GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.07/ 4011.70.10/01.08 FOR IMPORTATION OF DOMESTIC NEW PNEUMATIC TYRES OF A KIND USED IN AGRICULTURAL OR FORESTRY VEHICLES AND MACHINES, HAVING A RIM SIZE OF LESS THAN 91 CM, CLASSIFIABLE UNDER TARIFF SUBHEADING 4011.70.10

1. PURPOSE

1.1 This document serves to provide reference and procedural guidelines applicable to applications for permits in terms of rebate provision **460.07/ 4011.70.10/01.08.** This document, therefore, addresses the guidelines, rules and conditions to the aforementioned rebate item and the permit application process to be followed by the applicants.

2. REBATE PROVISION

2.1 Rebate item **460.07/4011.70.10/01.08** of Schedule No. 4, Part 2 to the Customs and Excise Act No. 91 of 1964 (Customs and Excise Act) makes provision for rebate of the full duty on the:

"New pneumatic tyres of a kind used in agricultural or forestry vehicles and machines, having a rim size of less than 91 cm, classifiable under tariff subheading 4011.70.10, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market".

3. APPLICATION PROCEDURE

3.1 Applicants must acquaint themselves with the provisions of Customs and Excise Act, the International Trade Administration Act No. 71 of 2002 (ITA Act) and other legislation relating to the importation of goods into the Republic of South Africa.

3.2 The applicant shall provide the International Trade Administration Commission (ITAC) with the required information as per the relevant application form (**Annexure A**). Should the space provided in the application form not be sufficient, applicants may use the format of the application form as a guide for the format in which the required information should be submitted.

3.3 These guidelines must be read and understood before completing the application form. Completed original applications for permits may be forwarded to:

The Senior Manager: Tariff Investigations II
International Trade Administration Commission of South Africa
Private Bag X 753
Pretoria
0001

Or hand delivered to:

Block E, 1st Floor
DTI Campus
77 Meintjies Street
Sunnyside
Pretoria
0002

3.4 Should an application be found to be deficient, it will not be processed further, and the applicant will be informed accordingly. An application will be regarded as deficient if the following is found:

I. The application is not submitted in the correct format;
II. The application does not comply with the guidelines, rules and conditions as set out in this document;
III. The requested information is not submitted; and
IV. The application contains conflicting or incorrect information.

3.5 Applicants who submit deficient applications must re-submit duly completed application forms to replace the deficient application forms, should they wish to proceed.

3.6 Applications must be made well in advance of the shipment of the goods, as rebate permits will not be issued retrospectively. Applicants should allow an issuance period of fourteen (14) days from date ITAC received a properly documented and duly completed application.

3.7 Permits for rebate item **460.07/4011.70.10/01.08** will be valid for the period stipulated on the permit issued and no extensions will be granted.

3.8 The permits are issued at the discretion of the ITAC. Should the application be rejected, the applicant will be informed in writing of the decision and the reasons thereof to enable them to seek appropriate recourse.

4 APPLICABLE CONDITIONS

4.1 Applicants must comply with the provisions of the Customs and Excise Act, the ITA Act and all other South African legislation relating to the importation of goods into the Republic of South Africa, relevant to the transaction.

4.2 All applicants must comply with ITAC's Import Regulations and must hold a valid import permit for the tyres concerned prior to submitting an application for a rebate permit.

4.3 Applicants must get written confirmation from the South African Tyre Manufacturers Conference (SATMC) that the products to be imported are not available in the Southern African Customs Union (SACU) market.

4.4 The rebate user binds itself to the submission of any industry data requested by ITAC for reporting and monitoring purposes.

4.5 All prospective applicants are required to submit pricing of imported products in the most recent year before receiving a permit as well as proposed pricing of the subject tyres should permit application be supported. The proposed pricing must reflect the duty savings being passed on to end-customers.

4.6 Any request for an amendment of the rebate permit will only be considered when an error was made by ITAC upon the issuance of a permit.

Note: No amendments will be effected in instances where the applicant was responsible for the submission of incorrect information. In such instances a new application will be required.

4.7 Should the permit holder misplace a rebate permit, the permit holder will be required to submit an application in the form of an affidavit for the re-issue of a rebate permit. This must clearly set out the circumstances giving rise to the loss of the original permit and show good cause or reasons why a substitute permit must be issued. ITAC may consider issuing a replacement of the lost original permit provided the above is duly submitted.

4.8 ITAC may satisfy itself as to the accuracy of the information supplied to it by the applicant by conducting verifications at such time and place as it deems necessary, including verification visit(s) at the premises of the applicant that provided the information.

4.9 ITAC may inform the applicant concerned of the dates of the intended visit, and where such information is provided, the verification will be conducted on those dates.

4.10 Following a verification visit, ITAC shall compile a verification report indicating what information was verified and may make the same available to the applicant.

5 NON-COMPLIANCE

5.1 Where non-compliance is detected, appropriate action will be taken against the relevant party in terms of the ITA Act and/or the Customs and Excise Act. This action may include (without limitation) criminal charges, withdrawal of the permit/s concerned, and it may affect future applications for permits.

5.2 Should it be found that the goods imported in terms of the rebate permit are used for any other purpose than that described in the rebate provision and in the permit, the applicable customs duty and penalties will be imposed by SARS in addition to any other sanction.