

IMPORT, EXPORT AND TRANSIT RULES AND PROCEDURES PERTAINING TO CONTROLLED AGRONOMIC PRODUCTS

1. INTRODUCTION

In terms of the Agronomic Industry Act (Act No 20 of 1992), the following rules and procedures shall apply to the importation, exportation and transit of agronomic products into Namibia. The rules and procedures set out in this document shall apply to controlled products listed in the Government Notice No 268 of 31 December 2014, Notice No 35 and 36 of 12 February 2015. This document must be read together with the existing grain marketing agreements.

2. DEFINITION

- **Commercial Use:** Agronomic products meant for the purpose of trading or marketing.
- **Controlled product:** Means an agronomic crop or product to which the provisions of the Agronomic Industry Act, (Act 20 of 1992) apply, and as per annexure A of this document.
- **Consignment:** A batch of agronomic products destined for delivery to the same permit holder, transported on the same vehicle or vessel.
- **Exporter:** A person or company in Namibia that sends agronomic products to another country for sale.
- **Importer:** A person or company that brings agronomic products into a Namibia from abroad for sale.
- **Landed cost:** The purchase price of the controlled agronomic products concerned, including any taxes, duties, and transport costs to the final destination in Namibia, payable in respect of the controlled product.
- **Personal Use:** Agronomic products meant for household consumption.
- **Transiter:** Any person or company that transport agronomic products, through Namibia to other countries.

3. ABBREVIATION

- **AMID** – Agricultural Marketing Information Database
- **HACCP** - Hazard Analysis and Critical Control Point
- **MAWLR** – Ministry of Agriculture, Water and Land Reform
- **NAB** – Namibian Agronomic Board

ANNEXTURE A: List of controlled horticultural products. Go to page 12 of this document.

4. REGISTRATION REQUIREMENTS

4.1 Importers of controlled agronomic products

Any person importing controlled agronomic products (white maize, wheat and pearl millet grains) into Namibia for commercial use and specifically for human consumption, shall be required to complete the application form for registration as miller of controlled agronomic products and attach the following documents:

- a) A complete and viable business plan must be furnished for the envisaged milling facility that inter alia makes provision for the payment of levies to the NAB. The business plan must give an indication of volumes to be produced, and basic financial details such as margins and cash-flow.
- b) A map or detailed route description to the envisaged milling facility.
- c) A certified copy of the proof of reservation/application for the registration of logo for the packaging material from the Registrar of Trade Marks in the Ministry of Trade and Industrialization.
- d) A brochure of the envisaged technology of the milling facility.
- e) A certified copy of the Certificate of Good Standing from the Ministry of Finance.
- f) A certified copy of the Health Certificate from the Ministry of Health or a Fitness Certificate from the municipality.
- g) Facility will be inspected by NAB for compliance to basic Hazard Analysis Critical Control Point (HACCP) principles, based on the NAB checklist. Only applicable in cases where trade of fresh fruits and vegetables is to be done from a facility, as well as compliance to the milling conditions
- h) The miller shall be required to comply with the milling condition in order to qualify to import.
- i) All new millers shall be issued with an annual milling license and shall be valid for twelve (12) months (March to April each year), subject to renewal at least a month before the commencement of the new license period, subject to the NAB milling license conditions and the debt policy.

4.2 Exporter and Transitors of controlled agronomic products

All Exporters and Transitors of controlled agronomic products shall be registered upon permit application, and no prior registration required.

5. PERMIT APPLICATION

- 5.1 An application for an import, export and transit permits for controlled agronomic products, as the case may be under these rules, shall be made to the authorized NAB official via the online permit application system or manually, and such application shall contain such information and shall be accompanied by such documents as may be specified by the NAB.

6. ISSUANCE OF PERMITS

- 6.1 Where the authorized NAB official is satisfied that an applicant for a permit is a fit and the applicant has complied with all the conditions specified for the issuance of a permit.
- 6.2 Import permits shall only be issued for the controlled agronomic products, except for white maize meal, wheat flour and pearl millet flour that are not allowed to be imported into Namibia.

7. IMPORTATION OF CONTROLLED AGRONOMIC PRODUCTS

- 7.1 Commercial import permits for controlled agronomic grain products i.e. white maize, wheat and pearl millet grains to be utilised for human consumption, shall only be issued to registered millers with a valid annual milling license, with no outstanding levies/fees and monthly returns.
- 7.2 No import permit shall be issued during the marketing season of the locally produced grains, as per the existing grain marketing rules and procedures, unless if there is insufficient harvest forecasted, as the NAB may determine.
- 7.3 Import permits will be issued per consignment and each permit will be valid for a period of 90 days from the issue date of the permit, shorter validity periods may be implemented three months before the implementation of the close border period.
- 7.4 The date of the close border period for importation of grains will be communicated to millers at least two (2) months in advance and any valid permits lapsing into the close border period will be automatically become invalid from the effective date of the close border period.
- 7.5 Borders will open for importation once the locally produced grains has been bought and partially milled, subject to conditions stated in the grain marketing rules and procedures.
- 7.6 All imported consignments carrying agronomic products shall be physically inspected at the border of entry to ensure compliance to import requirements, and alternatively inspections could also be done at first point of offloading.
- 7.7 All consignments to be inspected inland shall be sealed by NAB Inspectors at the border of entry, and unsealed again by NAB Inspectors at first offloading point.
- 7.8 Importation of controlled agronomic products shall be accompanied with the following documents, for each consignment:
 - NAB import permit
 - NAB Import permit receipt issued at point of entry
 - Supplier invoice
 - Grade Certificate (where applicable)
- 7.9 Vessels carrying imported agronomic products shall be considered as a consignment, despite the number of containers and there shall be no another import permit required to transport the product from the Namibian port to the final destination with the boundaries of the republic of Namibia.
- 7.10 Once the NAB Inspector is satisfied with the compliance of the consignment being imported to the import requirements, an import permit receipt shall be issued to the importer.
- 7.11 Supplier invoices shall contain the name and address of the supplier and consignment, invoice date, invoice number, name of the specific products, quantities (kg) or container size and monetary values of the consignment to be imported or any other relevant information as required on the permit.
- 7.12 Copies of all import documents shall be made at the entry border by the NAB Inspectors for record purposes and for the levies.
- 7.13 On a monthly basis, millers shall be required to submit the monthly returns of the grains imported and purchased locally before the 7th day of each month.
- 7.14 NAB import requirements for agronomic products are not final and therefore, importers must ensure to comply with import requirements of other cross border regulatory agencies.

8. IMPORTATION OF SPECIALISED CONTROLLED AGRONOMIC PRODUCTS

- 8.1 Importation of maize meal, wheat flour and pearl millet flour shall not be allowed into Namibia, unless otherwise as the board may determine.
- 8.2 See **Annexure A**, on the last page of this document for the list of specialised controlled agronomic products that can be imported into Namibia using a special import permit, subject to changes as the NAB board may determine.
- 8.3 In order to import specialised controlled agronomic products, the importer shall be required to obtain a written confirmation from the local miller, indicating that they do not produce or manufacture such products.
- 8.4 Importation of organic maize meal, wheat flour and whole grain shall be permitted provided it is accompanied with a third party organic certificate and importation shall be limited to a certain quantity as the NAB board may determine.
- 8.5 NAB permit must be obtained specialised products and all import requirements stated under 7.8 must be fulfilled.
- 8.6 There is currently no prior registration required for importation of specialised controlled agronomic products.
- 8.7 The list of controlled agronomic products that does not currently fall under the NAB permit control is given under **Annexure A**, last page of this document.

9. SMALL SCALE IMPORTATION OF CONTROLLED AGRONOMIC PRODUCTS FOR PERSONAL AND COMMERCIAL USE

- 9.1 Importation of controlled agronomic products (grains) less than 200kg (4 bags of 50kg) per person, per month for personal use or household consumption shall be allowed, and no import permit required. However, such consignment shall be recorded by NAB Border Inspectors for monitoring purposes.
- 9.2 Any person importing between 250kg (5 bags of 50kg) to 500kg (10 bags of 50kg) of agronomic products (grains) per month for commercial purpose shall be classified as a small scale commercial importer.
- 9.3 Small scale importers shall be required to obtain an import permits for each consignment at the entry border post.
- 9.4 Small scale importation of controlled agronomic products (grains) shall not be allowed during the close border periods.
- 9.5 Importation of processed agronomic products on a small scale into Namibia shall not be allowed, except those stated under 8.3 and 8.4.

10. IMPORTATION OF CONTROLLED AGRONOMIC PRODUCTS FOR DONATION

- 10.1 The NAB may issue import permits to government or other organisations for the importation of donated controlled horticultural products for humanitarian purposes, after due consideration of the impact of such on the local market.
- 10.2 Importer of the donated controlled agronomic products shall be required to submit a written request by way of completing the prescribed form and attach the applicable documents for the NAB's consideration.
- 10.3 Once such a request has been approved by NAB, the importer shall be required to apply for an import permit for statistical and control purposes. The normal import permit procedures shall apply.

- 10.4 The importer shall comply with the import document requirements stated under point 7.8 of this document.
- 10.5 The consignment shall be inspected at first point of offloading in Namibia.
- 10.6 Donated products shall not be sold in Namibia and shall only be used for the intended purpose.
- 10.7 The importers shall be required to comply with import requirements of other cross border regulatory agencies since the NAB permit is not final.
- 10.8 The NAB board reserves the right to refuse the importation of a controlled agronomic product, if such imports may be detrimental to the industry.

11. IMPORTATION OF CONTROLLED AGRONOMIC PRODUCTS FOR ANIMAL FEED.

- 11.1 Feed grade controlled agronomic products (white maize, wheat and pearl millet) may be imported for animal feed upon a written approval by the NAB.
- 11.2 Yellow maize may be imported for animal feed without obtaining a written approval from the NAB, provided it's not used for human consumption and the import permit procedures must be followed.
- 11.3 If yellow maize is used for human consumption the registration requirements for millers must be fulfilled and the applicable milling licence fees must be paid in full.
- 11.4 The importer shall obtain a trade import permit from NAB stating that the purpose of importing is for animal feed use only.
- 11.5 The importer shall be required to pay for the permit fee, before submitting a permit application.
- 11.6 The import permit shall only be issued once the proof of payment has been received.
- 11.7 No levies shall apply to products imported for animal feed, provide such products are strictly not used for human consumption.
- 11.8 The imported consignment shall be receipted by NAB Inspectors at the entry border, subject to the validity of the permits and submission of the required import documents.
- 11.9 Any other import documents/permits required by other regulatory border agencies or ministries must be obtained.
- 11.10 The importer shall be responsible with the cost of inspections which includes transport, meals and accommodation, based on NAB rates.
- 11.11 Accommodation cost shall only be applicable in situations where overnight is necessary for the Inspector due to distance from the duty station.
- 11.12 The importer will be invoiced for the applicable based on a total of three (3) inspections. The first inspection will be done during offloading of the consignment and the remaining two inspections will be unannounced.
- 11.13 The import requirements stated under point 7.8 must be complied with fully and in terms of white maize, wheat and pearl millet grain or meal imported for animal feed, the feed grade certificate must be obtained from the country of origin and it must clearly state the product being imported is feed grade.
- 11.14 The NAB will physically verify the imported grain at first offloading point to make sure that the product is indeed feed grade.

12. EXPORTATION OF CONTROLLED AGRONOMIC PRODUCTS

- 12.1 Exporters of all controlled agronomic products thereof shall be registered upon permit application and after registering as a web user for the online permit application.
- 12.2 Export permit application shall be done via the online permit application and manual application shall only be accepted when the system is offline or in special cases.
- 12.3 The export permit shall be valid for 21 days and issued per consignments.
- 12.4 Food safety sampling and product conformity inspection may be conducted as the NAB board may determine.
- 12.5 The NAB shall verify documents at the exit border where applicable.
- 12.6 All supplier invoices must contain the name and address of the supplier and consignment, invoice date, invoice number, name of the specific products, quantities (kg) or container size and monetary values of the consignment to be exported.
- 12.7 Export permit receipt shall be issued at the exit border for each consignment exported.
- 12.8 There shall be no restriction on exports, even though producers are required to prioritise local markets.
- 12.9 Exportation of controlled agronomic products shall be accompanied with the following documents, for each consignment:
 - NAB export permit
 - NAB export permit receipt issued at point of exit
 - Supplier invoice
- 12.10 The NAB export requirements for agronomic products is not final and therefore, exporters must ensure to comply with export requirements of other cross border regulatory agencies.

13. TRANSIT OF CONTROLLED AGRONOMIC PRODUCTS

- 13.1 Transit permits shall be issued to all controlled agronomic products (raw or processed) in transit through Namibia to other neighbouring countries, upon permit application and after registering as a web user for the online permit application.
- 13.2 All transit permits shall be valid for 21 days and all consignment entering Namibia shall exit within 48 hours from the time an entry receipt has been issued, unless if such consignment will be stored in a bonded warehouse, and concession fees are applicable in such cases for control purposes.
- 13.3 Converting transit consignment for controlled agronomic products as import into Namibia shall only be allowed if a company doing the in transit is already registered as a miller in Namibia, with a valid milling license and all the import requirements shall be fully complied with in such cases, and no converting of transit consignment shall be allowed during a close border period of the specific products.
- 13.4 Document verification shall be carried out at the entry and exit border post and all transit consignment shall be sealed at entry border and verification of seals shall be done at the exit border.
- 13.5 A permit receipt shall be issued at entry and exit border post.
- 13.6 Trans loading will only be allowed in the presence of NAB officials and at designated premises.
- 13.7 All supplier invoices shall contain the name and address of the supplier and consignment, invoice date, invoice number, name of the specific products, quantities (kg) or container size and monetary values of the consignment to be in transit.

- 13.8 Transit of controlled agronomic products shall be accompanied with the following documents, for each consignment:
- NAB Transit permit
 - NAB Transit entry and exit receipts
 - Supplier invoice
- 13.9 Each vessel shall be treated as one consignment in terms of 13.8, and each truck or vehicle transporting agronomic products via Namibia from the port to other countries shall be accompanied with the documents referred in 13.8.
- 13.10 The NAB transit requirements for agronomic products are not final and therefore, transitters must ensure to comply with transit requirements of other cross border regulatory agencies.

14. TRANSPORTATION

- 14.1 All controlled agronomic products must be transported in clean trucks without any risk of product contamination that can compromise food safety and hygiene.
- 14.2 Cattle trucks used to transport agronomic products must be clean and accompanied with a relevant disinfection certificate issued by the authorised authority, and the consignment must be physically covered.

15. FEES AND LEVIES

- 15.1 Registration of millers of controlled agronomic products is subject to milling license fees.
- 15.2 All importation of controlled agronomic products (grain) is subject to import levy, however currently there is no levies applicable to yellow maize and specialised controlled agronomic products (raw/processed) imported for personal use, animal feed and donations.
- 15.3 In terms of the Government Notice No 145, a 5% import levy on landed cost, excluding VAT is charged for the importation white maize, wheat and pearl millet grains.
- 15.4 In cases where a client fails to give a supplier invoice or proof of payment as proof of the actual transport cost incurred, for the purpose of calculating the levies referred to under 15.2, the transport cost will be estimated at 10% of the import price.
- 15.5 A permit fee is payable on controlled agronomic products imported for commercial and personal use, as well as for animal feed.
- 15.6 No import permit fees applicable to controlled agronomic products imported for donation.
- 15.7 Exportation of controlled agronomic products shall be subject to a permit fee, and no levies applicable.
- 15.8 Transit permits shall also be subjected to a permit fee, inspection fees and optional trans-loading fee. Transit inspection fees shall be charged based truck types i.e. taut liner, flatbed and cooler truck. No levies applicable to transit consignments.
- 15.9 Product conformity Inspection and sampling fees may be charged for exportation of agronomic products as the board may determine.
- 15.10 Clients with outstanding fees and levies shall not be issued with any permit, until such time when the amount has been paid.
- 15.11 All export and transit fees shall be paid on application for a permit, and no permits shall be issued on credit or account, unless permitted by the head of Finance Division, in line with the NAB debt policy.
- 15.12 For small scale commercial importers, permit fees and levies shall be paid upon application for an import permit.

- 15.13 The permit fee for consignment imported for personal use shall also be paid upon issuance of the permit at the border.
- 15.14 Concession fees of N\$100 000.00 is payable for consignment temporally kept at a non-bounded warehouse, that will be guarded by NAB inspectors, and a guarding fee of N\$700.00 per day shall be charged.
- 15.15 The NAB will deduct the levies and all fees due should a controlled product in transit get sold in local markets.
- 15.16 The concession fee is refundable, in cases where the company cease business or keeping controlled products in a non-bounded warehouse, provided the client has no outstanding levies or fees.

16. OFFENCES AND PENALTIES

The following guidelines shall apply when handling non-compliances, in terms of table 2 below:

- (i) The warning shall indicate the nature of the offence, penalty and the implications if further offences are committed by the offender.
- (ii) The offender shall sign the warning acknowledging guilt and agreement to conditions of frequent physical inspections of their premises/trucks.
- (iii) In case of failure to declare a controlled product at the entry or exit border post, the consignment shall be confiscated and donated to charity organization once the food safety aspect has been verified and if there are food safety none compliances the, the confiscated products must be discarded.
- (iv) The offender referred to under point (iii) shall be subjected to frequent physical inspections at each border of entry or at first offloading points for a duration equivalent to half of the warning period; whereas extra costs associated with such frequent physical inspections will be payable by the offender.
- (v) The first written warning shall be valid for three (3) month, and the final written warning shall be valid for six (6) months.
- (vi) Any suspension of registration as an importer, exporter and transiter shall be for a period not exceeding twelve (12) months.
 - (i) Any cancelation of permits shall only come into effect five (5) working days after the notification, in order to make provision for consignments that might already have been bought and paid for by the permit holder.

Table 2: Offences and penalties schedule.

The offences and penalties listed hereunder will be applied as guidelines and are by no means exhaustive. The penalties contained in this table offer guidelines on how non-compliances will treated.

Nature of Offence	Penalty (First Offence)	Penalty (Second Offence)	Penalty (Third Offence)
1. Offences relating to registration as an importer, exporter and transiter:			
a. Falsifying registration documents.	Final Warning, plus provide correct documents	Suspend for twelve (12) months	
b. Providing false information.	Final Warning, plus provide correct information	Suspend for six (6) months.	

c. Failure to comply with conditions of registration as an importer, exporter and transiter.	Written warning plus comply with the specific conditions	Final Written warning plus comply with the specific conditions	Suspend registration for three (3) months
d. Trading and processing agronomic products without a valid license.	Close down the business until such time when a valid license is obtained		
2. Permit application and issuance related offences:			
a. Failure to provide true information on the permit application.	Written warning plus provide correct information	Final Written warning plus provide the correct information	Suspend registration for three (3) months
b. Transfer or selling a permit to another person.	Final Written warning plus such permits shall not be accepted at the NAB	Suspend registration of permit holder for three (3) months	
3. Offences relating to inspections:			
a. Presentation of tampered/ cancelled permit documents at entry or exit border post.	Final Written warning plus reject such permits, until when correct permit is obtained	Suspend registration for six (6) months	
b. Failure to indicate or provide specified information on the supplier invoices such as name of product, weight and value etc.	Written warning plus non-compliance to be corrected	Final Written warning plus non-compliance to be corrected	Suspend registration for two (2) weeks, plus non-compliance to be corrected
c. Exceeding the stipulated permit value and tonnage.	Written warning plus non-compliance to be corrected before the consignment is released.	Final Written warning plus non-compliance to be corrected before consignment is released	Suspend registration for two weeks, plus non-compliance to be corrected before consignment is released
d. Under value of controlled products.	Written warning plus non-compliance to be corrected	Final Written warning plus non-compliance to be corrected	Suspend registration for six (6) months plus non-compliance to be corrected
e. Failure to obtain a border receipt at NAB Border offices.	Written warning plus receipt to be obtained	Final Written warning plus	Suspend registration for two (2) months

		receipt to be obtained	plus receipt to be obtained
f. Obstruct, hinder or delay an Inspector or Officer from performing his/her duties.	Final Written warning plus allow the Inspector/Officer to perform his duties	Suspend registration for three (3) months	
g. Failure to declare a controlled product at entry or exit border or premises.	Written warning plus confiscate the product and pay all levies/fees due	Final Warning plus confiscate the product and pay all levies/fees due	Suspend registration for six (6) months, Confiscate the product and levies/fees due must be paid.
h. Importing a controlled product into Namibia without a valid permit or license.	Final Warning plus confiscate the product; all levies/fees due must be paid. In case were the product is sold before it could be confiscated, issue final warning and charge applicable levies/fees	Suspend registration/license for six (6) months, plus all levies/fees due must be paid.	
i. Refuses to answer any questions put to him or her by an inspector/officer in the course of his or her duties.	Written warning plus answer any questions from the Inspector/Officer	Final Written warning plus answer any questions from the Inspector/Officer	Suspend registration for one (1) months
j. Prevents the inspector from searching the premises in order to ascertain whether a controlled product is present.	Final Written warning plus Inspector to be allowed to search premises	Suspend registration for three (3) months	
k. Tamper with, destroys or in any way makes alteration to anything seized by an inspector in the exercise of his or her powers.	Final Written warning plus pay for damage where applicable	Suspend registration for three (3) months	
l. Unsealing a consignment of controlled products without permission from NAB Inspector.	Written warning	Final Written warning	Suspend registration for one (1) months
4. Offences related to submission of specified information:			
a. Fail to submit and keep specified records with respect to the controlled products.	Written warning plus submit the specified records	Final Written warning plus submit the outstanding records	Suspend registration for three (3) months, plus submit the specified records
b. Failure to furnish the NAB with specified information or returns in a specified manner and at specified times.	Written warning plus submit the returns	Final Written warning plus submit the outstanding returns,	Suspend registration for three (3) months,

		with specified information	plus submit the returns
c. Falsification of information related to returns submitted to the NAB.	Final Written warning plus make correction.	Suspend registration for three (3) months	
5. Offences related to levies/fees:			
a. Outstanding levies/fees over 60 days plus.	No new permit shall be issued, plus cancel all valid permit until such time there is compliance.		
b. Submitting forged proof of payment	Suspend registration for twelve (12) months, plus the outstanding amount to be paid in full		

17. APPEAL PROCEDURES

The purpose of this section is to ensure that appeals submitted to the Board in respect of illegally imported products are dealt with in a most efficient and effective manner. Therefore, the following appeal procedures shall apply;

17.1 Appeal procedures to the Board

- (i) Should the offender refuse to sign either the first, second or third written warnings, this does not warrant any of these written warnings invalid, but subject to a formal appeal process.
- (ii) The offender may lodge an appeal to the Board chairperson in writing against any of the written warnings within five (5) working days from the date of issuance of such written warnings.
- (iii) The Board may convene an arbitral panel of three (3) adjudicators to resolve a dispute by way of an arbitration.
- (iv) In the event that the offender refused to sign the warning and also fails to lodge an appeal within the specified time frame, the Board shall execute its powers (1) to cancel all existing import permits issued to the offender; and (2) to refuse the issuance of new import permits to the offender until such time that the warning letter is signed in terms of Sections 10(n)(i) and (p)(i) of the Agronomic Industry Act, (Act 20 of 1992).

17.2 Appeal against the decision of the Board

Subject to Section 11 of the Agronomic Industry Act, (Act 20 of 1992) where under this Act a decision of the Board is subjected to a right of appeal to the Minister, the person aggrieved by the decision may within fourteen days after notification of the decision, lodge an appeal with the Minister, who may confirm, vary or set aside the decision as he or she deems fit.

ANNEXTURE A

LIST OF CONTROLLED AGRONOMIC PRODUCTS

Controlled agronomic products under NAB permit control.

1. Maize grain
2. Wheat grain
3. Pearl Millet (Mahangu) grain

Controlled agronomic products banned for importation into Namibia.

1. Maize meal
2. Wheat flour
3. Pearl Millet flour

Specialized controlled agronomic products that requires NAB permit.

1. Bakels superseed low GI bread Mix
2. Apito sunseed bread mix.
3. Pettina instant sponge mix high ratio.
4. Pettina instant chocolate sponge mix.
5. Bakels scone mix.
6. Bakels Madeira cake mix.
7. Bakels bran muffin mix
8. Bakels Pettina muffin mix
9. Stoneground wheat flour
10. Bio – wheat
11. Beer bread mix
12. Pre-mixes
13. Ready-mix
14. Organic maize meal, wheat and pearl millet flour
15. Organic maize, wheat and pearl millet whole grains

Agronomic products currently not under NAB permit control.

1. Breakfast cereals, including Instant porridge
2. Durum wheat flour (used for manufacturing of pasta).
3. Durum wheat grain
4. Industrial or household starches.
5. Maizena (corn flour)
6. Pasta (finished product)
7. Maize samp or rice
8. All ready to eat wheat, maize and pearl milled products