

Draft amendments to the rules under sections 21(1) and 60

19 April 2024

Explanatory note:

The amendments to the rules under sections 21 and 60 relating to the creation of a new warehousing type namely a special customs and excise storage warehouse for imported fuel levy goods (land-based and sea-based), published for public comment on 11 December 2023, have been reviewed after extensive public comments were received and considered. A new draft of the rule amendments is hereby published for a second round of public comment due to changes in approach.

The new warehouse type is now **ring-fenced for duty suspended warehousing of imported bunker fuel** and is called a special customs and excise storage warehouse for imported bunker fuel. Bunker fuel includes distillate fuel and residual fuels used for supply to vessels. Please note in this regard also the proposed amendment in Part 1 of Schedule No.1 to Note 1(h) to Chapter 27 inserting a requirement of a maximum of 0,5% m/m sulphur content for purposes of residual fuel oil products intended for use in ships or boats as marine fuel or marine oil.

The **permissible movements** out of these warehouses are related to the bunkering of vessels –

*from sea-based: removal for export for supply as ship stores for use by foreign-going vessels.

*from land-based: removal for export for supply as ship stores for use by foreign-going vessels, and removal for home use on payment of duty for supply to coasting vessels.

No re-warehousing is permitted.

Provision is also made for **licensed marine removers of imported bunker fuel** to remove or transport imported bunker fuel to and from these warehouses.

There are two types of licensed marine removers, namely –

*a licensed marine remover moving **duty suspended imported bunker fuel to or from a special storage warehouse for imported bunker fuel**

*a licensed marine remover moving **duty paid imported bunker fuel from a special storage warehouse for imported bunker fuel.**

GENERAL EXPLANATORY NOTE:

[] Words that are between square brackets and in bold typeface, indicate deletions from the existing rules

_____ Words that are underlined with a solid line, indicate insertions in the existing rules

SOUTH AFRICAN REVENUE SERVICE

No. R.

2024

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES**

Under sections 21, 60 and 120 of the Customs and Excise Act, 1964 (Act 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto **with effect from.....**

**EDWARD CHRISTIAN KIESWETTER
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE

Insertion of rules

1. The following rules are hereby inserted after rule 21.05.13:

“21.05A For the purposes of section 21 (1) the rules numbered 21.05A followed by further digits relate, unless the context otherwise indicates, to the storage of imported bunker fuel in special customs and excise storage warehouses”

Part 1: General

Definitions

21.05A.01 For the purposes of these rules and any form or other document to which these rules relate, any word or expression to which a meaning has been assigned in the Act bear the meaning so assigned and unless otherwise specified or the context otherwise indicates –

“blending” in relation to bunker fuel in a special storage warehouse for imported bunker fuel, means to combine such bunker fuel with any other bunker fuel, mineral oil products, additives or other goods in a process which alters any standards or specifications of the constituent bunker fuel causing it to deviate from its original class or kind or tariff classification;

“bunker fuel” means fuel used for purposes of bunkering and includes –

- (a)** distillate fuel; or
- (b)** residual fuel;

“bunkering” means supplying bunker fuel to –

- (a)** a foreign-going vessel for use as ship stores for export, in the case of a sea-based special storage warehouse for imported bunker fuel; or
- (b)** a foreign-going vessel for use as ship stores for export, or to a coasting vessel for home use in the territorial waters of the Republic, in the case of a land-based special storage warehouse for imported bunker fuel;

“coasting vessel” means a vessel in the territorial waters of the Republic and engaged in the transportation of cargo between seaports within the Republic, but excludes a foreign-going vessel which—

- (a) whilst on a voyage to its end destination in the Republic engages in such transportation during that part of the voyage in the Republic; or
- (b) whilst on a voyage to a destination outside the Republic engages in such transportation during that part of the voyage in the Republic;

“distillate fuel” means distillate fuel classifiable in tariff heading 2710.12.30, as defined in Additional Note 1(g)(ii) and (iii) of Chapter 27 of Part 1 of Schedule No. 1;

“foreign-going vessel” means—

- (a) a vessel at a port, harbour or other place in the Republic if that vessel—
 - (i) has arrived at that port, harbour or other place in the course of a voyage from outside the Republic to a destination or destinations inside the Republic, whether that port, harbour or other place is that destination or one of those destinations or a stopover on its way to that or any of those destinations; or
 - (ii) is scheduled to depart from that port, harbour or other place in the course of a voyage to a destination outside the Republic, whether that port, harbour or other place is its place of departure to that destination or a stopover or one of several stopovers in the Republic from where it departs in the course of that voyage;
- (b) a vessel in the territorial waters of the Republic on a voyage referred to in paragraph (a)(i) or (ii); or
- (c) a vessel on a voyage from a place outside the Republic to a destination outside the Republic—
 - (i) passing through the territorial waters of the Republic; or
 - (ii) making a stopover at any place in the Republic;

“harbour” means a port in terms of section 1 of the National Ports Act 2005 (Act No. 5 of 2005);

“land-based special storage warehouse for imported bunker fuel” means a special customs and excise storage warehouse contemplated in Part 2 of these rules, situated on land;

“licensed marine remover” means a licensed marine remover of imported bunker fuel as contemplated in rule 64DA.02(c)(ii)(aa) or (bb), as may be applicable;

“own transport” in relation to the licensee of a land-based special storage warehouse for imported bunker fuel transporting bunker fuel from such warehouse to the wharf where it is to be loaded on board a vessel, means using a vehicle—

(a) owned by the licensee, including a vehicle –

(i) in possession of that licensee in terms of a hire purchase or lease agreement; or

(ii) rented by that licensee for the purpose of such transport; and

(b) operated by a person under the direct instructions of the licensee;

“residual fuel” means fuel oils classifiable in tariff subheading 2710.12.35 as defined in Additional Note 1(h) to Chapter 27 in Part 1 of Schedule No. 1 to the Act, and which are used for purposes of bunkering;

“sea-based special storage warehouse for imported bunker fuel” means a special customs and excise storage warehouse contemplated in Part 3 of these rules, consisting of a storage vessel on sea;

“special storage warehouse for imported bunker fuel” means a special customs and excise storage warehouse contemplated in section 21 (1) for the storage of imported bunker fuel and includes –

- (a) a land-based special storage warehouse for imported bunker fuel; and
- (b) a sea-based special storage warehouse for imported bunker fuel;

“storage vessel” means a vessel which is used as a warehouse for the receipt, storage and transfer of bulk imported bunker fuel; and

“these rules” means the rules numbered 21.05A.

Licensing of special storage warehouses for imported bunker fuel

21.05A.02 (a) No person may operate a special storage warehouse for imported bunker fuel unless such warehouse is licensed in accordance with paragraph (b).

(b) Any person who intends operating a special storage warehouse for imported bunker fuel must –

(i) apply for a licence in accordance with rule 60.01A(c)(i) and comply with all the requirements specified on the electronic application or form DA 185 and the relevant annexure; and

(ii) before a licence is issued, furnish such security the Commissioner may require, and if security is furnished in the form of a bond, such bond –

(aa) is subject to the provisions of rules 120.08 and 120.09; and

(bb) must be in the format determined by the Commissioner.

(c) The provisions of section 60(2) and the rules under that section apply with the necessary changes to any refusal of an application for a licence or the renewal, cancellation or suspension of the licence issued in respect of a special storage warehouse for imported bunker fuel.

Customs treatment of on-sea transfers of imported bunker fuel from foreign-going vessels entering the Republic and on-sea receipts of imported bunker fuel by foreign-going vessels leaving the Republic

- 21.05A.03** (a) Imported bunker fuel on board a foreign-going vessel entering the Republic to be used for purposes of supply to foreign-going vessels leaving the Republic must, if such fuel is transferred to another vessel in the territorial waters of the Republic, be transferred –
- (i) directly to a vessel that is a sea-based special storage warehouse for imported bunker fuel, for onward supply to a foreign-going vessel leaving the Republic; or
 - (ii) to a vessel operated by a licensed marine remover for purposes of removal to a warehouse referred to in subparagraph (i) for warehousing.
- (b) Imported bunker fuel received by a foreign-going vessel leaving the Republic must, if such fuel is transferred from another vessel in the territorial waters of the Republic, be received –
- (i) directly from a vessel that is a sea-based special storage warehouse for imported bunker fuel; or
 - (ii) from a vessel operated by a licensed marine remover contemplated in rule 64DA.02.
- (c) Any transfer or receipt contemplated in paragraph (a) or (b) must take place upon due entry of the relevant fuel for warehousing or export respectively.
- (d) No imported bunker fuel may directly be transferred from a foreign-going vessel to –
- (i) another foreign-going vessel; or
 - (ii) a coasting vessel.

Part 2: Land-based special storage warehouses for imported bunker fuel

Licensing requirements for land-based special storage warehouses for imported bunker fuel

- 21.05A.04** (a) The licensed premises of a land-based special storage warehouse for imported bunker fuel includes the storage infrastructure at the geographical site as well as any pipeline infrastructure on that site extending up to the location of the inlet and outlet flanges leading into and out of the site respectively.
- (b) Flow meters and gauges must be installed to accurately monitor the volume of imported bunker fuel received in, stored in and removed from the warehouse at any given time.
- (c) Imported bunker fuel may only be received into the warehouse upon due entry for storage in such warehouse.
- (d) Warehoused goods consisting of distillate fuel and such goods consisting of residual fuel must be stored separately in the warehouse in tanks indicating the type of goods.
- (e) The same premises may not be used for the licensing of a land-based special storage warehouse for imported bunker fuel and a customs and excise manufacturing warehouse.

Removal of bunker fuel from land-based special storage warehouses for imported bunker fuel

- 21.05A.05** (a) No imported bunker fuel may be removed from a land-based special storage warehouse for imported bunker fuel, unless duly entered by the importer or, in circumstances where transfer of ownership has taken place in accordance with section 26, the new owner of the goods, for purposes of –

- (i) home consumption, for supply of coasting vessels, and upon payment of duty due thereon; or
 - (ii) export, for supply as ship stores for use by foreign-going vessels.
- (b) Only a licenced remover in bond as contemplated in section 64D, or the licensee of the land-based special storage warehouse for imported bunker fuel using own transport, may remove imported bunker fuel by road to a rail tanker or a vessel for onward removal for export.
- (c) Only a licensed marine remover may remove imported bunker fuel from a land-based special storage warehouse for imported bunker fuel located in a harbour area by sea for –
- (i) onward removal for export on a foreign-going vessel for supply as ship stores; or
 - (ii) supply for home use to a coasting vessel.

Goods and activities in land-based special storage warehouses for imported bunker fuel

- 21.05A.06** (a) Only imported bunker fuel may be stored in a land-based special storage warehouse for imported bunker fuel for a period of six-months, which period may on application by the importer before the expiry of that period, be extended for no more than three months.
- (b) No blending of bunker fuel may take place in the warehouse, subject to paragraph (d).
- (c) Imported bunker fuel in the warehouse may be combined with equivalent imported bunker fuel of the same class or kind to obtain a mixture of consistently acceptable quality, and the following agents may be added:
- (i) A lubricity agent; or

(ii) a distinguishing agent for identification of ownership.

(d) Any agent referred to in paragraph (c)(i) or (ii) may despite paragraph (a) be kept in the warehouse.

Keeping of books, accounts and documents

21.05A.07 (a) The licensee of a land-based special storage warehouse for imported bunker fuel must, at the warehouse in a safe place accessible to the Controller, keep or provide access to a record in a form approved by the Controller, of all receipts into and deliveries or removals from the warehouse of imported bunker fuel, with such particulars as will make it possible for all such receipts and deliveries or removals to be readily identified with the imported warehoused goods, and with clear references to the bills of entry passed in connection therewith.

(b) For the purposes of section 101 and notwithstanding anything to the contrary in any other rule, every licensee of a land-based special storage warehouse for imported bunker fuel must, as required in terms of rule 60.08(2) –

(i) keep proper books, accounts and documents and any data created by means of a computer, of all transactions relating to the storage of imported bunker fuel and any agent contemplated in rule 21.05A.06(c), for a period of five years calculated from the end of the calendar year in which any such document was created, lodged or required for the purposes of any customs and excise procedure;

(ii) include in such books, accounts, documents and data any requirements prescribed in any provision of the Act in respect of the activity for which the licence is issued; and

(iii) produce such books, accounts, documents and

data as the Commissioner may require and submit such particulars in connection with the transactions and activities relating to the licensed premises –
(aa) on demand at any reasonable time; or
(bb) at intervals as may be determined by the Commissioner.

- (c) Books, accounts, documents and data contemplated in paragraph (b) must include any specific records or documents set out in the Oil Industry External Policy as published on the SARS website.
- (d) Separate records must be kept in relation to imported bunker fuel consisting of distillate fuel and such fuel consisting of residual fuel.
- (e) For purposes of any records kept in terms of this rule any quantity of fuel levy goods must be expressed in litres at 20°C, utilising the IP 60 (B) measurement tables, jointly published by the Institute of Petroleum and the American Society for Testing of Materials.

Part 3: Sea-based special storage warehouses for imported bunker fuel

Licensing requirements for sea-based special storage warehouses for imported bunker fuel

- 21.05A.08** (a) Only storage vessels that are self-propelled and have been duly entered for customs purposes are eligible for licensing as sea-based special storage warehouses for imported bunker fuel.
- (b) The licensed premises of a sea-based special storage warehouse for imported bunker fuel includes the storage vessel and any tank or storage facility that forms an integral part of the structure of that vessel.
- (c) Warehoused goods consisting of distillate fuel and such goods consisting of residual fuel must be stored

separately in the warehouse in tanks or storage facilities indicating the type of goods.

(d) Flow meters and gauges must be installed to accurately monitor the volume of imported bunker fuel received in, stored in and removed from the warehouse at any given time.

(e) A storage vessel operating as a sea-based special storage warehouse for imported bunker fuel may only operate within the port limits of the port that it services, as described in Government Gazette No. 37873 of 22 January 2010, subject to rule 21.05A.09(a).

(f) A licence dealt with in this rule is issued in respect of a specific port subject to compliance with all relevant requirements relating to approvals, licences or certificates of whatever nature by the relevant regulatory and other bodies in relation to the importation and receiving, storage or supply of bunkering fuel, as set out in the Oil Industry External Policy as published on the SARS website.

(g) Imported bunker fuel may only be received into the warehouse –

(i) if the licensee is in possession of a copy of the advance vessel arrival notice referred to in rule 8.09(1)(b) submitted by the carrier operating the foreign-going vessel on board which such bunker fuel is brought into the Republic; and

(ii) upon due entry of such fuel for storage in that warehouse.

(h) Only a licensed marine remover may remove imported bunker fuel from a sea-based special storage warehouse for imported bunker fuel: Provided that transfers may be effected by using a floating marine pipe directly from the warehouse to a foreign-going vessel supplied by the warehouse.

(i) The same vessel may not be used for purposes of a sea-

based special storage warehouse for imported bunker fuel and as a vessel operated by a licensed marine remover for the movement of imported bunker fuel.

Circumstances in which storage vessels operating as sea-based special storage warehouses for imported bunker fuel may leave port limits

- 21.05A.09** (a) Despite rule 21.05A.08(e), the licensee of a sea-based special storage warehouse for imported bunker fuel may, after obtaining prior permission from the Commissioner in a manner set out in the Oil Industry External Policy as published on the SARS website, leave the port limits of the port serviced by that warehouse in circumstances where that storage vessel requires maintenance or repairs that can only be done at a port other than that port.
- (b) A licensee who requested permission as contemplated in paragraph (a) must comply with any further direction or condition the Commissioner may issue in relation to the temporary absence and the return of the vessel, or in relation to the warehoused imported bunker fuel on the vessel.

Removal of bunker fuel from sea-based special storage warehouses for imported bunker fuel

- 21.05A.10** Subject to rule 21.05A.11, no imported bunker fuel may be removed from a sea-based special storage warehouse for imported bunker fuel, unless duly entered by the importer or, in circumstances where transfer of ownership has taken place in accordance with section 26, the new owner of the goods,

for purposes of export for supply as ship stores for use by foreign-going vessels;

Permission to remove imported bunker fuel from sea-based special storage warehouses for imported bunker fuel in other circumstances

21.05A.11 (a) Imported bunker fuel may not be removed from a sea-based special storage warehouse for imported bunker fuel in circumstances other than those contemplated in rule 21.05A.10, unless prior permission of the Commissioner has been obtained in terms of this rule.

(b) Permission referred to in paragraph (a) may be requested in the following exceptional circumstances:

(i) Where an accident or incident resulted in the contamination, destruction or diminution of warehoused goods;

(ii) where a breakdown, shipwreck or other unforeseen incident affects the safety or preservation of the warehoused goods; or

(iii) where the warehoused goods must be removed from the warehouse due to repairs to or maintenance of the vessel operating as the warehouse.

(c) A licensee must comply with any conditions subject to which a permission is granted by the Commissioner.

Goods and activities in sea-based special storage warehouses for imported bunker fuel

21.05A.12 (a) Only imported bunker fuel may be stored in a sea-based special storage warehouse for imported bunker fuel for a period of six months, which period may on application by the importer before the expiry of that period, be extended for no more than three months.

(b) No blending of bunker fuel may take place in the warehouse, but imported bunker fuel may be combined

with equivalent imported bunker fuel of the same class or kind to obtain a mixture of consistently acceptable quality.

(c) Bunker fuel to be used for purposes of the operation and maintenance of the warehouse –

(i) may not, subject to paragraph (d), be drawn from imported goods warehoused under suspension of duty; and

(ii) must be kept separately from warehoused goods.

(d) If in unforeseen circumstances a warehouse does not have sufficient bunker fuel for its own immediate operation and maintenance, and it is not practicable in the circumstances to obtain duty paid bunker fuel from another source, the licensee may with the prior permission of the Commissioner draw such fuel from its warehoused goods upon entry for home consumption and payment of duty.

Application of section 75(18)(d) in relation to imported distillate fuel entered for storage in sea-based special storage warehouses for imported bunker fuel

21.05A.13 For purposes of the application of paragraph (d)(iii) of section 75(18) to distillate fuel entered for storage in a sea-based special storage warehouse for imported bunker fuel, “landed” as referred to in that paragraph means off-loading of the fuel onto the relevant storage vessel situated within the port limits of the port which it services as contemplated in rule 21.05A.08(e).

Keeping of books, accounts and documents

21.05A.14 (a) The licensee of a sea-based special storage warehouse for imported bunker fuel must, at the land-based premises of that licensee used for purposes of the business for which the licence was issued and which is indicated on form DA 185, keep or provide access to a record in a form

approved by the Controller of all receipts into and deliveries or removals from the warehouse of imported bunker fuel, with such particulars as will make it possible for all such receipts and deliveries or removals to be readily identified with the imported warehoused goods, and with clear references to the bills of entry passed in connection therewith.

(b) For the purposes of section 101 and notwithstanding anything to the contrary in any other rule, every licensee of a sea-based special storage warehouse for imported bunker fuel must, as required in terms of rule 60.08(2) –

(i) keep proper books, accounts, documents and any data created by means of a computer, of all transactions relating to the storage of imported bunker fuel for a period of five years calculated from the end of the calendar year in which any such document was created, lodged or required for the purposes of any customs and excise procedure;

(ii) include in such books, accounts, documents and data any requirements prescribed in any provision of the Act in respect of the activity for which the licence is issued; and

(iii) produce such books, accounts, documents and data as the Commissioner may require and render such returns or submit such particulars in connection with the transactions and activities relating to the licensed premises –

(aa) on demand at any reasonable time; or

(bb) at intervals as may be determined by the Commissioner.

(c) Books, accounts, documents and data contemplated in paragraph (b) must include any specific records or documents set out in the Oil Industry External Policy as published on the SARS website.

- (d) Separate records must be kept in relation to bunker fuel consisting of distillate fuel and such fuel consisting of residual fuel.
- (e) For purposes of any records kept in terms of this rule any quantity of fuel levy goods must be expressed in litres at 20°C, utilising the IP 60 (B) measurement tables, jointly published by the Institute of Petroleum and the American Society for Testing of Materials.

Amendment of rule 60.01A

2. Rule 60.01A is hereby amended –

- (a) by the insertion in paragraph (a)(ii) of the following item after item (cc):
“(ccA) operating as a marine remover of imported bunker fuel as contemplated in rule 64DA.02(c)(ii)(aa) or (bb), as the case may be”;
- (b) by the insertion in paragraph (c)(i)(cc) of the following subitem after subitem (C):
“(D) imported bunker fuel as contemplated in rule 21.05A.02;” and
- (c) by the substitution in paragraph (c)(iii) for item (bb) of the following item:
“(bb) paragraphs (a)(ii)(ccA)[(dd)] to (gg) must be submitted in paper format as contemplated in paragraph (b)(ii).”.

Insertion of rules

3. The following heading and rules are hereby inserted before rule 64E.01:

“Rules numbered 64DA followed by further digits relate, unless the context otherwise indicates, to the licensing of marine removers

Definitions

64DA.01 For purposes of these rules and any form to which these rules relate, unless otherwise specified or the context otherwise indicates –

“bunker fuel”, “bunkering”, “coasting vessel”, “foreign-going vessel”, “land-based special storage warehouse for imported bunker fuel”, “own transport”, “sea-based special storage warehouse for

imported bunker fuel” and “special storage warehouse for imported bunker fuel” respectively, has the meaning assigned to it in rule 21.05A.01; and

“licensed marine remover” in relation to a movement of imported bunker fuel to or from a special storage warehouse for imported bunker fuel, means

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- (a) a licensed marine remover of imported bunker fuel moving duty suspended imported bunker fuel to or from a special storage warehouse for imported bunker fuel, as contemplated in rule 64DA.02(c)(ii)(aa); or
- (b) a licensed marine remover of imported bunker fuel moving duty paid imported bunker fuel from a special storage warehouse for imported bunker fuel, as contemplated in rule 64DA.02(c)(ii)(bb).

Licensing of marine removers

64DA.02 (a) The following on-sea movements of imported bunker fuel must, subject to paragraph (b), be performed by a marine remover licensed in terms of paragraph (c)(ii)(aa) or (bb), depending on the circumstances:

- (i) A movement of imported bunker fuel from a foreign-going vessel to a sea-based special storage warehouse for imported bunker fuel for warehousing in such warehouse, or from such warehouse to a foreign-going vessel for export for supply as ship stores on such vessel;
- (ii) a movement of imported bunker fuel from a foreign-going vessel to a land-based special storage warehouse for imported bunker fuel for warehousing in such warehouse, or from such warehouse to a foreign-going vessel for export for supply as ship stores on such vessel; and
- (iii) a duty paid movement of imported bunker fuel removed from a land-based special storage

warehouse for imported bunker fuel to a coasting vessel for supply of such vessel.

(b) Paragraph (a) does not apply where the transfer occurs –

(i) by floating marine pipe directly between a foreign-going vessel and a sea-based special storage warehouse for imported bunker fuel, or from such warehouse to a foreign going vessel; or

(ii) by pipeline from a foreign-going vessel to a land-based special storage warehouse for imported bunker fuel, or from such warehouse to a foreign-going vessel.

(c) Any person who intends to operate a vessel for purposes of any movement contemplated in paragraph (a), must –

(i) apply for a licence in accordance with rule 60.01A(c)(iii)(bb); and

(ii) comply with all the requirements specified on form DA 185 and the relevant annexure, indicating whether the application is in relation to –

(aa) a licensed marine remover of imported bunker fuel moving duty suspended imported bunker fuel to or from a special storage warehouse for imported bunker fuel; or

(bb) a licensed marine remover of imported bunker fuel moving duty paid imported bunker fuel from a special storage warehouse for imported bunker fuel.

(d) An applicant must, before a licence is issued, furnish any security the Commissioner may require and if security is furnished in the form of a bond, such bond –

(i) is subject to the provisions of rules 120.08 and 120.09; and

(ii) must be in the format determined by the Commissioner.

- (e) The provisions of section 60(2) and the rules under that section apply with the necessary changes to any refusal of an application for a licence or the renewal, cancellation or suspension of the licence issued in respect of a marine remover.

Licensing requirements

64DA.03 (a) A licence contemplated in rule 64DA.02 is issued subject to compliance with all relevant requirements relating to approvals, licences or certificates of whatever nature by the relevant regulatory and other bodies in relation to bunkering operations as set out in the Oil Industry External Policy as published on the SARS website.

(b) A vessel operated by a licensed marine remover for purposes described in rule 64DA.02(a) –

- (i) may not be a foreign-going vessel and must have been duly entered for customs purposes;
- (ii) may not be used as a storage facility for imported bunker fuel and no fuel in the process of being transported may remain on the vessel for a period longer than seven calendar days, which period may be extended on application to the Commissioner on good grounds shown;
- (iii) must be fitted with flow meters and gauges to accurately monitor the volume of imported bunker fuel received and delivered; and
- (iv) must be made available for inspection by an officer at any reasonable time required.

Activities in relation to licensed marine removers and vessels operated by them

64DA.04 (a) A licensed marine remover may operate a vessel only for

purposes referred to in rule 64DA.02(a).

- (b) The same vessel may not be operated for purposes of the activities of a licensed marine remover of imported bunker fuel on which duty has been suspended and a licensed marine remover of imported bunker fuel on which duty has been paid.
- (c) No blending or mixing of imported bunker fuel may take place in a vessel operated by a marine remover.
- (d) Bunker fuel consisting of distillate fuel and such fuel consisting of residual fuel must be transported in separate tanks indicating the type of goods.

Commissioner to be notified of any accident, breakdown or other act or omission affecting the security of imported bunker fuel on board

64DA.05 (a) A licensed marine remover must without delay notify the Commissioner of any of the following events occurring during the transportation of the relevant imported bunker fuel:

- (i) An accident or incident involving or resulting in the contamination, destruction or diminution of such goods;
- (ii) a breakdown of the vessel operated by the licensed marine remover or other unforeseen circumstances necessitating the transfer of such goods onto another vessel; or
- (iii) any other act or omission of whatever nature affecting in any manner the security of such goods.

(b) A licensed marine remover who notified the Commissioner as contemplated in paragraph (a) must comply with any directions issued by the Commissioner pursuant to such notification.

Keeping of books, accounts and documents

- 64DA.06** (a) A licensed marine remover must, at the land-based premises of that licensee used for purposes of the business for which the licence was issued and which is indicated on form DA 185, keep or provide access to records in a form approved by the Controller, and –
- (i) keep an up to date list of the vessels used for any movement of imported bunker fuel contemplated in rule 64DA.02(a), indicating the date of any deletion or addition, as well as the relevant sea-based or land based special customs storage warehouse for imported bunker fuel to which a particular vessel is contracted;
 - (ii) for purposes of section 101 and as required in terms of rule 60.08(2) keep proper books, accounts, documents and any data created by means of a computer, of all transactions relating to any movement of imported bunker fuel contemplated in rule 64DA.02(a) for a period of five years calculated from the end of the calendar year in which any such document was created or lodged;
 - (iii) include in such books, accounts and documents any requirements prescribed in any provision of the Act in respect of the activity for which the licence is issued;
and
 - (iv) produce such books, accounts, documents and data on demand at any reasonable time and submit such particulars in connection with the transactions relating to the removal of imported bunker fuel as the Commissioner may require.
- (b) The books, accounts and documents referred to in subparagraph (a) must include any specific records or documents set out in the Oil Industry External Policy as published on the SARS website.
- (c) Separate records must be kept in relation to imported

bunker fuel consisting of distillate fuel and such fuel consisting of residual fuel.”.

Amendment of forms

4. Item 202.00 of the Schedule to the rules is hereby amended by the substitution of the following forms:

“DA 185 Application form – Registration/Licensing of Customs and Excise Clients

DA 185.4B4 Licensing client type 4B4: Special storage warehouse”

Insertion of form

5. Item 202.00 of the Schedule to the rules is hereby amended by the insertion of the following form:

“DA 185.B17 Licensing client type 4B17: Marine remover of imported bunker fuel”.