

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

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NOTES:

- i) 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.
- ii) 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.
- iii) The statistical information may be given for either calendar years or financial years, but the basis selected should be stated.
- iv) 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.
The Regulator, the NPA, and all Government departments reserve the right to verify all information provided.
- v) 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.
- vi) 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.
- vii)

Definitions

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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	<p>a) 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</p> <p>b) 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 transshipment purposes only; or</p> <p>c) the towage of any ship from or to any port or point in the sea.</p> <p>d) 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;</p> <p>e) 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.</p> <p>f) Any ship related service provided to an installation.</p>
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:	<p>(a) By nature confidential; or</p> <p>(b) Recognised in terms of the ITAA to be otherwise confidential.</p> <p>“Information that is by nature confidential” means trade, business or industrial information that:</p> <p>(a) Belongs to a person, firm or the State,</p> <p>(b) Has a particular economic value, and</p> <p>(c) Is not generally available to or known by others, and the disclosure of which could:</p>

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	(i) Result in a significant adverse effect on the owner, or on the person or firm that provided the information, or (ii) give a significant competitive advantage to a competitor of the owner.
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.

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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: (a) 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 (<i>produit similaire</i>)” 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.

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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: <ul style="list-style-type: none"> - 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; <p>Or</p> <p>The highest comparable price of the like product when exported to an appropriate third or surrogate country, as long as that price is representative.</p>
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: (i) Has provided: (aa) Any form of financial aid, (bb) Any form of assistance with its production, manufacture, transportation or export, or (cc) 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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	* TNPA Tariff Book 23rd Edition 2024/2025				
Unit of Measurement	metric ton				
Tariff in ZAR	Page Number	Section	Item of Import	Current Rate	Proposed rate
	22	7.2.5	Clinker	18.49	6
	22	7.2.14	Gypsum	18.49	6
	* TNPA Tariff Book 23rd Edition 2024/2025				
Export or Import	Import				
Duration Requested	99 years				
<u>Other</u>					
Provide a brief statement of the reason(s) for the application.					
<p>Cargo dues form a significant component of the cost structure and impact the feasibility of the investment in the Coega Project. The tariff relatable to the raw materials proposed to be imported by the Company is significantly higher when compared to other similar bulk commodities.</p> <p>We request that the Ports Regulator reviews the tariffs as per this request in order to facilitate the following benefits for all concerned:</p> <ul style="list-style-type: none"> The Eastern Cape still remains a cement deficient market despite the presence of Cemza. If this application is approved it will allow additional investment into cement manufacturing capacity thereby increasing local production, driving out imports and generating additional tax revenues for SARS. Cemza has created close to 500 Local jobs. More investment will lead to further job creation to the tune of additional 500 through doubling of capacity. By increasing volumes of trade through TNPA for the raw materials, it will generate more revenue for the Port Authority. <p>Cemza is currently uncompetitive on exports. By reducing the tariffs on raw materials, the company will be able to focus on exports and explore foreign markets which increases revenues for the tax authorities and Port authority (export oriented).</p> <p>This application is being made for a review of the tariff to R6 for the below products:</p> <ol style="list-style-type: none"> Clinker Gypsum 					

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Provide information and details of any relevant industry representative organisations.
Currently, there is no industry representative organization for the cement sector in South Africa.
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?
<p>The Coega Development Corporation has an integrated focus on the specific developments as mentioned above. Being an investor in the IDZ, Cemza aligns itself with the policies and programmes of the CDC and tap into their BEE, SMME, databases in order to source the appropriate skills in the provision of services for the factory.</p> <p>In addition to creating number of jobs (approximately 500, direct and indirect), Cemza has created 27 new jobs for young people through their local learnership programs and 34 individuals have been upskilled and trained since the inception of these programs. Cemza procures the services of between 50 and 100 local black-owned companies, which provide various services including logistics, security, engineering, cleaning and accommodation.</p>
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.
<p>Currently Cemza provides approximately 500 direct and indirect employment opportunities. Indirect employment is based on the procurement of services of between 50 and 100 local black-owned companies, which provide various services including logistics, security, engineering, cleaning, environmental, maintenance and accommodation. Additionally, Cemza facilitates learnerships in association with universities and colleges in the Eastern Cape.</p> <p>Tariff relief will have a positive effect on production costs, result in higher production and sales volumes and sustained labour requirements.</p>

End of Summary.