

2008

Clarifying Customs procedures

DURBAN, 17 APRIL 2008 – The South African Revenue Service (SARS) wants to clarify the position and role of its customs operations in the cargo of a foreign vessel outside Durban harbour.

Current media reports seem to be based on an inaccurate understanding of different registration processes in general and the role of customs in this matter in particular.

The work of SARS Customs is guided by the SARS Act and the confidentiality provisions in the Act, stating, amongst others: "The Commissioner or any officer shall not disclose any information relating to any person, firm or business acquired in the performance of his [or her] duties..."

Regarding the vessel An Yue Jiang, the standard operational priorities for SARS Customs are –

- To establish adherence to the Customs and Excise Act and other legislation and permits administered by other government agencies
- For restricted importations - including arms and ammunition - the customs declaration must be accompanied by the necessary official permits in respect of the imported goods and other required documents
- This process and the subsequent movement of restricted goods require specialized permits from various government agencies
- To establish whether or not the vessel and its contents comply with International Maritime Organisation's International (IMO) Ship and Port Security requirements
- Whether a proper Customs manifest (i.e. a description of goods on-board the vessel) was submitted to SARS Customs 72 hours prior to the arrival of the vessel and to other government agencies as well

SARS Customs does not release cargo until the Customs declaration has been processed and the requirements of the any other legislation have been adhered to. On the basis of the documents submitted by the shipping line – the company operating the vessel – SARS Customs decides whether there is a potential risk, whether cargo must be inspected and whether or not goods will be detained.

These are standard Customs procedures that apply daily to any cargo vessel entering a South African port of entry. At this time the vessel An Yue Jiang is at outer anchorage or off-port limits and therefore the cargo is not deemed to have been imported into South Africa yet.

It should also be noted that it is commonplace for landlocked neighbouring states in Southern Africa to use South African ports of entry for the trans-shipment of goods.

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