

**GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.05/2712.10.20/01.0/; 460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; AND 460.18/9001.10/01.06 FOR THE IMPORTATION OF CERTAIN INPUTS USED IN THE MANUFACTURE OF OPTICAL FIBRE CABLES AND OPTICAL GROUND WIRE CABLES CLASSIFIABLE TARIFF SUBHEADINGS 8544.70 AND 9001.10.**

## **1. PURPOSE**

- 1.1 This document serves to provide reference and procedural guidelines applicable to applications for permits in terms of rebate provisions of **460.05/2712.10.20/01.0/; 460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; AND 460.18/9001.10/01.06**. This document therefore addresses the guidelines, rules and conditions to the aforementioned rebate items and the permit application process to be followed by applicants.

## **2. REBATE PROVISION**

- 2.1 Rebate items **460.05/2712.10.20/01.0/;460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; AND 460.18/9001.10/01.06** of Schedule No. 4, Part 2 of the Customs and Excise Act No. 91 of 1964 (Customs and Excise Act) makes provision for rebate of the full duty on the:

- *Optical fibres, not individually sheathed, classifiable in tariff subheading 9001.10, for use in the manufacture of optical fibre cables classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the*

*International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market;*

- *Petroleum jelly, in immediate packings of a content exceeding 5kg, classifiable in tariff subheading 2712.10.20, for the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market;*
- *Other, monofilament of which any cross-sectional dimension exceeds 1 mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of other plastics, classifiable in tariff subheading 3916.90.90, for the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market;*
- *Wire of non-alloy steel, clad with aluminium, classifiable in tariff heading 72.17, for use in the further processing of optical fibre cable classifiable in tariff subheading 8544.70, by reinforcing the optical fibre cable with one or more layer of stranded wire, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market; and*
- *Optical fibre cable, classifiable in tariff subheading 8544.70, for further processing by reinforcing the fibre optical cable with one or more layer of wire, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market.*

### **3. APPLICATION PROCEDURES**

- 3.1 Applicants must acquaint themselves with the provisions of the Customs and Excise Act, the International Trade Administration Act No.71 of 2002 (ITA Act) and other legislation relating to the importation of goods into the Republic of South Africa.
- 3.2 The applicant shall provide the International Trade Administration Commission of South Africa (ITAC) with the required information as per the relevant application form (**Annexure A**). Should the space provided in the application form not be sufficient, applicants may use the format of the application form as a guide of the format in which the required information should be submitted.
- 3.3 These Guidelines should be read and understood before completing the application form. Completed original applications for permits may be forwarded to:

**The Senior Manager: Tariff Investigations II**

International Trade Administration Commission of South Africa  
Private Bag X 753  
Pretoria, 0001

Or hand delivered to:

Block E, 1<sup>st</sup> Floor  
DTI Campus  
77 Meintjies Street  
Sunnyside  
Pretoria  
0002

3.4 Should an application be found to be deficient, it will not be processed further and the applicant will be informed accordingly. An application will be regarded as deficient if the following is found:

- I. The application is not submitted in the correct format;
- II. The application has not comply with the guidelines, rules and conditions as set out in this document;
- III. The requisite information is not submitted; and/or
- IV. The application contains conflicting or incorrect information.

Applicants who submit deficient applications must re-submit duly completed application forms to replace the deficient application forms, should they wish to proceed.

3.5 Applications must be made well in advance of the shipment of the goods, as rebate permits will not be issued retrospectively. Applicants should allow an issuance period of approximately fourteen (14) days from the date ITAC received a properly documented and duly complete application.

3.6 Permits for rebate items **460.05/2712.10.20/01.0/; 460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; AND 460.18/9001.10/01.06** are valid for the period stipulated on the permit issued and no extensions will be granted.

3.7 The permits are issued at the discretion of ITAC. Should the application be rejected, the applicant will be informed in writing of the decision and the reasons thereof to enable them to seek appropriate recourse.

#### **4. APPLICABLE CONDITIONS**

4.1 Applicants must comply with the provisions of the Customs and Excise Act, the ITA Act and all other South African legislation relating to the importation of goods into the Republic of South Africa, relevant to the transaction.

4.2 Any request for an amendment of the rebate permit will only be considered when an error was made by ITAC upon the issuance of a permit.

**Note: No amendments will be effected in instances where the applicant was responsible for the submission of incorrect information. In such instances a new application will be required.**

4.3 Should the permit holder misplace a rebate permit, the permit holder will be required to submit an application for the re-issue of the permit in the form of an affidavit commissioned by a Commissioner of Oaths. This must clearly set out the circumstances giving rise to the loss of the original permit and show good cause or reasons why a substitute permit should be issued. ITAC may consider issuing a replacement of the lost original permit provided the above is duly submitted.

4.4 ITAC may also satisfy itself as to the accuracy of the information supplied to it by the applicant by conducting verifications at such time and place as it deems necessary, including verification visits at the premises of the applicant that provided the information and consumers of the end-product.

4.5 ITAC may inform the applicant concerned of the dates of the intended visit, and where such information is provided, the verification will be conducted on those dates.

4.6 Following a verification visit, ITAC shall compile a verification report indicating what information was verified, and may make same available to the applicant.

4.7 In addition, the following will apply:

- I. ITAC will monitor the use of this rebate provision to ensure that it is not abused;

- II. ITAC will continue to engage with the domestic industry manufacturing other products which can be negatively affected by the abuse of this provision; and
- III. In line with 4.4, the users of this rebate provision will be expected to keep full records of materials imported under rebate, including records of final products manufactured such as purchase orders and sales invoices, as these may be requested by ITAC on a quarterly basis for monitoring purposes.

## **5. NON-COMPLIANCE**

- 5.1 Where non-compliance is detected, appropriate action will be taken against the relevant party or parties in terms of the ITAC Act and/or the Customs and excise Act. This action may include (without limitation) criminal charges, withdrawal of the permit(s) concerned and it may affect future applications for permits.
- 5.2 Should it be found that the goods imported in terms of the rebate permit are used for any other purpose than that specifically described in the rebate provision and in the permit; the applicable customs duty and penalties will be imposed by SARS.



**Annexure A**

**APPLICATION FORM FOR REBATE PERMITS UNDER REBATE ITEMS 460.05/2712.10.20/01.0/; 460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; AND 460.18/9001.10/01.06 FOR THE IMPORTATION OF CERTAIN INPUTS USED IN THE MANUFACTURE OF OPTICAL FIBRE CABLES AND OPTICAL GROUND WIRE CABLES**

**PLEASE NOTE:**

- 1. It is imperative to provide the information requested in the attached document titled GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.05/2712.10.20/01.0/; 460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; AND 460.18/9001.10/01.06 FOR THE IMPORTATION OF CERTAIN INPUTS USED IN THE MANUFACTURE OF OPTICAL FIBRE CABLES AND OPTICAL GROUND WIRE CABLES before completing this application form.**
2. If the space provided for on the application form is insufficient, please use the lay-out of this application form as a guideline of the form in which the requested information should be submitted

**1. Details of Applicant:**

1.1 Name of Applicant:

.....

1.2 CIPC Registration No.

.....

1.3 VAT Registration No.:

.....

1.4 Importer's code:

.....

1.5 Physical Address:

.....

.....

.....

**1.5 Contact Details:**

1.5.1 Contact Person:

.....

1.5.2 Contact Number:

.....

1.5.3 Email Address: .....



1.5.4 Facsimile Number:

.....

**2. Details of Manufacturer (if different from site 1):**

2.1 Company name:

.....

2.2 CIPC Registration No.

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2.3 VAT Registration No.:

2.3 Importer's code:

.....

.....

2.4 Physical Address:

.....

.....

**3. Furnish the following information in respect of each of the products to be imported.**

<b>Product Description</b>	
<b>Tariff Heading</b>	
<b>Customs Value (FOB) in Rands</b>	
<b>Quantity (i.e. kg/units)</b>	

<b>Country Importing from</b>	
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**4. Please provide details of the nature of business of the applicant taking into consideration of the imported goods f to which the rebate provision or permit relates:**

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**5. Kindly indicate the employment figures in relation to the end product to be manufactured (if applicable):**

<b>Applicant's Total Employment</b>	
Female	
Youth (18- 35 years)	
<b>Total Direct Factory Workers</b>	
Female	
Youth (18- 35 years)	

**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 form for rebate permits under rebate item **460.05/2712.10.20/01.0/; 460.07/3916.90.90/01.08; 460.15/72.17/01.04; 460.16/8544.70/01.06; and 460.18/9001.10/01.06** for the importation of certain inputs for use in the manufacture of optical fibre cables and optical ground wire cables, 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/HER CONSCIENCE. THE STATEMENT WAS SWORN TO/ AFFIRMED 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**

**FULL NAMES:** \_\_\_\_\_

**DESIGNATION:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

### Check List

Please note: Before the application form is submitted to ITAC, the applicant is required to complete the check list which is shown in table 1 below:

Table 1: Check List

<b>Documents and information to be submitted</b>	<b>Mark with an X</b>
Importers Code	
VAT registration no.	
CIPC Registration no.	
Copy of previous permit (if applicable)	
Signed sworn affidavit	