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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**ECONOMIC DEVELOPMENT DEPARTMENT**

NO. 476

21 APRIL 2016

**International Trade Administration Act (71/2002):****Policy directive on matters ITAC shall consider in evaluating applications for amendment of customs duties**

*The Minister of Economic Development issues the following trade policy directive, in terms of section 5 of the International Trade Administration Act 71 of 2002 ("the Act"). The Act seeks to foster economic growth and development in order to raise incomes and promote investment and employment in the Republic and in the Common Customs Area. These are particularly pressing problems at this time. The Minister issues this directive in order to improve the realisation of the object of the Act.*

1. In relation to an application for amendment of customs duties in terms of section 26 (1) (c) of the Act, but excluding amendments with respect to anti-dumping duties, countervailing duties, or safeguard duties, the Commission shall have regard to the following matters in deciding what recommendation to make. In appropriate cases, it is preferable that the Commission should consult with the applicant with regard to these matters before making its recommendation
  - 1.1. the desirability of the applicant making an objectively verifiable and binding commitment as to what action it will take in order to ensure the raising of incomes, the promotion of investment or the promotion of employment, if the proposed measure is implemented;
  - 1.2. what such commitments, if any, the applicant has made in that regard; and
  - 1.3. the likely impact of those commitments on incomes, investment or employment.
2. Where the applicant contends that the proposed measure is desirable in order to protect, maintain or increase the market share of local producers or manufacturers, the Commission shall have regard to
  - 2.1. the desirability of the applicant or other persons making an objectively verifiable and binding commitment as to what action they will take in order to ensure that the market share of local producers or manufacturers will be maintained or increased if the proposed measure is implemented;

- 2.2. what such commitments, if any, the applicant or other persons have made in that regard; and
  - 2.3. the likely impact of those commitments on the market share of local producers or manufacturers.
3. In each instance the Commission shall have particular regard, in making its recommendation, to the likely impact of the commitments on the following:
    - 3.1. Job creation or job retention, including commitments for specified categories such as youth employment;
    - 3.2. Industrial output;
    - 3.3. Investments in plant, equipment, skills, and research and development;
    - 3.4. Economic investment, such as support for participation in manufacturing and related activities by small businesses, black-owned or black-managed enterprises, and Common Customs Area supply chains;
    - 3.5. Pricing of outputs.
  4. The Commission may, in its discretion, decide not to apply one or more of the guidelines listed in 3. above, in whole or in part, in respect of a particular application.



**Ebrahim Patel, MP**  
**Minister of Economic Development**

20 APRIL 2016