

B. C. Vegetable Marketing Commission

AMENDING ORDER #36

TO THE THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION GENERAL ORDER OF MARCH 16, 2005, AS AMENDED

MADE BY THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION ON JANUARY 31, 2013

The British Columbia Vegetable Marketing Commission General Order of March 16, 2005, as amended, is further amended as follows:

1. The Interpretation section of Part I – Introductory – of the General Order is repealed and replaced with the following:

Part I – Introductory- of the General Order

Interpretation

5. In this and all other Orders of the Commission, unless the context requires otherwise, the definitions contained in the above named enactments will have effect together with the following additional definitions:

"**Act**" means the Natural Products Marketing (BC) Act, R.S.B.C. 1996, c330.

"**Administration Levy**" means that portion and amount of the annual producer levy that is charged to producers and retained by the Commission for Meeting expenses, including, among others, operational expenses.

"**Agency**" means a Person designated by the Commission as an agency and authorized to act as such pursuant to Schedule 1 of these General Orders.

"**BC No. 1 Grade**" means BC No. 1 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.

"**BC No. 2 Grade**" means BC No. 2 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.

"**Canada No. 1 Grade**" means Canada No. 1 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.

"**Canada No. 2 Grade**" means Canada No. 2 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.

"**Certificate of Authority**" means a document authorized by the Commission granting authority to an employee, agent, or representative of the Commission to perform specified tasks for the Commission within a specified time frame.

"**Certified Organic**" means certified by the Certified Organic Association of British Columbia or any other certification body approved by the Commission.

"**Cole Crops**" means broccoli, cauliflower, Brussels sprouts and any other crop designated by the Commission.

"**Commercial Producer**" means a Producer whose name has been entered and remains registered in one or more of the registers of Commercial Producers referred to in Section 5 of the Scheme. In accordance with Section 7 of the Scheme, a Producer qualifies to be registered as a Commercial Producer in the district register for a district in which he operates a farm if, during the immediately preceding 12 months, Regulated Product of at least a gross value to the Producer of \$5,000 has been grown on the farm and marketed from it through an Agency or licensed processor.

"**Commission**" means the British Columbia Vegetable Marketing Commission.

"**Commission Salesperson**" means a person who purchases Regulated Product from a designated Agency to offer for sale, sell or supply to Retailers and sells that Regulated Product directly from a delivery vehicle."

"**Commission Service Fees**" means "Annual Producer Levy".

"**Consumer**" means an individual who purchases Regulated Product for use and consumption by that individual or by that individual's immediate family.

"**Container**" means any covering, bag, box or other container or receptacle in which the Regulated Product can be packed, transported or marketed.

"**Crop Year**" means:

(a) January 1st to December 31st of any year for Greenhouse Crops, Processing Crops including Cole Crops; and

(b) Beginning of season to June 30th of the following year for Root Crops or Storage Crops.

"**Delivery Allocation**" means an authorization issued by the Commission to a producer to deliver to an agency, or to market as otherwise directed or approved by the Commission, a specified amount of a regulated product within a specified time period.

"**District**" means any of the three Districts outlined or specified in these Orders, namely:

"**District I**" means that part of the Province west of the 121st meridian of west longitude and south of the 50th parallel of north latitude, excluding Vancouver Island and the Gulf Islands;

"**District II**" means Vancouver Island and the Gulf Islands;

"**District III**" means that part of the Province south of the 53 parallel of north latitude and not in the first or second Districts.

"**Farm**" includes a greenhouse.

"**Greenhouse**" means an enclosed structure where regulated product is grown."

"**Greenhouse Vegetable Crop**" means tomatoes (all types), peppers (all types), cucumbers (all types), butter lettuce (all types) grown in a greenhouse and any other crop designated by the Commission, and includes Greenhouse Vegetable Crops certified as organic.

"**Greenhouse Vegetable Production Allocation**" means an authorization issued by the Commission to produce a defined area of a greenhouse vegetable crop during the annual licensing period.

"**Grower Marketing Agreement**" or "Producer Marketing Agreement" or "Sales and Marketing Agreement" means an agreement between a Producer and an Agency which sets out the terms and conditions upon which the Regulated Product shall be provided by the Producer and sold by the Agency.

"**Manifest Sales**" means when a Producer supplies local product directly to smaller outlets which are not Customers of an Agency or other Person specified by the Commission.

"**Marketing**" includes producing, buying, selling, shipping for sale, offering for sale or storage, and in respect of a natural product includes its transportation in any manner by any person.

"**Master Contract**" means an industry wide contract applicable to a particular regulated Processing Crop which has been approved by the Commission.

"**Municipal Market**" means any public market authorized and/or maintained by a city, municipality, provincial or federal government.

"**Order**" means an Order of the Commission, as may, from time to time, be issued by the Commission and includes these General Orders.

"**Person**" includes an individual, firm, partnership, corporation, association, sole proprietorship, or any other entity specified by the Commission.

"**Processing**" includes freezing, canning, packing or in any way preserving or altering Regulated Product.

"**Processing Crops**" means peas, beans, corn, cauliflower, broccoli, Brussels sprouts, strawberries, potatoes and any other crop designated by the Commission that are destined for processing or manufacturing.

"**Processor**" means any Person who processes or manufactures the Regulated Product by mechanical means or otherwise and markets, offers for sale, supplies, stores or transports the processed or manufactured product.

"**Producer**" means a Person who operates a Farm on which one tonne or more of the Regulated Product has been produced during the immediately preceding 12 months and includes a Producer who is producing regulated product that has been certified as organic.

"**Producer-Shipper**" means a person licensed by the Commission to produce Greenhouse Vegetable Crops and to market some or all of the Greenhouse Vegetable Crops produced by him directly to commercial trade channels but unless specifically authorized by the Commission does not include marketing to a Wholesaler, Agency or another Producer-Shipper.

"**Production Allocation**" means an authorization issued by the Commission to a producer to produce a specified regulated product within a specified time period.

"**Province**" means the Province of British Columbia.

"**Regulated Crops**" means Regulated Product.

"**Regulated Area**" means that part of the Province south of the 53rd parallel north, including Vancouver Island and the Gulf Islands and excluding the Queen Charlotte Islands.

"**Regulated Product**" means the crops listed on Schedule II of this Order that were grown within the Regulated Area.

"**Regulated Vegetables**" means Regulated Product.

"**Research & Industry Development Levy**" means that portion and amount of the annual producer levy that is charged to producers for use in a manner consistent with Section 11(o)(i) of the Natural Products Marketing (BC) Act and Section 4(2) of the BC Vegetable Scheme.

"**Retailer**" means any Person who offers for sale, sells or supplies the Regulated Product directly to Consumers from a fixed commercial establishment located in B.C.

"**Scheme**" means the British Columbia Vegetable Scheme as amended from time to time.

"**Shipper**" means any Person authorized to transport Regulated Product on behalf of the Commission or its designated Agencies.

"**Specialty Crops**" means crops with unique production based attributes which give rise to market differentiation from mainstream commodity crops which is preserved through grading, packing, marketing and distribution to the final consumer. Differentiating attributes may include some or all of

unique genetics, specialized production programs, and unique facility and management requirements. Greenhouse Vegetable Crops designated as specialty crops are listed in Schedule 5 to these Orders.

"**Storage Crops**" mean potatoes, onions, parsnips, cabbage, carrots, beets, rutabagas, white turnips and any other crop designated by the Commission.

"**Sub-Agency**" means a sub-agent of a designated Agency appointed or designated by the Commission.

"**Transport Order**" means a permit, either verbal or written, issued in the name of the Commission by a duly authorized employee or nominee of the Commission authorizing the movement or transporting of Regulated Product from a Producer's farm to an Agency, a Processor, or a warehouse each of whom must be designated by the Commission and specifying the day or days between which the Regulated Product covered by the Transport Order may be moved.

"**Types**" means all varieties of an individual Greenhouse Vegetable Crop except crops specifically designated by the Commission as specialty crops.

"**Vehicle**" includes any motor vehicle, wagon, railway car, ship, boat, or airplane or any other thing in which the Regulated Product can be transported.

"**Wholesaler**" means a Person, other than an Agency, who sells or offers for sale the Regulated Product to a Retailer, Caterer, Processor, or other Wholesaler or otherwise than directly to a Consumer, but does not include a Person who has no facilities to store or transport the Regulated Product.

"**Varieties**" means "a subdivision of a vegetable crop consisting of naturally occurring or selectively bred populations that differ from the remainder of the species in certain minor characteristics".

2. Section 12 of Part VII – Agency Responsibilities – of the General Order is repealed and replaced with the following:

Each Agency shall file with the Commission, for approval each year, a proposed list of fees or charges for Agency services provided to Producers for Marketing. Any fee or charge that has not been submitted to the Commission for its approval is a nullity. Where the Commission has exercised its discretion to decline to approve a fee or charge, such fee or charge becomes a nullity.

3. Schedule III – Annual Licence Fees– of the General Order is repealed and replaced with the attached Schedule III.

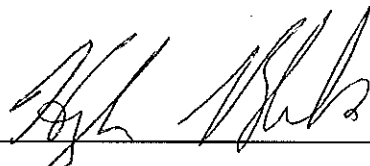
4. This Order comes into effect February 1, 2013.

DATED at Surrey, British Columbia on January 31, 2013

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION



David Taylor, Chair



Hugh Reynolds, Secretary

Schedule III Annual Licence Fees

Effective February 1, 2013

Licensee	Class 1	Class 2	Class 3	Class 4	Class 5
Designated Agency					
\$500 plus an amount equivalent to 0.025% of annual sales*	Base amount	Class 1 times 2	Class 1 times 3	Class 1 times 4	Class 1 times 5
Producer	\$250	\$1,250	\$2,500	\$12,500	\$50,000
Producer - Shipper					
\$500 plus an amount equivalent to 0.025% of annual sales*	Base amount	Class 1 times 2	Class 1 times 3	Class 1 times 4	Class 1 times 5
Processor	\$1,000	\$2,000	\$6,000	\$10,000	N/A
Wholesaler	\$1,000	\$2,000	\$6,000	\$10,000	N/A
Commission Salesperson	\$1,000	\$2,000	\$6,000	\$10,000	N/A

*Annual Sales based on most recently completed financial statement