

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1263

2 September 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

REQUEST FOR COMMENTS FROM INTERESTED PARTIES ON IMPORT CONTROL GUIDELINES ON THE IMPORTATION OF CERTAIN METAL PROCESSING MACHINERY AND MECHANICAL APPLIANCES, INCLUDING FURNACES, GRANULATORS, GUILLOTINES AND SHREDDERS**INTRODUCTION**

In Government Notice No. 1213 published in Government Gazette No. 47202 dated 5 August 2022, the Minister of Trade, Industry and Competition (the "**Minister**") published a draft notice for public comment in terms of which the Minister proposed amending the import control regulations contained in Government Notice No. R. 91 published in Government Gazette No. 35007, dated 10 February 2012, as amended, to prohibit the import of certain metal processing machinery and mechanical appliances, including furnaces, granulators, guillotines and shredders, except under the authority of and in accordance with the conditions stated in a permit issued by the International Trade Administration Commission of South Africa (the "**Commission**") (the "**Draft Amendment Notice**").

The Commission requests interested parties to make submissions and/or comments on the below guidelines on the importation of Certain Metal Processing Machinery and Mechanical Appliances, Including Furnaces, Granulators, Guillotines and Shredders.

These guidelines follow the Draft Policy Proposals on Measures to Restrict and Regulate Trade in Ferrous and Non-Ferrous Metals Waste, Scrap and Semi-Finished Ferrous and Non-Ferrous Metal Products to Limit Damage to Infrastructure and the Economy published on 05 August 2022. Public comments on the draft policy proposals are currently being considered and the Minister has not taken a decision on these policy proposals. The Commission is hereby issuing draft guidelines preparatory to the Draft Amendment Notice being finalised and subject to the condition that the said amendments proposed by the Minister in the Draft Amendment Notice come into force.

PROCEDURES AND TIME LIMITS

All comments and submissions should be received by the Senior Manager: Import and Export Control by no later than 14 calendar days from the date hereof. Submissions and or enquiries are to be sent to MCollins@itac.org.za.

DRAFT IMPORT CONTROL GUIDELINES ON THE IMPORTATION OF CERTAIN METAL PROCESSING MACHINERY AND MECHANICAL APPLIANCES, INCLUDING FURNACES, GRANULATORS, GUILLOTINES AND SHREDDERS

1. Definitions

- 1.1 "**Amendment Notice**" means the amendments to the Import Control Regulations by the Minister of Trade, Industry and Competition in terms of Section 6(1)(b) of the International Trade Administration Act, 2002 (Act No. 71 of 2002) published in Notice No. [____] in Government Gazette No. [____] of [Day____] [Month____] 2022.
- 1.2 "**Applicant**" means any person applying for a permit to import the Subject Products.
- 1.3 "**Application Form**" means a Form IE461 (application for an import permit) duly completed by an Applicant.
- 1.4 "**Guidelines**" means these Import Control Guidelines on the importation of certain metal processing machinery and mechanical appliances, including furnaces, granulators, guillotines and shredders.
- 1.5 "**Import Control Regulations**" means the regulations contained in Government Notice No. R. 91 published in Government Gazette No. 35007, dated 10 February 2012, as amended.
- 1.6 "**ITAC**" means the International Trade Administration Commission of South Africa established under section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002).
- 1.7 "**person**" means a natural or juristic person.
- 1.8 "**Subject Products**" means those goods listed in Schedule 1 to the Amendment Notice, including furnaces, granulators, guillotines and shredders.

2. Import Control Regulations

In terms of the Amendment Notice, the Subject Products shall not be imported into the Republic of South Africa except under the authority of and in accordance with the conditions stated in a permit issued by ITAC.

3. Application Form

3.1 A Form IE230 for registration of first time applicants and Form IE461, application for an import permit, must be duly completed by an Applicant.

3.2 An Application Form must be accompanied by the following documents:

3.2.1 Any required environmental operating permit;

3.2.2 A valid Tax Clearance Certificate for all applications; and

3.2.3 A sworn affidavit deposed to by the managing director or similar official that the information provided in the application form and any accompanying document is correct to the best of his or her knowledge.

3.3 An Applicant must also provide, along with an Application Form and the documents specified in paragraph 3.2, the following information:

3.3.1 The reason for the importation of the Subject Products;

3.3.2 The use to which the Subject Products will be put, including identification of the end product to be manufactured and sold to a third party;

3.3.3 Where the input material to be processed by the Subject Products (e.g. scrap or waste metal) is being sourced; and

3.3.4 The person to which the end product will be sold.

3.4 In order to assist ITAC with the sound administration and proper adjudication of import permits, ITAC may from time to time and when circumstances warrant, require additional documentation in order to, *inter alia*, make an informed decision on an application for an import permit.

4. Permit Administration

4.1 An Application Form and accompanying documents for an import permit, as provided for in paragraph 3, must be submitted -

by e-mail to:

- **[For Name/e-mail address];**

or by hand delivery to:

- 77 Meintjies Street, Block D, 1st Floor, Sunnyside, Pretoria.

4.2 Enquiries should be directed to the following ITAC officials:

- **[Contact details person 1]**
- **[Contact details person 2]**

4.3 Application forms referred to in subparagraph 1 that are submitted to ITAC will normally be processed and a permit issued within 7 to 10 working days after receipt of a duly complete application.

5. Miscellaneous

5.1. An Applicant may be subject to a verification inspection by ITAC before an application for an import permit is evaluated. An inspection may delay the issuing of an import permit.

5.2. If an Applicant provides incorrect or false information in an application, ITAC may reject the application.

5.3. If incorrect or false information is provided to ITAC, ITAC may also take any action available to it under prevailing legislation, including, but not limited to, criminal prosecution.

5.4. Import permits are valid for one year from the date of issue.

5.5. ITAC import permits are not transferrable and may not be used to the benefit of any person not named in the permit.

6. Effective Date

These Guidelines will come into effect on the date of publication in the Government Gazette.