

## GENERAL INFORMATION ON THE IMPORT OF GOODS INTO THE REPUBLIC OF SOUTH AFRICA

The following is a summary of information available at the South African Revenue Services (SARS) website, under the Customs and Excise Tab: <http://www.sars.gov.za/ClientSegments/Customs-Excise/Pages/default.aspx>

### 1. IMPORTS

1.1 Goods arrive in the Republic by one of the following modes of transport: Air, Sea, Road, Rail or Post. In order for Customs to safeguard any revenue due to the State and ensure compliance with national legislation, the importer must declare to Customs what they have brought into the country and the mode of transport used. If goods arrive in the country via the post, a different process is followed.

1.2 The importation of a variety of goods is either totally prohibited or may be subject to inspection by other authorities. See the Consolidated list of prohibited and restricted Imports.

1.3 Under what processes may goods be imported into the Republic?

Goods may enter the Republic and be declared through one of these processes:

- home consumption i.e. direct entry into SACU countries (duty is paid on importation or under rebate / relief from duties under specific circumstances / conditions);
- warehousing (pending payment of duty or re-export)
- transit / in bond movements within the country or through South Africa beyond the borders of SACU;
- temporary admission into SACU including inward processing (for manufacturing purposes and subsequent exportation).

1.4 How long does it take to make a declaration?

National legislation gives an importer / agent seven days (an additional seven days in which to make due entry for loose or break bulk cargo, imported by sea, air or rail i.e. 14 days) or 28 days in the case of goods in a container depot, in which to clear goods from the time they have landed in the Republic.

1.5 What happens if goods are not declared on time?

These may be removed and detained in a State Warehouse. It must be noted that certain goods will require an import permit, which must be produced at the time of clearance. Application for Import Permits must be made to The Department of Trade and Industry (Contact telephone number +27 12 - 428 7000).

1.6 What is the clearance process?

The clearance process includes accepting and checking the goods declaration against the documents produced (invoice, bill of lading, certificate of origin, permits, etc.), examination of the goods if necessary and the assessment and collection of duty and VAT. Customs may require additional information and may also request samples.

Customs may also detain goods for other Government departments. The relevant Government department will then ensure compliance with their applicable laws, regulations and rules.

## 2. TRAVELLERS

2.1 Customs is responsible for protecting South African borders so that authorised travellers and legitimate goods can pass freely. We do this by using world-class risk management technology and customs checks carried out by our officers at sea, land and airports.

2.1 If you are planning to travel into or out of South Africa, there are rules about what goods you can bring with you. Please note that heavy penalties for smuggling are in force, so:

- never carry anything into South Africa for someone else;
- never bring prohibited goods into South Africa. These are;
- Narcotic, psychotropic substances and habit-forming drugs in any form and any paraphernalia relating to the aforementioned
- Fully automatic, military and unnumbered weapons, explosives and fireworks and weapons of mass destruction
- Poison and other toxic substances
- Cigarettes with a mass of more than 2 kilogram per 1 000

Goods to which a trade description or trademark is applied in contravention of any Act (for example, counterfeit goods)

- Unlawful reproductions of any works subject to copyright
- Prison-made and penitentiary-made goods

If you are driving, make sure that everyone travelling with you knows which goods are prohibited or restricted.

- if you smuggle goods into South Africa in a car, our officers may seize the car;
- if you are in doubt, speak to an officer in the red channel

### **3. PROHIBITED, RESTRICTED AND COUNTERFEIT GOODS**

3.1 The main difference between prohibitions and restrictions are -

- prohibited goods are never allowed to enter or exit South Africa under any circumstances
- restricted goods are allowed to enter or exit South Africa only in certain circumstances or under certain conditions, for example on production of a permit, certificate or letter of authority from the relevant government department, institution or body.

3.2 SARS administers certain prohibitions or restrictions in terms of section 113(8)(a) of the Customs and Excise Act, 1964 on behalf of a number of government departments, institutions or bodies, for example the National Department of Agriculture, the South African Bureau of Standards (SABS), the South African Reserve Bank (SARB), to name a few.

3.3 Prohibitions and restrictions are not limited to goods carried by travellers, but are applicable on all modalities of transport (road, rail, air, sea, post or other). This means that products subject to any prohibitions or restrictions will be subject to those no matter in what form of package or packaging they are imported or exported.

3.4 The prohibitions and restrictions from all different government departments, institutions or bodies are incorporated in the Consolidated Lists of Prohibited and Restricted Imports and Exports, which are supplied here for ease of reference.

3.5 The list is categorised according to the tariff structure of the Harmonised Commodity Coding and Description System – commonly known as the HS Tariff or Tariff Book whereby goods are classified upon importation or exportation:

- Consolidated list of Prohibited and Restricted Exports and Imports

### 3.6 Examples of prohibited goods:

- Narcotic and habit-forming drugs in any form
- Fully automatic, military and unnumbered weapons, explosives and fireworks
- Poison and other toxic substances
- Cigarettes with a mass of more than 2kg per 1000
- Goods to which a trade description or trademark is applied in contravention of any Act (for example, counterfeit goods – see below)
- Unlawful reproductions of any works subject to copyright
- Prison-made and penitentiary-made goods

### 3.7 Examples of restricted goods:

- Currency: South African bank notes in excess of R25 000, gold coins, coin and stamp collections and unprocessed gold.
- Endangered plants and animals: Species of plants or animals that are listed as endangered, whether they are alive or dead. The restriction includes any parts of or articles made from them.
- Food, plants, animals and biological goods: All plants and plant products, such as seeds, flowers, fruit, honey, margarine and vegetable oils. All animals, birds, poultry and products thereof, for example, dairy products, butter and eggs.
- Medicines: Travellers are allowed to bring in no more than three months' supply of pharmaceutical drugs and medicines for their personal use. All other pharmaceutical drugs and medicines have to be declared and have to be accompanied by a letter or certified prescription from a registered physician.

#### Note:

**If you are in any doubt whether any goods that you intend to bring into South Africa are prohibited or restricted, please contact your nearest South African Embassy/High Commission abroad or the nearest Customs office in South Africa (the contact details for all SARS offices can be found under “Contact Us”).**

### 3.8 Counterfeit goods

One of the main purposes of the Counterfeit Goods Act, 1997 (Act No. 37 of 1997) is to prevent the release of counterfeit goods into the local market of South Africa.

- 3.9 SARS officials may, in terms of section 113A of the Customs and Excise Act, 1964, detain any goods upon importation into South Africa to ascertain whether the goods are indeed counterfeit goods as contemplated in the Counterfeit Goods Act, 1997. These actions are carried out on behalf of the Department of Trade and Industry under whose authority the Counterfeit Goods Act, 1997 is administered (as provided for in section 15(1) of the Counterfeit Goods Act, 1997).
- 3.10 The following actions or goods are prohibited and will be included in ascertaining whether actions/goods are complying with the requirements contemplated in the Counterfeit Goods Act, 1997 or not:
- Being in possession of or having control over counterfeit goods for the purpose of dealing therein;
  - Manufacturing, producing or making of counterfeit goods, including the keeping, storing or packing thereof, other than for private and domestic use;
  - Counterfeit goods being exposed for sale or being sold, hired out, bartered or exchanged;
  - Counterfeit goods being exhibited in public for purposes of trade;
  - Counterfeit goods being distributed for trade or other purposes;
  - Counterfeit goods being imported into or through or exported from South Africa; or
  - The act of dealing in counterfeit or suspected counterfeit goods.
- 3.11 Section 15(1) of the Counterfeit Goods Act, 1997 entitles an owner of intellectual property to apply to the SARS Commissioner to seize and detain goods incorporating specific intellectual property rights during a particular period and calculate the infringement that might exist in terms thereof, or assist with the protection of that right for that period. This application is referred to as a Section 15 Application and must be forwarded to the National Coordinator: Counterfeit Goods, Lehae La SARS, 299 Bronkhorst Street, Nieuw Muckleneuk, Pretoria, or Private Bag X923, Pretoria, 0001 for consideration.
- 3.12 Intellectual property rights are defined in section 1 of the Counterfeit Goods Act, 1997 and include goods containing trademarks, copyright or specific marks regulated under the Trade Marks Act, 1993, the Copyright Act, 1978 or the Merchandise Marks Act, 1941, respectively.