INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

 **APPLICATION FORM**

**INFORMATION REQUIRED IN SUPPORT OF AN**

**APPLICATION FOR A PERMIT FOR REBATE**

 **OF THE DUTY IN TERMS OF REBATE ITEMS 405.04/00.00/04.00, 405.04/00.00/05.00 AND 405.04/00.00/06.00**

**EXPLANATORY NOTES:**

1. Applications must be submitted to The Chief Commissioner, International Trade Administration Commission of South Africa, Private Bag X753, Pretoria, 0001.

2. Application forms not duly completed will be regarded as deficient and will be returned to the applicant for completion before applications will be considered. All requested documentation must be attached to the completed form.

3. In respect of donated items, a proper description, tariff heading, quantity (must be in the statistical unit of the tariff heading) and Rand value need to be provided. Please note that this information needs to be provided for each donated item.

4. If the space provided on the questionnaire is insufficient, please use the format of the application form as a template in which the requested information should be submitted.

5. For any enquiries regarding the completion of this application form and relevant matters please contact Kokami Getrude Phalane tel no (012) 394 3812, fax (012) 394 4812, e mail kPhalane@itac.org.za or De Waal Lombaard tel: (012) 394 3687, fax: (012) 394 4687, e-mail DLombaard@itac.gov.za.

# CONFIDENTIAL INFORMATION

**Please note 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 following rules are strictly applicable and parties must indicate:**

* **Where confidential information has been omitted and the nature of such information;**
* **A summary of the confidential information which permits 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 indicated to be confidential and filed together with a non-confidential version, will be made available to other interested parties.**

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.

 **SECTION A: GENERAL INFORMATION**

|  |  |
| --- | --- |
|  |  |
| **Name of the Organisation**  |  |
| **Should the above organisation be affiliated to other organisations please specify.** |  |
| **Postal Address** |  |
| **Street Address** |  |
| **Contact Person**  |  |
| **Contact details** **Tel no:****Cell no:****Fax no:****e-mail:** |  |
| **Date of establishment**  |  |
| **Name of Office Bearers/Trustees.** |  |
| **Details of distributors/recipients in South Africa** |  |
| **NPO Registration No**  |  |

**SECTION B: INFORMATION REGARDING DONATED GOODS**

1. State whether the donation is for free distribution or for official use by the organisation:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Full description (e.g. shoes of leather uppers) of donated goods (Should the space not be sufficient please provide the information in an annexure attached to the application):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Tariff classification (please consult with a clearing agent or the South African Revenue Services): (Should the space not be sufficient please provide the information in an annexure attached to the application):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Quantity according to the statistical unit of the tariff heading e.g. kg, number of units, etc. (Should the space not be sufficient please provide the information in an annexure attached to the application):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. The value of the imported goods in Rand (Should the space not be sufficient please provide the information in an annexure attached to the application):

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6. Submit a detailed description of the distribution infrastructure at your disposal for purposes of free distribution of donated goods to indigent persons (people living in very poor conditions and are needy) and exactly how the structure operates (Please note that records of distribution process for example list of recipients with signatures need to be kept for verification purposes):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. Please indicate where the safe place of storage is located where the goods will be kept during the distribution process. (Please provide the physical address):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECTION C: DOCUMENTATION REQUIRED IN SUPPORT OF THE APPLICATION**

The following documents must accompany this application:

1. Copy of the constitution of the organisation.

2. Copy of registration certificate as a non-profit organisation in terms of the Non-profit Organisations Act, if applicable.

3. Letter from the donor confirming that the goods to be imported in terms of rebate item 405.04 are bona fide unsolicited donations.

4. The attached declaration must be completed by both the applicant and any other body responsible for distribution of the donated goods.

5. Welfare organisations must provide proof of registration with the Department of Social Development.

 **SECTION D: AFFIDAVIT**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in my capacity as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby declare that the donated goods are for use by the organisation or for free distribution and that the goods will not be sold, leased, hired or otherwise disposed of for gain without the prior approval of the International Trade Administration Commission and without payment of the duty which has been rebated to the Commissioner of Customs and Excise, and that no donation or other counter-performance have been or will be accepted by anybody in respect of goods referred to in this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SIGNATURE (APPLICANT)**

I certify that the deponent has acknowledged that he/she knows and understands the contents of this affidavit that he/she has no objection to the taking of the prescribed oath and that he/she considers this oath to be binding on his/her conscience.

SIGNED and SWORN to before me at ..................... on this .................. day of ................... 2011

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **COMMISSIONER OF OATHS**

FULL NAMES :

CAPACITY :

BUSINESS ADDRESS :

AREA :

 **PROCEDURES**

**PROCEDURES FOR THE USE OF REBATE FACILITIES 405.04/00.00/04.00 450.04/00.00/05.00 AND 405.04/00.00/06.00**

1. On receipt of the duly completed questionnaire, an investigation will be conducted to determine whether the donation will have a detrimental effect on an industry within SACU.

2. On completion of the investigation a decision will be made to issue or refuse the application to import goods in terms of rebate item 405.04/00.00/04.00, 405.04/00.00/05.00 or 405.04./00.00/06.00.

 **CONDITIONS**

Conditions regarding rebate item 405.04/00.00/04.00, 405.04/00.00/05.00 405.04/00.00/06.00 are set out as follows:

1. Only the original questionnaires will be accepted - no fax or photocopies will be entertained.

2. Strict record will be kept of each application and the distribution of goods by the permit holder.

3. A proper storage facility or store room which can be properly locked up must be at the disposal of the applicant. If the applicant is not in possession of storage facilities, please indicate what alternative arrangements were made for safely storing the goods. ITAC reserve the right to inspect storage premises for compliance prior to the issuing of a permit.

4. Permits will be valid for a period of 12 months.

5. Permits will not be issued with retrosspective effect.

6. The expiring date of the permit will not be extended.

7. This permit shall not 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.

# INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

**GUIDELINES, RULES AND CONDITIONS PERTAINING TO**

###### REBATE ITEMS 405.04/00.00/04.00, 405.04/00.00/05.00 405.04/00.00/06.00

1. Applications for rebate 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 rebate permits must be submitted in accordance with the requirements of 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 regarded as deficient, and it will be returned to the applicant.
4. At least two weeks should be allowed for the processing of applications and the issuing of permits.
5. Each rebate permit issued will reflect the validity period of the permit which period is a 12-month period starting on the date on which the permit was issued or a shorter period as requested by the applicant, or as decided upon by ITAC.
6. The applicant must apply for rebate permit and import permit (if applicable) prior to the shipment and the arrival of containers in South Africa. **Please note that no applications will be entertained if submitted after the arrival of the goods in South Africa.**
7. Rebate permits issued will be subject to the following conditions:
* The applicant must clearly stipulate the Port of Entry.
* The applicant must clearly explain the distribution infrastructure available including the manner in which the distribution will take place.
* Proper records must be kept of the distribution of goods in such a manner that the distribution of the goods can be verified.
* The donated goods must be kept in a safe place of storage during the distribution process. This place of storage must be lockable and constructed in such a manner that it will provide the maximum protection possible to the donated goods.
* Welfare organisations need to provide proof that they are registered with the Department of Social Development.
* A report need to be provided by the permit holder in respect of the progress of the distribution of the donated goods.
1. 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.
2. If any condition of a permit is not complied with, the consignment in terms of which the rebate permit was used will be seized by ITAC, appropriate steps will be taken in terms of the International Trade Administration Act and the Customs and Excise Act, which may include, criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.