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## GOVERNMENT NOTICE?

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### DEPARTMENT OF TRADE AND INDUSTRY

No. R. 397

28 April 2006

## INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

International Trade Administration Act, 2002

(Act No. 71 of 2002)

### TARIFF INVESTIGATIONS REGULATIONS

The Minister of Trade and Industry has, in terms **of** section 59 of the Act, made the regulations as set **out** in the Schedule hereto.

# **REPUBLIC OF SOUTH AFRICA**

## **THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION**

### **TARIFF INVESTIGATIONS REGULATIONS**

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## REGULATIONS

### Part A – Definitions

#### 1. Definitions

“**applicant**” means a party submitting an application as provided for in section 6 for purposes of initiating an investigation under section 2.

“**Commission**” means the International Trade Administration Commission of South Africa established in terms of section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002).

“**correspondence**” means any written communication by a party submitted by hand delivery, mail, facsimile or electronically to the Commission for purposes of an investigation under section 2.

“**customs duty**” means ordinary customs duties as contained in Part 1 of Schedule No. 1 of the Customs and Excise Act, 1964 (Act. No. 91 of 1964).

“**deadline**” shall be interpreted as the final date for submissions, responses, comments and requests and the like to the Commission as envisaged by the different sections of these Regulations, and shall be deemed to be at 15h00 South African standard time on the deadline indicated, unless expressly otherwise indicated.

“**good cause**” for an extension of the submission of information does not include merely citing insufficient time to complete such submission.

“**interested parties**” means parties that have a direct interest in an investigation and may include the applicant, producers in SACU, exporters, importers, or trade or business associations whose members are SACU producers, exporters or importers. This does not preclude the Commission from accepting other parties as interested parties at the behest of the Commission.

“**Main Act**” refers to the International Trade Administration Act, 2002 (Act No. 71 of 2002);

“**Minister**” means the member of the Cabinet, which body is referred to in section 91 of the Constitution, responsible for trade and industry;

“**SACU**” means the Southern African Customs Union established by Article 3 of the SACU Agreement.

“**SACU Agreement**” means the Agreement establishing SACU, as referred to in the *Main Act*.

“**Tariff Board**” means the **SACU** Tariff Board established by Article 7 of the **SACU** Agreement.

## Part B – General Provisions

### 2. Scope of regulations

These regulations apply exclusively to investigations with regard to the reduction or increase in the rate of a customs duty and the creation or removal of rebate or drawback provisions with regard to a customs duty.

### 3. Confidentiality

**3.1** Parties providing confidential information in any correspondence shall at the same time submit non-confidential summaries thereof. These summaries shall –

- (a) indicate in each instance where confidential information **has** been omitted;
- (b) indicate, in each instance where confidential information has been omitted, the reasons for confidentiality; and
- (c) be in sufficient detail to permit other interested parties a reasonable understanding of the substance of the information submitted in confidence.

**3.2** Where information does not permit summarisation, reasons should be provided why the information cannot be summarised.

**3.3** The following list indicates “information that is by nature **confidential**” as per section 33(1)(a) of the *Main Act*, read with section 36 of the *Promotion of Access to Information Act, 2000* (Act 2 of 2000):

- (a) management accounts;
- (b) financial accounts of a private company;
- (c) actual and individual sales prices;
- (d) actual costs, including cost of production and importation cost;
- (e) actual sales volumes;
- (f) individual sales prices;