

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 355 OF 2021

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA**

**GUIDELINES, RULES AND CONDITIONS PERTAINING TO FABRICS IMPORTED
IN TERMS OF REBATE ITEMS 320.01/5407.61/01.06, 320.01/5903.20.90/02.08,
320.01/5907.00.90/02.08 AND 320.01/6005.3/xx.xx FOR THE MANUFACTURE OF
UPHOLSTERED FURNITURE**

Note: In terms of section 26 (4) of the International Trade Administration Act, 71 of 2002, the Commission may, *inter alia*, require an applicant to provide additional information in respect of the application. The conditions attached to and the information requested below reflects the minimum requirements, which ITAC would apply to evaluate an application under this rebate provision.

1. Applicants must register with South African Revenue Service (SARS) as users of rebate provisions 320.01/5407.61/01.06; 320.01/5903.20.90/02.08, 320.01/5907.00.90/02.08 and **320.01/6005.3/xx.xx** used for the manufacture of upholstered furniture before applying for a rebate permit and they must acquaint themselves with the requirements of SARS. The applicants must submit a SARS letter of approval for registration as a rebate user in terms of Schedule 3 to import and use the material under the provisions of this rebate item.
2. The Guidelines must be read and needs to be understood before completing the application form. Completed original applications for permits may be forwarded to:

The Senior Manager: Tariff Investigations 1
International Trade Administration Commission of South Africa
Private Bag X 753
Pretoria
0001

Or emailed to:

E-mail: rtheart@itac.org.za / klegodi@itac.org.za

Or hand delivered to:

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

3. Applications for permits must be submitted according to the requirements as set out in the attached application form. If the space provided in the application form is insufficient, please use the format of the application form to submit the requested information.

4. Qualifying fabrics under rebate item 320.01 are as follows:
 - 320.01/5407.61/01.06: Woven fabrics containing 85 per cent or more by mass of non-textured polyester filaments, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, for use in the manufacture of upholstered furniture classifiable in tariff heading 94.01.
 - 320.01/5903.20.90/02.08: Other textile fabrics commonly known as imitation leather laminated with polyurethane, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, for use in the manufacture of upholstered furniture classifiable in tariff heading 94.01.
 - 320.01/5907.00.90/02.08: Textile fabrics commonly known as imitation leather backed with bonded leather, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, for use in the manufacture of upholstered furniture classifiable in tariff heading 94.01.
 - 320.01/6005.3/xx.xx: Warp knit fabrics (including those made on galloon knitting machines) (excluding those of heading 60.01 to 60.04), of synthetic fibres, dyed or printed, laminated with another fabric that is either knitted or woven, of a mass exceeding 410 g/m² but not exceeding 450 g/m² and having a width exceeding 120 cm but not exceeding 150 cm, classifiable in tariff heading 6005.3, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit for use in the manufacture of upholstered furniture classifiable in tariff heading 94.01.
5. If all the information requested in the application form is not submitted, the application will be deemed as deficient and the application will not be considered.
6. At least fourteen (14) working days should be allowed for the processing of applications and the issue of permits, provided that all necessary information which renders the application duly completed has been submitted to ITAC.
7. Each rebate permit issued defines the period during which the goods concerned can be cleared under the rebate item. The rebate permit will only be valid for a period of twelve (12) months, commencing from the date on which the permit is issued. The permit may be issued for a shorter period as requested by the applicant, or as decided upon by ITAC.
8. If an applicant intends to apply for a subsequent permit for which the period of validity should commence on the day after the expiry date of the previous permit issued in terms of paragraph 7, this must be clearly indicated in a new application. The application must be submitted to ITAC at least (14) working days prior to the expiry date of the previous permit as permits cannot be issued with retrospective effect.

9. Rebate permits issued will be subject to the following conditions and reciprocities:
- 9.1. There should be an intention by the applicant(s) to “manufacture end products as described in the rebate provision” to such an extent that there is a visible permanent change in the fabrics, and a change in tariff heading;
- 9.2. The applicant (s) must be able to prove that they have sufficient manufacturing capacity to process the volume of fabric internally for which it has applied for. ITAC will, if it deems it necessary, physically inspect the equipment and manufacturing process prior to the issue of a rebate permit.
- 9.3. The applicant must provide a formal letter on the applicant’s business letter head confirming that the applicant complies with labour laws, regulations and agreements gazetted by the Minister of Labour.
- 9.4. An applicant must, together with his application submit proof of registration and a Certificate of Compliance obtainable from the relevant Bargaining Council.
- 9.5. The applicant must submit a SARS PIN to enable ITAC to verify the Applicant’s tax clearance status on the SARS Tax Clearance System. Should challenges exist in providing this information give detailed reason/s for the absence thereof. Thereafter, applicants will be requested to submit a valid tax clearance certificate.
- 9.6. The applicant must submit a letter of consent agreeing to transparency in that the following information may be shared with industry and government stakeholders [Texfed and the dtic (Textiles, Clothing, Footwear and Leather directorate) etc.]. The stakeholders should treat the following data supplied, as confidential and should not release it to a third party:
- Name of applicant;
 - Contact details of applicant;
 - Technical description of fabric (i.e. weave type, width, weight, thread count; finish);
 - Volume applied for and;
 - Units of end product to be manufactured from imported subject fabrics.
- 9.7. The applicant(s) must first consult with industry associations (Texfed etc.) and known local manufacturers of the qualifying upholstery fabrics. Additionally, a sample of fabrics to be imported should also be provided to these parties. The relevant stakeholders should then provide confirmation with regard to the extent of local availability of the fabrics to be imported under rebate.
- 9.8. Should the applicant be unaware of any known local manufacturers of the qualifying upholstery fabrics, the applicant must also consult with the Sustainable Cotton Cluster (SCC) and the dtic Clothing and Textile sector desk to obtain a list of local manufacturers of qualifying fabrics, so as to allow applicant(s) to widen their engagements.

- 9.9. Applicant(s) must consult and engage with industry associations, the dtic Clothing and Textile sector desk and any identified manufacturers prior to the submission of an application for a permit to ITAC. Letters of consultation and engagements should be provided with the application, either confirming whether required qualifying fabrics are available locally or show the extent to which applicant(s) engaged with known/identified upholstery fabric manufacturers and aforementioned stakeholders. Letters received from local fabric manufacturers and industry bodies must have a date, not older than 30 days from the date of application.
- 9.10. In the event that the applicant's request to import the required fabrics is not supported, the applicant should consult with the dtic (Textiles, Clothing, Footwear and Leather sector desk). The dtic sector desk will thereafter provide proposals in this regard.
- 9.11. Applicant(s) must submit in each application to ITAC a certified copy of an irrevocable purchase order and firm commitments in the form of signed Off-take Agreements of locally manufactured fabrics. Off-take Agreements should be concluded by furniture manufacturers and local manufactures of fabrics and should ensure that a minimum of the agreed Value and/or Volume of fabric is used in the manufacturing of upholstered furniture.
- 9.12. As a rebate provision is considered for the purpose of providing relief to domestic producers that may experience injurious import pressures against similar imported end products, the benefit of the rebate provision will be tied to conditions related to economic performance over time and may be reviewed after a specified period. Reciprocity commitments as set out in the application form must be addressed in each application submitted.
- 9.13. The applicant must commit, *inter alia*, to the creation of employment and provide in each permit the number of jobs it expects to create annually as a result of the rebate permit granted. The applicant must submit to ITAC an annual report on its job creation performance.
10. Rebate permits may not be transferred in any manner by the holder thereof to any other person, or be used to the benefit of any person, not named in the permits.
11. Permits in relation to these rebate provisions should be applied for and received before the goods concerned are shipped.
12. Any request for an amendment to a rebate permit must be forwarded to ITAC for consideration. Amendments will only be considered in the following instances:
 - a) Error by ITAC on permit;
 - b) Error by applicant regarding the product description or tariff subheading. This will only be processed if the request is accompanied by a confirmation from SARS in this regard.

13. Should any party misplace a permit, the applicant should submit an affidavit on a company letterhead endorsed by a Commissioner of Oath, stating that the permit was lost and the circumstances surrounding loss of such permit. ITAC may, on the facts furnished, exercise its discretion to issue a new permit that replaces the lost permit. Should the lost permit be found the applicant must return such permit to ITAC.
14. Extension of the validity period from which the permit is valid may be granted. Extensions will only be granted where the relevant permit has not expired, and in the view of ITAC, good cause warrants extension of such permit. Such discretion shall lie solely with ITAC. Extensions will only be permitted for a period up to 3 months and the party applying for the extension must submit a letter and supporting documents to ITAC, furnishing reasons and good cause for the extension.

Non-compliance to the conditions of permits:

15. If a *prima facie* case is established that any condition of a permit issued, in terms of this rebate provision has not been complied with, the consignment in terms of which the rebate was used can be seized by ITAC and the rebate permit temporarily suspended while ITAC conducts an investigation. If it is established that non-compliance occurred, appropriate steps will be taken. These steps will be taken in terms of the International Trade Administration Act, Act 71 of 2002 and the Customs and Excise Act of 1964 that can include, criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

APPLICATION FOR A PERMIT IN TERMS OF REBATE ITEMS

**320.01/5407.61/01.06; 320.01/5903.20.90/02.08; 320.01/5907.00.90/02.08,
320.01/6005.3/xx.xx**

FOR REBATE OF DUTY ON QUALIFYING FABRICS USED IN THE MANUFACTURE OF UPHOLSTERED FURNITURE.

NOTE: PERMITS IN RELATION TO THESE REBATE PROVISIONS SHOULD BE APPLIED FOR AND RECEIVED BEFORE THE GOODS CONCERNED ARE SHIPPED

APPLICATION FORM

BEFORE COMPLETING THIS FORM, PLEASE ACQUIANT YOURSELF WITH THE GUIDELINES AND CONDITIONS PERTAINING TO THESE REBATE ITEMS

**320.01/5407.61/01.06; 320.01/5903.20.90/02.08;
320.01/5907.00.90/02.08,XXX.XX.X**

FOR REBATE OF THE DUTY ON FABRICS USED IN THE MANUFACTURE OF UPHOLSTERED FURNITURE.

NB: ALL INFORMATION REQUESTED SHOULD BE FURNISHED

| | |
|--|--|
| <p>1 (a). Applicant's name and postal address:</p> <p>Contact Person:.....</p> <p>Position:.....</p> <p>Address:.....</p> <p>Tel No.:.....</p> <p>Fax No.:.....</p> <p>Date completed:.....</p> <p>Email add:.....</p> <p>VAT Registration No:.....</p> <p>SARS Importer Registration No:.....</p> <p>(No application for this rebate provision will be considered for applicants utilising the "unallocated importers reference number i.e, 70707070)</p> | <p>1(b). Physical address where manufacturing will take place:</p> |
|--|--|

2 (a). Technical description of the FABRICS that will be imported:

1.
2.
3.
4.

2 (b). Furnish the following information in respect of each of the FABRICS mentioned in 2 (a)

| Product | 1 HS Tariff | 2 Duty payable | 3 Estimated quantity | 4 Customs (f.o.b) | 5 Country of origin | 6 |
|---------|-------------------|----------------------|----------------------------|-------------------------|---------------------------|---|
| | | | | | | |

| | code (8-digits) | | | Value | | Planned date of importation |
|----|-----------------|--|--|-------|--|-----------------------------|
| 1. | | | | | | |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |

3 (a). Description of the products that will be manufactured from the fabrics described in 2(a)

- 1
- 2
- 3

3 (b) Furnish the following information in respect of each of the products mentioned in 3(a):

| Product | 1 HS Tariff code 8- digits | 2 Quantity to be processed | 3 Estimated sales value (ex-factory) |
|---------|----------------------------------|----------------------------------|--|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

- 4. Describe the method of manufacturing of products mentioned in 3(a)
- 5. Furnish the following information in respect of the value of total sales in the Southern African Customs Union (SACU) as well as exports for the past three years in respect of the products mentioned in 4(a):

| Year | Product | HS Tariff code (8 – digits) | Total Sales (in SACU) | Total export sales |
|------|---------|--------------------------------|--------------------------|-----------------------|
| | | | | |
| | | | | |

6(a) Are the goods/materials/components to be imported (as mentioned in 2(a) manufactured locally?

| | |
|-----|----|
| YES | NO |
|-----|----|

6(b) Why do you have to import the goods/materials/components? (This information is for record purposes only). *(Please submit letters from manufacturers as proof of efforts made to obtain the fabrics locally)*

7. Provide information pertaining to the number of jobs the firm will create annually as a result of the rebate. *(Submit with the application a letter signed by the Chief Executive Officer to provide a quarterly report on job creation performance)*
8. State the increased economic benefits that can be realised subsequent to being granted tariff relief, by completing the table below:

Reciprocity commitments

| No. items | Should the support be given | | |
|--|-----------------------------|--------|--------|
| | year 1 | year 2 | year 3 |
| 1 Expected total production volume (Kg/li/unit) | | | |
| 2 Expected ex-factory selling price/per (Kg/li/unit) | | | |
| 3 Expected total investment (Rm) | | | |
| Plant & Machinery | | | |
| Buildings | | | |
| 4 Supply side measures (Rm) | | | |
| Research and development | | | |
| Skills development and training | | | |
| Upgrading machinery & equipment. | | | |
| Other (list) | | | |
| 5 Expected total export | | | |
| Volume (Kg/li/units) | | | |
| Value (R) | | | |
| 6 Expected total Employment | | | |
| Skilled | | | |
| • Youth (18-35) | | | |
| Semiskilled | | | |
| • Youth (18-35) | | | |
| Unskilled | | | |
| • Youth (18-35) | | | |
| Total direct factory workers | | | |
| • Youth (18-35) | | | |
| 7 Expected total wage (R) | | | |
| Skilled | | | |
| • Youth (18-35) | | | |
| Semiskilled | | | |
| • Youth (18-35) | | | |
| Unskilled | | | |
| • Youth (18-35) | | | |
| Total direct factory workers | | | |
| • Youth (18-35) | | | |

9. Give an assessment (consumer benefit or downstream benefit to a specific industry) of how your cost and price structure would be affected should the permit application succeed. To what extent will your firm's selling price for the product be influenced should the permit application be successful?
10. How do you support or plan to support the participation in manufacturing and related activities by small businesses, black-owned or black-managed enterprises and Common Customs Area supply chains?
11. Submit with the application a letter signed by the Chief Executive Officer to provide an annual report on reciprocity commitments made in paragraph 8.
12. Name of Chief Executive Officer:.....
Tel No:.....Fax No:.....

DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT FOR REBATE OF DUTY ON TEXTILE FABRIC USED IN THE MANUFACTURE OF UPHOLSERED FURNITURE IN TERMS OF REBATE PROVISIONS 320.01/5407.61/01.06; 320.01/5903.20.90/02.08 , 5907.00.90/02.08 AND 320.01/6005.3/XX.XX OF SCHEDULE 3 TO THE CUSTOMS AND EXCISE ACT, 1964,

NB: The obligation to complete and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the claimant

I, (full names) with identity number , in my capacity as – managing director/chief executive (in respect of a company) or senior member/ person with management responsibility (close corporation, partnership or individual)

(Delete whichever is not applicable)

of..... (hereinafter referred to as the applicant) hereby declare that –

- a) the applicant complies with prescribed requirements in order to qualify for rebate in terms of the above-mentioned rebate provision;
- b) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree to;
- c) I accept that the decision by the Chief Commissioner: International Trade Administration will be final and conclusive and that the said Chief Commissioner may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted;
- d) The information furnished in this application is true and correct;
- e) The applicant or any one of its associates, or related party is not subject of an investigation by either the South African Police, the Office for Serious Economic Offences, International Trade Administration, or the Commissioner for South African Revenue Services (SARS) into previous claims or other related matters.

NAME: DESIGNATION:

SIGNATURE: DATE AND YEAR:

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE CONSIDERS THIS OATH TO BE BINDING ON HIS CONSCIENCE.

SIGNED and SWORN to before me at on this Day of Year.

.....
COMMISSIONER OF OATHS
 FULL NAMES:.....
 CAPACITY :.....