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PROCLAMATION OF THE COMMENCEMENT OF THE AGRICULTURAL PRODUCT STANDARDS AMENDMENT ACT

On 22 August 2025, His Excellency, President Cyril Matamela Ramaphosa, proclaimed the Agricultural Product Standards Amendment Act, 2023 (Act No. 12 of 2023) in the *Government Gazette* (amendments) after recommendation by the Honourable Minister of Agriculture, John Steenhuisen. The proclamation of the amendments to the Agricultural Product Standards Act (the Act) supports and strengthens its core legitimate governmental purposes of ensuring transparency and fairness in trade, while at the same time protecting consumers against misleading claims of methods of production.

These amendments introduce a new culture, which brings an inclusive and transparent approach to determining inspection fees by the designated assignees under the Act. The designated assignees are to submit business plans and budget proposals that inform their proposed inspection fee to the Executive Officer of the Act. In turn, the executive officer will evaluate the submitted business plans and budgets with the affected stakeholders to determine whether the inspection fee is on a cost-recovery basis. The import of the amendments is to address the mischief of unilateral determination of inspection fees without the participation and involvement of the affected parties. In addition, to a greater extent, the amendments will address the minister's concern about the imposition of inspection fees by some designated assignees without any basis or thorough consultation.

South African consumers and traders have, for the longest period, been part of the international movement in terms of producing, trading in, and purchasing agricultural products, claiming certain methods of production. These methods of production lend themselves to claims such as organic, free-range, grass-fed, naturally produced, and no-added-hormone products. However, proper regulations that are publicly accessible and available to all are not in place. These amendments introduce the Management Control System (MCS) Regulations, which will provide norms and standards for products sold under those claims, thereby ensuring transparent and

fair-trade practices, as well as consumer protection.

The introduction of these MCS Regulations requires auditing to coexist with endpoint inspection for the monitoring and verification of compliance. Considering that most claims for the production methods are already audited by both private certification bodies and assignees, the costs of compliance will be close to non-existent, if not negligible.

The Department of Agriculture stands ready to collaborate with all stakeholders affected by the amendments.

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