

NOTICE 907 OF 2013**INTERNATIONAL TRADE ADMINISTRATION COMMISSION****CUSTOMS TARIFF APPLICATION****LIST 14/2013 – Correction Notice**

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comments on this representation 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 this application 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.

In the application by GEA Aircooled Systems (Pty) Ltd as published in the Government Gazette No. 36760, Notice No. 860 of 2013, published on 23 August 2013, the tariff subheading for heat exchange units should be **8419.50** instead of **8419.40**. Therefore the application should read as follows:

INCREASE IN THE GENERAL RATE OF CUSTOMS DUTY ON:

Heat exchange units, classifiable under tariff subheading 8419.50, from free of duty to the WTO bound rate of 15% *ad valorem*.

APPLICANT:

GEA Aircooled System (Pty) Ltd
PO BOX 1427
Germiston
1400

Enquiries: ITAC Ref: 47/2012, Enquiries: Mr. N Mahlalela Tel: 012 394 3684 or Email: nmahlalela@itac.org.za.

REASONS FOR THE APPLICATION:

The applicant cited the following:

- i. Raw materials required for the manufacture of the subject product are subject to customs duty, whereas the imports of the final product are currently free of duty.
- ii. Engineering project contactors are increasingly sourcing the product from Asian countries which offers bargain prices because of government subsidies, funding packages etc.
- iii. Tariff support will enable the domestic manufacturer to be competitive against low priced imports, subsequently assist in job retention and job creation in the domestic industry.
- iv. Other countries apply tariffs on heat exchangers and this affects South African exports destined to these countries.

PUBLICATION PERIOD:

Representation should be submitted within **four (4) weeks** of the date of this notice.