
GENERAL NOTICE

NOTICE 1297 OF 2009

DEPARTMENT OF AGRICULTURE

APPLICATION FOR MARKET ACCESS PERMITS FOR AGRICULTURAL PRODUCTS

In order to fulfil South Africa's commitment under the World Trade Organisation: Marrakesh Agreement regarding market access, it is hereby made known that market access permits will be issued for the products specified in the Table of Import Arrangements and under the conditions set out in the Schedule.

Permits will be issued only to importers in South Africa for importation into the Republic for the quantities and at the reduced levels of duty as specified in the Table.

Kgabi Mogajane
ACTING DIRECTOR-GENERAL: AGRICULTURE

SCHEDULE

1. Definitions

- 1.1 BEE-category means companies which qualify under the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003.
- 1.2 Historical category means companies that have a proven import performance over the period of one to three years, as stipulated under item 4.3 of this schedule and item 12 of the application form.
- 1.3 "SMME" means small, medium, and micro enterprises as defined in the National Small Business Act, Act No. 102 of 1996. The Act classifies small businesses according to size, and in descending order as medium, small, very small or micro enterprises.
- 1.4. The SMME and new importer's category means SMME's and new importers that do not qualify under the historical or BEE-category.

2. Application for market access permits

- 2.1 Permits will be issued only to importers registered at DTI and SARS of which proof is required as stipulated in par. 7 and 8 of Annexure A to the Schedule.
- 2.2 Any person interested in importing any of the products specified in the Table must apply therefor on a copy of the application form attached as an Annexure.
- 2.3 The application form is available electronically on request from DuduM@daff.gov.za/JanK@daff.gov.za/SisiC@daff.gov.za.

- 2.4 An application form will only be accepted if duly completed.
- 2.5 An applicant bears the responsibility to ensure that –
- (a) the application form reflects the correct information as requested for the product concerned.
 - (b) the application is submitted timeously within the time period contemplated in paragraphs 5.1 to 5.3.
 - (c) the application (whether send electronically, faxed, posted or delivered by hand) has been received by the Administrative Officer: Management Support (Mr B. Nedombeloni).

3. Addresses for applications

3.1 Applications must –

- (a) when forwarded by post, be addressed to:
The Administrative Officer: Management Support
Department of Agriculture
Private Bag X15
ARCADIA, 0007
(For attention: Mr B. Nedombeloni, Sefala Building, Room 715).
- (b) when delivered by hand, be delivered to:
The Administrative Officer: Management Support
Department of Agriculture
Sefala Building, 503 Belvedere Street, Arcadia
(For attention: Mr B.Nedombeloni, Room 715)
- (c) when transmitted by facsimile, be transmitted to:
Facsimile number: (012) 319 8077
(For attention: Mr B.Nedombeloni)

An application transmitted by facsimile must be followed up by forwarding the original application (do not include copies of the bills of entry unless specifically stipulated so in column 5 of the Table) to the address contemplated in paragraph (a) or (b) to reach the Department within 14 days of the facsimile transmission;
- (d) when sent electronically to BernardN@daff.gov.za; (e.g. e-mail) an application must be followed up by forwarding the original application to the address contemplated in paragraph (a) or (b) to reach the Department within 14 days of the electronic transmission.

3.2 Applications delivered by hand will only be accepted during the Department's official hours of 07:30 to 16:00.

4. Conditions for the issuing of permits

4.1 Permits for the products specified in the Table, will be allocated on the basis of the following categories, unless specified differently in the Table:

- (a) 10% to BEE importers.
- (b) 20% to SMME and new importers.
- (c) 70% to Historical importers.

4.2 The allocation of quotas for permits will be done as follows:

- (a) SMME and new importers on an equal basis.
- (b) BEE importers either on an equal basis or as a historical importer, whichever will enhance government policy for BEE development.
- (c) Historical importers in proportion to the average quantity of the product concerned, imported by the applicant during the past three years (submitted for each year as from 1 November to 31 October) or the period stipulated for the product in column 5 of the Table.

4.3 The quantity imported by a historical importer will be calculated on the basis of a detailed list of bills of entry for the product concerned submitted together with the application form, for the period stipulated for the product in column 5 of the Table.

- 4.4
- (a) If the allocation for a particular category is not fully utilised, the balance may be re-allocated to the other categories, or may be held over for the particular category for the following application period stipulated for the year under consideration.
 - (b) In order to enhance government policy on BEE's, quotas for importers in the SMME and new importer's category, as well as the BEE category can be combined to ensure the most beneficial allocation.

4.5 If the market share for a particular applicant exceeds the limit for dominant firms, contemplated in Article 7(a)-(c) of the Competition Act, Act 89 of 1998 as amended in 2000 the Department can adjust the allocation formula to create fair competition within that industry sector.

4.6 Despite any provision in other law, applicants registered as joint ventures, mergers, consortiums, holding companies or other similar business arrangements are not allowed to apply separately from their subsidiaries, minority shareholders or divisions for the same product, as this will establish an unfair advantage towards other applicants.

4.7 A lost permit will only be replaced if an affidavit in this regard has been submitted and the Department is satisfied that the applicant acted in good faith and took the necessary steps to recover the original permit, as well as undertake to return the original permit if it is found. The pro forma of the affidavit is electronically available on the departmental website

<http://www.daff.gov.za> or on request from DuduM@daff.gov.za/
JanK@daff.gov.za/ SisiC@daff.gov.za.

4.8 The provisions of this section shall apply subject to the conditions specified in the Table.

5. Time periods for applications

5.1 Applications for market access permits issued on a quarterly basis must be submitted during the following time periods:

- (a) For the first quarter of the quota valid for importation during the period 1 January 2010 to 30 April 2010: Within four weeks from the date of publication of this Notice.
- (b) For the second quarter of the quota valid for importation during the period 1 April 2010 to 31 July 2010: 1 to 28 February 2010.
- (c) For the third quarter of the quota valid for importation during the period 1 July 2010 to 31 October 2010: 1 to 31 May 2010.
- (d) For the last quarter of the quota valid for importation during the period 1 October 2010 to 31 January 2011: 1 to 31 August 2010.

5.2 Applications for market access permits issued on a half-yearly basis must be submitted during the following periods:

- (a) For the first half of the quota valid for importation during the period 1 January 2010 to 30 June 2010: Within four weeks from the date of publication of this Notice.
- (b) For the second half of the quota valid for importation during the period 1 July 2010 to 31 December 2010: 1 to 31 May 2010.

5.3 Applications for market access permits issued on an annual basis for the period valid from 1 January 2010 to 31 December 2010 must be submitted within four weeks from the date of publication of this Notice.

6. Procedure to pay for an import permit

6.1 (a) Payment of a tariff of R395 per permit will be payable for permits issued for the first quarter; first semester; and annual permits for 2010, as well as lost and replacement permits issued until 31 March 2010.

(b) Payment of a proposed tariff of R435 per permit to be approved by National Treasury will be payable for permits for the second quarter to fourth quarter and second semester of 2010, as well as lost and replacement permits issued after 1 April 2010.

6.2 All application forms to be accompanied by proof of payment (bank deposit slip or cashier receipt), as stipulated under item 13 of the application form.

6.3 Payment to be made as follows:

Payment to Department of Agriculture bank account	OR	Payment in cash: Department of Agriculture cashier
<u>Bank:</u> Standard Bank		<u>Pretoria:</u>
<u>Branch:</u> Arcadia		Agricultural Place, 20 Beatrix Street, Arcadia,
<u>Branch No.:</u> 01-08-45		Pretoria
<u>Account No.:</u> 013024175		Block P: Room GF 15
<u>Account Name:</u> NDA:Marketing Administration–Trade Incentives		

6.4 Payments must be made per application period and no payments should be made in advance for another period.

6.5 If a permit has been lost by an applicant either in his/her possession or during the process of clearing, a replacement permit will only be issued after proof of payment for the new permit has been received.

7. Compliance to BEE criteria in terms of Agri-BEE Charter for Agriculture

7.1 The Agricultural Black Economic Empowerment (AgriBEE) Sector Charter under Section 12 of the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) was published in Notice no. 314 of Government Gazette no. 30886 on 20 March 2008, available on the departmental website <http://www.daff.gov.za>; Publications / Government Gazette / Notice no. 314. As from 20 March 2008, permits issued for products in terms of schedule no. 4, General Rebates of Customs Duties, are subject to the AgriBEE Charter.

7.2 In the initial phase of implementation of the AgriBEE criteria, until such time that the AgriBEE Sector Code under Section 9 is finalised, importers will not be disqualified for quota allocation purposes but failure to do an evaluation after the initial phase of implementation will constitute automatic non-compliance.

7.3 According to the Generic Codes of Good Practice, enterprises with a moving average turnover of less than R5 million (Exempted Micro Enterprises or EME's) are deemed to be exempted. A declaration confirming their EME status, signed by a Financial Accountant must be submitted to the Department of Agriculture. The envisaged AgriBEE Sector Code under Section 9 will indicate the turnover threshold levels for Exempted Micro Enterprises (EME's) and Qualifying Small Enterprises (QSE's).

7.4 The AgriBEE Charter applies to multinational businesses or South African multinationals whose business falls within the scope of the Charter as defined in the relevant section. A specific regime for multinationals exists in the Codes of Good Practice and will apply.

- 7.5 Enterprises using agricultural or agricultural related products for processing and / or manufacturing products in a multidiscipline sector will be evaluated according to the AgriBEE Charter.
- 7.6 Companies or businesses, irrespective of the size (large, medium, small, very small or micro) have to do a proper evaluation in terms of the indicative AgriBEE Scorecard to indicate their progress towards BEE compliance as at 31 October 2009.
- 7.7 From 1 February 2010, only BEE verification certificates issued by Accredited Verification Agencies or Verification Agencies that are in possession of a valid pre-assessment letter from South African National Accreditation Systems will be valid. The period of validity of the certificates will be 12 months from the date of issue. Despite this aforementioned provision, all verification certificates issued by non-accredited verification agencies before 1 February 2010, will remain valid for 12 months from the date of issue as published in the Government Gazette No. 32467 of 31 July 2009. The list of accredited Verification Agencies is available on the Department of Trade and Industry website ([http:// www.thedti.gov.za](http://www.thedti.gov.za));. Certificates issued for a holding company can be used by all its subsidiaries.

8. General

- 8.1 Applicants must return all expired permits within 30 days after the date of expiry thereof. Applicants who do not return their expired permits timeously will not be considered for the granting of permits.
- 8.2 This notice replaces all previous notices regarding procedures for the application, administration and allocation of market access permits under the World Trade Organisation: Marrakesh Agreement regarding market access.

TABLE
IMPORT ARRANGEMENTS

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
02.01	Meat of Bovine Animals, Fresh or Chilled		26 254	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on a quarterly basis and will be valid for four months.</p> <p>(b) 17,380 tons are reserved for suppliers from Botswana and Namibia and 8,874 tons from other traditional supplying countries.</p> <p>(c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
0201.10	- Carcasses and half-carcasses	Full duty less 13, 8%		
0201.20	- Other cuts with bone in	Full duty less 13, 8%		
0201.30	- Boneless	Full duty less 32%		
02.02	Meat of Bovine Animals, Frozen –			
0202.10	- Carcasses and half-carcasses	Full duty less 13, 8%		
0202.20	- Other cuts with bone in	Full duty less 13, 8%		
0202.30	- Boneless	Full duty less 32%		
02.04	Meat of Sheep or Goats, Fresh, Chilled or Frozen		6 002	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on a quarterly basis and will be valid for four months.</p> <p>(b) 4,380 tons are reserved for suppliers from Botswana and Namibia and 1,622 tons from other traditional supplying countries.</p> <p>(c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
0204.10	- Carcasses and half-carcasses of lamb, fresh or chilled	Full duty less 19%		
0204.2	- Other meat of sheep, fresh or chilled			
0204.21	= Carcasses and half carcasses	Full duty less 19%		
0204.22	= Other cuts with bone in	Full duty less 13, 2%		
0204.23	= Boneless	Full duty less 13, 2%		
0204.30	- Carcasses and half carcasses of lamb, frozen	Full duty less 19%		
0204.4	- Other meat of sheep, frozen:			
0204.41	= Carcasses and half-carcasses	Full duty less 19%		
0204.42	= Other cuts with bone in	Full duty less 13, 2%		
0204.43	= Boneless	Full duty less 13, 2%		
0204.50	- Meat of goats	Full duty less 16, 4%		

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
04.02	Milk and Cream, Concentrated or Containing Added Sugar or Other Sweetening Matter, in Powder	Full duty less 19,2%	4 470	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on a half-yearly basis and will be valid for six months.</p> <p>(b) 60% of the quota will be set aside for manufacturers of these products or persons using these products in a manufacturing process; 10% to persons who import these products for resale; 20% to SMME and new importers, and 10% to BEE importers.</p> <p>(c) Applicants for the 60% category must apply either as a manufacturer or as a processor and must be indicated under Item 9 of the application form.</p> <p>(d) An audited certificate of the figures of the past three years must accompany the application indicating:</p> <p>(i) In the case of a manufacturer: Actual production figures of milk powder, or</p> <p>(ii) In the case of a processor: Actual figures for milk powder used in the manufacturing process;</p> <p>(iii) In the case of traders: List of bills of entry indicating past three years of actual import figures.</p> <p>(e) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
04.03	Buttermilk, Curdled Milk and Cream, Yogurt, Kephir and Other Fermented or Acidified Milk and Cream, Whether or Not Concentrated or Containing Added Sugar or Other Sweetening Matter or Flavoured or Containing Added Fruit, Nuts or Cocoa	Full duty less 19, 2%	213	In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months. (b) Producers of ice cream cannot apply for permits. * (c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
04.04	Whey, Whether or Not Concentrated or Containing Added Sugar or Other Sweetening Matter; Products Consisting of Natural Milk Constituents, Whether or Not Containing Added Sugar or Other Sweetening Matter, Not Elsewhere Specified or Included	Full duty less 19, 2%	2 786	In addition to the conditions stipulated in item 2 of the Schedule, the following conditions must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months. (b) Producers of baby food cannot apply for permits. * (c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty. * Refer to Schedule 3, Industrial Rebates of Customs Duties, Part 1; Rebate Item 304.07, Tariff Headings 04 03.90 and 04 04.10 Rebate Codes 01.06.60 and 01.06.62 (Jacobsens Tariff Handbook)

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
04.05	Butter and Other Fats and Oils Derived from Milk	Full duty less 15, 8%	1 167	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on a half-yearly basis and will be valid for six months.</p> <p>(b) 60% of the quota will be set aside for manufacturers of these products or persons using these products in a manufacturing process; 10% to persons who import these products for resale; 20% for SMME and new importers and 10% for BEE importers.</p> <p>(c) Applicants for the 60% category must apply either as a manufacturer or as a processor and must be indicated in Item 9 of the application form.</p> <p>(d) An audited certificate of the figures of the past three years must accompany the application indicating:</p> <p>(i) In the case of manufacturers: Actual production figures of butter, or</p> <p>(ii) In the case of processors: Actual figures for butter used in the manufacturing process;</p> <p>(iii) In the case of traders: List of bills of entry indicating past three years of actual import figures.</p> <p>(e) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
04.06	Cheese (Excluding Cheddar and Sweetmilk Cheese)	Full duty less 19%	1 989	In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months. (b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
04.08	Birds' Eggs, Not in Shell, and Egg Yolks, Dried, Cooked by Steaming or by Boiling in Water, Moulded, Frozen or Otherwise Preserved, Whether or Not Containing Added Sugar or Other Sweetening Matter	Full duty less 3, 8%	9 000	In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with: (a) Permits will be issued on a quarterly basis and will be valid for four months. (b) The quota will be allocated on a ratio basis of 50% for shelled eggs and 50% for liquid eggs and powdered eggs. (c) <i>Bona fide</i> egg producers will be eligible for shelled eggs, while historical importers, wholesalers, processors and distributors will be eligible for liquid/frozen and powdered egg products. (d) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
0708.10	Peas (<i>Pisum sativum</i>), shelled or unshelled, fresh or chilled	Full duty less 6, 6%	263	In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months. (b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
07.10	Vegetables (Excluding Potatoes and Leguminous Vegetables) (Uncooked or Cooked by Steaming or Boiling in Water), Frozen	Full duty less 7, 4%	583	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be applied with:</p> <p>(a) Permits will be issued on a half-yearly basis and will be valid for six months.</p> <p>(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
0710.10	- Potatoes	Full duty less 9, 8%		
0710.2	- Leguminous Vegetables (Excluding Peas (<i>Pisum Sativum</i>), (Uncooked or Cooked by Steaming or Boiling in Water), Shelled or Unshelled, Frozen	Full duty less 4, 8%		
0710.21	= Peas (<i>Pisum Sativum</i>)	Full duty less 6, 6%		
07.12	Dried Vegetables, Whole, Cut, Sliced, Broken or in Powder, But Not Further Prepared	Full duty less 7, 4%	860	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:</p> <p>(a) Permits will be issued on a half-yearly basis and will be valid for six months.</p> <p>(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
0712.90.90	Other	Full duty less 9, 8%		
0713.3	Dried Beans (<i>Vigna spp.</i>, <i>Phaseolus spp.</i>), Shelled, Whether or not Skinned or Split)	Full duty less 4, 8%	11 063	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:</p> <p>(a) Permits will be issued on a quarterly basis and will be valid for four months.</p> <p>(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
0713.20	Dried Chickpeas (Garbanzos), Shelled, Whether or not Skinned or Split)	Full duty less 6, 6%	5 184	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:</p> <p>(a) Permits will be issued on a half-yearly basis and will be valid for six months.</p> <p>(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
0713.90	- Other dried leguminous vegetables, shelled, whether or not skinned or split	Full duty less 4, 8%		

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
0806.20	Grapes, dried	Full duty less 4, 6%	397	In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months. (b) 100 tons of the quota will be reserved for the importation of currants and the remaining quota will be allocated to other dried grapes. (c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
08.13	Fruit, Dried (Excluding that of headings no 08.01 to 08.06): Mixtures of Nuts or Dried Fruits of this Chapter		349	In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:
0813.20	-- Prunes, dried	Full duty less 6, 6%		(a) Permits will be issued on a half-yearly basis and will be valid for six months.
0813.50	-- Mixtures of nuts or dried fruits of Chapter 8	Full duty less 8, 8%		(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
10.01	Wheat	Full duty less 14, 4%	108 279	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on an annual basis and will be valid for twelve months.</p> <p>(b) The quota for historical importers will be allocated in proportion to market share figures provided by way of --</p> <ul style="list-style-type: none"> • Certified statements issued by SAGIS of wheat milled for local consumption for the past three marketing years; or • If not registered with SAGIS an audited certificate of wheat milled for local consumption for the past three marketing years. <p>(c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
10.05	Malze (corn)	Full duty less 10%	269 000	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on an annual basis and will be valid for twelve months.</p> <p>(b) The quota for historical importers, will be allocated in proportion to market share figures provided by way of --</p> <ul style="list-style-type: none"> * Certified statements issued by SAGIS for maize milled for local consumption for the past three marketing years; or * If not registered with SAGIS an audited certificate for maize milled for local consumption for the past three marketing years. <p>(c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
10.08	Buckwheat, Millet and Canary Seed; Other Cereals	Full duty less 8, 6%	145	In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with: (a) Permits will be issued on an annual basis and will be valid for twelve months. (b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
19.01	Malt extract; food preparations of flour, groats, meal, starch or malt containing cocoa or containing less than 40 per cent by mass of cocoa calculated on a totally defatted basis, not elsewhere specified or included (excluding preparations for infant use, put up for retail sale, gluten-free bread and cake mixtures, cornflour and pudding mixtures); food preparations of goods of headings 04.01 to 04.04, not containing cocoa or containing less than 5 per cent by mass of cocoa calculated on a totally defatted basis, not elsewhere specified or included (excluding preparations for infant use, put up for retail sale, and pudding powders):	Full duty less 19, 8%	6 119	In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with: (a) Permits will be issued on a quarterly basis and will be valid for four months. (b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
1901.10	Preparations for infant use, put up for retail sale	Full duty less 19, 2%		
19.02	Pasta, Whether or Not Cooked or Stuffed (With Meat or Other Substances) or Otherwise Prepared, such as Spaghetti, Macaroni, Noodles, Lasagne, Gnocchi, Ravioli, Cannelloni, Couscous, Whether or Not Prepared	Full duty less 10, 8%	1 749	In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with: (a) Permits will be issued on a quarterly basis and will be valid for four months. (b) Permits will be allocated in proportion to the quantity imported with a maximum of 300 tons per importer per year. (c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
21.06	Food preparations not elsewhere specified or included.	Full duty less 7, 4%	3 109	In addition to the conditions stipulated in Item 2 of the

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
2106.90.90	Other - Ice cream mixtures - Pudding mixtures	Full duty less 19, 2% Full duty less 19, 2% Full duty less 19, 8%		Schedule, the following condition must be complied with: (a) Permits will be issued on a quarterly basis and will be valid for four months. (b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
22.04	Wine of Fresh Grapes, Including Fortified Wines; Grape Must (Excluding that of Heading No. 20.09):		9 572 405 liters (Total for tariff headings 22.04 to 22.08)	In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months. (b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
2204.10	- Sparkling wine in containers holding 2ℓ or less	Full duty in Part 1 less 14, 6%		
2204.10	- Sparkling wine in containers holding more than 2ℓ	Full duty in Part 1 less 19, 6%		
2204.21	= Wine (excluding sparkling wine) and grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2ℓ or less	Full duty in Part 1 less 14, 6%		
2204.29	= Wine (excluding sparkling wine) and grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding more than 2ℓ	Full duty in Part 1 less 19, 6%		
2204.30	- Grape must (excluding grape must with fermentation prevented or arrested by the addition of alcohol)	Full duty in Part 1 less 19, 6%		
22.05	Vermouth and Other Wine of Fresh Grapes Flavoured with Plants or Aromatic Substances			
2205.10	- In containers holding 2ℓ or less	Full duty in Part 1 less 14, 6%		
2205.90	- In containers holding more than 2ℓ	Full duty in Part 1 less 19, 6%		
22.06	Other Fermented Beverages (For Example Cider, Perry, Mead); Mixtures of Fermented Beverages and Mixtures of Fermented Beverages and Non-Alcoholic Beverages, Not Elsewhere Specified or Included	Full duty in Part 1 less 14, 6%		In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with: (a) Permits will be issued on a half-yearly basis and will be valid for six months.

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
22.07	Undenatured Ethyl Alcohol of an Alcoholic Strength by Volume of 80 per cent Vol. or Higher, Ethyl Alcohol and Other Spirits, Denatured, or any Strength	Full duty in Part 1 less 119, 4%		(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
22.08	Undenatured Ethyl Alcohol of an Alcoholic Strength by Volume of Less than 80 per cent Vol.; Spirits, liqueurs and Other Spirituous Beverages:			In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:
2208.20	- Spirits obtained by distilling grape wine or grape marc:			(a) Permits will be issued on a half-yearly basis and will be valid for six months.
2208.20.10	= In containers holding 2ℓ or less	Full duty in Part 1 less 13, 4%.		(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.
2208.20.90	= In containers holding more than 2ℓ	Full duty in Part 1 less 24, 2%		
2208.30	- Whiskies:			In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:
2208.30.10	= In containers holding 2ℓ or less	Full duty in Part 1 less 13, 4%		(a) Permits will be issued on a half-yearly basis and will be valid for six months.
2208.30.90	= In containers holding more than 2ℓ	Full duty in Part 1 less 24, 2%		(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty
2208.40	- Rum and Tafia:			
	= In containers holding 2ℓ or less	Full duty in Part 1 less 13, 4%		
	= In containers holding more than 2ℓ	Full duty in Part 1 less 24, 2%		
	= Other spirits obtained by distilling fermented sugarcane products	Full duty in Part 1 of Schedule no.1 less 119,4%		
2208.50	- Gin en Geneva:			
2208.50.10	= In containers holding 2ℓ or less	Full duty in Part 1 less 13, 4%		
2208.50.90	= In containers holding more than 2ℓ	Full duty in Part 1 less 24, 2%		

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
2208.60	Vodka:	Full duty in Part 1 less 119, 4%		<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following condition must be complied with:</p> <p>(a) Permits will be issued on a half-yearly basis and will be valid for six months.</p> <p>(b) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>
2208.70	Liqueurs and cordials	Full duty in Part 1 less 119, 4%		
2208.90	- Other:	Full duty in Part 1 less 119, 4%.		
24.01	Unmanufactured Tobacco; Tobacco Refuse	Full duty less 8, 8%	16 773	<p>In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with:</p> <p>(a) Permits will be issued on an annual basis to importers who are registered manufacturers of tobacco products and will be valid for twelve months.</p> <p>(b) For historical importers, the quota will be allocated in proportion to the cutting figures for the 2008/2009 marketing season.</p> <p>(c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.</p>

TARIFF HEADING	DESCRIPTION	EXTENT OF REBATE	ANNUAL QUOTA TONNAGE	CONDITIONS FOR THE ISSUING OF PERMITS
1	2	3	4	5
52.01	Cotton, not carded or combed	Full duty less 12%	17 101 (85 505 statistical bales of cotton lint)	In addition to the conditions stipulated in Item 2 of the Schedule, the following conditions must be complied with: (a) Permits will be issued on an annual basis to importers who are processors of cotton lint and will be valid for twelve months. (b) For historical importers, the quota will be allocated in collaboration with Cotton SA based on imports (excluding SADC) for the past three years. (c) Applicants must compare the extent of rebate with the applied rate of duty to determine the most beneficial rate of duty.

ANNEXURE A

**APPLICATION FORM FOR MARKET ACCESS PERMITS FOR THE CALENDAR YEAR 2010
(Please note that an application form is necessary for each product)**

1. **NAME OF IMPORTER:**
2. **POSTAL ADDRESS:** **CODE:**
3. **RESPONSIBLE PERSON:**
4. **TELEPHONE NUMBER: CODE:** **NUMBER:** **CELL NO.:**.....
5. **FAX NUMBER: CODE:** **NUMBER:**
6. **E-MAIL ADDRESS:**
7. **COMPANY/CC REGISTRATION NUMBER:**
(NB: First time applicants: Please include a copy of the registration certificate (obtainable from the Department of Trade and Industry (DTI))
8. **CUSTOMS CODE NO.:**
(NB: First time applicants: Please include a copy of the Customs Code Certificate (obtainable from SARS))

9. **INDICATE PRINCIPAL BUSINESS:**

AGENT	MANUFACTURER	PROCESSOR	RETAILER	OTHER
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If other, specify:.....

**10. CLASSIFICATION OF CATEGORIES:
For classification into categories (see Item 1, 4.1 and 4.2 of schedule) please complete:-**

*BEE CRITERIA	HISTORICAL CATEGORY	BEE-CATEGORY	SMME AND NEW IMPORTER'S CATEGORY
1. Ownership			
2. Management	Turnover:.....	Turnover:.....	Turnover:.....
3. Skills Development
4. Preferential Procurement	Capital Investment.....	Capital Investment.....	Capital Investment.....
5. Employment Equity
6. Enterprise Development	Permanent Employees.....	Permanent Employees	Permanent Employees.....
7. Corporate Social Investment

* According to the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003 and Agri-BEE Charter-Indicate compliance with the criteria and attach BEE evaluation certificate or declaration of exemption.

11. APPLICATION – SUBMISSION FOR THE PERIOD

TARIFF HEADING OF PRODUCT	DESCRIPTION OF PRODUCT	QUANTITY APPLYING FOR: Tonne/Litres

12. Summary of BILLS OF ENTRY Quantity imported over the past three years (first time applicants and where applicable) **PLEASE NOTE: A detailed list of bills of entry (not copies of documents) must be attached to this application form.**

TARIFF HEADING	TOTAL FOR 2007 (from 1 November 2006 – 31 October 2007)	TOTAL FOR 2008 (from 1 November 2007 – 31 October 2008)	TOTAL FOR 2009 (from 1 November 2008 – 31 October 2009)

13. **INDICATE PAYMENT OPTION IN ACCOUNT NO. 0130241 AND ATTACH PROOF OF PAYMENT**

BANK	CASH RECEIPT NO
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PLEASE COMPLETE AFFIDAVIT ON THE NEXT PAGE. THE AFFIDAVIT ON THE NEXT PAGE IS AN INSEPARABLE PART OF THE APPLICATION FORM AND MUST BE SUBMITTED WITH EACH QUARTERLY, HALF-YEARLY OR ANNUAL APPLICATION.

AFFIDAVIT

I the undersigned _____

do hereby make oath / affirmation and declare that:

- 1. I am duly authorized to depose to this affidavit on behalf of the applicant; and
- 2. The particulars contained in the application form are true and correct.

SIGNED at _____ on this _____ day of _____ 2009/ 10

DEPONENT

(to be signed in the presence of a Justice of the Peace or Commissioner of Oaths)

1. I certify that before administering the oath/affirmation, I asked the deponent the following questions and wrote down his/her answers in his/her presence.

(1) Do you know and understand the contents of the declaration?

Answer

(2) Do you have any objection to taking the prescribed oath?

Answer

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer

2. I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. The deponent utters the following words: "I swear that the contents of this declaration are true so help me God" / "I truly affirm that the contents of the declaration are true." The signature/mark of the deponent is affixed to the declaration in my presence.

.....
**JUSTICE OF THE PEACE
COMMISSIONER OF OATHS**

TO BE COMPLETED BY THE JUSTICE OF THE PEACE/COMMISSIONER OF OATHS:

**FULL FIRST NAMES AND SURNAME:
(BLOCK LETTERS)** _____

DESIGNATION: _____

**BUSINESS ADDRESS:
(STREET ADDRESS)** _____

DATE: _____

PLACE: _____