

EXPORT AGENTS TRADING ON THE LOCAL MARKET ***Possible risk***

HORTGRO would like to inform all our growers of a possible risk pertaining to export agents that also trade with produce on the local market - as explained by the office of the Agricultural Produce Agents Council (APAC).

The Act, Act 12 of 1992, determines that a person who acts on behalf of the farmer in the marketing and the selling of their fresh produce, must be registered as an agent at the Agricultural Produce Agents Council (APAC).

APAC regulates 3 categories of agents, namely:

- export agents
- fresh produce agents
- livestock agents

It is often observed that export agents are also involved on the local South African market, by marketing and selling farmers' fresh produce to wholesalers, retailers, fresh produce markets, etc. However, **the export agents are not registered as fresh produce agents to trade on behalf of the farmers on the local market.**

Other than export agents, fresh produce agents have a Fidelity Fund. The Fidelity Fund serves as a "security" for farmers, who can lodge a claim against the Fund for losses suffered due to theft or misconduct by the agent. **A farmer will not be able to lodge a claim against the Fidelity Fund if their export agent is not also registered as a fresh produce agent.**

The Act makes provision for different rules that are applicable to export agents and fresh produce agents, such as the compulsory requirement that fresh produce agents must:

- pay their farmers within five working days after the produce was sold on the local market (e.g. wholesaler, retailer, etc.)
- maintain a trust account
- and write a weekly report to producers on sold and unsold produce.

Producers are urged to discuss with their export agents, whether they are also active on the local market, and if so, to verify that they are registered with APAC. Producers can also directly enquire from APAC. Contact Lizel Pretorius: lizel@apacweb.org.za

UITVOERAGENTE EN PLAASLIKE MARK HANDEL

Moontlike risiko

HORTGRO wil graag die volgende moontlike risiko onder ons produsente se aandag bring. Die risiko, volgens die Landbouprodukte-agente raad (APAC), verwys na die uitvoeragente wat ook op die plaaslike mark handel dryf.

Wet 12 van 1992 bepaal dat 'n persoon wat namens 'n boer in die bemaking en die verkoop van hul vars produkte optree, as 'n agent by APAC geregistreer moet wees. APAC reguleer drie kategorieë van agente:

- uitvoeragente
- varsprodukte agente
- lewende hawe agente

Volgens APAC word daar dikwels waargeneem dat uitvoeragente ook betrokke is by die plaaslike Suid-Afrikaanse markte, deur die bemaking en verkoop van produsente se varsprodukte aan groothandelaars en supermarkte.

Uitvoeragente is egter nie geregistreer om as varsprodukte agente namens produsente op die plaaslike mark handel te dryf nie.

Anders as uitvoeragente, het varsprodukte agente 'n Getrouheidsfonds. Die Getrouheidsfonds dien as sekerheid vir produsente wat verliese ly weens diefstal of wangedrag van agente. **'n Produsent sal egter nie in staat wees om 'n eis teen die Getrouheidsfonds in te dien, indien hul uitvoeragent nie ook as 'n varsprodukte agent geregistreer is nie.**

Die wet maak voorsiening vir verskillende reëls wat op varsprodukte agente van toepassing is. Soos:

- die verpligte vereiste dat varsprodukte agente hul produsente binne vyf werksdae moet betaal, nadat die produkte op die plaaslike mark verkoop is (bv.groothandelaar, kleinhandelaar ens.)
- die handhawing van 'n trustrekening
- weeklikse verslagdoening aan produsente rakende die verkoopte en onverkoopte produkte.

Produsente word aangemoedig om navraag by hul uitvoeragente te doen om te hoor of hulle ook op die plaaslike mark aktief is en by APAC geregistreer is. Produsente kan ook direk by APAC aanklop. Kontak: Lizel Pretorius by: lizel@apacweb.org.za