

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

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REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

SOUTH AFRICA

Revision

The following revised notification¹ has been received from the delegation of South Africa in response to the questionnaire on import licensing procedures annexed to L/5640/Rev.8. The notification updates and replaces information previously provided in L/5640/Add.17/Rev.3.

REPONSES AU QUESTIONNAIRE RELATIF AUX PROCEDURES
EN MATIERE DE LICENCES D'IMPORTATION

AFRIQUE DU SUD

Révision

La délégation de l'Afrique du Sud a fait parvenir au secrétariat la notification révisée ci-après¹ en réponse au questionnaire relatif aux licences d'importation annexé au document L/5640/Rev.8. Cette notification met à jour les renseignements donnés dans le document L/5640/Add.17/Rev.3.

RESPUESTAS AL CUESTIONARIO RELATIVO A LOS PROCEDIMIENTOS
PARA EL TRAMITE DE LICENCIAS DE IMPORTACION

SUDAFRICA

Revisión

Se ha recibido de la delegación de Sudáfrica la siguiente notificación revisada¹, en respuesta al cuestionario relativo a los procedimientos para el trámite de licencias de importación anexo al documento L/5640/Rev.8. Con esta notificación queda actualizada y reemplazada la información que se había distribuido en el documento L/5640/Add.17/Rev.3.

¹English only/anglais seulement/en inglés solamente

Outline of system

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

Purpose and coverage of licensing

2. The goods still subject to import control and for which licences are granted are listed in Government Gazette No. 11630 of 23 December 1988 (as amended)¹.

3. 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. In most cases, import licences are granted to meet the reasonable requirements of merchants and manufacturers. 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. Import restrictions are applied pursuant to the powers conferred on the Minister of Trade and Industry and for Economic Co-ordination 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. I. The licensing regulations are published in the Government Gazette.

II. Not applicable in South Africa.

III. Import licences are available to all bona fide merchants or manufacturers. No steps are taken to ensure the utilisation of import permits. Quotas do not apply in South Africa. Particulars of import licences granted are not being made known as information of this nature can only be disclosed with the consent of the permit holder.

IV. Not applicable.

¹ Available for consultation in the secretariat.

- V. The length of 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 before 31 December of that year.
- VII. Applications for import licences are considered by the Department of Trade and Industry, Directorate: Import and Export Control. In the case of a limited range of goods, applications are also considered by the Departments of Agriculture, Health or Environment Affairs. In such cases, the obligation is on the prospective importer to approach these bodies.
- VIII. 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 and 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 in case of a pre-determined policy.
- IX. The question is not relevant to the South African practice. South Africa does not grant bilateral quotas and, on 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.
- X. Imports are not allowed on the basis of export permits only.
- XI. Yes.
7. (a) Applications must be made before goods are shipped from overseas.
(b) Yes.
(c) No.
(d) See paragraph 6.VII.
8. No applications for licences meeting the ordinary criteria are refused.

Eligibility of importers to apply for licence

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

Documentational and other requirements for application for licence

10. In the case of a new importer, an application form is required to register as an importer. Registered importers of capital goods, raw materials and manufactured goods complete a different form. 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 imported stocks on hand and balance available on existing import permits;

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.

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 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.

Other procedural requirements

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.