



MALT BEER

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1 PURPOSE

- a) The purpose of the policy is to stipulate the requirements, activities, and liabilities of Malt Beer industry including but not limited to:
 - i) The activities that are permitted in the Malt Beer warehouses;
 - ii) Completion of the DA 260 – EXD 262 account;
 - iii) The assessment of excise duty which involves duty paid removals and non-duty paid removals; and
 - iv) Reprocessing, destruction, or abandonment.

2 SCOPE

- a) The policy applies to role-players in the Malt Beer industry.
- b) The production of beer from the cereal sorghum or any other product other than malt is excluded and is specifically and separately in SE-TAB-02.

3 POLICY STATEMENT

3.1 Liability for duty

- a) Beer manufactured from malt is liable to payment of Excise duty in South Africa.
- b) The liability for Excise duty in the malt beer industry is assessed and the duty collected on a Duty at Source (DAS) basis.
- c) In terms of the Southern African Customs Union (SACU) agreement the Governments of SA, Botswana, eSwatini (Swaziland), Lesotho and Namibia agreed, amongst other things, to broadly apply the same Excise duty principles in order to reduce trading and compliance costs for businesses within the SACU.
- d) The 'DAS' system of assessing Excise duty and accounting for Excisable products, and its principles, is an example of such a commonly applied system / principle. Many of the procedures described in this document will therefore not only apply to malt beer produced in SA but also to any of The Republic of Botswana, The Kingdom of eSwatini (Swaziland), The Kingdom of Lesotho and The Republic of Namibia and (BELN countries).
- e) Malt beer produced in SA may not legally be sold or disposed of (within or outside SA) unless the brand name and the alcoholic strength have been registered with the South African Revenue Service (SARS).

3.2 Section 47

- a) Every manufacturer or importer of an alcoholic beverage must, irrespective of any existing tariff determination at the time Section 47(9)(a)(iv) came into operation, apply for a tariff determination of that beverage in terms of this Section.
- b) The tariff determination process for alcohol beverages is explained in SC-CR-A-09.
- c) An application for a tariff determination must comply with the provisions of Section 47 and must contain inter alia the following:
 - i) Detailed information of the brand name, process of manufacture, the ingredients used, the proportion in which they are used, the alcoholic strength and such other particulars as the Commissioner may specify; and
 - ii) If applicable, a letter from the administering officer referred to in Section 3 of the Liquor Products Act, 1989 (Act No. 60 of 1989), confirming that the alcoholic beverage complies with that Act.
- d) From 1 April 2015, Section 47(9)(a)(iv) is operational and an application for a tariff determination must

be made for an alcoholic beverage:

- i) Before release of a clearance for home consumption of the first importation; or
 - ii) Before removal from the Excise manufacturing warehouse (VM), for any purpose in terms of this Act, as may be applicable in respect of that alcoholic beverage.
- e) The Commissioner may, for the purposes of implementation of Section 47(9)(a)(iv), by rule -
- i) Specify a period after the date this Section comes into operation within which and the order in which an application for a tariff determination in respect of any class or kind of alcoholic beverage manufactured or imported shall be submitted; and
 - ii) Prescribe any other matter as contemplated in Section 47(13).
- f) If, for any alcoholic beverage, the brand name, process of manufacture, any ingredient or the proportion in which it is used, or the alcoholic strength changes, application for a new tariff determination shall be made before release of a clearance for home consumption or before removal from the VM for any purpose in terms of the Act, as may be applicable in respect of that alcoholic beverage.
- g) Section 47(9)(a)(iv) may not be read as preventing any officer from performing any function contemplated in Section 106.

3.3 Activities permitted in the Malt Beer industry

3.3.1 Manufacturing Warehouse (VM)

- a) The following activities and movements may take place in a malt beer VM:
- i) Manufacture of beer made from malt;
 - ii) Duty paid removals to the local market;
 - iii) Bonded removals to Special Storage Warehouses (SOS) only (malt beer may not be removed between VMs but only from a VM to a SOS);
 - iv) Exports; and
 - v) Rebated removals.

3.3.2 Special Storage Warehouse (SOS)

- a) Malt beer warehoused in a SOS may not, (without written approval from the Commissioner) be sold / removed to the local SACU market. Products stored in such warehouses are intended solely for export / eventual consumption outside the SACU:
- i) SOS licensed for export:
 - A) Exporters of malt beer may apply for a SOS license for the sole purpose of exporting such products to countries outside the SACU.
 - B) The following activities and movements may take place:
 - I) Exports; and
 - II) Rebated removals.
 - ii) SOS licensed as a Duty Free Shop and / or Ship / Aircraft Chandler:
 - A) Owners of Duty Free Shops and Ships / Aircraft Chandlers may apply for a SOS license.
 - B) The following activities and movements may take place:
 - I) Duty free sales to diplomats and other diplomatic personnel; to foreign-going travellers; and, as stores for foreign-going ships and aircraft;
 - II) Bonded removals to other Customs and Excise SOS's licensed as Duty Free Shops and / or Ships / Aircraft Chandlers;
 - III) Exports; and
 - IV) Rebated removals.
 - iii) SOS licensed as a Duty Free Shop and / or Ship / Aircraft Chandler:
 - A) Manufacturers of malt beer may apply to license a SOS for the sole purpose of supplying Duty Free Shops and / or ships / aircraft chandlers with malt beer.
 - B) The following activities and movements may take place:
 - I) Bonded removals to licensed Duty Free Shops and / or Ships / Aircraft Chandlers;

- II) Exports; and
- III) Rebated removals.

3.4 Production

- a) In terms of Section 44(2), malt beer becomes Excisable when it attains its essential character, which is when the product has fermented naturally to an alcoholic strength of 0.5% A/V or more and is generally accepted as drinkable / fit for human consumption.
- b) The essential character of malt beer is attained when it can be regarded as “bright beer”; i.e. when it is received in the bright beer tank, but before blending or mixing, priming, water dilution and bottling of the product.

2.4.1 Restriction

- a) Should the licensee wish to perform other production operations, such as extracting alcohol from malt beer (e.g. distillation of malt beer), he / she must request approval from the Controller / Branch Manager.

3.5 Completion of the Excise Account (DA 260 – EXD262)

- a) The DA 260 – EXD262 is the summarising document reflecting all production figures, stock figures and movements of bonded malt beer, as well as the amount of Excise duty payable, in respect of the accounting period.
- b) DA 260 – EXD262 must be completed in full; i.e. with all the applicable Excise account schedules attached for that specific accounting period and type of warehouse as detailed below.
- c) The quantities of malt beer so declared, up to and including the total quantity on which duty must be paid, must be expressed in litres absolute alcohol (LAA) in the applicable box on the excise account. The actual duty payable will be calculated on the relevant quantity expressed in LAA on the excise account.
- d) All columns and boxes on the Excise account and account schedules must be completed.
- e) If any column is not required for that specific accounting period, the column must be crossed out by drawing a diagonal line across the face thereof, starting from the top left corner of the first box to the bottom right corner of the last box and writing “N/A” (Not Applicable) in the middle thereof.
- f) If there is no figure to be declared for a specific box in a column applicable for that specific accounting period, it must be indicated by declaring “0.00” in that box.
- g) If any schedule is not required for that specific accounting period, the applicable schedule does not have to be completed.
- h) A separate supporting schedule DA 260.04A (Itemised list of Non-Duty Paid Removals) must be used per removal type as indicated on the Excise account schedule DA 260.04 (Summary of Non-Duty Paid Removals).
- i) Provided that the schedule DA 260.04 (Summary of Non-Duty Paid Removals) is completed in full; and, the total for a specific removal type is declared as “0.00”; a supporting schedule DA 260.04A (Itemised list of Non-Duty Paid Removals) for that specific removal type, for that specific accounting period, will not be required.
- j) Each schedule to the Excise account also serves as a continuation sheet for that specific schedule.

- k) Licensees may elect, however, to compile a schedule of receipts/removals, approved by the local Controller / Branch Manager, listing all the relevant receipts / removals and supporting documents pertaining to the specific account schedule and attach that schedule of receipts / removals to the applicable account schedule. In this case, only the total of the schedule of receipts / removals must be reflected in the appropriate box on the prescribed Excise account schedule.
- l) The full DA 260 excise account is used to complete the EXD 262 excise return which is submitted in terms of SE-ACC-08 via eFiling
- m) The date of submission will be the date that a licensee submits a fully and properly complete Excise Account as described above.
- n) Manufacturing Warehouse (VM):
 - i) All licensees of VM warehouses must submit an DA 260 - EXD 262, monthly, to the local Controller / Branch Manager in whose area the warehouse is licensed.
 - ii) The malt beer VM Excise account consists of the following:

DA 260	Excise Account	
DA 260.01	Excise Account Schedule	Production
DA 260.03	Excise Account Schedule	Returns of Duty Paid Stock
DA 260.04	Excise Account Schedule	Summary of Non-Duty Paid Removals
DA 260.04A	Excise Account Schedule	Itemised list of Non-Duty Paid Removals. A separate supporting schedule form must be used per removal type.

- o) Special Storage Warehouse (SOS):
 - i) All licensees of SOS warehouses licensed, except such SOS warehouse licensed as Duty Free Shops and / or Ships / Aircraft Chandlers, must submit an DA 260 - EXD 262, per calendar quarter, to the local Controller / Branch Manager in whose area the warehouse is licensed.
 - ii) The malt beer SOS Excise account consists of the following:

DA 260	Excise Account	
DA 260.02	Excise Account Schedule	Receipts from Customs and Excise Warehouses
DA 260.04	Excise Account Schedule	Summary of Non-Duty Paid Removals
DA 260.04A	Excise Account Schedule	Itemised list of Non-Duty Paid Removals. A separate supporting schedule form must be used per removal type.

3.6 Assessment of Excise duty

3.6.1 Measure of dutiable quantity

- a) The dutiable quantity of and Excise duty on malt beer is assessed on the total alcohol contained in the product, expressed in litres of absolute alcohol (LAA) rounded off to the second decimal point, contained in the total bulk volume of product removed to the local SACU market per accounting period.
- b) For duty purposes:
 - i) The bulk volume of malt beer is rounded to the second decimal point; i.e. where the third decimal point is less than .005 it is rounded down to .00 and where the third decimal point is .005 or more it is rounded up to .01, and
 - ii) The alcoholic strength (i.e. the percentage of alcohol in the malt beer by volume A/V) is rounded to the first decimal point; i.e. where the second decimal point is less than .05 it is rounded down to .0 and where the second decimal point is .05 or more it is rounded up to one (1).

- c) For purposes of assessing the relevant Excise duty, the SARS will accept the alcoholic strength and the indicated quantity per container, declared on the commercial invoice, delivery note or similar document issued in relation to each batch and / or consignment of malt beer removed to the local market.
- d) It is the responsibility of the licensee to monitor and control the filling of packages / containers to ensure that over / under filling is prevented.
- e) If it is established that there is a difference between the declared figures per container and the actual figures, Excise duty will be payable on the actual LAA removed.
- f) In the case of a dispute over the alcoholic strength of the product, the SARS will draw and send a sample or samples to an independent scientific laboratory for final determination.

3.6.2 Rate of duty

- a) The rate of duty to be used for the purpose of calculation of Excise duty for malt beer is the relevant rate of duty in terms of Schedule 1 Part 2A at time of entry for local (SACU) consumption.
- b) This could be the time of removal from the warehouse.

3.6.3 Excise duty formula

$$\text{Bulk volume (Litres)} \times \text{alcoholic strength per volume (A/V)} = \text{LAA}$$

$$\text{LAA} \times \text{relevant rate of duty} = \text{Excise duty payable}$$

3.6.4 Duty Paid transactions

- a) Removal of locally manufactured malt beer duty paid for consumption as liquor in the SACU is allowed only from a VM.
- b) No relief of duty (rebate or refund) exists for losses incurred after duty paid malt beer has left the VM.
- c) Excise duty is assessed per the DA 260 – EXD 262, as detailed below for the VM:
 - i) Excise duty is assessed on the total alcohol (LAA) contained in the total bulk volume of malt beer removed from the warehouse to the local SACU market during the accounting period.
 - ii) The relevant Excise duty is calculated by multiplying the dutiable total LAA by the relevant rate of Excise duty.
 - iii) Removals from the VM to the local SACU market are made per commercial invoice, delivery note or similar document, issued in relation to each batch and / or consignment and must be accounted for.
 - iv) The total dutiable quantity of malt beer so removed during the accounting period must be entered and submitted.

3.6.5 Non-Duty Paid transactions

- a) Malt beer may be removed ex warehouse without payment of Excise duty in the following instances:
 - i) When malt beer is removed in bond to other licensed warehouses within the SACU;
 - ii) When malt beer is entered under full rebate of duty; and / or
 - iii) When malt beer is exported to countries outside the SACU.
- b) Bonded movements:
 - i) Malt beer may be removed ex a licensed warehouse in bond without payment of duty (i.e. duty suspension) to another licensed malt beer SOS in the SACU.
 - ii) Movement of bonded (non-duty paid) malt beer between licensed VMs is not allowed.

- c) Movements between VM and SOS - Bonded movements of malt beer between a VM and SOS will only be allowed for the following specified purposes:
- Supply to Duty Free Shops and Ships / Aircraft Chandlers;
 - Storage for supply to Duty Free Shops and Ship / Aircraft Chandlers; and
 - Storage for export of such malt beer.
- d) Movements between SOS's - Bonded movements of malt beer between SOS's will only be allowed for the following specified purposes:
- Supply of malt beer to Duty Free Shops and Ships / Aircraft Chandlers; and
 - Storage for export of such malt beer.
- e) Movements to BELN countries:
- Bonded movements of malt beer will be allowed from licensed warehouses in SA to a licensed SOS within the BELN countries.
 - The consignor must submit a duly completed clearance declaration with procedure code E 45-47 to the Controller / Branch Manager prior to removal of the consignment of bonded products from his / her premises.
 - All other non-rebated movements of malt beer from SA to the BELN countries will be on a duty paid basis.
- f) Movements from BELN countries:
- Bonded movements of malt beer will be allowed from licensed warehouses within the BELN countries to a licensed SOS in SA.
 - For all other movements of malt beer from these countries, proof of payment of Excise duty must be submitted at the port of entry into SA.
- g) Rebated movements:
- Malt beer entered under rebate of duty must be used for the purpose described in the provisions of the specific Rebate Item under which it is entered.
 - A detailed list of all such rebates applicable to the malt beer industry is found in Schedule 6. The most common rebates applicable to the malt beer industry are for:
 - Manufacturing losses:
 - Rebate Item 624.30 stipulates that Excisable goods in a VM and Excisable goods in the process of manufacture and removed from one (1) VM to another such warehouse, unavoidably lost in the manufacturing process or through working, pumping, handling and similar causes or through natural causes, to such extent as the Commissioner deems reasonable, may be entered under rebate of duty subject to production of proof that such goods did not enter into consumption.
 - The manufacturer must be able to show the actual volume of malt beer lost during the normal manufacturing processes from his / her normal commercial records. In considering the reasonableness of the loss applied for, regard should be had to the level of manufacturing losses ordinarily incurred by the client (e.g. manufacturing, bottling and packaging operations) and, where appropriate, to industry norms.
 - Categories of unavoidable and irrecoverable manufacturing losses:**

Loss Category	Root Cause of Loss
Handling losses	Handling losses occur from bottle breakages during pasteurisation, missing crowns, and burst bottles, all documented and quantified.
Process losses	Process losses stem from filtration removing yeast, fermentation transfers, and brand changeover pushouts to prevent contamination.
Quality losses	Quality losses result from mandatory sampling for laboratory testing, tasting for quality assurance, and rejection of off-spec products

Equipment losses	Equipment losses include jetting from pressure issues, filler mechanical defects and overfilled and underfilled bottles removed automatically by sensors
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- B) *Vis Major* losses: Incurred in a licensed warehouse or in transit between licensed warehouses or for export, may be allowed under rebate of duty (Rebate Item 624.50), but not before each individual application in writing for such rebate of duty has been approved by the Commissioner. Furthermore, it should be noted that the circumstances contemplated as exceptional in this Rebate item would exclude robbery or theft.
- C) Destructions: Licensees may apply (in terms of Rebate Item 624.40) to the Controller / Branch Manager for the destruction of Excisable bonded malt beer in instances where a specific consignment of malt beer has lost all commercial value or sale of the specific consignment could be harmful to the industry.

h) Alcohol extraction procedure:

- i) Malt beer is manufactured or received in the VM.
- ii) The beer is subjected to the alcohol extraction process, which renders a low alcohol beer or a non-alcoholic beverage.
- iii) The manufacturer of the non-alcoholic beverage must register in terms of Rebate Item 619.07 for beer made from malt used in the manufacturing of non-alcoholic beverages.
- iv) The entire activity of the alcohol extraction process must take place in the facility of the VM.
- v) Rule 75(24) sets out the requirements with regard to the keeping of a register by registered rebate users of excisable goods used in the manufacture of, inter alia, non-alcoholic beverages.
- vi) The ethanol by-product rendered from the alcohol extraction process is regarded as a spirit classifiable under tariff heading 22.08.
- vii) On completion of the alcohol extraction process, the ethanol by-product must be removed to one of the following spirits warehouses:
 - A) A VMP for re-distillation;
 - B) A VMS for blending into spirituous beverage; or
 - C) A SOS for export or for supply to registered rebate users.
- viii) Accounting procedure for the manufacturing of a non-alcoholic beverage is as follows:
 - A) The beer to be used in the manufacturing of a non-alcoholic beverage is rebated out of the VM in terms of Rebate Item 619.07 on the DA 260.04 schedule of the DA 260 Excise account;
 - B) The manufacturer of the non-alcoholic beverage who is registered in terms of Rebate Item 619.07 receives the beer made from malt under rebate of duty;
 - C) On completion of the alcohol extraction process, the ethanol by-product of tariff items 104.21.01 (more than 80% A/V) or 104.23.28 (less than 80% A/V), must be removed to either to a VMP, VMS or SOS;
 - D) The CEB 01, with purpose code ZGR must be completed by the rebate registrant to move the ethanol by-product into the VMP, VMS or SOS.
 - E) Movement of ethanol by-product to the VMP or VMS:
 - I) The CEB 01, with purpose code ZGR in terms of Rebate Item 621.23 / 104.21.01 for fermented ethyl alcohol of an alcoholic strength by volume of 80% or higher, undenatured.
 - II) The CEB 01, with purpose code ZGR in terms of Rebate Item 621.33 / 104.23.28 for fermented ethyl alcohol being the by-product from a process of extraction.
 - F) Movement of ethanol by-product to the SOS:
 - I) The CEB 01, with purpose code ZGR in terms of Rebate Item 621.27 / 104.21.01 for fermented ethyl alcohol of an alcoholic strength by volume of 80% or higher, undenatured.
 - II) The CEB 01, with purpose code ZGR in terms of Rebate Item 621.37 / 104.23.28 for fermented ethyl alcohol being the by-product from a process of extraction.
 - G) The conversion of litres into litres absolute alcohol (AA) is indicated on the CEB 01 clearance declaration with purpose code ZGR.
 - H) Receipt of ethanol by-product into VMP or VMS [refer to the Spirits External Policy (SE-SP-02)].
- ix) Accounting procedure for the manufacture of low –alcohol beer is as follows:

- A) On completion of the alcohol extraction process, the ethanol by-product must be removed to the VMP, VMS or SOS.
- B) The ethanol by-product is rebated out of the SVM in terms of Rebate Item 619.09 / 104.10.20 on the DA 260.04 schedule of the DA 260 Excise account.
- C) Receipt of ethanol by-product into the VMP, VMS or SOS [refer to the Spirits External Policy (SE-SP-02)].

i) Exports:

- i) Export of malt beer to destinations outside the SACU, will be allowed under rebate of duty and will be deemed to be duly exported / acquitted only if the prescribed proof of export [original Customs endorsed copy of the processed export Customs Clearance Declaration (CCD) with procedure code H 68-47 / F 52-47, original signed bill of lading, airway bill, rail note or road manifest] is obtained by the licensee and submitted to the Controller / Branch Manager within thirty (30) days after the export CCD was entered.
- ii) Failure by the licensee to submit such proof of export, within thirty (30) days after the date of processing of the export CCD, will render the licensee liable for payment of the relevant Excise duty.
- iii) Locally manufactured malt beer exported ex a Customs and Excise warehouse and thereafter brought back (re-imported) by the exporter and re-entered into that warehouse, without having been subjected to any process of manufacture or manipulation and without a permanent change in ownership having taken place, may be allowed free of Customs duty in terms of the conditions set out in Rebate Item 409.06.

3.7 Duty paid returns from the local market

3.7.1 Beer made from malt, which, is off-specification, has become contaminated, or has undergone post-manufacturing deterioration.

- a) Beer made from malt which, is off-specification or has become contaminated or has undergone post-manufacturing deterioration may be returned to a Customs and Excise manufacturing warehouse for destruction only if such products are found to be off-specification, contaminated or have undergone post-manufacturing deterioration within a period of twelve (12) months after removal from a Customs and Excise warehouse and that the goods are returned to such warehouse within this period.
- b) The provisions of Rebate Item 619.03 shall apply in respect of beer made from malt:
 - i) In the case of beer made from malt under the control of the manufacturer;
 - ii) In the case of beer made from malt returned as produced from the same batch(es);
 - iii) In the case of beer made from malt returned in the originally sealed containers for wholesale or similar packaging.
- c) If the Commissioner approves the application, any beer made from malt returned in terms of Rebate Item 619.03 shall be:
 - i) Kept intact and entirely separate from any other goods or materials until it has been examined and identified by an Excise Officer; and
 - ii) Unpacked, where applicable, and transferred to and mixed with stocks of materials for processing, under supervision of an Excise Officer; or
 - iii) Destroyed under supervision of an Excise Officer.
- d) The licensee of a VM to which such products are returned for destruction must keep a record which includes at least the following:
 - i) A detailed description of the goods received including the applicable tariff item;
 - ii) The quantity received;
 - iii) The date of receipt;
 - iv) The name or registered business name (if any) and the physical address of the person from whose premises the products concerned were returned; and
 - v) The delivery note under cover of which such products were returned.

- e) A licensed manufacturer of goods contemplated in Rebate Item 619.03 may, if circumstances arise that impede the return of the goods to that licensee's Customs and Excise manufacturing warehouse (VM) for destruction as contemplated in that item, apply to the Commissioner to have the goods destroyed at the manufacturer's own distribution centre or a specialised destruction facility, provided:
- i) The return to the approved premises takes place within a period of twelve **(12) months** prescribed in Note 3(a)(i);
 - ii) The destruction and location of such destruction is requested and prior approval is obtained from the Commissioner before the beer is removed for destruction;
 - iii) The destruction shall otherwise remain subject to the provisions of Rebate Item 619.03, the Notes thereto, the Act and its rules;
 - iv) The destruction is to be done under Customs supervision if required by the Commissioner; and
 - v) Any other requirement as the Commissioner may specify, in writing, is complied with.
- f) The following is a list of information required to accompany the application in terms of item 619.03. This list is not exhaustive and the Controller / Branch Manager may request additional information as needed.
- i) The application must be made by the VM that manufactured the product and be submitted on an official company letterhead to the nearest relevant Customs and Excise office in the area in which the licensee is licensed;
 - ii) The reason for the application for destruction must be provided together with a quality / laboratory analysis report / certificate of the product(s) in question;
 - iii) The quantity / volume of the product to be destroyed, including the brand name and packaging size and type;
 - iv) Location and details of the place where the goods are currently stored and will be returned from;
 - v) Location and details of the place where the goods will be destroyed;
 - vi) The licensee to state how long the destruction process of the volumes applied for will take;
 - vii) If permission for the destruction in terms of Rebate Item 619.03 is granted, the licensee must inform the Controller / Branch Manager of the date and time when the destruction will take place;
 - viii) The licensee to provide a report indicating where the stock originated and to where it was removed.
 - ix) Proof that the duty was paid and the rate of duty that was paid at time of clearance (financial year's) per product;
 - x) Proof that the goods were removed from the VM and returned within a period of twelve (12) months after it was found to be off-specification, contaminated or to have undergone post-manufacturing deterioration;
 - xi) After destruction of the malt beer, a destruction certificate will be issued for the destruction done under supervision. The destruction certificate must be utilised for the application for permission to conduct the set-off on the Excise account as agreed by the Commissioner;
 - xii) The licensee must, at the end of the destruction, provide the Controller / Branch Manager with a report from the specialised destruction facility confirming the quantity of product that was destroyed;
 - xiii) The licensee of such warehouse where the malt beer was manufactured may, after destruction of the product and the destruction certificate has been issued, set-off as contemplated in Section 77, the amount duly refundable against the amount payable on the excise account over a period of two (2) years, as approved by the Commissioner.

3.8 Reprocessing, destruction, or abandonment

3.8.1 Application

- a) The client must apply in writing to the Controller / Branch Manager for the reprocessing, destruction or abandonment of product of which application must at least contain the following information:
- i) Must be on a company letter head;
 - ii) Power of attorney (if applicable);
 - iii) Which Rebate Item is applied for;
 - iv) Product applicable;

- v) Quantity / litres;
- vi) Indemnity letter (indemnifying SARS of any civil claim) (if applicable);
- vii) Rate of duty applicable;
- viii) The reason why the application is made;
- ix) The method that will be used to destroy the product (if applicable);
- x) The date on which the product will be reprocessed or destroyed;
- xi) State the location of the goods; and
- xii) All relevant supporting documentation.

b) If necessary, the Excise Branch Office can request further information.

3.9 Set-off

- a) For the purpose of Section 75(11A), the licensee of the Customs and Excise warehouse must produce proof of the rate of Excise duty paid or payable on the products for destruction in accordance with the provisions of Rebate Item 619.03.
- b) If the licensee is unable to produce such proof, the duty on any quantity so returned, shall be calculated for refund purposes at the lowest rate of Excise duty levied in terms of this Act on such products during a period of twelve (12) months prior to the date of the examination contemplated.
- c) The licensee of such warehouse may, after destruction of the products concerned, and on accounting for the goods destroyed in the monthly account (EXD 262), prescribed in the rules for Section 19A, set-off as contemplated in Section 77, any amount duly refundable against the amount payable on any such account during a period of two (2) years after receipt of the goods for destruction, as the case may be.
- d) The rand amount to be set-off shall be calculated in the following manner:

Quantity returned [number, kilograms or litres absolute alcohol X rate of Excise duty (as determined above)] = Duty to be set-off.

4 REFERENCES

4.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation, Rules, Regulations and Interpretation Notes administered by SARS	Customs and Excise Act No. 91 of 1964: Sections 18A, 19A, 20, 21, 27, 36, 47, 64D, 75, 101, 101A, 116 and 119A Customs and Excise Rules: Rules 18.01 to 18.14, 18A.01 to 18A.08, 19.01 to 19.07, 19A, 20.14, 20.17, 27.01 to 27.13, 36.01 to 36.06, 47.01, 47.03, 59A.01(a), 60.08(2)(a)(i), 64D.01 to 64D.19, 75(24), 101.01 to 101.03, 101A.01 to 101A.12 and 119A.R101A(10)(d) Customs and Excise Tariff: Schedule 1 Part 2A Tax Administration Act No. 28 of 2011: Sections 215 to 220 and 224 Tax Administration Laws Amendment Act, 2014: Section 15
Other Legislation	Constitution of the Republic of South Africa No. 108 of 1996: Section 3 Liquor Products Act, 1989 (Act No. 60 of 1989): Section 3 Promotion of Administrative Justice Act (PAJA) No. 3 of 2000: Subsection 4
International Instruments	None

4.2 Cross References

DOCUMENT NUMBER	DOCUMENT TITLE
SE-ACC-08	Declaration and Return Submission via eFiling – External Guide
SE-SP-02	Spirits – External Policy
SC-CR-A-09	Customs and Excise Tariff Determination – External Policy
SE-TAB-02	Traditional African Beer – External Policy

4.3 Reference to Role, Functional Area, or Division

Where an organisational structural change occurs with or without modifications, any reference in this document to a role, functional area, or division under the former organisational structure, unless the contrary intention appears, shall be construed to be a reference to that role, functional area, or division under the new organisational structure.

5 DEFINITIONS AND ACRONYMS

- a) Link for centralised definitions and acronyms: [Glossary A-M | South African Revenue Service \(sars.gov.za\)](https://sars.gov.za/glossary).