



4 May 2020

COVID-19 Q&A: EXPORTS OF LIQUOR BEVERAGES - WINE, SPIRITS AND OTHER FERMENTED BEVERAGES (Level 4)

This Q&A document pertains to the exemption provided by the RSA Government to allow exports of liquor beverages (including wine) as per the [Government Gazette](#) that was published on the 29th of April 2020.

BACKGROUND

Table 1(Part A1, page 24 - permissions and prohibitions) is the foundation for agricultural related activities, across the value chain. Business and other entities set out in this table may commence operations subject to the OHS requirements and this includes the following:-

- All agricultural, hunting, forestry and fishing, bee-keeping, including preparation, cultivation, harvesting, storage, transport of live animals and auctions (subject to health directions) and related agricultural infrastructure and services (including research, inspection, certification and quality control);
- Harvesting and storage activities essential to prevent the wastage of primary agricultural, fishing and forestry goods;
- The export of all agricultural, agro-processed, fishing and forestry products;
- The manufacturing of essential products continues to be permitted and may be scaled up to full employment.

Chapter 3 (paragraph 26, page 22)

- The sale, dispensing and distribution of liquor is prohibited;
- The transporting of liquor for export is permitted, but for all other purposes prohibited.

SAFETY PROTOCOLS (PRODUCER, WINERIES & MANUFACTURING)

Prior moving into specific detail around exports, it is of utmost importance that every producer, management and board of directors pay close attention to the **health and safety precautions** – farm level, cellars, manufacturing, distribution and any other related services in the value chain.

The following [HEALTH AND SAFETY PROTOCOLS](#) have been designed and we trust all entities to please implement and execute accordingly. Conducting a **risk assessment** is of critical importance. To this end you will find in both protocols (farm level, manufacturing) a risk assessment sheet – to be completed on the likelihood, exposure and consequence of the

pathogen (Covid-19) in the business entity. For ease of reference you can fill out a [blank risk assessment](#) word document and incorporate in the current risk assessment of the business.

As most of the businesses would have a plan based on the safety guidelines, we would also like to point out **paragraph 16 (6 – a to d, on page 17)** – every public/private company would also need to nominate a designated **Covid-19 Compliance Officer**. Please read this carefully and apply to your businesses.

Earlier today Wieta has also furnished all members with relevant information (re practises and UIF). [Read more.](#)

The Department of Employment and Labour will conduct unannounced inspections, as the country, province, local district and the liquor industry at large can't afford to revert back to level 5 lockdown, but must work hand in hand to ensure we flatten the transmission curve and progress to level 3 and lower.

Your cooperation is much appreciated, many thanks in advance.

EXPORTS and RELATED SERVICES

It is the interpretation of the task team that the regulations:-

- Permit the liquor industry (including wine) to do essential procurement and manufacturing (bottling, labelling and packaging), under strict health and safety protocols.
- Permit the transport of liquor (including wine) to port and airport for export, and also via road, for export into neighbouring countries.
- Permit essential support services, such as inspection and certification (SAWIS and DALRRD – previously DAFF).

1. What defines exports during Level 4 of the lockdown period?

- Still wine, fortified wine and sparkling wine as well as industrial wine. Any other agricultural-related liquor products, i.e. brandy, eau de vie and other fermented beverages, are also allowed to be transported and exported.
- The transportation of all liquor products (including wine), for export purposes, is permitted.

2. How do I go about in certifying my wine?

- All bulk and bottled wine earmarked to be exported should be certified, in order for an export certificate to be issued.
- Unfiltered bulk wine is permitted for export, on condition that a letter from the buyer is provided and confirms as such.
- In this regard please refer to the [Wine and Spirits Board/SAWIS directive](#).

3. Does my wine have to be sensorial evaluated?

- During Level 4 of the lockdown period there will not be any tasting panels (with consent from the Wine and Spirits Board), but laboratory analysis is still required.

4. Can uncertified market-ready packaged wine be exported?

- Uncertified wine sensorially approved prior to the lockdown may be exported.
- In the absence of sensorial analysis the process with regard to **new applications** are **not the same** as pre-lockdown process. All new applications for uncertified market-ready packaged wine to be exported will be allowed, provided that it follows

the same process as certified wine. Changes have been made to the Wine Online system to accommodate for this.

- For any queries in this regard contact DALRRD (DAFF), Kobus van Wyk – kobusvw@daff.gov.za.

5. How do I go about obtaining an export certificate?

The DALRRD office is geared to continue with remote issuing of all export documentation. Electronic certification has been implemented on Wine Online as an urgent measure to ensure that export clearance can still continue. All clearance documentation, e.g. V11 documentation, analyses certificates, health certificates, etc. will be issued electronically, until the DALRRD offices reopen.

6. What do I do if the importing country does not accept the electronic version of the export certificate?

DALRRD has done everything in their power to ensure that the electronic version of the export documents are accepted. For any queries in this regard contact DALRRD, Wendy Jonker – wendyj@daff.gov.za.

7. How will the DALRRD control samples be dealt with during the lockdown?

As is currently the case, please draw the control samples and deliver it to the Wynland laboratory.

8. Is bottling and any other related services (i.e. labelling and packaging) allowed during Level 4 of the lockdown?

Yes, provided that it is done for the purposes of exporting the liquor (including wine) and is taking place under strict health and safety protocols. Refer to the [various protocols](#) in this regard.

Also included in the regulations is A1 and C3 (page 24), "*plastics and packaging, including glass, plastic bottles and containers, permitted scaling up to full employment and subject to strict health protocols*".

It is then our interpretation that the manufacturing/bottling of liquor (including wine) destined for exports, and given permission to operate during level 4, to be permitted and may be scaled up to full employment.

It is further our interpretation that a winery is allowed to bottle wine as part of an essential operational activity to prevent wastage and losses. This will be deemed as an essential storage activity (table 1, part A1).

9. Can dry goods service providers continue to print labels, provide bottles and/or capsules, corks, etc.?

Yes, provided that it is done for the purposes of exporting of liquor (including wine) and taking place under strict health and safety protocols.

10. Can any imports, i.e. chemicals, dry goods, wine barrels and bottles, be off-loaded and collected from the harbour or airport?

Yes, this can be done, as highlighted in the Government Gazette (chapter 3, paragraph 22, p.20). CPT Port is currently still operating on two berths in the container terminal as per lockdown conditions (Level 5) and will adapt accordingly.

11. Can wine samples be transported from a winery to a laboratory?

- **Local** – Yes (included in part 1A and as part of harvest and storage/production activity). Please follow the instructions on the previously shared [DHL hyperlink](#) as well as the [Vinlab](#) and [Wynland](#) hyperlinks.

Please provide the driver with, 1) Copy of the [Government Gazette](#) published; 2) Driver's ID; 3) [Permit](#) for each individual in the vehicle and 4) a CIPC-certificate via the [bizportal](#) (if registered). See later more information on CIPC-certificate.

- **International** (samples or wine exports) – Yes. Transportation of samples (e.g. DHL), is allowed (paragraph A1 and also considered as transportation of wine). Follow the [DHL hyperlink](#). Exporters can apply via the Wine Online system for the electronic export certificate.

12. Transportation of liquor (including wine) - not only finished/market-ready bulk and packaged products destined for export:

- **Is any liquor (including wine) transportation (finished goods/final product) into Africa and across our country borders (e.g. Botswana/Namibia), by road or rail permitted?**

Yes. As per Table 1, part J1 and J4, page26.

- **Is transportation from one warehouse to another warehouse, within SA, permitted?**

Yes. It is our interpretation that apart from co-loads - *allowed to be transported between warehouses and from there to sea ports and/or airports* - any other transport of liquor (including wine) between warehouses (destined for export), as part of preparation and/or related services are allowed (blending, bottling and labelling).

- **Is movement of liquor (including wine) from one cellar to the next cellar and/or bottling or labelling plant allowed?**

Yes. It is our interpretation that transport of liquor (including wine) between cellars/bottling- and/or labelling plants (destined for export), as part of preparation and/or related services are allowed (blending, bottling and labelling).

If in doubt and/or encountering any specific storage or processing issue (to prevent the wastage of an agricultural product) then they would need to apply for that specific exemption. The business entities involved can take the matter further and make part of a specific application by the producer/manufacturer. They would need to apply for any exemption to the DTIC, via the email address, LockdownExemptions@thedtic.gov.za.

- Although not compulsory, it is advisable to register any business entity on the [bizportal](#) and to obtain a hard copy of the CIPC-certificate. It is also important to keep a hard copy of the latest [Government Gazette](#) on-hand and/or in the vehicle. The driver and all the passengers and/or assistants to be in possession of a [level 4 permit](#).

13. I represent an exporter. How do we apply for exemption status (CIPC-certificate)?

- It is our interpretation that all liquor (including wine) exporters should confirm their status with DTIC ([via the bizportal](#)), and submit the obtained exemption document to the indicated e-mail address, transnet.cnc@transnet.net.
- Bizportal tweeted Thursday afternoon: *Please note that the new categories for Essential Services certificates for Level 4 businesses will be enabled on the website by 19:00 today, 30-04-2020. All certificates issued from 16-04-2020 are still valid; do not re-apply.*

<https://twitter.com/BizPortalGovZa/status/1255827954883530756>

- The Department clarifies that the registration portal is only for companies registered in terms of the Companies Act. Other essential service providers, like healthcare professionals registered with the Health Professions Council of South Africa, **sole proprietors** who provide essential goods and services (like small business owners and spaza shops), and **small-scale farmers** will not register through the Bizportal. These businesses will not have a CIPC certificate, but must still comply with the provisions of the lockdown regulations.
- For the time being the advice remains that those who are unable to obtain a CIPC Certificate (depending on how Bizportal is updated) should have with them any letters or **founding documents** or statements that evidence that they are sole proprietors/ trusts and are engaged in liquor (including wine) exports, including the fact that they cannot register on CIPC, have the [regulations](#) permitting transport of liquor/wine for export, and of course have a **level 4 permit** (updated 1 May 2020 and permit to perform an essential or permitted service).
- SMME's wishing to clarify their status as rendering an essential service or providing essential goods may contact the Department of Small Business Development (DSBD) on 0860 663 7867 for more information or alternatively send their queries to info@dsbd.gov.za.
- If you are a Sole Proprietor or a Trust or a Partnership, refer your email to the Department of Small Business Development: pphaahla@dsbd.gov.za.
- We know that there are however various parties that insist on seeing a CIPC Certificate. If this persists we will need to address and as a matter of urgency have already made contact with government and is seeking clarity.

14. How do I ensure that I am conforming to the correct health and safety regulations (PPE, etc.) for my workers during this lockdown period when loading liquor (including wine) for export?

Refer to the [safety procedures protocol](#) and/or what PPE should be worn as submitted to government. Please familiarise yourself and strictly apply it to your environment.

15. What is the status quo with capacity at the Cape Town port?

Delays and congestion has improved over the past 2 weeks, however we expect that with export volumes increasing there may be a slow down again. We have been assured by shipping lines that equipment (containers) will be available for at least the next two weeks and that they are repositioning further equipment to arrive and be available thereafter.

We foresee some level of constraints with equipment which will cause an increase of delays (added to the existing situation) of between 3 - 7 days. Obviously there will be a volume wave for the first 2/3 weeks that will gradually reduce towards June and from their go back to a new "normal".

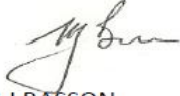
The Export Task Team are in weekly discussions with Transnet Port Terminals (TPT) to address the situation.

We will continue to keep you informed of any further developments as they unfold.



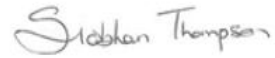
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