

**Dr Rob Davies, MP**  
Minister of Trade and Industry  
Private Bag X84  
Pretoria  
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Dear Minister

**M1/2010: CREATION OF REBATE ITEM 460.11/00.00/08.00 FOR THE INTERIM TEXTILE AND CLOTHING INDUSTRY DEVELOPMENT PROGRAMME WITH RETROSPECTIVE EFFECT FROM 1 APRIL 2009 – 31 MARCH 2010**

On 19 February 2010, ITAC received a Ministerial request to implement the extension of the interim TCIDP programme for a period of one year, retrospective from 1 April 2009 to 31 March 2010.

The Minister also requested that the extended programme be subject to a restriction on qualifying inputs, limited to yarns classifiable under tariff headings 54.02; 55.09; 55.10 and fabrics classifiable under tariff headings 54.07; 54.08; 55.12; 55.13; 55.14; 55.15 and 55.16.

In order to give effect to the Minister's request, the Commission recommends that, for customs administration purposes, a rebate provision be created under rebate item 460.11 of Schedule 4, of the Customs and Excise Act, with the following description:

"The textiles and textile articles falling within headings 54.02; 54.07; 54.08; 55.09; 55.10; 55.12; 55.13; 55.14; 55.15; 55.16 entered for home consumption after 01 November 2009 to 30 September 2012 for the purpose of this provision in accordance with a duty credit certificate issued by the International Trade Administration Commission specified in the TCIDP Rules and Procedures defined in Notes 1 to 8 hereto.

**NOTES:**

The provision of this item shall be subject to the following:

1. Definitions

"ITAC" means the International Trade Administration Commission;

"DCC" means Duty Credit Certificate;  
"DC" means Duty Credit;

"TCIDP" means the interim Textile and Clothing Industry Development Programme, the requirements of which are specified in the **Rules and Procedures** and in accordance with which a DCC is issued by the ITAC;

"DCC holder" means a person to whom or which a DCC is issued;

"DCC buyer" means the person who buys a DCC or part thereof from a DCC holder as contemplated in paragraph 7.5 of the **Rules and Procedures**;

"**Rules and Procedures**" means the Rules and Procedures to the interim Textile and Clothing Development Programme; and

"The Act" means this Act.

2. Subject to the provisions of this Act including the provisions of this item and of these Notes, the importation and exportation of goods for the purpose of the TCIDP, the application for and the issuance or withdrawal of a DCC, the use of any DCC and the benefit it confers and any other matter relating to the administration of the TCIDP, shall be governed by –

(a) the conditions and procedures specified in the Rules; and

(b) any amendment thereof, and any condition imposed or  
procedure prescribed by the ITAC.

3. (a) Deleted

(b) In respect of goods exported during the period 1 April 2009 to 31 March 2010, the DCC may only be sold to manufacturers contemplated in the Rules and Procedures.

(c) Where any person sells any goods to the DCC holder or DC buyer in the circumstances specified in section 39A of the Act, such holder or buyer shall not resell the goods, or otherwise dispose thereof for the benefit of the person who so sold the goods or any person related to such person.

(d) If such holder or buyer so resells or disposes of the goods, the amount of duty rebated shall be payable to the Commissioner upon demand and shall be subject to the provisions of this Act as if it were an amount to be repaid under the provisions of section 76A of the Act.

(e) Subject to the provisions of paragraphs (a) and (b), goods imported under a DCC may be sold to any person after due entry for home

consumption as contemplated in section 7.2 of the Rules and Procedures.

- (f) For the purposes of this Note "related" shall have the meaning ascribed thereto in section 66(2)(a) of the Act.

4. (a) **Whether the ITAC, as contemplated in paragraph 8 of the Rules and Procedures –**

- (i) decides that a DCC is null and void; or
- (ii) has reason to believe that any irregularities have been committed or incorrect information furnished with regard to the obtaining or utilization of the DCC, and withdraws such DCC;
- (iii) any amount of duty rebated shall be paid to the Commissioner upon demand by the DCC holder or DCC buyer, whoever committed the act resulting in the withdrawal of such certificate.

- (b) Such amount shall be recoverable in terms of this Act as if it was an amount to be repaid under the provisions of section 76A of the Act.

5. **Whenever the ITAC –**

- (a) Withdraws a DCC for any reason; and
- (b) reconsiders the withdrawal and issues a new DCC from the date of withdrawal of the original DCC, the Commissioner shall refund any amount of duty paid by the person concerned as contemplated in Note 4, but no interest shall be payable in respect of such amount for the period it was held by the Commissioner.

6. (a) Where the amount of duty leviable in respect of any goods rebated on any bill of entry exceeds the amount on the DCC, duty on the excess shall be paid to the Controller where such bill of entry is processed.

- (b) The DCC is only valid in respect of the period specified in the item and any balance remaining after such period has expired is not carried over to the next period.

- (c) In order to qualify for TCIDP benefits, applications for duty credit certificates are to be submitted to the International Trade Administration Commission, not later than 18 months from the date of the export bill of entry.

7. The Commissioner may prescribe by rule any matter he considers necessary and useful for the purpose of regulating any customs procedure to which this item or the Rules and Regulations relates.
8. The Controller may supervise any consignment at the Premises of the exporter, where it is deemed necessary and will allow goods to be exported on compliance with the supervision procedures applicable to such exports."

The rebate facility makes provision for rebate of the full duty to the extent specified in the certificate issued by ITAC."

In addition, the Commission recommends that the description of the existing rebate item 460.11/00.00/07.00 be amended as the date for home consumption was incorrectly stated as 30 September 2010 instead of 30 September 2011. This will enable the importers to fully utilize their duty credit certificates.

It is also recommended that all the previous rebate provisions referring to the Duty Credit Certificate Scheme (DCCS) be withdrawn.

Yours sincerely



**Siyabulela Tsengiwe**  
Chief Commissioner

Date: 16 / 03 / 2010