procedures for design registrations. The [Merchandise Marks Act](#) establishes rules for the marking of goods, coverings included in or sold with goods, and the use of specific words and symbols in commercial contexts. The CIPC offers thorough [procedures for enforcing your IP rights](#) under the act.

Other laws and regulations relevant to the IP rights of U.S. exporters of agricultural products include the [Plant Breeders Right Act](#), [Genetically Modified Organisms Act](#), and regulations governing geographical indications (discussed below).

Geographical Indications

The Southern Africa Development Community (SADC) and the EU signed an Economic Partnership Agreement (EPA) in 2016. The EPA includes an agreement to protect certain geographical indications (GIs) for agricultural products, including beer names. Botswana, Lesotho, Mozambique, Namibia, Eswatini, and South Africa are among the SADC nations included in the pact. The links in Table 12 below lead to descriptions of the geographical indication names of the beverages and agricultural goods in the EPA, as well as the rules of use that apply to each.

In 2023, the South African government identified its first product, lamb originating in the Karoo region, for geographic protection under South Africa's 2008 Standards Act. Karoo lamb graze on a specific mixture of herbs that grow wild in the region, which gives the meat a uniquely earthy, herb flavor.

The EU has also granted Rooibos, a plant that grows primarily in the Cederberg, a small mountainous area in the Western Cape province of South Africa and used for herbal tea, protection of designation of origin status. The designation restricts companies that market their products in the EU from using the term Rooibos unless it has originated from South Africa. The Rooibos plant is famously challenging to grow outside of South Africa due to its difficult

growing and harvesting requirements and the designation does not appear to be adversely impacting U.S. products.

Table 12

List of Geographical Indications and Applicable Rules

Product	Link
Fruits, vegetables, and cereals	Fruits, vegetables, and cereals
Cheese	Cheese Section 1 and Section 2
Meat products	Meat products
Olive oil	Olive oil
Fishery Products	Fishery products
Beer	Beer list Ceske pivo Ceskobudejovicke pivo Bayerisches Bier Bremer Bier Munchener Bier
Other products	Other products

Source: DTIC

SECTION IX: IMPORT PROCEDURES

Import Application Forms and Procedures

DALRRD regulates the procedures, application forms, and the legal framework governing the import of agricultural goods into South Africa for [plant](#) and [animal](#) products, including GE products, unlisted plant varieties, and veterinary import licenses.

All alcoholic beverages imported and marketed for sale in South Africa must have an import license. The inspection, sampling, and issue of import permits for alcoholic beverages fall within the purview of DALRRD. The liquor import certificate that was issued may be utilized again if the product's label, bottle size, composition, and other characteristics remain the same. Application forms, as well as, all necessary procedures can be found on [DALRRD's website](#).

Exporter Registration with the South African Revenue Services

Companies and individuals must [register with the South African Revenue Service](#) (SARS) to import into or export from South Africa. Post advises exporters select a regional registered agent to represent them. SARS also publishes the South African [customs schedule](#). The SARS customs branch offices at the ports of entry make tariff determinations, but an importer or customs broker may apply for a tariff determination in accordance with the [Customs Duty Act of 2014](#). The application must be accompanied by all clearance documents, product samples, and any

explanatory manufacturer/supplier literature. The request will be sent to the SARS Tariff Division in Pretoria, where a decision will be made, and a final response will be sent to the applicant via the customs branch office.

Figure 3 outlines the basic procedures for importing agricultural products into South Africa. Detailed procedures, forms, and the respective authorities/agencies dealing with specific products can be downloaded from the links provided above and in Post's FAIRS Export Certificate Report.

Figure 3

Basic Procedures for Importing Food and Agricultural Products into South Africa

<p><u>STEP 1: MARKET ACCESS ASSESSMENT</u></p> <p><i>The U.S. exporter should assess and determine whether their agricultural or food product is permitted to enter South Africa. Some products require market access and facility registrations prior to being exported. U.S. agencies such as APHIS, FSIS, and FAS Pretoria may be able to provide helpful information to U.S. exporters.</i></p>
<p><u>STEP 2: FIND SOUTH AFRICA-BASED IMPORTER</u></p> <p><i>The U.S. exporter should find a South Africa-based importer interested in buying their products. FAS Pretoria may be able to assist U.S. exporters by connecting them to reputable importers and distributors. Trade shows are also a helpful resource for finding buyers.</i></p>
<p><u>STEP 3: APPLY FOR IMPORT PERMIT</u></p> <p><i>The importer must apply for an import permit from DALRRD. The South African importer and U.S. exporter must be registered with the South African Revenue Service (SARS) for customs and tax purposes. The importer must also be registered with the Companies and Intellectual Property Commission (CIPC).</i></p>
<p><u>STEP 4: APPLY FOR PHYTOSANITARY OR HEALTH CERTIFICATE</u></p> <p><i>The U.S. exporter should apply for any necessary phytosanitary permits and obtain the necessary documents or proof of compliance as stipulated by the import permit (e.g., meat imports are only permitted from accredited and registered foreign meat plants/facilities). Agencies involved in this step may include DALRRD, APHIS, FSIS, and the U.S. Food and Drug Administration.</i></p>

STEP 5: SHIPMENT AND TRANSPORTATION OF PRODUCTS

The U.S. exporter and South African importer should ensure that all products comply with the shipment or transportation requirements stipulated on the import permit/health certificate or according to agreed treatment protocols agreed between the U.S. and South Africa. The required documentation must be in order prior to the shipment departing the United States.

STEP 6: PORT INSPECTIONS

Once the shipment arrives in South Africa, the products are inspected by BMA officials at the port of entry to ensure that they comply with the conditions stipulated on the import permit and health certificate and with relevant regulations governing classification, grading, marking, and packaging. DOH may also inspect the products to ensure compliance with food safety and labelling regulations.

STEP 7: CUSTOMS CLEARANCE

SARS inspects the shipment to ensure that it complies with the correct HS-code declaration, check that the shipment has all the correct documentations, and that the relevant customs duties and taxes are paid. Normally, the South African importer will handle all the customs processes and queries.

STEP 8: RELEASE OR DETAINMENT OF SHIPMENT

Once DALRRD, BMA, DOH, and SARS are satisfied that all import requirements are met by the shipment, it is released. However, should there be compliance issues, communication is sent to the relevant importer or agency handling the shipment. FAS Pretoria may be able to assist U.S. exporters whose shipments have been detained.

Sources: DALRRD, DOH, SARS, BMA, APHIS, FSIS, and FDA

SECTION X: TRADE FACILITATION

South Africa provides advanced rulings for all the commodities on HS-code classification, tariff determinations, customs value, and labelling compliance. Applicants must apply for a tariff determination through their customs broker/clearing agent to the customs branch office at the intended port of entry where the goods are to be cleared or have already been cleared for importation. The application must conform to the terms of the [Customs Duty Act of 2014](#) and the World Customs Organization's 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. Details on applying for advance rulings and tariff determinations may be found [here](#). While advance rulings are helpful in expediting the clearance of products at the ports, the final release

of the products is subject to the approval of inspectors and customs officials at the port of entry who may detain shipments for other specific reasons.

The importer or trader in South Africa is responsible for all costs at the port of entry, including customs duties, applicable taxes, storage, and ad hoc costs relating to disposal, removal, or rerouting of shipments, including costs incurred by the South African government or agencies to monitor the action taken. Under normal circumstances, average release times range from seven to 14 days depending on demurrage free time from the date the vessel completes discharge, as well as the type of port of entry and the level of congestion. Product release times at airports are typically between one to five days. It is estimated that about 90 percent of cargo is generally cleared within four days, and only less than 10 percent of cargo is moved to bonded warehouses where the average stay is estimated at around seven to eight days. Free storage for transshipments is seven days, which explains the higher average release times for these shipments.

Meat products and consumer-oriented products face the most delays. Meat products may face delays due to issues relating to certificates (e.g., authentication of certificates, errors on dates, etc.) or SPS-related problems (e.g., microbial issues/bacterial contamination, or faulty temperature controls during transit). Consumer-oriented products usually face delays due to incorrect HS-code declarations or noncompliant labelling.

In October 2021, SARS adapted to the [Customs and Excise Act](#) of 1964 to bring it in line with the World Customs Organization's Harmonized System. The processing system does not accept declarations containing deleted commodity codes. To confirm the codes for the goods that are being imported, traders are advised to visit the [WCO website](#) and the [SARS website](#).

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

Table 13

Department of Agriculture, Land Reform, and Rural Development (DALRRD) Contacts

Responsibility	Contacts
Import and Export Permits- Animals and Animal Products	Head Permit Office: Ms. Amanda Steyn Tel: +27 12 319 7632/ 7461/ 7503 / 7414 E-mail: AmandaS@dalrrd.gov.za
Import Permits- Plant and Plant Products	Ms. Nokuthula Cele Tel: +27 12-319-6313 E-mail: ThuleN@dalrrd.gov.za Ms Christina Makgoba Tel: +27 12-319-6102 E-mail: ChristinaMa@dalrrd.gov.za Central E-mail: Planthealthpermits@dalrrd.gov.za
Import regulations for Animals and Animal Products	Ms. Lerato Diale Tel: + 27 12 319 7559 Fax: + 27 12 329 6892 E-mail: LeratoDi@dalrrd.gov.za
Import regulations for plants, and plant products	Division: Policy Norms and Standards Tel: +27 12 319 6164/ 6116 Fax: +27 12 319 6025 E-mail: MaandaR@dalrrd.gov.za CharlesN@dalrrd.gov.za
List of approved foreign abattoirs & slaughterhouses; applications and certificates for facilities and compartments.	Dr. Khomotso Matsemela Tel: + 27 12 319 7649 Fax: +27 12 329 7699 E-mail: KhomotsoMat@dalrrd.gov.za
Airport/ Port/ Border Inspections	City Deep – Inland Port
	Dr A Ikatekit-Okonera Tel: +27 11 613 1636 Cell: +27 83 661 6809 Email: ikatekitO@dalrrd.gov.za
	Durban: Meat & Meat Products
	Dr. D. Naidu Tel: +27 31 368 8564 Cell: +27 83 775 5171 E-mail: DaveN@dalrrd.gov.za

	MelanieA@dalrrd.gov.za
	Durban: Animal Quarantine & Animal Products
	Dr. S. Soni Tel: +27 31 368 8503 E-mail: SharonS@dalrrd.gov.za
Airport/ Port/ Border Inspections	Kempton Park
	Dr. Ian McDonald Tel: +27 11 973 2827 Cell: +27 76 519 1977 E-mail: IanM@dalrrd.gov.za
	Port Elizabeth
	Dr. I. Burnand Tel: +27 41 585 8907 Cell: +27 82 829 8512 E-mail: ianB@dalrrd.gov.za
	Dr. C. Darke Tel: +27 41 585 8907 Cell: +27 82 925 1436 E-mail: ChrisD@dalrrd.gov.za

Table 14

Department of Health (DOH) Food Control Division Contacts

Responsibility	Contacts
Director: Food Control	Penny Campbell Tel: +27 12 395 8799/8800 Cell: +27 72 373 6441 E-mail: Penny.Campbell@health.gov.za
Deputy Manager: Biological Safety, Food Hygiene, HACCP, Microbiological Matters, Irradiation, Emergency Matters (EU RASFF)	Ms. SY Parring Tel: +27 012 395 8785 E-mail: Shirley.Parring@health.gov.za
Senior Biological Scientist: Contaminants	Ms. Juliet Masuku Tel: +27 12 395 9359 Cell: +27 63 680 2766 E-mail: Juliet.Masuku@health.gov.za
Manager: Regulatory Nutrition and Interagency Matters, Codex Contact Point/Office	Malose Daniel Matlala Tel: +27 12 395 8789 Cell: +27 79 693 3632 E-mail: Malose.Matlala@health.gov.za

	cacpsa@health.gov.za
Deputy Manager: Genetic Modification (GM); Pesticides, MRLs	Aluwani Madzivhandila Tel: +27 12 395 9359 Cell: +27 63 680 2565 E-mail: Aluwani.Madzivhandila@health.gov.za
Deputy Manager: Additives, Contaminants, Food Contact Materials, Packaged Water & Soft Drink Regulations	Yvonne Tsiane Tel: +27 12 395 8779 Cell: +27 63 680 2976 E-mail: Yvonne.Tsiane@health.gov.za
Senior Biological Scientist: Nutrition Labeling, General Labeling, and Regulatory Nutrition	Ms. A.A. Godzwana Tel: +27 12 395 8174 Cell: +27 63 680 2623 E-mail: Anna.Godzwana@health.gov.za
Food and Allergy Consulting and Testing Services (FACTS)	Mrs. Gabrielle Stevens Tel: +27 21 882 9883 Cell: +27 72 159 4872 E-mail: gabrielle@factssa.com Gabrielle Jackson (Stellenbosch) Tel: +27 21 882 9883 Website: Factssa
Port Health Services and Inspectors at Various Ports of Entry	Contact details for port health services can be downloaded from the DOH website .

Table 15

Liquor Labeling Contacts

Responsibility	Contacts
Directorate: Mental Health & Substance Abuse	Dr. Kgalabi Ngako Tel: +27 12 395 8016 Cell: +27 82 462 4079 E-mail: Kgalabi.Ngako@health.gov.za Tebogo D. Tladi Tel: +27 12 395 8016 E-mail: Tebogo.Tladi@health.gov.za

Table 16*Department of Trade, Industry and Competition (DTIC) Food Control Division Contacts*

Responsibility	Contacts
Companies and Intellectual Property Commission (CIPC)	<p>Ms. Fleurette F Coetzee <i>Patents, Designs, and Innovation Division</i> <i>Senior Manager: Trademarks</i> Tel: +27 12 394 5109 Fax: + 27 12 394 6109 E-mail: fcoetzee@cipc.co.za</p>
National Regulator for Compulsory Specifications (NRCS)	<p>Maphuti Kutu <i>Technical Specialist: Food & Agro-processing</i> <i>Division: Regulatory Research and Development</i> Tel: +27 12 482 8930 Cell: +27 82 584 6086 E-mail: maphuti.kutu@nrcs.org.za Website: https://www.nrcs.org.za/</p> <p>Ms. Ntomboxolo Meisie Katz <i>General Manager</i> <i>Food and Associated Industries</i> Tel: +27 21 526 3400 Cell: +27 84 974 3164 Fax: +27 21 526 3451 E-mail: mesie.katz@nrcs.org.za 14 B Railway Road, Montague Gardens, Cape Town, South Africa </p> <p>Mr. Aldrid Prins <i>Operations Manager</i> Tel: +27 21 526 3406 Cell: +27 83 228 4453 E-mail: aldrid.prins@nrcs.org.za 14B Railway Road, Montague Gardens, Cape Town, South Africa</p>
South African Bureau of Standards (SABS)	<p>WTO/TBT Enquiry Point <i>Economic Impact & IP Department</i> Tel: +27 12 428 6229 E-mail: wto@sabs.co.za Website: https://www.sabs.co.za/</p>
National Liquor Authority (NLA)	<p>Ms. Nkoe Ramphele Tel: +27 12 394 5573 E-mail: NRamphele@thedti.gov.za contactus@thedtic.gov.za</p>

South African Revenue Service (SARS)	<p>Norah Lethuka <i>Accreditation & Licensing: Manager</i> <i>Relationship Management</i> Tel: +27 11 862 5284 Cell: +27 76 658 8819 E-mail: nlethuka@sars.gov.za</p>
--------------------------------------	---

APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS

Office of Agricultural Affairs

USDA Foreign Agricultural Service (USDA/FAS)

U.S. Embassy Pretoria
877 Pretorius Street, P.O. Box 9536
Pretoria, South Africa 0001
Tel: +27 12 431 4057
E-mail: AgPretoria@usda.gov
Website: <https://www.usdasouthernafrica.org/>

USDA Animal and Plant Health Inspection Service (APHIS)

U.S. Embassy Pretoria
877 Pretorius Street, P.O. Box 9536
Tel: +27 12 431 4740
Website: <http://www.aphis.usda.gov>

Attachments:

No Attachments