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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 (2018)

SOUTH AFRICA

The following communication, dated 3 December 2018, has been received from the Permanent Mission of South Africa.

Outline of Systems

1. The International Trade Administration Commission of South Africa (ITAC) 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 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, Government Notice No. R. 1290 published in Government Gazette No. 39567 of 31 December 2015 and **Government Notice No. R. 1601 published in Government Gazette No. 40520 of 22 December 2016.**

3. Licences are valid for the importation of goods from any country; the choice of the country of supply is 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 of Economic Development by Section 6 of the International Trade Administration Act, 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. N/A

7. (a) Applications must be made prior to the shipment of goods.

(b) Yes.

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

- (c) No.
- (d) Applications for import licences are considered by the International Trade Administration Commission of SA (ITAC): Import and Export Control.

In the case of some goods, import applications are also required to be recommended by other administrative organs such as the SA Police Service (Narcotics Bureau) for the importation of narcotic drugs and psychotropic substances in terms of the 1988 United Nations Convention, the National Regulator for Compulsory Specifications for homologation of tyres for vehicles to ensure that required safety specifications are met, the Department of Environment Affairs in terms of the Basel Convention and the Montreal Protocol, Department of Energy for fossil fuels, Department of Health (Radiation Control) for radioactive chemical elements and isotopes and the SA Police Service (Firearm Register) for arms and ammunition.

In all instances, the obligation is on the prospective importer to approach these administrative organs for the required recommendation. It is not necessary to approach more than one administrative organ for recommendation, over and above ITAC.

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;
- country of origin;
- copy of SA Revenue Services (SARS) 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 currently 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, public interest and in terms of the Basel Convention
Fish, fresh or frozen, crustaceans and molluscs	03.02 to 03.08	Environmental reasons
Asbestos	25.24	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. Salt and optical isomers of substances included in the table.	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, 2939.44, 2939.49, 2939.61, 2939.62, 2939.63	1998 Convention against chemicals used in illegal drug manufacturing
Rubber and Articles thereof including new and used pneumatic tyres	40.03, 40.04, 40.11, 40.12	Monitoring for quality specification
Used clothing and rags	63.09, 63.10	Public interest
Cobalt, cadmium antimony, manganese, beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium, rhenium and thallium	81.05, 81.07, 81.10, 81.11, 81.12	Health and environmental reasons
Road wheels fitted with tyres	8708.70, 8716.90.20	Monitoring for quality specification
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, 3808.91.1, 3808.92.3, 3808.93.8, 3808.94.8, 3808.99.1, 3813.00.29, 3813.00.31, 3813.00.33, 3813.00.35, 3813.00.37, 3813.00.39, 3813.00.41, 3813.00.43, 3814.00.1, 3814.00.2, 3814.00.3, 3824.71, 3824.72, 3824.73, 3824.74, 3824.75, 3824.76, 3824.77, 3824.78, 3824.79	Montreal Protocol