



**POULTRY MARKET SHARE (PMS)**  
**STANDARD OPERATING PROCEDURES (SOPs) TO IMPLEMENT**  
**GOVERNMENT NOTICE NO.7132/2020 FOR THE ALLOCATION OF POULTRY QUOTA**

(For the importation of poultry products derived from slaughtered fowls of the species Gallus Domesticus intended for human consumption into Namibia)

**1. BACKGROUND AND LEGAL FRAMEWORK**

1.1 The Government through the Ministry of Industrialization and Trade (MIT) instituted quantitative restrictions on the importation of poultry products into Namibia as of 06 May 2013 by a Cabinet Decision No. 1<sup>st</sup> /12.02.13/009 (Gazette No. 5167 of 2013). The Scheme initially made provision for the importation of a maximum of 600 tons of poultry products per month which was increased to a maximum of 900 tons per month on 1 November 2013 and 1500 tons on 15 May 2015 (Notice No. 79/2015) respectively. This was an interim measure considered to allow the local industry to penetrate the Namibian poultry consumption market, to protect the poultry industry against dumping and unfair trade and to recoup the capital invested.

1.2 MIT, in consultation with, the then Ministry of Agriculture, Water and Forestry (MAWF) authorized the Meat Board of Namibia to administer the Poultry Market Share (PMS) of the species Gallus domesticus in terms of Section 2 (1) and 3 of the Import and Export Control Act, 1994 (Act No. 30 of 1994). As of the 1<sup>st</sup> July 2019, MIT under its Import/Export and Trade Measures subdivision resumed the authorization to administer the PMS, after an opinion from the Office of the Attorney General.

1.3 After the institution of the quantitative restrictions in 2014, the South African Poultry Association together with 5 of the biggest broiler companies instated a court case against the Government of Namibia and MIT. This case is still before the courts. The aim is to set the case aside, which if successful will open the market up for imports of poultry into the country. This will negate and reverse all the economic gains that have been recorded which include involvement of 700 MSMEs in poultry production, substitution of poultry imports of 53% resulting in increased food security at both the household and national levels.

1.4 Subsequent to a consultative process and re-evaluation, a new measure (repealing the interim measure referred to above) was announced by the then Minister of Industrialisation Trade and SME Development and made effective as from 28 February 2020 by Government Notice No.7132/2020. This Notice established a limit of 1200 tons of poultry products per month that may be imported into Namibia, subject to certain conditions and procedures, which are set out below.

## **2. PURPOSE OF THE SOPs**

- i. To protect and ensure sustainability of local production;
- ii. To ensure equitable allocation of poultry import quotas;
- iii. To control the importation of poultry and poultry products into Namibia.

## **3. OBJECTIVES OF POULTRY AND POULTRY QUOTA ALLOCATION/POULTRY MARKET SHARE**

The ultimate goal of the import quota system is to allow the local industry to penetrate the Namibian poultry consumption market, coupled with empowering previously disadvantaged and Micro, Small and Medium Enterprises (MSMEs).

#### **4. INTENDED USER OF THE SOPs**

Importers of poultry and poultry products derived from slaughtered fowls of the species Gallus Domesticus intended for human consumption into Namibia.

#### **5. ADMINISTRATION OF POULTRY AND POULTRY QUOTA ALLOCATION**

##### **5.1 Criteria for registering new entrants and importers registration**

Duly registered companies in Namibia;

- i. Companies that have 51% or more Namibian ownership;
- ii. Companies belonging to Previously Disadvantaged Namibians.

##### **5.2 Conditions**

5.2.1 The limit of 1200 tons per month will be allocated as stipulated by the 28 February 2020 By Government Notice No. 7132/2020;

5.2.2 The total quota allocation is set at certain limits per month;

5.2.3 Import permit is non-transferrable;

5.2.4 In order to ensure fair trade and opportunity for all participants, quota recipients who have been inactive for a period of 1 year will be deregistered and will be treated as new entrants.

5.2.5 Registration of new entrants takes place twice a year in January and July only;

5.2.6 Importers with approved Quota that was unutilized will have a decrease in the quota equal to the utilized amount in the subsequent application.

5.2.7 All importers must register and submit the below (5.2.7.i - iv) mentioned documents to MIT.

5.2.8 First time registrations must submit the following documents:

- i. Certified copy of company registration/trade license;
- ii. Certified copy of members' identification documents;
- iii. Valid original certificate of Good Standing from the Social Security Commission; iv. Valid original certificate of Good Standing from Namibia Revenue Agency (NamRA), Ministry of Finance.

### **5.3 Procedures and requirements for importers of poultry and poultry products**

5.3.1 Section 2 (b) of the Import/ Export Control Act, 1994, (Act No. 30, 1994), states that" the import into or the export from Namibia, except under the authority of and in accordance with the conditions stated in a permit issued by the Minister or by a person authorized by him or her".

5.3.2 Government Notice No. 7132 states the following procedures for the application for import permit:

- i. "A person who wishes to obtain an import permit must lodge an application on a form made available for that purpose by the Ministry or by the office of an authorized person.
- ii. "An application must clearly state the total amount of locally produced poultry products purchased by the applicant for the preceding 30 days from the date of application".
- iii. "The quantity of imported poultry products applied for may not exceed the quantity of locally produced poultry products purchased as stated in Notice' except in cases where local products are not available. In this case, written proof must be provided to the Minister.
- iv. "The applicant must submit all supporting documents including the pro forma invoice with the application".

### **5.4 Formula of allocating the Quotas**

5.4.1 The quota is divided into three portions and are as follows: 5% will be reserved for emergencies; 25% for new entrants and those who do not source locally that will be allocated proportionally amongst the applicants; 70% will be for importers who source locally and the allocation will be proportional to local buy. No importer may receive more than 40% of the total quota share.

- 5.4.2 Calculations will be based on the average of the previous six months data to allow for seasonality.
- 5.4.3 Permit applications must be completed in full; incomplete applications will be rejected.
- 5.4.4 All permit applications should be accompanied by a valid Veterinary Import Permit and duplication of Veterinary permits is not allowed.
- 5.4.5 Applications for additional quota should be addressed to the Executive Director of the Ministry and will only be considered with prior written confirmation by registered local producers of non-availability of specified products;
- 5.4.6 Local producers must provide monthly production data in accordance with section 3 of the Import and Export Control Act, detailing amongst others non availability of specific poultry products;
- 5.4.7 Poultry and poultry products may only be sourced and imported from approved Poultry Abattoirs which meet veterinary requirements.
- 5.4.8 Live birds do not qualify for import quota allocation.
- 5.4.9 Only Tariff headings and Harmonised System codes determined for the purpose of the Notice by the Commissioner of Customs and Excise in terms of section 51 (8) of the Customs and Excise Act, 1998 will be considered for purposes of import permit applications.
- 5.4.10 Only poultry products not subjected to quota allocation (see appendix) are waived however permits for the importation of these products will be required.
- 5.4.11 An import permit is only valid for a month from date of issue and can only be used for one consignment.
- 5.4.12 According to the Government Notice No. 7132, the amount of poultry products that may be imported into Namibia that has been allocated to an applicant and an import permit issued to an applicant cannot be transferred to another month or to another person and may only be used by the permit holder in respect of the month it is issued.

- 5.4.13 Quota is granted on a three monthly cycle.
- 5.4.14 Quota application should be submitted well in advance, and no later than the 25<sup>th</sup> of each month.
- 5.4.15 Quota allocation notification will be done no later than the 7<sup>th</sup> of each month.
- 5.4.16 Application for quota allocation, import and in transit permits will only be considered based on accuracy, consistency, provision and correspondence of all information on all required documents.
- 5.4.17 Products in bonded ware house must have valid MIT and Veterinary import permits. Transit permit applications are treated as exports and the following documents are required during permit applications:  
Bill of lading from poultry producer, a copy of the veterinary import permit of the final destination country, certificate of origin from producer country, veterinary in transit permit and a pro-forma invoice.
- 5.4.18 All acquittal documents must be submitted to MIT within 7 – 21 days; failure will result in rejection of future applications.
- 5.4.19 Customs and Veterinary officials at all entry points will undertake verification and inspection of in-transit consignments and border post documentation to ascertain whether in-transit consignments are in accordance with the measures herein and more specifically to enforce the Notice.

## **6. APPEALS ON QUOTA ALLOCATION**

6.1A committee appointed by the Minister shall administer and monitor the implementation of the Poultry Market Share Promotion Scheme comprised of the following entities.

### **The committee will consist of**

- MIT - Directorate of International Trade,
- MIT - Directorate of Industrial Development
- NamRa - Customs Department
- MAWLF - Directorate of Veterinary Services & Planning
- Namibia Competition Commission
- Poultry Producers Association
- Association of Meat Importers and Exporters
- Agricultural Trade Forum
- Namibia Trade Forum
- Meat Board of Namibia

6.2 Aggrieved applicants reserve the right to appeal to the Poultry Advisory Committee (PAC) through the office of the Executive Director for a review of the quota allocation, for permits issued or not issued and any other grievances in relation to the poultry industry. The appeal should be done in writing and must be submitted within 48 hours of the grievance, stating the reasons for the appeal. Appellants should allow five working days for a decision.

## **7. CONSEQUENCES FOR TRANSGRESSIONS**

7.1 Incomplete applications, inaccurate, inconsistent and conflicting information provided for permit applications will be rejected.

7.2 Unregistered importers/transport agents (with MIT) will not be considered for importation of poultry products into Namibia.

7.3 Failure to present the required documentation and or non-compliance to consignments requirements will result in actions to be taken in accordance with the Import/Export Act, 1994 and any other Namibian applicable laws.

7.4 Violation of these measures, the Namibian Laws and Policy in relation to the importation of poultry products will lead to immediate deregistration for a cycle of six (6) months of which during this cycle the offender will not be allowed to trade within the poultry industry.

7.5 The SOPs will be reviewed from time to time as circumstances dictate.

**Approved**

**Date:**

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Lucia lipumbu, MP

**The Minister: Industrialization and Trade**