

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 224 OF 2017
INTERNATIONAL TRADE ADMINISTRATION COMMISSION
CUSTOMS TARIFF APPLICATIONS
LIST 02/2017

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comments on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>. These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

ADJUSTMENT OF THE BELOW MENTIONED AFFECTED TARIFF LINES TO THE WTO-BOUND CEILING RATES:

a) Introduction of two 8-digit tariff subheadings under tariff sub-heading 0405.20, as follows:

Tariff heading	Tariff subheading	Description	Rate of Duty				
			General	EU	EFTA	SADC	MERCOSUR
04.05		Butter and other fats and oils derived from milk; dairy spreads:					
	0405.20	Dairy spreads:					
	0405.20.**	With a milk fat content of 39 per cent or more but less than 75 per cent	500c/kg with a maximum of 37%	500c/kg with a maximum of 37%	500c/kg with a maximum of 37%	Free	500c/kg with a maximum of 37%
	0405.20.**	Other	500c/kg with a maximum of 79%	500c/kg with a maximum of 79%	500c/kg with a maximum of 79%	Free	500c/kg with a maximum of 79%

b) Adjustment of the following tariff subheadings from the applied rate of duty to the WTO bound rates:

Tariff Subheading	Description	Applied rate	Bound rate	Proposed amendment
3301.90.20	Extracted oleoresins obtained from extraction of opium	15%	12%	12%

3301.90.30	Extracted oleoresins obtained from extraction of liquorice	15%	12%	12%
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REASONS FOR THE APPLICATION:

In light of the previous periodic reviews and changes to the Harmonized System ("HS") by the Committee of the World Customs Organisation ("WCO") and in terms of South Africa's WTO obligations, it is imperative that South Africa complies with its market access commitments to the WTO and the provisions of its multilateral trade agreements. This is particularly relevant where South Africa is exceeding its WTO bound rate commitments.

PUBLICATION PERIOD:

Representation should be submitted within **four (4)** weeks of the date of this notice.