

CUSTOMS PRACTICE NOTE

TRANSPORTATION OF CARGO (COVID-19)

(Amendment of Regulation 11(B)(1)(a)(iii) to the Disaster Management Act, 2002)

The above-mentioned amendment to the regulations published on 02 April 2020 aims to ease escalating port congestion by providing for the *“transportation of cargo from ports of entry to their intended destination, on condition that necessary precautions have been taken to sanitise and disinfect such cargo.”*

In respect of the above amendment, and taking into consideration the restrictions contained in the Regulations aimed at reducing the spread of COVID-19 infections, SARS wishes to advise taxpayers as follows:-

- 1) The requirement to clear all import, export or transit cargo timeously as prescribed in the Customs and Excise Act, 1964 (Act No. 91 of 1964) remains unchanged.
- 2) All cargo may be evacuated from ports of entry to their intended destination, provided that such cargo:-
 - a) has been sanitised in a manner, at a time, and by such a person as may be prescribed by the relevant Government Department; and
 - b) has been customs cleared and released prior to removal, or is removed (e.g. to City Deep) by an approved container operator on the basis of a manifest submitted to SARS; and
 - c) is delivered to an approved or licensed temporary storage facility (e.g. container terminal, container depot, sea or air transit shed, air de-grouping depot, railway station, etc) located at the intended destination of the cargo.
- 3) Once goods have been removed from a port of entry to a temporary storage facility, the physical delivery thereof to any consignee is subject to the restrictions imposed by the Regulations in respect of essential services and goods for the duration of the lockdown.
- 4) Essential goods may be delivered from temporary storage facilities to consignees who perform essential services, subject to a valid customs clearance and release and, where applicable, any release authorisation by the relevant Government agency.
- 5) Non-essential goods must be stored at temporary storage facilities, or at the premises of a trade intermediary (e.g. a carrier) or any other facilities approved by SARS for that purpose, and may not be delivered to consignees by that facility or person until the lockdown period has expired.
- 6) Non-essential goods kept at temporary storage facilities during the lockdown period and which have been cleared for customs procedures relating to warehousing, transit or processing (e.g. rebate) retain their status relating to the suspension of duty and VAT for the period of the lockdown.

- 7) In respect of high-risk cargo stopped for examination, Customs will scan the cargo where possible and, if a physical examination is required, the cargo must be moved to a temporary storage facility or such other place as directed. Upon conclusion of the examination, the cargo must further be dealt with as set out in paragraphs (4) and (5) above.
- 8) The removal of essential cargo under international transit, transshipment or export procedures to neighbouring countries continues as provided for under paragraph 28 of Annexure B of the Regulations.
- 9) The exportation of essential cargo continues, subject to any further restrictions imposed by ITAC or by the country of destination.

Notes:-

- a) Customs practice notes issued in relation to the COVID-19 pandemic may be subject to amendments at short notice in order to reflect any changes in the Regulations to the Disaster Management Act, 2002, or to address any operational measures that may result from that.
- b) Contractual obligations and other requirements between carriers and the owners of goods being transported are not covered by the Practise Note and these will be addressed directly between the parties.