

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

SOUTH AFRICA

The following notification, dated 27 September 2012, 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 merchant and manufacturers. Licences are issued upon written application by proposed importers. The International Trade Administration Commission of SA, Directorate: Import and Export Control is the issuing authority.

Purposes and coverage of licensing

2. Goods subject to import control and for which licences are granted are listed in Government Gazette No 35007 dated 10 February 2012.

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 intended to restrict the quantity or value of goods imported. The purpose is to comply with international agreements, health, environmental and safety requirements.

5. Import control is applied pursuant to powers conferred on the Minister Economic Development by Section 6 of the International Trade Administration Act, 2002 (Act 71 of 2002). 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. Information is available on the web site.

II Not applicable in South Africa.

¹ See G/LIC/3, Annex, for the Questionnaire.

- 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 clearance for a 12 month period from the date of issue.
 - VII. Applications for import licences are considered by the International Trade Administration Commission of SA: Import and Export Control. In the case of some goods, applications are also considered by the Departments of Health and Environment Affairs. In certain instances, the obligation is on the prospective importer to approach these Departments.
 - VIII. With the exception of licensing in respect of goods controlled in terms of the Montreal Protocol, the 1998 Convention against chemicals used in illegal drug manufacturing, the Basel Convention, for health, security or environmental reasons, licences are issued without applying quantitative restrictions.
 - IX. There are no bilateral quotas or export restraint arrangements in place.
 - X. Imports are not allowed on the basis of export performance only.
 - XI. No.
- 7.(a) Applications must be made prior to the shipment of goods.
- (b) Yes.
 - (c) No.
 - (d) See reply 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. Importers are required to complete application forms, which are, together with explanatory notes, available on the website. The following general information is required:
- name and business address of applicant;
 - quantity and description of goods to be imported as well as the custom tariff heading and the value of goods to be imported;
 - customs code number of the importer;
 - indication whether the goods to be imported are new or used;

- port of entry;
- country of origin;
- Units to be imported.
- copy of tax clearance certificate.

11. Normal customs documents and, where applicable, an 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 12 months from the date of issue. The validity of the licence is not 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. Conditions may be attached to the issue of a licence for instance in cases where imported goods must comply with provisions of international agreements.

Other procedural requirements

18. There are no other administrative procedures required prior to the importation.

19. Foreign exchange has never been refused by the banking authority provided that an import licence is produced or evidence is furnished that an import licence is not necessary.

ANNEX

Import and export control: Goods subject to import control measures

Description	Tariff heading	Purpose of control
Used goods, waste and scrap	Various	Health, environmental reasons and in terms of the Basel Convention
Fish, fresh or frozen, crustaceans and molluscs	03.02 to 03.08	Environmental reasons
Mineral fuels, mineral oils and products of their distillation	27.07-27.15	Strategic reasons
Radioactive chemical elements and radioactive isotopes	28.44, 28.45	Health and environmental reasons
Chemicals applicable in the use of drug manufacturing	2806.10, 2807.00, 2841.61, 2902.30, 2909.11, 2914.11, 2914.12, 2914.31, 2915.24, 2916.34, 2922.43, 2924.23, 2932.91, 2932.92, 2932.93, 2932.94, 2933.32, 2939.41, 2939.42, 2939.49, 2939.61, 2939.62, 2939.63	1998 Convention against chemicals used in illegal drug manufacturing
New pneumatic tyres	40.11, 40.12	Monitoring for quality specification
Cobalt, cadmium antimony, manganese diromium, geranium, 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	9302 - 9306	Security reasons
Gambling machines	9504.30	Quality specifications and public interest
Ozone-depleting substances	2903.19.10, 2903.39, 2903.7, 2903.71, 2903.72, 2903.74, 2903.75, 2903.76, 2903.77, 2903.05, 2903.77.10, 2903.77.15, 2903.77.20, 2903.77.25, 2903.77.30, 2903.77.35, 2903.77.40, 2903.77.45, 3903.77.50, 2903.77.55, 2903.77.60, 2903.77.65, 2903.77.70, 2903.77.90, 2903.79, 2903.79.10, 2903.79.20, 2903.79.30, 2903.79.40, 2903.79.90, 3808.91.10, 3808.92.30, 3808.93.81, 3808.94.85, 3808.99.10, 3813.00.17, 3813.00.19, 3813.00.21, 3813.00.23, 3814.00.10, 3814.00.20, 3814.00.30, 3824.71, 3824.72, 3824.73, 3824.74, 3824.75, 3824.76, 3824.77, 3824.78, 3824.79	Montreal Protocol