

NOTICE 1129 OF 2013**INTERNATIONAL TRADE ADMINISTRATION COMMISSION****CUSTOMS TARIFF APPLICATIONS****LIST 18/2013**

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comments on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.

These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

1. APPLICATION FOR A CREATION OF REBATE OF FULL DUTY ON:

Other plates, sheet, film, foil and strips of poly (methyl methacrylate) non-cellular and not reinforced, laminated supported or similar combined with other materials, classifiable in tariff subheading 3920.51 for the manufacture of sanitary ware, of plastics classifiable in tariff heading 39.22.

Applicant:

Libra Bathrooms (Pty) Ltd
PO Box 49
Meyerton
1960

ITAC Ref: 33/2013; **Enquiries:** Ndivhudza Ramphabana, nramphabana@itac.org.za or telephone: (012) 394 3627.

Reasons for the application as stated by the applicant

- 1) There are no local manufacturers of the subject products, since the sole manufacturer Perspex SA (Pty) Ltd stopped production in 2012. Libra Bathrooms has made annual losses for the past years;
- 2) The current import duty of 10% ad valorem on the main raw materials makes it difficult to compete with low priced imports from eastern countries;
- 3) The 10% import duty on the main raw material make it very difficult to compete with low priced imports from the Eastern countries which are also gaining substantial market share each year; and
- 4) Huge investment and jobs are at risk if Libra Bathrooms cannot become profitable.

Publication period:

Comments should be submitted within **four (4) weeks** of the date of this notice.

2. AMENDMENT OF THE DUTY STRUCTURE FOR CERTAIN NEW PNEUMATIC TYRES OF RUBBER

Tariff subheading	Proposed formula duties
4011.10	30% or 2884 Cents /kg less 70%
4011.20.15	25% or 2780 Cents /kg less 75%
4011.20.22	25% or 3114 Cents/kg less 75%
4011.20.24	25% or 2774 Cents/kg less 75%
4011.20.26	25% or 3083 Cents /kg less 75%

Applicant:

Apollo South Africa (Pty) Ltd
 265 Sydney Road, Congella, Durban
 151 Helpmaker Road, Ladysmith

Reasons:

- 1) There has been a massive influx of low-priced and under-invoiced imported tyres mainly from China. Since 2009, Chinese tyre export continued to climb by 35% and 40% in 2010 and 2011, respectively.
- 2) China possess a complete upstream and downstream of the tyre industry value chain accompanied with relatively cheap energy and low labour costs which makes South African Tyre Manufacturers unable to compete.
- 3) During the period 2004 to 2012, SACU production volume for passenger and commercial tyres declined from 12.4 to 10.1 million units.
- 4) The intention of the introduction of a reference price into the duty structure is to counter under-invoicing.
- 5) The reference price is based on material content and direct labour.

Publication period:

Representation should be submitted within four (4) weeks of the date of this notice.
 Enquiries: ITAC Ref: 34/2013, Enquiries: Ms Lufuno Maliaga at lmaliaga@itac.org.za
 Tel: 012 394 3835 or Mr Oatlotse Madito at omadito@itac.org.za Tel: 012 394 3692.

3. AMENDMENT TO REBATE ITEM 498:

Note 1 to rebate item 498.00 in Part 6 of Schedule No. 4 will be substituted by the following:

Table 3

Rebate Item	Description
498.00	<p>NOTES:</p> <p>1. Goods, excluding goods required to be entered in terms of any other item of Schedule No. 4 or any item of Schedule No. 3, imported by a registered CCA enterprise into the CCA as contemplated in section 21A.</p>

Amendment to 3rd Schedule rebates

Note 9 will be inserted to Schedule No. 3 as follows:

Rebate Item	Description
	<p>NOTES:</p> <p>9. Goods may be entered under any rebate item of this Schedule by a CCA enterprise as contemplated in rule 21A.01 and registered in terms of such item, provided-</p> <p>(a) the CCA enterprise complies with any notes to that item and this Schedule, and section 75; and</p> <p>(b) The VAT is paid on goods imported by the CCA enterprise under any item in this Schedule.</p>

Applicant:

The Department of Trade and Industry
 Private Bag X84
 Gauteng
 0001

Reasons for the application

- 1) Companies locating within a CCA, intending to import manufacturing inputs are currently at a disadvantage in terms of customs duty which has to be paid on the imported content at the time the manufactured goods are declared for domestic use in terms of rebate item 498.

- 2) Under Schedule No.3 which applies outside the CCA, a manufacturer qualifies for a rebate of customs duty but pays the Value Added Tax (VAT), if they choose to supply their finished products into the domestic market.

Publication period:

Representation should be submitted within **four (4) weeks** of the date of this notice.

ITAC reference: 231/2013; **Enquiries:** Dumisani Mbambo, dmbambo@itac.org.za (012 394 3743) or Ndivhudza Ramphabana, nramphabana@itac.org.za (012 394 3627)