

NOTICE 361 OF 2012**INTERNATIONAL TRADE ADMINISTRATION COMMISSION****GUIDELINES, RULES AND CONDITIONS PERTAINING TO REBATE ITEMS**

**311.42/5208/01.04 – 311.42/5209/01.04 – 311.42/5210/01.04 – 311.42/5407/01.04 –
311.42/5513/01.04 – 311.42/5514/01.04 – 320.02/5208/01.04 – 320.02/5209/01.04 –
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1. Applications for 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 permits must be submitted according to the requirements of the attached application form (See Annexure A). 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 not be considered, and it will be returned to the applicant.
4. At least one week should be allowed for the processing of applications and the issue of permits, provided that all necessary information has been submitted to ITAC.
5. Each rebate permit issued defines the period during which the goods concerned can be cleared under the rebate, and the period shall be for a calendar year starting from the date on which the permit was issued or a shorter period as requested by the applicant, or as decided upon by ITAC. Should an applicant apply for a subsequent permit, which should be valid from the date after the previous permit expired, this should be clearly indicated in the application. In this instance duly completed subsequent application should be submitted to ITAC at least one month prior to the expiry date of the previous permit, as permits cannot be issued retrospectively.

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6. Rebate permits issued will be subject to the following conditions:
- 6.1 There should be an intention by the applicant(s) to "manufacture end products as described in the rebate provision" to such an extent that there is a visible permanent change in the fabrics, and a change in tariff heading;
- 6.2 ITAC, if deemed necessary, should physically inspect the equipment and manufacturing process prior to the issue of a rebate permit, and at least 70 per cent of manufacturing should be done by the applicant itself and therefore should not be outsourced ;
- 6.3 The applicant must comply with labour laws and agreements gazetted by the Minister of Labour;
- 6.4 An applicant must, together with his application submit a Certificate of Compliance obtainable from the relevant Bargaining Council;
- 6.5 The applicant must submit a Tax Clearance Certificate;
- 6.6 The applicant must provide in each permit application the number of jobs it expects to create annually as a result of the rebate (Conversion ratio from fabric to end product is approximately 1 employee: 25 000kg). The applicant will submit to ITAC a quarterly report on its job creation performance;
- 6.7 The applicant(s) need to consult with the local manufacturers of home textiles fabrics to confirm if they are able to supply a reasonable quality and quantity of fabrics as required;
- 6.8 The applicant can request the manufacturer to respond within 14 days of their request. Should the local manufacturers of home textile fabrics not be able to supply the quantity requested, the applicant(s) need to obtain a confirmation letter from the manufacturer stating that they are not able to supply. The original letter needs to be submitted with the application form;

- 6.9 If the manufacturer unreasonably refuses to provide such a confirmation letter, ITAC will write a letter to the manufacturer informing them of the application and requesting them to confirm their production and production capacity. The manufacturer will then be allowed 7 days to respond to this letter. Should the manufacturer respond within the 7 day period, the information provided will be taken into account during the decision making process; and
- 6.10 Should, after receipt of the manufacturers response, or in the absence of such response, information be available that reflects that the manufacturer is reasonably unable to supply the quality and quantity of fabrics required, ITAC will be able to issue a permit without, or despite, the required letter of confirmation by the manufacturer.
7. Rebate 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;
8. Applicants making use of Cut Make and Trim (CMT), should attach to the application the following information:
- a) Name of the CMT;
 - b) Tax Clearance Certificate;
 - c) Certificate of Compliance obtainable from the Bargaining Council;
 - d) Job profile of the CMT;
 - e) Provide ITAC with production volumes to be carried by the CMT (The applicant should note that manufacturing by the CMT should not exceed 30 per cent of its own manufacturing volume as indicated in a permit issued by ITAC.
9. The applicant should take responsibility of all compliance issues as indicated in paragraph 8, as non-compliance will result in appropriate steps being taken.

10. If it is suspected that any condition of this permit is not complied with, the consignment in terms of which the rebate permit was used can be seized by ITAC. If it is established that non-compliance took place, appropriate steps will be taken. These steps will be taken in terms of the International Trade Administration Act and the Customs and Excise Act, and 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**

**APPLICATION FOR A PERMIT IN TERMS OF REBATE
ITEMS**

**311.42/5208/01.04 – 311.42/5209/01.04 – 311.42/5210/01.04 –
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FOR REBATE OF DUTY**

**TEXTILE BED, TOILET AND KITCHEN LINEN; CURTAINS,
INTERIOR BLINDS, CURTAIN OR BED VALANCES, OTHER
FURNISHING ARTICLES AND ARTICLES OF BEDDING
AND SIMILAR FURNISHING FITTED WITH SPRINGS OR
STUFFED OR INTERNALLY FITTED WITH ANY MATERIAL
OR OF CELLULA RUBBER OR PLASTICS, WHETHER OR
NOT COVERED**

APPLICATION FORM

BEFORE COMPLETING THIS FORM, PLEASE ACQUIANT YOURSELF WITH THE GUIDELINES AND CONDITIONS PERTAINING TO REBATE ITEMS

311.42/5208/01.04 – 311.42/5209/01.04 – 311.42/5210/01.04 – 311.42/5407/01.04 – 311.42/5513/01.04 – 311.42/5514/01.04 – 320.02/5208/01.04 – 320.02/5209/01.04 – 320.02/5210/01.04 – 30.02/5407/01.04 – 320.02/5513/01.01 and 320.02/5514/01.04

NB: ALL INFORMATION REQUESTED SHOULD BE FURNISHED

<p>1 (a). Applicant's name and postal address:</p> <p>Contact Person:..... Position:..... Address:..... Tel No.:..... Fax No.:..... Date completed:..... Email add:..... VAT Registration No:..... SARS Importer Registration No:..... (No application for this rebate provision will be considered for applicants utilising the "unallocated importers reference number i.e, 70707070)</p>	<p>1(b). Physical address where manufacturing will take place:</p>
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2 (a). In the event that the applicant will make use of the services of the CMT, provide the details of the CMT as indicated in paragraph 1.

2 (b) List the products that will be manufactured by the CMT and volumes to be produced.

3 (a). Technical description of the FABRICS that will be imported:

1.
2.
3.
4.

3 (b). Furnish the following information in respect of each of the FABRICS mentioned in 2 (a)

Product	1 HS Tariff code (8-digits)	2 Duty payable	3 Estimated quantity	4 Customs (f.o.b) Value	5 Country of origin	6 Planned date of importation
1.						
2.						
3.						
4.						

4 (a). Description of the products that will be manufactured from the fabrics described in 3(a)

- 1
- 2
- 3
- 4

4 (b) Furnish the following information in respect of each of the products mentioned in 3(a):

Product	1 HS Tariff code 8- digits	2 Quantity to be processed	3 Estimated sales value (ex-factory)
1.			
2.			
3.			
4.			

5. Furnish the following information in respect of the Yield/formula of manufacture:

What quantities of each of the fabrics listed in 3(a) will be needed to produce a UNIT quantity of the product listed in 4(a)?

6. Describe the method of manufacturing of products mentioned in 4(a)

7. Furnish the following information in respect of the value of total sales in the Southern African Customs Union (SACU) as well as exports for the past three years in respect of the products mentioned in 3(4):

Year	Product	HS Tariff code (8 – digits)	Total Sales (in SACU)	Total export sales

8(a) Are the goods/materials/components to be imported (as mentioned in 2(a) manufactured locally?

YES	NO
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8(b) Why do you have to import the goods/materials/components? (This information is for record purposes only). *(Please submit letters from manufacturers as proof of efforts made to obtain the fabrics locally)*

9. Provide information pertaining to the number of jobs the firm will create annually as a result of the rebate. (*Submit with the application a letter signed by the Chief Executive Officer to provide a quarterly report on job creation performance*)
10. Name of Chief Executive Officer:.....
Tel No:.....Fax No:.....

DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT IN TERMS OF REBATE PROVISIONS 311.42/5208/01.04 – 311.42/5209/01.04 – 311.42/5210/01.04 – 311.42/5407/01.04 – 311.42/5513/01.04 – 311.42/5514/01.04 – 320.02/5208/01.04 – 320.02/5209/01.04 – 320.02/5210/01.04 – 30.02/5407/01.04 – 320.02/5513/01.01 and 320.02/5514/01.04 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 – managing director/chief executive (in respect of a company) or senior member/ person with management responsibility (close corporation, partnership or individual) (Delete whichever is not applicable)

of (hereinafter referred to as the applicant) hereby declare that –

- a) the applicant complies with prescribed requirements in order to qualify for rebate in terms of the above-mentioned rebate provision;
- b) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree to;
- c) I accept that the decision by the Chief Commissioner: International Trade Administration will be final and conclusive and that the said Chief Commissioner may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted;
- d) The information furnished in this application is true and correct;

- e) The applicant, or any one of its associates, or related party is not subject of an investigation by either the South African Police, the Office for Serious Economic Offences, International Trade Administration, or the Commissioner for South African Revenue Services (SARS) into previous claims or other related matters.

NAME: **DESIGNATION:**

SIGNATURE: **DATE AND YEAR:**

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

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

.....
COMMISSIONER OF OATHS

FULL NAMES:.....

CAPACITY: