

CUSTOMS

EXTERNAL POLICY

CUSTOMS SUFFICIENT KNOWLEDGE

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1 SUMMARY OF MAIN POINTS

- a) This policy describes the requirements relating to the Customs sufficient knowledge (CSK) for (prospective) Customs clients to obtain competency certification before an application for registration or licensing can be submitted to Customs.
- b) This policy includes:
 - i) The type of Customs activities that require CSK certification;
 - ii) Nomination by the (prospective) Customs client of employees to be tested;
 - iii) Bookings;
 - iv) Requesting assistance via e-mail;
 - v) **One Time Pin (OTP)**; and
 - vi) Configuration of CSK questionnaire;
- c) The following are not covered in this policy:
 - i) Legal Entity registration, refer to ECS-LER-03 – External Standard; and
 - ii) How to register, manage users and change passwords on eFiling, refer to GEN-ELEC-18-G01.

2 POLICY

2.1 Applicability

- a) This policy becomes compulsory on the date the Customs Control Act 31 of 2014 is proclaimed to commence.
- b) Prior to the commencement of the Act, this policy is for information, preparation and voluntary compliance.

2.2 Requirement for Customs sufficient knowledge

- a) The following client types must have **at least one (1) person in its employ** with a valid CSK certification in order to apply for registration or licensing:
 - i) Air cargo depot;
 - ii) Container depot;
 - iii) Courier carrier (**all modes of transport**);
 - iv) Courier air cargo depot;
 - v) Courier Customs broker;
 - vi) General Customs broker;
 - vii) Home use processing premises including Special Economic Zone (SEZ);
 - viii) Inbound or Outbound Tax Free Shop;
 - ix) Inward processing premises, including SEZ;
 - x) Local or non-local carrier transporting goods / travellers into or out of South Africa for reward, by sea, air, rail or road;
 - xi) Private storage warehouse, including SEZ;
 - xii) Public storage warehouse, including SEZ;
 - xiii) Registered agent for all non-local registered or licensed clients;
 - xiv) Terminals:
 - A) Sea cargo terminal for general, special, bulk, combination or multi-purpose;
 - B) Container terminal;
 - C) Travellers terminal (sea, air or rail);
 - D) Air cargo terminal;
 - E) Rail cargo terminal; or
 - F) Container terminal.
 - xv) Transshipment depot for sea and air cargo;
 - xvi) Special shop for diplomats;
 - xvii) State warehouse operated by a licensee on its premises; or
 - xviii) Stores supplier for foreign-going vessels, aircrafts or cross-border trains.
- b) Competency certification **requires a pass rate** of 60% and higher per test.

2.3 Nomination

- a) The client must be a registered SARS eFiling user in order to nominate candidates for the CSK test.
- b) The client may nominate a **maximum of two (2) persons** per Customs client type:
 - i) Himself / herself and one (1) **other** employee; or
 - ii) **Two (2)** of his / her employees.
- c) Any such nomination will create a link on the CSK system between the client and the employee.
- d) A nominee:
 - i) Must be a registered SARS eFiling user;
 - ii) May represent more than one (1) type of Customs client;
 - iii) Can only accept or reject his / her nomination after successful completion of the "Nominate Employee" process on CSK;
 - iv) Must use the functionality "Manage Booking" on the CSK administration menu to:
 - A) Make a booking; or
 - B) Cancel an existing booking;
 - v) Must make a booking or cancel his / her booking four (4) days prior to the test date;
 - vi) **Will receive a One Time Pine (OTP) via SMS or email to confirm the booking;**
 - vii) **May request the OTP using the "Email query" functionality on the CSK system if it has not been received;**
 - viii) Is allowed to complete two (2) sessions on a single day on condition that the tests are for different client types; and
 - ix) May use the "Email Query" functionality on CSK to forward an email to the **SARS Institute of Learning** (SIOL) Administration regarding:
 - A) Bookings, e.g. venue availability;
 - B) Nominations; or
 - C) Special requests / requirements, e.g. access by disabled persons.

2.4 Amend nomination

- a) When a client wishes to amend his / her nomination on CSK, the client must select the functionality "Trader Nominations" to:
 - i) Amend or edit the nominee's details e.g. name, surname, ID number, contact number, personal number or email address; or
 - ii) Delete the nominee from his / her list of nomination.
- b) If an employee has already accepted his / her booking on CSK and for some reason the client wishes to replace the nominated employee with someone else, the nominee must cancel his / her booking on CSK by selecting the functionality "Manage Bookings" before the client can amend his / her nomination.
- c) If the client's **nominated** employee terminated his / her employment or service, in order for the CSK system to forward the termination notice via email to the client, the client's **nominated** employee must:
 - i) Select the functionality "View Profile"; and
 - ii) Select the "Delink" button.
- d) If the client wishes to remove a nominee who terminated his / her employment or service, in order for the CSK system to forward the termination notice via email to the client, the client must:
 - i) Select the functionality "Nominate Employee";
 - ii) Identify the nominated employee; and
 - iii) Select the "Delink" button.

2.5 Completion of the CSK test

- a) The nominee must be authenticated on the CSK system. For this purpose it is recommended that the nominee arrives at least thirty (30) minutes prior to the test session.
- b) On arrival at the SIOL venue, the nominee must provide his / her identity document (e.g. South African ID, South African driver's licence or passport) to the SIOL representative for authentication purposes.
- c) Once successfully authenticated, the nominee must enter the test room.
- d) The nominee may bring his / her own hard copy of the Act and the Rules, as it is an open book test
- e) The use of any recording devices including cell phones and / or tablets is strictly prohibited inside the test venue and during the CSK test.
- f) Once all nominees have been successfully authenticated on the CSK system, the session will be opened.
- g) No nominee will be accommodated after the session has been opened.
- h) Before commencement of the CSK test the nominee will be required to access the CSK system by inserting the OTP and his / her ID / passport number. The OTP can only be used at the specific venue booked for the specific time to login to CSK System.
- i) The CSK system will display only the client type questionnaire booked by the nominee, and fifty (50) questions, across the spectrum of chapters applicable to the Custom client type will be provided.
- j) The nominee will be allocated two (2) hours to complete the test and no additional time will be granted.
- k) The SIOL representative will during the session, provide verbal indications of the remaining time to complete the test.
- l) The session will be closed by the SIOL representative.
- m) On completion of all the questions the nominee must select the "Submit" button where after the CSK system will verify the answers and indicate the percentage obtained.
- n) No results will be disclosed to nominees who:
 - i) Quits the test during the session; or
 - ii) Failed to select the "Submit" button at the end of the questionnaire.
- o) At the end of the test the nominee will be able to:
 - i) View his / her results; and
 - ii) Select the email functionality to forward his / her results;

2.6 CSK test: retake and renewal

- a) Nominees who have not obtained the required rate for competency certification must rebook another session and complete the test again without a restriction on the number of attempts.
- b) If the nominee obtained the required competency certification rate, he / she will not be allowed to retake the test, until the CSK renewal period becomes effective.
- c) The CSK competency certificate is valid for a period of three (3) years. The nominee must rebook a CSK test ninety (90) days before the validity date of the competency certification expires.

2.7 Keeping of records

- a) Every client must for record purposes, keep record for a period of five (5) years:
 - i) Books, accounts and documents in respect of all transactions relating to the Rules for the purpose of any acquittal procedure; and
 - ii) Any data related to such documents created by means of a computer.
- b) The five (5) year period is calculated from the end of the calendar year in which the document was created, lodged or required. (Sections 101 and 101A)
- c) Every client must produce such books, accounts and documents on demand.
- d) Any books and records (including electronic registers) must be kept in a safe place on the registered or licensed premises and may not be removed or destroyed without the prior permission of Customs.

2.8 Penalties

- a) Failure to adhere to the provisions of the Act, as set out in this document, is considered an offence.
- b) Offences may render the client liable to, as provided for in the Act:
 - i) Criminal prosecution; and / or
 - ii) Suspension/cancellation of registration/license/accreditation or designation.

2.9 Promotion of Administrative Justice Act

- a) The Promotion of Administrative Justice Act (PAJA) No. 3 of 2000 gives effect to everyone's right to administrative action that is lawful, reasonable and procedurally fair. Any person whose rights have been adversely affected by administrative action has the right to be given written reasons, as contemplated in Section 33 of the Constitution of the Republic of South Africa, 1996. PAJA:
 - i) Provides for the review of administrative action by a court or where appropriate, an independent and impartial tribunal;
 - ii) Imposes a duty on the State to give effect to those rights;
 - iii) Promotes an efficient administration as well as good governance; and
 - iv) Creates a culture of accountability, openness and transparency in the Public Administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action.
- b) Administrative action which significantly and unfavourably affects the rights or valid expectations of any person must be procedurally fair. A fair administrative procedure depends on the circumstances of each case.
- c) A person must be given:
 - i) Written reasons of the nature and purpose of the proposed administrative action;
 - ii) A reasonable opportunity to make representations;
 - iii) A clear statement of the administrative action; and
 - iv) Adequate notice of any right of review or internal appeal, where applicable.
- d) **Before** administrative action can be taken by Customs the client must be allowed the opportunity to:
 - i) Obtain assistance and, in serious or complex cases, legal representation;
 - ii) Present and dispute information and arguments; and
 - iii) Appear in person.
- e) **Just administrative action requires the Customs officer to consider all the facts presented and obtained in addition to affording the client the opportunity to be heard, prior to instituting any administrative action.**

- f) Clients whose rights have been significantly and unfavourably affected by administrative action and who have not been given reasons for the action may, within ninety (90) days after the date on which the client became aware of the action, request Customs to furnish written reasons for the action.
- g) Customs must within ninety (90) days after receiving the request, give the client adequate reasons in writing for the administrative action. If Customs fails to furnish adequate reasons for the administrative action, it is presumed in any proceedings for judicial review that the administrative action was taken without good reason.

2.10 Appeals against decisions

- a) In cases where clients are not satisfied with any decision taken in terms of the Act they have a right of appeal to the relevant appeal committee.
- b) The client must use the "Email query" functionality on the CSK system to action his / her appeal.

3 RELATED INFORMATION

3.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	Customs Control Act No. 31 of 2014: Chapter 28 and 29 Customs Control Act Rules: 1.1; 28.12(1-3); 28.25; 29.15(a)(i) and (b); 29.22A; 29.23 (e); 29.28 (g); 29.28A (g); 29.30 (f); 29.31(e); 29.30(f), 29.31(e);29.35(a); 29.36(b) and 29.42
Other Legislation:	Promotion of Administration Justice Act No. 3 of 2000: Section 3 and 5
International Instruments:	None

3.2 Cross References

DOCUMENT #	DOCUMENT TITLE
GEN-ELEC-18-G01	How to Register Manage Users and Change Password on eFiling- External Guide
ECS-LER-03	Legal Entity – External Standard

3.3 Quality Records

Number	Title
FV 2017.01.00	Notification of successful completion of customs sufficient knowledge assessment

4 DEFINITIONS AND ACRONYMS

Air Cargo Depot	A licensed premises whether within a Customs airport or elsewhere: a) Where air cargo is: i) Received, packed or unpacked, or consolidated for export, or deconsolidated for delivery; and ii) Temporarily stored; and b) From where air cargo is: i) Released for home use or a Customs procedure; or ii) Removed to an air cargo terminal
Air Cargo Terminal	A licensed premises within a Customs airport where air cargo is: a) Off-loaded from or loaded on board foreign-going aircraft; and b) Temporarily stored after being off-loaded or before being loaded
Air Travellers Terminal	A licensed premises within a Customs airport where travellers and crew members: a) Board or disembark from foreign-going aircraft; and b) Are processed for purposes of passenger control before boarding, or after disembarking from, foreign-going aircraft, and c) Includes: i) All transit areas through which travellers and crew must proceed to or from foreign-going aircraft; and

	ii) All facilities used for or in connection with the operation of the terminal
Bulk Sea Cargo Terminal	A licensed premises within a Customs seaport where bulk cargo is: a) Off-loaded from or loaded on board foreign-going vessels; and b) Temporarily stored after being off-loaded or before being loaded, excluding special sea cargo terminal handling bulk cargo of a specific type
Cargo	Any goods on board, or to be loaded on board, or off-loaded from, a vessel, aircraft, railway carriage or vehicle, excluding goods in: a) Stores; and b) The accompanied and unaccompanied baggage of travellers and crew members
Carrier (excluding non-locals)	a) A shipping line, airline or other person carrying on business by transporting goods or travellers by sea or air for reward - sea or air carrier; b) A person carrying on business by transporting goods or travellers by rail for reward - rail carrier; c) A person carrying on business by transporting goods by truck or travellers by bus for reward – road carrier; or d) A person who: i) Conducts a business involving the selling or leasing of goods or the dealing in goods in any other manner, or the packing, repairing, reconditioning, processing or producing of goods; and ii) In the course of conducting that business transports those goods – own goods carrier – air, rail, road and / or sea; or e) A carrier licensed for couriers authorised the licensee to carry out a courier business solely for purposes of the courier business
Combination Sea Cargo Terminal	A licensed premises situated within a Customs seaport where both break bulk cargo and cargo in containers are: a) Off-loaded from or loaded on board, foreign-going vessels; and b) Temporarily stored after being off-loaded or before being loaded
Container Depot	A licensed premises, whether situated within a Customs seaport or elsewhere: a) Where containers are: i) Received; ii) Packed or unpacked; or iii) Temporarily stored; b) From where containers or the unpacked contents are delivered: i) To consignees upon clearing and release of the contents for home use; or ii) For a Customs procedure upon clearing and release of the contents for that Customs procedure; and c) Where goods are received for packing into containers.
Container Terminal	A licensed premises whether situated within a Customs seaport or elsewhere a) Where packed and empty containers are received or from where packed containers are delivered: i) To container depots; ii) Directly to consignees upon clearing and release of the content for home user or for a Customs procedure upon clearing and release of the contents for that Customs procedure; and b) Where packed and empty containers are temporarily stored after being received or before being delivered
Courier	A licensed carrier conducting a courier business in terms of Chapter 29 who, for the purpose of clearing and handling courier articles in the course of conducting such a business and also be the holder of: a) A Customs broker licence; b) Registered as an importer or exporter; or c) An air cargo depot licence
Courier Air Cargo Depot (previously called a Transit Shed)	A licensed premises used solely to conduct a courier business (see air cargo depot)
Courier business	A carrier who provides a business service in the international transportation of goods on an express door to door delivery basis, either by: a) Transporting goods into South Africa for express delivery to consignees inside South Africa and delivering the goods to those consignees;

	b) Receiving in South Africa goods imported for express delivery to consignees inside South Africa and delivering those goods to those consignees; c) Collecting goods in South Africa for express delivery outside South Africa, transporting the goods out of South Africa and delivering the goods to consignees outside South Africa; or d) Collecting goods in South Africa for express delivery outside South Africa and arranging the export and the delivery of the goods to consignees outside South Africa
CSK	Customs sufficient knowledge
Customs authority	a) The Commissioner of the South African Revenue Service; or b) A Customs officer, but only if and to the extent that a power or duty assigned to the Customs authority in terms of the Act has been delegated to that officer in terms of Section 19
Customs broker	A person carrying on business in South Africa by: a) Submitting on behalf of other persons Customs clearance declarations for reward to clear goods for home use or a Customs procedure, excluding: i) A person who as the registered agent in South Africa of an importer, exporter, owner or carrier of goods not located in South Africa submits a Customs clearance declaration on behalf of that importer, exporter, owner or carrier; or ii) A licensed carrier located in South Africa who submits a Customs clearance declaration on behalf of a person whose goods that carrier is transporting; b) Arranging on behalf of other persons for reward the receipt, delivery or transport of goods imported into or to be exported from South Africa; c) Arranging on behalf of other persons for reward the consolidation or deconsolidation of goods imported into or to be exported from South Africa or consolidating or deconsolidating such goods on behalf of other persons for reward; or d) Handling on behalf of other persons for reward the formalities relating to the import into or the export from South Africa of goods
Customs Control	The control in terms of the Act
Customs Sufficient Knowledge Test	A test to establish whether a person has sufficient knowledge of the applicable Customs laws, guides, interpretive notes, operational manuals and practices: a) Administered by – i) The Customs authority; or ii) A recognised professional body for the purposes of the National Qualifications Framework Act, 2008 (Act 67 of 2008), with the permission of the Customs authority and subject to such conditions as the Customs authority may determine; and b) The details of which are available on the SARS website or the website of that professional body
Depot	A premises licensed as a: a) Container depot; b) Air cargo depot; or c) International postal clearance depot
General Sea Cargo Terminal	A licensed premises within a Customs seaport where break bulk cargo is: a) Off-loaded from or loaded on board foreign-going vessels; and b) Temporarily stored after being off-loaded or before being loaded, excluding special sea cargo terminal handling break bulk cargo of a specific type
Home use	In relation to imported goods, it refers to goods which are consumed, utilised, processed or otherwise disposed of in South Africa as goods that are no longer subject to Customs control
Home use processing premises	Premises licensed in terms of Chapter 19 but excludes an Excise warehouse.
Inward processing	The Customs procedure described in Section 408
Inward processing premises	This is a premises licensed in terms of Chapter 18
Juristic entity	a) A company, close corporation or co-operative incorporated or registered in terms of legislation whether in South Africa or elsewhere; b) An association, partnership or club or other body of persons of whatever

	c) description, corporate or unincorporated; d) A trust or trust fund; e) Any entity referred to in paragraph (a), (b) or (c) in liquidation or under judicial management; and f) The estate of a deceased or insolvent person
Licence	A licence issued by the Customs authority in terms of Section 640
Licensee	A person who is the holder of a licence
Multi-purpose Sea Cargo Terminal	A licensed premises within a Customs seaport handling any combination of: a) General cargo; b) Special cargo; c) Bulk cargo; and d) Containers, including empty containers
Nominee	The client or the nominated employee of the client
OTP	One Time Pin
Person	A natural person or a juristic entity, and includes an organ of state or an official of an organ of state
Private storage warehouse	A licensed premises used exclusively by the licensee of the premises for the storage of goods owned by the licensee or in which the licensee has a material interest, excluding an Excise warehouse.
Public storage warehouse	A licensed premises made available by the licensee of the premises to clients generally for the storage of their goods that are not in free circulation, but excludes: a) A terminal or depot where goods are temporarily stored; b) A state warehouse or premises regarded in relation to any specific goods to be a state warehouse in terms of Section 580; and c) An excise warehouse
Rail Cargo Terminal	A licensed premises on a railway station where cargo is: a) Off-loaded from or loaded on board cross-border railway carriages; and b) Temporarily stored after being off-loaded or before being loaded
Rail Travellers Terminal	A licensed premises on a railway station where travellers: a) Board or disembark from cross-border railway carriages; and b) Are processed before boarding, or after disembarking from cross-border railway carriages, and includes: i) All transit areas through which travellers must proceed to or from cross-border railway carriages; and ii) All facilities used for or in connection with the operation of the terminal
Registered	A person registered or who is the holder of any registration in terms of Chapter 28
Registered Agent	A person located in South Africa who represents: a) An importer not located in South Africa; b) An exporter not located in South Africa; c) A carrier not located in South Africa; d) An owner of goods not located in South Africa, excluding a licensed Customs broker that provides a service as a Customs broker on behalf of an importer, exporter, carrier or owner e) Non-local searchers of or for abandoned wreck
Sea Cargo Terminal	Premises licensed as a: a) General sea cargo terminal; b) Special sea cargo terminal; c) Bulk sea cargo terminal; d) Container terminal; e) Combination sea cargo terminal; or f) Multi-purpose sea cargo terminal

Sea Terminal	Travellers	A licensed premises within a Customs seaport where travellers and crew members: a) Board or disembark from foreign-going vessels; and b) Are processed before boarding, or after disembarking from, foreign-going vessels, and includes: i) All transit areas through which travellers and crew must proceed to or from foreign-going vessels; and ii) All facilities used for or in connection with the operation of the terminal
SEZ		Special Economic Zone
SEZ Enterprise private storage warehouse		A premises licensed within a designated SEZ used exclusively by a SEZ Enterprise premises for the storage of goods owned by the SEZ Enterprise or in which the SEZ Enterprise has a material interest, excluding an Excise warehouse
SEZ Enterprise public storage warehouse		A licensed premises within a designated SEZ available to a licensed SEZ Enterprise for the storage of their goods that are not in free circulation, but excludes: a) A terminal or depot where goods are temporarily stored; b) A state warehouse or premises regarded in relation to any specific goods to be a state warehouse in terms of Section 580; and c) An excise warehouse
SEZ Home user processing premises		An SEZ Enterprise licensed within a designated SEZ in terms of Chapter 19 – Home use processing procedure
SEZ Inward processing premises		An SEZ Enterprise licensed within a designated SEZ in terms of Chapter 18 – Inward processing procedure
SIOL		SARS Institution of Learning
SIOL representative		A person within SIOL who has been registered on CSK as a Branch administrator, SIOL administrator or Regional Administrator
Special request or requirement		a) A disability problem; b) A transport problem; c) No venue available in a certain area; or d) Any other request with regards to the test booking
Special Sea Cargo Terminals		A licensed premises situated within a Customs seaport where specific type of cargo, whether bulk or break bulk cargo, other than cargo in containers is: a) Off-loaded from or loaded on board foreign-going vessels; and b) Temporarily stored after being off-loaded or before being loaded
Special shop for diplomats		A shop licensed in terms of Chapter 29 for the tax free retail sale of goods to persons entitled to diplomatic immunities or privileges under the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), and includes any storage facilities on the premises
State warehouse		A place / area determined by the Customs authority: a) To secure goods dealt with in breach of the Act; b) For enforcement of the Act; and c) For handling, storage and disposal of goods so secured
Storage warehouse		A licensed public or private storage warehouse
Stores		Goods taken on board a foreign-going vessel, foreign-going aircraft or cross-border train, whether in South Africa or elsewhere, exclusively for the purpose of meeting the reasonable needs of the next voyage of the vessel, aircraft or train, including stopovers, and includes goods intended to be used: a) As provisions for travellers and crew on board the vessel, aircraft or train during that voyage; b) For the operation of the vessel, aircraft or train on that voyage; c) For the maintenance of the vessel, aircraft or train during that voyage; or d) As tax free items for sale on board the vessel, aircraft or train to travellers and crew members (in the case of a vessel, aircraft or train entitled in terms of Section 349 to sell tax free items to travellers and crew) but excludes any goods prescribed by Rule as stores

Stores supplier for foreign-going vessels, cross border trains or aircrafts	A licensed person who may take goods on board a foreign-going vessel, aircraft or cross-border train, whether in South Africa or elsewhere, exclusively for the purpose of meeting the reasonable needs of the net voyage of the vessel, aircraft or train, including stopovers, and includes goods intended to be used; a) As provision for travellers and crew on-board the vessel, aircraft or train during that voyage; b) For the operation of the vessel, aircraft or train on that voyage; c) For the maintenance of the vessel, aircraft, or train during that voyage; d) As tax free items for sale on board the vessel, aircraft, or train to travellers and crew members, in the case of a vessel, aircraft or train entitled in terms of Section 349 to sell tax free items to travellers and crew members, se business is to supply goods to foreign-going vessels, foreign-going aircraft or cross-border trains, whether those stores are goods in free circulation or goods not in free circulation
Sufficient knowledge	Specified types of registered or licensed Customs clients must at least have one (1) person within his / her business / organisation who achieved a score of at least 60% in the CSK Test
Tax free shop	A licensed premises from where goods are sold in accordance with the tax free shop procedure, and includes any storage facilities on the premises.
Terminal	Premises licensed as: a) Sea cargo terminal; b) Air cargo terminal; c) Sea traveller's terminal; d) Air traveller's terminal; or e) Railway terminal;
Traveller	A person travelling on board a vessel, aircraft, train or vehicle or on foot, excluding crew member of the vessel, aircraft, train or vehicle.

5 DOCUMENT MANAGEMENT

Policy Owner	Executive: Customs and Excise Processing
Detail of change from previous revision	Added OTP requirements
Template number and revision	GC-TM-03 - Rev 9