

CUSTOMS
EXTERNAL POLICY
ATA CARNET

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1 SUMMSTY OF MAIN POINTS

- a) The document outlines the Customs procedures by stipulating for the acceptance, examination, processing and acquittal of ATA carnets for goods temporarily imported or exported into or from South Africa.
- b) The following goods are covered by an ATA carnet:
- i) Commercial samples owned abroad and imported for the purpose of being shown or demonstrated in the country for soliciting of orders to be supplied from abroad;
 - ii) Goods for display or use at exhibitions, fairs, shows, meetings or similar events; and
 - iii) Professional equipment (including ancillary apparatus and accessories) owned abroad and for use solely by or under the supervision of a person resident abroad or a legal person established abroad.
- c) The above covers almost anything: computers, repair tools, photographic and film equipment, musical instruments, industrial machinery, equipment for use by surgeons, archaeologists, zoologists, entertainers, lecturers etc. and specialised or adapted vehicles used by professional bodies this excludes all private individuals, private companies', agents for new or used vehicles.
- d) The following goods are not covered by an ATA carnet:
- i) Goods sent to or from South Africa by post;
 - ii) Goods intended for processing or repair (may however be used for component parts imported to repair professional equipment already imported under cover of an ATA carnet);
 - iii) Goods for the construction, repair and maintenance of buildings or for earthmoving and similar projects;
 - iv) Items sold or for sale – such items are not considered to be samples;
 - v) Un-mounted gems or gemstones;
 - vi) Perishable or consumable items e.g. theatrical make-up;
 - vii) Alcoholic beverages, tobacco and fuels;
 - viii) Live stock;
 - ix) Vehicles and trailers (refer to SC-TA-01-06); and
 - x) Perishable / disposable goods and items such as paint, cleaning materials, food, drinks, oils, leaflets and brochures, which are considered as “consumable items” and intended to be given away, disposed of or utilised abroad, are excluded from the ATA carnet system as they would not normally be re-exported.
- e) The forms, letters and annexures referred to in this policy can be found in SC-TA-01-04-S1.
- f) This policy excludes:
- i) CPD carnets (refer to SC-TA-01-06);
 - ii) Securities (refer to SC-SE-05); and
 - iii) Provisional payments (refer to SC-CF-25).
 - iv) Completion of Declarations (refer to SC-CF-04);

2 POLICY

2.1 International Agreements

- a) South Africa is a signatory to the Annexures of the Istanbul Convention that covers the temporary importation and exportation of goods/vehicles by using the international carnets.
- b) The **Southern African Customs Union (SACU)** is for the purposes of the ATA carnet convention to be taken as a single territory and importations into these countries are guaranteed by South African Chamber of Commerce and Industry (SACCI).
- c) A Bilateral Agreement exists between the Republic of China and South Africa for the temporary admission of goods. The Agreement is known as the “Rocsa Carnet” and became effective on 1 November 1991. The documentation is similar to that described and the same procedures must be applied to these temporary importations.

2.2 Companies and individuals who may use an ATA carnet

- a) Travelling Business and Sales Executives;
- b) Technicians;
- c) Fair Exhibitors; and
- d) Professional individuals and teams (e.g. film crews, surgeons, engineers, artists, educationalists etc.).

2.3 Commercial samples

- a) Samples imported by commercial travellers and other representatives of firms abroad when visiting the country on a temporary basis to secure orders.
- b) Persons or firms in South Africa, including agents for foreign firms, who receive samples on a temporary basis from abroad free of charge for the same purpose.
- c) A prospective customer in South Africa, when sent free, on loan, for inspection and demonstration to obtain an order, provided the sample be returned abroad, whether or not an order is obtained.
- d) Except in exceptional circumstances, only one (1) sample of each description range, type or colour of article will be allowed temporary admission. It must always be remembered the quantities of identical goods imported by the same importer may not constitute samples as understood in ordinary commercial usage and will therefore not be permitted temporary admission.
- e) The sample must be representative of an already produced or to be produced product abroad and imported solely for being shown or demonstrated free of charge to prospective customers.

2.4 Goods for display or use at exhibitions, fairs, meetings or similar events

- a) Temporary importation is granted provided:
 - i) The items are capable of identification on re-exportation;
 - ii) Identical goods are imported in reasonable numbers or quantities having regard for the purpose of importation i.e. not solely intended for sale; and
 - iii) Are not loaned for other use, used in any way for hire or reward or removed from the event without Custom's approval.
- b) Imported goods intended for display or use at these events:
 - i) Goods for display or demonstration. This covers goods principally intended for exhibition purposes themselves. However, its scope is not confined only to cover trade samples displayed or demonstrated to solicit orders, but could also cover other reasons for display such as the viewing of works of art, collector's pieces, scientific specimens, articles representing technological or mechanical development, etc.
 - ii) Goods used in connection with a display. Although these items may not necessarily be exhibited themselves, they could include, for example, goods used to demonstrate a foreign machine, e.g. yarn to be used in a foreign knitting machine, construction and decoration;
 - iii) Material e.g. electrical fittings, paint, etc. for temporary stands and advertising and demonstration material e.g. publicity material, sound recordings, slides, etc. These goods must by their nature relate specifically to the foreign goods exhibited and may not be used for demonstration or advertising of national goods by national exhibitors; and
 - iv) Equipment for use at international meetings, conferences and congresses. This is aimed at facilitating the machinery and equipment necessary for the event. It includes items such as interpretation apparatus, sound recording apparatus, educational, cultural or scientific films, etc.

2.5 Professional equipment

- a) Professional equipment (including ancillary apparatus and accessories) owned abroad and for use solely by or under the supervision of a person resident abroad or a legal person established abroad.

- b) Equipment for Press or for Sound or Television Broadcasting:
- i) This covers the equipment required by the press, broadcasting or television organisations visiting the country to report, transmit or record material for specified programmes. The temporary admission of equipment must comply with the following conditions:
 - A) Be owned and imported by a natural person resident abroad or by a legal person established abroad;
 - B) Be capable of identification on re-exportation;
 - C) Blank sound or image recording media, but excludes blank image recording media imported for use in commercial copying;
 - D) Used solely by or under the personal supervision of the visiting person; and
 - E) Is not subject to a hire contract or similar arrangement to which a person resident or established in the country of importation is a party. This will however not be applied to joint sound or television broadcasting programmes.
 - i) Illustrative List:
 - A) Electronic note book ("Laptop");
 - B) Photographic, cinematographic or television cameras;
 - C) Sound or image transmitting, recording or reproducing apparatus;
 - D) Blank sound or image recording media;
 - E) Testing and measuring instruments and apparatus;
 - F) Operational accessories including clocks, stop watches, compasses, generating sets, transformers, lighting equipment, batteries and accumulators, heating and ventilating apparatus etc.;
 - G) Musical instruments, costumes, scenery and other stage properties; and
 - H) Vehicles designed or specially adapted for the purpose specified above such as television transmitting vehicles, sound recording and reproducing vehicles, etc.
- c) Filming Equipment:
- i) Defined as equipment necessary for a person to make a specific film or films in the country.
 - ii) The user may be extended to include a person resident or established in the country, if this person receives approval for this purpose under a co-production contract by the competent authorities in the country, under an inter-governmental agreement concerning the production.
 - iii) Illustrative List:
 - A) Cameras of all kinds;
 - B) Testing and measuring instruments and apparatus;
 - C) Camera booms;
 - D) Lighting equipment;
 - E) Sound or image transmitting, recording or reproducing apparatus;
 - F) Blank sound or image recording media;
 - G) Operational accessories including clocks, stop watches, compasses, generating sets, transformers, lighting equipment, batteries and accumulators, heating and ventilating apparatus, etc.;
 - H) Musical instruments, costumes, scenery and other stage properties; and
 - I) Vehicles designed or specially adapted for the purpose specified.
- d) Other Professional Equipment:
- i) This equipment is not included in the above and is necessary for a visiting person to exercise or perform a specific calling, trade or profession. It does not include equipment used for industrial manufacture or packaging of goods or (except for hand tools) for the exploitation of natural resources, for the construction, repair or maintenance of buildings or for earth moving and like projects, e.g. in the construction, repair and maintenance of roads, tunnels, bridges, dams, etc.
 - ii) Conditions of temporary admission:
 - A) Owned and imported by a natural person resident abroad or by a legal person established abroad;
 - B) Capable of identification on re-exportation; and
 - C) Used solely by or under the personal supervision of the visiting person.
 - iii) Illustrative List:

- A) Equipment for erecting, testing, commissioning, checking, maintaining or repairing machinery, plant and means of transport, including tools e.g. measuring, checking and testing instruments, transformers, jigs, measuring cables, etc.;
 - B) Equipment for businessmen, lecturers and other experts e.g. calculating instruments; electronic note book; geographical, scientific, archaeological instruments and apparatus; etc.;
 - C) Instruments for doctors, surgeons, veterinary surgeons and similar professions;
 - D) Equipment for entertainers, theatre companies and orchestras e.g. musical instruments, costumes, scenery, etc.; and
 - E) Vehicles designed and specially adapted for the purpose specified above, including mobile inspection units, workshops and laboratories. Motor vehicles may travel on ATA carnets for the purpose of demonstration, testing and/or racing for professional bodies only; not for private individuals/companies/agents, for new or used vehicles.
- e) General Observations:
- i) A wide range of equipment is eligible for temporary admission under this field and no limits have been imposed regarding mass, value or importance of the equipment.
 - ii) The equipment need not accompany the person concerned, may be new or used and in the case of a technician the person may not necessarily be employed or remunerated by the firm supplying the equipment or even be for the account of the firm which supplied the original equipment.
 - iii) Apart from the fact that the equipment must be used for a specific purpose during a specific period of time, the dispensation still excludes equipment to be used for internal transport of goods and when used in the industrial manufacture of goods, packaging of goods and except for hand tools, the exploration of natural resources, for the construction, repair and maintenance of buildings and equipment used for earth moving i.e. "public works".
- f) The above covers almost anything e.g. computers, repair tools, photographic and film equipment, musical instruments, industrial machinery, equipment for use by surgeons, archaeologists, zoologists, entertainers, lecturers etc. and specialised and adapted vehicles used by professional bodies. This excludes all private individuals, private companies' and agents for new or used vehicles.

2.6 Carnet holder / authorised users

- a) The ATA carnet holder / representative of the ATA carnet may appoint someone to act on his or her behalf. This person e.g. clearing agent etc. later referred to as a representative is required to produce written authorisation in favour of the person or proof of identity when the representative is specifically mentioned on the cover of the ATA carnet as well as all the ATA carnet vouchers. It should be noted that the convention and national requirements might also in certain instances determine who is entitled to make use of an ATA carnet.
- b) The ATA carnet is a temporary importation document and the ATA carnet holder/representative must comply with the ATA Customs regulations of the country into which goods are imported.
- c) The ATA carnet holder / representative must always ensure the country, into which the goods are going to be imported, accepts ATA carnets for the goods concerned.
- d) The ATA carnet holder / representative must present the ATA carnet to the Customs authorities when entering and leaving a country for necessary verification and certification. Failure to do so may result in a claim being made against the guaranteeing association. Should any of the goods listed on the ATA carnet be sold, donated or otherwise disposed of, the carnet holder/representative of the ATA carnet is liable to the issuing organisation for all duties and/or VAT and other sums, which would normally be charged on the importation of such goods.
- e) If the ATA carnet holder / representative fails to present the ATA carnet when leaving the country visited, the ATA carnet is not discharged. Customs in the country of temporary import may demand payment of the duties and VAT or ask for proof of the current location of the goods. If the ATA carnet holder/representative is requested to produce proof of re-exportation he/she should contact Customs in the country where the goods are located (Certificate of location).

- f) Import duties shall not be levied, import prohibitions or restrictions waived and re-exportation not insisted upon in respect of the following goods temporarily admitted for display or use at these events:
- i) Supplied free of charge from abroad and distributed free of charge to the visiting public during the event for individual use or consumption by that person;
 - ii) Identifiable as advertising samples and individually low in value;
 - iv) Unsuitable for commercial purposes and where appropriate packed in quantities smaller than normal retail packaging;
 - iii) Samples of foods and beverages not packed as described in the preceding bullet must be consumed at the event; and
 - v) The aggregate value and quantity of the samples must be in the opinion of Customs reasonable concerning the nature of the event, number of visitors to it and the extent of the exhibitors' participation therein.
- g) Goods imported solely for demonstration purposes e.g. yarn, blocks of wood, sheet metal, chemicals, paint, etc. that is consumed or destroyed in the course of the demonstration shall not be levied. The aggregate value and quantity of the goods must in the opinion of Customs be reasonable concerning the nature of the event, number of visitors and the exhibitors' participation therein.
- h) Products of low value used in the construction, furnishing and decorating of temporary stands of foreign exhibitors, e.g. paint, wallpaper, etc.
- i) Printed matter, catalogues, trade notices, advertising posters, calendars, price lists whether or not illustrated and unframed photographs, which are publicity material only for the foreign goods displayed at the event. The goods must have been supplied free of charge from abroad and distributed free of charge to the visiting public. The aggregate value and quantity of the goods must in the opinion of Customs be reasonable concerning the nature of the event, number of visitors and the extent of exhibitors' participation therein.
- j) Files, records, forms and other documents which as a rule are for individual use and have no value to a third party, e.g. for use at international meetings, conferences or congresses.
- k) Alcoholic beverages, tobacco goods and fuels are excluded from this dispensation irrespective of the use or purpose for which they are imported.

2.7 Guarantees, Clubs and Associations

- a) A guaranteeing association acts as a guarantor of temporary admission documents issued either directly or through authorised Issuing Associations.
- b) The ATA carnet international guarantee chain provides guarantees, thereby assuring Customs administrations, that duties and taxes due in case of misuse of the ATA carnet, will be paid. The World Customs Organisation (WCO) administers the international Customs conventions under which the ATA carnet system operates.
- c) Within the ICC World Chambers Federation, the World ATA carnet Council (WATAC) runs the ATA system and its international guaranteeing chain. The council consists of representatives from the countries and territories where ATA carnets are issued and accepted.
- d) Approved guaranteeing associations undertake to pay to the Customs authorities of the Contracting Party in the territory of which it is established, the amount of the import duties and taxes and any other amount payable in the event of non-compliance with the conditions of temporary admission or of Customs Transit, in respect of vehicles and goods introduced into that territory under cover of temporary admission papers. A list of the ATA International Guarantee Chain can be found on the back of the green cover of the ATA carnet.
- e) SACCI has provided a guarantee of its own, which is held in Alberton Branch Office and will only guarantee ATA carnets (SC-SE-05).
- f) A list of the Guaranteeing Associations members of WCF/ATA international guarantee chain are listed on the back green page and on the front cover of the ATA carnet is the list of countries where the ATA carnet can be used.

- g) Should a country or the affiliated club or association not appear on the list on the back page of the ATA carnet, then SACCI must be contacted prior to rejecting the document, to obtain written confirmation on the eligibility of the guaranteeing club or association, i.e. whether any changes have been effected.
- h) SACCI is the authorised association in South Africa and the territories of Botswana, Lesotho, Swaziland and Namibia that undertakes to settle any outstanding duties, levies and VAT demanded by SARS Customs due to the non-exportation of the goods or failure of any party to meet its obligations regarding the temporary or permanent importation of the goods.
- i) ATA carnets issued in South Africa by SACCI are also guaranteed abroad by the indicated authorised associations.
- j) The guaranteeing association's liability for the guarantee of payment of import duties, levies, VAT and any other amounts shall cease:
 - i) When temporary admission papers in respect of certain goods have been unconditionally discharged from the territory of temporary admission by the Customs authorities in the territory of temporary admission; or
 - ii) When a claim for the payment of import duties, VAT and any other sums have not been lodged within twelve (12) months from the date of expiry of the validity of the temporary admission papers.
- k) If the schedules for duties and VAT were not issued within the prescribed period of six (6) months from the date of the claim, the Commissioner shall have no claim.
- l) A claim may be lodged against such guarantee if it is found that the discharge of the ATA carnet was obtained improperly or fraudulently or that there has been a breach of the conditions of temporary admission or of transit.
- m) The guaranteeing association shall have a period of six (6) months from the date of notification (claim letter date) of the non-discharge in which to furnish proof of re-exportation to the Commissioner of SARS.

2.8 The ATA carnet format

- a) Each ATA carnet consists of a cover and vouchers for use during each movement of goods covered by the ATA carnet. Continuation sheets or certified lists may be inserted if space provided on the cover or vouchers is insufficient to accommodate the details of all the goods to be covered by the ATA carnet. The ATA carnet can include any number of vouchers to allow the goods to be moved between many countries before their return or for multiple trips to be made using the same ATA carnet.
- b) The format of the ATA carnet forms must comply with the size, colour scheme and format as prescribed by Appendix I to Annexure A of the Istanbul Convention.
- c) The rear of the front cover and each voucher contains the "General List" of the goods covered by the ATA carnet. Each voucher also contains a declaration, which must be completed and signed by the ATA carnet holder/representative each time the ATA carnet is presented at import or export.
- d) No tippex (correction fluid) is allowed on the ATA carnet – changes that must be made are to be neatly crossed out, changed and initialled by the same person who signed or approved the ATA carnet.
- e) The ATA carnet document is made up of the following:
 - i) Green front and back cover - contains details of the ATA carnet holder/representative, registration reference number, ATA carnet number, General List of the goods covered by the ATA carnet, intended use of the goods, validity date, signature and stamp of the issuing association and the ATA carnet holder/representative, instructions for completing the ATA carnet;

- ii) Yellow counterfoils and vouchers - the ATA carnet holder/representative of the ATA carnet completes an exportation and re-importation form, each time the goods leave or re-enter the country in which the ATA carnet was issued;
 - iii) White counterfoils and vouchers - the ATA carnet holder/representative of the ATA carnet completes an importation and a re-exportation form, each time the goods enter or leave a country of temporary importation;
 - iv) Blue counterfoils and vouchers - two transit vouchers - where goods go forward in-transit, under official seal, from the Customs Office at the place of importation and where examined at the point of exit by another Customs Office and continuation sheets if the space on the ATA carnet is insufficient to accommodate all the particulars of the goods covered by the ATA carnet.
- f) Reference will be made in this document to General Lists relating to vouchers e.g. the Re-Exportation Voucher, the Transit Voucher, etc. These General Lists do not replace the original General List as on the green cover above, and must always reflect the items in the original General Lists particulars, which cannot be added to. The number of items may vary according to the ATA carnet holder/representative's requirements, but all the goods will eventually have to be accounted for, as described in this document.
- g) The document must be printed in English or in French and if necessary in a second language or may even contain three languages. If the General List is completed in a foreign language, a translation in English must be called for before validating the ATA carnet. Any translation is for the expense of the ATA carnet holder / representative of the ATA carnet and is confined to the list of goods and their trade description only. The translation may be allowed if it is generally accepted to be accurate and that there is therefore no possible intended prejudice to revenue or any attempt being made at the evasion of the requirements of any other law.
- h) If the ATA carnet holder/representative cannot obtain a valid ATA carnet then the goods may be cleared for temporary admission in the normal way (see the provisions of rebate item 480.00).
- i) Customs Officers must take note that only the white sheets are to be processed and not the yellow vouchers. The counterfoils must always stay in the booklet and should not be removed at all.

2.9 Values

- a) The value declared on the reverse of the ATA carnet (General List) should be, as provided in the model carnet annexed to the Convention, the true commercial value – the export value in the country of origin. If the ATA carnet holder / representative fails to declare the true commercial value, they could be prosecuted for making false declaration and may be fined / penalised or the goods seized.
- b) If the ATA carnet holder / representative does not agree with the value stated on the ATA carnet, this must be queried BEFORE importation and a new ATA carnet obtained from the Issuing Association reflecting the correct value.
- c) Should it be necessary to clear any goods for home consumption, then the goods are dutiable at the value declared at the time of importation and at the rate of duty applicable at that time.
- d) Any under-valuation of goods must be investigated and resolved at the time of importation thereof.

2.10 Examination of goods / application: special / extra attendance

- a) Accompanied goods must be examined at the place of entry into or exit from the South Africa. However, the examination of bulk consignments brought into the country by road / air, which could involve the ATA carnet holder / representative an unnecessary inconvenience and costs due to the nature and size of the consignment, warrants additional consideration and may be removed under cover of a Transit Voucher of the ATA carnet to another appointed Customs Branch Office for examination.
- b) As far as possible, the examination of goods intended for exhibitions, fairs, etc. should be carried out when the ATA carnet holder/representative is ready to unpack the goods for display and should be conducted in the presence of the ATA carnet holder / representative.

- c) Where the nature or size of the goods justifies an examination at premises not under the control of the local **Customs** Branch Office, a written application from the ATA carnet Holder/representative of the ATA carnet may be considered. If approved, the appropriate extra attendance fees must be charged for this service. Payment must be made and recorded on a form DA 73, which must be registered prior to the examination taking place and the ATA carnet holder / representative must provide transport. Such examinations are to be carried out entirely at the expense of the ATA carnet holder / representative (SC-TA-01-03-A01).

2.11 Substitutions, replacements and grace period

2.11.1 Application for a substitution (Extension of validity period)

- a) A substitution may only be allowed once for a period not exceeding one (1) year from the original validity period. This request must be made at least thirty (30) days before expiration of the original ATA carnet.
- b) Any other requests for extensions by persons who enter South Africa, e.g. who cannot export the goods from South Africa within the validity period of the substitution or where a substitution is not allowed, must enter the goods under rebate of duty in terms of Rebate Item 480.00 on lodgement of provisional payments to cover duties, levies and VAT.
- c) The guarantor (SACCI) must submit a request to Centralised Customs Ops Support on SC-TA-01-03-A02.
- d) Centralised Customs Ops will entertain no application unless such application is received from SACCI. A **Customs** Branch Office may not approve such an application.
- e) If the Issuing Association does not grant permission for the extension, SARS will not entertain the application.
- f) The Issuing Association is not allowed to issue a new ATA carnet without the authority letter from SARS.
- g) The old and the new ATA carnet, together with the letter of approval for substitution (SC-TA-01-03-A03), as well as the goods, must be presented to Customs for validation of the new ATA carnet.

2.11.2 Replacement of carnets which were destroyed, lost or stolen

- a) The ATA carnet holder / representative may request SACCI to issue a replacement document should the original ATA carnet be destroyed, lost or stolen. The validity period, value, description, etc. as per the original ATA carnet, will remain the same on the replacement document.
- b) The request to replace an ATA carnet must be made as soon as the ATA carnet holder / representative becomes aware of the destruction, lost or theft of the original document and it must still be within the validity period of the ATA carnet.
- c) The guarantor (SACCI) must submit a request to Centralised Customs Ops Support for a replacement document on the prescribed letter (SC-TA-01-03-A02).
- d) Centralised Customs Ops Support will entertain no application unless such application is received from SACCI. A **Customs** Branch Office may not approve such an application.
- e) If the Issuing Association does not grant permission for the extension, SARS will not entertain the application.
- f) The Issuing Association is not allowed to issue a new ATA carnet without the authority letter from SARS.
- g) The replacement ATA carnet as well as a copy of the letter of approval for replacement (SC-TA-01-03-A06) together with the goods must be presented to Customs for validation of the new ATA carnet.

2.11.3 Grace period

- a) If the validity period of an ATA carnet will expire while the ATA carnet Holder / representative is in the process of preparing the goods for exportation, the ATA carnet Holder / representative may apply for a period of grace. This request should be made at least thirty (30) days before the expiry of the ATA carnet.
- b) An application will only be considered in exceptional circumstances, e.g. the goods have been loaded into a container but due to unforeseen circumstances by the carrier, e.g. change of shipment date, the goods will not be shipped on time and that the ATA carnet has expired, permission will be granted.
- c) A period of grace will only be allowed once for a period not exceeding three (3) months from the expiry date of the ATA carnet.
- d) The guarantor (SACCI) must submit a request to Centralised Customs Ops Support for a period of grace, on the prescribed form (SC-TA-01-03-A02).
- e) Centralised Customs Ops Support will entertain no application unless such application is received from SACCI. A Customs Branch Office may not approve such an application.
- f) The letter of grace (SC-TA-01-03-A07) must be presented, together with the ATA carnet at the time of exportation to the Customs Branch Office.

2.12 Irregularities

2.12.1 Goods stolen after importation under cover of a ATA carnet

- a) When goods are stolen, does not exempt the Guaranteeing Association from their obligations and it will still result in a claim being lodged for outstanding duties. Any claim for duty must be directed to the Guaranteeing Association (SACCI) and not the ATA carnet holder / representative of the ATA carnet document. The ATA carnet holder / representative must also report stolen goods to the South African Police Service.
- b) Robbery by armed or dangerous attackers can be regarded as *force majeure*, but theft in the ordinary cause will seldom be regarded as *force majeure*.
- c) Theft is *prima facie* considered the fault of the ATA carnet holder/representative i.e. by observing normal care, the incidence of theft can be avoided. The theft of goods is definitely not "destruction or loss by accident". Therefore in the case of theft, the duty remains payable.
- d) In instances involving theft of goods imported under cover of an ATA carnet, a copy of the South African Police Service report must be forwarded to Centralised Customs Ops Support.

2.12.2 Seizure

- a) In the event of possible misuse of the system, contracting parties may take action against the persons using the ATA carnet, for the recovery of any outstanding duties or other sums payable, including the imposition of penalties etc. The guaranteeing associations will be expected to assist in this regard. SARS holds SACCI liable for duties levies and VAT.
- b) Should any irregularity warrant the consideration of penalties and/or forfeiture, it should happen in the normal Customs manner, e.g. letter of intent, demand for penalties, etc.

2.12.3 Abandonment / destruction

- a) If goods cannot be re-exported because they have been damaged or destroyed in an accident the ATA carnet holder / representative is still responsible for the goods and will still be subject to a claim for outstanding duties and VAT, which will be lodged with SACCI.
- b) There can be no deduction given from the value for duty purposes, even if the goods are a total wreck and even if sold as scrap or dismantled for sale of the salvageable parts.

- c) Abandonment can only be made by the ATA carnet holder / representative within twelve (12) months of the date of the importation of the goods into the country, and must be unconditional and at the ATA carnet holder / representative's risk / expense.
- d) An application for abandonment can be considered in terms of Rebate Item 412.07 and must be made before the expiry of the validity of the ATA carnet, in writing to the nearest Customs **Branch** Office.
- e) Once written permission was obtained, the damaged goods must be delivered to the nearest State warehouse or alternative place indicated by the Controller / Branch Manager (refer to SC-CW-01-02).
- f) Duty is rebated in terms of the Rebate Item 412.07
- g) VAT remains payable since no exemption item makes provision for exemption or destructed goods.
- h) After the goods have been abandoned / destroyed under Customs supervision, the ATA carnet holder / representative must submit a **Customs Clearance Declaration (CCD)** to Customs bringing the duty and VAT to account on the proceeds of the waste / scrap. [Refer to Section 75(22)].

2.12.4 Entered for home consumption

- a) Permission to bring duties to account must be obtained before the expiry date of the ATA carnet in writing from the nearest Customs Branch Office.
- b) The application must be in writing by, or on behalf of, the ATA carnet holder / representative.
- c) The ATA carnet and all relevant documents identifying the goods must support the application.
- d) Temporary admitted goods entered for home consumption are dutiable at the value at the time of importation and at the rate of duty current at the time of entry (refer to paragraph 2.9)
- e) A **CCD** must be processed to bring duties and VAT to account
- f) Once a **CCD** was processed, the ATA carnet exportation voucher and counterfoil, still has to be processed and a copy of the **CCD** has to be submitted together with the ATA carnet to Centralised Customs Ops Support.
- g) Under no circumstances may goods be cleared on a DA 490 for home consumption.

2.13 Acceptable proof of acquittal documents

- a) An Importation Voucher can only be considered finalised when the goods are:
 - i) Re-exported (ATA carnet re-exportation voucher or counterfoil);
 - ii) Cleared for home consumption (**refer to SC-CF-55**);
 - iii) Destroyed under customs supervision (destruction certificate – P1.154);
 - iv) Abandoned to the state (state warehouse slip);
 - v) Where a certificate of location is produced; and
 - vi) Where the SARS Commissioner waives duties and export requirements.
- b) Where the ATA carnet Voucher is not certified by a Customs **Branch** Office, the following evidence may be considered:
 - i) The particulars entered and authorised by another contracting Customs Authority on importation or re-importation of the goods into that country or a certification on the detached relevant ATA carnet Voucher by those authorities (re-importation counterfoil).
 - ii) Any other acceptable documentary proof that the goods are outside South Africa, e.g. a certificate of location from a reliable source.
 - iii) If a **CCD** from any BLNS countries is produced to prove that duties and VAT (where applicable) were brought to account, a duly completed CCD reflecting the ATA carnet number thereon.
 - iv) No affidavits will be accepted *in lieu* of goods being exported.
 - v) A list of export documents required can be found in SC-TR-01-03-A06.

- c) A DA 490 or DA 70 will not be regarded as an acquittal document.

2.14 Designated places of exit

- a) Goods must be exported via a designated commercial Customs place of exit in order to obtain the documentary proof substantiating proof of export. Should none of the designated commercial place of exit as listed below be used the goods will not be regarded as exported.
- i) **International Airports:**
- A) Bloemfontein;
 - B) Cape Town;
 - C) King Shaka;
 - D) O R Tambo;
 - E) Kruger Mpumalanga;
 - F) Lanseria;
 - G) Polokwane;
 - H) Port Elizabeth;
 - I) Maun Airport;
 - J) Hosea Kutako International Airport; and
 - K) Upington.
- ii) **Border Posts in the Common Customs Area:**
- A) Beit Bridge;
 - B) Kazangulu;
 - C) Kazungula Ferry/Road;
 - D) Lebombo;
 - E) Lomahasha;
 - F) Mhlumeni.
 - G) Oshikango;
 - H) Ramokgwebana; and
 - I) Wenela / Katimo Mulilo;
- iii) **Harbours in the Common Customs Area:**
- A) Cape Town;
 - B) Durban;
 - C) East London;
 - D) Mossel Bay;
 - E) Port Elizabeth;
 - F) Port of Ngura;
 - G) Richards Bay;
 - H) Saldanha Bay; and
 - I) Walvis Bay.
- b) Examinations must be done on the goods by the Customs Officer at the place of exit and the ATA carnet must be endorsed and signed.

3 Keeping of records

- a) Every client must keep for record purposes for a period of five (5) years:
- i) Books, accounts and documents in respect of all transactions relating to the Rules for the purpose of any acquittal procedure; and
 - ii) Any data related to such documents created by means of a computer.
- b) The five (5) year period is calculated from the end of the calendar year in which the document was created, lodged or required. (Sections 101 and 101A)
- c) Every client must produce such books, accounts and documents on demand.

4 Penalties

- a) Failure to adhere to the provisions of the Act, as set out in this document, is considered an offence.
- b) Offences may render the client liable to, as provided for in the Act:

- i) Monetary penalties (SC-CO-01-02);
- ii) Criminal prosecution; and / or
- iii) Suspension/cancelation of registration/license/accreditation.

5 Promotion of Administrative Justice Act

- a) The Promotion of Administrative Justice Act (PAJA) No. 3 of 2000 gives effect to everyone's right to administrative action that is lawful, reasonable and procedurally fair. Any person whose rights have been adversely affected by administrative action has the right to be given written reasons, as contemplated in Section 33 of the Constitution of the Republic of South Africa, 1996. PAJA:
 - i) Provides for the review of administrative action by a court or where appropriate, an independent and impartial tribunal;
 - ii) Imposes a duty on the State to give effect to those rights;
 - iii) Promotes an efficient administration as well as good governance; and
 - iv) Creates a culture of accountability, openness and transparency in the Public Administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action.
- b) Administrative action, which significantly and unfavourably affects the rights or valid expectations of any person, must be procedurally fair. A fair administrative procedure depends on the circumstances of each case.
- c) A person must be given:
 - i) Written reasons of the nature and purpose of the proposed administrative action;
 - ii) A reasonable opportunity to make representations;
 - iii) A clear statement of the administrative action; and
 - iv) Adequate notice of any right of review or internal appeal, where applicable.
- d) Just administrative action requires the Customs Officer to consider all the facts presented and obtained in addition to affording the client the opportunity to be heard, prior to instituting any administrative action.
- e) Before administrative action can be taken by Customs the client must be allowed the opportunity to:
 - i) Obtain assistance and, in serious or complex cases, legal representation;
 - ii) Present and dispute information and arguments; and
 - iii) Appear in person.
- f) Clients whose rights have been significantly and unfavourably affected by administrative action and who have not been given reasons for the action may, within ninety (90) days after the date on which the client became aware of the action, request Customs to furnish written reasons for the action.
- g) Customs must within ninety (90) days after receiving the request, give the client adequate reasons in writing for the administrative action. If Customs fails to furnish adequate reasons for the administrative action, it is presumed in any proceedings for judicial review that the administrative action was taken without good reason.

6 Appeals against Decisions

- a) In cases where clients are not satisfied with any decision taken in terms of the Customs and Excise Act they have a right of appeal to the relevant appeal committee. The policy in this regard, as well as the process to be followed, is contained in document SC-CC-24.
- b) Should clients be unhappy with a decision of any appeal committee their recourse will be to lodge an application for ADR (Alternative Dispute Resolution) with the relevant appeal committee. The committee will add its comments thereto and forward the application to the ADR Unit for attention. The policy in this regard, as well as the process to be followed is contained in document SC-CC-26.

7 RELATED INFORMATION

7.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	Customs and Excise Act, No. 91 of 1964: Sections 10(1), 38, 39, 43(1) (a), 44, 45(1), 49, 65(7), 75, 75(6)(a), 76, 76B, 78, 80, 83, 87, 88, 91, 92, 94, 97 and 114. Customs and Excise Rules: 99.01, 101, 101A, 120.01 – 120.07. Schedule 4 Notes 4, 7(A), and 9 to Rebate Item 480.00 of The Harmonised Tariff. Value-Added Tax Act, No. 89 of 1991: Section 7, 13 and 39.
Other Legislation:	Promotion of Administrative Justice Act No. 3 of 2000: Section 3
International Instruments:	Istanbul Convention: Annexures A and B1 ATA Handbook - Customs Convention on the ATA carnet for the Temporary Admission of Goods Kyoto Convention: Specific Annexure A and G, Chapter 1

7.2 Cross References

DOCUMENT #	DOCUMENT TITLE
SC-CF-04	Completion of Declarations – External Manual
SC-CF-25	Provisional Payment – External Policy
SC-CF-55	Clearance Declaration – External Policy
SC-CO-01-02	Offences and Penalties – External Policy
SC-DT-C-06	Completion of form DA 66
SC-DT-C-13	Customs Refund and Drawback - External Policy
SC-TA-01-06	CPD Carnet – External Policy

7.3 QUALITY RECORDS

- a) Completed forms as listed below will be regarded as records which must be kept for record purposes.

Number	Title
DA 73	Application for Special or Extra Attendance

8 DEFINITIONS AND ACRONYMS

Abandonment	The act of intentionally and permanently giving up, surrendering, deserting or relinquishing property, premises, etc.
ATA	Admission Temporaire/Temporary Admission
ATA Carnet	a) Is an international Customs document, which covers the approved temporary importation and/or exportation of qualifying goods from or into South Africa (including the BLNS countries) in terms of the Istanbul Convention e.g. <ul style="list-style-type: none"> i) Goods for display or use at exhibitions, fairs, shows, meetings or similar events; ii) Commercial samples owned abroad and imported for the purpose of being shown or demonstrated and iii) Professional equipment (including ancillary apparatus and accessories) owned abroad and for use solely by or under the supervision of a person resident abroad or a legal person established abroad.
BLNS countries	The Republic of Botswana; The Kingdom of Lesotho; The Republic of Namibia; and The Kingdom of Swaziland
Carnet	The word carnet is the French for “booklet” which describes the physical appearance of the document
Carnet holder	Is the person who owns the vehicle/property and if not, is allowed on production of a letter of authority from the owner to act on his behalf. The person will be named on the front cover of the ATA carnet; this person is the “Carnet holder”.

CCD	Customs Clearance Declaration
Commercial Samples	Commercial samples owned abroad and imported for the purpose of being shown or demonstrated in the country for soliciting of orders to be supplied from abroad.
CPD	Carnet De Passages en Douane
CPD carnet	It is an internationally accepted Customs document used to facilitate the temporary (duty and VAT free) importation and/or exportation of mainly motor vehicles into South Africa (including the BLNS countries) and contracting parties provide an internationally valid guarantee for these vehicles.
Customs Office of entry (commencement)	Any designated Customs Office in the country where the temporary importation first took place e.g. Durban, Beit Bridge, etc.
Customs Office of exit	Any designated Customs Office in the country where the exportation took place e.g. Beit Bridge, Oshikango, etc.
Destruction	An event or the result of an event that completely destroys something.
Discharge	Acceptable compliance with the conditions of the temporary importation or transit of goods brought into the country under cover of an ATA carnet i.e. exportation within the prescribed period. This will also apply when other acceptable evidence is produced i.e. due entry under a general rebate item, payment of duties and VAT due and compliance with the conditions of any law on goods that remains in the country.
Duplicate Carnet	Duplicate of a lost/destroyed/stolen ATA carnet. The duplicate document will retain the carnet number and validity period of the original ATA carnet.
Event	<ul style="list-style-type: none"> a) A trade, industrial, agricultural or crafts exhibition, fair or similar show or display; b) An exhibition or meeting for a charitable purpose; c) An exhibition to promote learning, art, a craft, sport or scientific, educational or cultural activity, friendship between people, religious knowledge or worship; d) Meetings of representatives of any international organisation or international group of organisations (even if they have no international status); e) A representative meeting of an official or commemorative nature e.g. national or international celebrations, memorial events, etc.; f) With the exception of the meetings referred to above, the events specified need not entail the direct participation or representation of persons resident abroad, foreign governments or organisations, as events at a national level are entitled to the benefits of the convention if the foreign goods are required for the event or lent by a single foreign country; and g) Does not cover exhibitions organised for private purposes in shops or business premises with a view to the sale of the foreign goods displayed.
Force Majeure	A superior or irresistible force, an event or effect that cannot be reasonably anticipated or controlled. This will include natural calamities such as storms, lightning, shipwreck, inundations, fires, hostile incursions, exceptional droughts or frosts. <i>Force Majeure</i> is the same as <i>Vis Major</i> .
GATT	General Agreement on Tariffs and Trade
ICC	International Chamber of Commerce, Paris France
Import duties	Customs duties and all other duties, levies and VAT payable on or in connection with the importation of the goods
International Clubs and Organisations	Organisations with which national associations who are authorised to guarantee and issue temporary admission papers, are affiliated
NIGA	National Issuing and Guaranteeing Association
Period of grace	Period not exceeding three (3) months from the expiry date of the ATA carnet, in which an expired ATA carnet can be used to re-export the goods
PP	Provisional Payment (DA 70)
Prima Facie	At first sight, accepted as so until proved otherwise
SACCI	South African Chamber of Commerce and Industry
Substitution	The extension of the validity period of a ATA carnet for a period not exceeding one year, by means of issuing a new ATA carnet
TCA System	Triptyques, Carnets, ATA carnets
Temporary admission	A Customs procedure under which certain goods can be brought into a Customs territory and so designed to facilitate their temporary duty free admission, the

	elimination of difficulties normally encountered when having to make CCD , lodgement of securities, producing of permits and compliance with other formalities associated with the importation and exportation of goods. Such vehicles and goods must be imported for a specific purpose, be intended for re-exportation within the specified period, without having undergone any change except normal depreciation due to the use made of them (refer to the Istanbul Convention, Chapter 1, Article 1).
Transit	The conveyance of goods from a Customs Office in the territory to another Customs Office within the same territory (SACU) in accordance with the conditions laid down in the national laws and regulations of the Contracting Party. This is in contrast to the generally used term “transit” indicating a movement through SACU.
VAT	Value Added Tax
Vis Major	See <i>Force Majeure</i>
WATAC	World ATA Carnet Council
WCF	World Chambers Federation
WCO	World Customs Organisation
WTO	World Trade Organisation

9 DOCUMENT MANAGEMENT

Policy Owner	Group Executive: Customs Branch
Detail of change from previous revision	<ul style="list-style-type: none"> a) Amend: <ul style="list-style-type: none"> i) Customs declaration to read Customs clearance declaration (CCD) and included it to the definition and acronyms table; ii) Customs Office to Customs Branch Office; b) Insert the word ATA throughout as reference to ATA carnet c) Add the standard paragraph: <ul style="list-style-type: none"> i) “Promotion of Administrative Justice Act (PAJA)”; and ii) Appeal against Decisions
Template number and revision	GC-TM-03 - Rev 9