

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2081 OF 2023

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

CUSTOMS TARIFF APPLICATIONSLIST 08/2023

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.

CORRECTION NOTICE

The following Notice replaces Item No. 2 in Notice No. 1922 of 2023, which appeared in Government Gazette No. 49011 of 21 July 2023:

AMENDMENT AND RENUMBERING OF REBATE ITEMS 316.17/00.00/01.00, 316.17/00.00/02.00, AND 316.17/00.00/03.00, USED FOR THE IMPORTATION OF OTHER ELECTRIC CONDUCTORS FOR A VOLTAGE NOT EXCEEDING 1 000 V, FITTED WITH CONNECTORS, CLASSIFIABLE UNDER TARIFF SUBHEADING 8544.42, AS FOLLOWS:

- Amendment and renumbering of Rebate item 316.17/00.00/01.00, as follows:

Renumbered to **316.17/00.00/04.00** –

“Goods of any description (excluding mounted or populated circuit boards, picture tubes fitted with components other than the deflection coil and cabinets fitted with components and any apparatus classifiable in tariff heading 85.28 **and other electric conductors, for a voltage not exceeding 1 000 V, fitted with connectors classifiable in tariff subheading 8544.42**), for the manufacturing of reception apparatus for television incorporating a cathode-ray tube (CRT) classifiable in tariff heading 8528.72.20 and 8528.73.20, whether or not combined in the same housing with radio-broadcasting receivers or sound or video recording or reproducing apparatus”

- Amendment and renumbering of Rebate item 316.17/00.00/02.00, as follows:

Renumbered to **316.17/00.00/05.00** –

“Goods of any description (excluding mounted or populated circuit boards and display panels, irrespective of their degree of completion and any apparatus classifiable in heading 85.28 **and other electric conductors, for a voltage not exceeding 1 000 V, fitted with connectors classifiable in tariff subheading 8544.42**), at such times, in such quantities and under such conditions as the International Trade Administration Commission may allow by specific permit, for the manufacture of reception apparatus for television incorporating a display other than a cathode-ray tube (CRT) classifiable in subheadings 8528.72.90 and 8528.73.90, whether or not combined in the same housing with radio-broadcasting receivers or sound or video recording or reproducing apparatus”

- Amendment and renumbering of Rebate items 316.17/00.00/03.00, as follows:

Renumbered to **316.17/00.00/06.00** –

“Goods of any description (excluding goods of heading 85.28, mounted or populated circuit boards **and other electric conductors, for a voltage not exceeding 1 000 V, fitted with connectors classifiable in tariff subheading 8544.42**), used in the manufacture of reception apparatus for television not designed to incorporate a video display or screen, classifiable in tariff subheading 8528.71, at such times, in such quantities and subject to such conditions as the International Trade Administration Commission may allow by specific permit”

APPLICANT:

Apex Cordset Technologies (Pty) Ltd

11-12 Apex Road
Apex Industrial Sites
Benoni
1540

Enquiries: ITAC Ref: **01/2023**. Mr. Pfarelo Phaswana/Mr. Pardon Hadzhi. Tel: 012 394 3628/3634 or email pphaswana@itac.org.za/phadzhi@itac.org.za.

REASONS FOR THE APPLICATION:

As reasons for the application, the applicant cited, amongst others, the following:

- Apex Cordset Technologies (Pty) Ltd is a manufacturer, supplier and exporter of a wide range of cables and cordsets for use in various electrical appliances and as such a significant contributor to the SACU economy;
- Over the years, the company has increasingly come under pressure from low priced imported insulated electrical cables/conductors (subject products) originating from China. Sales and production volumes have, as a result, declined over the years;
- The company has discovered that the subject products are imported from China through rebates that were created in the past which have had unintended consequences through market distortion;
- Although these rebates were created as part of duty relief on materials and components for the manufacture of several products, including monitors and set top boxes, there is sufficient domestic capacity to meet local demand of these electric cables;
- The rebates, therefore, serve no purpose when there is a local producer and the withdrawal from rebate of these materials is needed in order to level the playing field and ensure the long-term viability of the domestic cable industry manufacturing the subject products; and
- This will help support the growth and development of our domestic industry, create new jobs and stimulate economic growth within the country.

PUBLICATION PERIOD:

Representations should be made within **two (2) weeks** of the date of notice.

GUIDELINES, RULES AND CONDITIONS PERTAINING TO BULK WHITE CHOCOLATE CLASSIFIABLE UNDER TARIFF SUBHEADING 1704.90 IMPORTED IN TERMS OF REBATE ITEM 460.04/1704.90/01.06, FOR THE MANUFACTURE OF WHITE CHOCOLATE, IN IMMEDIATE PACKAGING OF A CONTENT OF 25 KG OR MORE, CLASSIFIABLE IN TARIFF SUBHEADING IN 1704.90, FOR USE IN THE MANUFACTURE OF CHOCOLATE CONTAINING COCOA, IN BLOCKS, SLABS OR BARS, CLASSIFIABLE IN TARIFF HEADING 1806.3, AND OTHER CHOCOLATES CLASSIFIED IN TARIFF SUBHEADING 1806.90, IN SUCH QUANTITIES, AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION MAY ALLOW BY SPECIFIC PERMIT, PROVIDED THE PRODUCT IS NOT AVAILABLE IN THE SACU MARKET

Note: In terms of section 26 (4) of the International Trade Administration Act, 71 of 2002, the Commission may, *inter alia*, require an applicant to provide additional information in respect of the application. The conditions attached to and the information requested below reflects the minimum requirements, which ITAC would apply to evaluate an application under this rebate provision.

1. Applications for permits must be addressed to the International Trade Administration Commission (ITAC), Private Bag X 753, Pretoria, or delivered by hand to the DTI Campus, (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.
2. Applications for permits must be submitted according to the requirements as set out in the attached application form. If the space provided in the application form is insufficient, please use the format of the application form to submit the requested information.
3. If all the information requested in the application form is not submitted, the application will be deemed deficient. The application will not be considered, and it will be returned to the applicant.
4. At least fourteen (14) working days should be allowed for the processing of applications and the issuance of permits, provided that all necessary information which renders the application duly completed has been submitted to ITAC.
5. Each rebate permit issued defines the period during which the goods concerned can be cleared under the rebate. The period for each permit will be decided by ITAC and commences on the date on which the permit was issued. The permit may be issued for a shorter period as requested by the applicant, or as decided upon by ITAC.
6. Rebate permits may not be transferred in any manner by the holder thereof to any other person, or be used for the benefit of any person or entity, not named in the permit.

7. Any request for an amendment to a rebate permit must be forwarded to ITAC for consideration. Amendments will only be considered in the following instance:
 - a) Error made by ITAC on permit;
8. Should any party misplace a permit, the applicant should submit an affidavit on a company letterhead endorsed by a Commissioner of Oath, stating that the permit was lost and the circumstances surrounding the loss of such permit. ITAC may, on the facts furnished, exercise its discretion to issue a new permit that replaces the lost permit. Should the lost permit be found the applicant must return such permit to ITAC.
9. Extension of the period (as provided for in paragraph 5) from which the permit is valid may be granted. Extensions will only be granted where the relevant permit has not expired, and in the view of ITAC, good cause warrants extension of such permit. Such discretion shall lie solely with ITAC. Extensions will only be permitted for a period up to 3 months and the party applying for the extension must submit a letter and supporting documents to ITAC, furnishing reasons and good cause for the extension.
10. Rebate permits issued will be subject to the following conditions, safeguards and reciprocities:
 - 10.1. The applicant must provide a formal letter on the applicant's business letter head confirming that it complies with labour laws, regulations and agreements gazetted by the Minister of Labour.
 - 10.2. The applicant must provide ITAC with its current SARS electronic access PIN, in order to enable ITAC to verify full tax compliance status.
 - 10.3. Where there are local manufacturer(s) of bulk white chocolate, applications must be accompanied by written evidence of engagements, such as letters or emails, with the said local manufacturer(s). The applicant can request the manufacturers to respond within 14 days of the request.
 - 10.4. Should the local manufacturer(s) of bulk white chocolate not be able to supply the quantity requested, the applicant(s) must obtain a confirmation letter from the manufacturer stating that they are not able to supply the required product and the reasons thereof. Letters received from bulk white chocolate manufacturer(s) must be submitted with the application form and should have a date, not older than 30 days from the date of application.
 - 10.5. Should, after receipt of the SACU bulk white chocolate manufacturer(s) response, or in absence of such, information be available that the manufacturers of bulk white chocolate are unable to source the required quantity of bulk white chocolate, the quantity of bulk white chocolate required should be submitted by the applicant for ease of verification purposes by ITAC. ITAC will, with good cause shown, be able to issue a permit with or despite the required aforementioned letter/s.

- 10.6. As a rebate provision is considered for the purpose of providing relief to domestic producers that may experience injurious import pressures against similar imported end products, the benefit of the rebate provision will be tied to conditions related to economic performance over time and may be reviewed after a specified period. Reciprocity commitments as set out in the application form must be addressed in each application submitted.
- 10.7. The applicant must commit, *inter alia*, to the creation of employment and provide in each permit the number of jobs it expects to create annually as a result of the rebate permit granted. The applicant must submit to ITAC an annual report on its job creation performance.
11. If a *prima facie* case is established that any condition of this permit is not being adequately complied with, the permit holder will upon detection of such contravention be issued with a compliance notice to show good cause and submit evidence within seven (7) days of receipt thereof, why ITAC should not make any adverse finding/s on the prima facie evidence of non-compliance with the above conditions. Thereafter the matter will be considered by ITAC and if ITAC determines that a contravention of any of these permit conditions have occurred, this permit may be varied, amended or revoked/rescinded.
12. Should non-compliance with any applicable legislation governing the issue of this permit be detected by ITAC, at any time, ITAC will take such non-compliance by a permit holder or related party who facilitates such conduct into account, in considering whether to revoke/rescind this permit. In terms of section 54(1)(b) of the International Trade Administration Act, Act 71 of 2002, it is an offence to fail to comply with a condition stated in this permit and any person found guilty of such an offence is liable to a fine not exceeding R500 000,00 or to imprisonment for a period not exceeding ten years or to both such fine and imprisonment.
13. By accepting this permit, the person/entity and its Directors and persons exercising management control over it, to which this permit is issued, irrevocably binds himself/herself/itself/ jointly and severally, to the conditions contained herein as well as any legislative requirements and/or obligations contained in the relevant guidelines, rules and conditions associated with the rebate items concerned.

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

APPLICATION FOR A PERMIT IN TERMS OF REBATE ITEM

460.04/1704.90/01.06

FOR REBATE OF DUTY ON BULK WHITE CHOCOLATE CLASSIFIABLE UNDER TARIFF SUBHEADING 1704.90 FOR USE IN THE MANUFACTURE OF WHITE CHOCOLATE, IN IMMEDIATE PACKAGING OF A CONTENT OF 25 KG OR MORE, CLASSIFIABLE IN TARIFF SUBHEADING IN 1704.90, FOR USE IN THE MANUFACTURE OF CHOCOLATE CONTAINING COCOA, IN BLOCKS, SLABS OR BARS, CLASSIFIABLE IN TARIFF HEADING 1806.3, AND OTHER CHOCOLATES CLASSIFIED IN TARIFF SUBHEADING 1806.90, IN SUCH QUANTITIES, AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION MAY ALLOW BY SPECIFIC PERMIT, PROVIDED THE PRODUCT IS NOT AVAILABLE IN THE SACU MARKET.

APPLICATION FORM

BEFORE COMPLETING THIS FORM, PLEASE ACQUIANT YOURSELF WITH THE GUIDELINES AND CONDITIONS PERTAINING TO THESE REBATE ITEM

NB: ALL INFORMATION REQUESTED SHOULD BE FURNISHED

Manufacturer: _____ Importer's code: _____ VAT registration no: _____	Importer: _____ Importer's code: _____ VAT registration no: _____
Contact details of applicant (Manufacturer): Contact person: _____ Postal Address: _____ _____ _____ Telephone no.: _____ Cell no.: _____ Fax no.: _____ Email address: _____	Physical address where manufacturing takes place:

2(a) Description of the bulk white chocolate that will be imported:

.....

2(b) Furnish the following information in respect of bulk white chocolate mentioned in 2(a):

Product	1 HS Tariff code (8- digits)	2 Duty payable	3 Estimated quantity	4 Customs (FOB) Value	5 Country of origin	6 Planned date of importation

3(a) Description of the products that will be manufactured from the bulk white chocolate described in 2 (a & b)

1
 2
 3

3(b) Furnish the following information in respect of each of the products mentioned in 3(a):

Product	1 HS Tariff code 8- digits	2 Quantity to be processed (kg)	3 Estimated sales value (ex-factory)
1.			
2.			
3.			
4.			

4. Describe the method of manufacturing of products mentioned in 3a:

.....

5. Furnish the following information in respect of the value of total sales in the Southern African Customs Union (SACU) as well as exports for the past three years in respect of the products mentioned in 4:

Year	Product	HS Tariff code (8 – digits)	Total Sales (in SACU)	Total export sales

- 6(a) Are the goods/materials/components to be imported (as mentioned in 2(a) manufactured locally?

YES	NO
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- 6(b) Why do you have to import the goods/materials/components? (This information is for record purposes only). *(Please submit letters from manufacturers as proof of efforts made to obtain white bulk chocolate locally)*

7. Provide information pertaining to the number of jobs the firm will create annually as a result of the rebate. *(Submit with the application a letter signed by the Chief Executive Officer to provide a quarterly report on job creation performance)*

8. State the increased economic benefits that can be realised subsequent to being granted tariff relief, by completing the Table below. Please take note that the various commitments provided in the Table below will also be copied to the written irrevocable undertaking (Attached hereto as Annexure 'A'), which the Applicant is also required signing and submitting with the ITAC application:

Annexure A

Table 1: Reciprocity commitments

No.	items	Should the support be given		
		year 1	year 2	year 3
1	Expected total production volume (Kg/li/unit)			
2	Expected ex-factory selling price/per (Kg/li/unit)			
3	Expected total investment (Rm)			
	Plant & Machinery			
	Buildings			
4	Supply side measures (Rm)			
	Research and development			
	Skills development and training			
	Upgrading machinery & equipment.			
	Other (list)			
5	Expected total export			
	Volume (Kg/li/units)			
	Value (R)			
6	Expected total Employment			
	Skilled			
	• Youth (18-35)			
	Semiskilled			
	• Youth (18-35)			
	Unskilled			
	• Youth (18-35)			
	Total direct factory workers			
	• Youth (18-35)			
7	Expected total wage (R)			
	Skilled			
	• Youth (18-35)			
	Semiskilled			
	• Youth (18-35)			
	Unskilled			
	• Youth (18-35)			
	Total direct factory workers			
	• Youth (18-35)			
8	Expected local off			
	Quality testing			
and/or	Actual off-take			

9. Give an assessment (consumer benefit or downstream benefit to a specific industry) of how your cost and price structure would be affected should the permit application succeed. To what extent will your firm's selling price for the product be influenced should the permit application be successful?

10. The Applicant will provide the Commission with annual reports detailing its adherence to the commitments contained in Table 1, with the first report to be provided to the Commission upon submission of a second application for a rebate permit ("renewal permit"), with additional reports to be provided to the Commission every year when applying for a renewal permit.
11. How do you support or plan to support the participation in manufacturing and related activities by small businesses, black-owned or black-managed enterprises and Common Customs Area supply chains?
12. Submit with the application a letter signed by the Chief Executive Officer to provide an annual report on reciprocity commitments made in paragraph 8.
13. Name of Chief Executive Officer:.....
Tel No:.....Fax No:.....

DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT FOR REBATE OF DUTY ON BULK WHITE CHOCOLATE CLASSIFIABLE UNDER TARIFF SUBHEADING 1704.90 IMPORTED IN TERMS OF REBATE ITEM 460.04/1704.90/01.06 OF SCHEDULE 4 TO THE CUSTOMS AND EXCISE ACT, 1964, FOR USE IN THE MANUFACTURE OF WHITE CHOCOLATE, IN IMMEDIATE PACKAGING OF A CONTENT OF 25 KG OR MORE, CLASSIFIABLE IN TARIFF SUBHEADING IN 1704.90, FOR USE IN THE MANUFACTURE OF CHOCOLATE CONTAINING COCOA, IN BLOCKS, SLABS OR BARS, CLASSIFIABLE IN TARIFF HEADING 1806.3, AND OTHER CHOCOLATES CLASSIFIED IN TARIFF SUBHEADING 1806.90, IN SUCH QUANTITIES, AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION MAY ALLOW BY SPECIFIC PERMIT, PROVIDED THE PRODUCT IS NOT AVAILABLE IN THE SACU MARKET

NB: The obligation to complete and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the claimant

I,..... (Full names) with identity number, in my capacity as – managing director/chief executive (in respect of a company) or senior member/ person with management responsibility (close corporation, partnership or individual)

(Delete whichever is not applicable)

of..... (here in after referred to as the applicant) hereby declare that –

- a) the applicant complies with prescribed requirements in order to qualify for rebate in terms of the above-mentioned rebate provision;
- b) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree to;
- c) I accept that the decision by the Chief Commissioner: International Trade Administration will be final and conclusive and that the said Chief Commissioner may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted;
- d) The information furnished in this application is true and correct;
- e) The applicant or any one of its associates, or related party is not subject of an investigation by either the South African Police, the Office for Serious Economic Offences, International Trade Administration, or the Commissioner for South African Revenue Services (SARS) into previous claims or other related matters.

NAME: DESIGNATION:

SIGNATURE: DATE AND YEAR:

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE CONSIDERS THIS OATH TO BE BINDING ON HIS CONSCIENCE.

SIGNED and SWORN to before me at on this Day of Year.

.....
COMMISSIONER OF OATHS
FULL NAMES:.....
CAPACITY:.....