

**NOTICE 981 OF 2012****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****GUIDELINES REGARDING APPLICATIONS FOR PERMITS IN TERMS OF THE PROVISION UNDER REBATE ITEM 460.11/00.00/01.00 OF SCHEDULE 4 TO THE CUSTOMS AND EXCISE ACT.**

Interested parties are hereby invited to comment on the guidelines regarding applications for permits in terms of the provision under rebate item 460.11/00.00/01.00 of Schedule 4 to the Customs and Excise Act for permits for partial rebate of the full duty less 30 per cent *ad valorem* on used overcoats, car-coats, raincoats, anoraks, ski-jackets, duffle coats, mantles, three-quarter coats, greatcoats, hooded caps, trench coats, gabardines, padded waistcoats and parkas (but no other clothing articles) classifiable under tariff headings 61.01, 61.02, 62.01, 62.02 and 6309.00.13 in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit.

**APPLICANT**

The International Trade Administration Commission of South Africa  
Private Bag x 753  
Pretoria  
0001

**ENQUIRIES**

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**PUBLICATION PERIOD**

Representation should be submitted to the above address within three weeks of the date of this notice

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

### **GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.11/00.00/01.00**

1. Applicants must register with the South African Revenue Services (SARS) as a user of rebate item 460.11/00.00/01.00 before applying for a rebate permit.
2. Applications for rebate permits must be addressed to the International Trade Administration Commission of South Africa (ITAC), Private Bag X 753, Pretoria or delivered by hand to the DTI Campus, (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.
3. Applications for permits must be submitted according to the requirements of the attached application form (See Annexure B). If the space provided in the application form is insufficient, the format of the application form to submit additional pages with the requested information must be used.
4. If all the information requested in the application form is not submitted, the application will be deemed as deficient and the application will not be considered, and it will be returned to the applicant.
5. At least seven working days should be allowed for the processing of applications and the issuing of permits.
6. Used overcoats are subject to Import Control conditions and an import permit will only be issued in instances where a rebate permit has already been obtained.
7. Each rebate permit issued defines the period during which the goods concerned can be cleared under the rebate. The period shall be from the date when the permit is issued in the prevailing year until 31st January of the following year. This period shall apply to both new and existing importers and shall be for a shorter period if so requested by the applicant, or so decided by ITAC. Permits for the next period will be issued with effect from 01 February every year (commencement of next period).
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.

- 9. Applications submitted in terms of this rebate provision will be subject to the following requirements:**
- 9.1 The applicant must comply with labour laws, regulations and agreements gazetted by the Minister of Labour and Bargaining Council. Proof must be provided by submitting certified copies of Bargaining Council compliance, UIF registration as well as proof of salaries being paid;**
  - 9.2 The applicant must provide, in each permit application, the number of jobs it expects to create annually as a result of the rebate. The applicant must submit to ITAC an annual report on its job creation performance;**
  - 9.3 The applicant must submit a Tax Clearance Certificate and VAT Certificate;**
  - 9.4 The new importer's business premises will be visited by inspectors of the Inspectorate: Import and Export Control prior to the consideration of the application;**
  - 9.5 New importer's business must provide municipal proof of registered address as listed in the business CIPC documents.**
  - 9.6 New importers must provide proof that the entity is a holder of a South African bank account, with Bank statements for a period as determined by ITAC (or Forex Account in cases where an importer holds a foreign account);**
  - 9.7 New importers must provide proof of country of import and proof that they have secured supply from abroad; and**
  - 9.8 Where an entity is owned or partly owned by a person or persons who are non-citizens or non-residents of RSA, or these persons own any shareholding in such entity, applications should be accompanied by certified copies of the following documentation:**
    - 9.8.1 South African Identity issued document and passport; or**
    - 9.8.2 Any other information as ITAC may require.**

10. New importers must not be linked to existing importers **or any family member** in any way. All new importers that are companies or closed corporations must submit their company or close corporation registration documents, and ITAC reserves the right to verify the shareholding or membership of the companies or close corporations with The Companies and Intellectual Property Commission (CIPC).
11. An entity will be deemed a new importer where:
  - 11.1 That entity applies for a permit with ITAC for the first time under this rebate item and is not linked in any way to an existing participant under this rebate; or
  - 11.2 ***An entity that has previously utilised a permit under this rebate provision but has not applied for another permit under this rebate provision for a period of one year following the issue of the aforementioned permit.***
12. In instances where an existing entity wishes to buy, merge with, or purchase ("the purchasing entity") another legal entity ("the purchased entity") and that purchased entity has or possesses a valid permit for the prevailing period, the following shall apply:
  - 12.1 The purchasing entity must submit the sale agreement which outlines the terms of sale. If the purchased entity is sold as a going concern and is deregistered, the permit held by the purchased entity may be transferred to the purchasing entity. Proof of deregistration must be furnished to ITAC before ITAC will transfer the remaining quota for the year.
  - 12.2 Notwithstanding the sale as a going concern, where ITAC establishes that the purchased entity has not subsequently been deregistered, the permit held by the purchased entity shall not be transferred to the purchasing entity, and may be withdrawn from the purchasing entity if already transferred.
  - 12.3 Notwithstanding the above, where any entity is regarded as new importer in a current period (see 7 above) and has been granted permit by ITAC and that new importer is purchased by another entity that is already in possession of a permit, the purchased entity must immediately notify ITAC of such sale and furnish ITAC with a copy of the sale agreement, and in such circumstances ITAC will not transfer any permit held by the purchased entity to the purchasing entity, nor will it issue any new permit to the purchased entity pursuant to such sale.

13. The quantity of overcoats to be imported by each importer per 12 month period will be limited and the criteria that will be used for the allocation of the quantity of overcoats that each importer may import under this rebate item will be as follows:

**Existing Importers**

- The quantity imported in the last twelve months period will be used as the basis for allocation of quota for the current application.
- Importers will only be allowed the same quantities as the quantity allocated in 2012 with no quota increase.

**New Importers**

- The quota for new importers will be limited to a maximum of 20 000kg.
- The 20 000 kg quota for new users of this rebate item will be allocated on a first come first serve basis and ITAC reserves the right to reject the applications in cases where the quota for the year approved by the Commission for use by new importers under this rebate item is fully issued to applicants.

14. All applicants for rebate permits under this rebate item must also apply for an import permit, for the same period, to import the used or second hand overcoats and no rebate permits will be released without the import permit. The rebate permit issued will also be subject to the conditions contained in the import permit issued.
15. All users of rebate permits under this rebate item must inform ITAC without delay if any consignment imported by the permit holder under this rebate item contains clothing items not defined in this rebate item. These clothing items must be kept separate from the rest of the clothing items imported under this rebate item or any other clothing items in possession of the permit holder and may not be removed until officials of ITAC had an opportunity to inspect these items. ITAC in consultation with the importer and SARS will decide how to dispose of the clothing items incorrectly imported under this rebate item.
16. 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 can include: criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.

**ANNEXURE B****INTERNATIONAL TRADE ADMINISTRATION COMMISSION  
OF SOUTH AFRICA****APPLICATION FOR A PERMIT IN TERMS OF REBATE ITEM  
460.11/00.00/01.00 FOR REBATE OF DUTY ON  
USED OVERCOATS****APPLICATION FORM**

BEFORE COMPLETING THIS FORM, PLEASE ACQUAINT YOURSELF WITH THE GUIDELINES AND CONDITIONS PERTAINING TO REBATE ITEM 460.11/00.00/01.00

**NB: ALL INFORMATION REQUESTED SHOULD BE FURNISHED**

<p>1 (a). Applicant's name (Company):</p> <p>Contact Person:.....</p> <p>Position:.....</p> <p>Postal Address:.....</p> <p>Tel No.:.....</p> <p>Fax No.:.....</p> <p>Date completed:.....</p> <p>Email add:.....</p> <p>VAT Registration No:.....</p> <p>SARS Importer Registration No:.....</p> <p>(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 used overcoats bales will be stored and sold</p>
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2. Details of product in respect of which a rebate permit is required with regards to categories: Men's, Ladies, Boy's or girls'

Overcoats	Duty payable	Quota applied for	Estimated customs FOB value	Country of origin
1. Men's				
2. Ladies'				
3. Boy's				
4. Girls'				

3. Furnish the following information in respect of the value of total sales in the Southern African Customs Union (SACU) for the past three years in respect of the overcoats imported.

Year	Overcoats: Men's, Ladies', Boys and Girls'	Total quantity	Total Sales (in SACU)
1.			

4. Copies of the relevant DA500 (for previous permit) and import permit in terms of the International Trade Administration Act of 2002 should be submitted as per schedule below.

**SCHEDULE 1**

Bill of Entry (DA 500) No	Date of Entry	Quantity: Number of Items	FOB Value
1.			

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

**DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT IN TERMS OF REBATE PROVISION 460.11/00.00/01.00 OF SCHEDULE 4 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 (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;
- c) I accept that the decision by the Chief Commissioner: International Trade Administration Commission 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 the 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.
- f) I confirm that the applicant complies/ does not comply with the relevant labour laws and agreement gazetted by the Minister of Labour.

**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:**

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.....  
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**AREA:**

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