

**NOTICE 86 OF 2011****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****CUSTOMS TARIFF APPLICATIONS****LIST 03/2011**

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following applications concerning the Customs Tariff. Any objection to or comments on these representations should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in these applications is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

**CONFIDENTIAL INFORMATION**

*The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.*

*These regulations require 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 regulations are strictly applicable and require parties to indicate:*

- ☐ *Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ☐ *A summary of the confidential information which permits other interested parties 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 Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.*

*The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.*

*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 the commission 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.*

## **1. INCREASE IN THE RATE OF CUSTOMS DUTY ON:**

“Application for a 10% duty increase on semi-fabricated aluminium rolled products classifiable under tariff heading 76.06 and 76.07”

### **APPLICANT:**

Hulamin Operations (Pty) Ltd  
P O BOX 74  
Moses Mabida Road  
3201

**Enquiries:** Mr Dumisani Mbambo or Mr Sipho Tshabalala, Tel: 012 394 3743/ 3739, E-mail: [dmbambo@itac.org.za](mailto:dmbambo@itac.org.za)/ [stshabalala@itac.org.za](mailto:stshabalala@itac.org.za)

### **REASON FOR THE APPLICATION:**

To improve the industry's competitiveness.

### **PUBLICATION PERIOD:**

Representations should be submitted to the above address within **four (4) weeks** of the date of this notice.

## **2. REBATE OF THE CUSTOMS DUTY ON:**

Ethyl alcohol of an alcoholic strength by volume of 80 percent vol. or higher classifiable in tariff heading 22.07, at such times, in such quantities and subject to such conditions as the International Trade Administration Commission may allow by specific permit, for the manufacture of petrol of tariff subheading 2710.11.02.

Provided that:

- (a) In the case of undenatured or partially denatured ethyl alcohol-
  - (i) The provisions of Rule 19A.09(c) of the Customs and Excise Act are complied with;
  - (ii) All other provisions of the Act pertaining to locally manufactured excisable goods are complied with;
  - (iii) The goods are imported by a licensed manufacturer or licensed supplier, into a storage (OS) or manufacturing warehouse (VMP or VP);
  - (iv) The goods are removed by such licensee or licensed remover as contemplated in Rule 64D of the Act; and
- (b) Fully denatured ethyl alcohol complies with the provisions of Note 4(c) to Section D of Part 1 to Schedule No. 6 of the Customs and Excise Act.

**APPLICANT:**

Delloitte on behalf of Arengo 316 (Pty) Ltd

PO Box 784055

SANDTON

2146

Ref: 41/2010 Enquiries: Mr Nkulana J. Phenya, Tel: (012) 39-3677 Fax: (012) 394-4677

Email: [nphenya@itac.org.za](mailto:nphenya@itac.org.za)

**REASON FOR THE APPLICATION:**

The applicant stated that the company is in a process of developing distillation plants that will use non-mineral based and locally produced feedstock to manufacture bio-ethanol which will be sold to South African fuel producers. Accordingly, the creation of this rebate would enable the fuel industry to have a secured and constant supply of bio-ethanol.

**PUBLICATION PERIOD:**

Representations should be submitted to the above address within **four (4) weeks** of the date of this notice.

**3. REQUEST FOR COMMENT ON THE PROPOSED NEW APPLICATION FORMS, GUIDELINES, RULES AND CONDITIONS PERTAINING TO REBATE ITEMS 405.04/00.00/04.00, 405.04/00.00/05.00 & 405.04/00.00/06.00-DONATED GOODS:**

The International Trade Administration Commission of South Africa (ITAC) is investigating the development of guidelines and the amendment of conditions and the application form in respect of rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/06.00 making provision for donated goods to be imported duty-free for free distribution to the destitute or for personal use by the organization.

Applicants are invited to submit their comments on the proposed new guidelines and the amendments to the application forms and conditions attached to the rebate.

**APPLICANT:**

International Trade Administration Commission of South Africa

Private Bag x 753

Pretoria

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[Enquiries: Coert Grobbelaar Tel: (012) 394 3672 Fax: (012) 394 4672 email: [cgrobbelaar@itac.org.za](mailto:cgrobbelaar@itac.org.za)]

**PUBLICATION PERIOD:**

Representations should be submitted to the above address within (4) weeks of the date of this notice.

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**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

# **APPLICATION FORM**

### **INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR A PERMIT FOR REBATE OF THE DUTY IN TERMS OF REBATE ITEMS 405.04/00.00/04.00, 405.04/00.00/05.00 AND 405.04/00.00/06.00**

#### **EXPLANATORY NOTES:**

1. Applications must be submitted to The Chief Commissioner,  
International Trade Administration Commission of South Africa, Private  
Bag X753, Pretoria, 0001.
2. Application forms not duly completed will be regarded as deficient and  
will be returned to the applicant for completion before applications will  
be considered. All requested documentation must be attached to the  
completed form.
3. In respect of donated items, a proper description, tariff heading,  
quantity (must be in the statistical unit of the tariff) and Rand value  
need to be provided. Please note that this information needs to be  
provided for each donated item.
4. If the space provided on the questionnaire is insufficient, please use  
the format of the application form as a guideline in which the requested  
information should be submitted.

**Guidelines: Rebate Items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

5. For any enquiries regarding the completion of this application form and relevant matters please contact Kokami Getrude Phalane tel no (012) 394 3812, fax (012) 394 4812, e mail [kPhalane@itac.gov.za](mailto:kPhalane@itac.gov.za) or De Waal Lombaard tel: (012) 394 3687, fax: (012) 394 4687, e-mail [DLombaard@itac.gov.za](mailto:DLombaard@itac.gov.za).

**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **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 Commission, 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 the Commission 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.

**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **SECTION A: GENERAL INFORMATION**

<b>Name of the Organisation</b>	
<b>Should the above organisation be affiliated to other organisations please specify.</b>	
<b>Postal Address</b>	
<b>Street Address</b>	
<b>Contact Person</b>	
<b>Contact details</b> Tel no: Cell no: Fax no: e-mail:	
<b>Date of establishment</b>	
<b>Name of Office Bearers/Trustees.</b>	
<b>Details of distributors/recipients in South Africa</b>	
<b>NPO Registration No</b>	



**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **SECTION B : INFORMATION REGARDING DONATED GOODS**

1. State whether the donation is for free distribution or for official use by the organisation:  
  
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\_\_\_\_\_  
  
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\_\_\_\_\_
2. Full description (e.g. shoes of leather uppers) of donated goods  
(Should the space not be sufficient please provide the information in an annexure attached to the application):  
  
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3. Tariff classification (please consult with a clearing agent or the South African Revenue Services): (Should the space not be sufficient please provide the information in an annexure attached to the application):  
  
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**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

4. Quantity according to the statistical unit of the tariff e.g. kg number of units ect. (Should the space not be sufficient please provide the information in an annexure attached to the application):

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5. The value of the imported goods in Rand (Should the space not be sufficient please provide the information in an annexure attached to the application):

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6. Submit a detailed description of the distribution infrastructure at your disposal for purposes of free distribution of donated goods to indigent persons and exactly how the structure operates (Please note that records of distribution process for example list of recipients with signatures need to be kept for verification purposes):

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**Guidelines: Rebate Items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

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7. Please indicate where the safe place of storage is located where the goods will be kept during the distribution process.  
(Please provide the physical address):

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**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **SECTION C: DOCUMENTATION REQUIRED IN SUPPORT OF THE APPLICATION**

The following documents must accompany this application:

1. Copy of the constitution of the organisation.
2. Copy of registration certificate as a non-profit organisation in terms of the Non-profit Organisations Act, if applicable.
3. Letter from the donor confirming that the goods to be imported in terms of rebate item 405 is bona fide unsolicited donations.
4. The attached declaration must be completed by both the applicant and any other body responsible for distribution of the donated goods.
5. Welfare organisations must provide proof of registration with the Department of Social Development.

**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

### **SECTION D: AFFIDAVIT**

I \_\_\_\_\_ of \_\_\_\_\_ in  
my capacity as \_\_\_\_\_ do hereby declare  
that the donated goods are for use by the organisation or for free distribution  
and that such goods will not be sold, leased, hired or otherwise disposed of  
for gain without the prior approval of the International Trade Administration  
Commission and without payment of the duty which has been rebated to the  
Commissioner of Customs and Excise, and no donation or other counter-  
performance may be accepted by anybody in respect of such goods.

\_\_\_\_\_  
**SIGNATURE (APPLICANT)**

I certify that the deponent has acknowledged that he/she knows and  
understands the contents of this affidavit that he/she has no objection to the  
taking of 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  
..... 2011

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

FULL NAMES :

CAPACITY :

BUSINESS ADDRESS :

AREA :

**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **PROCEDURES**

### **PROCEDURES FOR THE USE OF REBATE FACILITIES**

#### **405.04/00.00/04.00 450.04/00.00/05.00 AND 405.04/00.00/06.00**

1. On receipt of the duly completed questionnaire, an investigation will be conducted to determine whether the donation will have a detrimental effect on an industry within SACU.
2. On completion of the investigation a decision will be made to issue or refuse the application to import goods in terms of rebate item 405.04/00.00/04.00, 405.04/00.00/05.00 or 405.04.00/06.00.

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**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **CONDITIONS**

Conditions regarding rebate item 405.04/00.00/04.00, 405.04/00.00/05.00  
405.04/00.00/06.00 are set out as follows:

1. Only the original questionnaires will be accepted - no fax or photocopies will be entertained.
2. Strict record will be kept of each application and the distribution of goods.
3. A proper storage facility or store which can be properly locked up is in place.
4. Permits will be valid for a period of 12 months and in the case of goods being donated.
5. No retrospective permits will be issued.
6. The expiring date of the permit will not be extended.

**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

## **INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

### **GUIDELINES, RULES AND CONDITIONS PERTAINING TO**

### **REBATE ITEMS 405.04/00.00/04.00, 405.04/00.00/05.00 405.04/00.00/06.00**

1. Applications for rebate permits must be addressed to the International Trade Administration Commission (ITAC), Private Bag X 753, Pretoria or delivered by hand to the DTI Campus, (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.
2. Applications for rebate permits must be submitted in accordance with the requirements of 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.
3. If all the information requested in the application form is not submitted, the application will be regarded as deficient, and it will be returned to the applicant.
4. At least two weeks should be allowed for the processing of applications and the issuing of permits.
5. Each rebate permit issued will reflect the validity period of the permit which period is a 12-month period starting on the date on which the permit was issued or a shorter period as requested by the applicant, or as decided upon by ITAC.



**Guidelines: Rebate items 405.04/00.00/04.00, 405.04/00.00/05.00 and 405.04/00.00/01.06**

6. The applicant must apply for an import and rebate permit prior to the shipment and the arrival of containers in South Africa. **Please note that no applications will be entertained if submitted after the arrival of the goods in South Africa.**
7. Rebate permits issued will be subject to the following conditions:
  - The applicant must clearly stipulate the Port of Entry.
  - The applicant must clearly explain the distribution infrastructure available including the manner in which the distribution will take place.
  - Proper records must be kept of the distribution of goods in such a manner that the distribution of the goods can be verified.
  - The donated goods must be kept in a safe place of storage during the distribution process. This place of storage must be substantially constructed and must offer the maximum security possible. The walls of the storage facility must extend to the ceiling and the doors must be lockable and suitably equipped with fastenings for Customs locks. The windows, if any must be fitted with bars and there must be only one entry point.
  - Welfare organisations need to provide proof that they are registered with the Department of Social Development.
8. 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.
9. If any condition of a permit is not complied with, the consignment in terms of which the rebate permit was used will be seized by ITAC, appropriate steps will be taken in terms of the International Trade Administration Act and the Customs and Excise Act, which may include, criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.