

NOTICE 1301 OF 2009**INTERNATIONAL TRADE ADMINISTRATION COMMISSION
OF SOUTH AFRICA****AMENDED GUIDELINES REGARDING APPLICATIONS FOR PERMITS IN
TERMS OF THE PROVISION UNDER REBATE ITEM 311.18/63.09/01.04 OF
SCHEDULE 3 TO THE CUSTOMS AND EXCISE ACT.**

Interested parties are hereby notified that applications for permits for rebate of the full duty on worn clothing and other worn articles of textile material used for the manufacture of wiping rags and cleaning cloths submitted to the International Trade Administration Commission of South Africa after date of publication of this notice:

- (a) will be dealt with according to the guidelines described in this notice; and
- (b) must be in the format as set out in the application from this notice.

Please note that all applications submitted in terms of rebate item 311.18/63.09/01.04 to the International Trade Administration Commission of South Africa after the date of publication thereof will be subject to the amended guidelines described in this notice .

**APPLICATIONS FOR PERMITS IN TERMS OF THE PROVISION UNDER
REBATE ITEM 311.18/63.09/01.04 FOR REBATE OF THE DUTY ON WORN
CLOTHING AND OTHER WORN ARTICLES OF TEXTILE MATERIALS
FOR THE MANUFACTURE OF WIPING RAGS AND CLEANING CLOTHS.****1. APPLICATION**

- 1.1 Applicants must register with South African Revenue Service (SARS) as users of rebate item 311.18/63.09/01.04 before applying for rebate permits.
- 1.2 Applications for rebate permits must be addressed to the International Trade Administration Commission of South Africa, Private Bag X 753, Pretoria or delivered by hand to the DTI Campus (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.
- 1.3 Applications for permits must be submitted according to the requirements reflected in the attached application form. If the space provided in the application form is insufficient, please use the format of the application form to submit the requested information.

- 1.4 If all the information requested in the application form is not submitted, the application is deficient and will not be considered, and it will be returned to the applicant.
- 1.5 At least ten working days must be allowed for the processing of rebate permit applications and the issuing of the rebate permit.
- 1.6 Worn clothing and other worn articles of textile materials are subject to Import Control conditions and an import permit will only be issued in instances where a rebate permit has already been obtained.
- 1.7 Each rebate permit defines the period during which the goods cleared must be used for the manufacture of wiping rags and cleaning cloths. The rebate permit will be valid for twelve months from the date of issue, or a shorter period as decided upon by ITAC.
- 1.8 Rebate and Import Control permits may not be transferred in any manner by the holder thereof, to any other person, or be used to the benefit of any person, not named in the permits.

2. CONDITIONS OF PERMITS

- 2.1 Rebate permits and import control permits issued will be subject to the following conditions:

2.1.1 Movement of clothing and other textile material

There shall be no movement of any clothing or articles of textile materials from the premises, described in the application as the premises where the manufacture of wiping rags and cleaning cloths will take place. Any clothing or articles of textile materials include worn, used, and new clothing and articles of textile materials obtained from sources in South Africa or imported from any country.

2.1.2 Goods suitable for the manufacture of wiping rags and cleaning cloths

Only worn clothing and other worn articles of textile material with a cotton content containing 35 per cent or more by mass of cotton fibers are

regarded as suitable for the manufacture of wiping rags and cleaning cloths.

Articles of worn clothing therefore allowed to be imported are vesting, T-shirts, sweat-shirts, polo shirts, men's cotton shirts, lounge shirts, men's cotton pants, track suit tops and pants, sweat tops, ladies cotton blouses, shirts, dresses and skirts, pajama tops and pants, nightdresses, flannel shirts and skirts, corduroy shirts and pants and men's and ladies denim pants and skirts.

Articles such as brassieres, girdles, corsets, braces, suspenders, garters, jackets, blazers, jerseys, pullovers, cardigans, overcoats, car-coats, raincoats, anoraks, ski-jackets, duffle coats, mantels, parkas, swimwear, socks and similar clothing articles are not suitable for the manufacture of wiping rags and cleaning cloths and are not allowed to be imported. Other worn articles of textile material allowed to be imported are towels, bed sheets, bed covers and pillow casings of cotton.

2.1.3 Location and requirements of rebate store

The rebate store must be situated on the manufacturers registered factory premises. These premises must be physically separated from premises where any activity other than the manufacture of wiping rags and cleaning cloths is taking place. The premises must exclusively be used for the manufacture of wiping rags and cleaning cloths and the storage of clothing and other articles of textile material obtained for the purpose of the manufacture of wiping rags and cleaning cloths.

All manufacturers under this rebate item must comply with the following rebate store requirements:

- Rebate stores must be substantially constructed and must offer the maximum security possible. The walls must be extended to the ceiling, and suitable steps must be taken to prevent access to the materials over the walls.
- The doors must be lockable and suitably equipped with fastenings for Customs locks.
- The windows, if any, must be fitted with bars.

- Rebate store must have one entry point.

2.1.4 Notification requirement

The Inspectorate of the Directorate Import and Export Control [Fax number (012) 394 4606 and Telephone no (012) 394 3606], e-mail ddaniel@itac.org.za must be notified in writing by the permit holder at least 10 working days in advance of the date of the arrival of consignments of imported worn clothing and other imported worn articles of textile materials at its premises.

The notification must state:

- Anticipated date or dates of arrival of the goods concerned at the premises.
- The mass and invoice value in Rand of the goods concerned
- A description of the goods reflecting the type of clothing, type of article of textile material and whether the goods are new, used or worn.

Desmond Daniel Manager: Inspectorate of the Directorate Import and Export Control must be informed in writing by the permit holder of the details of any clothing and any article of textile material obtained in South Africa for the purpose of the manufacture of wiping rags and cleaning cloths, that are kept on the premises and which are described in the rebate permit or permits issued to the importer. Any clothing or other articles of textile material includes worn, used and new clothing and other articles of textile material.

2.1.5 Documentation Requirement

The following documents must be available on the day of physical inspection:

SARS release notification

- Copy of the import permit notification
- Copy of the rebate permit.
- Copy of the Bill of Entry

- Copy of invoice as provided by the supplier
- Copy of Bill of Lading

A Rebate register, as required by SARS, must be kept in respect of worn clothing and other worn articles of textile materials cleared under rebate of the duty.

Records must be kept of any clothing and any other article of textile materials obtained by the permit holder in South Africa and that enters the premises described in the permit or permits issued to the permit holder.

These records must contain the following:

- The name, postal address, e-mail address and telephone number of the firm or copy of I. D. Document and other contact details of the person from whom the clothing or other articles of textile material was purchased.
- The date of the purchase.
- The mass (kg) and sales value (R) of the clothing or other articles of textile material.
- A description of the clothing and other articles of textile materials purchased, indicating the type of clothing, type of other articles of textile material and whether the goods are new, used or worn.
- The date on which the clothing and the other articles of textile materials entered the premises.

Records must be kept of imported worn clothing and other worn articles of textile material for the manufacture of wiping rags and cleaning cloths for at least five years. These records must provide a clear documentation trail from the point of order to the actual import of the goods.

Invoices reflecting the sale of wiping rags and cleaning cloths manufactured from worn clothing and other worn articles of textile materials obtained in terms of rebate permits must be kept for at least five years. These records must include the date, mass (kg) and sales value of each sale and the name, addresses (postal and street) and telephone number of each purchaser.

Invoices reflecting the sale of wiping rags and cleaning cloths manufactured from clothing and other articles of textile materials obtained in South Africa must be kept for at least five years. These records must include the date, mass (kg) and sales value of each sale and the name, address (postal and street) and telephone number of each purchaser.

2.1.6 Requirements in respect of goods not suitable for the manufacture of wiping rags and cleaning cloths.

Any clothing and other articles of textile material that enter the premises for the manufacture of wiping rags and cleaning cloths that are not suitable for the manufacture of wiping rags and cleaning cloths, must be cut up at the premises, within 10 working days of being identified as not suitable for the manufacture of wiping rags and cleaning cloths.

Any product not suitable for the manufacture of wiping rags and cleaning cloths, such as zips, that are removed from the consignment must be destroyed within 10 working days of being removed from the clothing or other articles of textile materials, with the exception of buttons. Buttons removed from clothing or other articles of textile material must be disposed off within 10 working days after removal. Proper records must be kept with regards to the disposal of such goods.

The not suitable material can only be removed from the premises in terms of a written authorization issued by the Manager: Inspectorate of the Directorate Import and Export Control in which authorization, the nature and mass of the goods, the date or dates on which the goods will be removed from the premises and the destination of the goods are fully described.

Requests to obtain the above authorization must be in writing and submitted to the Manager: Inspectorate of the Directorate Import and Export Control at least 15 working days before the date on which authorization is required. Should waste be removed more frequently, requests need to be submitted to the Manager: Inspectorate of the

Directorate Import and Export Control at least five working days before the date on which authorization is required.

Requests must describe the nature and mass of the goods, the planned date or dates of the removal of the goods from the premises and the designation of the goods.

2.1.8 Inspections by the Inspectorate: Import and Export Control of the International Trade Administration Commission of South Africa.

Investigators from the Inspectorate of the Directorate Import and Export Control of the International Trade Administration Commission of South Africa will visit permit holders and the premises of permit holders to inspect and to investigate any matter or record related to the importation and the manufacture of wiping rags and cleaning cloths.

This includes the inspection of the goods cleared in terms of permits, any other goods that enter the premises and any wiping rags, cleaning cloths and waste that leave or came from the premises.

2.1.9 Non-compliance to the conditions of permits

If there is a reason to believe that any condition of a permit issued in terms of this rebate provision or related import permit is not complied with, the consignment in terms of which the rebate and import permit was used can be seized by ITAC. If non-compliance is detected, appropriate steps will be taken in terms of the International Trade Administration Act and the Customs and Excise Act that can include, criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA OF SOUTH AFRICA

APPLICATION FOR A PERMIT IN TERMS OF ITEM 311.18/63.09/01.04 FOR REBATE OF THE DUTY ON WORN CLOTHING AND OTHER WORN ARTICLES OF TEXTILE MATERIALS FOR THE MANUFACTURE OF WIPING RAGS AND CLEANING CLOTHS

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- ☐ Where confidential information has been omitted and the nature of such information;
- ☐ A summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- ☐ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

This rule applies to all parties and to all correspondence with and submissions to the International Trade Administration Commission of South Africa of South Africa (ITAC), which unless indicated to be confidential and filed together with a non-confidential version, will be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to ITAC in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA OF SOUTH AFRICA**INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR A PERMIT IN TERMS OF ITEM 311.18/63.09/01.04 FOR REBATE OF THE DUTY ON WORN CLOTHING AND OTHER WORN ARTICLES OF TEXTILE MATERIALS FOR THE MANUFACTURE OF WIPING RAGS AND CLEANING CLOTHS.****1. Details of applicant:****1.1 Name:****1.2 Postal address:**

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1.3 Telephone no.:**1.4 E-mail address:****1.5 Name of contact person:****1.6 Physical address:**

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1.7 Physical address of premises where the manufacture of wiping rags and cleaning cloths will take place.

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2. Details of worn clothing and other worn articles of textile material in respect of which a rebate permit is required:**2.2 Description of goods imported:**.....

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2.2 Quantity in kg:.....**2.3 F.o.b. Value in R:****2.4 Country of origin:****2.5 Planned date of import or period during which it is planned to import:****2.7 Port of entry:**

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3. Details of the manufacture of wiping rags and cleaning cloths from the products described under 2:

3.1 Estimated quantity in kg:
3.2 Estimated sales value in R:
3.3 Period during which the wiping rags and cleaning cloths will be manufactured:
3.4 Period during which the wiping rags and cleaning cloths are to be sold:

4. Details of actual imports in terms of the previous permit:

4.1 Permit No.
4.2 Quantity in Kg:
4.3 Value in R:
4.4 Date of import or dates of import of different consignments

5. Details of wiping rags and cleaning cloths manufactured during the year proceeding the year that the permit is applied for:

5.1 Quantity in kg manufactured from imported worn clothing and imported worn articles of textile materials:
5.2 Quantity in kg manufactured from clothing and articles of textile materials obtained in South Africa:

6. Submit written proof that the applicant is registered with SARS as a user of the rebate provision concerned.

7. Please provide a copy of your previous rebate permit (if applicable).

8. Complete the following declaration:

DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT IN TERMS OF REBATE PROVISION 311.18/63.09/01.04 OF SCHEDULE 3 TO THE CUSTOMS AND EXCISE ACT, 1964

NB: The obligation to complete and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the claimant

I, (full names) with identity
number, in my capacity
as.....
of..... (hereinafter
referred to as the applicant) hereby declare that –

- a) I have satisfied myself that the preparation of the application has been done in conformity with the regulations in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree to;
- b) I accept that the decision by the International Trade Administration Commission of South Africa will be final and conclusive and that the said Commission may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted;
- c) The information furnished in this application is true and correct to the best of my knowledge and belief;
- d) The applicant or any one of its associates, or related party is not a subject of an investigation by any organ of State or other regulatory authority.

NAME: DESIGNATION:

SIGNATURE: DATE AND YEAR:

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

**SIGNED and SWORN to before me at on this
Day of Year.**

.....
COMMISSIONER OF OATHS

FULL NAMES:

CAPACITY:

BUSINESS ADDRESS:

.....

AREA: