

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 3194 OF 2025****NOTICE IN TERMS OF SECTION 60 OF THE INTERNATIONAL TRADE
ADMINISTRATION ACT, 2002 (ACT NO. 71 OF 2002)****ADMINISTRATIVE FEES GUIDELINES**

1. In light of ongoing budgetary constraints, arising from a difficult macro-fiscal environment that has limited the growth of parliamentary appropriations, the International Trade Administration Commission of South Africa ("the Commission" or "ITAC") has been considering levying fees to recover certain costs incurred by it in carrying out functions assigned to it under the International Trade Administration Act, 2002 (Act No. 71 of 2002), other legislation or by the Minister of Trade, Industry and Competition.
2. In this regard, on 24 June 2025, draft regulations, namely the ITAC Administrative Fees Regulations ("Regulations"), were published by the Commission for public comment in Notice No. R. 4989 in Government Gazette No. 50841 of 21 June 2024. The Regulations serve as the regulatory underpinning for the proposed Guidelines, Rules and Conditions ("Guidelines") attached hereto, which it is proposed will guide the levying of administrative fees by the Commission.
3. Comments received from the public on the Regulations centred on why the Commission was considering levying fees, where heretofore the Commission had not levied fees for any of its functions, as well as the amount of the fees.
4. Attached to the Guidelines, as Annexure A, is a proposed fees schedule. As explained in the Guidelines, the fees being proposed are directly related to the cost that the Commission incurs in the processing of applications for functions carried out by it.
5. The Guidelines also explain other administrative aspects of the proposed fees, such as functions performed by the Commission that will not incur a fee, exemptions and payment details.
6. It is the Commission's intention to introduce fees in a carefully sequenced and staggered manner. This is because of the likely teething challenges that may come with the introduction of any new billing process.

Applications for the processing of authorisations (permits and certificates) issued under the Automotive Production and Development Programme Phase 2, specifically Eligible Production Certificates, Production Rebate Certificates and Company Specific Percentage certificates, are likely to be rolled out first for the levying of fees by the Commission.

7. Comments on the Guidelines should be submitted within fourteen (14) days of the date of publication of this notice and should be addressed to the following Commission official:

The Senior Manager: Policy and Research
Mr Alexander Amrein
E-mail address: aamrein@itac.org.za



Guidelines, Rules and Conditions in terms of the Administrative Fees Regulations

A. GENERAL

1. Definitions

In these Guidelines, unless the context indicates otherwise –

- 1.1. “**Act**” means the International Trade Administration Act, 2002 (Act No. 71 of 2002).
- 1.2. “**administrative fee**” means the amount payable for the processing of an application for a permit or certificate, or for other functions performed by the Commission in terms of the Administrative Fees Regulations.
- 1.3. “**Administrative Fees Regulations**” means the ITAC Administrative Fees Regulations published in draft form in Notice No. R. 4989, in Government Gazette No. 50841, of 21 June 2024 for the levying of administrative fees by ITAC.
- 1.4. “**APDP**” means the Automotive Production and Development Programme Phase 2, legislated in Rebate Item 317.03 of Schedule No. 3 to the Customs and Excise Act.
- 1.5. “**certificate**” means, as applicable, a certificate issued in terms of the APDP or a drawback certificate as provided for in sections 17 and 26(1) of the Act read with the provisions of the Customs and Excise Act or such other certificate as the Commission may issue from time to time.
- 1.6. “**Commission**” means the International Trade Administration Commission of South Africa established in terms of section 7 of the Act.
- 1.7. “**Customs and Excise Act**” means the Customs and Excise Act, 1964 (Act No. 91 of 1964).
- 1.8. “**Common Customs Area**” means the combined areas of the Member States of SACU.
- 1.9. “**designated bank account**” means ITAC’s bank account identified in paragraph 9.3 of the Guidelines.
- 1.10. “**duly completed**” means an application that has been fully and correctly finished.

- 1.11. **“Export Control Regulations”** means the regulations prescribed by the Minister and published in Notice No. R. 92 in Government Gazette No.35007, dated 10 February 2012, as amended.
- 1.12. **“Guidelines”** means these Guidelines, Rules and Conditions issued by the Commission in terms of the Administrative Fees Regulations.
- 1.13. **“household or personal effects”** means goods (excluding firearms and ammunition, pneumatic tyres, tyre casings and used or second-hand motor vehicles and goods contained in Schedules 2 and 3 of the Commission’s Import Control Regulations) imported for the personal use of a South African citizen returning to the Republic or by a person entering the Republic for purposes of either permanent or temporary residence; or goods (excluding controlled vehicles and goods contained in Schedules 2 and 3 of the Commission’s Export Control Regulations) exported for the personal use by a natural person leaving the Republic temporarily or permanently.
- 1.14. **“Import Control Regulations”** means the regulations prescribed by the Minister and published in Notice No. R. 91 in Government Gazette No. 35007 dated 10 February 2012, as amended.
- 1.15. **“Minister”** means the Executive Member of the Cabinet responsible for Trade, Industry and Competition.
- 1.16. **“other function”** means any task performed, or service provided, by the Commission in terms of Regulation 4 of the Administrative Fees Regulations.
- 1.17. **“permit”** means, as applicable, a permit issued in terms of the APDP, a rebate or drawback permit or an import or export control permit, as provided for in sections 17, 26(1) and 27 of the Act read with the provisions of the Customs and Excise Act.
- 1.18. **“Republic”** means the Republic of South Africa.
- 1.19. **“SACU”** means the Southern African Customs Union.
- 1.20. **“Schedule”** means the various Schedules to the Customs and Excise Act.
- 1.21. **“second-hand goods”** means any goods or parts thereof that were (or are assumed to have been) previously owned, possessed, held and/or registered by or in the name or names of any person or entity, excluding goods that have been sold or otherwise transferred solely between the manufacturer, authorised/appointed wholesaler or authorised/appointed retailer of the goods concerned.

1.22. **“used goods”** means any goods, including parts thereof that were (or are assumed to have been) used for:

- (a) the purpose it was designed for, excluding use by the manufacturer for testing and evaluation purposes, or;
- (b) any purpose whatsoever, including use resulting in such goods reflecting signs of use, ageing, deterioration, modification or alteration.

Used goods also include damaged, shop soiled, defect, rejected, outdated, remanufactured, reconditioned, refurbished or modernized goods of any nature and to any extent whatsoever.

1.23. **“waste and scrap metal”** means ferrous and non-ferrous waste and scrap metal subject to an export permit issued by the Commission in terms of the Price Preference System, which system was established pursuant to a trade policy directive issued by the then Minister of Economic Development under Notice No. 470 in *Government Gazette* No. 36451.

2. Purpose

The purpose of these Guidelines is to provide a reference and procedural guide for the payment of administrative fees for the processing of applications for permits and certificates or for other functions performed by the Commission.

3. Scope

These Guidelines cover the application process and other matters related to the payment of administrative fees for the processing of applications for permits and certificates or for other functions performed by the Commission.

4. Background

- 4.1. The Minister issued regulations under section 59 of the Act prescribing administrative fees to be levied for various functions performed by the Commission.
- 4.2. The purpose of the administrative fees is to allow for the recovery of the administrative costs the Commission incurs in carrying out its functions under the Act, in terms of other legislation or as directed by the Minister.
- 4.3. The Guidelines should be read and understood together with the Administrative Fees Regulations, the International Trade Administration Act, 2002, the Import Control Regulations and the Export Control Regulations.

5. Fee basis, increases, exemptions and refunds

- 5.1. The amount of each administrative fee set forth in **Annexure A** is directly related to the processing cost of an application plus any associated overhead costs. Specifically, an administrative fee is based on the number of Commission officials processing an application and the time spent processing it. Additionally, where the Commission incurs overhead costs, typically for verifying information provided by an applicant, such costs have been included in the calculation of an administrative fee.
- 5.2. An administrative fee will be levied on each duly completed application accepted by the Commission in accordance with the fees schedule attached as **Annexure A**. Applications that are not accepted by Commission for processing either because they have not been duly completed or because they are not subject to the payment of a fee, will not incur an administrative fee.
- 5.3. Notwithstanding subparagraph (2), in light of the unique nature of import and export permit applications, an application for an import permit or an export permit, other than a waste and scrap permit, may incur multiple administrative fees depending on the number of tariff lines for which permits are to be issued. This reflects the fact that import and export permits are issued per tariff heading contained in an application. For example, if an application for the importation of fish subject to import control contains 10 tariff subheadings for which 10 import permits are to be issued, the corresponding fee will be the fee set forth in Annexure A times 10.
- 5.4. The administrative fees set forth in **Annexure A** may be adjusted from time to time in terms of Regulation 7(1) of the Administrative Fees Regulations. Increases in any given year will not exceed the maximum of the Headline Consumer Price Index for the year prior to the adjustment unless the Minister decides on a higher increase in terms of Regulation 8(2) of the Administrative Fees Regulations. Unless otherwise indicated by the Commission, a fee adjustment will become effective on 1 April of any year. Should administrative fees be adjusted, a revised fees schedule will be published by the Commission on its website and/or in the Government Gazette no later than 1 month before the adjusted fees are to come into effect.
- 5.5. In terms of Regulation 5(1) of the Administrative Fees Regulations, the Commission may exempt an applicant or certain categories of applicants from the payment of an administrative fee for good cause or because the Commission deems an exemption to be in the public interest, as provided for in Regulation 5(2) or 5(3) of the Administrative Fees Regulations, respectively. In determining good cause or the public interest, the following provides an overview of some of the factors that the Commission may consider:
 - (a) Good cause: As provided for in the Administrative Fees Regulations, establishing good cause for an exemption entails a detailed review of the applicant's identity and the nature of the good in question. Specifically –

(i) The identity of the applicant: consideration will be given to whether the applicant is -

- A non-profit company, meaning entities formally registered as non-profit organisations in terms of the Companies Act, 2008 (Act No. 71 of 2008), and operating for purposes such as education, health, social services, environmental protection, or community development. Such entities are typically not engaged in profit-generating activities and should be contributing to the public benefit.
- A person acting in a non-commercial capacity: This includes individuals or organisations whose activities are not intended for commercial gain. Examples might include:
 - Researchers or academic institutions applying for permits or certificates related to educational or scientific matters;
 - Humanitarian groups importing goods for aid or disaster relief;
 - Private individuals moving personal property because of relocation, inheritance or for other non-commercial reasons.

(ii) Nature of the good: The exemption must also be justified based on the characteristics and intended use of the good, such as:

- Goods intended to further a public purpose, such as medical supplies for public hospitals or educational materials for schools.
- Goods with minimal or no commercial value, such as items not intended for sale, including samples, promotional materials, used personal items, or obsolete equipment intended for donation or educational use.
- Personal property, which includes non-commercial goods such as household items, heirlooms, or gifts not intended for trade.

(b) Public interest: Establishing that an exemption is in the public interest requires an assessment of the broader economic and social impact of requiring a fee payment. In evaluating the public interest, the Commission may consider –

(i) The effect on industrial sectors or regions and whether the payment of a fee may have a disproportionately negative effect on emerging

or strategic industries or underdeveloped or economically vulnerable regions; or

- (ii) Whether an exemption may facilitate the participation of small, medium or micro enterprises, start-ups or previously disadvantaged individuals or groups in economic activity.

5.6. An administrative fee is non-refundable at any time after the Commission's acceptance of an application that has been duly completed.

6. Applications for permits and certificates subject to the payment of an administrative fee

6.1. The Commission may levy an administrative fee for, amongst other functions performed by it, the processing of a duly completed application for –

- (a) an import or export permit;
- (b) a tariff amendment in the form of a rebate or drawback permit or certificate;
- (c) a production rebate certificate (PRC) or equivalent certificate under the APDP;
- (d) an eligible production certificate (EPC) or equivalent certificate under the APDP;
- (e) a company specific percentage (CSP) certificate or equivalent certificate under the APDP; and
- (f) any other permit or certificate that the Commission may issue from time to time.

6.2. Import and export permits

As a general rule, goods that are subject to import or export control require the payment of an administrative fee because the Commission will be issuing a permit, whereas goods that are not subject to import or export control do not require the payment of an administrative fee. In this regard –

Paragraph 6.2.1 below describes goods that do not require an ITAC import permit and therefore do not require the payment of an administrative fee;

Paragraph 6.2.2 below describes some of the goods that require an ITAC import permit and for which an administrative fee is payable;

Paragraph 6.2.3 describes goods that do not require an ITAC export permit and therefore do not require the payment of an administrative fee; and

Paragraph 6.2.4 describes some of the goods that require an ITAC export permit and for which an administrative fee is payable.

6.2.1 The following goods are not subject to import control by ITAC under the Import Control Regulations and may therefore be imported into the Republic without the payment of an administrative fee:

- (a) new and used or second-hand goods landed for transit through the Republic;
- (b) new and used or second-hand goods (excluding firearms and ammunition, pneumatic tyres, tyre casings and used or second-hand motor vehicles) imported as household or personal effects for the personal use of a South African citizen returning to the Republic or by a person entering the Republic for purposes of either permanent or temporary residence, whether or not such a person qualifies for importation of the above-mentioned goods under rebate of duty in terms of Schedule 4 to the Customs and Excise Act;
- (c)
 - (i) new and used or second-hand goods imported from the Republic of Botswana, the Kingdom of Lesotho, Republic of Namibia or the Kingdom of eSwatini which are grown, produced or manufactured in the Republic of Botswana, Kingdom of Lesotho, Republic of Namibia or the Kingdom of eSwatini; provided that the above shall not be interpreted to include new goods which are subject to the Import Control Regulations, used or second-hand goods imported from outside the Common Customs Area, goods manufactured from used or second-hand goods imported from outside the Common Customs Area and used or second-hand vehicles manufactured in the Republic exclusively for export to foreign markets outside the Common Customs Area;
 - (ii) new goods imported from Malawi that are grown, produced or manufactured in Malawi; provided that the above shall not be interpreted to include new goods which are subject to the Import Control Regulations, used or second-hand goods and goods manufactured from used or second-hand goods imported from outside Malawi;
 - (iii) new goods imported from Zimbabwe that are grown, produced or manufactured in Zimbabwe; provided that the above shall not be interpreted to include new goods which are subject to the Import Control Regulations, used or second-hand goods and goods manufactured from used or second-hand goods imported from outside Zimbabwe;
- (d)
 - (i) new spares, sub-assemblies and materials imported as original equipment for the manufacture of motor vehicles;
 - (ii) new spares and sub-assemblies imported for the maintenance of motor vehicles, but excluding tyres;

- (iii) all other new spares for all goods which are not subject to import control measures, but excluding tyres;
- (e) new and used or second-hand goods exported from the Republic for repair or maintenance and returned to the original exporter in the Republic;
- (f) new and used or second-hand empty containers originally containing goods exported from the Republic and returned to the original exporter in the Republic;
- (g) new and used or second-hand goods warehoused in Customs and Excise warehouses for delivery as ship's stores and goods warehoused in duty free shops;
- (h) new and used or second-hand goods imported by heads of States, diplomatic and other foreign representatives in terms of rebate item 406 of Schedule 4 of the Customs and Excise Act;
- (i) new and used or second-hand goods imported in terms of rebate items 409.01, 409.02 or 409.04 of Schedule 4 of the Customs and Excise Act;
- (j) new and used or second-hand goods excluding used or second-hand motor vehicles imported in terms of rebate item 412.03 or 412.04 of Schedule 4 to the Customs and Excise Act;
- (k) new and used or second-hand abandoned goods imported into the Republic and abandoned in terms of rebate item 412.07 of Schedule 4 of the Customs and Excise Act;
- (l) new and used or second-hand goods imported in terms of rebate items 470.02 or 470.03 of Schedule 4 of the Customs and Excise Act;
- (m) new and used or second-hand goods imported in terms of rebate item 480.00 or 490.00 of Schedule 4 to the Customs and Excise Act; and
- (n) goods referred to in Schedule 4 of the Import Control Regulations.

6.2.2 The following goods are some of the goods subject to import control by ITAC under the Import Control Regulations and are subject to the payment of an administrative fee. These goods include, but are not limited to the following: fish; crustaceans; molluscs; radioactive chemical elements; new and used pneumatic tyres; fossil fuels; chemicals listed in the 1988 United Nations Convention Against Illicit Trade in Narcotic Drugs and Psychotropic Substances; arms and ammunition; gambling

devices and used goods (for example, used electronic equipment, used medical equipment, used aircraft and all waste and scrap metal).

6.2.3 The following goods are not subject to export control by ITAC under the Export Control Regulations and may be exported from the Republic without the payment of an administrative fee:

- (a) goods landed for transit through the Republic;
- (b) goods (excluding motor vehicles) exported as household or personal effects for the personal use by a natural person leaving the Republic temporarily or permanently;
- (c) goods (excluding motor vehicles) exported as *bona fide* gifts at own cost by a natural person in the Republic to a designated natural person living outside the Common Customs Area;
- (d) samples of no commercial value;
- (e) goods which are imported into the Republic for repair or maintenance and, after such repair or maintenance, exported to the original consignor;
- (f) vehicles of South African origin, vehicles imported as new into South Africa and vehicles legally imported into South Africa against a valid import permit issued in terms of Section 6 of the Act exported to any Member State of the SACU.
- (g) goods in Schedule 4B of the Export Control Regulations –
 - (i) exported to a private individual under a medical prescription;
 - (ii) exported for clinical trials; or
 - (iii) exported to SACU Member States.

6.2.4 The following goods are some of the goods subject to export control by the Commission under the Export Control Regulations and are subject to the payment of an administrative fee. These goods include, but are not limited to the following: tiger's eye and sugalite; some types of ores; fossil fuels; some types of wood; waste and scrap paper; waste and scrap metal; used and second-hand vehicles; some types of gases; and some types of chemicals.

6.3 Rebate and drawback permits and certificates

6.3.1 In general, an administrative fee is payable for a rebate or drawback permit or certificate.

6.3.2 Notwithstanding subparagraph (1), the following rebate items are not subject to an administrative fee in light of the purpose they serve:

- (a) Rebate item 405.04 (donated goods);
- (b) Rebate item 412.11 (goods imported for the relief of distress or persons in cases of famine or other natural disaster, under any technical assistance agreement or in terms of any multilateral international agreement to which the Republic is a party);
- (c) Rebate item 460.03/0207.14.9/01.07 (temporary rebate for the rebate of the full anti-dumping duty on bone-in cuts of the species gallus domesticus);
- (d) Rebate items 460.03/0207.12/01.06, 460.03/0207.14.1/01.07, 460.03/0207.14.2/01.07 and 460.03/0207.14.9/02.07 (temporary rebate provision for the full ordinary customs duties on meat and edible offal, not cut in pieces, frozen, of fowls of the species gallus domesticus);
- (e) Rebate item 460.17/87.00/04.02 (Importation of motor vehicles principally designed for the transport of physically disabled persons, including station wagons (excluding racing cars), adapted or to be adapted for the transport of physically disabled persons); and
- (f) Rebate item 460.17/87.03/02.04 (Motor vehicles principally designed for the transport of physically disabled persons, including station wagons (excluding racing cars), adapted or to be adapted to be solely driven by a physically disabled persons).

It should also be noted that certain of the aforementioned rebate items are not currently in effect (as in the case of the disaster rebate) or are temporary rebates.

6.4 APDP certificates

The processing of applications for the three types of certificates issued by the Commission under the APDP programme, namely EPCs, PRCs and CSPs, are subject to the payment of an administrative fee in the amount provided for in **Annexure A**.

7 Other functions subject to the payment of an administrative fee

- 7.1 The Commission may, from time to time, introduce other functions to be made subject to the payment of an administrative fee following consultations with the Minister.

- 7.2 Prior to the levying of an administrative fee in terms of paragraph (1), the Commission will publish a notice in the Government Gazette to provide interested parties an opportunity to comment thereon.
- 7.3 After considering any comments, the Commission may levy an administrative fee in an amount as determined by the Commission in terms of paragraph 5.1.

B. PROCEDURES

8 Application process

If an administrative fee is **not payable**, the normal application process will not change. However, if an administrative fee **is payable**, in addition to the normal application process, proof of payment of the relevant administrative fee must be provided and the payment process described in the paragraph 9 below must be followed.

9 Payment of an administrative fee

9.1 Advance payment

An applicant applying for a permit or certificate or for the carrying out of other functions performed by the Commission should first determine if an administrative fee is payable. If an administrative fee is payable, the administrative fee must have been paid and received by the Commission at the time of the submission of an application, meaning that the payment must reflect in the Commission's designated bank account as having cleared. Applicants should therefore allow sufficient time for the processing of a payment because an application will not be processed if the payment has not cleared whether or not a third party is responsible for the payment not having cleared.

Note: If the required administrative fee has not been paid and has not reflected in the Commission's bank account at the time an application is submitted to the Commission, the application will not be processed.

9.2 Mode of payment

Payment of an administrative fee may be made by an electronic funds transfer (EFT) or cash deposit into the Commission's designated bank account.

9.3 Bank account details

The required administrative fee must be paid into the Commission's designated bank account, the details of which are as follows [to be provided in final, gazetted Guidelines]:

Account name: **International Trade Administration Commission of South Africa**

Bank:

Branch and branch code: _____/_____

Type of account: _____

ANNEXURE A

SCHEDULE OF ADMINISTRATIVE FEES

INTRODUCTION

This document is intended to provide clarification of the administrative fees payable in terms of the Administrative Fees Regulations for the processing of applications by the Commission.

FEES SCHEDULE

Processing of an application for:	Processing fee for each application submitted to the Commission:
• Import permit	R 339*
• Export permit	R 339*
• Waste and scrap metal permit	R 3 797
• EPC	R 2 242
• PRC	R 5 608
• CSP	R 5 327
• Rebate permit or certificate	R 4 454
• Drawback permit or certificate	R 4 454

*Import and export permit applications may incur multiple fees depending on the number of tariff (sub-)headings associated with any request for such authorisation.