

Customs (Export to the Southern African Development Community Certificate) Regulations 2000

GN 184/2000

THE CUSTOMS ACT

Regulations made by the Minister under Section 163 of the Customs Act 1988

1. These regulations may be cited as the Customs (SADC Certificate of Origin) Regulations 2000.

Amended by [\[GN No. 181 of 2009\]](#)

2. In these regulations -

"Act" means the Customs Act 1988;

"certificate" means the Certificate of Origin issued in accordance with the SADC Trade Protocol;

"Comptroller" – **Repealed by [\[GN No. 181 of 2009\]](#)**

"Customs Authority" means the customs authority of any Member State of the SADC;

Added by [\[GN No. 181 of 2009\]](#)

"Customs Management System" has the same meaning as in the Customs (Use of Computer) Regulations 1997;

Added by [\[GN No. 181 of 2009\]](#)

"export" means any product exported from Mauritius to a Member State qualifying for a certificate under the Protocol;

"Exporter" - **Repealed by [\[GN No. 181 of 2009\]](#)**

"form" means the form specified in the Second Schedule to these regulations;

"import" - **Repealed by [\[GN No. 181 of 2009\]](#)**

"Member State" means a Member State of the Southern African Development Community specified in the First Schedule to these regulations;

"Protocol" means the Protocol on Trade in the Southern African Development Community (SADC) Region made under the Treaty establishing the Southern African Development Community.

"SADC" means the Southern African Development Community;

Added by [\[GN No. 181 of 2009\]](#)

"TradeNet" has the same meaning as in the Customs (Use of Computer) Regulations 1997;

Added by [\[GN No. 181 of 2009\]](#)

"TradeNet user" has the same meaning as in the Customs (Use of Computer) Regulations 1997.

Added by [\[GN No. 181 of 2009\]](#)

3. (a) No person, other than the Director-General, shall print or cause to be printed the forms set out in the Schedules.
- (b) The form of the certificate –
- (i) shall measure 210 x 297 mm on a light yellow paper with SADC watermark on paper sized for writing and weighing not less than 25 gm/m²;
 - (ii) shall have a pale yellow guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye;
 - (iii) shall include a reference that the printer has been approved by the Director-General and shall bear the name and address of the printer or a mark by which the printer can be identified and a serial number, either printed or not, by which it can be identified; and
 - (iv) bear the seal of the Customs.

Amended by [\[GN No. 181 of 2009\]](#)

- 3A. (a) No TradeNet user shall submit the form of certificate duly filled in otherwise than in the manner referred to in paragraph (b).
- (b) Unless otherwise authorised by the Director-General, every TradeNet user shall, in respect of every export, submit, in due time to the Director-General, the form of certificate duly filled in electronically through the TradeNet.

- (c) The form of the certificate under paragraph (b) shall, in respect of the export, be accompanied by -
- (i) a declaration by the producer in the form set out in the Second Schedule;
 - (ii) a copy of the original import Customs declaration relating to the import of any raw materials used in the working or processing of the export;
 - (iii) a copy of the original export Customs declaration;
 - (iv) export invoices; and
 - (v) any other document, evidence or sample as may be required by the Director-General.
- (d) The Director-General shall, on being satisfied that the exporter has complied with the provisions of paragraphs (a), (b) and (c), issue, subject to regulation 5, the certificate to the exporter through the Customs Management System at the time the exportation is effected.
- (e) The entries and particulars recorded in the TradeNet in respect of the form of certificate submitted by a TradeNet user and in the Customs Management System in respect of the certificate issued by the Director-General, shall be presumed, unless evidence to the contrary is adduced, to be correct.

Added by [\[GN No. 181 of 2009\]](#)

4. No person other than the Director-General shall issue a certificate in respect of any export to any Member State of the SADC.

Amended by [\[GN No. 181 of 2009\]](#)

5. (a) A certificate may exceptionally be issued after exportation of the products to which it relates where -

- (i) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
 - (ii) it is proved to the satisfaction of the Director-General that a certificate was issued but was not accepted at importation for technical reasons.
- (b) For the purposes of paragraph (a), the exporter shall indicate in the form of the certificate the place and date of exportation of the products to which the certificate relates and state the reasons for his request.
- (c) Where a certificate is issued under paragraph (a), it shall be endorsed with the words "ISSUED RETROSPECTIVELY".

Amended by [\[GN No. 181 of 2009\]](#)

- 5A.** (a) In the event of theft, loss or destruction of a certificate, the exporter may apply to the Director-General for a duplicate.
- (b) Where a duplicate is issued under paragraph (a) -
- (i) it shall be endorsed with the word "DUPLICATE" in box 5 of the duplicate certificate; and
 - (ii) it shall bear the date of issue of the original certificate and shall take effect as from that date.
- 5B.** Any Customs Authority may request another Customs Authority to verify the authenticity and accuracy of a certificate issued by the latter authority and for this purpose, a request shall comply with the provisions of the Second Schedule.

Added by [\[GN No. 181 of 2009\]](#)

- 6.** Any person who -
- (a) submits, for the purposes of the form of certificate referred to in regulation 3A, a

document which is false, incorrect or misleading in any material particular, or which is not a genuine document;

- (b) provides in any document, any information which is false or misleading in any material particular;
- (c) tampers with a certificate or causes a certificate to be tampered with;
- (d) prepares or presents a certificate purporting it to be a genuine certificate which is not, in fact, a genuine certificate,

shall commit an offence and shall on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years and the goods which are the subject matter of the contravention shall be liable to forfeiture.

Amended by [\[GN No. 181 of 2009\]](#)

7. These regulations shall come into operation as from their date of publication.

FIRST SCHEDULE
(Regulation 2)

Republic of Angola

Republic of Botswana

Democratic Republic of Congo

Kingdom of Lesotho

Republic of Malawi

Republic of Mozambique

Republic of Namibia

Republic of Seychelles

Republic of South Africa

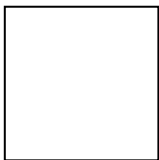
Kingdom of Swaziland

United Republic of Tanzania

Republic of Zambia

Republic of Zimbabwe

Registration No.(Optional)		3. Country Ref. No. MU.....			
1. Exporter (Name and Office Address)		SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)			
		<i>CERTIFICATE OF ORIGIN</i>			
2. Consignee (Name and Office Address)		4. Particulars of Transport			
		5. For official use only			
6. Marks and numbers, number and kind of package description of goods:		7. Customs Tariff No.	8. Origin Criterion (see overleaf)	9. Gross weight or other quantity	10. Invoice No. and date (optional)
(i) Marks and Nos.	(ii) Descriptions of goods				
11. DECLARATION BY EXPORTER		12. CERTIFICATION OF ORIGIN		13. FOR CUSTOMS PURPOSES ONLY	
I, the undersigned, declare that the goods described Above meet the conditions required for the issue of this certificate, and are originating		Declaration Certificate		Export Document No.....	
in.....				Date.....	
(Country)				Customs Office.....	
Place and Date.....				Country.....	
				Date.....	
		(Origin Stamp and Signature)		Signature	
		Certificate of Customs or Other Designated Authority			



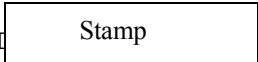
FORM OF VERIFICATION OF ORIGIN

A. REQUEST FOR VERIFICATION

Verification of the authenticity and accuracy of this certificate is requested for the following reasons:

.....
(Place and date)

B. RESULT OF VERIFICATION



Verification carried out shows that this certificate was issued by the Customs Office or designated authority indicated and that the information contained therein:

is accurate, or
does not meet the requirement as to the authenticity/accuracy (delete whichever not applicable)

Insert X in the appropriate box

.....
(Place and date)

<p>..... (Signature and Stamp)</p>	<p>..... (Signature and Stamp)</p>
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INSTRUCTIONS FOR COMPLETING THE SADC CERTIFICATE OF ORIGIN

- (i) The forms may be completed by any process provided that the entries are indelible and legible.
- (ii) Neither erasures nor superimposition should be allowed on the certificate. Any alterations should be made by striking out the erroneous entries and making any additions required.
- (iii) If warranted by export trade requirements, one or more copies may be drawn up in addition to the original.
- (iv) The following letters should be used when completing a certificate in Box No. 8
 - "P" for goods wholly produced
 - "S" for goods with imported inputs

DECLARATION BY THE PRODUCER

To whom it may concern

For the purpose of claiming preferential treatment under the provision of Rule 2 of the Annex of the Rules of origin for Products to be Traded between the member States of the Southern African Development Community:

I HEREBY DECLARE:

- a) that the goods listed here in quantities as _____ below have been produced by this company/ enterprise/workshop/supplier

Name and address of producer: (Postal and physical Address)	

	Registration no. :

and

- b) that evidence is available that the goods listed below comply with the origin criteria as specified by the Annex on the Rules of Origin for the Southern African Development Community.

List of Goods

Commercial Description of Goods	Quantity	Criterion

Notes: This form should be completed in duplicate where the Exporter is not a Producer.

----- Stamp & signature of the Producer

*Please delete the description not applicable