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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

ECONOMIC DEVELOPMENT DEPARTMENT

NO. 1173

16 SEPTEMBER 2019

**NOTICE IN TERMS OF SECTION 59 OF THE INTERNATIONAL TRADE
ADMINISTRATION ACT, 2002 (ACT NO. 71 OF 2002)****ADMINISTRATIVE FEES REGULATIONS**

By virtue of the powers vested in me in terms of section 59 of the International Trade Administration Act, 2002 (Act No. 71 of 2002), I Ebrahim Patel, Minister of Trade and Industry, hereby –

- (a) publish the regulations in Schedule A hereto for public comment; and
- (b) request that any comments in this regard be submitted to: Ms Linda Herbst on LHerbst@economic.gov.za, within fourteen (14) days from the date of publication of this Notice.



MR EBRAHIM PATEL
MINISTER OF TRADE AND INDUSTRY
DATE: 12 SEPTEMBER 2019

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REGULATIONS

Part A - Definitions

1. Definitions

In these regulations, unless the context indicates otherwise –

“Act” means the International Trade Administration Act, 2002 (Act No. 71 of 2002), as amended.

“Administrative fees” means the fees in terms of section 24(1)(b) of the Act and as set forth in Schedule 1.

“Applicant” means a person submitting an application for a permit.

“Commission” means the International Trade Administration Commission of South Africa, established in terms of section 7 of the Act, or its successor in law.

“Consumer Price Index” means the official measure of inflation in the Republic of South Africa.

“Export Regulations” means the provisions regulating the issuing of export permits by the Commission as set forth in the Government Gazette Notice on Export Control, as amended.

“Import and Export Control” means the Commission’s administrative unit responsible for the issuing of a permit.

“Import Regulations” means the provisions regulating the issuing of import permits by the Commission as set forth in the Government Gazette Notice on Import Control, as amended.

“ITAC” has the same meaning as the word “Commission”.

“Minister” means the member of Cabinet who may make these regulations in terms of section 59 of the Act.

“National Treasury” means the government department responsible for managing the national government finances of the Republic of South Africa.

“Non-profit companies” means a person regulated in terms of the Companies Act, 2008 (Act No. 71 of 2008), as amended.

“Permit” means, as applicable, an import or export control permit as provided for in section 26(1)(a) of the Act.

“Person” means a natural person or a juristic person.

“Trusts” means a person regulated in terms of the Trust Property Control Act, 1988 (Act No. 57 of 1988), as amended.

“Voluntary association” means an agreement between three or more persons to achieve a common object, primarily other than the making of profits.

Part B – General Provisions

2. Purpose

The purpose of these regulations is to prescribe administrative fees that are payable by an applicant when applying to Import and Export Control for a permit.

3. Application

- (a) The administrative fees are payable to the Commission when submitting an application for a permit to Import and Export Control.
- (b) The administrative fees are non-refundable, including where an application for a permit is rejected at any time after its submission to Import and Export Control.

4. Exemptions

- (a) Where pursuant to the Commission's Import Regulations or Export Regulations no permit is necessary for the importation or the exportation of goods into or from South Africa, respectively, such goods shall be exempted from the payment of the administrative fees
- (b) Non-profit organisations established for a public purpose – trusts, non-profit companies and voluntary associations – shall be exempted from the payment of the administrative fees for goods imported or exported in furtherance of such public purpose.
- (c) Notwithstanding the provisions of subsection (b), ITAC may review the exemption applicable to any good under that subsection and may revoke such exemption on a case-by-case basis.

5. Adjustment of fees

- (a) The administrative fees may be adjusted by a maximum of the Consumer Price Index, as published by National Treasury or its successor in law, or a higher amount at the discretion of the Minister.
- (b) If, in terms of subsection (a), the Minister increases the administrative fees in excess of the Consumer Price Index, the increase shall be undertaken in a transparent manner and the Commission shall publish the Minister's reasons for the increase on its official website.
- (c) An increase in administrative fees under subsection (a) will be effective on 1 April of each year.
- (d) The Commission must publish the amount of administrative fees on its official website and must update the notice whenever the administrative fee is adjusted in terms of subsection (a).

6. Short title and commencement

- (a) These regulations may be cited as the ITAC Administrative Fees Regulations, 2019.

SCHEDULE 1

Administrative Fees

1. The initial amounts of the administrative fees payable by an applicant for a permit issued by Import and Export Control are as follows:
 - (a) Import permit: R900 (Nine Hundred Rand); and
 - (b) Export Permit: R900 (Nine Hundred Rand).