

**ECONOMIC DEVELOPMENT DEPARTMENT
EKONOMIESE ONTWIKKELINGSDEPARTEMENT**

No. R. 91**10 February 2012****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA****IMPORT CONTROL**

I, Ebrahim Patel, in my capacity as Minister of Economic Development, acting under the powers vested in me by Section 6 of the International Trade Administration Act, (Act 71 of 2002) –

(I) Hereby prescribe that-

- (a) goods described in Schedules 1, 2 and 3 shall not be imported into the Republic of South Africa except by virtue of an import permit issued in terms of Section 6 of the said International Trade Administration Act, 2002, and in which such goods are specifically described;
- (b) all second-hand or used goods, including waste and scrap of whatever nature, excluding goods referred to in Schedule 4, shall not be imported into the Republic of South Africa except by virtue of an import permit issued in terms of Section 6 of the said International Trade Administration Act, 2002, and in which such goods are specifically described;

(II) Notwithstanding the provisions of paragraph (I) (a) and (b) above, no import permit shall be necessary for the importation into the Republic of South Africa of the following:

- (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;
- (c) new goods (excluding firearms and ammunition and pneumatic tyres and goods listed in Schedules 2 and 3) sent as bona fide gift for the personal use of the importer or his family by any other person, the free on board value of which does not exceed R10 000;
- (d) new samples of no commercial value or samples sent free of charge to the importer (excluding firearms, ammunition and pneumatic tyres and goods listed in Schedules 2 and 3) by any other person, the free on board value of which does not exceed R10 000;
- (e) (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 Swaziland which are grown, produced or manufactured in the Republic of Botswana, Kingdom of Lesotho, Republic of Namibia or the Kingdom of Swaziland: Provided that the above shall not be interpreted to include new goods and goods which are subject to import control regulations, used or second-hand goods and goods manufactured from used

- or second-hand goods imported from 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 and which are subject to 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 import control regulations, used or second-hand goods and goods manufactured from used or second-hand goods imported from outside Zimbabwe;
- (f) (i) new spares, subassemblies and materials imported as original equipment for the manufactured of motor vehicles; new spares and subassemblies imported as spares parts for the maintenance of motor vehicles, but excluding tyres;
- (ii) all other new spares for all goods which are not subject to import control measures;
- (g) new and used or second-hand goods imported in terms of rebate items 470.01, 470.02 and 470.03 of Schedule 4 of the Customs and Excise Act, 1964 (Act 91 of 1964);
- (h) new and used or second-hand goods exported from the Republic for repair or maintenance and returned to the original exporter in the Republic
- (i) new and used or second-hand empty containers originally containing goods exported from the Republic and returned to the original exporters in the Republic;
- (j) new and used or second-hand goods imported in terms of rebate items 409.01, 409.02 and 409.04 of Schedule 4 of the Customs and Excise Act, 1964 (Act 91 of 1694);
- (k) 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, 1964 (Act 91 of 1964);
- (l) new and used or second-hand goods warehoused in Customs and Excise warehouse for delivery as ship's stores and goods warehoused in duty free shops;
- (m) new and used or second-hand goods excluding used or second-hand motor vehicles imported in terms of rebate item 412.04 of Schedule 4 to the Customs and Excise Act, 1964 (Act 91 of 1964);
- (n) goods referred to in Schedule 4 of these Regulations;
- (o) new and used or second-hand goods imported in terms of rebate item 480.00 and 490.00 of Schedule 4 to the Customs and Excise Act, 1964 (Act 91 of 1964);

- (III) Hereby determine that an import permit additional to the conditions specified in the permit shall be subject to the following conditions;
- (a) that only goods to the class and kind specified in the permit may be imported;
 - (b) that the permit may not in any manner be transferred by the holder thereof or may not be used to the benefit of anyone not referred to in the permit;
 - (c) that the permit shall be valid for clearance for a period of 12 months from the date of issue or for such shorter period as indicated in the permit.
- (IV) (a) Goods referred to in Schedules 1,2,3 and paragraph (l) (b) above shall not be shipped unless the importer is in possession of an appropriate valid import permit issued in terms of Section 6 of the said International Trade Administration Act, (Act 71 of 2002), and in which such goods are specifically described;
- (b) goods referred to in Schedules 1,2,3 and paragraph (1) (b) above that arrive at ports of entry in the Republic and for which the importer cannot produce a valid import permit shall be deemed to have been imported in contravention of the International Trade Administration Act, (Act 71 of 2002).
- (V) Hereby determine that nothing in this notice shall absolve an importer from the obligation of also complying with the provisions of other legislation relating to the importation of goods into the Republic of South Africa.
- (VI) **Definitions**
- (a) **Second-hand goods** for the purpose of these regulations shall mean any goods or parts thereof were or assumed to have been previously owned, possessed, held and/or registered by or in the name or names of any person or entity, excluding the manufacturer, wholesaler or retailer of the goods concerned.
 - (b) **Used goods** for the purpose of these regulations shall mean any goods or parts thereof that were or assumed to have been used for:
 - i) the purpose it was designed for, excluding use by the manufacturer for testing and evaluation purposes, or;
 - ii) any purpose what so ever, resulting in that such goods reflects signs of use, ageing, deterioration, modification or alterations that include but are not limited to damaged, shop soiled and outdated products.
- (VII) Hereby withdraw Government Notice R.206 of 27 February 2009, as amended.
- (VIII) Hereby determine that this notice shall come into operation with effect from 1 January 2012.
- (IX) A permit issued in terms of Government Notice R 206 and valid before this notice came into operation must be regarded as a permit issued in terms of this Government Notice

SCHEDULE 1

Description of goods (1)	Tariff heading (2)
Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 03.04	03.02
Fish, frozen, excluding fish fillets and other fish meat of heading 03.04	03.03
Fish, fillets and other fish meat (whether or not minced), fresh, chilled or frozen	03.04
Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption (excluding smoked salmon of subheading No. 0305.41)	03.05
Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption (excluding smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process)	03.06
Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process; flours, meals and pellets of molluscs, fit for human consumption (excluding oyster spat of subheading 0307 and smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process)	03.07
Aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; smoked aquatic invertebrates, other than crustaceans and molluscs, whether or not cooked before or during the smoking process; flours, meals and pellets of crustaceans, fit for human consumption (excluding smoked aquatic invertebrates, other than crustaceans and molluscs, whether or not cooked before or during the smoking process)	03.08
Oils and other products of the distillation of high temperature coal tar; similar products in which the mass of the aromatic constituents exceeds that of the non-aromatic constituents	27.07

Pitch and pitch coke, obtained from coal tar or from other mineral tars	27.08
Petroleum oils and oils obtained from minerals, crude	27.09
Petroleum oils and oils obtained from bituminous minerals, (excluding crude); preparations not elsewhere specified or included, containing by mass 70 percent or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils	27.10
Petroleum gases and other gaseous hydrocarbons (excluding butanes of subheadings No. 2711.13.10 and No. 2711.29.10)	27.11
Petroleum jelly; paraffin wax; microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured (excluding petroleum jelly of subheading No. 2712.10)	27.12
Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals (excluding petroleum coke of subheadings No. 2713.11 and No. 2713.12)	27.13
Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks	27.14
Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)	27.15
Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products	28.44
Isotopes, compounds, inorganic or organic, of such isotopes, whether or not chemically defined	28.45
Reclaimed rubber in primary forms or in plates, sheets or strip	40.03
Waste, paring and scrap of rubber (excluding hard rubber) and powders and granules obtained there from	40.04

New pneumatic tyres, of rubber (excluding new pneumatic tyres of a kind used on aircraft, motorcycles and bicycles of subheading numbers 4011.30, 4011.40 and 4011.50)	4011.10 4011.20 4011.6 4011.9
Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber	40.12
Worn clothing and other worn articles	63.09
Used or new rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables, of textile materials	63.10
Cobalt mattes and other intermediate products of cobalt metallurgy; cobalt and articles thereof, including waste and scrap	81.05
Cadmium and articles thereof, including waste and scrap	81.07
Antimony and articles thereof, including waste and scrap	81.10
Manganese and articles thereof, including waste and scrap	81.11
Beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium, (columbium), rhenium and thallium, and articles of these metals, including waste and scrap	81.12
Revolvers and pistols, excluding those of heading numbers 93.03 or 93.04	93.02
Other firearms and similar devices which operate by the firing of an explosive charge (for example, sporting shotguns and rifles, muzzle-loading firearms, very pistols and other devices designed to project only signal flares, pistols and revolvers for firing blank ammunition, captive-bolt humane killers, line-throwing guns)	93.03
Other arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading 93.07	93.04
Parts and accessories of articles of heading numbers 93.01 to 93.04	93.05
Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof; cartridges and other ammunition and projectiles and parts thereof, including shot and cartridge wads	93.06
Other games operated by coins, bank notes, bank cards, tokens or by other means of payment being gambling machines and or devices (excluding bowling alley equipment)	9504.30

SCHEDULE 2**MONTREAL PROTOCOL**

Description of goods (1)	Tariff Heading (2)
1,1,1- Trichloroethane (Methyl Chloroform)	2903.19.10
Bromomethane (Methyl Bromide)	2903.39
Halogenated derivatives of acyclic hydrocarbons containing two or more different halogens: (excluding other perhalogenated derivatives of subheading No 2903.78)	2903.7
Chlorodifluoromethane (CFC 22)	2903.71
Dichlorotrifluoroethanes	2903.72
Dichlorofluoroethanes	2903.73
Chlorodifluoroethanes	2903.74
Dichloropentafluoropropanes	2903.75
Bromochlorodifluoromethane, bromotrifluoromethane and dibromotetrafluoroethanes	2903.76
Other, perhalogenated only with fluorine and chlorine:	2903.77
Trichlorofluoromethane	2903.77.05
Dichlorodifluoromethane	2903.77.10
Trichlorotrifluoroethanes	2903.77.15
Dichlorotetrafluoroethanes and chloropentafluoroethane	2903.77.20
Chlorotrifluoromethane	2903.77.25
Pentachlorofluoroethane	2903.77.30
Tetrachlorodifluoroethanes	2903.77.35
Heptachlorofluoropropanes	2903.77.40
Hexachlorodifluoropropanes	2903.77.45
Pentachlorotrifluoropropanes	2903.77.50
Tetrachlorotetrafluoropropanes	2903.77.55
Trichloropentafluoropropanes	2903.77.60

Dichlorohexafluoropropanes	2903.77.65
Chloroheptafluoropropanes	2903.77.70
Other	2903.77.90
Other:	2903.79
Chlorotetrafluoroethanes	2903.79.10
Dichlorodifluoroethanes	2903.79.20
Other derivatives of methane, ethane or propane, halogenated only with fluorine and chlorine	2903.79.30
Derivatives of methane, ethane or propane, halogenated only with fluorine and bromine	2903.70.40
Other	2903.79.90
Insecticides, containing bromomethane (methyl bromide) or bromochloromethane	3808.91.10
Fungicides, other, containing bromomethane (methyl bromide) or bromochloromethane	3808.92.30
Herbicides, anti-sprouting products and plant-growth regulators, other, containing bromomethane (methyl bromide) or bromochloromethane	3808.93.81
Disinfectants, other, containing bromomethane (methyl bromide) or bromochloromethane	3808.94.85
Other: other, containing bromomethane (methyl bromide) or bromochloromethane	3808.99.10
Preparations and charges for fire-extinguishers; charged fire extinguishing grenades: other, containing bromomethane, bromochlorodifluoromethane, bromotrichloromethane or dibromotetrafluoroethanes;	3813.00.17
Other, containing methane, ethane or propane hydrobromofluorocarbons (HBFCs);	3813.00.19
Other, containing methane, ethane or propane hydrochlorofluorocarbons (HCFCs);	3813.00.21
Other, containing bromochloromethane	3813.00.23
Organic composite solvents and thinners, not elsewhere specified or included; prepared plant or varnish removers: Containing methane, ethane or propane chlorofluorocarbons (CFCs), whether or not containing	3814.00.10

hydrochlorofluorocarbons (HCFCs);

Containing methane, ethane or propane hydrochlorofluorocarbons (HCFCs), but not containing chlorofluorocarbons (CFCs); 3814.00.20

Containing carbon tetrachloride, bromochloromethane or 1,1,1-trichloroethane (Methyl Chloroform) 3814.00.30

Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products, not elsewhere specified or included); Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs); 3824.71

Containing bromochlorodifluoromethane, bromotrifluoromethane or dibromotetrafluoroethanes; 3824.72

Containing hydrobromofluorocarbons (HBFCs); 3824.73

Containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs); 3824.74

Containing carbon tetrachloride; 3824.75

Containing 1,1,1-trichloroethane (Methyl Chloroform); 3824.76

Containing bromomethane (Methyl Bromide) or bromochloromethane; 3824.77

Containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs); 3824.78

Other 3824.79

SCHEDULE 3**1988 UNITED NATIONS CONVENTION**

Description of goods (1)	Tariff Heading (2)	Cas Number (3)
Hydrochloric acid	2806.10	7647.01.0
Sulphuric acid	2807.00	7664.93.9
Potassium permanganate	2841.61	7722.64.7
Toluene	2902.30	108.88.3
Diethyl ether	2909.11	60.29.7
Acetone	2914.11	67.64.1
Methyl ethyl ketone	2914.12	78.93.3
1-Phenyl-2-propanone	2914.31	103.79.7
Acetic anhydride	2915.24	108.24.7
Phenylacetic acid	2916.34	103.82.2
Antralinic acid	2922.43	118.92.3
N-acetylanthranillic acid	2924.23	89.52.1
Isosafrole	2932.91	120.58.1
3,4 Methyleneoxyphenyl-2-propanone	2932.92	4676.39.5
Piperonal	2932.93	120.57.0
Safrole	2932.94	94.59.7
Piperidine	2933.32	110.89.4
Ephedrine	2939.41	299.42.3
Pseudoephedrine	2939.42	90.82.4
Norephédrine	2939.49	14838.15.4
Ergometrine	2939.61	60.79.7
Ergotamine	2939.62	113.15.5
Lysergic acid	2939.63	82.58.6

The salt and optical isomers of all substances included in this table, where the existence of such salts is possible, with the exception of the salts of hydrochloric acid and sulphuric acid.

SCHEDULE 4**PRINTED BOOKS, NEWSPAPERS, PICTURES AND OTHER PRODUCTS OF THE PRINTING INDUSTRY, MANUSCRIPTS, TYPESCRIPTS AND PLANS: USED OR SECOND-HAND**

Description of goods (1)	Tariff heading (2)
Used or second-hand newspapers, journals and periodicals, whether or not illustrated or containing advertising material	49.02
Used or second-hand children's picture, drawing or colouring books	49.03
Used or second-hand music, printed or in script, whether or not bound or illustrated	49.04
Used or second-hand maps, hydrographic or similar charts of all kinds, including atlases, wall maps, topographical plans and globes: printed	49.05
Used or second-hand plans and drawings for architectural, engineering, industrial, commercial, topographical or similar purposes, being originals drawn by hand; hand written texts; photographic reproductions on sensitized paper and carbon copies of the foregoing	49.06
Used or second-hand printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	49.09
Used or second-hand calendars of any kind, printed, including calendar blocks	49.10
Other used or second-hand printed matter including printed pictures and photographs	49.11

MUSICAL INSTRUMENTS; PARTS AND ACCESSORIES OF SUCH ARTICLES: USED OR SECOND-HAND.

Used or second-hand pianos including automatic pianos, harpsichords and other keyboard stringed instruments	92.01
Used or second-hand other string musical instruments (for example, guitars, violins and harps)	92.02
Used or second-hand keyboard pipe organs; harmoniums and similar keyboard instruments with free metal reeds	92.03

Used or second-hand accordions and similar instruments; mouth organs	92.04
Used or second-hand percussion musical instruments (for example, drums, xylophones, cymbals, castanets and maracas)	92.06
Used or second-hand musical instruments the sound of which is produced, or must be amplified, electrically (for example, organs, guitars and accordions)	92.07



Ebrahim Patel, MP
Minister of Economic Development