GUIDELINES AND CONDITIONS PERTAINING TO THE REBATE PROVISION FOR the importation of BULK TOMATO PASTE FOR FURTHER PROCESSING INTO TOMATO PRODUCTS

1. **PURPOSE**

1.1 The purpose of this document is to provide a reference and procedural guide for the application for a permit in terms of rebate **provision (Rebate Item 304.07/2002.90/01.06**) – Tomato paste in containers holding 200 li or more used in the manufacture of food preparations classifiable in Chapters 16 to 21 in such quantities, at such times and subject to such conditions as the International Trade Administration Commission of South Africa may allow by specific permit.

### 2. SCOPE

2.1 The scope of this document covers the application process by applicants for a permit in terms of the above mentioned rebate provision.

###### 3. THE PURPOSE OF THE REBATE

3.1 The purpose of the rebate item shall be to assist SACU (South African Custom Union) tomato paste processors when the SACU tomato production cannot satisfy the quantities required by the downstream further processors of tomato paste.

4. **APPLICATION**

4.1 Applications for rebate permits must be addressed to the Chief Commissioner, International Trade Administration Commission, Private Bag X 753, Pretoria, 0001 or delivered by hand to thedti Campus (Block E), 77 Meintjies Street, Sunnyside, Pretoria.

4.2 Applications for permits must be submitted according to the requirements as outlined in the 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.

* 1. 4.3 If all the information requested in the application form is not submitted, the application is deficient and will not be considered, and it will be returned to the applicant.
  2. 4.4 At least fourteen (14) working days must be allowed for the processing of rebate permit applications and the issuing of the rebate permit.

4.5 Rebate permits may not be transferred in any manner by the holder thereof, to any other person, or be used to the benefit of any person, not named in the permits. Input material that has been imported under this rebate item cannot be sold on.

4.6 Each rebate permit issued defines the period during which the goods concerned can be cleared under rebate, and the period shall be for a calendar year starting from the date on which the permit was issued or a shorter period as requested by the applicant or as decided upon by ITAC.

5. CONDITIONS

5.1 Only the SACU processors of bulk tomato paste will qualify for a permit under this rebate provision.

5.2 Permits will only be issued after it has been established that the SACU tomato production cannot meet the demand for bulk tomato paste by downstream manufactures of tomato paste based products.

5.3 The application must be accompanied by a letter, with a date not older than 30 days from the date of the application, from the SACU tomato paste manufacture(s) as proof that the SACU manufacturer(s) cannot supply the sufficient quantities of the product in question and currently have no tomato paste left over (in bulk 200 li. or less) to supply the domestic market.

5.4 Should, after receipt of the SACU tomato paste manufacture(s) response, or in absence of such, information be available that the downstream manufactures of tomato paste based products are unable to source the required quantity of bulk tomato paste, the quantity of bulk tomato paste required should be submitted by the applicant for ease of verification purposes by ITAC. ITAC will be able to issue a permit with or despite the required agreement within the SACU tomato paste manufacture(s).

5.5 Any request for an amendment of a rebate permit must be forwarded to ITAC for consideration. Amendments will only be considered in the following instances:

1. Error by ITAC on the permit;
2. Error by applicant regarding product description or tariff subheading. This will only be processed if request is accompanied by a confirmation from SARS in this regard.

**Note: No amendments of the statistical unit (quantity or value), which was applied for, will be considered – a new application has to be submitted in such instances together with the original previous permit.**

5.6 The applicant must submit a Tax Clearance certificate.

5.7 The applicant must comply with labour laws and agreements gazetted by the Department of labour.

5.8 The applicant must provide in each permit application the number of jobs it expects to create annually as a result of the rebate. The applicant will submit an annual report on its job creation.

5.9 Should any party displace a permit, the applicant should submit an affidavit on a company letterhead endorsed by a Commissioner of Oath, stating that the permit was lost. ITAC will issue a new permit. Should the lost permit be found the applicant should return such a permit to ITAC.

6 Non-compliance to the conditions of permits

If there is a reason to believe that any condition of a permit issued in terms of this rebate provision is not complied with, the consignment in terms of which the rebate was used can be seized by ITAC. Where non-compliance is established, appropriate steps will be taken in terms of the International Trade Administration Act and the Customs and Excise Act and these can include, criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

APPLICATION FOR A PERMIT IN TERMS OF THE REBATE PROVISION **(REBATE ITEM 304.07/2002.90/01.06)** FOR importation of BULK TOMATO PASTE FOR FURTHER PROCESSING INTO TOMATO PRODUCTS

**INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR A PERMIT IN TERMS OF REBATE ITEM 304.07/2002.90/01.06 FOR REBATE PROVISION FOR importation of BULK TOMATO PASTE CLASSIFIABLE UNDER TARIFF SUBHEADING 2002.90 FOR FURTHER PROCESSING INTO TOMATO PRODUCTS:**

**1. Details of applicant:**

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| * 1. **Name: ……………………………………………………………………………**   2. **Postal address: ……………………………………………………………….**   **………………………………………………………………..**  **………………………………………………………………..**   * 1. **Telephone no.: ………………………………………………**   2. **E-mail address: ……………………………………………..**   3. **Importer’s code: ………………………………………………………………**   4. **(No application for this rebate provision will be considered for applicants utilizing the “ unallocated importers reference number i.e. 70707070)**   5. **Name of contact person: ……………………………………**   6. **Physical address: ……………………………………………………………..**   **………………………………………………………………**   * 1. **Physical address of premises where the further processing of tomato paste will take place.**   **………………………………………………………………..**  **………………………………………………………………..** |

**2. Details of bulk tomato paste for which a rebate permit is required:**

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| * 1. **Description of goods imported:…………………………………. ………………………………………………………………………….**   **2.2 Tariff subheading: …………………………………………………..**  **2.3 Quantity in kg:………………………………………………**  **2.4 F.o.b. Value in R: …………………………………………**  **2.5 Rand/per unit:……………………………………………..**  **2.6 Cif landed cost at port of entry………………………………**  **2.7 Country of origin: ……………………………………………**  **2.8 Planned date of import or period during which it is planned**  **to import: ………………………………..…………………..**  **2.9 Port of entry: .………………………………………………...** |

**3. Details of the processing of tomato paste from the products described under 2:**

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| * 1. **Description of goods to be produced:……………………..**   2. **Tariff subheading:………………………………………………**   3. **Estimated quantity in kg:……………………………………..**   4. **Estimated sales value in R: ………………………………….** |

1. **Details of actual imports in terms of the previous permit:**

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| * 2. **Permit No. …….………………………………………….**   3. **Quantity in Kg: …………………………………………..**   4. **Value in R: ………………………………………………..** |

1. **The application form must be accompanied by a letter with a date, not older than 30 days from the date of application, from the local producers as proof that the local producer (s) cannot supply sufficient quantities of the product in question.**
2. **Provide written confirmation that the applicant complies with labour laws and agreements gazetted by the Department of Labour.**
3. **The applicant must provide the number of jobs it expects to create annually as a result of the rebate.**
4. **The applicant must submit a Tax Clearance Certificate.**
5. **Provide a copy of your previous rebate permit (if applicable).**
6. **Complete the following declaration:**

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 the information furnished in this application is to the best of my knowledge true and correct.

**NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DESIGNATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**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 CONSCIENCE. THE STATEMENT WAS SWORN TO/ AFFIRMED TO 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 OATH

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### Full names and surname