

GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 412.11/00.00/01.00 FOR GOODS IMPORTED FOR THE RELIEF OF DISTRESS OF PERSONS IN CASES OF FAMINE OR NATIONAL DISASTER; UNDER ANY TECHNICAL ASSISTANCE AGREEMENT OR IN TERMS OF AN OBLIGATION UNDER MULTILATERAL INTERNATIONAL AGREEMENT.

1. PURPOSE

1.1 This document serves to provide reference and procedural guidelines applicable to application of permits in terms of rebate provision of **412.11/00.00/01.00**. This document therefore, addresses the guidelines, rules and conditions applicable to the aforementioned rebate item and the permit application process to be followed by applicants.

2. REBATE PROVISION

2.1 Rebate item **412.11/00.00/01.00** of Schedule No. 4, Part 2 of the Customs and Excise Act No. 91 of 1964 (Customs and Excise Act) makes provision for rebate of the full duty on the:

“Importation of goods imported for the relief of distress of persons in cases of famine or other national disaster; under any technical assistance agreement or in terms of an obligation under any multilateral international agreement to which a Republic is a party provided that the importation of any goods under this rebate item shall be subject to a certificate issued by International Trade Administration Commission and to such other conditions as may be agreed upon by the Governments of the Republic, Botswana, Lesotho, Swaziland and Namibia; and goods imported under this item shall not be sold or disposed of to any part who is not entitled to any privileges under the rebate item, or be removed to the area of Botswana, Lesotho, Swaziland or Namibia without the permission of the Commissioner.”

3. APPLICATION PROCEDURE

- 3.1 Applicants must acquaint themselves with the provisions of the Customs and Excise Act, the International Trade Administration Act No.71 of 2002 (ITA Act) and other legislation relating to the importation of goods into the Republic of South Africa.
- 3.2 The applicant shall provide ITAC with the required information as per the relevant application form (**Annexure A**). Should the space provided in the application form not be sufficient, applicants may use the format of the application form as a guide for the format in which the required information should be submitted.
- 3.3 These Guidelines must be read and understood before completing the application form. Completed original applications for permits may be forwarded to:

The Senior Manager: Tariff Investigations II
International Trade Administration Commission of South Africa
Private Bag X 753
Pretoria
0001

Or hand delivered to:

Block E, 1st Floor
DTI Campus
77 Meintjies Street
Sunnyside
Pretoria
0002

- 3.4 Should an application be found to be deficient, it will not be processed further and the applicant will be informed accordingly. An application will be regarded as deficient if the following is found:

- I. The application is not submitted in the correct format;
- II. The application has not complied with the guidelines, rules and conditions as set out in this document;
- III. The requisite information is not submitted; and
- IV. The application contains conflicting or incorrect information.

Applicants who submit deficient applications must re-submit duly completed application forms to replace the deficient application forms, should they wish to proceed.

- 3.5 Applications must be made well in advance of the shipment of the goods, as rebate permits will not be issued retrospectively. Applicants should allow an issuance period of fourteen (14) days from date ITAC received a properly documented and duly complete application.
- 3.6 Permits for the rebate item **412.11/00.00/01.00** are valid for the period stipulated on the permit issued and no extensions will be granted.
- 3.7 The permits are issued at the discretion of the ITAC. Should the application be rejected, the applicant will be informed in writing of the decision and the reasons thereof to enable them to seek appropriate recourse.

4 APPLICABLE CONDITIONS

- 4.1 Applicants must comply with the provisions of the Customs and Excise Act, the ITA Act and all other South African legislation relating to the importation of goods into the Republic of South Africa, relevant to the transaction.
- 4.2 Applicant must submit the following supporting documents:
 - I. Written undertaking indicating that the goods are imported for relief of distress of persons in case of famine or other national disaster;
 - II. Under any technical assistance agreement; or
 - III. In terms of an obligation under multilateral international agreement to which the Republic is a party.

4.2 Any request for an amendment of the rebate permit will only be considered when an error was made by ITAC upon the issuance of a permit.

Note: No amendments will be effected in instances where the applicant was responsible for the submission of incorrect information. In such instances a new application will be required.

4.3 Should the permit holder misplace a permit, the permit holder will be required to submit an application for a re-issue in the form of an affidavit. This must clearly set out the circumstances giving rise to the loss of the original permit and show good cause or reasons why a substitute permit must be issued. ITAC may consider issuing a replacement of the lost original permit provided the above is duly submitted.

4.4 ITAC may satisfy itself as to the accuracy of the information supplied to it by the applicant by conducting verifications at such time and place as it deems necessary, including verification visits at the premises of the applicant that provided the information.

4.5 ITAC may inform the applicant concerned of the dates of the intended visit, and where such information is provided, the verification will be conducted on those dates.

4.6 Following a verification visit, ITAC shall compile a verification report indicating what information was verified and may make same available to the applicant.

5 NON-COMPLIANCE

5.1 Where non-compliance is detected, appropriate action will be taken against the relevant party in terms of the ITA Act and/or the Customs and Excise Act. This

action may include (without limitation) criminal charge, withdrawal of the permit/s concerned and it may affect future applications for permits.

- 5.2 Should it be found that the goods imported in terms of the rebate permit are used for any purpose, other than that specifically described in the rebate provision and in the permit, the applicable customs duty and penalties will be imposed by SARS.



Annexure A

APPLICATION FORM FOR REBATE ITEM 412.11/00.00/01.00 FOR GOODS IMPORTED FOR THE RELIEF OF DISTRESS OF PERSONS IN CASES OF FAMINE OR NATIONAL DISASTER; UNDER ANY TECHNICAL ASSISTANCE AGREEMENT OR IN TERMS OF AN OBLIGATION UNDER MULTILATERAL INTERNATIONAL AGREEMENT.

PLEASE NOTE:

It is imperative to understand the content of the document titled “GUIDELINES, RULES AND CONDITIONS PERTAINING TO REBATE ITEM 412.11/00.00/01.00 FOR GOODS IMPORTED FOR THE RELIEF OF DISTRESS OF PERSONS IN CASES OF FAMINE OR NATIONAL DISASTER; UNDER ANY TECHNICAL ASSISTANCE AGREEMENT OR IN TERMS OF AN OBLIGATION UNDER MULTILATERAL INTERNATIONAL AGREEMENT”, before completing this application form.

If the space provided for on the application form is insufficient, please use the lay-out of this application form as a guideline for the format in which the requested information should be submitted.

1. Details of Applicant:

1.1 Name of Applicant:

.....

1.2 VAT Registration No.:

.....

1.3 Importer’s code:

.....

1.4 Physical Address:

.....
.....
.....

1.5 Contact Details:

1.5.1 Contact Person:

.....

1.5.2 Contact Number:

.....

1.5.3 Email Address:

.....

1.5.4 Facsimile Number:

.....

2. Details of Manufacturer (if different from paragraph 1):

2.1 Company name:

.....

2.2 VAT Registration No.:

.....

2.3 Importer's code:

.....

2.3 Physical Address:

.....

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3. Furnish the following information in respect of each of the products to be imported.

Product Description	
Tariff Heading	
Customs Value (FOB) in Rands	
Quantity (i.e. kg/units)	
Country Importing from	

4. Please provide details of the nature of business of the applicant taking into consideration the imported goods to which the rebate provision or permit relates:

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.....

5. Kindly indicate the employment figures in relation to the end product to be manufactured:

Applicant's Total Employment	
Female	
Youth (18- 35 years)	
Total Direct Factory Workers	
Female	
Youth (18- 35 years)	

SWORN AFFIDAVIT

Submit the following declaration by the CEO or duly authorized representative of the company:

I, _____ (full names) with identity number
_____, in my capacity as _____
of _____ (hereinafter referred to as the applicant)

hereby declare under oath that I am duly authorized to depose hereto and that the information furnished in this permit application for rebate item **412.11/00.00/01.00**, for goods imported for the relief of distress of persons in cases of famine or other national disaster; under any technical assistance agreement or in terms of an obligation under multilateral international agreement, is to the best of my knowledge true and correct.

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT, 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. THE STATEMENT WAS SWORN TO/ AFFIRMED BEFORE ME AND THAT THE DEPONENTS SIGNATURE WAS PLACED THEREON BEFORE ME.

SIGNED and SWORN to before me at _____ this ____ Day of _____ Year_____.

COMMISSIONER OF OATHS

FULL NAMES: _____
DESIGNATION: _____
ADDRESS: _____

Check List

Please note: Before the **412.11/00.00/01.00** application form is submitted to ITAC, the applicant is required to complete the check list which is shown in Table 1 below:

Table 1: Check List

Documents and information to be submitted	Mark with an X
Importers Code	
VAT registration no.	
Copy of previous permit (if applicable)	
a) Written undertaking indicating that the goods are imported for relief of distress of persons in case of famine or other national disaster; b) Under any technical assistance agreement; or c) In terms of an obligation under multilateral international agreement to which the Republic is a party.	
Signed affidavit	