
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1098 OF 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

CUSTOMS TARIFF APPLICATIONS

LIST 08/2022

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 comment 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. NOTICE OF AMENDMENT OF PROPOSED REBATE FACILITIES FOR TITANIUM DIOXIDE

The following paragraphs replace the corresponding paragraphs in:

- a) Notice No. 33 of 2020, which appeared in Government Gazette No. 42980 of 31 January 2020; and
- b) Notice No. 302 of 2021, which appeared in Government Gazette No. 44593 of 21 May 2021; and

REBATE OF THE FULL CUSTOMS DUTY ON:

1. "Pigments and preparations containing 80 per cent by mass of titanium dioxide calculated on dry matter, classifiable in tariff subheading 3206.11, for use in the manufacture of paints, varnishes and prepared driers, classifiable in tariff headings 32.08, 32.09, 32.10 and 32.11 for a period of 2 years (24 months) from the date of publication in the Government Gazette";
2. "Pigments and preparations containing 80 per cent or more by mass of titanium dioxide calculated on the dry matter, classifiable under tariff subheading 3206.11, for use in the manufacture of white masterbatch, containing 70 per cent of titanium oxide and 25 per cent polymer, classifiable under tariff subheading 3206.19.90 for a period of 2 years (24 months) from the date of publication in the Government Gazette".

REASONS FOR THE AMENDMENT OF THE PROPOSED REBATE FACILITIES FOR TITANIUM DIOXIDE INCLUDE, *INTER ALIA*, THE FOLLOWING:

- The Commission is considering the creation of rebate facilities on titanium dioxide for use in the manufacture of paints and varnishes and white masterbatch.
- The Commission found that whilst there is currently no local manufacturer of titanium dioxide in the Southern African Customs Union ("SACU"), the potential local manufacturer, Nyanza Light Metals ("Nyanza") is at an advanced stage of developing local capacity and in order to avoid creating any uncertainty on the extent of possible protection offered to the Nyanza project, the Commission is considering limiting the validity period of the proposed rebate provisions to 24 months from the date of implementation in the Government Gazette."

For enquiries contact: Mrs. K Mzinjana, Email: kmzinjana@itac.org.za, or Mrs. A Varachia, Email: avarachia@itac.org.za.

Representation should be submitted to the aforementioned ITAC officials within two (2) weeks of the date of this notice.

2. NOTICE OF AMENDMENT OF PROPOSED REBATE FACILITIES FOR TITANIUM DIOXIDE

The following paragraphs replace the corresponding paragraphs in:

- c) Notice No. 33 of 2020, which appeared in Government Gazette No. 42980 of 31 January 2020; and
- d) Notice No. 302 of 2021, which appeared in Government Gazette No. 44593 of 21 May 2021; and

REBATE OF THE FULL CUSTOMS DUTY ON:

1. "Pigments and preparations containing 80 per cent by mass of titanium dioxide calculated on dry matter, classifiable in tariff subheading 3206.11, for use in the manufacture of paints, varnishes and prepared driers, classifiable in tariff headings 32.08, 32.09, 32.10 and 32.11 for a period of 2 years (24 months) from the date of publication in the Government Gazette";
2. "Pigments and preparations containing 80 per cent or more by mass of titanium dioxide calculated on the dry matter, classifiable under tariff subheading 3206.11, for use in the manufacture of white masterbatch, containing 70 per cent of titanium oxide and 25 per cent polymer, classifiable under tariff subheading 3206.19.90 for a period of 2 years (24 months) from the date of publication in the Government Gazette".

REASONS FOR THE AMENDMENT OF THE PROPOSED REBATE FACILITIES FOR TITANIUM DIOXIDE INCLUDE, *INTER ALIA*, THE FOLLOWING:

- The Commission is considering the creation of rebate facilities on titanium dioxide for use in the manufacture of paints and varnishes and white masterbatch.
- The Commission found that whilst there is currently no local manufacturer of titanium dioxide in the Southern African Customs Union ("SACU"), the potential local manufacturer, Nyanza Light Metals ("Nyanza") is at an advanced stage of developing local capacity and in order to avoid creating any uncertainty on the extent of possible protection offered to the Nyanza project, the Commission is considering limiting the validity period of the proposed rebate provisions to 24 months from the date of implementation in the Government Gazette."

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Representation should be submitted to the aforementioned ITAC officials within two (2) weeks of the date of this notice.