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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

GENERAL NOTICE 2733 OF 2024

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

GUIDELINES, RULES AND CONDITIONS PERTAINING TO ONION POWDER CLASSIFIABLE UNDER TARIFF SUBHEADING 0712.20 IMPORTED IN TERMS OF REBATE ITEM 460.02/0712.20/01.06, IN SUCH QUANTITIES, AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION MAY ALLOW BY SPECIFIC PERMIT, PROVIDED THE PRODUCT IS NOT AVAILABLE IN THE SACU MARKET

Note: In terms of section 26 (4) of the International Trade Administration Act, 71 of 2002, the Commission may, *inter alia*, require an applicant to provide additional information in respect of the application. The conditions attached to and the information requested below reflects the minimum requirements, which ITAC would apply to evaluate an application under this rebate provision.

1. Applications for permits must be addressed to the International Trade Administration Commission (ITAC), Private Bag X 753, Pretoria, or delivered by hand to the DTI Campus, (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002 or sent electronically via e-mail to Mrs K. Legodi at e-mail: klegodi@itac.org.za.

2. Applications for permits must be submitted according to the requirements as set out in the attached application form. If the space provided in the application form is insufficient, please use the format of the application form to submit the requested information.

3. If all the information requested in the application form is not submitted, the application will be deemed deficient. The application will not be considered, and it will be returned to the applicant.

4. At least fourteen (14) working days should be allowed for the processing of applications and the issuance of permits, provided that all necessary information which renders the application duly completed has been submitted to ITAC.

5. Each rebate permit issued defines the period during which the goods concerned can be cleared under the rebate. The period for each permit will be decided by ITAC and commences on the date on which the permit was issued. The permit may be issued for a shorter period as requested by the applicant, or as decided upon by ITAC.

6. Rebate permits may not be transferred in any manner by the holder thereof to any other person, or be used for the benefit of any person or entity, not named in the permit.

7. Amendments will only be considered in the instance of an error made by ITAC on the permit.

8. Should any party misplace a permit, the applicant should submit an affidavit on a company letterhead endorsed by a Commissioner of Oath, stating that the permit was lost and the circumstances surrounding the loss of such permit. ITAC may, on the facts furnished, exercise its discretion to issue a new permit that replaces the lost permit. Should the lost permit be found the applicant must return such permit to ITAC.

9. Extension of the period (as provided for in paragraph 5) from which the permit is valid may be granted. Extensions will only be granted where the relevant permit has not expired, and in the view of ITAC, good cause warrants extension of such permit. Such discretion shall lie solely with ITAC. Extensions will only be permitted for a period up to 3 months and the party applying for the extension must submit a letter and supporting documents to ITAC, furnishing reasons and good cause for the extension.

10. Rebate permits issued will be subject to the following conditions, safeguards and reciprocities:

10.1. The applicant must provide a formal letter on the applicant's business letter head confirming that it complies with labour laws, regulations and agreements gazetted by the Minister of Labour.

10.2. The applicant must provide ITAC with its current SARS electronic access PIN, in order to enable ITAC to verify full tax compliance status.

10.3. Where there are local manufacturer(s) of onion powder, applications must be accompanied by written evidence of engagements, such as letters or emails, with the said local manufacturer(s). The applicant can request the manufacturers to respond within 14 days of the request.

10.4. As a rebate provision is considered for the purpose of providing relief to domestic producers that may experience injurious import pressures against similar imported end products, the benefit of the rebate provision will be tied to conditions related to economic performance over time and may be reviewed after a specified period. Reciprocity commitments as set out in the application form must be addressed in each application submitted.

10.5. The applicant must commit, *inter alia*, to the creation of employment and provide in each permit the number of jobs it expects to create annually as a result of the rebate permit granted. The applicant must submit to ITAC an annual report on its job creation performance.

11. If a *prima facie* case is established that any condition of this permit is not being adequately complied with, the permit holder will upon detection of such contravention be issued with a compliance notice to show good cause and submit evidence within seven (7) days of receipt thereof, why ITAC should not make any adverse finding/s on the prima facie evidence of non-compliance with the above conditions. Thereafter the matter will be considered by ITAC and if ITAC determines that a contravention of any of these permit conditions have occurred, this permit may be varied, amended or revoked/rescinded.

12. Should non-compliance with any applicable legislation governing the issue of this permit be detected by ITAC, at any time, ITAC will take such non-compliance by a permit holder or related party who facilitates such conduct into account, in considering whether to revoke/rescind this permit. In terms of section 54(1)(b) of the International Trade Administration Act, Act 71 of 2002, it is an offence to fail to comply with a condition stated in this permit and any person found guilty of such an offence is liable to a fine not exceeding R500 000,00 or to imprisonment for a period not exceeding ten years or to both such fine and imprisonment.

13. By accepting this permit, the person/entity and its Directors and persons exercising management control over it, to which this permit is issued, irrevocably binds himself/herself/itself/ jointly and severally to the conditions contained herein as well as any legislative requirements and/or obligations contained in the relevant guidelines, rules and conditions associated with the rebate items concerned.

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