
GOVERNMENT NOTICES

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SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 1425

28 December 2001

CUSTOMS AND EXCISE ACT, 1964 AMENDMENT OF SCHEDULE NO. 1 (No. 1/1/1133)

Under section 48(1) and (1A) and for the purposes of section 49(1)(a) and (b) of the Customs and Excise Act, 1964, Schedule No. 1 to the said Act is hereby amended as set out in the Schedule hereto.

M MPAHLWA
DEPUTY MINISTER OF FINANCE

SCHEDULE

General Notes By the substitution for paragraph 5 of Note K of the following:

- “5(a) Item 460.11 of Schedule No. 4 which provides for a rebate of duty in respect of certain textiles and textile articles imported from MMTZ Member States for the purposes of giving effect to the provisions of Appendix V of Annex I has been deemed to have come into operation on 5 March 2001 by Government Notice No. R.477 of 30 May 2001.
- (b) Item 460.04 of Schedule No. 4 which provides for a rebate of duty in respect of sugar imported from certain SADC Member States for the purpose of giving effect to provisions of Annex VII, Concerning Trade in Sugar in the Southern Africa Development Community; and the Addendum thereto shall come into operation on the date of publication of this amendment in the Gazette.”

By the substitution for paragraph (b) of Note I to Part B of the Schedule to the General Notes to Schedule No. 1 of the following:

“(b) The following comprise the insertions in respect of Annex VII after Annex I and its Appendices:

- (i) Annex VII, Concerning Trade in Sugar in the Southern African Development Community, inserted by Government Notice No. R.891 of 7 September 2000; and
- (ii) An Addendum to Annex VII entitled “Customs and Excise Rules for the Implementation of Market Access in terms of Annex VII of the SADC Trade Protocol” which contains the text of an agreement reached by the Technical Committee on Sugar (or TCS) (as defined in Annex VII) in respect of customs procedures for trade in sugar in terms of Annex VII which is inserted by this amendment. This agreement is reported in the minutes of the 15th meeting held by the CMT in Maputo on 2 July 2001.”

By the substitution for the words preceding the definition of Annex I appearing in paragraph (b) of Note 2 to Part B of the Schedule to the General Notes to Schedule No. 1 of the following:

“The following expressions in these Notes or in Annex I or in Annex VII and its Addendum or other parts of the Protocol, as the case may be, shall unless the context otherwise indicates, have the meaning assigned thereto in this paragraph.”

By the insertion after the definition of “Protocol” appearing in paragraph (b) of Note 2 to Part B of the Schedule to the General Notes to Schedule No. 1 of the following:

“SACU central coordinating authority”, stated to be SARS (South African Revenue Service) in the Addendum to Annex VII, means the Commissioner.”

By the substitution for Note 3 to Part B of the Schedule to the General Notes to Schedule No. 1 of the following:

“3(a)(i) Annex VII, Concerning Trade in Sugar in the Southern African Development Community, shall in respect of Article 8(1) and (2) thereof and the Addendum thereto, come into operation on the date of publication of this amendment in the Gazette.

(b) The Addendum shall be deemed to be, and shall be interpreted as part of Annex VII as if expressly incorporated therein as an amendment contemplated in section 49(1)(b).”

By the insertion after paragraph (b) of Note 5 to Part B of the Schedule to the General Notes to Schedule No. 1 of the following:

“(b) Annex VII and the Addendum thereto shall govern the entry of sugar in terms of rebate item 460.04 of Schedule No. 4.”

By the substitution for Note 6 to Part B of the Schedule to the General Notes to Schedule No. 1 of the following:

“(b) (i) Item 460.11 of Schedule No. 4, which provides for a rebate of duty in respect of certain textiles and textile articles imported from MMTZ Member States for the purposes of giving effect to the provision of Appendix V of Annex I has been deemed to have come into operation on 5 March by Government Notice No. R.477 of 30 May 2001.

(ii) Item 460.04 of Schedule No. 4, which provides for a rebate of duty in respect of sugar imported from certain SADC Member States for the purposes of giving effect to provisions of Annex VII and the Addendum thereto shall come into operation on the date of publication of this amendment in the Gazette.”

By the insertion as part of Annex VII of following Addendum:

“ADDENDUM TO ANNEX VII)

CUSTOMS AND EXCISE RULES FOR THE IMPLEMENTATION OF MARKET ACCESS IN TERMS OF ANNEX VII OF THE SADC TRADE PROTOCOL

1. **Notification of quota allocating and certificate of origin issuing authorities to the SACU central coordinating authority(1) and the SADC TCS Secretariat:**
 - 1.1 Each net surplus producing Member State(2) shall notify the SACU central coordinating authority and the SADC Technical Committee on Sugar (TCS) Secretariat of its quota allocating authority responsible for administering the duty-free quota access for net surplus sugar produced in SADC countries.
 - 1.2 Each net surplus producing Member State shall notify the SACU central coordinating authority and TCS Secretariat of its certificate of origin issuing authority responsible for administering the duty-free quota access for net surplus sugar produced in SADC countries.
 - 1.3 Each Member State will only be allowed one quota allocating authority and one certificate of origin issuing authority.

1. SARS (the South African Revenue Services) will be the SACU central coordinating authority.

2. Member State shall mean a non-SACU SADC net surplus sugar producing state. (Net surplus production as defined in the Trade Protocol (Annex VII, Article 1).

2. Certification of exporters:

- 2.1 An exporter in a non-SACU SADC net surplus sugar producing Member State who wishes to export sugar to SACU in terms of Annex VII shall apply to the quota allocating authority of the exporting non-SACU SADC Member State for registration as a certified exporter.
- 2.2 SADC Member States shall notify the SACU central coordinating authority and the TCS Secretariat in writing of the particulars of each exporter registered as a certified exporter by that authority, and to whom quotas have been allocated in terms of paragraph 3.2.
- 2.3 Only certified exporters notified in terms of paragraph 2.2 shall qualify for treatment in accordance with the provisions of Annex VII.

3. Quota allocations:

- 3.1 Quota allocations shall be calculated as prescribed in Annex VII and approved by the TCS.
- 3.2 The quota allocating authority in each non-SACU-SADC net surplus sugar producing Member State shall be responsible for the allocation of quotas to certified exporters.
- 3.3 The quota allocating authority in each non-SACU SADC Member State shall notify the SACU central coordinating authority in writing of the quota allocations made by it and of any adjustments to such quota allocations, within seven working days after such allocations or adjustments have been made.

4. Issuing of SADC certificates of origin and export procedures:

- 4.1 After obtaining a buyer in SACU, a certified exporter shall notify its respective quota allocating authority of the details of the buyer as well as the SACU port of entry to be used to import the sugar into the SACU region.
- 4.2 The certificate of origin issuing authority in the non-SACU SADC net surplus sugar producing country will then be requested to issue a SADC certificate of origin.
- 4.3 The certificate of origin issuing authority of the non-SACU SADC net surplus sugar producing Member State shall, upon certification of a SADC certificate of origin, transmit a copy of such certificate by facsimile transmission within seven working days of such certification to the SACU central coordinating authority. The SACU central coordinating authority shall confirm receipt of such faxed copy within two working days of receipt thereof.
- 4.4 Upon receipt of a copy of the SADC certificate of origin, the SACU central coordinating authority shall transmit a copy of a certificate received by it by facsimile transmission in terms of paragraph 4.3 to the customs authority at the port of entry of the importing SACU Member State, which is indicated on such certificate, within one working day after receipt of such certificate.
- 4.5 Upon presentation of an original certificate of origin, the customs authority of the importing SACU Member State shall compare such original certificate with the copy of such certificate received by it in terms of paragraph 4.4.
- 4.6 Upon clearance of a consignment of sugar, the customs authority of the importing SACU Member State shall transmit, by registered post, the original certificate of origin to the SACU central coordinating authority within one working day after the clearance of such sugar. The SACU central coordinating authority shall deduct the quantities which appear on a certificate of origin from the quotas of the non-SACU SADC net surplus sugar producing Member State from whose territory such sugar was consigned and shall notify all SACU customs authorities accordingly.
- 4.7 The certificate of origin issuing authorities of the non-SACU SADC net surplus sugar producing Member States shall notify the SACU central coordinating authority in writing of the cancellation of any certificates of origin issued by them, within seven working days after such cancellation has been made and the SACU central coordinating authority shall, within one working day after receipt of such written notice, advise all SACU customs authorities accordingly.

- 4.8 For the purpose of these procedures, sugar shall be deemed to be consigned from a non-SACU SADC net surplus sugar producing Member State on the date on which the certificate of origin under which such sugar is exported to SACU, has been certified by a certificate of origin issuing authority of a non-SACU SADC net surplus sugar producing Member State, provided that such sugar is exported not later than 20 working days after the date of certification.

5. Notifications and confirmations:

- 5.1 Notifications will be made to the SACU coordinating authority within seven working days.
- 5.2 The SACU coordinating authority will confirm receipt of notifications without delay, but within two working days.

6. Information dissemination:

The SACU central coordinating authority shall submit quarterly reports to the TCS on the following:

- (a) Number and details of certified exporters per Member State;
- (b) Number, volume and value per certificate of origin issued by each Member State;
- (c) Number, volume and value of certificates of origin utilized by each qualifying Member State; and
- (d) Quantities still available in terms of allocated quantitative limits per qualifying Member State.

7. Review:

The Technical Committee on Sugar shall review these procedures with a view to simplifying them as and when necessary during the course of implementation of Annex VII of the SADC Protocol on Trade.”
