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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. R. 2805

1 December 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

EXPORT CONTROL GUIDELINES ON THE EXPORTATION OF SEMI-FINISHED METAL PRODUCTS

1. Definitions

- 1.1 **"Amendment Notice"** means the amendments to the Export Control Regulations by the Minister of Trade, Industry and Competition in terms of Section 6(1)(d) of the International Trade Administration Act, 2002 (Act No. 71 of 2002) published in Notice No. R. 2803 in Government Gazette No. 47627 of 30 November 2022.
- 1.2 **"Applicant"** means any person wishing to export the Subject Products.
- 1.3 **"Application Form"** means the Form IE361 (application for export permit: general goods) duly completed by an Applicant.
- 1.4 **"Export Control Regulations"** means the regulations published in Government Notice No. R. 92, Government Gazette No. 35007, dated 10 February 2012, as amended.
- 1.5 **"Guidelines"** means these Export Control Guidelines on the Exportation of Semi-Finished Metal Products.
- 1.6 **"ITAC"** means the International Trade Administration Commission of South Africa established under section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002).
- 1.7 **"person"** means a natural or juristic person.
- 1.8 **"Subject Products"** means those products listed in the table under paragraph 2 of the Amendment Notice.

2. Amended Export Control Regulations

In terms of the Amendment Notice, the Semi-Finished Metal Products shall not be exported from the Republic of South Africa except under the authority of and in accordance with the conditions stated in a permit issued by ITAC.

3. Permit administration

- 3.1 Duly completed applications for export permits, as provided for in paragraph 4, and enquiries, must be submitted by e-mail to the relevant administrative officials as indicated on the ITAC website, responsible for the administration of export applications for the exportation of the listed goods, from time to time;

or by hand delivery to:

77 Meintjies Street, Block D, 2nd Floor, Sunnyside, Pretoria.

- 3.2 Applications referred to in subparagraph 1 that are submitted to ITAC on a working day, will normally be processed within 7 to 10 working days after receipt of a duly completed application.

4. Application form

- 4.1 A Form IE230 for registration of first time applicants and form IE361 (application for export permit: general goods) must be duly completed by an Applicant.

- 4.2 An Application Form must be accompanied by the following documents:

- 4.2.1 Any required environmental operating permit;

- 4.2.2 A sworn affidavit deposed to by the managing director or similar official of a business that the information provided in the Application Form is correct to the best of his or her knowledge;

- 4.2.3 Details of the materials from which the Subject Products were produced;
- 4.2.4 If scrap metal was used in the manufacture of the Subject Products, proof of registration of the Applicant as a scrap metal dealer/recycler in terms of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009);
- 4.2.5 A valid SARS Tax Clearance Certificate.
- 4.2.6 If scrap metal was used in the manufacture of the Subject Products for which application is made and such scrap metal was:
- 4.2.6.1 purchased by the Applicant, the Applicant must provide:
- 4.2.6.1.1 the date of purchase;
- 4.2.6.1.2 the type of metal purchased;
- 4.2.6.1.3 the grade of metal purchased;
- 4.2.6.1.4 the tonnage purchased;
- 4.2.6.1.5 total cost of the purchase;
- 4.2.6.1.6 the sellers' company or close corporation registration number, or in the case of an individual, identity number;
- 4.2.6.1.7 proof of registration of the seller as a scrap metal dealer (if applicable) in terms of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009); or
- 4.2.6.2 sourced from the Applicant's own production, the Applicant must provide proof thereof.
- 4.2.7 If the information in para 4.2.6. above is not available at the time of the export permit application it must be submitted to ITAC

retrospectively, at such time as directed by ITAC, for all quantities exported on export permits issued.

- 4.2.8 If the export Applicant is the appointed wholesaler or retailer for a manufacturer of the Subject Products, such appointed wholesaler or retailer must provide a written and signed appointment/agreement from the manufacturer. All relevant documentation must be available at any time for auditing purposes by ITAC, including but not limited to purchase invoices and all other relevant Customs and export documentation. The above information may also be sourced directly from the manufacturer, if necessary.
- 4.3 In order to assist ITAC with the sound administration and proper adjudication of the export permit system, ITAC may from time to time and when circumstances warrant, require additional documentation/information in order to, *inter alia*, make an informed decision on an application for an export permit.
- 4.4 The port of export and the foreign acquirer's details and country of destination details must be provided to ITAC with each application. A maximum of three destination countries may be applied for. An export permit will only be issued after such details are provided. The Subject Products to be exported shall not be supplied or exported to any acquirer or country/place of destination other than those declared to ITAC.
- 4.5 Subject Products authorised for export by way of an ITAC export permit must be containerised and sealed on the exporter's registered and licenced premises as declared to ITAC, after receipt of a valid ITAC export permit in which the Subject Products are clearly described. Subject Products destined for export may not be containerised on any other premises not declared to ITAC in the application. Loaded and sealed containers for export must be conveyed from the exporter's registered and licenced premises as declared to ITAC, directly to the port of export mentioned on the export permit.

5. Miscellaneous

- 5.1 An Applicant may be subject to a verification inspection by ITAC before an application for an export permit is evaluated. The inspection may delay the issuing of an export permit.
- 5.2 If an Applicant provides incorrect or false information in an application, ITAC may reject such application.
- 5.3 If incorrect or false information is provided to ITAC, ITAC may also take any action available to it under the prevailing legislation, including but not limited to criminal prosecution.
- 5.4 ITAC export permits are not transferrable. The permit and/or volume of Subject Products specified on each export permit 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 permit.
- 5.5 Export documentation may be requested by ITAC after exportation of the Subject Products. This may include documentation such as the Bill of Lading, Bill of Entry for Export, South African Reserve Bank confirmation of payment received and any other export-related documentation.
- 5.6 Export permits will be valid for Customs clearance and exportation purposes for a period not exceeding 6 months from the date of issue.
- 5.7 A full description of the goods contained in the container/s and the container numbers of containers to be exported must be reflected on all export documentation including the Bill of Lading, Bill of Entry for Export, invoices and all other relevant documentation.

6. Effective date

These Guidelines will come into effect on the date of publication in the Government Gazette.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. R. 2806

1 December 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

IMPORT CONTROL GUIDELINES ON THE IMPORTATION OF CERTAIN METAL PROCESSING MACHINERY AND MECHANICAL APPLIANCES, INCLUDING FURNACES, GRANULATORS, GUILLOTINES AND SHREDDERS

1. Definitions

- 1.1 **"Amendment Notice"** means the amendments to the Import Control Regulations by the Minister of Trade, Industry and Competition in terms of Section 6(1)(b) of the International Trade Administration Act, 2002 (Act No. 71 of 2002) published in Notice No. R. 2804 in Government Gazette No. 47627 of 30 November 2022.
- 1.2 **"Applicant"** means any person applying for a permit to import the Subject Products.
- 1.3 **"Application Form"** means a Form IE461 (application for an import permit) duly completed by an Applicant.
- 1.4 **"Guidelines"** means these Import Control Guidelines on the importation of certain metal processing machinery and mechanical appliances, including furnaces, granulators, guillotines and shredders.
- 1.5 **"Import Control Regulations"** means the regulations contained in Government Notice No. R. 91 published in Government Gazette No. 35007, dated 10 February 2012, as amended.
- 1.6 **"ITAC"** means the International Trade Administration Commission of South Africa established under section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002).
- 1.7 **"person"** means a natural or juristic person.
- 1.8 **"Subject Products"** means those goods listed in Schedule 1 to the Amendment Notice, including furnaces, granulators, guillotines and shredders.

2. Import Control Regulations

In terms of the Amendment Notice, the Subject Products shall not be imported into the Republic of South Africa except under the authority of and in accordance with the conditions stated in a permit issued by ITAC.

3. Application Form

3.1 A Form IE230 for registration of first time applicants and Form IE461, application for an import permit, must be duly completed by an Applicant.

3.2 An Application Form must be accompanied by the following documents:

3.2.1 Any required environmental operating permit;

3.2.2 A valid Tax Clearance Certificate for all applications; and

3.2.3 A sworn affidavit deposed to by the managing director or similar official that the information provided in the application form and any accompanying document is correct to the best of his or her knowledge.

3.3 An Applicant must also provide, along with an Application Form and the documents specified in paragraph 3.2, the following information:

3.3.1 The reason for the importation of the Subject Products;

3.3.2 The use to which the Subject Products will be put, including identification of the end product to be manufactured and sold to a third party;

3.3.3 Where the input material to be processed by the Subject Products (e.g. scrap or waste metal) is being sourced; and

3.3.4 The person/s to which the end product will be sold.

3.4 In order to assist ITAC with the sound administration and proper adjudication of import permits, ITAC may from time to time and when circumstances warrant, require additional documentation in order to, *inter alia*, make an informed decision on an application for an import permit.

4. Permit Administration

4.1 An Application Form and accompanying documents for an import permit, as provided for in paragraph 3, must be submitted by e-mail to the relevant administrative officials as indicated on the ITAC website, responsible for the administration of import applications for the importation of the Subject Product, from time to time;

or by hand delivery to:

77 Meintjies Street, Block D, 2nd Floor, Sunnyside, Pretoria.

4.2 Application Forms referred to in subparagraph 1 that are submitted to ITAC will normally be processed within 7 to 10 working days after receipt of a duly completed application.

5. Miscellaneous

5.1. An Applicant may be subject to a verification inspection by ITAC before an application for an import permit is evaluated. An inspection may delay the issuing of an import permit.

5.2. If an Applicant provides incorrect or false information in an application, ITAC may reject the application.

5.3. If incorrect or false information is provided to ITAC, ITAC may also take any action available to it under prevailing legislation, including, but not limited to, criminal prosecution.

5.4. Import permits are valid for one year from the date of issue.

5.5. ITAC import permits are not transferrable and may not be used to the benefit of any person not named in the permit.

6. Effective Date

These Guidelines will come into effect on the date of publication in the Government Gazette.

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