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The draft notices have been published in *Government Gazette* 37760 of 27 June 2014 under Notices Numbers 452 to 454.  Download the draft notices for more information at:  [**Agricultural Product Standards Act: Regulations: Control of export of grains: Amendments G 37760 GeN 452**](http://www.gov.za/documents/download.php?f=213685)- Comments due by 31 July 2014;  [**Agricultural Product Standards Act: Regulations: Control of the export of feed products: Amendments (Comments invited) G 37760 GeN 453 - comments by 27 Aug 2014**](http://www.gov.za/documents/download.php?f=213677); and  [**Agricultural Product Standards Act: Regulations: Control of the export of fresh vegetables: Amendments (Comments invited) G 37760 GeN 454 - comments by 31 Jul 2014**](http://www.gov.za/documents/download.php?f=213678).  Please note the different dates for comment.  **RULES TO CUSTOMS CONTROL BILL RELEASED FOR COMMENT**  ***(Due date for comments: 29 July 2014)***  Since the start of South Africa’s Customs Modernisation journey various versions of the proposed new Customs Control Act and the proposed Customs Duty Bill have been published for comments. The first round was published in October 2009, and a revised version of the proposed Customs Control Bill was published in May 2014.  Stakeholders were however concerned that the Rules to the new proposed Customs legislation have never been published for comment.  The Rules will be published for comment in various batches prior to the promulgation of the new legislation, and the first batch to the Customs Control Bill have been published  on the website of the South African Revenue services (17 June 2014).  The draft Rules that were published were those for Chapters 1, 3 to 10 of the proposed Customs Control Act and should be read with those Chapters of the latest version of the proposed Customs Control Bill 45B of 2013. These Chapters deal with definitions, reporting requirements for inbound and outbound vehicles and cargo and excise warehouse transit procedures.  The draft Rules can be downloaded from the SARS website at [**http://www.sars.gov.za/AllDocs/LegalDoclib/Drafts/LAPD-LPrep-Draft-2014-43%20-%20Draft%20Customs%20Control%20Rules%20Chapters%201%20and%203%20to%2010.pdf**](http://www.sars.gov.za/AllDocs/LegalDoclib/Drafts/LAPD-LPrep-Draft-2014-43%20-%20Draft%20Customs%20Control%20Rules%20Chapters%201%20and%203%20to%2010.pdf).  A comment sheet is also available at [**http://www.sars.gov.za/AllDocs/LegalDoclib/Drafts/LAPD-LPrep-Draft-2014-44%20-%20Draft%20Customs%20Control%20Rules%20Comment%20Sheet.docx**](http://www.sars.gov.za/AllDocs/LegalDoclib/Drafts/LAPD-LPrep-Draft-2014-44%20-%20Draft%20Customs%20Control%20Rules%20Comment%20Sheet.docx).  Your comments should be submitted to [**sauthar@sars.gov.za**](mailto:sauthar@sars.gov.za) before 29 July 2014.  **NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT: DRAFT AMENDMENT**  The Department of Trade and Industry has published a draft notice to indicate their intention to amend the compulsory specification for protective helmets and their visors for motorcycles and mopeds.  The draft notice was published under Notice R.441 in *Government Gazette* 37701 of 6 June 2014.  Download the notice at [**http://www.gov.za/documents/download.php?f=213569**](http://www.gov.za/documents/download.php?f=213569) for more information and should you wish to comment.  *Comments are due by 6 August 2014.* | | |  | |  | | |  | | Customs Tariff Applications and Outstanding Tariff Amendments | | |  | | Notice 448 of 2014 (List 06/2014) ***(Comments due on 20 July 2014)*** | | |  | | *The International Trade Administration Commission (*[*ITAC*](http://www.itac.org.za/)*) is responsible for tariff investigations, amendments, and trade remedies in South Africa and on behalf of SACU.*  ***Tariff investigations include:*** *Increases in the customs duty rates in Schedule No. 1 Part 1 of Jacobsens. These applications apply to all the SACU Countries, and, if amended, thus have the potential to affect the import duty rates in Botswana, Lesotho, Namibia, Swaziland and South Africa.*  *Reductions in the customs duty rates in Schedule No. 1 Part 1. These applications apply to all the SACU Countries, and, if amended, thus have the potential to affect the import duty rates in Botswana, Lesotho, Namibia, Swaziland and South Africa.*  *Rebates of duty on products, available in the Southern African Customs Union (SACU), for use in the manufacture of goods, as published in Schedule No. 3 Part 1, and in Schedule No. 4 of Jacobsens. Schedule No. 3 Part 1 and Schedule No. 4 are identical in all the SACU Countries.*  *Rebates of duty on inputs used in the manufacture of goods for export, as published in Schedule No. 3 Part 2 and in item 470.00. These provisions apply to all the SACU Countries.*  *Refunds of duties and drawbacks of duties as provided for in Schedule No 5. These provisions are identical in the all the SACU Countries.*  ***Trade remedies include:*** *Anti-dumping duties (in Schedule No. 2 Part 1 of Jacobsens), countervailing duties to counteract subsidisation in foreign countries (in Schedule No. 2 Part 2), and safeguard duties (Schedule No. 2 Part 3), which are imposed as measures when a surge of imports is threatening to overwhelm a domestic producer, in accordance with domestic law and regulations and consistent with WTO rules.*  ***Dumping****is defined as a situation where imported goods are being sold at prices lower than in the country of origin, and also causing financial injury to domestic producers of such goods. In other words there should be a demonstrated causal link between the dumping and the injury experienced. To remedy such unfair pricing, ITAC may, at times, recommend the imposition of substantial duties on imports or duties that are equivalent to the dumping margin (or to the margin of injury, if this margin is lower).*  ***Countervailing investigations****are conducted to determine whether to impose countervailing duties to protect a domestic industry against the unfair trade practice of proven subsidised imports from foreign competitors that cause material injury to a domestic producer.* | ***Safeguard measures****, can be introduced to protect a domestic industry against unforeseen and overwhelming foreign competition and not necessarily against unfair trade, like the previous two instruments. In the WTO system, a member may take a safeguard action, which is, restricting imports temporarily in the face of a sustained increase in imports that is causing serious injury to the domestic producer of like products. Safeguard measures are universally applied to all countries, unlike anti-dumping and countervailing duties that are aimed at a specific firm or country.*  *Schedule No. 2 is identical in all the SACU Countries.*  *ITAC* has published the following document relating to the SACU tariff and tariff amendment applications:  Increase in the rate of customs duty on helical springs classifiable under tariff subheading 7320.20 from 5% to 30% by the creation of an additional 8-digit tariff subheading under 7320.20 for helical springs with a wire diameter of more than 1,32 mm but not exceeding 2.43 mm.  Download the document  at [**http://www.gov.za/documents/download.php?f=213653**](http://www.gov.za/documents/download.php?f=213653)  ITAC has also notified interested parties that the following anti-dumping duties that, unless a duly substantiated request is made by or on behalf of the SACU industry indicating that the expiry of the anti-dumping duties would be likely to lead to the recurrence of dumping and injury, the following anti-dumping duties will expire in 2015:  Garlic – item 202.02- tariff subheadings 0703.20 and 0712.90.90;  Float and flat glass from China and India – items 213.03/7005.29 (various provisions); and  Staple polyester fibre from China – item 211.06/5503.20/01.06 and 02.06.  Comments are due before 28 July 2014.  Enquiries may be directed to The Senior Manager:Trade Remedies I: Ms Carina Janse van Vuuren at (012) 394 3594 or fax (012) 394- 0518. | |  | |  |  | |  | | Customs Tariff Amendments | | |  | | *With the exception of certain parts of Schedule No. 1, such as Schedule No. 1 Part 2 (excise duties), Schedule No. 1 Part 3 (environmental levies) Schedule No. 1 Part 5 (fuel and road accident fund levies), the other parts of the tariff is amended by SARS based on recommendations made by ITAC resulting from the investigations relating to Customs Tariff Applications received by them. The ITAC then investigates and makes recommendations to the Minister of Trade and Industry, who requests the Minister of Finance to amend the Tariff in line with the ITAC’s recommendations. SARS is responsible for drafting the notices to amend the tariff, as well as for arranging for the publication of the notices in Government Gazettes.*  *During the annual budget speech by the Minister of Finance in February, it was determined that parts of the tariff that are not amended resulting from ITAC recommendations, must be amended through proposals that are tabled by the Minister of Finance.*  *Once a year big tariff amendments are published by SARS, which is in line with the commitments of South Africa and SACU under international trade agreements.*  *Under these amendments, which are either published in November or early in December, the import duties on goods are reduced under South Africa’s international trade commitments under existing trade agreements.*  The following amendments have been published recently: | | *The* rate of customs duty on sugar, classifiable in subheadings 1701.12, 1701.13, 1701.14, 1701.91 and 1701.99 has been increased from 132c/kg to 92,6c/kg in terms of the variable tariff formula recommended in ITAC Minute M01/2014.  The amendment was published in Government Gazette No 37780 of 27 June 2014 under Notice No R.501. (Jacobsens Reference A1/1/1490).The amendments will be sent to subscribers under cover of supplement 1035.  **Subscribers will soon be able to view a PDF version of the tariff book supplements at**[**www.jacobsens.co.za**](http://www.jacobsens.co.za)***.***  [Download](http://new.jacobsens.co.za/News/CustomsWatch.aspx) the latest Customs Watch to have access to the latest tariff and rule amendments | | |  | | |  | | Customs Rule Amendments | | |  | | *The Customs and Excise Act is amended by the Minister of Finance. Certain provisions of the Act are supported by Customs and Excise Rules, which are prescribed by the Commission of SARS. These provisions are numbered in accordance with the sections of the Act. The rules are more user-friendly than the Act, and help to define provisions which would otherwise be unclear and difficult to interpret.*  *Forms are also prescribed by rule, and are published in the Schedule to the Rules.*  There were no amendments at time of publication.  The last Customs Rule amendment was published on 16 May 2014. | Form CR 1 titled General Application for Customs Refund: Voucher of Correction have been amended and a new form has substituted the existed form in the schedule to the Rules.  The notice was published in Government Notice R.361 published in *Government Gazette* 37631 of 16 May 2014 (DAR/138).  Download [the amendments](http://www.sars.gov.za/AllDocs/LegalDoclib/SecLegis/LAPD-LSec-CE-RA-2014-01%20-%20Notice%20R174%20GG%2037422%2014%20March%202014.pdf) to view the notices. | |  | |  |  |  |  | | | |
| |  |  |  | | --- | --- | --- | | **Contact Information:** |  | **Contact the Author:** | | Mayuri Govender  Jacobsens Editor  Tel: 031-268 3273 e-mail:  [jacobsen@lexisnexis.co.za](mailto:jacobsen@lexisnexis.co.za) |  | Leon Marais  Independent Customs Specialist Tel: 053-203 0727  e-mail: [leon.marais@intekom.co.za](mailto:leon.marais@intekom.co.za) | |

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