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Statutory Instrument No. _____ of 2024

BOTSWANA TRADE COMMISSION ACT
(Cap. 42:14)

BOTSWANA TRADE COMMISSION (TARIFF INVESTIGATIONS)
REGULATIONS, 2024
(Published on _____, 2024)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Application for investigation
4. Self initiation for tariff investigation
5. Acknowledgement of receipt of application
6. Confidentiality of information provided by applicant
7. Compliance assessment or evaluation of application
8. Evaluation criteria during investigations
9. Publication of Notice
10. Register of investigations
11. Verification of information
12. Oral hearing
13. Representation
14. Increase of customs duty, reduce, amend, remove rebate or drawbacks
15. Final recommendation to Board
16. Communication of final decision of SACU Council
17. Termination of investigation
18. Deadlines
19. Appeals

SCHEDULES

IN EXERCISE of the powers conferred on the Minister of Trade and Industry by section 37 of the Botswana Trade Commission Act, the following Regulations are hereby made –

Citation

1. These Regulations may be cited as the Botswana Trade Commission (Tariff Investigations) Regulations, 2024.

Interpretation

2. In these Regulations, unless the context otherwise requires –

“applicant” means a domestic party submitting an application as provided for under regulation 3 for the purposes of initiating a tariff investigation;

Cap.43:01

“Industrial Development Policy” has the same meaning assigned to the term under the Industrial Development Act;

“interested party” may include –

- (a) a producer in SACU;
- (b) an exporter in SACU;
- (c) an importer in SACU; or
- (d) a trade or business association whose members are –
 - (i) SACU producers, exporters or importers; or
 - (ii) foreign producers, exporters or importers,

“SME” means small and medium enterprises; and

“tariff investigation” means investigation to increase ordinary customs duties, reduce ordinary customs duties, create, amend, remove rebate or the drawback provisions regarding customs duty.

Application for investigation

3. (1) Any interested party who wishes to apply for a tariff investigation shall, in writing apply to the Commission for tariff investigation.

(2) An application referred to under subregulation (1), shall be made in either Form A or B or C or D or E set out in the Schedule and be accompanied by –

- (a) an application fee of P500; and
- (b) such supporting documents or information as may be required by the Commission.

Self initiation for tariff investigation

4. (1) Notwithstanding regulation 3, the Commission may initiate tariff investigation without having received any written application from any interested party, to initiate the investigation.

(2) The Commission may initiate an investigation depending on different reasons, including, the following reasons –

- (a) looking at the challenges faced by the industry;
- (b) request made by the Government entity, trade or business associations; or

(c) to review the customs duty related to a product or the range of products.

*Acknowledgment
of receipt of
application*

5. (1) The Commission shall, in writing, acknowledge receipt of the application submitted under regulation 3 within five working days from the date of receiving the application.

(2) The Commission shall, in the acknowledgement letter include the names and the contact details of the assigned lead investigating officer.

*Confidentiality of
information
provided by
applicant*

6. (1) The Commission shall, upon good cause shown, keep confidential information provided by an applicant or any interested party which information –

(a) by nature is confidential;

(b) if disclosed could have a significant adverse effect upon the provider of, or a person supplying the information; and

(c) was provided on a confidential basis by a party to the investigation.

(2) For the purposes of these Regulations, the following types of information shall be deemed to be by nature confidential information if such information –

(a) concerns the financial statement of a company which is not publicly available such as –

(i) management of accounts,

(ii) financial accounts of a private company,

(iii) actual and individual sales prices,

(iv) actual costs, including cost of production and importation costs,

(v) actual sale volume, and

(vi) information, the release of which could have significant adverse effect on the owner of, or the person that provided the information;

(b) concerns the costs, identification of customers, sales, inventory, shipment, or amount or source of any income, profit, loss or expenditure related to the owner of or the person that provided the information; and

(c) would be of significant competitive advantage to a competitor of the owner of the information.

(3) A party who seeks confidentiality over certain information shall, request in writing, for such treatment at the time the information is submitted to the Commission, including the reasons as to why such confidential treatment shall be warranted.

(4) The applicant shall furnish non-confidential summary of all information for which confidential treatment is sought.

(5) The non-confidential summary referred to under subregulation (4), shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.

(6) The Commission shall consider a request made under subregulation (3).

(7) Where the Commission decides that a request for confidentiality is not warranted, the Commission shall inform the party submitting the information that the request for confidential treatment is not warranted.

(8) The Commission shall give its decision made under subregulation (7) in writing and state the reasons thereof.

(9) The Commission may disregard any information indicated to be confidential that is not accompanied by a non-confidential summary as required in subregulation (4).

(10) A party who is not satisfied with the decision made by the Commission to disregard any information indicated to be confidential, may appeal to the Minister within 14 days of the receipt of the decision made by the Commission.

(11) The Commission may not disregard any information indicated to be confidential until the Minister determines the application made under subregulation (3) or until the 14 days have elapsed with no application being made to the Minister.

*Compliance
assessment or
evaluation of
application*

7. (1) The Commission shall, upon receipt of the application, assess the application for tariff investigation and may decide that such application is deficient if the –

(a) application is not in the manner and form provided by the Commission;

(b) required information has not been provided in full;

(c) application contains incorrect or conflicting information; or

(d) application contains confidential information and the applicant has failed to provide a non-confidential summary in conformity with regulation 6(4).

(2) The Commission shall, in the case of a deficient application, inform an applicant in writing to rectify the deficiency within the time provided by the Commission.

(3) The applicant shall, rectify the deficient application referred to under subregulation (2) and submit the corrected application in conformity with regulation 6(4).

(4) The Commission shall exercise its discretion to regard the application as materially deficient and reject the application, in the event where the applicant fails to provide the requested information within the set period of 14 days provided by the Commission.

(5) The Chief Executive Officer shall evaluate an application for an investigation and where the Chief Executive Officer rejects the application, the Chief Executive Officer shall notify the applicant of the reasons why such application was rejected.

(6) The Chief Executive Officer shall notify the applicant of the reasons for the rejection within seven days of the Chief Executive Officer's determination.

(7) Where the Chief Executive Officer approves the application, the Chief Executive Officer shall submit a preliminary recommendation to initiate an investigation to the Board.

(8) Where the Board approves the recommendation made by Chief Executive Officer to initiate the investigation, the Board shall authorise the Chief Executive Officer to publish a Notice in the *Gazette*, to initiate the investigation and submit a report to the Board in accordance with section 31(3) of the Act.

(9) The Chief Executive Officer shall inform the SACU Secretariat of its decision to initiate tariff investigation through the Ministry.

*Evaluation
criteria during
investigations*

8. (1) The Commission shall in evaluating the application, assess the following factors –

(a) the domestic industry's production capacity and potential;

- (b) employment creation, labour intensity and labour demographics of the relevant industrial sector;
- (c) investment;
- (d) price differentials between the domestically manufactured product and the imported product;
- (e) the market shares;
- (f) import and export data;
- (g) demand and supply conditions;
- (h) the financial state of the domestic industry, profitability and return on investment ratios;
- (i) the price and cost structures;
- (j) the rate of effective protection;
- (k) the availability of a domestically manufactured identical or substitute product; and
- (l) any information considered to be relevant by the Commission.

(2) The evaluation of the application shall also be informed by the –

- (a) Industrial Development Policy; and
- (b) Government's economic objectives including
 - (i) economic diversification,
 - (ii) employment creation,
 - (iii) poverty eradication,
 - (iv) productivity and investment,
 - (v) citizen economic empowerment, and
 - (vi) SME development.

(3) The Commissioner may, where the application is deficient, notify an applicant in writing, to provide for an additional information for an application to be re-assessed.

*Publication of
Notice*

9. (1) The Chief Executive Officer may, once it receives an application, publish a Notice of such application in the *Gazette* as provided by section 31 (2) of the Act, to allow interested parties to make comments about the application within 30 days.

(2) An interested party may request for an extension of time to make comments on the application made under subregulation (1), showing good cause why should such an extension should be granted.

(3) The Commission may grant such extension period of 14 days, taking into account the time limits for the investigation.

(4) The Notice referred to under subregulation (1) shall include –

- (a) the name, address and telephone number of the applicant;
- (b) the nature of the application and the reference number;
- (c) the name and contact details of designated lead investigating officer;
- (d) the time period for publication and due date for the comments; and
- (e) a brief statement of the reason for the application.

(5) The comments referred to under subregulation (1) shall be –

- (a) in writing; and
- (b) submitted through any means of communication either electronically, by mail or hand delivery.

(6) If the comments referred to in subregulation (1) and (5) are classified as confidential, a non-confidential summary with a valid reason that is sufficient to qualify, as confidentiality shall be submitted to the Commission.

(7) The comments that are not accompanied by a non-confidential summary or are not otherwise clearly indicated as confidential, may be treated as non-confidential.

*Register of
investigations*

10. (1) The Commission shall establish and maintain a register relating to each investigation undertaken in terms of the Act.

(2) The Commission shall record the following information –

- (a) all public notices relating to the investigation;
- (b) all non-confidential documents that are part of the record of the investigation;
- (c) all other information developed or obtained by the Commission; and
- (d) any other documents which the Commission deems appropriate for public disclosure.

(3) The register referred to under subregulation (1) may, be accessed by interested party for inspection –

- (a) on prior request to the lead investigating officer;
- (b) for a particular case;
- (c) at the offices of the Commission; and
- (d) at the normal business hours during the course of the investigation.

Verification of information

11. (1) The Commission may, during the course of an investigation, satisfy itself of the accuracy of the information supplied by an interested party by conducting verifications as it deems necessary.

(2) The Commission may, when carrying out the verifications, conduct an on-the-spot verification visit to obtain the information and data required for the investigation.

(3) The Commission may, in writing, inform and notify the interested party concerned of the date of an intended verification visit.

(4) Where an interested party to be verified is from another Member State, the Government of that State and the SACU Secretariat would be informed of the verification visit and dates.

(5) The Commission may terminate any verification activities and may disregard the information submitted by an interested party, and may come to the conclusions of verifications according to the best information which is available, where for purposes of verification, the interested party –

- (a) refuses to attend the verification visit;
- (b) refuses to grant the Commission access to the relevant information;

(c) fails to provide information within the timeline set by the Commission; or

(d) otherwise acts so as to impede the verification process.

(6) The Commission shall, after verification visit, prepare a report stating the information verified and the information which was not available for verification.

(7) The failure of interested parties to agree on the information verified, shall not preclude the Commission to use the verified information in its findings.

(8) A non-confidential verification report shall be placed on the public register for inspection.

(9) An interested party shall be given seven days to comment on the verification report and the Commission may grant an extension upon good cause shown by an interested party.

Oral hearing

12. (1) The Commission shall provide a fair opportunity for any interested party concerned to defend the party's interest during the period of investigation and the Commission may, upon request, hold a hearing for an interested party to present the interested party's view and arguments.

(2) Any interested party may present oral submission during the hearing.

(3) The interested party shall within seven days of the oral hearing reduce information presented during the oral hearing to writing and a non-confidential version of the information shall be placed on the public file.

(4) Where the interested party fails to submit the written submissions in accordance with subregulation (3), the Commission shall not consider the oral submissions under subregulation (2).

(5) Where an interested party requests for an oral hearing, such party shall indicate the reasons for not relying on written submissions only.

(6) The Commission may reject a request for an oral submission where the Commission determines that -

(a) substantially similar information has already been submitted in written form to the Commission;

(b) written submission, in the Commission's view, adequately sets out the matter intended for an oral submission; or

- (c) the oral submission would unduly delay finalisation of the investigation.

(7) An interested party requesting an oral hearing shall at the time of request provide the Commission with an agenda for an oral hearing.

Representation

13. (1) Where an interested party is represented by another party in an investigation, the interested party shall provide the Commission with a letter of appointment of the interested party's representative.

(2) The letter of appointment referred to under subregulation (1), shall -

- (a) contain details the representative, scope and duration of the representation; and
- (b) be signed by the highest level of authority where an authorised representative, with proof of authorisation.

(3) Where any interested party terminates a representation made under subregulation (1), such party shall provide the Commission with a letter of termination and the letter shall comply with the requirements provided under subregulation 2 (b).

(4) Where an interested party has appointed a representative, communication between the Commission and the interested party shall be through the appointed representative.

(5) Notwithstanding subregulation (4), the Commission may communicate directly with an interested party.

Increase of customs duty, reduce, amend, remove rebate or drawbacks

14. (1) An increase in the rate of customs duty shall be recommended to protect domestic producers who are experiencing the threatening import pressures so that such producers can become internationally competitive and such recommendation shall be by an application in Form B set out in Schedule.

(2) A reduction or removal of custom duty shall be recommended depending on -

- (a) a case-by case basis;
- (b) a resource-based inputs to lower input costs; and
- (c) instances whereby intermediate goods, consumption goods, or capital goods are not produced domestically or are unlikely to be manufactured domestically.

(3) The rebate and drawbacks shall be recommended to provide a customs duty waiver.

*Final
recommendation
to Board*

15. (1) The Chief Executive Officer shall submit final recommendation to the Board upon completion of the investigations in accordance with section 31(6) of the Act.

(2) The recommendation submitted by the Chief Executive Officer to the Board under subregulation (1) shall contain the following information –

(a) identity of the applicant;

(b) a full description of the product under investigation;

(c) the methodology used by the Commission to investigate and factors considered during the investigations;

(d) the Commission's findings; and

(e) all relevant issues of fact and law considered by the Commission in reaching its determination.

(3) Where the Board approves the recommendation submitted under subregulation (1), the Board shall submit a written report to the SACU Tariff Board.

*Communication
of final decision
of SACU Council*

16. (1) The Commission shall inform the applicant, in writing, of the decision made by the SACU Council.

(2) The Commission shall publish, by Notice in the *Gazette*, the decision made by the SACU Council in relation to the application.

(3) The Notice referred to under subregulation (2), shall detail the findings and conclusions reached on all issues of fact and the law, which led to the decision to accept or reject the Board recommendation for tariff amendment.

*Termination of
investigation*

17. (1) An investigation may be terminated at any time when –

(a) the applicant withdraws the application; or

(b) the Commission determines, upon evaluation of the application, that the availed evidence is not adequate to support recommendation for tariff investigation.

(2) The Commission may terminate the investigation at any time where the Commission has self-initiated an investigation –

(a) when the industry does not furnish the Commission with the requested information; or

(b) when the preliminary investigation reveals that the industry is not affected.

Deadlines

18. The Commission shall conclude an investigation within 18 months after the initiation of the application.

Review

19. Any person who is aggrieved by the decision of the Minister or Commission under these Regulations, may within 30 days of such decision, apply to the High Court for the review of such decision.

SCHEDULE
Form A
(regulation 3(2))

**APPLICATION FOR CUSTOMS TARIFF AMENDMENT
CREATION OF A REBATE FACILITY**

Please address all correspondence to the **Chief Executive Officer**, Botswana Trade Commission, and forward your application choosing one of the following

Postal address: Private Bag 3ADD, Poso House, Gaborone
Physical address: Plot 55745, Block 8, Main Airport Road, Gaborone
Email: infor@botc.org.bw.

NOTES:

- (i) It is **imperative** to study the contents of the document titled “**TARIFF INVESTIGATIONS REGULATIONS**”, which can be found on **BOTC’s** website (www.botc.org.bw), before completing this application form.
- (ii) applicants should feel free to submit any information or comment considered to be relevant to the application, not called for specifically in the questionnaire. The application should include a duly signed affidavit on the company’s letterhead averring the accuracy of the information being provided and be accompanied by a cover letter signed by the **CEO** of the applying company authorising the submission of the application.
- (iii) It is advisable that the Office of the Commissioner General for the **BURS** be consulted in connection with the tariff classification and description of the product concerned. This applies to questions 10 and 11 of the questionnaire. Should an additional 8-digit tariff subheading be required, it is also necessary to obtain the relevant description of such a provision from **BURS** before the application can be submitted.
- (iv) If rebate of the custom duty is required on more than one product, information should be furnished separately throughout the questionnaire for each product.
- (v) The statistical information may be given for either calendar years or financial years, but the basis selected should be stated.

**INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR THE
CREATION OF A REBATE FACILITY**

A COMPANY DETAILS

Name of the applicant: _____

Company's registration number: _____

Postal Address: _____

Physical Address: _____

Tel:(_____) _____ Fax:(_____) _____

Webpage: _____

Email: _____

2. Provide the contact details of the applicant/representative. Should an interested party wish to be represented by a third party in an investigation, the interested party must provide the Commission with a letter of appointment of its representative, detailing the identity of the representative and the scope and duration of the representation. These requirements are set forth in greater detail in regulation 13 of the Tariff Investigations Regulations.

Contact person: _____

Postal Address: _____

Physical Address: _____

Tel:(_____) _____ Fax:(_____) _____

Webpage: _____

Email: _____

3. Provide the physical location of the factory and warehouse: _____

4. State the nature of the business conducted by the applicant: _____

5. It should be noted that in terms of regulation 8(3) of the Tariff Investigations Regulations, the Commission may, inter alia, require an applicant to provide additional information in respect of the application:

B PRODUCT DESCRIPTION AND TARIFF CLASSIFICATION

6. Provide the existing tariff structure as per the table below –

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of duty				
				General	EU	EFTA	SADC	AfCFTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

7. Provide the existing tariff structure as per the table below:

Table 2: Current Tariff Position or the Final Product Manufactured by the Applicant

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of duty				
				General	EU	EFTA	SADC	AfCFTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

8. Please provide the description of the requested rebate provision as supplied by BURS and also indicate the extent of rebate sought. Include the actual communication from BURS confirming the wording of the proposed rebate provision (*attach if possible*):

9. Describe the product in the fullest detail with regard to composition, method/process of manufacturing, function and method of use. Such a description should be supported, where possible, with clearly illustrated literature. (*attach if possible*):

10. Please furnish information with regard to all intermediate inputs which are all industrial inputs, except the primary inputs of capital and labour used in the manufacture of the final product manufactured by the applicant as indicated in the table below. (*attach if possible*).

D INDUSTRY AND MARKET

16. Furnish the names and addresses or websites of other SACU manufacturers of the product or end product including details of the known SACU industry representative organisations.

E MARKET AND TRADE INFORMATION

17. 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. Please use table 4 below for ease of presentation of the information.

Table 4: Market and Trade Data

No	Items	Year 1		Year 2		Current year	
		Company Total	Subject Product	Company Total	Subject Product	Company Total	Subject Product
1	Estimated SACU Domestic demand – kg/li/units						
2	Estimated SACU Domestic supply – kg/li/units						
3	Applicant total production (volume – kg/li/units)						
4	Applicant total sales (volume – kg/li/units)						
5	Applicant total sales (value, P)						
6	Applicant SACU sales (volume – kg/li/units)						
7	Applicant SACU sales (value, P)						
8	Applicant production capacity						

9	Applicant market share (%)						
10	SACU industry market share (%)						
11	Applicant total investment (Pm)						
	Plant & machinery Buildings						
12	Applicant total export						
	Volume (kg/li/units) value (P) Destination						
13	Applicant total import						
	Volume (kg/li/units) value (P) Origin						
14	Applicant total employment						
	Senior management middle management direct factory workers administrative staff						
	Male Female						
	Female <ul style="list-style-type: none"> Youth (18 years -35 years) Adult (35 years and above) 						
	Citizens Non-citizens						
	Skilled <ul style="list-style-type: none"> Youth (18 years-35 years) Semiskilled <ul style="list-style-type: none"> Youth (18 years-35 years) Unskilled <ul style="list-style-type: none"> Youth (18 years-35 years) 						

	Total direct factory workers <ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Disabled						
15	Applicant total wage (P)						
	Senior management Middle management Direct factory workers Administrative staff						
	Male Female						
	Female <ul style="list-style-type: none"> Youth (18 years -35 years) Adult (35 years and above) 						
	Citizens Non-citizens						
	Skilled <ul style="list-style-type: none"> Youth (18 years-35 years) Semiskilled <ul style="list-style-type: none"> Youth (18 years-35 years) Unskilled <ul style="list-style-type: none"> Youth (18 years-35 years) Total direct factory workers <ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Disabled						
16	Applicant supply side measures (P)						
17	Research and development						

skilled development and training Upgrading machinery & equipment other (list and populate)						
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Note: unit of measure should be in line with the Customs Act

18. Is the applicant receiving any financial, capital or other form of support from any Government Department or Government Institution in the SACU or financial institutions outside SACU? If so provide the details about the type, duration and the extent of the already acquired support. Please provide supporting documentation (*attach if possible*).

F COMPETITIVENESS

19. Provide the present cost and price structure of the subject product if the product is not further processed by your firm or being used in the processing of another product (*use Table 5*):

Table 5: Cost and Price Structure

Items	Year 1	Year 2	Current year
	P per kg/li/units	P per kg/li/units	P per kg/li/units
F.O.B value			
Freight, insurance, landing charges			
Customs duty			
Other (specify)			
In-store costs			
Selling and administration costs			
Profit			
Selling price (total of above amounts)			

Note: please give breakdown of the selling and administration costs

20. 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 Table 6).

Table 6: Cost and Price Structure

Items	Year 1			Year 2			Current year		
	Price per kg/li/unit	% total cost of production	% ex-factory selling price	Price per kg/li/unit	% total cost of production	% ex-factory selling price	Price per kg/li/unit	% total cost of production	% ex-factory selling price
direct Variable Cost									
Material and components									
Imported									
F.O.B									
Customs duty									
Freight, insurance and landing and other charges									
other imported inputs									
Domestic sourced									
Direct labour and related costs									
Tooling*									
Royalties, etc									
Other*									

Indirect variable cost									
Labour Utilities R and D Other variable overheads*									
Fixed overhead cost									
Labour Repair and maintenance Rates and insurance Plant depreciation Net interest paid Rent Other*									
Total production cost									
Selling general and administrative expenses									
Administrative expenses Selling expenses General expenses									
Total Cost									

Selling (list) price									
Discounts									
Rebates									
Net profit									
Net ex-factory price									
Net cash flow									

Note: Supply a detailed breakdown of the items in asterisks (*). Cost items such as tooling can be a direct or indirect cost depending on the specific industry. Separate cost analyses must be provided for each of the subject products in this format. This format serves as an indication of the details required by the Commission. This information should be reconcilable to your income statements. Provide a detailed breakdown of the basis of allocation in each case that an allocation has been made.

21. 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 be influenced should the application for amendment in the duty be successful?

22. Furnish in the table below prices of equivalent imported products competing with the SACU manufactured product.

Country of Origin	Free on board import prices	Landed cost at SACU port including insurance, freight and other costs (CIF)

NOTE: Wherever possible, the particulars in the above table should be substantiated with price lists, invoices, or other documentary evidence. If these are not available, the sources of the information relating to this data should be furnished.

G RECIPROCITY COMMITMENTS

23. The Commission takes a developmental or strategic approach to customs tariffs. It has begun to make all tariff support conditional on reciprocal commitments by applicants, gauging the performance of beneficiaries against the policy objectives of, among others, increased economic growth and competitiveness, as well as investment, employment creation and retention.

24. As a rebate provision is considered for the purpose of providing relief to domestic producers that may be experiencing injurious import pressures, support will be tied to conditions related to economic performance over time and may be reviewed after a specified period.

25. State the increased economic benefits that can be realised should the tariff relief be provided by completing the table below, where applicable (*Table 7*).

Table 7: Reciprocity Commitments

No	Items	Should the support be given		
		Year 1	Year 2	Year 3
1	Expected total production volume (kg/li/unit)			
2	Expected ex-factory selling price per (kg/li/unit)			
3	Expected total investment (Rm)			
	Plant & machinery			
	Buildings			
4	Supply side measures (Rm)			
	Research and development			
	Skills development and training			
	Upgrading machinery & equipment			
	Other (list)			
5	Expected total export			
	Volume (kg/li/unit)			
	Value (P)			
6	Expected total employment			
	Skilled			
	• Youth (18 years -35 years)			
	Semiskilled			
	• Youth (18 years- 35 years)			
	Unskilled			
	• Youth (18 years -35 years)			

	Total direct factory workers • Youth (18 years -35 years)			
5	Expected total wage (P)			
	Skilled • Youth (18 years -35 years) Semiskilled • Youth (18 years -35 years) Unskilled • Youth (18 years -35 years) Total direct factory workers • Youth (18 years -35 years)			

26. How do you support or plan to support the participation in manufacturing and related activities by small businesses, citizen owned enterprises and Common Customs Area supply chains (*explain*)?

27. Elaborate on the future pricing of the product should the support sought be granted.

28. In order to enable **BOTC** to gauge the performance of beneficiaries against their commitments in terms of employment, provide the following information:

- (a) a reasonable approximation of the jobs that may be lost should the support not be granted;
- (b) similarly, the number of jobs to be created if tariff support is granted; and
- (c) please substantiate the estimates provide in (a) and (b).

H DEVELOPMENTAL PLAN

29. Commitment to economic performance provided in Table 7 requires, but is not limited to, the following –

- (a) a development plan;
- (b) a restructuring plan; or
- (c) other relevant plans.

30. Where you contend that the proposed customs tariff relief is necessary to protect, maintain and/or increase market share, provide an explanation how this will be achieved, drawing on what is provided in paragraphs 25 to 29, if applicable.

I SUPPORTING DOCUMENTATION

31. Submit copies of the firm's latest audited financial statements (or management accounts) and business plan (*attach if possible*).

32. Please submit a statement of compliance with labour laws and agreements gazetted by the Minister of Labour and Home Affairs (*attach if possible*).

33. The applicant must submit a **TIN** Number to enable **BOTC** to verify the applicant's tax clearance status on the **BURS** Tax Clearance System. Should challenges exist in providing this information give detailed reason/s for the absence thereof (*attach*).

34. Should the provision of tariff relief not be sufficient to place the firm in a competitive position, are there any further plans in place to address this gap (*explain*).

35. Tables 4, 5, 6 and 7 are also to be provided in Excel spread sheets.

36. For this Application form to be duly completed please see overleaf.

37. Submission of the Affidavit by the **Chief Executive Officer** of the company.

AFFIDAVIT

I, _____ (Full name), of Identity Number _____, in my capacity as _____ of _____ hereby declare that the information furnished in this application is to the best of my knowledge true and correct. I also submit to furnish **BOTC** with information in the form of Tables 4, 5 and 6 on an annual basis over the period of the support, should the support be given.

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

Name: _____

Designation: _____

Signature of Deponent: _____

Date: _____

SIGNED AND SWORN TO BEFORE ME AT _____ ON THIS
_____ DAY OF _____ YEAR _____

COMMISSIONER OF OATHS.

BOTC

FORM B
(regs 3(2) and 14(1))

APPLICATION FOR CUSTOMS TARIFF AMENDMENT INCREASE IN THE RATE OF CUSTOMS DUTY

Please address all correspondence to the **Chief Executive Officer**, Botswana Trade Commission, and forward your application choosing one of the following options –

Postal address: Private Bag 3ADD, Poso House, Gaborone
Physical address: Plot 55745, Block 8, Main Airport Road, Gaborone
Email: info@botc.org.bw

NOTES:

- (i) it is **imperative** to study the contents of the document titled “**TARIFF INVESTIGATIONS REGULATIONS**”, which can be found on **BOTC**’s website (www.botc.org.bw), before completing this application form,
- (ii) applicants should feel free to submit any information or comment considered to be relevant to the application, not called for specifically in the questionnaire. The application should include a duly signed affidavit on the company’s letterhead averring the accuracy of the information being provided and be accompanied by a cover letter signed by the **CEO** of the applying company authorising the submission of the application,
- (iii) it is advisable that the Office of the Commissioner General for the **BURS** be consulted in connection with the tariff classification and description of the product concerned. This applies to questions 10 and 11 of the questionnaire. Should an additional 8-digit tariff subheading be required, it is also necessary to obtain the relevant description of such a provision from **BURS** before the application can be submitted,
- (iv) if an increase in the custom duty on more than one product is required, information should be furnished separately throughout the questionnaire for each product, and
- (v) The statistical information may be given for either calendar years or financial years, but the basis selected should be stated.

INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR AN INCREASE IN THE RATE OF THE CUSTOM DUTY

A COMPANY DETAILS

1. State the full name of the applicant: _____
2. State the postal and physical address: _____
3. State the web address if available: _____
4. State the company's registration number: _____
5. Provide the contact details of the applicant/representative. Should an interested party wish to be represented by a third party in an investigation, the interested party must provide the Commission with a letter of appointment of its representative, detailing the identity of the representative and the scope and duration of the representation (these requirements are set forth in greater detail in regulation 13 of the Tariff Investigations Regulations):

Contact person: _____

Tel:(_____) _____

Fax:(_____) _____

Cellphone number: _____

Email Address: _____

6. Provide the physical location of the factory and warehouse: _____
7. State the nature of the business conducted by the applicant: _____
8. It should be noted that in terms of regulation 8(3) of Tariff Investigations Regulations, the Commission may, inter alia, require an applicant to provide additional information in respect of the application (*attach if possible*).

B PRODUCT DESCRIPTION AND TARRIF CLASSIFICATION

9. Provide the existing tariff structure as per the table below:

Table 1: Current Tariff Position

Tariff heading	Tariff subheading	Description	Statistica l unit	Rate of duty				
				General	EU	EFTA	SADC	AfCTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

10. If the application is for an increase in duty by way of creating a new 8-digit tariff sub- heading, please provide the proposed tariff description as supplied by **BURS**. Include the actual communication from **BURS** confirming the wording of the proposed 8-digit tariff subheading (*attach if possible*).

11. Provide the requested tariff structure as per the Table 2 below:

Table 2: Requested Tariff Position

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of duty				
				General	EU	EFTA	SADC	AfCFTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

12. Describe the product in the fullest detail with regard to composition, method/process of manufacturing, function and method of use. Such a description should be supported, where possible, with clearly illustrated literature.

13. Please furnish information with regard to all intermediate inputs except the primary inputs of capital and labour used in the manufacture of the product as indicated in the table below.

Table 3A: Input Products

List all domestically sourced intermediate products and indicate Common Custom Area Supply Chains	Tariff subheading	Percentage of ex-factory sales value

Table 3B: Input Products

List all imported intermediate products	Tariff subheading	Percentage of ex-factory sales value

14. Describe or provide a diagram of the position of the product in the value chain (i.e. raw material, intermediate product or end product) (*attach if possible*).

C REASONS FOR THE APPLICATION

15. Give a brief statement of the reason(s) for the application. Please note that the particulars given will form the basis of the application and could be made available to interested party.

D INDUSTRY AND MARKET

16. Furnish the names and addresses or websites of other SACU manufacturers of the product and/or end product, including details of known SACU industry representative organisations.

E MARKET AND TRADE INFORMATION

17. Furnish the company's information on market and trade data for the most recent three-year period available and indicate the proportion of the total allocated to the product being the subject of the application where applicable. Please use Table 4 below for ease of presentation of the information.

Table 4: Market and Trade Data

No	Items	Year 1		Year 2		Current year	
		Company Total	Subject Product	Company Total	Subject Product	Company Total	Subject Product
1	Estimated SACU Domestic demand – kg/li/units						
2	Estimated SACU Domestic supply – kg/li/units						

3	Applicant total production (volume – kg/li/units)						
4	Applicant total sales (volume – kg/li/units)						
5	Applicant total sales (value, P)						
6	Applicant SACU sales (volume – kg/li/units)						
7	Applicant SACU sales (value, P)						
8	Applicant production capacity						
9	Applicant market share (%)						
10	SACU industry market share (%)						
11	Applicant total investment (Pm)						
	Plant and machinery Buildings						
12	Applicant total export						
	Volume (kg/li/units) Value (P) Destination						
13	Applicant total import						
	Volume (kg/li/units) Value (P) Origin						
14	Applicant total employment						
	Senior management Middle management Direct factory workers Administrative staff						
	Male Female						
	Female <ul style="list-style-type: none"> Youth (18 years-35 years) 						

	<ul style="list-style-type: none"> • Adult (35 years and above) 						
	Citizens Non-citizens						
	Skilled <ul style="list-style-type: none"> • Youth (18 years-35 years) Semiskilled <ul style="list-style-type: none"> • Youth (18 years-35 years) Unskilled <ul style="list-style-type: none"> • Youth (18 years-35 years) Total direct factory workers <ul style="list-style-type: none"> • Youth (18 years-35 years) 						
	Disabled						
15	Applicant total wage (P)						
	Senior management Middle management Direct factory workers Administrative staff						
	Male Female						
	Female <ul style="list-style-type: none"> • Youth (18 years-35 years) • Adult (35 years and above) 						
	Citizens Non-citizens						
	Skilled <ul style="list-style-type: none"> • Youth (18 years-35 years) 						

	Semiskilled <ul style="list-style-type: none"> Youth (18 years-35 years) Unskilled <ul style="list-style-type: none"> Youth (18 years-35 years) Total direct factory workers <ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Disabled						
16	Applicant supply side measures (P)						
	Research and development Skilled development and training Upgrading machinery and equipment Other (list and populate)						

Note: unit of measure should be in line with the Customs Act

18. Is the applicant receiving any financial, capital or other form of support from any Government Department or Government Institution in the SACU or financial institutions outside SACU? If so provide the details about the type, duration and the extent of the already acquired support. Please provide supporting documentation.

F COMPETITIVENESS

19. Provide the present cost and price structure of the product:

Table 5: Cost and Price Structure

No	Items	Year 1			Year 2			Current year		
		Price per kg/li/units	% total cost of production	% ex-factory selling price	Price per kg/li/units	% total cost of production	% ex-factory selling price	Price per kg/li/units	% total cost of production	% ex-factory selling price
1	Direct Variable Cost									
	a) Material and components Imported F.O.B Customs duty Freight, insurance and landing and other charges Other imported inputs Domestic sourced b) Direct labour and related costs c) Tooling* d) Royalties e) Other*									
2	Indirect variable cost									
	Labour Utilities R&D Other variable overheads*									
3	Fixed overhead cost									
	Labour Repair and maintenance									

	Rates and insurance Plant depreciation Net interest paid Rent Other*									
4	Total production cost									
5	Selling general and administrative expenses									
	Administrative expenses Selling expenses General expenses									
6	Total cost									
7	Selling (list) price									
8	Discounts etc.									
	Discounts Rebates									
9	Net profit									
10	Net ex-factory price									
11	Net cash flow									

Note: Supply a detailed breakdown of the items in asterisks (*). Cost items such as tooling can be a direct or indirect cost depending on the specific industry. Separate cost analyses must be provided for each of the subject products in this format. This format serves as an indication of the details required by the Commission. This information should be reconcilable to your income statements. Provide a detailed breakdown of the basis of allocation in each case that an allocation has been made.

20. 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 be influenced should the application for amendment in the duty be successful?

21. Furnish in the table below prices of equivalent imported products competing with the SACU manufactured product.

Table 6: prices of Imported Products

Country of Origin	Free on board import prices	Landed cost at SACU port including insurance, freight and other costs (CIF)

NOTE: Wherever possible, the particulars in the above table should be substantiated with price lists, invoices or other documentary evidence. If these are not available, the sources of the information relating to this data should be furnished.

G RECIPROCITY COMMITMENTS

22. The Commission takes a developmental or strategic approach to customs tariffs. It has begun to make all tariff support conditional on reciprocal commitments by applicants, gauging the performance of beneficiaries against the policy objectives of, among others, increased economic growth and competitiveness, as well as investment, employment creation and retention.
23. As an increase in customs duties is considered for the purpose of providing relief for domestic producers that may be experiencing injurious import pressures, thereby allowing such producers to adjust and restructure so that in the medium to long term they can become internationally competitive without any support in the form of customs duty protection, support will be tied to conditions related to economic performance over time and will be reviewed after a specified period.
24. State the increased economic benefits that can be realised should the tariff support be provided by completing the table below, where applicable.

Table 7: Reciprocity Commitments

No	Items	Should the support be given		
		Year 1	Year 2	Year 3
1	Expected total production volume (kg/li/unit)			
2	Expected ex-factory selling price per (kg/li/unit)			
3	Expected total investment (Rm)			
	Plant and machinery			
	Buildings			
4	Supply side measures (Rm)			
	Research and development			
	Skills development and training			
	Upgrading machinery & equipment			
	Other (list)			
5	Expected total export			
	Volume (kg/li/unit)			
	Value (P)			
6	Expected total employment			
	Skilled			
	• Youth (18 years -35 years)			
	Semiskilled			
	• Youth (18 years -35 years)			
	Unskilled			
	• Youth (18 years -35 years)			
	Total direct factory workers			
	• Youth (18 years -35 years)			
	Female			
	• Youth (18 years -35 years)			
	• Adult (35 years and above)			
	Disabled			
7	Expected total wage (P)			
	Skilled			
	• Youth (18 years -35 years)			
	Semiskilled			
	• Youth (18 years -35 years)			
	Unskilled			
	• Youth (18 years -35 years)			

	Total direct factory workers • Youth (18 years -35 years)			
	Female • Youth (18 years -35 years) • Adult (35 years and above)			
	Disabled			

25. How do you support or plan to support the participation in manufacturing and related activities by small businesses, citizen-owned enterprises and Common Customs Area supply chains? (*explain*).

26. Elaborate on the future pricing of the product should the support sought be granted.

27. In order to enable **BOTC** to gauge the performance of beneficiaries against their commitments in terms of employment, please provide the following information:

- (a) a reasonable approximation of the jobs that may be lost should the support not be granted;
- (b) similarly, the number of jobs to be created if tariff support is granted; and
- (c) please substantiate the estimates provided in (a) and (b).

H DEVELOPMENTAL PLAN

28. Commitment to economic performance provided in Table 6 requires, but is not limited to, the following -

- (a) a development plan;
- (b) a restructuring plan; or
- (c) other relevant plans.

29. Where you contend that the proposed customs tariff support is necessary to protect, maintain or increase market share, provide an explanation how this will be achieved, drawing on what is provided in paragraphs 24 to 28, if applicable.

I SUPPORTING DOCUMENTATION

30. Submit copies of the firm's latest audited financial statements (or management accounts) and business plan (*attach if possible*).

31. Please submit a statement of compliance with labour laws and agreements gazetted by the Minister of Labour and Home Affairs.

32. The applicant must submit a **TIN** Number to enable **BOTC** to verify the Applicant's tax clearance status on the **BURS** Tax Clearance System. Should challenges exist in providing this information give detailed reason/s for the absence thereof (*attach*).

33. Should the provision of tariff support not be sufficient to place the firm in a competitive position, are there any further plans in place to address this gap (*illustrate*).

34. Tables 4, 5 and 6 are also to be provided in Excel spread sheets.

35. For this Application form to be duly completed please see overleaf.

36. Submission of the Affidavit by the **Chief Executive Officer** of the company

AFFIDAVIT

I, _____ (Full name) and the Identity Number _____, in my capacity as _____ of _____ hereby declare that the information furnished in this application is to the best of my knowledge true and correct. I also submit to furnish BOTC with information in the form of Tables 4 and 5 specified above, on an annual basis over the period of the support, should the support be given.

Name: _____
Designation: _____
Signature of applicant: _____
Date: _____

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

SIGNED AND SWORN TO BEFORE ME AT _____
ON THIS _____ DAY OF _____ YEAR _____

COMMISSIONER OF OATHS

BOTC

FORM C
(regulation 3(2))

APPLICATION FOR CUSTOMS TARIFF AMENDMENT REDUCTION IN THE RATE OF CUSTOMS DUTY

Please address all correspondence to the **Chief Executive Officer**, Botswana Trade Commission, and forward your application choosing one of the following options:

Postal address: Private Bag 3ADD, Poso House, Gaborone
Physical address: Plot 55745, Block 8, Main Airport Road, Gaborone
Email: info@botc.org.bw

NOTES:

- (i) it is **imperative** to study the contents of the document titled "**TARIFF INVESTIGATIONS REGULATIONS**", which can be found on **BOTC's** website (www.botc.org.bw), before completing this application form.
- (ii) applicants should feel free to submit any information or comment considered to be relevant to the application, not called for specifically in the questionnaire. The application should include a duly signed affidavit on the company's letterhead averring the accuracy of the information being provided and be accompanied by a cover letter signed by the **CEO** of the applying company authorising the submission of the application.
- (iii) it is advisable that the Office of the Commissioner General for the **BURS** be consulted in connection with the tariff classification and description of the product concerned. This applies to questions 10 and 11 of the questionnaire. Should an additional 8-digit tariff subheading be required, it is also necessary to obtain the relevant description of such a provision from **BURS** before the application can be submitted.
- (iv) If a reduction of the custom duty is required on more than one product, information should be furnished separately throughout the questionnaire for each product.
- (v) The statistical information may be given for either calendar years or financial years, but the basis selected should be stated.

SUPPORTING DOCUMENTS

INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR A REDUCTION IN THE RATE OF THE CUSTOM DUTY

A COMPANY DETAILS

1. State the full name of the applicant: _____
2. State the postal and physical address: _____
3. State the web address if available: _____
4. State the company's registration number: _____
5. Provide the contact details of the applicant/representative. Should an interested party wish to be represented by a third party in an investigation, the interested party must provide the Commission with a letter of appointment of its representative, detailing the identity of the representative and the scope and duration of the representation (these requirements are set forth in greater detail in regulation 13 of the Tariff Investigations Regulations):

Contact person: _____
Tel:(_____) _____ Fax:(_____) _____
Cellphone number: _____
Email Address: _____

6. Provide the physical location of the factory and warehouse: _____
7. State the nature of the business conducted by the applicant: _____
8. It should be noted that in terms of regulation 8(3) of Tariff Investigations Regulations the Commission may, inter alia, require an applicant to provide additional information in respect of the application.

9. Provide the existing tariff structure as per the table below:

Table 1: Current Tariff Position

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of duty				
				General	EU	EFTA	SADC	AfCFTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

10. If the application is for the reduction of duty by way of creating a new 8-digit tariff subheading, please provide the proposed tariff description as supplied by BURS. Include the actual communication from BURS confirming the wording of the proposed 8-digit tariff subheading (*attach if possible*).

11. Provide the requested tariff structure as per the table below:

Table 2: Requested Tariff Position

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of duty				
				General	EU	EFTA	SADC	AfCFTA

(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

12. Give a technical description of the product 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) (*attach if possible*).

C REASONS FOR THE APPLICATION

13. Give a brief statement of the reason(s) for the application. Please note that the particulars given will form the basis of the application and that it is possible that they will be made available to interested party.

D INDUSTRY AND MARKET

14. Furnish the names and addresses or websites of other SACU manufacturers of the product and/or end product including details of the known SACU industry representative organisations.

E MARKET AND TRADE INFORMATION

15. 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). Please use Table 3 below for ease of presentation of the information.

Table 3: Market and Trade Data

No	Items	Year 1		Year 2		Current year	
		Company Total	Subject Product	Company Total	Subject Product	Company Total	Subject Product
1	Estimated SACU Domestic demand – kg/li/units						
2	Estimated SACU Domestic supply – kg/li/units						
3	Applicant total production (volume – kg/li/units)						
4	Applicant total sales (volume – kg/li/units)						
5	Applicant total sales (value, P)						
6	Applicant SACU sales (volume – kg/li/units)						
7	Applicant SACU sales (value, P)						
8	Applicant production capacity						
9	Applicant market share (%)						

10	SACU industry market share (%)						
11	Applicant total investment (Pm)						
	Plant and machinery Buildings						
12	Applicant total export						
	Volume (kg/li/units) Value (P) Destination						
13	Applicant total import						
	Volume (kg/li/units) Value (P) Origin						
14	Applicant total employment						
	Senior management Middle management Direct factory workers Administrative staff						
	Male Female						
	Female <ul style="list-style-type: none"> Youth (18 years -35 years) Adult (35 years and above) 						
	Citizens Non-citizens						
	Skilled <ul style="list-style-type: none"> Youth (18 years-35 years) Semiskilled <ul style="list-style-type: none"> Youth (18 years-35 years) Unskilled						

	<ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Total direct factory workers						
	<ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Disabled						
15	Applicant total wage (P)						
	Senior management Middle management Direct factory workers Administrative staff						
	Male Female						
	Female						
	<ul style="list-style-type: none"> Youth (18 years-35 years) Adult (35 years and above) 						
	Citizens Non-citizens						
	Skilled						
	<ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Semiskilled						
	<ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Unskilled						
	<ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Total direct factory workers						

	<ul style="list-style-type: none"> Youth (18 years-35 years) 						
	Disabled						
16	Applicant supply side measures (P)						
	Research and development Skilled development and training Upgrading machinery and equipment Other (list and populate)						

Note: unit of measure should be in line with the Customs Act

16. Is the applicant receiving any financial, capital or other form of support from any Government Department or Government Institution in the SACU or financial institutions outside SACU? If so provide the details about the type, duration and the extent of the already acquired support. Please provide supporting documentation.

F COMPETITIVENESS

17. Provide the present cost and price structure of the subject product:

Table 4: Cost and Price Structure

Items	Year 1	Year 2	Current year
	P per kg/li/units	P per kg/li/units	P per kg/li/units
F.O.B value			
Freight, insurance, landing charges			
Customs duty			
Other (specify)			
In-store costs			
Selling and administration costs			
Profit			

Selling price (total of the above amounts)			
---	--	--	--

Note: please give a breakdown of the selling and administration costs

18. 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.

Table 5: Cost and Price Structure

No	Items	Year 1			Year 2			Current year		
		Price per kg/li/units	% total cost of production	% ex-factory selling price	Price per kg/li/units	% total cost of production	% ex-factory selling price	Price per kg/li/units	% total cost of production	% ex-factory selling price
1	Direct Variable Cost									
	a) Material and components									
	Imported									
	F.O.B									
	Customs duty									
	Freight									
	insurance and									
	landing and									
	other charges									
	Other imported inputs									
	Domestic sourced									
	b) Direct labour and related costs									
	c) Tooling*									
	d) Royalties									
	e) Other*									
2	Indirect variable cost									
	Labour									

	Utilities R and D Other variable overheads*									
3	Fixed overhead cost									
	Labour Repair and maintenance Rates and insurance Plant depreciation Net interest paid Rent Other*									
4	Total production cost									
5	Selling general administrative expenses									
	Administrative expenses Selling expenses General expenses									
6	Total cost									
7	Selling (list) price									
8	Discounts etc.									
	Discounts Rebates									
9	Net profit									
10	Net ex-factory price									
11	Net cash flow									

Note: Supply a detailed breakdown of the items in asterisks (*). Cost items such as tooling can be a direct or indirect cost depending on the specific industry. Separate cost analyses must be provided for each of the subject products in this format. This format serves as an indication of the details required by the Commission. This information should be reconcilable to your income statements. Provide a detailed breakdown of the basis of allocation in each case that an allocation has been made.

19. 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 be influenced should the application for amendment in the duty be successful?

20. How do you support or plan to support the participation in manufacturing and/or related activities by small businesses, citizen owned enterprises and Common Customs Area supply chains?

21. In order to enable **BOTC** to understand the impact that the proposed reduction would have on employment, provide the number of jobs to be created or retained if tariff relief is granted and substantiate these estimates.

22. Where you contend that the proposed customs tariff relief is necessary to protect, maintain or increase market share, provide an explanation how this will be achieved.

23. Furnish **BOTC** with information pertaining to the impact on investment by the applicant, if tariff relief is granted and substantiate this submission.

24. Furnish in the table below prices of equivalent imported products competing with the **SACU** manufactured product.

Country of Origin	Free on board import prices	Landed cost at SACU port including insurance, freight and other costs (CIF)

NOTE: Wherever possible, the particulars in the above table should be substantiated with price lists, invoices, or other documentary evidence. If these are not available, the sources of the information relating to this data should be furnished.

25. If the product is further processed, furnish in the table below recent prices of imported substitute products competing with the SACU manufactured product.

Country of Origin	Free on board import prices	Landed cost at SACU port including insurance, freight and other costs (CIF)

NOTE: Wherever possible, the particulars in the above table should be substantiated with price lists, invoices, or other documentary evidence. If these are not available, the sources of the information relating to this data should be furnished.

G SUPPORTING DOCUMENTATION

26. Submit copies of the firm's latest audited financial statements (or management accounts) and business plan (*attach if possible*).

27. Please submit a statement of compliance with labour laws and agreements gazetted by the Minister of Labour and Home Affairs. (*attach if possible*).

28. The applicant must submit a **TIN** Number to enable **BOTC** to verify the Applicant's tax clearance status on the **BURS** Tax Clearance System. Should challenges exist in providing this information give detailed reason/s for the absence thereof (*attach if possible*).

29. Should the provision of tariff relief not be sufficient to place the firm in a competitive position, are there any further plans in place to address this gap (*provide if applicable*).

30. Tables 3, 4 and 5 are also to be provided in Excel spread sheets.

31. For this Application form to be duly completed please see overleaf.

32. Submission of the Affidavit by the **Chief Executive Officer** of the company.

AFFIDAVIT

I, _____ (Full name), of Identity Number _____, in my capacity as _____ of _____ hereby declare that the information furnished in this application is to the best of my knowledge true and correct.

Name: _____

Designation: _____

Signature: _____

Date: _____

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

SIGNED AND SWORN TO BEFORE ME AT _____ ON THIS
_____ DAY OF _____ YEAR _____

COMMISSIONER OF OATHS

BOTC

FORM D
(regulation 3(2))

APPLICATION FOR THE CREATION OF REBATE PROVISIONS ON ORDINARY CUSTOMS AND SAFEGUARD DUTIES APPLICABLE TO CERTAIN PRIMARY STEEL CLASSIFICATION

Please address all correspondence to the Chief Executive Officer, Botswana Trade Commission, and forward your application choosing one of the following options:

Postal address: Private Bag 3AAD Poso House, Gaborone
Physical address: Plot 55745, Block 8, Main Airport Road, Gaborone
Email Address: info@botc.org.bw

NOTES:

- (i) It is **imperative** to study the contents of the document titled “**TARIFF INVESTIGATIONS REGULATIONS**”, which can be found on **BOTC**’s website (www)
- (ii) an applicant should feel free to submit any information or comment considered to be relevant to the application, not called for specifically in the questionnaire. The application should include a duly signed affidavit on the company’s letterhead averring the accuracy of the information being provided and be accompanied by a cover letter signed by the **CEO** of the applying company authorising the submission of the application.
- (iii) it is advisable that the Office of the Commissioner General for the **BURS** be consulted in connection with the tariff classification and description of the product concerned. This applies to questions 10 and 11 of the questionnaire). Should an additional 8-digit tariff subheading be required, it is also necessary to obtain the relevant description of such a provision from **BURS** before the application can be submitted.
- (iv) if rebate of the custom duty is required on more than one product, information should be furnished separately throughout the questionnaire for each product.
- (v) the statistical information may be given for either calendar years or financial years, but the basis selected should be stated.

SUPPORTING DOCUMENTS

INFORMATION REQUIRED IN SUPPORT OF AN APPLICATION FOR THE CREATION OF A REBATE FACILITY

A) COMPANY DETAILS

1. State the full name of the applicant: _____
2. State the postal and physical address: _____
3. State the web address if available: _____
4. State the company's registration number in terms of Companies Act, Cap. 42:01: _____
5. Provide the contact details of the applicant/representative. Should an interested party wish to be represented by a third party in an investigation, the interested party must provide the Commission with a letter of appointment of its representative, detailing the identity of the representative and the scope and duration of the representation (these requirements are set forth in greater detail in regulation 13 of the Tariff Investigations Regulations):

Contact person: _____
Tel:(_____) _____ Fax:(_____) _____
Cellphone number: _____
Email Address: _____

6. Provide the physical location of the factory and warehouse: _____
7. State the nature of the business conducted by the applicant: _____
8. It should be noted that in terms regulations 8(3) of the Tariff Investigations Regulations, the Commission may inter alia, require an applicant to provide additional information in application.

B) PRODUCT DESCRIPTION AND TARIFF CLASSIFICATION

9. Provide the existing tariff structure as per the table below:

Table 1: Current Tariff Position (Product to be Rebated)

Table 1A: Rate of Ordinary Customs Duty

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of ordinary customs duty				
				General	EU	EFTA	SADC	AfCFTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

Table 1B: Rate of Safeguard Duty

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of safeguard duty
(4 digit)		(Tariff heading description)		
	(6 or 8 digit)	(Tariff subheading description)		

10. Provide the existing tariff structure as per the table below:

Table 2: Current Tariff Position (Final Product Manufactured by the Applicant)

Tariff heading	Tariff subheading	Description	Statistical unit	Rate of duty				
				General	EU	EFTA	SADC	AfCFTA
(4 digit)		(Tariff heading description)						
	(6 or 8 digit)	(Tariff subheading description)						

11. Please provide the description of the requested rebate provision as supplied by **BURS** and also indicate the extent of rebate sought. Include the actual communication from **BURS** confirming the wording of the proposed rebate provision (*attach if possible*).

12. Describe the product in the fullest detail with regard to composition, method/process of manufacturing, function and method of use. Such a description should be supported, where possible, with clearly illustrated literature.

C) REASONS FOR THE APPLICATION

13. Give a brief statement of the reason(s) for the application. Please note that the particulars given will form the basis of the application and could be made available to interested party.

D) MARKET AND TRADE INFORMATION

14. Furnish the company's recent three-year information on market and trade data for the final product (See Attached Excel file - Table 3).

15. Is the applicant receiving any financial, capital or other form of support from any Government Department or Government Institution in the SACU? If so provide the details about the type, duration and the extent of the already acquired support. Please provide supporting documentation.

E) COMPETITIVENESS

16. Provide the present cost and price structure of the subject product

Table 3 – Cost and Price Structure

No	Items	Year 1			Year 2			Current year		
		Price per kg/li/units	% total cost of production	% ex-factory selling price	Price per kg/li/units	% total cost of production	% ex-factory selling price	Price per kg/li/units	% total cost of production	% ex-factory selling price
1	Direct Variable Cost									
	i)Material and components Imported F.O.B Customs duty Freight, insurance and landing and other charges Other imported inputs									

	Domestic sourced ii) Direct labour and related costs iii) Tooling* iv) Royalties v) Other*									
2	Indirect variable cost									
	Labour Utilities R and D Other variable overheads*									
3	Fixed overhead cost									
	Labour Repair and maintenance Rates and insurance Plant depreciation Net interest paid Rent Other*									
4	Total production cost									
5	Selling general and administrative expenses									
	Administrative expenses Selling expenses General expenses									
6	Total cost									
7	Selling (list) price									
8	Discounts etc.									
	Discounts Rebates									
9	Net profit									
10	Net ex-factory price									
11	Net cash flow									

F) **SUPPORTING DOCUMENTATION**

17. Submit copies of the firm's latest audited financial statements (or management accounts) and business plan.

18. Please submit a statement of compliance with labour laws and agreements gazetted by the Minister of Labour and Home Affairs.

19. Submission of the Affidavit by the **Chief Executive Officer** of the company.

AFFIDAVIT

I, _____ (Full name) and Identity Number _____, in my capacity as _____ of _____ hereby declare that the information furnished in this application is to the best of my knowledge true and correct.

Name: _____
Designation: _____
Signature: _____
Date: _____

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

SIGNED AND SWORN TO BEFORE ME AT _____ ON THIS _____ DAY OF _____ YEAR _____

COMMISSIONER OF OATHS

MADE this _____ day of _____, 2024.

.....
MMUSI KGAFELA,
Minister of Trade and Industry.