REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

SOUTH AFRICA

The following notification has been received from the delegation of South Africa in response to the questionnaire on import licensing annexed to document L/5640/Rev.2. The present document replaces information appearing in document L&5640/Add.17/Rev.1 of 23 August 1985.

Outline of systems

1. South Africa has one licensing system. Under this system permits are granted to meet the requirements of bona fide merchants and manufacturers. Licences are issued upon written application by the prospective importer. The Department of Trade and Industry is the licensing authority.

Purpose and coverage of the licensing

2. The goods still subject to import control and for which licences are granted are listed in Government Gazette No.9764 of 30 May 1985. However, this list has subsequently been amended by Regulation 1659 dated 26 July 1985, Regulation 307 dated 21 February 1986 and Regulation 1620 dated 1 August 1986, removing, in total, 508 items from import licensing.

3. South Africa's import restrictions do not distinguish between sources of supply. Licences are valid for the importation of goods from any country, the choice of the country of supply being left entirely to the importer.

4. In its present form the licensing system is intended mainly to monitor imports of certain sensitive commodities but in most cases import licences are granted to meet all reasonable requirements. Alternative measures are not being considered since the present mechanism will have to be maintained as a contingency measure to meet any future eventuality.

5. The restrictions are applied pursuant to the powers conferred on the Minister of Trade and Industry by section 2(1) 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. (a) The licensing regulations are published in the Government Gazette.

(b) Not applicable in South Africa.

(c) Not applicable. See paragraphs 4 and 6 (a).

(d) Not applicable.

(e) The length of time for processing applications is dependent on the volume of work involved, but in general applications are dealt with immediately upon receipt.

(f) Licences are valid for the calendar year indicated on the permit and may be used for Customs clearance of goods ordered up to 31 December of that year and shipped until 31 March of the following year.

(g) Applications for licences are considered by the Department of Trade and Industry. In the case of a limited range of goods, applications are also considered by the Departments of Agriculture or Health and Environment Affairs. In such cases, the importer must approach two Departments.

(h) Licences are made available on the basis of an importer's past import performance, and the amount allocated to each applicant is based on such performance in relation to turnover growth. New importers receive an initial import allocation on the understanding that further allocations will be made available for stock replenishment purposes. Applications are not dealt with on an arbitrary or formula basis, but on the merits of each individual case.

(i) The question is not relevant to South African practice. South Africa does not grant bilateral quotas and, on the few occasions when informal export restraint arrangements have been resorted to, these were aimed at curbing the permissible level of import of particular goods under then existing licensing arrangements.

(j) There are no cases where imports are allowed on the basis of export permits only.

(k) Yes. Semi-finished garments for the export market.
7. (a) Applications must be made before goods are shipped from overseas.

(b) Yes.

(c) No.

(d) See paragraph 6(g).

8. No applications for licences meeting the ordinary criteria are refused.

9. All persons, firms and institutions are eligible to apply for licences.

10. Application forms are required for capital goods, raw materials and manufactured goods. Otherwise no forms are prescribed, but 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 customs tariff heading

   Value of goods to be imported

   Estimated stocks on hand

   Monthly turnover figures

11. Normal customs documents and, where applicable, an import permit are required upon actual importation.

12. There are no licensing fees or administrative charges.

13. There are no deposits or advance payment requirements associated with the issue of licences.

14. A licence is valid for the calendar year during which it is issued, but may be used for Customs clearance of goods ordered up to 31 December of that year and shipped until 31 March of the following year. The validity of a licence cannot be extended.
15. There is no penalty for the non-use of a licence or a portion of a licence.

16. Licences are not transferable between importers.

17. No other conditions are attached to the issue of a licence.

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

19. Foreign exchange is automatically provided by the banking authority provided that an import licence is produced or evidence furnished that an import licence is not necessary. Foreign exchange is always available to cover licences issued. The formalities to be fulfilled for obtaining foreign exchange comprise the completion of an application form at a commercial bank.
ANNEX

Regulations mentioned in Paragraph 2

No. R. 1659

IMPORT CONTROL

I, Dawid Jacobus de Villiers, in my capacity as Minister of Trade and Industry, and acting under the powers vested in me by section 2 of the Import and Export Control Act, 1963 (Act 45 of 1963), hereby amend -

Schedule I to Government Notice R.1163 of 30 May 1985 by the deletion in columns (1) and (2) of the following descriptions and corresponding tariff headings:

- Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms 73.01
- Iron or steel powders; sponge iron or steel 73.05
- Puddled bars and pilings; ingots, blocks, lumps and similar forms, of iron or steel 73.06
- Blooms, billets, slabs, sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel 73.07
- Iron or steel coils, for re-rolling 73.08
- Universal plates of iron or steel 73.09
- Bars and rods (including wire rod) of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished, (including precision-made): hollow mining drill steel 73.10
- Angles, shapes and sections of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished, sheets piling of iron or steel, whether or not drilled, punched or made from assembled elements 73.11
- Hoop and strip of iron or steel, hot-rolled or cold-rolled 73.12
- Sheets and plates of iron or steel, hot-rolled or cold-rolled 73.13
- Alloy steel and high carbon steel in the forms mentioned in headings No. 73.06 to 73.14, but excluding goods falling within headings No. 73.15.40.25, -.35, -.45, -.50; 73.15.41.35, -.45, -.55, -.65, -.75; 73.15.57.10, -.20, -.30, -.90 or 73.15.60 73.14
- Railway and tramway track construction material of iron or steel 73.16

D.J. DE VILLIERS,
Minister of Trade and Industry.
Ek, Dawid Jacobus de Villiers, in my hoedanigheid van Minister van Handel en Nywerheid, en handelende kragtens die bevoegdheid my verleen by artikel 2 van die Wet op In- en Uitvoerbeheer, 1963 (Wet 45 van 1963), wysig hierby—

(a) Goewermentskennisgewing R. 1163 van 30 Mei 1985—

(i) deur paragraaf (f) te skrap en te vervang met—

(f) (i) Nuwe onderdele, subsamestelle en mate- riale ingevoer as oorspronklike toerusting vir die vervaardiging van motorvoertuie; onderdele en subsamestelle ingevoer as spaaronderdele vir die instandhouding van motorvoertuie;

(ii) Alle ander nuwe onderdele vir alle goe- deres wat nie aan inverbeheer onderhe- wig is nie;

(ii) deur in paragraaf (h) die uitdrukking "kragtens 'n uitvoerpermit" te skrap;

(iii) deur na die beskrywing van paragraaf (k) die vol- gende nuwe paragrawe in te voeg:

(1) gebruikte Leër-, Vloot- en Lugmaguniform- oorjasse;

(m) Staatsinvoere ingevolge Item 401 van Bylae 4 van die Doeane- en Akayswet, 1964 (Wet 91 van 1964);

(n) goedere by Staatshoofde, diplomatieke- en ander buitelandse verteenwoordigers ingevoer ingevolge Item 406 van Bylae 4 van die Doeane- en Akayswet, 1964 (Wet 91 van 1964).

(b) Bylae I by genoemde Goewermentskennisgewing—

(i) deur in kolom (3) die woorden "goedere soos" in die beskrywing in kolom (3) waar dit teenoor die volgende Tariefposte in kolom (2) voorkom, te skrap:

"Ex 08.05, Ex 20.06, Ex 39.07, Ex 49.07, 57.01, Ex 60.05, Ex 63.01, Ex 84.10, Ex 84.48 en Ex 85.20;"

(b) Bylae 1 by genoemde Goewermentskennisgewing—

(i) deur in kolom (3) die woorden "goedere soos" in die beskrywing in kolom (3) waar dit teenoor die volgende Tariefposte in kolom (2) voorkom, te skrap:

"Ex 08.05, Ex 20.06, Ex 39.07, Ex 49.07, 57.01, Ex 60.05, Ex 63.01, Ex 84.10, Ex 84.48 en Ex 85.20;"
(ii) deur die woorde “ander goedere soos” in die beskrywing in kolom (3) waar dit teenoor Tariefpos Ex 39.02 in kolom (2) voorkom, te skrap;

(iii) deur die uitdrukking “of goedere soos en” waar dit teenoor die volgende Tariefposte in kolom (2) voorkom, te vervang:

```
"Ex 51.04, Ex 55.09, Ex 56.07 en Ex 73.29";
```

(iv) deur in kolom (3) in die beskrywing die uitdrukking "03.02.17" deur die uitdrukking "03.02.35.10", waar dit teenoor Tariefpos Ex 03.02 in kolom (2) voorkom, te vervang;

(v) deur in kolom (3) in die beskrywing "Heel vrugte en stingels, gemaal of gestamp" deur die uitdrukking "09.07.50" te vervang;

(vi) deur in kolom (3) teenoor die uitdrukking "16.04.25.10 of 16.04.05.20", waar dit teenoor Tariefpos Ex 16.04 in kolom (2) voorkom te vervang;

(vii) deur in kolomme (2) en (3) die uitdrukkingen "29.07.10" en "Parachloormetakresol (chloor­ krosol)" te skrap;

(viii) deur in kolom (3) teenoor die uitdrukking 44.03 in kolom (2) die beskrywing "Ru-hout, hetsy ontab of slegs ontkaak, al dan nie", deur die beskrywing "Ru-hout, hetsy ontab of slegs ontkaak, al dan nie, maar uitgesonderd goedere wat in Tariefposte 44.03.20, 44.03.40, 44.03.60, 44.03.90 vermeld word" te vervang en die uitdrukking "44.03" deur die uitdrukking "Ex 44.03" in kolom (2) te vervang;

(ix) deur in kolom (3) teenoor die uitdrukking 44.04 in kolom (2) die beskrywing "hout, ru-gevierkant of half-gevierkant, maar nie verder bewerk nie," deur die beskrywing "Hout, ru-gevierkant of half-gevierkant, maar nie verder bewerk nie, maar uitgesonderd goedere wat in tariefpos 44.04.90 vermeld word" en die uitdrukking "44.04" deur die uitdrukking "Ex 44.04" in kolom (2) te vervang;

(x) deur in kolom (3) teenoor die uitdrukking "44.05" in kolom (2) die beskrywing "Hout oorlangs gesaag, gesnij of geskil, maar nie verder bewerk nie, met ‘n dikte van meer as 5 mm", deur die beskrywing "Hout oorlangs gesaag, gesnij of geskil, maar nie verder bewerk nie, met ‘n dikte van meer as 5 mm", maar uitgesonderd goedere wat in Tariefposte 44.05.20, 44.05.30, 44.05.40, 44.05.50, 44.05.60, 44.05.70, 44.05.80, 44.05.90 en die uitdrukking "44.05" deur die uitdrukking "Ex 44.05" in kolom (2) te vervang;

(xi) deur in kolom (3) teenoor die uitdrukking "Ander drukwerk", deur die uitdrukking "Gedrukte geëmbossederde kredietkaarte sonder magnetiese band" te vervang en die uitdrukking "49.11.90" in kolom (2) deur die uitdrukking "Ex 49.11.90" te vervang;

(xii) deur in kolomme (2) en (3) die uitdrukkingen "59.03.95.10" en "Artikels: Bedruk" te skrap;

(xiii) deur in kolomme (2) en (3) die uitdrukkingen "59.03.95.20" en "Artikels: Onbedruk" te skrap;

(ii) by the deletion in column (1) of the words “other goods such as” in the description where it appears against Tariff Heading Ex 39.02 in column (2);

(iii) by the substitution in column (1) in the description for the words “or goods such as” of the word “and” where it appears against the following Tariff Headings in column (2):

```
"Ex 51.04, Ex 55.09, Ex 56.07 and Ex 73.29";
```

(iv) by the substitution in column (1) in the description for the expression “03.02.17” of the expression “03.02.35.10”, where it appears against Tariff Heading Ex 03.02 in column (2);

(v) by the deletion in column (1) in the description for the words “ground or crushed” of the words “ground or crushed” and by the substitution in column (2) for the expression “09.07.50.20” of the expression “09.07.50”;

(vi) by the substitution in column (1) in the description for the expressions “16.04.20 or 16.04.50” of the expressions “16.04.25.10 or 16.04.05.20”, where it appears against Tariff Heading Ex 16.04 in column (2);

(vii) by the deletion in columns (1) and (2) of the expressions “Parachlorometacresol (chlorocresol)” and “29.07.10”;

(viii) by the substitution in column (1) opposite the expression 44.03 in column (2) for the description “wood in the rough”, whether or not stripped of its bark or merely roughed down” of the description “Wood in the rough, whether or not stripped of its bark or merely roughed down, but excluding goods falling within Tariff Headings 44.03.20, 44.03.40, 44.03.60, 44.03.90” and by the substitution in column (2) for the expression “44.03” of the expression “Ex 44.03”;

(ix) by the substitution in column (1) opposite the expression 44.04 in column (2) for the description “Wood roughly squared or halfsquared, but not further manufactured” of the description “Wood roughly squared or halfsquared, but not further manufactured, but excluding goods falling within Tariff Heading 44.04.90” and by the substitution in column (2) for the expression “44.04” of the expression “Ex 44.04”;

(x) by the substitution in column (1) opposite the expression 44.05 in column (2) for the description “Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm” of the description “Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm, but excluding goods falling within Tariff Headings 44.05.20, 44.05.30, 44.05.40, 44.05.50, 44.05.60, 44.05.70, 44.05.80, 44.05.90 and by the substitution in column (2) for the expression “44.05” of the expression “Ex 44.05”;

(xi) by the substitution in column (1) for the expression “other printed matter” of the expression “Printed embossed credit cards without magnetic tape” and by the substitution in column (2) for the expression “49.11.90” of the expression “Ex 49.11.90”;

(xii) by the deletion in columns (1) and (2) of the expressions “Articles: Printed” and “59.03.95.10”; and

(xiii) by the deletion in columns (1) and (2) of the expressions “Articles: Unprinted” and “59.03.95.20";
(xiv) deur in kolom (3) teenoor die uitdrukking "Ex 60.01" in kolom (2) die beskrywing "Brei- of hekelstof nie rek of rubber nie, maar uitgesonderd goedere soos randafwerkings, gebreli, nie rekbaar of gerubber nie, slaappakgordels", deur die beskrywing "Brei- of hekelstof, nie rek of rubber nie, maar uitgesonderd randafwerkings, gebreli, nie rekbaar of gerubber nie, en slaappakgordels" te vervang;

(xv) deur in kolom (3) teenoor die uitdrukking "Ex 60.02" in kolom (2) die beskrywing "Handskoene, vuishandskoene en wante, gebreli of gehekel, nie rek of gerubber nie, maar uitgesonderd goedere soos gebreide handskoene", deur die beskrywing "Handskoene, vuishandskoene en wante, gehekel, nie rek of gerubber nie" te vervang;

(xvi) deur in kolom (3) in die beskrywing die uitdrukking "64.04.10" deur die uitdrukking "61.04.10", waar dit teenoor Tariefpos Ex 61.04 in kolom (2) voorkom, te vervang;

(xvii) deur die woorde "of skeidsregtersfluities" in die beskrywing in kolom (3) waar dit teenoor Tariefpos Ex 73.40 in kolom (2) voorkom, te skrap;

(xviii) deur in kolom (2) die uitdrukking "Ex 85.11.50" deur die uitdrukking "85.11.50" te vervang;

(xix) deur in kolom (3) teenoor die uitdrukking "Serpe, sier-serpe en stole" te skrap.

(xiv) by the substitution in column (1) opposite the expression "Ex 60.01" in column (2) for the description "Knitted or crocheted fabric, not elastic nor rubberised, but excluding goods such as edgings, knitted, not elastic or rubberised, pyjama girdles", of the description "Knitted or crocheted fabric, not elastic nor rubberised, but excluding edgings, knitted, not elastic or rubberised and pyjama girdles";

(xv) by the substitution in column (1) opposite the expression "Ex 60.02" in column (2) for the description "Gloves, mittens and mitts, knitted or crocheted, not elastic nor rubberised, but excluding goods such as knitted gloves", of the description "Gloves, mittens and mitts, crocheted, not elastic nor rubberised";

(xvi) by the substitution in column (1) in the description for the expression "64.04.10" of the expression "61.04.10" where it appears against Tariff Heading Ex 61.04 in column (2);

(xvii) by the deletion in column (1) of the words "or referee whistles" where it appears in the description opposite Tariff Heading Ex 73.40 in column (2);

(xviii) by the substitution in column (2) for the expression "Ex 85.11.50" of the expression "85.11.50";

(xix) by the substitution in column (1) opposite the expression "85.11.50" in column (2) for the description "electric or laser-operated welding, brazing or cutting machines and apparatus" of the description "electric or laser-operated welding, brazing or cutting machines and apparatus but excluding electric soldering irons;

(xx) By the deletion in column (1) and (2) of the expressions "Scarves, mufflers and stoles" and "Ex 61.06.50".
2. Amendemente tot determinasies in termes van section 47(9)(d) van die Customs en Excise Act (Act 91 van 1964):

Determinasie No. 27 onder tarief heading 44. 28 is withdrawn with effect from 10 February 1986 and replaced by the following determination:

Gates enclosures of wood being sound covers for table model computer equipment—accessories for machines falling within tariff headings 84.51 to 84.54, other.

Determinasie No. 2 under tarief heading 73.37 is withdrawn with effect from 2 June 1986 and replaced by the following determination:

Dakin fan coil unit—air conditioning machine, not containing a heating element, other.

Determinasie No. 7 under tarief heading 73.37 is withdrawn with effect from 2 June 1986 and replaced by the following determination:

Carrier model 365 W air control Weathermaster induction air terminals—air conditioning machine, not containing a heating element, other.

The following determination is substituted for the existing determination with effect from 21 July 1986:

Annular belting of textile fabric coated on one side with PVC, with a thickness of less than 3 mm—a textile fabric, coated, of a kind commonly used in machinery or plant.
L/5640/Add.17/Rev.2

GOVERNMENT GAZETTE, 1 AUGUST 1986

No. 10371

Page 10


<table>
<thead>
<tr>
<th>No. R. 1628</th>
<th>1 August 1986</th>
</tr>
</thead>
</table>

**WYSIGING VAN DIE SUIKERNYWERHEIDOOR- EENKOMS, 1979**

Ek, Dawid Jacobus de Villiers, Minister van Handel en Nywerheid, publisêr hierby inegolge artikel 4 (1) (c) van die Suikerwet, 1978 (Wet 9 van 1978), die wysigings in die Bylae hiervan uiteengesit wat kragtens en ooreenkomsstig die bepalings van artikel 4 (1) (b) van genoemde Wet deur my aan die bepalings van die Suikernyerheidsooreenkoms, 1979, aangebring is.

D. J. DE VILLIERS,
Minister van Handel en Nywerheid.

**BYLAE**

**Definisies**


No. R. 1628 | 1 August 1986

**AMENDMENT OF THE SUGAR INDUSTRY AGREEMENT, 1979**

I, Dawid Jacobus de Villiers, Minister of Trade and Industry, hereby publish in terms of section 4 (1) (c) of the Sugar Act, 1978 (Act 9 of 1978), the amendments set out in the Schedule hereto, which have, under and in accordance with the provisions of section 4 (1) (b) of the said Act, been effected by me to the provisions of the Sugar Industry Agreement, 1979.

D. J. DE VILLIERS,
Minister of Trade and Industry.

**SCHEDULE**

**Definitions**