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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2016)

SOUTH AFRICA

Outline of Systems

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 South Africa, 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 Notice No. R 91 published in Government Gazette No. 35007 dated 10 February 2012, which was amended by Government Notice No. R. 292 published in Government Gazette No. 36372 of 19 April 2013 and Government Notice No. R. 1290 published in Government Gazette No. 39567 of 31 December 2015.

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, safety requirements and public interest.

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:
<http://www.itac.org.za/pages/services/import-control>.

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.

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

- 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 normally 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 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 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.
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