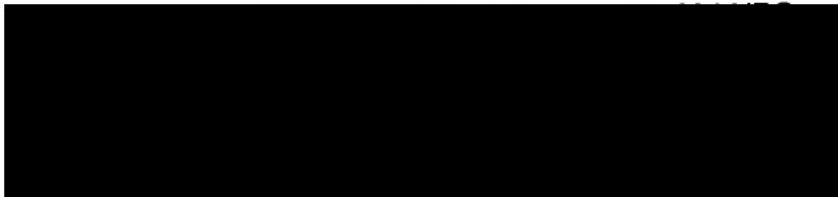




09 December 2022

ANIMAL LAW REFORM SOUTH AFRICA



www.animallawreform.org

ATTENTION:



**LEGAL RESEARCH CONSULTANT OF ANIMAL LAW REFORM
SOUTH AFRICA**

BY EMAIL:

outreach@animallawreform.org

Dear Sir

**ANIMAL LAW REFORM SOUTH AFRICA - REQUEST FOR ACCESS TO
INFORMATION**

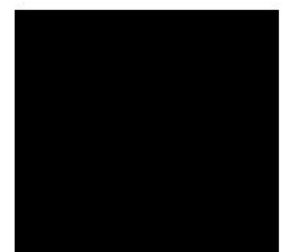
We refer to the above matter which has been considered by our Information Officer.

Our reply is detailed below, which for ease of reference, has been set out under relevant subject matter headings,

Request

We refer to your Promotion of Access to Information Act, 2000 ("PAIA") request, sent by email to the Information Officer, Pieter Badenhorst of AFGRI Group Holdings Propriety Limited (hereinafter referred to as "AFGRI") which request we will hereinafter refer to as the "Request".

We have gone over your Request, including the duly completed:



- FORM C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY as per (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10] (Form C”); and

Your accompanying letter dated 17 November 2022, which was attached to Form C, which sets out in detail the information / records which you are asking AFGRI to provide to your offices.

We have also considered the activities and objectives which are pursued by the Animal Law Reform South Africa NPC (hereinafter referred to as “the NPC”) read together with the reasons why the NPC is requesting access to the information detailed under your letter dated 17 November 2022, which is summed up below.

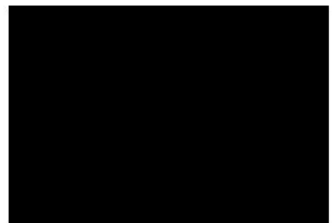
Purpose and objectives of the NPC

The Animal Law Reform South Africa is a not-for-profit organization, which inter alia,

- focuses on animal law and the intersection between animal wellbeing, human rights, and social justice.
- concerns itself with the animal protection movement in South Africa; and
- is made up of animal activists dedicated to the protection of animals.

In your letter of 17 November 2022, it is stated that the NPC is undertaking a project entitled “Laying Down the Facts: Corporate Accountability” (hereinafter referred to as the “Project”) which, as per your advice, has two primary interlinked goals:

- firstly, the fostering of interest in and understanding of the regulatory and policy regime governing chicken welfare in South Africa, and



- secondly, promoting more transparent practices, enhanced animal welfare, and more ambitious cage-free commitments by South African retailers, restaurants, and major brands.

One of the Project's outputs will be a public report setting out, among other things, the chicken welfare practices of key role players in the poultry sector, including major South African retailers, restaurants, and brands; and ranking the performance and commitments of selected companies

Reason why the information is sought

The information requested as stated under Form C is required for the protection of the environmental right, as provided for in section 24 of the Constitution; and more particularly, to enhance animal welfare for chickens.

It also appears that the information or records sought by the NPC will be used and be relied on by the NPC when conducting and finalizing the Project culminating in a public report, setting out, among other things, the chicken welfare practices of key role players in the poultry sector, including major South African retailers, restaurants, and brands; and ranking the performance and commitments of these role players.

The NPC has advised that the information and records detailed under the PAIA Request are requested in the public interest as part of the requestor's role as an advocate for animal welfare and will enable the requestor to enhance transparency and accountability, especially in relation to chicken welfare in South Africa.

The right which is being exercised or protected

As per the details of Form C read with the attached letter dated 17 November 2022, and following the above comments, it appears that the rights which the NPC are seeking to protect in relation to this specific request concerns chickens and more in particular the welfare of chickens when farmed, including without detracting from the generality thereof, when bred, raised, and subsequently slaughtered and sold into the consumer market.

Records requested

The records requested pertain to the animal welfare practices of the private body which are detailed under the NPC's letter dated 17 November 2022, which accompanied by Form C and which, as mentioned above, are specific to the treatment of chickens. These documents and / or records will be more specifically addressed below.

What AFGRI does and involvement in and / or relationship with the chicken/ poultry sector

AFGRI, and its respective subsidiaries and / or divisions does not breed, slaughter, or sell for consumption animal or poultry products.

It therefore is not involved in the farming, slaughtering or sale of poultry or livestock.

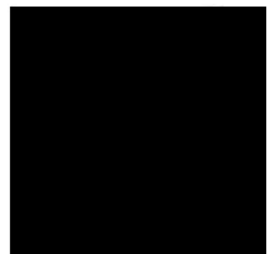
AFGRI instead supports the agricultural sector by providing those who participate in this industry with certain agricultural products and services, which are provided on a retail and wholesale basis.

Please visit the AFGRI website which will provide your NPC with a detailed overview of AFGRI and its operations and related activities and more importantly, with an overview of the types of goods and services which it provides, including:

- the operation of 33 retail stores and 28 fuel stations. These stores supply the agricultural community with fuel and oil supplies, farming tools and implements, fertilizers, pest control products, seeds, animal feeds, veterinary products, and work clothing.
- the management of grain which includes handling and storing of grains and oil seeds, which are sourced through AFGRI Grain Marketing and carried out by the AFGRI raw material procurement business.
- providing advice and solutions to those who operate grain mills, animal feed mills and who are involved in the oil crushing businesses throughout Africa.
- the provision of financial services and lines of credit to farmers and others who operate in the financial sector; and
- the manufacture and supply of animal feed products which are dispatched from the AFGRI depots, which products are of superior quality, and which are made from food safety compliant ingredients, manufactured with care and based on innovative technology, research and processes ensuring that animals receive optimal nutrition.

Our Reply

Following the above, whilst AFGRI and its divisions and subsidiaries do operate in the agricultural sector, AFGRI, and / or its various divisions and subsidiaries, are not directly or indirectly involved in the poultry business.



As a result, AFGRI is unable to provide the requested documents, which documents we list below together with the corresponding reasons why these documents cannot be made available:

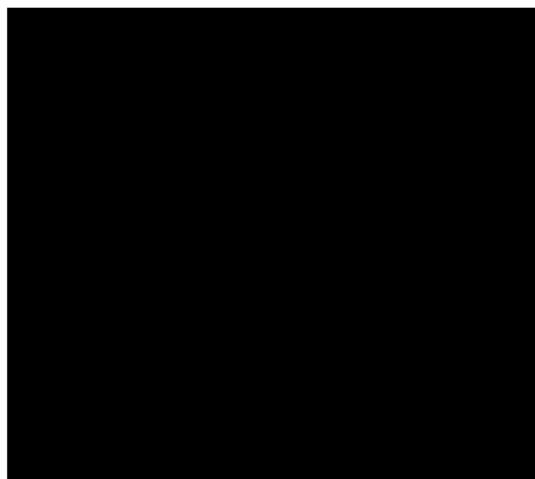
- Documents / records requested – which pertain to AFGRI Group's role in the egg supply chain for the period of 1 November 2018 to November 2022 (the "period").
- Please note that AFGRI Group does not farm livestock or poultry nor is it involved in the egg supply chain.

Attached as Annexure A hereto is our detailed response to each of the items of information requested in the Request.

Conclusion

We trust that you will find the above in order.

Should you not be satisfied with the response provided then please be advised that AFGRI has no internal appeal mechanism and you have a period of 180 days from the date of receipt of this response within which to launch an application in the high court regarding this decision.



ANNEXURE A: RESPONSE TO INFORMATION REQUEST

ITEM IN REQUEST	DESCRIPTION	OUR RESPONSE
6.1.	Annual and Sustainability Reports produced during the period.	No reference to livestock, poultry or the egg supply chain housed in these Documents. In any event these are freely available on the AFGRI website at www.agh.co.za
6.2.	Legal Compliance: Any and all enforcement and compliance records issued during the period, including:	
6.2.1	Reports, licenses, permits, warnings, citations, notices, directives, and similar enforcement and compliance records, both internal and external) specifically in relation to compliance and/or non-compliance with animal, environmental, and agricultural legislation (including any amendments, rules, lists, notices, regulations, etc. in terms thereof):	
6.2.1.1	Regulations Regarding the Grading, Packing and Marking of Eggs Intended for Sale in the Republic of South Africa of 31 May 2019, Notice 289 of 2019.	Not applicable to AFGRI – AFGRI is not involved in the egg supply chain.
6.2.1.2	The Animals Protection Act 71 of 1962 (“APA”), including any warnings/citations, and/or infringements issued in respect of any employees, contractors, or personnel in performing their duties.	Not applicable to AFGRI – AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.2.1.3	The Meat Safety Act 40 of 2000.	Not applicable to AFGRI – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry.

6.2.1.4	The Animal Identification Act 6 of 2002.	Not applicable to AFGRI – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry.
6.2.1.5	The Veterinary and Para-Veterinary Professions Act 19 of 1982.	Not applicable to AFGRI – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry, nor does it offer veterinary services.
6.2.1.6	The Animal Diseases Act No. 35 of 1984.	Not applicable to AFGRI – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry.
6.2.1.7	The National Environmental Management Act 107 of 1998 (“NEMA”).	<p>Compliance records limited to duty of care and emergency incidents as per NEMA, as AFGRI does not operate any activities which are listed, and which require an EIA or an ROD as per NEMA.</p> <p>No enforcement records issued during the period, including: Reports, licenses, permits, warnings, citations, notices, directives, and similar enforcement and compliance records, both internal and external) specifically in relation to compliance and/or non-compliance with animal, environmental, and agricultural legislation (including any amendments, rules, lists, notices, regulations, etc. in terms thereof).</p> <p>Act not applicable – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry</p>

	6.2.1.8	The National Environmental Management: Waste Act 59 of 2008 ("NEMWA").	
			<p>Compliance records limited to duty of care and emergency incidents as per NEMWA, as AFGRI does not operate any activities which are listed, require an EIA or a Waste permit.</p> <p>No enforcement records issued during the period, including: Reports, licenses, permits, warnings, citations, notices, directives, and similar enforcement and compliance records, both internal and external) specifically in relation to compliance and/or non-compliance with animal, environmental, and agricultural legislation (including any amendments, rules, lists, notices, regulations, etc. in terms thereof).</p> <p>Act not applicable – AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.</p>
	6.2.1.9	The National Environmental Management: Air Quality Act 39 of 2004 ("NEMAQA").	<p>Compliance records limited to duty of care and emergency incidents as per NEMAQA, as AFGRI does not operate any activities which are listed, require an EIA or AEL or permit.</p> <p>No enforcement records issued during the period, including: Reports, licenses, permits, warnings, citations, notices, directives, and similar enforcement</p>

		<p>and compliance records, both internal and external) specifically in relation to compliance and/or non-compliance with animal, environmental, and agricultural legislation (including any amendments, rules, lists, notices, regulations, etc. in terms thereof).</p> <p>Act not applicable – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry.</p>
6.2.1.10	The National Water Act 36 of 1998.	<p>Compliance records limited to duty of care and emergency incidents as per the Water Act (NWA and WSA), as AFGRI does not operate any activities which are listed, require an EIA or water authorization or permit.</p> <p>No enforcement records issued during the period, including: Reports, licenses, permits, warnings, citations, notices, directives, and similar enforcement and compliance records, both internal and external) specifically in relation to compliance and/or non-compliance with animal, environmental, and agricultural legislation (including any amendments, rules, lists, notices, regulations, etc. in terms thereof).</p>

			Act not applicable – AFGRI is not involved in Egg supply chain, or breeding or farming of livestock or poultry.
	6.2.2	Any information recording or containing details of inspections by the South African Police Service ("SAPS"), National Council of Societies on the Prevention of Cruelty to Animals ("NSPCA") and any Societies for the Prevention of Cruelty to Animals ("SPCA"), and any other relevant authority of animal welfare.	None
6.3		Charges laid, and judgments and orders handed down, including in any and all criminal and civil proceedings in which you were cited as a party relating to the aforementioned legislation.	None
6.4		Internal Policies relating to Animal Welfare and Environmental matters applied or produced during the period.	None
6.5		Manufacturing details:	Not applicable to AFGRI – AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
	6.5.1	Records relating to the number and type of cages or egg production systems manufactured and/or	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.

	supplied to any stakeholder in the egg supply-chain in South Africa, if applicable.	
6.5.2	Records relating to the type, quantity and quality of the feed manufactured per annum, including details of antibiotics and pesticides utilised in the manufacturing process, if applicable.	These records are refused in terms of section 68 of PAIA as they: <ul style="list-style-type: none"> • contain financial, commercial, scientific, or technical information, other than trade secrets, of AFGRI, the disclosure of which would be likely to cause harm to the commercial or financial interests of AFGRI; • contain information, the disclosure of which could reasonably be expected: <ul style="list-style-type: none"> ○ to put AFGRI at a disadvantage in contractual or other negotiations; and ○ prejudice AFGRI in commercial competition.
6.6	Asset Register and Stock: Any and all records relating to Afagri assets and stocks that may be relevant based on the aforementioned explanation of the Project.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.7	Membership records relating to any and all membership (present and past) relating to the egg, chicken, and poultry industry. This includes correspondence or documentation confirming, refusing, suspending, terminating, or otherwise relating to any membership of any of the following (as applicable):	
6.7.1	The South African Poultry Association ("SAPA").	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.

6.7.2	SAPA Egg Association.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.7.3	SAPA Broiler Association.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.7.4	Livestock Welfare Co-ordinating Committee ("LWCC").	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.7.5	South African Bureau of Standards ("SABS").	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.7.6	Sustainable Retailer Forum	AFGRI is not a member of the stated forum.
6.7.7	Animal Feed Manufacturers Association.	AFGRI Animal Feeds is a full member of the Animal Feeds Manufacturers Association ("AFMA") – the details of the membership can be found on the AFMA website and in particular, in the link below: https://www.afma.co.za/download/list-full-members/?wpdmml=2286&refresh=6392f80a364021670576138
6.7.8	Any other poultry, egg or chicken organisations or associations that may be relevant based on the aforementioned description of the Project. (the "Associations", as applicable).	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.

6.8.	Compliance with Association standards and requirements and Certification: Any and all records of compliance and/or non-compliance with third party standards and/or requirements, correspondence as applicable and certifications with/by the Associations and other third-party standards and/or requirements that may be relevant based on the aforementioned explanation of the Project.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.9	Third Party Certification: Certificates/notices, letters and correspondence illustrating any third-party certifications, including:	
	6.9.1 Certificates/notices issued illustrating certification by A Greener World ("AGW"); and	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
	6.9.2 Other third-party certifications that may be relevant based on the aforementioned explanation of the Project.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.10	Commitments: Records indicating any and all animal welfare-related commitments and progress towards these commitments, including:	
	6.10.1 Better Chicken Commitments ("BCC").	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
	6.10.2 Cage-Free Commitments.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.

	6.10.3	Other commitments that may be relevant based on the aforementioned explanation of the Project.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.
6.11.		Public Statements: Any and all public statements relating to animal welfare regarding eggs, sourcing thereof or chickens under your control.	Not applicable to AFGRI and no records available - AFGRI is not involved in the egg supply chain, or breeding or farming of livestock or poultry.