

## DEPARTMENT OF TRADE AND INDUSTRY

## NOTICE 54 OF 2019

## INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SA

**GUIDELINES PERTAINING TO A TEMPORARY REBATE PROVISION WHICH PROVIDES FOR REBATE OF THE FULL ANTI-DUMPING DUTY ON BONE-IN CUTS OF THE SPECIES GALLUS DOMESTICUS, FROZEN, CLASSIFIABLE IN TARIFF SUBHEADING 0207.14.9 AND IMPORTED FROM OR ORIGINATING IN THE UNITED STATES OF AMERICA IN TERMS OF THE CUSTOMS AND EXCISE ACT**

Interested parties are hereby notified that all applications submitted for permits in terms of the following rebate provision will be dealt with according to the guidelines as described in this notice and must be submitted in the format as set out in the application forms in this notice, where applicable.

For the convenience of all interested parties, the following guidelines in respect of the rebate provision subject to publication are attached to this notice as indicated in the Schedule hereunder:

DESCRIPTION OF REBATE PROVISION	ANNEXURE
<p>Rebate item 460.03/0207.14.9/01.07: A temporary rebate of the full anti-dumping duty on - Frozen meat of the species <i>Gallus domesticus</i>, cut in pieces with bone in, classifiable in tariff subheading 0207.14.9 and imported from or originating in the United States of America, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission (ITAC) may allow by specific permit on recommendation of the Director General: Department of Agriculture, Forestry and Fisheries (DAFF), <i>provided that</i> -</p> <p>(a) <i>With effect from 1 April 2016, permits may be issued by ITAC for meat imported in terms of this rebate;</i></p> <p>(b) <i>From the date this rebate item comes into operation up to and including 31 March 2016 meat imported in terms of this rebate items shall be on a first-come-first-served basis;</i></p> <p>(c) <i>The meat subject to the provisions of this rebate item may not exceed a basic annual quota of 65 000 metric tonnes;</i></p> <p>(d) <i>The annual quota period is 1 April to 31 March;</i></p> <p>(e) <i>Prior to 1 April 2016, the quota shall be 16 250 metric tonnes;</i></p> <p>(f) <i>As from 1 April 2017 an annual growth factor as determined by DAFF shall be applied to the basic quota mentioned in (c) above;</i></p> <p>(g) <i>The meat imported in terms of this rebate item may not be removed outside the Republic for consumption in any of the BLNS countries;</i></p> <p>(h) <i>The permit is not transferable and may not be used to obtain meat to the benefit of any entity or person not named in the permit issued by ITAC;</i></p> <p>(i) <i>This rebate item shall be suspended if any benefits that South Africa enjoyed under AGOA as at 1 November 2015 are suspended, and shall remain suspended for as long as those benefits under AGOA remain suspended; and</i></p> <p>(j) <i>This rebate item is suspended in terms of paragraph (i) as from the date the Minister of Trade and Industry submits written confirmation to the Minister of Finance that South Africa's benefits under AGOA have been suspended.</i></p>	<p>Annexure 1.1</p>

## ANNEXURE 1.1

**GUIDELINES FOR THE APPLICATION FOR A DAFF QUOTA ALLOCATION IMPORT PERMIT AND THE APPLICATION FOR A REBATE PERMIT IN TERMS OF REBATE ITEM 460.03/0207.14.9/01.07****THE REBATE**

*A temporary rebate of the **full anti-dumping duty** on -*

*Frozen meat of the species *Gallus domesticus*, cut in pieces with bone in, classifiable in tariff subheading 0207.14.9 and imported from or originating in the United States of America, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission (ITAC) may allow by specific permit on recommendation of the Director General: Department of Agriculture, Forestry and Fisheries (DAFF), provided that -*

- (c) With effect from 1 April 2016, permits may be issued by ITAC for meat imported in terms of this rebate;*
- (d) From the date this rebate item comes into operation up to and including 31 March 2016 meat imported in terms of this rebate items shall be on a first-come-first-served basis;*
- (c) The meat subject to the provisions of this rebate item may not exceed a basic annual quota of 65 000 metric tonnes;*
- (d) The annual quota period is 1 April to 31 March;*
- (e) Prior to 1 April 2016, the quota shall be 16 250 metric tonnes;*
- (f) As from 1 April 2017 an annual growth factor as determined by DAFF shall be applied to the basic quota mentioned in (c) above;*
- (g) The meat imported in terms of this rebate item may not be removed outside the Republic for consumption in any of the BLNS countries;*
- (h) The permit is not transferable and may not be used to obtain meat to the benefit of any entity or person not named in the permit issued by ITAC;*
- (i) This rebate item shall be suspended if any benefits that South Africa enjoyed under AGOA as at 1 November 2015 are suspended, and shall remain suspended for as long as those benefits under AGOA remain suspended; and*
- (j) This rebate item is suspended in terms of paragraph (i) as from the date the Minister of Trade and Industry submits written confirmation to the Minister of Finance that South Africa's benefits under AGOA have been suspended.*

## SECTION A: GENERAL

### 1. DEFINITIONS

- 1.1 **"AGOA"** means the African Growth and Opportunity Act as extended and amended by the Trade Preferences Extension of African Growth and Opportunity Act of 2015, as amended or substituted from time to time.
- 1.2 **"AGOA Rebate Programme"** means the scheme administered by the International Trade Administration Commission of South Africa and the Department of Agriculture, Forestry and Fisheries that allocates the Annual Quota benefitting from a temporary rebate of the full anti-dumping duty on certain bone-in cuts imported from or originating in the United States of America.
- 1.3 **"Annual quota"** means a quota of 65 000 tonnes per Quota Year, subject to an increase in accordance with the provisions of paragraph 2.1.
- 1.4 **"Anti-dumping duties"** means the Anti-Dumping Duties in force on Bone-in cuts originating in or imported from the United States of America as listed in Schedule No. 2 Part 1 to the Customs and Excise Act.
- 1.5 **"Arm's length price"** means a price negotiated between independent parties, that is between a willing seller and a willing buyer, transacting on the open market.
- 1.6 **"Bone-in cuts"** means frozen meat of fowls of the species *Gallus domesticus*, cut in pieces with bone-in, classifiable under tariff subheading 0207.14.9.
- 1.7 **"Customs and Excise Act"** means the Customs and Excise Act, 91 of 1964, as amended or substituted from time to time.
- 1.8 **"BBBEE Act"** means the Broad Based Black Economic Empowerment Act, 53 of 2003, as amended or substituted from time to time and codes published thereunder.
- 1.9 **"DAFF"** means the Department of Agriculture, Forestry and Fisheries or its successor.
- 1.10 **"DAFF Average"** means the average of the poultry production and consumption figures for South Africa in a calendar year published by DAFF in in March of each year.
- 1.11 **"the dti"** means the Department of Trade and Industry or its successor.
- 1.12 **"Effective Date"** means the date on which the amendment in Schedule No. 4 to the Customs and Excise Act, was published in the Government Gazette to

provide for a rebate of the full Anti-Dumping Duties payable in terms of Schedule No. 2 to the Customs and Excise Act.

- 1.13 **"HDIs"** means Historically Disadvantaged Individuals as defined in the Broad Based Black Economic Empowerment Act, 53 of 2003, as amended or substituted from time to time.
- 1.14 **"HIs"** means historical importers, which are importers which were importing bone-in cuts and/or other chicken products prior to the Effective Date.
- 1.15 **"Importer"** includes any person who at the time of importation –
- 1.15.1 owns any goods imported;
  - 1.15.2 carries the risk of any goods imported;
  - 1.15.3 acts as if he represents or is the importer or owner of any goods imported;
  - 1.15.4 actually brings any goods into South Africa;
  - 1.15.5 is beneficially interested in any way whatsoever in goods imported; or
  - 1.15.6 acts on behalf of a person referred to in paragraph 1.15.1, 1.15.2, 1.15.3, 1.15.4 or 1.15.5.
- 1.16 **"ITAC"** means the International Trade Administration Commission of South Africa or its successor.
- 1.17 **"ITA Act"** means the International Trade Administration Act, 71 of 2002, as amended, substituted or novated from time to time.
- 1.18 **"Person"** means, depending on the context, a natural person (individual) or a juristic person.
- 1.19 **"Quarter"** means each period of 3 calendar months commencing on 1 April, 1 July, 1 October and 1 January in each calendar year.
- 1.20 **"Quarterly Quota Utilisation Report"** means a report reflecting the actual usage of quota received.
- 1.21 **"Quarterly Quota"** means 1 quarter of the annual quota, subject to the provisions of paragraph 2.2.
- 1.22 **"Quota Year"** means a period of four consecutive Quarters commencing on 1 April in each calendar year and ending on 31 March in the subsequent calendar year. The first Quota Year shall be deemed to have commenced on 1 April 2016 and ended on 31 March 2017.

- 1.23 **“Quota”** means imports of bone-in cuts benefitting from a temporary rebate of the full anti-dumping duty, subject to both the annual quota and quarterly quota.
- 1.24 **“Related”**, when used in respect of two persons, means persons who are connected to one another in any manner contemplated in paragraph 7.
- 1.25 **“SARS”** means the South African Revenue Service or its successor.

## 2. THE QUOTA

- 2.1 The Quota will increase with effect from 1 April in each calendar year, commencing on 1 April 2017 by the percentage, if any, by which the DAFF Average for the calendar year immediately preceding the calendar year in which that month falls (the "Relevant Year") has increased from the DAFF Average for the calendar year immediately preceding the Relevant Year, provided that:
- 2.1.1 if there is a decrease in the DAFF Average for the Relevant Year from the DAFF Average for the year immediately preceding the Relevant Year (the "Base Year"), the Quota then in force will not be decreased; and
- 2.1.2 for the purposes of determining any future increase in the Quota, the Base Year shall be used as the basis for determining any such increase until there is an increase in the DAFF Average for the Relevant Year when compared with the DAFF Average in the Base Year, where after the provisions of paragraph 2.1, but for this proviso, shall apply. For the avoidance of doubt, if there is no such increase, the Quota then in force shall continue to apply.
- 2.2 The following provisions shall apply to the Quota to avoid volatility in the market:
- 2.2.1 if any portion of the Quarterly Quota is not used in the first Quarter of a Quota Year commencing on 1 April, the unused portion of the Quarterly Quota may be used only in the second Quarter of the Quota Year commencing on 1 July;
- 2.2.2 any portion of the Quarterly Quota for the first and second Quarters of each Quota Year commencing respectively on 1 April and 1 July, not used by 30 September shall be forfeited;
- 2.2.3 if any portion of the Quarterly Quota is not used in the third Quarter of a Quota Year commencing on 1 October, the unused portion of the

- Quarterly Quota may be used only in the fourth Quarter of the Quota Year commencing on 1 January;
- 2.2.4 any portion of the Quarterly Quota for the third and fourth Quarters of each Quota Year commencing respectively on 1 October and 1 January, not used by 31 March shall be forfeited;
- 2.2.5 any quotas forfeited at the end of Quarter 2 of the Quota Year may be re-allocated at the end of the third Quarter of the Quota Year for utilisation in Quarter 4 of the Quota Year; and
- 2.2.6 any portion of the Quota in each Quota Year, not used at the end of a Quota Year shall be forfeited.
- 2.3 Should any benefits that South Africa enjoyed under AGOA as at 1 November 2015 be suspended, the AGOA Rebate Programme shall be suspended as from the date the Minister of Trade and Industry submits written confirmation of such suspension to the Minister of Finance, and shall remain suspended for as long as those benefits under AGOA remain suspended.
- 2.4 The Quota is implemented by rebate item 460.03/0207.14.9/01.07 ("the Rebate Item"). The Rebate Item came into force on the Effective Date.
- 2.5 Neither the Quota nor the Rebate Item will affect the payment of any other duties or taxes applicable to the importation of Bone-in Cuts, nor the import requirements in terms of any applicable legislation.
- 2.6 Neither the Quota nor the Rebate Item may be used in any sunset or interim review of the Anti-Dumping Duties or otherwise to support any argument that the Anti-Dumping Duties should not be renewed, terminated, reduced or otherwise amended.

### **3. PURPOSE**

Under the AGOA Rebate Programme, the Quota is allocated to HDIs and HIs. These Guidelines seek, in part, to ensure there is a proper allocation of the Quota.

### **4. ELIGIBILITY**

To participate in the AGOA Rebate Programme and be eligible for a quota allocation import permit from DAFF and a rebate permit from ITAC, an applicant must, in addition to any other requirements contained herein –

- Be a South African citizen with a valid identity document or a company with a valid certificate of registration/incorporation in South Africa;
- Have a valid SARS tax clearance certificate;
- Be registered at SARS as an importer; and
- Be fully BBEE compliant, which shall include, but not be limited to, being compliant with the Agri-BEE Charter.

## **5. THE APPLICATION PROCESS**

The AGOA Rebate Programme application process involves two sequential steps, meaning that an applicant must meet all the requirements of each of the following steps to obtain the permits necessary for the importation of bone-in cuts under the AGOA Rebate Programme:

- 5.1 The first step in the application process involves the submission of an application (which includes an affidavit) for a quota allocation import permit to DAFF (see Section B for details). Only once the quota allocation import permit has been issued by DAFF can applicants proceed to the second step of the application process described in paragraph 5.2.
- 5.2 The second step in the application process involves the submission of an application (which includes an affidavit) for a rebate permit to ITAC (see Section C for details).
- 5.3 Notwithstanding anything to the contrary herein, as part of the DAFF and ITAC application processes set out in Sections B and C, respectively, either organisation may require submission of any document that is part of the other's application process. The failure to furnish the required document to DAFF or ITAC, as applicable, may result in a rejection of the application.
- 5.4 Where the Guidelines require the submission of a document, the document submitted must be an original or a certified copy of the original, unless indicated otherwise.

## **6. TRANSFER OF PERMITS**

- 6.1 Permits issued by DAFF and ITAC under these Guidelines are not transferable, which includes, but is not limited to, the transfer of the Quota obtainable under a permit, to any person not named in the permit.

6.2 A prohibited transfer under paragraph 6.1 includes, but is not limited, to the following:

- Where the permit holder is not the importer of the bone-in cuts imported under the AGOA Rebate Programme; or
- Where the sale of the bone-in cuts by a HDI to a third party is not at an arm's-length price.

## **7. RELATED APPLICANTS**

7.1 The purpose of the provisions of this paragraph is to enable a proper allocation of the Quota.

7.2 Related persons may not apply for a Quota under the AGOA Rebate Programme, except as provided for in paragraph 7.8.

7.3 In terms of paragraph 7.2, an individual is related to another individual if they -

7.3.1 are married, or live together in a relationship similar to a marriage; or

7.3.2 are separated by no more than three degrees of natural or adopted consanguinity or affinity;

7.4 In terms of paragraph 7.2, an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with paragraph 7.6.

7.5 In terms of paragraph 7.2, a juristic person is related to another juristic person if—

7.5.1 either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with paragraph 7.6;

7.5.2 either is a subsidiary of the other; or

7.5.3 a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with paragraph 7.6.

7.6 For the purposes of paragraphs 7.4 and 7.5, a person controls a juristic person, or its business, if –



7.6.1 in the case of a juristic person that is a company –

7.6.1.1 that juristic person is a subsidiary of that first person; or

7.6.1.2 that first person together with any related or inter-related person, is –

7.6.1.2.1 directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or

7.6.1.2.2 has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

7.6.2 in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;

7.6.3 in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or

7.6.4 that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph 7.6.1, 7.6.2 or 7.6.3.

7.7 Examples of related persons include, but are not limited to, the following:

7.7.1 Companies which have common directors or owners;

7.7.2 Companies of which the directors or owners are relatives. A relative of a natural person includes, but is not limited to that person's spouse and anyone related to that person within the third degree of consanguinity, meaning that person's children, grandchildren great-grandchildren, grandparents, great-grandparents, brothers, sisters, nephews, nieces, uncles and aunts;

7.7.3 Any agreement, transaction or company which, based on all available evidence, has been structured, in part or in whole, to defeat the purpose of the provisions on related applicants.

7.8 Notwithstanding paragraphs 7.1 through 7.7, where related persons seek to participate in the AGOA Rebate Programme, they must submit –

7.8.2.1 a single application, including an affidavit (in which they disclose their relationship), for a quota allocation import permit to DAFF; and

7.8.2.2 a single application, including an affidavit (in which they disclose their relationship), for a rebate permit to ITAC.

7.9 Notwithstanding paragraphs 7.1 through 7.8 –

7.9.1 a person may be exempted from the application of the above provisions on related applicants if the person can show that, in respect of that particular matter, there is sufficient evidence to conclude that the person acts independently of any related or inter-related person;

7.9.2 persons registered as joint ventures, whether incorporated or not, or similar business arrangements, are exempted from the above provisions on related party applicants, but the persons to such arrangements must disclose their relationship in the affidavit accompanying the DAFF application for a quota allocation import permit and the affidavit accompanying the ITAC rebate permit. The joint venture or similar business arrangement must also comply with the control requirement set forth in paragraph 10.5.

## **8. RESPONSIBILITIES AND CONTRAVENTIONS**

8.1 The issuing of quota allocation import permits and rebate permits by DAFF and ITAC, respectively, is discretionary and is subject to the availability of quota, as well as an applicant complying with all applicable requirements.

8.2 Applicants are advised, amongst others, to be in possession of a quota allocation import permit and a rebate permit prior to shipping bone-in cuts from the United States of America. Imports of bone-in cuts subject to these Guidelines that are imported without a valid DAFF quota allocation import permit and ITAC rebate permit will subject the importer to the payment of anti-dumping duties.

- 8.3 If it is suspected that any condition of a permit issued in terms of the Rebate Item 460.03/0207.14.9/01.07 is not being adequately complied with, the permit holder will, upon detection of such contravention, be issued with a compliance notice to show good cause and submit evidence within seven (7) days of receipt thereof why ITAC should not make any adverse finding/s on the *prima facie* evidence of non-compliance with the above conditions. Thereafter the matter will be considered by ITAC and if ITAC determines that a contravention of any of these permit conditions has occurred, the permit may be varied, amended or revoked/rescinded.
- 8.4 Should non-compliance with any applicable legislation be detected by ITAC at any time, ITAC will take such non-compliance by a permit holder or related party who facilitates such conduct into account in considering whether to revoke/rescind a permit issued in terms of Rebate Item 460.03/0207.14.9/01.07. In terms of section 54(1)(b) of the International Trade Administration Act, Act 71 of 2002, it is an offence to fail to comply with a condition stated in a permit and any person found guilty of such an offence is liable to a fine not exceeding R500 000,00 or to imprisonment for a period not exceeding ten years or to both such fine and imprisonment.

## **SECTION B: DAFF PROCESS**

### **9. QUOTA ALLOCATION**

- 9.1 Applications for quota allocation import permits must be submitted to DAFF (see Annexure A).
- 9.2 A minimum of fifty per cent of the Annual Quota will be allocated to HDIs as set out in Paragraph 9.4 below. This percentage may be reviewed and adjusted from time to time by DAFF.
- 9.3 The portion of the Annual Quota that has not been allocated to HDIs in terms of paragraph 9.2 will be allocated to HIs as set out in paragraph 9.4 below.
- 9.4 The allocation of the Quota for HDIs and HIs will be done on the basis of the Permit Allocation System, which takes into account the following variables:
- a) The market share of existing importers, which will be derived from historical data;
  - b) Quota allocations in multiples of 27 tonnes (i.e. a full container);
  - c) Quota applied for by applicants;
  - d) Number of applicants; and
  - e) The Quota available.

- 9.5 A notice relating to the allocation of the Quota will be published in the Government Gazette during the third Quarter of each Quota Year. The notice will invite all interested parties to submit their applications for quota allocation import permits to be issued by DAFF under the Quota for the next Quota Year. The import permit issued by DAFF under the Quota will be valid for a period of three months.

## **10. SUBMISSION OF DOCUMENTS**

- 10.1 To be considered for a quota allocation import permit, an applicant must furnish DAFF with –
- An original duly completed and signed application and affidavit in the form of Annexure A.
- 10.2 If all the information requested in the application form and the affidavit is not submitted to the satisfaction of DAFF, the application will be deemed to be deficient. If DAFF determines that an application is deficient, the applicant will be informed of the deficiency and of the time period within which to submit a corrected application and/or affidavit to DAFF. Failure to correct any deficiency within the specified period will result in the application being rejected.
- 10.3 The application form is available electronically from DAFF, on request, from the contact provided in paragraph 10.12.
- 10.4 In addition to the documents required in terms of subparagraph 1, HIs must submit the following:
- Documents for the last three (3) years, or an otherwise motivated timeframe, which will prove that the entity applying is an established company and not a dormant company or a company that is not in a financially sound position (e.g. Imports by Bill of Entry number, Balance Sheet, Income and Cash Flow statements); and
  - Documentation to prove its BBBEE status in terms of the BBBEE Act and Code.
- 10.5 In addition to the documents required in terms of subparagraph 1, HDIs must submit the following:
- A business plan demonstrating the sustainability of the business in the long term. Information included in the business plan must substantiate at least the following: including an indication of i.e. access to cold chain logistics (sea and land transport and storage) finance, insurance, and arrangements with freight forwarders;

- access to cold chain logistics (sea and land transport and storage);
  - access to finance and insurance;
  - sales arrangements with US producers of bone-in cuts; and
  - arrangements with freight forwarders for the shipping of bone-in cuts from the United States of America to South Africa;
- A Curriculum Vitae/profile of the applicant;
  - If a company applies, proof that it is wholly owned by HDIs, including certified copies of share certificates and a BBBEE verification certificate by an accredited rating agency, or similar document, to confirm its BBBEE status;
  - If a joint venture or similar business arrangement applies, proof that the HDI controls the joint venture or similar business arrangement and a BBBEE verification certificate by an accredited rating agency to confirm its BBBEE status;
  - Letters of intent from the buyers of imported meat; and
  - Indication of ability and capacity to import a minimum of 135 tonnes (i.e. 5 full containers) of bone-in cuts in a single consignment.
- 10.6 Completed application forms in terms of paragraph 10.1 must be submitted to DAFF during the following time periods:
- a) For the First Quarter of the Quota Year valid for importation during the period 01 April to 30 June: Within two weeks from the date of publication referred to paragraph 9.5 above.
  - b) For the Second Quarter of the Quota Year valid for importation during the period 01 July to 30 September: From 01 to 15 May.
  - c) For the Third Quarter of the Quota Year valid for importation during the period 01 October to 31 December: From 01 to 15 August.
  - d) For the Fourth Quarter of the Quota Year valid for importation during the period 01 January to 31 March: From 01 to 15 November.
- 10.7 Applications for extensions of import permits ("extension permits") issued by DAFF under the Quota are subject to the provisions of paragraph 2.2 and will only be considered for permits issued for the First and the Third Quarters. No extension longer than three months will be granted.
- 10.8 Requests an extension of import permits issued for the First Quarter must be made during a period commencing on the 1st day of the Second Quarter and ending 12 working days before the last day of the Second Quarter and extension permits must be fully utilised during the Second Quarter. Requests

for an extension of import permits issued for the Third Quarter must be made during a period commencing on the 1st day of the Fourth Quarter and ending 12 working days before the last day of the Fourth Quarter and the extension permits must be fully utilised during the Fourth Quarter. Where the last day of such periods falls on a weekend or a public holiday, the final day to request an extension is the immediately preceding working day.

- 10.9 Where a permit holder has been issued an extension permit, but according to SARS' records the permit holder has fully utilised the original quantity specified in a permit issued for the First Quarter or the Third Quarter, the permit holder may receive a lesser allocation in future quarters equal to the quantity specified in the extension permit.
- 10.10 Applicants must submit a Quarterly Quota Utilisation Report to DAFF, 7 days into the ensuing Quarter in the format as determined by DAFF.
- 10.11 Applicants who wish to submit an application for an extension permit must do so in the format as determined by DAFF.
- 10.12 The applications and documents referred to in this paragraph must be hand delivered to the following address from 08H00 – 16H00 Monday to Friday:

Sefala building, Room No. 715,  
503 Belvedere Street, Arcadia, Pretoria,  
Contact person: Ms. Elizabeth Matlala  
Contact number: (012) 319 8076  
Email: ElizabethMA@daff.gov.za

## **11. FEES FOR THE DAFF QUOTA ALLOCATION IMPORT PERMIT**

- 11.1 The fees payable will be prescribed by DAFF annually by publication in the Government Gazette.
- 11.2 All application forms should be accompanied by proof of payment (bank deposit slip or cashier receipt).

Payment is to be made as follows:

Payment to Department of Agriculture, Forestry and Fisheries bank account:

Bank: Standard Bank  
Branch: Arcadia  
Branch No: 01-08-45  
Account No.: 013024175  
Account Name: NDA: Marketing Administration-Trade Incentives

**OR**

Payment in cash:

Department of Agriculture, Forestry and Fisheries Cashier, Pretoria  
Agricultural Place, 20 Steve Biko Drive,  
Arcadia,  
Block S: Room GF 14

Payment must be made per application period and no payments should be made in advance for another period.

## **SECTION C: ITAC PROCESS**

### **12. SUBMISSION OF DOCUMENTS**

- 12.1 After issuing of a quota allocation import permit to an applicant, DAFF will send a recommendation, including a copy of the quota allocation import permit, to ITAC.
- 12.2 Applications for a rebate permit can be submitted to ITAC only after an import permit from DAFF has been obtained.
- 12.3 To be considered for a rebate permit, an applicant must furnish ITAC with –
- An original duly completed and signed application and affidavit in the form of Annexure B.
- 12.4 Applications for rebate permits must be addressed to the Senior Manager: Tariff Investigations 1, International Trade Administration Commission of South Africa, Private Bag X 753, Pretoria or delivered by hand to the DTI Campus, (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.
- 12.5 At least seven (7) working days should be allowed for the issuing of permits where ITAC has received a duly completed application form.
- 12.6 If all the information requested in the application form and the affidavit is not submitted to the satisfaction of ITAC, the application will be deemed to be deficient. If ITAC determines that an application is deficient, the applicant will be informed of the deficiency and of the time period within which to submit a corrected application and/or affidavit to ITAC. Failure to correct any deficiency within the specified period will result in the application being rejected.

### **13. REBATE CONDITIONS**

The following conditions apply to rebate permits issued by ITAC:

- 13.1 Each rebate permit issued defines the quantity of the products and the period during which the products concerned can be cleared under the applicable

rebate item. Rebate permits will be issued only for the corresponding period for which the DAFF quota allocation import permit has been issued.

- 13.2 Applications for extensions, endorsement or amendment of rebate permits will be considered only if the corresponding DAFF quota allocation import permit has been extended, endorsed or amended. No rebate permit will be extended for a period longer than that for which the corresponding DAFF quota allocation import permit has been extended.
- 13.3 None of the products entered under a rebate permit issued in terms of these guidelines may be removed, sold or otherwise be disposed of in the Republic of Botswana, Kingdom of Lesotho, Republic of Namibia or the Kingdom of eSwatini (formerly the Kingdom of Swaziland).
- 13.4 Quotas will not be re-instated or re-allocated in certain instances. For example, where products were cleared for home consumption but the customs procedure is subsequently changed to, for example, an export transaction (warehoused for export, duty paid ex warehouse, etc.), the original clearance will have resulted in the Quota being considered to have been fully utilised and will not be re-instated or re-allocated for the new customs procedure.
- 13.5 Only products described in the rebate permit may be imported.
- 13.6 The rebate permit is issued without amendments of any kind and any unauthorised amendment will render the permit invalid.
- 13.7 Nothing in these Guidelines shall absolve an importer from the obligation of also complying with the provisions of any other legislation relating to the importation of products into the Republic of South Africa.
- 13.8 ITAC may require additional information and/or documentation in order to make informed decisions and to ensure sound administration of the Rebate Item. ITAC officials may at any time inspect premises, documentation or imported products for compliance.

\* \* \*

## ANNEXURE A



### APPLICATION FORM FOR A DAFF QUOTA ALLOCATION IMPORT PERMIT FOR A QUARTERLY QUOTA UNDER REBATE ITEM 460.03/0207.14.9/01.07



(Please note that an application form is necessary for each product)

1. NAME OF IMPORTER:.....
2. POSTAL ADDRESS:..... CODE: .....
3. PHYSICAL ADDRESS:.....CODE:.....
4. RESPONSIBLE PERSON: .....
5. TELEPHONE NUMBER: CODE: ..... NUMBER: ..... CELL NO.:.....
6. FAX NUMBER: CODE: ..... NUMBER: .....
7. E-MAIL ADDRESS: .....
8. LOCATION OF THE BUSINESS

PROVINCE	LOCAL MUNICIPALITY	DISTRICT

9. COMPANY/CC REGISTRATION NUMBER: .....  
(NB: First time applicants: Please include a copy of the registration certificate (obtainable from the Companies and Intellectual Property Commission (CIPC))
10. CUSTOMS CODE NO:.....  
(NB: First time applicants: Please include a copy of the Customs Code Certificate (obtainable from SARS))
11. SARS TAX CLEARANCE CERTIFICATE NUMBER AND DATE: .....  
(NB: Please attach the copy of the SARS Certificate-applicable to all applicants)
12. INDICATE PRINCIPAL BUSINESS THAT YOU UNDERTAKE:

AGENT	MANUFACTURER	PROCESSOR	RETAILER	OTHER

IF other please specify.....

**13. For classification please complete:-**

ENTERPRISE CLASSIFICATION	
LARGE	
QSE	
EME	
HDI	
Investment (Financial and Human)	
Turnover in Rand	R
Capital Investment	R
Number of permanent employees	
Number of part-time employees	

**14. APPLICATION – SUBMISSION FOR THE PERIOD .....**

TARIFF HEADING OF PRODUCT	DESCRIPTION OF PRODUCT	QUANTITY APPLYING FOR: Tonnes / Litres

**15. Summary of BILLS OF ENTRY IMPORT**

**Quantity imported over the past 1, 2 or 3 years.**

TARIFF HEADING	TOTAL FOR 2017	TOTAL FOR 2016	TOTAL FOR 2015

  

16. INDICATE PAYMENT OPTION IN ACCOUNT NO. 013024175 AND ATTACH PROOF OF PAYMENT	BANK	CASH RECEIPT NO .....

**17. PLEASE ATTACH THE FOLLOWING DOCUMENTS TO THIS APPLICATION FORM:**

- 17.1 A copy of the applicant's valid South African identity document (if the applicant is a natural person) or a valid certificate of registration or incorporation in South Africa (if the applicant is a juristic person);
- 17.2 A copy of the applicant's valid veterinary import permit as required by section 13(1)(a) of the Meat Safety Act, 40 of 2000;
- 17.3 A copy of the applicant's valid SARS tax clearance certificate; and
- 17.4 Proof that the applicant is registered with SARS as an importer.

**18. IN ADDITION TO THE DOCUMENTS LISTED IN PARAGRAPH 17 ABOVE PLEASE ATTACH THE FOLLOWING:****18.1 Please attach the following documents if the applicant is a HI:**

- 18.1.1 Documents for the last three (3) years or an otherwise motivated timeframe, which will prove that the entity applying is an established company and not a dormant company or a company that is not in a financially sound position (e.g. Imports by Bill of Entry number, Balance Sheet, Income and Cash Flow statements); and
- 18.1.2 Documentation to prove its BBBEE status in terms of the BBBEE Act and Code.

**18.2 Please attach the following documents if the applicant is an HDI:**

- 18.2.1 A Curriculum Vitae/profile of the applicant;
- 18.2.2 If a company applies, proof that it is wholly owned by HDIs, including certified copies of share certificates and a BBBEE verification certificate by an accredited rating agency to confirm its BBBEE status;
- 18.2.3 If a company in partnership with an HDI applies, proof that the HDI is the majority shareholder of this company, including certified copies of share certificates and share registers and a BBBEE verification certificate by an accredited rating agency, or similar document, to confirm its BBBEE status;
- 18.2.4 Letters of intent from the buyers of imported meat; and
- 18.2.5 Indication of ability and capacity to import a minimum of 135 tonnes of bone-in cuts in a single consignment.

**AFFIDAVIT IN RESPECT OF AN APPLICATION FOR A DAFF QUOTA ALLOCATION  
IMPORT PERMIT IN TERMS OF REBATE ITEM 460.03/0207.14.9/01.07 OF SCHEDULE 4 TO  
THE CUSTOMS AND EXCISE ACT, 1964**

**NB: The obligation to complete and submit this affidavit cannot be transferred to an external authorised representative, auditor or any other third party acting on behalf of the applicant.**

I, the undersigned \_\_\_\_\_  
 (Full names) with identity number \_\_\_\_\_;  
 \_\_\_\_\_;  
 \_\_\_\_\_ in my capacity as \_\_\_\_\_  
 of \_\_\_\_\_ (herein after referred to as the applicant) do  
 hereby make oath / affirmation and declare that:

1. I am duly authorised to depose to this affidavit;
2. I am related to: \_\_\_\_\_,  
 and the nature of the relationship is \_\_\_\_\_;
3. The particulars contained in the application form are true and correct to the best of my knowledge and belief;
4. I have satisfied myself that the preparation of the application has been done in conformity with the Guidelines in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree;
5. I accept that the decision by the Department of Agriculture, Forestry and Fisheries will be final and conclusive and that the said Department may at any time conduct or order that an investigation to verify information furnished in the application form be conducted; and
6. The applicant or any one of its associates, or related party is not a subject of an investigation by any organ of State or other regulatory authority.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of  
 \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
 DEPONENT

I HEREBY CERTIFY that the deponent has acknowledged that he knows and understand the contents of this affidavit, which was signed and sworn before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_,

the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

#### COMMISSIONER OF OATHS

FULL NAMES:

BUSINESS ADDRESS:

DESIGNATION:

CAPACITY:

## ANNEXURE B



International Trade Administration Commission of South Africa

**INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR A REBATE PERMIT IN TERMS OF REBATE ITEM 460.03/0207.14.9/01.07 FOR REBATE OF THE FULL ANTI-DUMPING DUTY ON BONE-IN CUTS OF THE SPECIES GALLUS DOMESTICUS, FROZEN, CLASSIFIABLE IN TARIFF SUBHEADING 0207.14.9**

**1. Details of applicant:**

1.1 Name of company:.....

1.2 Postal address:.....

.....

.....

1.3 Telephone no.:.....

1.4 E-mail address:.....

1.5 Name of contact person:.....

1.6 Physical address:.....

.....

**2. Details of products in respect of which a Rebate Permit is required:**

2.1 Full description of products to be imported:

.....

.....

.....

2.2 Quantity in kg:.....

2.3 F.o.b. Value in R: .....

2.4 Country of origin: .....

2.5 Planned date of import or period during which it is planned to import:

.....

2.6 Port of entry:.....

**AFFIDAVIT IN RESPECT OF AN APPLICATION FOR A REBATE PERMIT IN TERMS OF REBATE ITEM 460.03/0207.14.9/01.07 OF SCHEDULE 4 TO THE CUSTOMS AND EXCISE ACT, 1964**

**NB: The obligation to complete and submit this affidavit cannot be transferred to an external authorised representative, auditor or any other third party acting on behalf of the applicant.**

I, the undersigned \_\_\_\_\_  
 (Full names) with identity number \_\_\_\_\_;  
 \_\_\_\_\_;  
 \_\_\_\_\_ in my capacity as \_\_\_\_\_  
 of \_\_\_\_\_ (herein after referred to as the applicant) do  
 hereby make oath / affirmation and declare that –

- 1) I am duly authorised to dispose to this affidavit;
- 2) I am related to: \_\_\_\_\_,  
 and the nature of the relationship is \_\_\_\_\_;
- 3) The particulars contained in the application form are true and correct to the best of my knowledge and belief;
- 4) I have satisfied myself that the preparation of the application has been done in conformity with the Guidelines in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree;
- 5) I accept that the decision by the International Trade Administration Commission will be final and conclusive and that the said Commission may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted; and
- 6) The applicant or any one of its associates, or related party is not a subject of an investigation by any organ of State or other regulatory authority.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of  
 \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
 DEPONENT

I HEREBY CERTIFY that the deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_,

the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

#### COMMISSIONER OF OATHS

FULL NAMES:

BUSINESS ADDRESS:

DESIGNATION:

CAPACITY: