

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1400)**

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, **with retrospective effect from 31 December 2009**, to the extent set out in the Schedule hereto.

**N NENE
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the substitution for the ADDENDUM TO ANNEX VII in Part B of Protocol 1 in the General Notes to Part 1 of Schedule No. 1 of the following:

**CUSTOMS AND EXCISE RULES FOR THE IMPLEMENTATION OF MARKET ACCESS IN TERMS OF
ANNEX VII OF THE SADC TRADE PROTOCOL**

1 Notification of quota allocating and certificate of origin issuing authorities to the SACU central coordinating authority (1) and the SADC TCS Secretariat

- 1.1 Each net surplus producing non-SACU Member State (2) shall notify the SACU central coordinating authority and the SADC Technical Committee on Sugar Secretariat (SADC TCS Secretariat) of its quota allocating authority responsible for administering the duty-free quota access for net surplus sugar produced in SADC countries.
- 1.2 Each net surplus producing non-SACU Member State shall notify the SACU central coordinating authority and SADC TCS Secretariat of its certificate of origin issuing authority responsible for administering the duty-free quota access for net surplus sugar produced in SADC countries.
- 1.3 Each non-SACU Member State will only be allowed one quota allocating authority and one certificate of origin issuing authority.
 - (1) The South African Revenue Service (SARS) will be the SACU central coordinating authority.
 - (2) Member State shall mean a non-SACU SADC net surplus sugar producing state. (Net surplus production as defined in the Trade Protocol (Annex VII, Article 1).

2 Registration of exporters

- 2.1 An exporter in a non-SACU SADC net surplus sugar producing Member State who wishes to export sugar to SACU in terms of Annex VII shall apply to the quota allocating authority of the exporting non-SACU SADC Member State for registration as a registered exporter.
- 2.2 Non-SACU Member States shall notify the SACU central coordinating authority and the SADC TCS Secretariat in writing of the particulars of each exporter registered by that authority, and to whom quotas have been allocated in terms of paragraph 3. The SACU central coordinating authority shall record these details for verification purposes and for deductions when imports are made into SACU. The Issuing Authority will also control the sugar quotas on the export side. No exports under this quota arrangement will be allowed if the quota is exhausted.
- 2.3 Only registered exporters notified in terms of paragraph 2.2 shall qualify for treatment in accordance with the provisions of Annex VII.

3 Quota allocations

- 3.1 Quota allocations shall be calculated as prescribed in Annex VII and approved by the SADC TCS Secretariat.
- 3.2 The quota allocating authority in each Member State shall be responsible for the allocation of quotas to registered exporters.
- 3.3 The quota allocating authority in each Member State shall notify the SACU central coordinating authority in writing of the quota allocations made by it and of any adjustments to such quota allocations, within seven working days after such allocations or adjustments have been made.

4 Issuing of SADC certificates of origin and export procedures

- 4.1 After obtaining a buyer in SACU, a registered exporter shall notify its respective quota allocating authority of the details of the buyer as well as the SACU port of entry to be used to import the sugar into the SACU region
- 4.2 The certificate of origin issuing authority in the Member State will then be requested to issue a SADC certificate of origin.
- 4.3 Upon presentation of an original certificate of origin, the customs authority of the importing SACU Member State shall verify the details of the exporter appearing on the certificate against the details of the registered exporter sent by the quota allocating authority. A request for verification may be sent to the Customs Authority of the issuing authority in cases of reasonable doubt.
- 4.4 Customs authorities of Botswana, Lesotho, Namibia and Swaziland shall, upon clearance, notify the SACU central coordinating authority of imports under this quota arrangement.
- 4.5 For the purpose of these procedures, sugar shall be deemed to be consigned from a Member State on the date on which the certificate of origin under which such sugar is exported to SACU, has been certified by a certificate of origin issuing authority of a Member State, provided that such sugar is exported not later than 20 working days after the date of certification.

5 Information dissemination

The SACU central coordinating authority shall submit quarterly reports to the SADC TCS Secretariat on the following:

- (a) The number and details of registered exporters per Member State;
- (b) The volume and value of certificates of origin utilised by each Member State; and
- (c) The quantities still available in terms of allocated quantitative limits for each Member State.

6 Review

The SADC TCS Secretariat shall review these procedures with a view to simplifying them as and when necessary during the course of implementation of Annex VII of the SADC Protocol on Trade.