



International **Trade** Administration Commission of South Africa

IMPORT AND EXPORT CONTROL

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FAIR TRADE







IMPORT AND EXPORT CONTROL

This pamphlet is designed to introduce South Africa's Import and Export control measures administered by the International Trade Administration Commission of South Africa (ITAC) in terms of Section 6 of the International Trade Administration Act, 2002, (Act 71 of 2002).

The International Trade Administration Commission (ITAC or Commission) is the authority responsible for enforcement and administration of import and export control measures in terms of the Act.

To fulfill its mandate, ITAC established partnerships with other government departments and agencies such as the Departments of Environmental Affairs (DEA), Mineral Resources, Energy, Health, Agriculture, Forestry and Fisheries, and the National Regulator for Compulsory Specifications (NRCS) and the South African Police Services (SAPS).

Import and Export Control measures are applied to enforce health, environmental, security and safety, and technical standards that arise from domestic laws and International Agreements such as the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and the 1988 UN Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

The import and export control measures or restrictions are limited to those allowed under the relevant World Trade Organization (WTO) Agreements.

Out of approximately 6 650 tariff lines in the South African version of the International Harmonised Commodity Description

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and Coding System, there are 276 tariff lines under import control and 177 tariff lines that are under export control. However for the importation of all used or second-hand goods, an import permit is required.

A list of goods that are subject to import control and export control measures is available on the ITAC website (www.itac.org.za). If you submit your contact details, the list can also be emailed, faxed or mailed to you.

THE ROLE OF THE IMPORT AND EXPORT CONTROL UNIT

The key role of Import and Export Control is essentially to enforce health, environmental, security and safety, and technical standards that arise from domestic laws and International Agreements.

Enforcement is conducted to ensure effective compliance with the conditions contained in permits, compliance with provision of the Regulations and for detection of contraventions of the Act.

IMPORT CONTROL

If you want to import controlled goods into South Africa, you need permission from the International Trade Administration Commission (ITAC).

To import such goods, you have to apply to ITAC for an import permit. In the administration of the relevant provisions of the ITA Act, by Import and Export Control a distinction is drawn between the importation of new goods and used goods, second-hand goods and waste and scrap.



Some of the products subject to import control include:

RADIOACTIVE CHEMICAL ELEMENTS

Control is exercised to assist the Department of Health (radiation control) to control and monitor the importation of radioactive isotopes and chemical elements for medical and industrial purposes.

NEW PNEUMATIC TYRES

Control is exercised to assist the National Regulator for Compulsory Specifications (NRCS) in ensuring that all new pneumatic tyres comply with the safety/quality specification and that tyres have been subjected to a process of homologation.

CHEMICALS LISTED IN THE 1988 CONVENTION

Control is exercised to assist the SAPS in ensuring that importers of listed chemicals are recorded and the movements of these chemicals are adequately monitored as required by the Convention.

FOSSIL FUELS

Fossil fuels are controlled to assist the Department of Mineral Resources in regulating the industry for purposes of promoting efficient manufacturing, wholesaling and retailing of petroleum products, creating an environment for investment, and creating small business and employment opportunities in the industry.

ARMS AND AMMUNITION

Arms and ammunition is controlled to assist the SAPS with maintaining safety and security.

GAMBLING DEVICES

Gambling devices are controlled for social reasons and quality. It is also done to assist the National Gambling Board

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in the development of the industry with specific reference to manufacturing and Information Technology and to ensure compliance with NRCS specifications.

USED GOODS

- **Used electronic equipment**

Used electronic equipment is controlled to assist the Department of Environmental Affairs to address the problem of dumping electronic waste.

- **Used medical equipment**

Used medical equipment is controlled to assist the Department of Health to address the problem of inferior quality used medical equipment being imported, such as used x-ray machines.

- **Used aircraft**

The importation of used aircraft is controlled to assist the Civil Aviation Authority and ensuring that the requirements of airworthiness have been complied with.

- **Waste and scrap**

Waste and scrap is controlled as the generation of waste and scrap exceeds recycling programmes resulting in many developed countries paying developing countries for receiving waste and scrap for purpose of landfill.

In many instances the importation of waste and scrap is allowed as a raw material for manufacturing purposes such as waste paper, glass, rubber and lead. In all these instances, the provisions of the Basel Convention must be complied with.



EXPORT CONTROL

To export certain goods out of South Africa, you must have a permit ensuring that you comply with applicable export control measures. The export of some goods may be restricted to support strategies of beneficiation or to assist local manufacturers to obtain raw materials before they are exported.

An export permit is required to ensure that goods exported by an individual or organisation comply with the provisions of international agreements. Export permits also help to control the outflow of goods of a strategic nature and to curb the exportation of smuggled and stolen goods.

The policy that applies to the export of goods differs from sector to sector. Policy information regarding the export of specific goods can be obtained from the Import and Export Control Unit at ITAC. Though as indicated, not all goods or products are subject to export control measures.

Some of the products subject to export control measures include:

- **Tiger's eye and sugulite**

The exportation of precious stones, such as tiger's eye and sugulite is controlled to assist the Department of Mineral Resources with strategies of domestic beneficiation.

- **Raw materials for manufacturing**

The exportation of ferrous and non-ferrous waste and scrap, for example, *inter alia*, is controlled to assist the local foundries in acquiring ferrous and non-ferrous waste and scrap prior to its exportation.

- **Assisting strategies for crime prevention**

The exportation of used motor vehicles is controlled to assist law enforcement agencies in curtailing the exportation of used, stolen motor vehicles.

- **Control in terms of international agreements**

Export control measures are also exercised to comply with the provisions of the international agreements outlined above.

LEGISLATION

The following legislation and provisions applies to an importer or exporter only in cases where an import and export permit is required: International Trade Administration Act, 2002, (Act 71 of 2002).

Customs and Excise Act, 1964, (Act 91 of 1964).

Promotion to Administrative Justice Act, 2000, (Act 3 of 2000).

Promotion to Access to Information Act, 2000, (Act 2 of 2000).

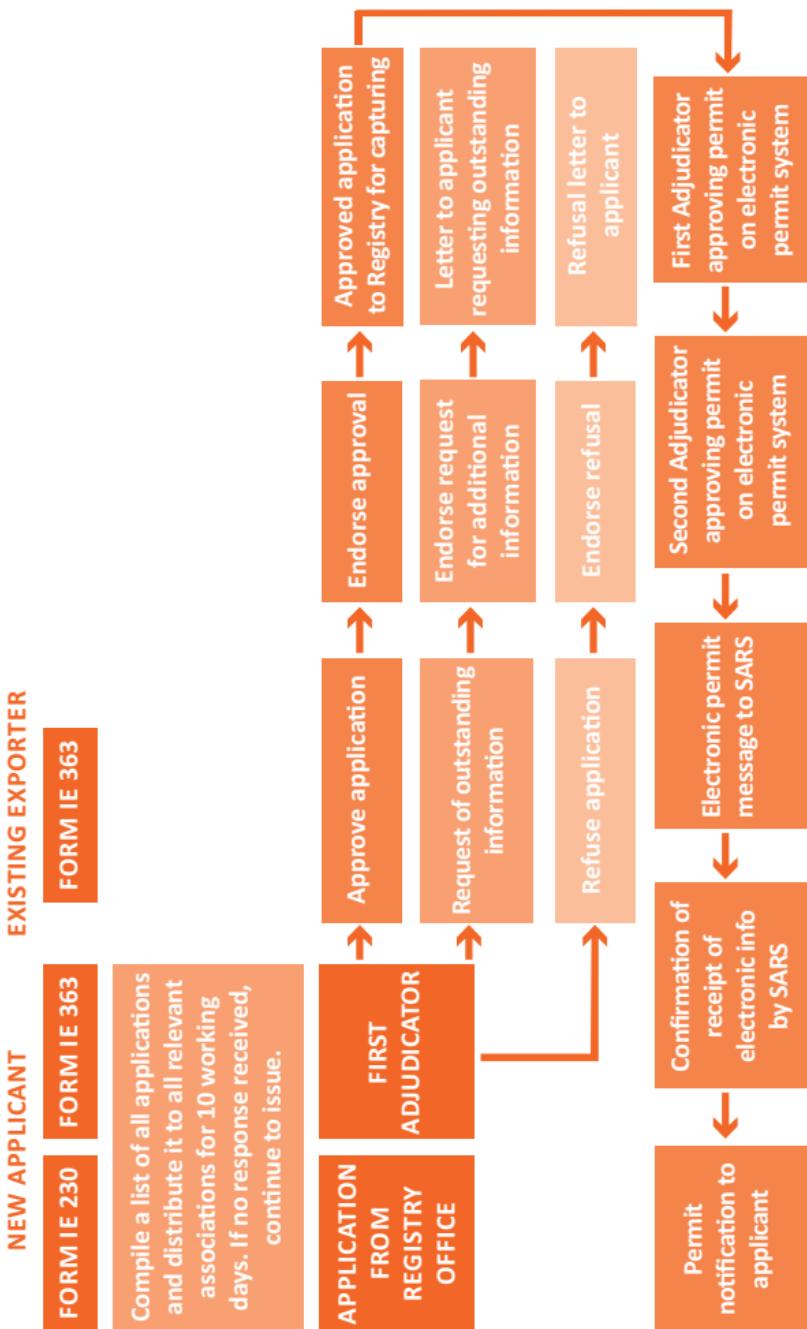
HOW TO APPLY AND THE PROCESSING PROCEDURES

Application forms for both import and export permits are available on the website (www.itac.org.za). They may be faxed to (012) 394 517 or delivered directly to the office. The turnaround time for processing an application is 3 – 5 working days on average for import permits and 2 working days on average for export permits, with an exception of export permits for scrap metals, which take 10 working days for circulation, plus time for processing and issuing.

In some instances, the applications require support documentation from other departments (DEA, Mineral Resources Energy, Agriculture, Forestry and Fisheries, NRCS and SAPS), depending on the product in question.

EXPORT CONTROL PROCESS

Process Flow: Exportation of ferrous and non ferrous steel waste and scrap.

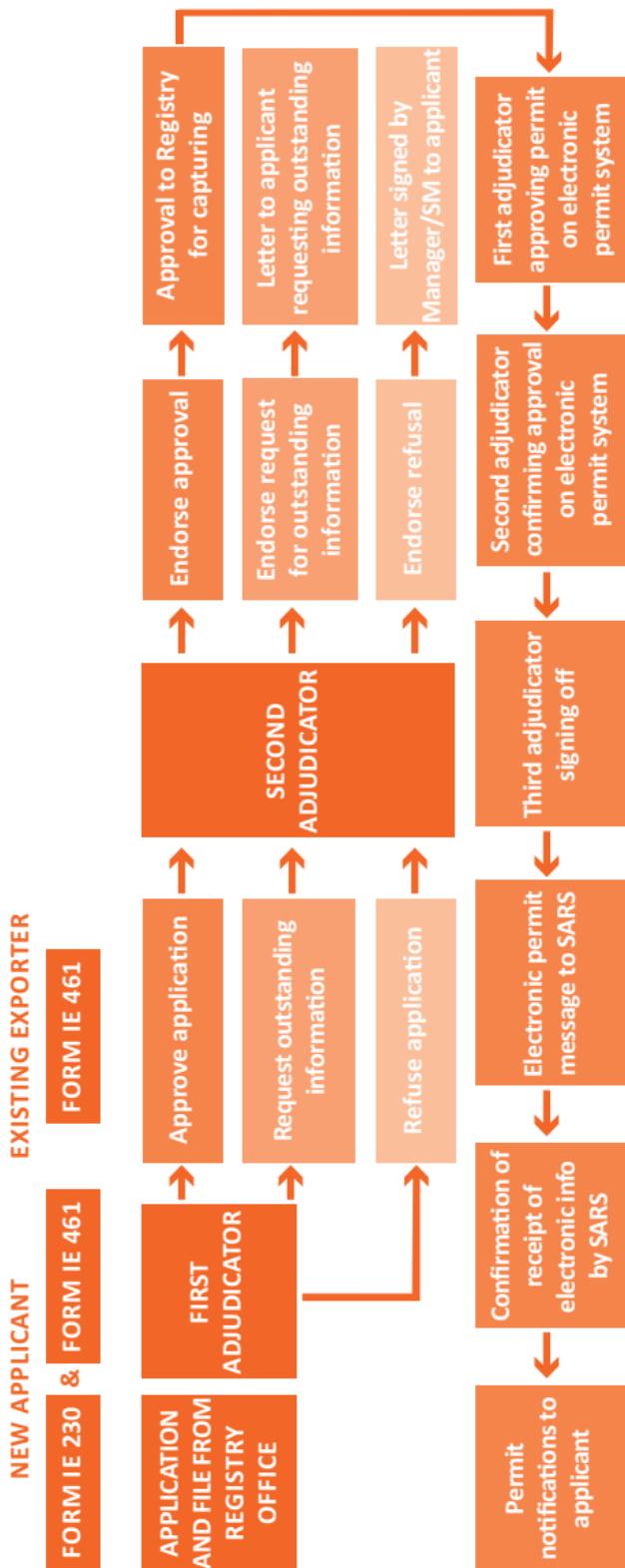


Notes:

1. Rejections are often as a result of non availability of stock to be inspected at the time of application, or if business has no presence in South Africa (No tax number or even registration number).
2. In the case of export for general goods and vehicles, the only difference is that it does not involve consultation with Associations, however, different application forms are used and different support documentation from relevant parties (SAPS) or a Government department is required.

IMPORT CONTROL PROCESS

Process flow: Importation of goods for commercial purposes: New goods and second-hand/used goods.



**Notes:**

1. The process of new and used/second-hand goods is the same except that in the case of used it has to be established as to whether there is possible availability of product under application from the local manufacturers or not.
2. For new goods (e.g. Tyres, Chemicals, Hydro Carbons) there is involvement or engagement with other relevant stakeholder (such as SAPS, Government department) so as to ensure compliance with international agreements, safety, health, environmental and technical standards.

DISCLAIMER: The information contained is for reference purposes only. It should not be regarded as providing a definitive statement of law.

HOW TO CONTACT US:

**For more information, visit ITAC website
(www.itac.org.za):**

click on Services then Import and Export.
You can contact the Import and Export
Control Unit at call centre number
086 111 2369

OR

Write to:

Import and export Control
Private Bag X 192
PRETORIA
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Website: www.itac.org.za
Fax: +27 12 394 0517

Office Hours: Monday to Friday, 08h00 to 16h00.
Or you may visit the office,

Physical address: Import and Export Control
the dti Campus
77 Meintjies Street
Kgwebong Building, Block "D"
Second Floor, Reception
Sunnyside
Pretoria

