



**REPUBLIC OF NAMIBIA**  
**MINISTRY OF INDUSTRIALISATION, TRADE AND SME DEVELOPMENT**  
**IMPORT/EXPORT AND TRADE MEASURES SUB-DIVISION**  
**POULTRY MARKET SHARE (PMS)**

(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**

The Government through the Ministry of Industrialisation, Trade and SME Development (MITSMED) instituted a quantitative restriction 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 (Act 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 as well as to protect the poultry industry against dumping and unfair trade.

MITSMED, in consultation with, the 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, MITSMED under its Import/Export and Trade Measures subdivision resumed the authorization to administer the PMS.

Subsequent to a consultative process and re-evaluation, a new measure (repealing the interim measure referred to above) was announced by the 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.

### **3. IMPORTERS/PRODUCERS REGISTRATION**

- 3.1 All importers must register and submit the below (3.2.i - iv) mentioned documents to MITSMED, Import/Export and Trade Measures subdivision situated at 15 Eugene Marais Street.
- 3.2 First time registrations will be subjected to a waiting period to be determined by the time of application and must be accompanied by 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 Inland Revenue Office, Ministry of Finance
- 3.3 Reregistration will be done bi-annually together with the above mentioned documents.
- 3.4 To stabilise the allocation of the quota system and to cater for the seasonality of the consumption patterns, applications and allocations of quota will be issued on a monthly basis.
- 3.5 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.
- 3.6 New entrants will only qualify for quota after demonstrating a minimum purchase of 1 ton from local registered producers and qualify for a maximum of 28 tons thereafter for the first 3 months.

### **4. QUOTA ALLOCATION**

- 4.1 Application for the allocation of quota and issuance of import permits are subject to a proven record of purchase from registered local producers for the previous month.
- 4.2 The limit of 1200 tons per month will be allocated as stipulated by the 28 February 2020 By Government Notice No. 7132/2020.

- 4.3 The formula for the calculation of the quota is 35% local buy and 65% history of annual imports.
- 4.4 In order to protect commercial information of all participants, allocated quota distribution will be communicated directly to individual entities.
- 4.5 Quota allocation approval letters will be issued to each individual entity to be signed off during collection.
- 4.6 Permit applications must be completed in full; incomplete applications will be rejected.
- 4.7 All permit applications should be accompanied by a valid Veterinary Import Permit and duplication of VET permits is not allowed.
- 4.8 Applications for additional quota will only be considered with prior written confirmation by local producers of non-availability of specified product/s.
- 4.9 Poultry and poultry products may only be sourced and imported from approved Poultry Abattoirs which meet veterinary requirements.
- 4.10 Live birds do not qualify for import quota allocation.
- 4.11 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.
- 4.12 Only Mechanically Deboned Meat (MDM), Pastries and Sausages (as appended) are waived and not subject to quota allocation however a permit will be required.
- 4.13 An import permit is only valid for a month from date of issue and can only be used for one consignment.
- 4.14 Import permit applications should be submitted well in advance, 4 days before they are required.
- 4.15 Products in bond must have valid MITSMED and Veterinary in transit permits before dispatching takes place; and these products are not subjected to quota when in transit, only when taken out of bond into a registered warehouse meant

for local market for which an import permit is required. In transit permits are only issued for record keeping, tracking, control and statistical purposes and all Customs and Excise requirements will apply as per Clause 3 (6) of the Notice.

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.

4.17 For transit permit applications, 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**.

4.18 All acquittal documents must be submitted within 7 – 21 days; failure will result in rejection of applications.

4.19 A list of all registered local producers including SMEs will be provided to all importers.

4.20 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.

## **5. CONSEQUENCES FOR TRANSGRESSIONS**

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

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

5.3 Failure to present the required documentation and or non-compliance of consignments requirements will result in actions to be taken in accordance with the Import/Export Act, 1998 and any other Namibian applicable laws.

5.4 Violation of the measures, the Namibian Laws and policies in relation to the importation of poultry products will lead to immediate deregistration for a cycle of

6 months of which during this cycle, the offender will not be allowed to trade within the poultry industry.

## **6. APPEALS**

Aggrieved applicants reserve the right to appeal to the Poultry Advisory Committee (PAC) 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.