

Cover note for publication for public comment of proposed amendments to rules under sections 59A and 60 of the Customs and Excise Act, 1964
26 March 2021

Amendments in respect of the rules under 59A and 60 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), were promulgated in April 2020 making provision for the electronic submission of applications for registration and licensing in respect of certain activities regulated by the Act. At the time it was explained that the development of the electronic system for the submission of applications is to take place in phases.

Further amendments to the rules under sections 59A and 60, which constitute the next phase in this development, are now published for public comment. The proposed amendments to the rules in essence reflect which applications can at this stage be submitted electronically and which must still be submitted in paper format. Consequential amendments are also proposed throughout the rules to reflect the changed position in relation to the different modes of submission.

Proposed changes to Forms DA 185.4A11, DA 185.4B3, DA 185.4B4 and DA 185.4B15 are included.

Rules 59A.01A and 60.01A form the *crux* of the amendments for purposes of the manner of submission of applications:

<p>RE: REGISTRATIONS:</p> <p>Rule 59A.01A (b)(iA) sets out that applications in respect of the following must still be submitted in paper format:</p> <ul style="list-style-type: none"> • Exporting goods for purposes of preferential tariff treatment in terms of the AfCFTA and SACUM-UK 	<p>RE: LICENCES:</p> <p>Rule 60.01A(c) sets out that applications in respect of the following must still be submitted in paper format:</p> <ul style="list-style-type: none"> • Warehouses for the following purposes: <ul style="list-style-type: none"> ➤ For the manufacturing of –
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<ul style="list-style-type: none"> • producing or manufacturing goods for purposes of preferential tariff treatment in terms of the AfCFTA and SACUM-UK • utilising – <ul style="list-style-type: none"> ➤ rebate items under Schedules No. 3 and 4; and ➤ refund or drawback items under Schedule 5 and rebate or refund items under Schedule 6 • the following activities: <ul style="list-style-type: none"> ➤ Submitting communications electronically (electronic user) ➤ manufacturing goods for purposes of drawback items 501.00 to 521.00 of Schedule No. 5 ➤ generating electricity in circumstances where the person is not required to license his or her generation plant in terms of rule 54FA.03 ➤ activities in relation to marked goods and certain goods free of duty contemplated in section 37A ➤ non-commercially manufacturing biodiesel ➤ non-commercially manufacturing sugary beverages ➤ obtaining a registration number for a still 	<ul style="list-style-type: none"> ▪ wine, vermouth or other fermented beverages, traditional African beer, malt beer or spirits ▪ tobacco products ▪ petroleum products or commercial biodiesel ▪ sugary beverages ▪ plastic carrier and flat bags ▪ electric filament lamps ▪ tyres ➤ for the generation of – <ul style="list-style-type: none"> ▪ electricity ▪ emissions liable to carbon tax ➤ for the storage of – <ul style="list-style-type: none"> ▪ dutiable locally manufactured goods for export ▪ petroleum products for removal to BLNS countries or for export ▪ petroleum products for marking and jet fuel ➤ for purposes of <i>ad valorem</i> excise duty specified in Section B of Part 2 of Schedule No. 1 • container depots and degrouping depots • operating as an agricultural distiller • owning, possessing or keeping of stills;
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<ul style="list-style-type: none">➤ manufacturing excisable goods solely for the purpose of own use➤ engaging in any of the activities mentioned in the definition of “tobacco leaf dealer” referred to in rule 107A.01(a).	<ul style="list-style-type: none">• manufacturing or importing stills for sale or repairing stills for reward• distributing fuels obtained from the licensee of a customs and excise manufacturing warehouse
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