

# **CUSTOMS AND BORDER MANAGEMENT**

## **EXTERNAL POLICY**

### **MANIFESTS**

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## 1 SCOPE

- a) The policy prescribes, in accordance with Section 8 **read with Section 101A and the rules thereto, the:**
- i) **mandatory electronic** submission of cargo reports, including manifests, vessel schedule, arrival and outturn reports for cargo imported by sea and air; and
  - ii) **electronic Road Freight Manifests (RFM) at time of entry or exit at port of entry or place of exit in South Africa.**
- b) The following is not included in the scope of this document:
- i) Cargo qualifying in terms of the provisions of Section 38(1)(a) to be released against a DA 306;
  - ii) Un-manifested (excess) cargo taken up in a State Warehouse;
  - iii) Manifested but un-cleared cargo removed to the State Warehouse;
  - iv) Rail manifests;
  - v) Transshipment cargo;
  - vi) Automated Cargo Management (ACM) registration (SC-CF-19-S06, SC-CF-19-S07, SC-CF-19-S14);
  - vii) **Completion Manual of DA 8, DA 8.01 – DA 8.04 – Sea Cargo (SC-CF-26)**
  - viii) **Completion Manual of DA 8A, DA 8A.01 – DA 8A.04 - Air Cargo (SC-CF-27)**
  - ix) **Completion Manual of DA 8B and DA 8B.01 – Rail Cargo (SC-CF-28); and**
  - x) **Completion Manual of DA 8C and DA 8C.01 – Road Cargo (SC-CF-45).**

## 2 POLICY

### 2.1 Sea and Air cargo

#### 2.1.1 Submission of electronic cargo reports

- a) The Rules to Section 101A provides for enforcement mechanisms for Electronic Data Interchange (EDI) with respect to the mandatory submission of certain reports and cargo, as well as goods declarations. These include:
- i) Vessel or aircraft schedule reports specified in Rule 8.06(a) must be submitted by the carrier or airport authority as respectively applicable in terms of that Rule.
  - ii) Vessel or aircraft arrival reports specified in Rule 8.06(b) must be submitted by the carrier or airport authority as respectively applicable in terms of that Rule.
  - iii) Manifests and empty container lists specified in Rule 8.07(b), aircraft pre-arrival manifests and final manifests specified in Rule 8.07(c) and rail manifests specified in Rule 8.07(d) must be submitted by the carrier, master cargo carrier, cargo carrier, groupage operator, courier, cargo carrier or railway authority as respectively applicable in terms of those Rules.
  - iv) Vessel outturn reports specified in Rules 8.08(a), (b) and (c) and aircraft outturn reports contemplated in Rules 8.08 (d), (e) and (f) must be submitted by the container terminal operator, wharf operator, depot operator, transit shed operator or degrouping operator as respectively applicable in terms of those Rules.
  - v) Every person contemplated in paragraphs (a) to (e) that are required to submit a report or declaration electronically to the Commissioner must register as a user in accordance with the provisions of Rule 101A and comply with the Rules made there-under.
  - vi) A report must be submitted electronically and be used in the format and contain the information specified in the user manual contemplated in the user agreement included in the Rules for Section 101A.
- b) Any person who is not automatically exempted from complying with these requirements and has not applied for exemption will be faced with penalties for non-compliance in the near future.
- c) Cargo information is electronically submitted to Customs before the vessel's or flight's arrival to identify high-risk cargo for inspection and creating a paperless environment.
- d) Rules to Section 8 stipulate the parties responsible for making cargo reports, the details such reports must contain and the periods within which such manifests and reports must be made.

- e) Import manifests for cargo carried by a vessel and intended for landing in South Africa must be submitted by:
- i) The carrier, master cargo carrier or cargo carrier, whoever arranged for the carriage of the goods as evidenced by a transport document in respect of:
    - A) FCL containers (Full container load );
    - B) FCL (groupage) containers;
    - C) LCL containers;
    - D) Transshipment cargo; and/or
    - E) Break bulk and bulk cargo.
  - ii) The groupage operator in respect of FCL (groupage) containers; and
  - iii) Except if a manifest has been submitted by any carrier or master cargo carrier, the container operator must submit the manifest in respect of FCL containers, FCL (groupage) containers, LCL containers and any containerised transshipment cargo.
- f) Empty container lists in respect of empty containers on such vessel that are not carried as cargo and are intended for landing at a port in South Africa must be submitted by the:
- i) Carrier; or
  - ii) Container operator.
- g) Cargo reports, for example manifests, must be supplied by:
- i) Master cargo carriers (such as shipping lines, airline carriers, rail carriers and container operators) on master bill of lading level; and
  - ii) Other cargo carriers (such as freight forwarders, groupage agents, consolidators, Non-Vessel Operating Common Carrier (NVOCCs) and combined transport operator agents responsible to the importer for the transport of the cargo) on house bill of lading level.
- h) Reports must be submitted in the prescribed EDI format to the ACM system (as reflected in the SARS EDI User Manual).
- i) Cargo reports submitted electronically must be in the format specified in the SARS EDI User Manual.
- j) The agent must print all the details received via CUSRES onto its own letterhead and present that to the release authority.
- k) Manifests for cargo imported by rail and intended for discharge in South Africa must be submitted by the railway authority in respect of all cargo carried on the train.
- l) Variation of reports is subject to the conditions as stipulated in Rule 8.09.
- m) If a variation of a cargo report will result in a decrease in the quantity of any kind of goods previously covered by the report, the cargo reporter submitting the variation must furnish an explanation to the Controller/Branch Manager of such decrease together with such variation.
- n) Any outturn report must, where relevant specify:
- i) Any containers that have been short landed or over landed;
  - ii) Any goods which according to the manifest have been short landed, short packed, short shipped or are in excess of manifested quantities;
  - iii) Un-manifested excess goods; or
  - iv) That the goods have been fully accounted for according to the manifest.
- o) Any client submitting a manifest must ensure that the relevant Master Transport Document Number or Transport Document Number is unique and is not duplicated on another manifest before the expiry period of two (2) years after submission of the original manifest with such number to the ACM system. (Refer to Rule 8.07)
- p) The Commissioner may authorise any other person to submit any manifest or container list.

- q) An inward manifest must be lodged with Customs prior to discharge of transshipment cargo.

## 2.2 Sea and air manifests acquittals

- a) For the purposes of manual manifest acquittal, acquittal copies must be produced within the prescribed acquittal period for air cargo and sea cargo.
- b) Manifests may be acquitted manually by:
- i) A valid Customs release document (e.g. processed declaration and valid release notification) for manifested goods, un-manifested goods or goods in excess of manifested goods;
  - ii) Destruction certificate (if the goods were not cleared and destroyed under Customs supervision e.g. refused to enter South Africa by Department of Health); or
  - iii) State Warehouse Goods Deposit Note (SC-CW-01-02-FR1) where cargo was removed to the State Warehouse.
- c) Section 64G.22 provides for the acquittal of manifests, which means proof that the liability for duty of the **Degrouping operator** in respect of the manifested goods or excess goods, or un-manifested excess goods received with such manifested goods has ceased in consequence of:
- i) Due entry of the goods and a valid release thereof;
  - ii) Removal in bond to and receipt of the goods into any other degrouping depot;
  - iii) Proof that any goods in discrepant packages did not enter into consumption; or
  - iv) Compliance with any other procedure prescribed in these Rules or any other provision of the Act.
- d) For the purposes of manual acquittal, acquitted copies of cargo manifests in respect of each consignment received by the Degrouping operator as contemplated in Section 44(5C) must be submitted to the Controller within the prescribed acquittal period after arrival of the carrying aircraft/ship at the place of discharge.
- e) Manifests may be acquitted manually by:
- i) A valid Customs release document for manifested goods, or un-manifested goods, or goods in excess of manifested quantities.
  - ii) In the case of goods short received or discrepant packages as contemplated in Section 64G.17, a copy of the shortage report or discrepant package report, as the case may be, endorsed by an officer to the effect that according to the circumstances verified by him/her, the degrouping operator is not liable for duty on such shortage or discrepancy.
  - iii) Where goods are removed in bond, to another degrouping depot, an acknowledgement of receipt from the degrouping operator of such depot; or
  - iv) In the case of goods of which due entry has not been made according to the circumstances in Rule 64G.13, a receipt from the officer in charge of the state warehouse, or confirmation by the controller of delivery of the goods, at a place indicated by the Controller as contemplated in Section 44(5C).
- f) In terms of the above paragraphs, clients are advised that the acceptance of a **valid release notification, printed on a client's company letterhead may be accepted** provided the Shipping Line, Air Carrier, Releasing Authority has received a similar electronic message from SARS and has verified the correctness thereof. This document may also be presented to SARS, Customs as proof of release of the relevant consignment.

## 2.3 Road freight manifests

### 2.3.1 Submission of electronic road freight manifests

- a) All road hauliers who are to cross a South African controlled area with commercial cargo must register as road hauliers for ACM cargo reporting purposes and must submit their RFMs electronically to the ACM system.

- b) RFMs must be submitted by road hauliers or their appointed agents.
- c) The ACM reporting requirements relate to the electronic reporting of road manifests in respect of all the cargo carried on a truck and is in addition to any current paper procedures.
- d) The DA 187 (Customs Road Freight Manifests) in respect of the movement of bonded cargo must therefore still accompany the truck to the border as required in terms of Rule 64D.08(4).
- e) Electronic RFMs must be submitted in respect of all commercial cargo carried by a road haulier on a truck that moves across a South African land port of entry and the relevant road waybill number(s) must also be reflected thereon.
- f) Each road haulier must assign a unique number to his/her RFM may not be re-used on another RFM before the expiry of a period of two (2) years after the submission of the original RFM. This number must be submitted to the ACM system.
- g) Empty trucks that pass through the controlled area do not require an electronic RFM.
- h) The electronic RFM must be communicated by the road haulier within the time period as prescribed by Rule.
- i) A RFM must be submitted electronically in the UN/EDIFACT Customs Cargo Report (CUSCAR) format specified in the SARS EDI User Manual format.
- j) The truck driver must present a printed version of the RFM (specifying all the goods carried on the truck) to Customs on arrival of the truck into the Customs control area.
- k) Where a change occurs to any data on a RFM already or previously submitted to the ACM system, e.g. truck registration number changes, the sender must amend the RFM and resubmit it to the ACM system.

### **2.3.2 Registration on ACM**

- a) All South African road hauliers carrying commercial cargo across land ports of entry must register with SARS as road hauliers for the purpose of reporting their cargo to the ACM system.
- b) Application for registration as a road haulier must take place on the DA 8C and DA 8C.01. (Refer to SC-CF-19-S06, SC-CF-19-S07 and SC-CF-19-S14). A manual assisting with the completion of the DA 8C and DA 8C.01 is available. (Refer to SC-CF-45)
- c) For ACM cargo reporting purposes the South African agent of a foreign road haulier, or the registered agent of a "foreign licensed remover of goods in bond" must also register their principal/agent relationship on the DA 8C and DA 8C.01.

### **2.3.3 Foreign road hauliers**

- a) There are two (2) categories of foreign road hauliers:
  - i) A "foreign road haulier" not licensed to transport bonded cargo on which the duty and taxes is either still due or temporarily/conditionally suspended; and
  - ii) A "foreign licensed remover of goods in bond" not located in South Africa (referred to as a foreign licensed remover of goods in bond) that is licensed to transport bonded cargo.
- b) A "foreign road haulier" is required in terms of Rule 8.03(d)(ii) to appoint a South African agent.
- c) A "foreign licensed remover of goods in bond" must license as a remover of goods in bond, as well as appoint a registered agent. (Refer to SC-CF-19 and SC-CF-19-S07)

### **2.3.4 Liability of responsible party**

- a) The "responsible party" is the person on who the obligation rests to report cargo to the ACM system.

- b) In the case of a:
  - i) South African road haulier, that road haulier is the responsible party;
  - ii) "Foreign licensed remover of goods in bond", the registered agent appointed by that road haulier is the responsible party; and
  - iii) "Foreign road haulier", the South African agent appointed by that road haulier is the responsible party.

### 2.3.5 Reporting party

- a) The reporting party is the person who actually transmits the electronic RFM to the ACM system.
- b) In the case of a South African road haulier the reporting party can be:
  - i) The road haulier himself/herself (using either his/her own computer system or that of a service provider); or
  - ii) An agent (e.g. another South African road haulier or a licensed clearing agent) appointed by the road haulier to submit his/her manifests to the ACM system on his/her behalf.
- c) In the case of a foreign road haulier the reporting party can be the:
  - i) Agent appointed by the foreign road haulier; or
  - ii) Registered agent appointed by the "foreign licensed remover of goods in bond".
- d) Although the manifest may be submitted by a "reporting party" as explained above, the "responsible party" retains overall liability. The "responsibility party" is not absolved from the fulfilment of his/her obligations and remains liable for any act done by an agent on his/her behalf.

## 3 Keeping of books, accounts and documents

- a) Every person must keep for record purposes 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) Every person must keep for a period of five (5) years from the date that the message was transmitted or the document generated:
  - i) All electronic messages,
  - ii) Declarant release messages; or
  - iii) Any other documents referred to in the Rules to Section 38(12).
- c) 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)
- d) Every person must produce such books, accounts and documents on demand.

## 4 Appeals against decisions

- a) In cases where clients are not satisfied with any decision taken in terms of the Customs and Excise Act they have a right of appeal to the relevant appeal committee. The policy in this regard, as well as the process to be followed, is contained in document SC-CC-24.
- b) Should clients be unhappy with a decision of any appeal committee their recourse will be to lodge an application for ADR (Alternative Dispute Resolution) with the relevant appeal committee. The committee will add its comments thereto and forward the application to the ADR Unit for attention. The policy in this regard, as well as the process to be followed is contained in document SC-CC-26.



## 5 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) Monetary penalties;
  - ii) Criminal prosecution; and/or
  - iii) Suspension/cancellation of registration/license/accreditation.

## 6 REFERENCES

### 6.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	<b>Customs and Excise Act No. 91 of 1964:</b> Sections 8, 11A, 38, 39, 40, 44, 44A, 64D, 64E; 64G, 64H, 64I, 64J, 64K, 64L, 64M, 64N, and 101A <b>Customs and Excise Rules:</b> Rules 8 and 101A <b>The Revenue Laws Second Amendment Act No. 21 of 2006:</b> Sections 12(1) and 33(1) <b>The Taxation Laws Second Amendment Act No. 9 of 2007:</b> Section 11(1) came into operation on 1 October 2008.
Other Legislation:	<b>Interpretation Act No. 33 of 1957:</b> Sections 2 and 4 <b>Promotion of Access to Information Act No. 2 of 2000:</b> All <b>Promotion of Administrative Justice Act No. 3 of 2000:</b> Sections 3 and 5
International Instruments:	<b>Kyoto Convention General Annex, Chapter 6 – Customs Control</b> <b>Specific Annex A, Chapter 1</b> Formalities prior to the lodgement of the goods declaration <b>Specific Annex E Chapter 1 – Customs Transit</b> <b>Specific Annex E Chapter 2 – Transshipment</b> <b>Standard:</b> 1-4, 8, 10, 12, 13,1 5,1 6, 23, and 24 <b>Recommended Practice:</b> 9,11,17,18,21,22 and 25 <b>WCO Framework of Standards: Annex1: Standards 1.2.1 – 1.2.3, 2.4, and 10</b>

### 6.2 Cross references

DOCUMENT #	DOCUMENT TITLE	APPLICABILITY
SC-CC-12	Manifest – Internal Policy	All
SC-CC-24	Administrative Appeal – External Policy	All
SC-CC-26	Alternative Dispute Resolution – External Policy	All
SC-CF-04	Manual For The Completion Of Declarations	All
SC-CF-19	Licensing and Registration – External Policy	All
SC-CF-19-S06	Licensing of Agent – External SOP	All
SC-CF-19-S07	Licensing of Remover of Goods in Bond – External SOP	All
SC-CF-19-S14	Registration for electronic communication – External SOP	All
SC-CF-26	Completion Manual of DA 8, DA 8.01 – DA 8.04 – Sea Cargo	All
SC-CF-27	Completion Manual of DA 8A, DA 8A.01 – DA 8A.04 - Air Cargo	All
SC-CF-28	Completion Manual of DA 8B and DA 8B.01 – Rail Cargo	All
SC-CF-45	Completion Manual of DA 8C and DA 8C.01 – Road Cargo	All

## 7 DEFINITIONS AND ACRONYMS

<b>Acquittal Period</b>	Within thirty (30) days for air cargo and forty (40) days for sea cargo
<b>Act</b>	Customs and Excise Act No. 91 of 1964
<b>Aircraft</b>	An aircraft arriving in South Africa on a flight from a place outside the common Customs area which must first land at an airport or an aircraft departing from South Africa on a flight to a place outside the common Customs area
<b>Airline</b>	Any transport enterprise offering or operating an international air service
<b>Airport</b>	A common custom and excise airport appointed by Rule in terms of Section 6(e)



<b>Airport Authority</b>	The authority in control of any Customs and excise airport
<b>Arrival</b>	The time when a vessel or aircraft first comes into the control area of a port or airport or <b>the time when a vehicle first comes to the Border Gate Entry control into the control area</b>
<b>Arrival Report</b>	A report prescribed in the annexure of the Rules for reporting the arrival of a foreign-going vessel at a port or an aircraft at an airport in South Africa
<b>Automated Cargo Management System (ACM)</b>	The computer system established by the Commissioner for the receipt and processing of the cargo reports provided for in Section 8 and its Rules
<b>Bonded cargo</b>	<b>Refers to cargo on which the duty and taxes are either still due or temporarily/conditionally suspended</b>
<b>Cargo</b>	Goods whether or not containerised that the carrier has arranged to be carried and are carried by a ship or any vehicle on a journey from a port or place outside the common Customs area and which are intended to be unloaded from such ship or such vehicle at a port or place in South Africa other than: a) Goods that are accompanied personal effects of a passenger or a member of the crew ;or b) Ship's or aircraft stores.
<b>Cargo Report</b>	Any report prescribed in the Rules that must be submitted for the purpose of the ACM system
<b>Carrier</b>	A person, who owns, operates, rents or charters a vessel or aircraft, any such person who concludes a contract of carriage with the shipper, a cargo carrier or a master cargo carrier for the carriage of the cargo to a port or other place of discharge in South Africa and any agent of such person.
<b>Controlled Area</b>	<b>A geographical area within which any Customs formalities with regards to the import, export, entering or departure of goods and/or people are required according to legislation</b>
<b>Declarant</b>	Any person who makes due entry of goods as contemplated in Sections 38 and 39
<b>Degrouping operator</b>	The person in control of a degrouping depot and from the date such person is required to licence as contemplated in terms of 64G(1)(b) , the licensee of such depot
<b>Digital Signature for communication using the X 400 protocol</b>	It is the digital signature containing the message of the originator within the following parameters when a message is received by the SARS EDI gateway.
<b>EDI</b>	Electronic data interchange is the electronic transfer from computer to computer of information using an agreed standard to structure the information
<b>Electronic Submission</b>	Electronic submitted and cognate expressions relating to electronic communication means the electronic communication between a user and the Commissioner, the Controller or an officer in accordance with the provisions of Section 101A, its Rules, the user agreement contemplated in that section and the user manual referred to in such agreement
<b>Empty container list</b>	A report prescribed in the Rules in respect of empty containers landed at a port in South Africa
<b>FCL</b>	Full container load
<b>FCL (groupage) container</b>	Any container packed by a groupage operator that consists of cargo from several exporters consolidated into a full container load for several importers
<b>FCL container</b>	Any container containing goods from one or more exporters to one importer
<b>Foreign Road Haulier</b>	<b>Is any person who does not meet the criteria for a South African road haulier as set out in Rule 8.03(c)</b>
<b>LCL container</b>	Any container containing goods consigned from one or more exporter to more than one importer
<b>Manifest</b>	A report or record of all the cargo loaded on a particular vessel, aircraft or truck
<b>NVOCC</b>	Non-Vessel Operating Common Carrier
<b>Outturn report</b>	A report prescribed in the annexure to the Rules in respect of cargo landed from any foreign going vessel or vehicle or unpacked from any container or consolidated air cargo
<b>Rail Manifests</b>	Manifests for cargo imported by rail and intended for discharge in South Africa must be submitted by the railway authority in respect of all cargo carried on the train.
<b>Release Authority</b>	a) Master, pilot or other carrier in respect of any goods for which such a master,

	<p>pilot or carrier is liable until lawful delivery of the goods, after due entry thereof to an importer or his agent as contemplated in Section 44(5)(a);</p> <p>b) Container operator approved by the commissioner in terms of Section 96A in respect of goods contained in a FCL container to be released from a container terminal contemplated in Section 6(1)(ha) or a container depot contemplated in Section 6(1)(hb);</p> <p>c) Depot operator of a container depot licensed in terms of Section 64A, in respect of any goods contained in a LCL container or FCL (groupage) container defined in the Rules for Section 8 to be released from a such a container depot; or</p> <p>d) Degrouping operator who is a licensee of a degrouping depot licensed in terms of Section 64G, in respect of any air cargo to be released from such depot; and</p> <p>e) Licensee of a Customs and excise storage warehouse in respect of any goods released from a Customs and excise storage warehouse contemplated in Sections 19, 19A or 21.</p>
<b>RFM</b>	<b>Electronic Road Freight Manifest</b>
<b>Road Cargo</b>	Commercial goods carried by a road haulier on a vehicle/truck other than goods of Section 38(1)(a) and goods that are accompanied personal effects of a the driver or a member of the crew
<b>Road Freight Manifest</b>	An electronic report of all the cargo carried on board a truck as compiled by the applicable road haulier
<b>Road Haulier</b>	Is a person carrying on business transporting cargo by truck and excludes travellers who on occasion transport goods through a port of entry/exit who will be processed by the SARS Passenger Processing System (PPS)
<b>Road Waybill</b>	Refers to a document/invoice issued by a road haulier for the transportation of goods to a particular destination on board a truck and which serves as proof that the haulier has received the goods and has undertaken to transport the goods on the terms and conditions stated in the document. The relevant road waybill number(s) must also be reflected on the electronic RFM
<b>Schedule Report</b>	In relation to a report means a report prescribed in the annexure for reporting the original place of departure of a foreign-going vessel or aircraft on a journey to South Africa and listing all the ports or airports where it is scheduled to discharge or load cargo.
<b>South African Road Haulier</b>	Is a juristic person registered in South Africa with its place of effective management located in South Africa, or a natural person ordinarily resident in South Africa with a permanent establishment in South Africa
<b>Transshipment Cargo</b>	Cargo landed at a port or airport in South Africa from a foreign-going ship or aircraft for the purpose of transferring it to another ship or foreign-going aircraft for onward carriage to a destination outside SACU
<b>Transport Document</b>	A document evidencing a contract of carriage between a carrier, master cargo or cargo carrier and a shipper such as a bill of lading or waybill
<b>Truck</b>	In this document is a vehicle designed for the transport of goods and includes any self-propelled motor vehicle, tractor, articulated motor vehicle, a combination of motor vehicles coupled together, etc.
<b>Wharf Operator</b>	Any person in charge of any wharf contemplated in Section 6(1)(gA) and licensed in terms of the provisions of this Act to land from, or load into, any ship any imported or exported goods which are not containerised including goods in bulk, and to be in control of such goods.
<b>Wharfs or quays</b>	Places on which goods imported or exported which are not containerised, including goods in bulk, may be landed from or loaded into any ship by, and be under the control of, a wharf operator.

## 8 DOCUMENT MANAGEMENT

<b>Business Owner</b>	Group Executive: Customs Trade Operations
<b>Document Owner</b>	Executive: Process Solutions Customs & Support Services
<b>Author</b>	M van Vuuren
<b>Detail of change from previous revision</b>	Inserting submission of electronic road freight manifests Updating the scope, definitions and acronyms
<b>Template number and revision</b>	ECS-TM-02 - Rev 11



EFFECTIVE DATE  
4 June 2012