

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 93 OF 2019
INTERNATIONAL TRADE ADMINISTRATION COMMISSION
CUSTOMS TARIFF APPLICATIONS
LIST 01/2019

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. CREATION OF A REBATE PROVISION ON:

“ Optical fibres, not individually sheathed, classifiable in tariff subheading 9001.10, for use in the manufacture of optical fibre cables classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market;

Petroleum jelly, in immediate packings of a content exceeding 5kg, classifiable in tariff subheading 2712.10.20, for the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market;

Other, monofilament of which any cross-sectional dimension exceeds 1 mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of other plastics, classifiable in tariff subheading 3916.90.90, for the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market;

Wire of non-alloy steel, clad with aluminium, classifiable in tariff heading 72.17, for use in the further processing of optical fibre cable classifiable in tariff subheading 8544.70, by reinforcing the optical fibre cable with one or more layer of stranded wire, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market; and

Optical fibre cable, classifiable in tariff subheading 8544.70, for further processing by reinforcing the fibre optical cable with one or more layer of wire, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market.”

APPLICANT:

Malesela Taihan Electric Cable (Pty) Ltd, “M-TEC”

1 Steel Road
Peacehaven
Vereeniging
1939

Enquiries: ITAC Ref: **14/2018**, Enquires: Mr. Tshepiso Sejamoholo and/or Mr. Pfarelo Phaswana, Tel: (012) 394 1605/ 3628
or email: tsejamoholo@itac.org.za/pphaswana@itac.org.za.

REASONS FOR THE APPLICATION:

- M-TEC is the sole manufacturer of optical ground wire in the SACU region and the company is facing going-concern issues arising from six consecutive years of losses in the fibre optics division;
- The company has lost contracts due to price disadvantages vis-a-vis optical fibre cables imported from the European Union (EU) which do not attract any ordinary customs duty;
- Furthermore, the company's competitive position is negatively affected by the customs duty of 10%-15% incurred on input materials used to manufacture optical fibre cables and optical ground wire; and
- Should the application for the creation of a rebate provision not be successful, M-TEC will have no other option but to discontinue operations in the fibre optics division.

PUBLICATION PERIOD:

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

2. INCREASE IN THE RATE OF CUSTOMS DUTY:

Mixtures of frozen vegetables classifiable under tariff subheading 0710.90 from 10 per cent *ad valorem* to 37 per cent *ad valorem*.

APPLICANT:

Natures Garden (Pty) Ltd

24 Beryllium Road

Alrode

1451

Enquiries: ITAC Ref: 12/2018, Enquiries: Ms A. Varachia and Ms K. Mzinjana Tel: (012) 394 3732/3664 or Email: avarachia@itac.org.za or kmzinjana@itac.org.za

THE APPLICANT'S REASONS INCLUDE, AMONGST OTHERS:

The applicant submitted that low cost imports of frozen vegetables are undercutting the prices of the subject product produced in the SACU thereby placing the SACU industry in distress. These imports originate primarily from China and the European Union ("EU").

PUBLICATION PERIOD:

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