

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Notification under Article 7.3 of the Agreement on
Import Licensing Procedures

SOUTH AFRICA

The following communication, dated 13 May 1997, has been received from the Permanent Mission of South Africa.

Outline of system

1. South Africa has one licensing system. This system makes provision for the granting of permits to meet reasonable requirements of merchants and manufacturers.

Licences are issued upon written application by proposed importers. The Department of Trade and Industry, Sub-Directorate: Import and Export Control is the issuing authority.

Purposes and coverage of licensing

2. Goods still subject to import control and for which licences are granted are listed in Government Gazette No. 11630 dated 23 December 1988 (as amended). (See Annex).

3. Licences are valid for the importation of goods from any country, the choice of the country of supply being left entirely to the importing party.

4. Licensing is not applied for the purpose of protecting domestic producers.

5. Import control is applied pursuant to powers conferred on the Minister of Trade and Industry by Section 2(i) of the Import and Export Control Act, 1963 (Act 45 of 1963). The licensing is not statutorily required, i.e. the legislation is permissive, not mandatory. The legislation leaves the designation of products to be subjected to licensing to administrative discretion. It is possible for the Government to abolish the system without legislative approval.

Procedures

6.I. The licensing regulations are published in the Government Gazette and in certain instances supplemented with policy documents.

II. Not applicable in South Africa.

- III. Import licences are available to all merchants and manufacturers. No steps are taken to ensure the utilization of import permits. Quotas do not apply in South Africa. Particulars of import licences granted are not publicized as information of this nature can only be disclosed with the consent of the permit holder.
- IV. Not applicable.
- V. The length and time for processing applications is dependent on the nature and extent of the application. In general applications are dealt with immediately upon receipt.
- VI. Licences are valid for the calendar year indicated thereon and may be used for customs clearance of goods shipped prior to 31 December of that year.
- VII. Applications for import licences are considered by the Department of Trade and Industry, Sub-Directorate: Import and Export Control. In the case of a limited range of goods, applications are also considered by the Departments of Agriculture, Health and Environment Affairs. In certain instances, the obligation is on the prospective importer to approach these bodies.
- VIII. With the exception of licensing in respect of used goods or goods controlled in terms of the Montreal Protocol, for health or environmental reasons, licences are issued without applying quantitative restrictions.
- IX. The question is not relevant to South African practice.
- X. Imports are not allowed on the basis of export performance only.
- XI. Yes.
- 7.(a) Applications must be made before goods are shipped.
- (b) Yes.
- (c) No.
- (d) See paragraph 6.VII.
8. No application for import licensing meeting the criteria is refused.

Eligibility of importers to apply for a licence

9. All persons, firms and institutions who comply with the requirements are eligible to apply for licences.

Documentational and other requirements for application for a licence

10. A new importer is required to complete an importer's registration form. Otherwise, no forms are prescribed. The following information is required:

- Importer's reference number;
- name and business address of applicant;
- quantity and description of goods to be imported as well as the custom tariff heading; and

- value of goods to be imported.
- 11. Normal customs documents and, where applicable, and import permit is required upon actual importation.
- 12. There are no deposits or advance payments associated with the issue of licences.
- 13. There are no licensing or administrative charges.

Conditions of licensing

- 14. A licence is valid for the calendar year during which it is issued, but may be used for customs clearance of goods shipped before 31 December of that year. The validity of the licence cannot be extended.
- 15. There is no penalty for non-use of a licence or portion of a licence.
- 16. Licences are not transferable between importers.
- 17. No other conditions are attached to the issue of a licence.

Other procedural requirements

- 18. There are no other administrative procedures required prior to the importation.
- 19. Foreign exchange is automatically provided by the banking authority provided that an import licence is produced or evidence is furnished that an import licence is not necessary. Foreign exchange is always available to cover licences.

ANNEXImport and export control: Goods subject to import control measures

Description	Tariff heading	Purpose of control
All used goods, waste and scrap	Various	Health, environmental reasons and in terms of the Basel Convention
Fish, fresh or frozen, crustaceans and molluscs	03.01 to 03.07	Health reasons, no quantitative restrictions
Dairy products	04.01 to 04.06	Automatic licensing
Oats and maize	10.04; 10.05	Automatic licensing
Wine, vermouth, fermented beverages, ethyl alcohol vinegar and substitutes	22.04; 22.05; 22.06; ex 22.07; ex 22.08; 22.09	Automatic licensing
Mineral fuels, mineral oils and products of their distillation	27.07; 27.08; 27.09; 27.10; 27.11; 27.12; 27.13; 27.14; 27.15	Strategic reasons
Radioactive chemical elements and radioactive isotopes	28.44; 28.45	Health and environmental reasons
Vulcanized rubber thread and cord, plates and strip	40.07; 40.08	Automatic licensing
New pneumatic tyres	40.11	Monitoring for quality specification
Gold and coins	71.08	Monetary policy
Cobalt, cadmium antimony, manganese diromium, germanium, vanadium, gallium, hafnium, indium, rhenium and thallium	81.05; 81.07; 81.10; 81.12	Health and environmental reasons
Revolvers and pistols, other firearms, parts, ammunition and parts	93.03; 93.04; 93.05; 93.06	Security reasons
Gambling machines	ex 9504.30	Quality specifications and public interest
Ozone-depleting substances	ex 2903.19.10; 2903.30.10; 2903.45.90; ex 2903.49.10; 2903.41; 2903.42; 2903.43; 2903.44; 2903.45.05; 2903.46; 3824.71.10; 3824.71.90	Montreal Protocol