

SOUTH AFRICAN REVENUE SERVICE

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**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (NO. DAR/79)**

Under sections 46A and 120 of the Customs and Excise Act, 1964, the rules published in Government Notice R 1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto with effect from 1 August 2003

**P J GORDHAN
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE

(a) By the substitution for the definition of "19 CFR 10" of the following definition:

" "19 CFR 10", refers to part 10 of the customs regulations contained in the Code of Federal Regulations published by the Department of Treasury in the Federal Register, Volume 65, No 194 on 5 October 2000 (as amended by the regulations published in the Federal Register, Volume 68, No 55 on 21 March 2003), of which sections 211 to 217 and supplementary information thereon contained in the said Part 10 and sections 112 and 113 of the AGOA specifically relate to textile and apparel articles which may be allowed preferential tariff treatment under the AGOA;"

(b) By the substitution for paragraph (a) of rule 46A1 03 of the following paragraph:

"(a) Every exporter and manufacturer of textile and apparel articles for the purposes of the AGOA shall be registered and shall submit a completed form DA 185 together with –

(i) in the case of the exporter, a completed Annexure DA 185 02 and exporter's application for registration (form DA 46A1 02); and

(ii) in the case of the manufacturer, a completed form DA 185 04 and manufacturer's application for registration (form DA 46A1 03)"

(c) By the amendment of rule 46A1 05 as follows:

(i) By the substitution for subparagraph (ii) of paragraph (a) of the following subparagraph:

"(ii) Where a certificate of origin is issued, the application for a visa must reflect the same original signature and contain the same particulars in the corresponding blocks as the certificate of origin, except that -

- (aa) Block 4 must contain the numerical identifier of the certificate of origin preference grouping and the line reference on the export bill of entry;
 - (bb) the total quantity and unit of quantity in the shipment must be inserted in brackets below the description of the goods in Block 5. for example, 510 doz "
- (ii) By the substitution for subparagraph (aa) of paragraph (b)(i) of the following subparagraph:
- "(aa) the visa number which will consist of one numeric digit for the applicable preference group according to the designated preference groups numbered 1 – 9 (which each sequentially corresponds with preference groups 1- A – 9-1 of the certificate of origin), the two-character alpha code ZA, followed by a six-digit numerical serial number identifying the shipment which is electronically allocated at the office of the Controller where the goods are entered for export." and
- (iii) By the substitution for subparagraphs (ii) and (iii) of paragraph (b) of the following subparagraphs:
- "(ii) Decimals or fractions of quantities are not acceptable Quantities must be stated within the stamp as follows:
- (aa) in groupings 1 to 8, all apparel must be stated in dozens, except for -
 - (A) men`s, boys, women`s or girls` suits which must be stated in numbers; and
 - (B) panty hose, tights, stockings, socks, other hosiery, gloves, mittens and mitts, all of which must be stated in dozen pairs;
 - (bb) (A) where quantities are required to be stated in dozens, the number stated must be a whole number;
 - (B) if the quantity in the grouping is less than one half dozen, it must be rounded down (a quantity of 4 dozen and 4 pieces should therefore be stated as 4 dozen);
 - (C) if the quantity in the grouping is a half dozen or greater it must be rounded up (a quantity of 4 dozen and 6 pieces should therefore be stated as 5 dozen);
 - (D) if the quantity in the grouping is less than a half dozen, it must be stated as 1 dozen (a quantity of 3 pieces or 6 pieces should therefore be stated as 1 dozen);
 - (E) the methods specified in subparagraphs (A) to (D) are also applicable to quantities which must be stated in dozen pairs as required in terms of subparagraph (aa)(B)
- (cc) Where items in the same grouping are mixed, such as suits (which require number) and shirts (which require dozen) or shirts and pants (which both require dozen), a separate quantity must be shown for each of the items (apparel under grouping 1 should therefore show separate quantities such as, 105 suits and 10 dozen shirts or 10 dozen shirts and 12 dozen pants)
- (dd) In respect of goods of grouping 9, the quantity stated must be the usual quantity required for those goods -

- (A) if rugs or handloomed fabric, it should be stated in square meters;
 - (B) if wall hanging, it should be stated in square meters;
 - (C) if apparel, it should be stated as required in grouping 1 to 8; or
 - (D) if household furnishings, it should be stated in kilograms
- (iii) Such officer must sign the visa in the space provided thereon
- (iv) The visa must be properly completed and no amendments are allowed, as specified in paragraph (d)(ii)(cc) "
- (d) By the substitution for paragraph (b) of rule 46A1 11 of the following paragraph:
- "(b) Such verification of a claim for preferential treatment may involve, but need not be limited to, a review of:
- (i) documentation and other information regarding the country of origin of an article and its constituent materials, including but not limited to, production records, information relating to the place of production, the number and identification of the types of machinery used in the production, and the number of workers employed in production; and
 - (ii) evidence to document the use of US materials and materials of other origin in the production of the articles in question, such as purchase orders, invoices, bills of lading and other shipping documents, and customs import and export clearance documents
(19 CFR 10 217(a))."
- (c) By the substitution for forms DA 46A1 01 and DA 46A1 01(a) in item 202 00 of the Schedule to the Rules of the following forms DA 46A1 01 and DA 46A1 01(a):

**"African Growth and Opportunity Act
Textile Certificate of Origin**

1 Exporter Name & Address		3 Importer Name & Address	
2 Producer Name & Address		4 Preference Group	
5 Description of Article			
Group	<i>Each description below is only a summary of the cited CFR provision</i>	19 CFR	
1-A	Apparel assembled from U S fabrics and/or knit -to-shape components, from U S yarns All fabric must be cut in the United States.	10 213(a)(1)	
2-B	Apparel assembled from U S fabrics and/or knit -to-shape components, from U S yarns All fabric must be cut in the United States After assembly, the apparel is embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.	10 213(a)(2)	
3-C	Apparel assembled from U S fabrics and/or U S knit -to-shape components and/or U S and beneficiary country knit-to-shape components, from U S yarns and sewing thread The U S fabrics may be cut in beneficiary countries, or in beneficiary countries and the United States.	10 213(a)(3) or 10.213(a)(11)	
4-D	Apparel assembled from beneficiary country fabrics and/or knit-to-shape components, from yarns originating in the United States and/or one or more beneficiary countries.	10 213(a)(4)	
5-E	Apparel assembled or knit -to-shape and assembled, or both, in one or more lesser developed beneficiary countries regardless of the country of origin of the fabric or the yarn used to make such articles.	10 213(a)(5)	
6-F	Knit -to-shape sweaters in chief weight of cashmere	10 213(a)(6)	
7-G	Knit -to-shape sweaters 50 percent or more by weight of wool measuring 21 5 microns in diameter or finer.	10 213(a)(7)	
8-II	Apparel assembled from fabrics or yarns considered in short supply in the NAFTA, or designated as not available in commercial quantities in the United States	10 213(a)(8) or 10.213(a)(9)	
9-I	Handloomed fabrics, handmade articles made of handloomed fabrics, or textile folklore articles – as defined in bilateral consultations.	10 213(a)(10)	
6 U S /African Fabric Producer Name & Address		7 U S /African Yarn Producer Name & Address	
		8 U S Thread Producer Name & Address	
9 Handloomed, Handmade, or Folklore Article		10 Name of Short Supply or Designated Fabric or Yarn	
<p>I certify that the information on this document */ and the attached continuation sheet(s) numbered to is complete and accurate and I assume the responsibility for proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document. I agree to maintain, and present upon request, documentation necessary to support this certificate.</p> <p>* Delete whichever is not applicable and sign in full.</p>			
11 Authorized Signature		12 Company	
13 Name: (Print or Type)		14 Title	
15 Date: (DD/MM/YY)	16 Blanket Period From To	17 Telephone Facsimile	
<p>For Official Use of the South African Revenue Service:</p> <p>Certificate of Origin (DA 46A1.01) No. / and Date</p> <p>Exporter Registration No: (Customs Code Number) Producer (Manufacturer) Registration No: (Customs Code Number)</p> <p style="text-align: right;"><i>(See overleaf for rules on completion of the Certificate)</i></p>			

To be printed on the reverse of the Textile Certificate of Origin

Rules for the preparation of the Textile Certificate of Origin as prescribed in 19 CFR 10.214, as amended in terms of the provisions published on pages 13825 to 13827 of the Federal Register Volume 68, No. 55 of 21 March 2003.

- (1) **Blocks 1 through 5** pertain only to the final article exported to the United States for which preferential treatment may be claimed;
- (2) **Block 1** should state the legal name and address (including country) of the exporter;
- (3) **Block 2** should state the legal name and address (including country) of the producer. If there is more than one producer, attach a list stating the legal name and address (including country) of all additional producers. If this information is confidential, it is acceptable to state 'available to Customs upon request' in block 2. If the producer and the exporter are the same, state 'same' in block 2;
- (4) **Block 3** should state the legal name and address (including country) of the importer;
- (5) In **Block 4**, insert the number and/or letter that identifies the preference group which applies to the article according to the description contained in the CFR provision cited on the Certificate for that group;
- (6) **Block 5** should provide a full description of each article. The description should be sufficient to relate it to the invoice description and to the description of the article in the international Harmonized System. Include the invoice number as shown on the commercial invoice or, if the invoice number is not known, include another unique reference number such as the shipping order number;
- (7) **Blocks 6 through 10** must be completed only when the block in question calls for information that is relevant to the preference group identified in block 4;
- (8) **Block 6** should state the legal name and address (including country) of the fabric producer;
- (9) **Block 7** should state the legal name and address (including country) of the yarn producer;
- (10) **Block 8** should state the legal name and address (including country) of the thread producer;
- (11) **Block 9** should state the name of the folklore article or should state that the article is handloomed or handmade;
- (12) **Block 10** should be completed only when the preference group identifier '8' and/or 'H' is inserted in block 4 and should state the name of the fabric or yarn that is in short supply in the NAFTA or that has been designated as not available in commercial quantities in the United States;
- (13) **Block 11** must contain the signature of the exporter or of the exporter's authorized agent having knowledge of the relevant facts;
- (14) **Block 15** should reflect the date on which the Certificate was completed and signed;
- (15) **Block 16** should be completed if the Certificate is intended to cover multiple shipments of identical articles as described in block 5 that are imported into the United States during a specified period of up to one year (see § 10.216(b)(4)(ii)). The 'from' date is the date on which the Certificate became applicable to the article covered by the blanket Certificate (this date may be prior to the date reflected in block 15). The 'to' date is the date on which the blanket period expires;
- (16) The telephone and facsimile numbers included in block 17 should be those at which the person who signed the Certificate may be contacted; and
- (17) The Certificate may be printed and reproduced locally. If more space is needed to complete the Certificate, attach a continuation sheet.

**African Growth and Opportunity Act
Application for a Visa**

1 Exporter Name & Address		3 Importer Name & Address	
2 Producer Name & Address		4 Preference Group	
5 Description of Article			
Group	<i>Each description below is only a summary of the cited CFR provision</i>	19 CFR	
1	Apparel assembled from U S fabrics and/or knit -to -shape components, from U S yarns All fabric must be cut in the United States.	10 213(a)(1)	
2	Apparel assembled from U S fabrics and/or knit -to -shape components, from U S yarns All fabric must be cut in the United States After assembly, the apparel is embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.	10 213(a)(2)	
3	Apparel assembled from U S fabrics and/or U S knit -to -shape components and/or U S and beneficiary country knit -to -shape components, from U S yarns and sewing thread The U S fabrics may be cut in beneficiary countries, or in beneficiary countries and the United States.	10 213(a)(3) or 10.213(a)(11)	
4	Apparel assembled from beneficiary country fabrics and/or knit -to -shape components, from yarns originating in the United States and/or one or more beneficiary countries.	10 213(a)(4)	
5	Apparel assembled or knit -to -shape and assembled, or both, in one or more lesser developed beneficiary countries regardless of the country of origin of the fabric or the yarn used to make such articles.	10 213(a)(5)	
6	Knit -to -shape sweaters in chief weight of cashmere.	10 213(a)(6)	
7	Knit -to -shape sweaters 50 percent or more by weight of wool measuring 21 5 microns in diameter or finer.	10 213(a)(7)	
8	Apparel assembled from fabrics or yarns considered in short supply in the NAFIA, or designated as not available in commercial quantities in the United States	10 213(a)(8) or 10.213(a)(9)	
9	Handloomed fabrics, handmade articles made of handloomed fabrics, or textile folklore articles – as defined in bilateral consultations.	10 213(a)(10)	
6 U S /African Fabric Producer Name & Address		7 U S /African Yarn Producer Name & Address	
		8 U S Thread Producer Name & Address	
9 Handloomed, Handmade, or Folklore Article		10 Name of Short Supply or Designated Fabric or Yarn	
(a)	I certify that the information on this document* and the attached continuation sheet(s) numbered to is complete and accurate and I assume the responsibility for proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document.		
(b)	I agree to maintain, and present upon request, documentation necessary to support this certificate.		
(c)	I apply for the issue of a visa in respect of the articles described above.		
* Delete whichever is not applicable and sign in full.			
11 Authorized Signature		12 Company	
13 Name: (Print or Type)		14 Title	
15 Date: (DD/MM/YY)	16 Blanket Period From To	17 Telephone Facsimile	
For Official Use of the South African Revenue Service:			
Visa No. ZA. Date Certificate of Origin No. / Date			
Exporter Registration No:		Producer (Manufacturer) Registration No:	
(Customs Code Number)		(Customs Code Number)	
<i>(See overleaf for rules on completion of the Visa)</i>			

To be printed on the reverse of the Application for a Visa

Rules for the preparation of the Application for a Visa, which are the same as those prescribed for the Certificate of Origin in 19 CFR 10.214 (as amended in terms of the provisions published on pages 13825 to 13827 of the Federal Register Volume 68, No 55 of 21 March 2003), except for omissions [in square brackets] or insertions (underlined).

- (1) **Blocks 1 through 5** pertain only to the final article exported to the United States for which preferential treatment may be claimed;
- (2) **Block 1** should state the legal name and address (including country) of the exporter;
- (3) **Block 2** should state the legal name and address (including country) of the producer. If there is more than one producer, attach a list stating the legal name and address (including country) of all additional producers. If this information is confidential, it is acceptable to state 'available to Customs upon request' in block 2. If the producer and the exporter are the same, state 'same' in block 2;
- (4) **Block 3** should state the legal name and address (including country) of the importer;
- (5) In **Block 4**, insert the number [and/or letter] that identifies the preference group which applies to the article according to the description contained in the CFR provision cited on the [Certificate] visa application for that group and the line reference on the export bill of entry. (The number inserted must correspond with the numerical identifier of the preference group stated on the Textile Certificate of Origin);
- (6) **Block 5** should provide a full description of each article. The description should be sufficient to relate it to the invoice description and to the description of the article in the international Harmonized System. Include the invoice number as shown on the commercial invoice or, if the invoice number is not known, include another unique reference number such as the shipping order number. Insert for the visa application the total quantity in whole numbers and unit of quantity of the shipment in brackets below the description of the goods (for example, 510 doz.) and as required in terms of rule 46A1.05(b)(ii);
- (7) **Blocks 6 through 10** must be completed only when the block in question calls for information that is relevant to the preference group identified in block 4;
- (8) **Block 6** should state the legal name and address (including country) of the fabric producer;
- (9) **Block 7** should state the legal name and address (including country) of the yarn producer;
- (10) **Block 8** should state the legal name and address (including country) of the thread producer;
- (11) **Block 9** should state the name of the folklore article or should state that the article is handloomed or handmade;
- (12) **Block 10** should be completed only when the preference group identifier '8' and/or 'H' is inserted in block 4 and should state the name of the fabric or yarn that is in short supply in the NAFTA or that has been designated as not available in commercial quantities in the United States;
- (13) **Block 11** must contain the signature of the exporter or of the exporter's authorized agent having knowledge of the relevant facts;
- (14) **Block 15** should reflect the date on which the [Certificate] visa application was completed and signed;
- (15) **Block 16** should be completed if the Certificate issued is intended to cover multiple shipments of identical articles as described in block 5 that are imported into the United States during a specified period of up to one year (see § 10.216(b)(4)(ii)). The 'from' date is the date on which the Certificate became applicable to the article covered by the blanket Certificate (this date may be prior to the date reflected in block 15). The 'to' date is the date on which the blanket period expires;
- (16) The telephone and facsimile numbers included in block 17 should be those at which the person who signed the [Certificate] visa application may be contacted; and
- (17) [The Certificate may be printed and reproduced locally.] If more space is needed to complete the [Certificate] visa application, attach a continuation sheet "