**Port Tariff Incentive Programme**

*Supporting Beneficiation, Industrialisation, and Localisation through Port Tariff Regulation*

**Application Form**

The contents of this form have been developed in line with the provisions of the Port Tariff Incentive Programme (PTIP) as published by the Ports Regulator of South Africa. All applications, reviews, and decisions taken will be in accordance with South African legislation, and State policy and objectives.

All correspondence relating to the PTIP, as well as applications for a tariff amendment may be addressed to the Ports Regulator of South Africa -

11th Floor, The Marine Building, 22 Dorothy Nyembe Street, Durban, 4001

Contact: 031 365 7800. Email: info@portsregulator.org / comments@portsregulator.org

NOTES:

1. It is imperative to study the contents of the document titled “Port Tariff Incentive Programme”, which can be found on PRSA’s website (www.portsregulator.org), before completing this application form.
2. Applicants may submit any further information or comments considered to be relevant to the application, which may not specifically be called for in the questionnaire. The application should include a duly signed affidavit on the company’s letterhead averring the accuracy of the information being provided, accompanied by a cover letter signed by the CEO of the applying company authorising the submission of the application.
3. The statistical information may be given for either calendar years or financial years, but the basis selected should be stated.
4. All applications will be received by the Ports Regulator of South Africa (PRSA / the Regulator) and will be submitted to the National Ports Authority as well as the Department of Trade and Industry (thedti), or the Department of Transport (DoT) for analysis and endorsement purposes.
5. The Regulator, the NPA, and all Government departments reserve the right to verify all information provided.
6. All endorsed applications received by the NPA will form part of the NPA’s tariff application to the Regulator and will be published for public comment as an annexure to the Tariff Application.
7. Confidential information relating to the financial information of the applicant and the like will remain confidential. If the applicant has any further information which it would like to remain confidential, it must be submitted in writing with reasons therefor.

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| **Definitions** |
| **Applicant**: | **The party submitting an application as provided for purposes of initiating an investigation.** |
| Applied Rates: | **The prevailing tariff rate as contained in the latest National Ports Authority tariff book.** |
| Coastal Shipping | 1. **any navigational service carried out in a port in the Republic to serve a ship and a port facility or any navigational service carried out for logistics support of a ship and a port facility in the sea in the activities of prospecting and mining of minerals and hydrocarbons; or**
2. **the carriage of cargo by a ship from one place in the Republic or above the sea to any other place in the Republic or above the sea, either directly or through a place outside the Republic and includes the carriage of cargo in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the Republic, whether in or under the sea, provided that this shall not apply to cargo which is consigned on a through bill of lading to or from a port outside the Republic and is unloaded at a port within the Republic for transhipment purposes only; or**
3. **the towage of any ship from or to any port or point in the sea.**
4. **the carriage of fee paying passengers by a ship from any place in the Republic either directly or through a place outside the Republic to the same place or to any other place in the Republic without any call at any port outside the Republic, other than as an in-transit or emergency call;**
5. **the carriage of a passenger other than a fee paying passenger by a ship from any place in the Republic to any place above or under the sea, or from any place above the sea to the same place or to any other place above or under the sea where the carriage of the passengers is in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources in or under sea; and (f) any ocean research activity in the sea using a ship.**
6. **Any ship related service provided to an installation.**
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| Coastwise traffic and coasting ships: | **defined in the Customs and Excise Act 91 of 1964 as amended.** |
| Commission: | **in terms of maritime safety information system is where an institution or person makes a mistake (negligence) that causes damage or loss. The accountability remains with the coastal State.** |
| Competent Authority: | **any person or organisation that has the legally delegated or invested authority, capacity, or power to perform a designated function.** |
| Comprehensive Maritime Transport Policy: | **CMTP / that component of national policy relating to all forms of transport by sea (waterborne transport) including inland waterways and intermodal links (including inland ports) of the state. It covers all types of infrastructure to support movements of goods and people; off-shore industries and is concerned with creating the conditions for a safe, secure and stable environment within which all national maritime assets can develop and be utilised for the socio-economic growth and prosperity of the nation whilst being of service to international shipping and trade.** |
| **Confidential Information:** | 1. **By nature confidential; or**
2. **Recognised in terms of the ITAA to be otherwise confidential.**

**“Information that is by nature confidential” means trade, business or industrial information that:**1. **Belongs to a person, firm or the State,**
2. **Has a particular economic value, and**
3. **Is not generally available to or known by others, and the disclosure of which could:**
	1. **Result in a significant adverse effect on the owner, or on the person or firm that provided the information, or**
	2. **give a significant competitive advantage to a competitor of the owner.**
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| **Correspondence** | **Any written communication by a party submitted by hand delivery, mail, facsimile or electronically to the Commission for purposes of the investigation.** |
| **Deadlines** | **The final date for submissions, responses, comments and requests and tariff application regulations, and shall be deemed to be at 16:00 South African standard time on the deadline indicated, unless expressly otherwise indicated.** |
| **thedti** | **The Department of Trade and Industry of the Republic of South Africa.** |
| **DoT** | **The Department of Transport of the Republic of South Africa.** |
| **Domestic Industry** | **Also referred to as the SACU industry. It refers to all the domestic producers (i.e. the SACU industry) of the like products, or those whose collective output of the products constitutes a major proportion of the total domestic production of those products.** |
| **Domestic Market / Sales** | **It refers to the domestic market or sales in the country of origin of the allegedly dumped products i.e. the domestic market and domestic sale of the exporting country.** |
| **Evidence** | **Substantiated information that is presented by an “interested party” as proof of its statements or initial allegations.** |
| **Exchange Rates** | **The price at which one currency is exchanged for another based on the prevailing supply and demand conditions in the foreign currency markets at a given time.** |
| **Ex-Works** | **In accordance with the International Commercial Terms (“Incoterms”) 2010, Ex-Works (EXW) refers to all the costs incurred by the seller up to the point where he places the goods at the disposal of the buyer on the seller’s premises, i.e. not cleared for export and not loaded on any collecting vehicle. See Ex-works.**  |
| **Export** | **Bringing or sending goods, or to cause them to be brought or sent, into South Africa from a country or territory outside South Africa.** |
| **Exporter** | **Any person or company who brings or sends goods, or causes them to be brought or sent, into South Africa from a country or territory outside South Africa. The Guide’s reference to “exporter” includes the overseas manufacturer of the product under investigation.** |
| **Export Price** | **The price actually paid or payable for goods sold for export, net of all taxes, discounts and rebate actually granted and directly related to that sale.** |
| **Export Subsidies** | **It refers to the provision by a Government of a direct subsidy to a firm or an industry, contingent upon export performance.** |
| **Ex-works** | **The seller delivers when he places the goods at the disposal of the buyer, at the seller’s premises or another named place not cleared for export and not loaded on any collecting vehicle. See Ex-Works.** |
| **Facts Available** | **The information that is available to ITAC at the time of making its determination, whether preliminary or final provided that all requirements regarding non-confidentiality and timely submission have been met.**  |
| **Fair Trade Remedy** | **A safeguards measure is considered to be a fair trade remedy, since it is used in addressing a practice, which is not an unfair trade remedy. See Unfair Trade Remedy.** |
| **Filing of Information** | **All case-related documents and working papers should be filed in a sequence, preferably in a chronological order, and clearly labelled with a file number and identification number, together with a detailed index to the documents.**  |
| **Final Determination** | **After considering comments received on the preliminary report, the Regulator will inform “interested parties” of its final determination concerning the publication of its final report.**  |
| **Free on Board** | **The International Chamber of Commerce (“ICC”) Incoterms 2010 defines that the seller has delivered the goods when it passes the ship’s rail at the named port of shipment.** |
| **Goods** | **It includes:**1. **All wares, articles, merchandise, animals, currency, material or objects of whatsoever nature; and, in relation to any particular goods,**

**Any other goods that are reasonably capable of being substituted for them (taking into account ordinary commercial practice and geographical, technical and temporal constraints).** |
| **Industrial Policy** | **Any government regulation, intervention or law that aims to encourage the ongoing operation of, or investment in, a particular industry.**  |
| **Import** | **Bringing goods, or causing them to be brought, from outside South Africa into South Africa.** |
| **Import Statistics** | **The figures depicting the volume, value, and unit price of imported products. Also referred to as trade statistics.** |
| **Importer** | **Includes any person who, at the time of importation:****(1) Owns the goods imported;****(2) Carries the risk of any goods imported;****(3) Represents the importer, or acts as if he is the importer or owner of any goods imported;****(4) Actually brings the goods into South Africa or the SACU;****(5) Is beneficially interested (in whatever way) in any goods imported; and****(6) Acts on behalf of any person referred to in the aforementioned.** |
| **Incoterms** | Refers to the ICC’s International Commercial Terms and its latest revision, Incoterms 2010. The purpose of Incoterms is to provide a set of international rules for the interpretation of the most commonly used trade terms in foreign trade. |
| **Interested Party (ies)** | **It includes:** **An exporter or the foreign manufacturer of the importer of a product that is subject to investigation, or a trade or business association (a majority of the members of which are manufacturers, exporters or importers of such product);** **The Government of the exporting Member; and** **A producer of the like product in the importing Member’s country, or a trade and business association of the majority of the members that produce the like product in the territory of the importing Member.** |
| **Levels of Trade** | **Used to indicate whether the product is sold to a wholesaler, retailer, end-user, through an agent, etc.** |
| **Like Products/services** | **The term “like product (*produit similaire*)” is interpreted as meaning a product that is identical, i.e. is denoting alike in all respects to the product under consideration, or in the absence of such a product, another product which although not alike in all respects has characteristics closely resembling those of the product under consideration.****Also referred to as “directly competitive product or service”, which means a product that competes directly with the product under investigation.** |
| **Macro Economics** | **The study of the sum total of economic activity, dealing with the issues of, amongst others, growth, inflation, and unemployment.** |
| **Material Retardation** | **It occurs when imports materially hinder or retard the establishment of an industry. Such form of injury can only be allowed in instances where production has not yet started.** |
| **Micro Economics** | **The study of how individuals and businesses make decisions and how these decisions affect the prices and output of goods and services.** |
| **NPA / the Authority** | **National Ports Authority as defined in the National Ports Act, 12 of 2005.** |
| **Non-Confidential Information** | **Non-confidential information should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.****All correspondence submitted not clearly indicated to be confidential shall be treated by the PRSA/NPA/dti/DoT as non-confidential.** |
| **Normal Value** | **It means:*** **The comparable price paid or payable in the ordinary course of trade for like goods intended for consumption in the exporting country or country of origin; or**
* **In the absence of information on a price contemplated above, either:**
* **The constructed cost of production of the goods in the country of origin when destined for domestic consumption, plus a reasonable addition for selling, general and administrative costs and for profit;**

**Or****The highest comparable price of the like product when exported to an appropriate third or surrogate country, as long as that price is representative.** |
| **Ports Regulator of South Africa/PRSA** | **The Ports Regulator of South Africa as established by the National Ports Act, 12 of 2005.** |
| **Public Body** | **It includes a person, firm or body that acts on behalf of the Government of or another public body within a country.** |
| **Subsidy (ies)** | **Is deemed to exist if a benefit is conferred on products at Government expense, for a specific action being taken such as exporting.** |
| **Subsidised Exports** | **Goods exported into the SACU, in respect of which the Government of or a public body within any country:**1. **Has provided:**
	1. **Any form of financial aid,**
	2. **Any form of assistance with its production, manufacture, transportation or export, or**
	3. **Any similar assistance, or**

**(ii) Has foregone any revenue that would otherwise be due to that Government or public body.** |
| **World Trade Organisation** | **Came into existence on 1 January 1995 as a result of the Uruguay Round of Trade Negotiations, and has been responsible for overseeing the multilateral trading system.** |
| **International Maritime Organisation** | The International Maritime Organisation, known as the Inter-Governmental Maritime Consultative Organisation until 1982, is a specialised agency of the United Nations responsible for regulating shipping. |

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| **Port Tariff Incentive Programme****Application for an amendment to a tariff line in line with the provisions of the PTIP** |
| **Summary of Application for Public Comment** |
| **General:** |
| Name of Organisation |  |
| Relevant Industry  |  |
| Description of Goods Handled / Type of Business |  |
| **Tariff Details:** |
| **Current Tariff** |
| Year |  |
| Applicable Tariff Category |  |
| Unit of Measurement |  |
| Tariff in ZAR |  |
| Export or Import |  |
| **Proposed Tariff** |
| Year |  |
| Applicable Tariff Category |  |
| Unit of Measurement |  |
| Tariff in ZAR |  |
| Export or Import |  |
| Duration Requested |  |
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| **Other** |
| Provide a brief statement of the reason(s) for the application. |
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| Provide information and details of any relevant industry representative organisations. |
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| How do you support or plan to support the participation in manufacturing and/or related activities by small businesses, black-owned or black-managed enterprises and local supply chains? |
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| In order to enable an understanding of the impact that the proposed reduction would have on employment, provide the number of jobs to be created and/or retained if tariff relief is granted and substantiate these estimates. |
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End of Summary.

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| 1. Applicant Details
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| Should an interested party wish to be represented by a third party in an investigation, the **interested** party must provide a letter of appointment of its representative, detailing the identity of the representative and the scope and duration of the representation. |
| **Name of Business / Applicant** |  |
| **Trade Name** |  |
| **CC Number / ID Number** |  |
| **Tax Number** |  |
| **Business Address** |  |
|  |  |
|  |  |
| **Province** |  |
| **Postal Code** |  |
| **Contact Person** |  |
| **Contact Number (w)** |  |
| **Contact Number (m)** |  |
| **Email Address** |  |
| **Website Address** |  |
| **Description of Goods handled / Type of Business** |  | **Business Type:** | Wholesaler RetailerManufacturer Other |

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| 1. Current Tariff Applicable
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| **Year** |  |
| **Applicable Tariff Category** |  |
| **Unit of Measurement** |  |
| **Tariff in ZAR** |  |
| **Export or Import** |  |

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| 1. Requested Tariff
 |
| **Year** |  |
| **Applicable Tariff Category** |  |
| **Unit of Measurement** |  |
| **Tariff in ZAR** |  |
| **Export or Import** |  |
| **Duration Requested** |  |

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| 1. Reasons for Application
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| Provide a brief statement of the reason(s) for the application. Please note that the particulars given will form the basis of the application and may be made available to the public. |
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| 1. Product/service Details
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| Provide a technical description of the product or service and describe or provide a diagram of the position of the product in the value chain (i.e. input product, intermediate product or end product or logistics chain). |
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| 1. Market / Industry Details
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| Provide information and details of any relevant industry representative organisations. Please note that the particulars given will form the basis of the application and may be made available to the public. |
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| 1. Trade Information
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| * + - 1. **Furnish the company’s recent three-year information on market and trade data and indicate the proportion of the total allocated to the product being the subject of the application, where applicable (i.e. where the subject product is an intermediate product, which is used by the applicant in the production of another product please also provide figures for the relevant end product). Use Spreadsheet One to submit the information. Or alternatively, furnish the equivalent information with regards to the service subsidy required.**
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| * + - 1. Is the applicant receiving any financial, capital or other form of support from any Government Department or Government Institution in South Africa? If so, provide the details about the type, duration and the extent of the already acquired support. Please provide supporting documentation.
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| * + - 1. Provide the present cost and price structure of the subject product or service: Use Spreadsheet Two to submit required information.
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| * + - 1. In the case of a cargo dues, If the product is further processed by your firm or being used in the processing of another product, furnish the following details of the present cost and price structure. Use Spreadsheet Three for submitting the relevant information.
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| * + - 1. Give an assessment (consumer benefit or downstream benefit to a specific industry) of how your cost and price structure would be affected should the application succeed. To what extent will your firm's selling price for the product/service be influenced should the application for amendment in the tariff be successful?
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| * + - 1. How do you support or plan to support the participation in manufacturing and/or related activities by small businesses, black-owned or black-managed enterprises and local supply chains? Please note that the particulars given will form the basis of the application and may be made available to the public.
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| * + - 1. In order to enable an understanding of the impact that the proposed reduction would have on employment, provide the number of jobs to be created and/or retained if tariff relief is granted and substantiate these estimates. Please note that the particulars given will form the basis of the application and may be made available to the public.
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| * + - 1. Where you contend that the proposed import/export tariff relief is necessary to protect, maintain and/or increase market share, provide an explanation as to how this will be achieved.
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| * + - 1. Furnish information pertaining to the impact on investment by the applicant, if tariff relief is granted, and substantiate this submission.
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| 1. Supporting Documentation Checklist
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| Latest Audited Financial Statements |  |
| Original Tax Certificate (if applying as a company and not an industry) |  |
| Invoices, and supporting documents as evidence of cost structure |  |
| Documentation relevant to any trade agreement in place |  |
| Documentation as evidence of any funding received |  |
| Spreadsheet One |  |
| Spreadsheet Two |  |
| Spreadsheet Three |  |
| Spreadsheet Four |  |
| Spreadsheet Five |  |

**Declaration by Applicant**

I, the undersigned, am duly authorised to submit this Form, and I do hereby declare and state that the information contained herein, together with the supporting documentation, is to the best of my knowledge true and correct.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_ in year \_\_\_\_\_\_\_\_.

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**Name:**

**Designation:**

**Witness**

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**Name:**