

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 11 OF 1996

**The Taxation (Provisional Charging) Act
(Laws, Volume XII, Cap. 594)****The Taxation (Provisional Charging) Order, 1996**

WHEREAS it is proposed to introduce into the National Assembly Bills providing for the imposition or alteration of taxation:

AND WHEREAS the President has approved the Bills;

NOW THEREFORE, in exercise of the powers contained in section two of the Taxation (Provisional Charging) Act, the following Order is hereby made:

1. This Order may be cited as the Taxation (Provisional Charging) Order, 1996.
2. Subject to the Taxation (Provisional Charging) Act, all the provisions of the Bills listed in the Schedule hereto shall, until the Bills become law, have the force of law as from the 27th January, 1996.

Title

Provisional
enforcement
of Bills, Cap.
594

SCHEDULE

(Section 2)

1. The Customs and Excise (Amendment) Bill, 1996
2. The Fines and Fees (Amendment) Bill, 1996
3. The Value Added Tax (Amendment) Bill, 1996
4. Mines and Minerals (Amendment) Bill, 1996
5. Investment (Amendment) Bill, 1996
6. Bank of Zambia (Amendment) Bill, 1996
7. The Petroleum (Exploration and Production) (Amendment) Bill, 1996
8. The Roads and Road Traffic (Amendment) Bill, 1996

LUSAKA

24th January, 1996

[MFB.103/13/3]

**R. D. S. PENZA,
Minister of Finance**

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P. O. Box 30136, 10100, Lusaka. Price K45.00 each.*

Insertion of new regulation 14A	4. The principal Regulations are amended by the insertion immediately after regulation 14 of the following new regulation:
Entry of goods prior to importation	<p>14A. (1) Subject to the provisions of section <i>thirty-twoB</i> of the Act, an application for entry of goods prior to their arrival at a customs port shall be made to the Customs Division not later than five days before the expected date of arrival of the goods.</p> <p>(2) The Commissioner-General may specify goods to be entered for pre-clearance, subject to such conditions as the Commissioner-General may prescribe.</p>
Amendment of regulation 20	<p>5. Regulation 20 of the principal Regulations is amended—</p> <p>(a) by the numbering of the paragraph of that regulation as subparagraph (1); and</p> <p>(b) by the insertion immediately after subparagraph (1) of the following new subparagraph:</p> <p>(2) There shall be charged, levied, collected and paid in respect of any motor vehicle that remains in Zambia in contravention of subregulation (1) a fee at the rate set out in the First Schedule.</p>
Insertion of new Part VIII B	6. The principal Regulations are amended by the insertion immediately after Part VIIIA of the following new Part.
<p>PART VIII B SPECIAL PREFERENTIAL TARIFF TREATMENT AGREEMENT</p>	
Interpretation	<p>69E. In this Part, unless the context otherwise requires—</p> <p>“Agreement” means the Special Preferential Tariff Treatment for the Least Developed Countries of Africa Agreement between the People’s Republic of China and the Republic of Zambia effected on 1st January 2005;</p> <p>“China” means the customs territory of the People’s Republic of China but does not include the customs territory of Hong Kong, Macao and Taiwan.</p> <p>“product list” means the list of products which qualify for preferential tariff treatment under the Agreement and set out in the Twelfth Schedule.</p>
Determination of origin of goods under Agreement	69F. The origin of goods on the product list when exported to China shall be determined in accordance with the rules of origin set out in the Thirteenth Schedule.

- 69G (1) On application being made by an exporter of goods from Zambia, the Customs Division shall, where those goods comply with the terms and conditions of the Agreement, issue a certificate of origin for those goods in Form SPT1 set out in the Fourteenth Schedule. Certificates of origin and fees in respect thereof
- (2) A certificate of origin referred to in subregulation (1) shall be issued upon payment of the fee set out in the First Schedule.
7. Regulation 70 of the principal Regulations is amended— Amendment of regulation 70
- (a) by the insertion immediately after subregulation (1) of the following new subregulation:
- (2) Where goods imported under a hire or leasing contract are sold or disposed of in Zambia after the expiry of the hire or leasing contract, the Commissioner-General shall, for purposes of determining the amount payable on those goods, take into consideration the actual value of the goods, and any factors that may affect the value at the time of entry for sale or disposal, but shall exclude any duties or taxes previously paid for the cost of the hire or lease.; and
- (b) by the renumbering of subregulation (2) as subregulation (3).
8. Regulation 78 of the principal Regulations is amended— Amendment of regulation 78
- (a) by the insertion immediately after subregulation (1) of the following new subregulation:
- (2) Where goods are imported temporarily for purposes of exhibition or trade fairs, a remission of duty shall be granted provided that reciprocal treatment is accorded to goods exported from Zambia for purposes of exhibition in the importer's country of origin.; and
- (b) by the renumbering of subregulation (2) as subregulation (3).
9. The principal Regulations are amended by the insertion immediately after regulation 89 of the following new regulations: Insertion of new regulations 89A and 89B
- 89A. (1) The Minister may, on the recommendation of the Director-General of the Investment Centre approve a rebate, refund or remission of the whole or any part of the duty, paid or payable in respect of machinery, equipment and capital goods and parts therefor required for use in the assembly of— Rebate, refund or remission of duty on goods for the assembly of motor vehicles, motor cycles and bicycles
- (a) motor vehicles;
- (b) motor cycles; and
- (c) bicycles.

(2) A rebate, remission or refund granted under subregulation (1) shall be for a period of up to five years and the effective date of such rebate, remission or refund shall be the date on which the Minister issues the Minister's approval.

(3) Where any rebate, refund or remission is granted pursuant to subregulation (1), the goods concerned shall not be sold or otherwise disposed of except with the prior consent of the Commissioner-General and upon payment of duty, if any, at the rate applicable at the date of such sale or disposal and on such conditions as the Minister may determine.

(4) For purposes of determining the amount of duty payable in accordance with subregulation (3) the Commissioner-General may take into consideration the depreciation of the machinery, equipment or capital goods from the time of importation, removal from bond or purchase from open stocks, as the case may be, and the Commissioner-General shall remit the duty if the sale or disposal is to be effected more than five years after the date when the rebate, refund or remission of duty was granted.

Rebate,
refund or
remission of
duty inputs
used in the
manufacture
of roofing
sheets

89B. (1) The Minister may, on the recommendation of the Director-General of the Investment Centre approve a rebate, refund or remission of the whole or any part of the duty, paid or payable, in respect of inputs used in the manufacture of roofing sheets.

(2) The rebate, remission or refund shall be for a period of up to five years and the effective date shall be the date upon which the Minister issues the Minister's approval.

(3) Where such rebate, refund or remission has been granted pursuant to subregulation (1), the inputs concerned shall not be sold or otherwise disposed of except with the prior consent of the Commissioner-General and upon payment of duty, if any, at the rate applicable at the date of such sale or disposal and upon such conditions as the Minister may determine.

Insertion of
new
regulation
106A to
106C

10. The principal Regulations are amended by the insertion immediately after regulation 106 of the following new regulations:

Application
for cigarette
tax stamp

106A. For the purposes of section *one hundred and eightA* of the Act, an application for a cigarette tax stamp shall be made to the Commissioner-General in Form CE 28B set out in the Eighth Schedule.

106B. (1) The Commissioner-General shall ~~not grant~~ an application for cigarette tax stamps to an applicant ~~unless~~ the Commissioner-General is satisfied—

Requirement for registration of manufacturers and importers of cigarettes

(a) that the applicant is licensed under section ~~ninety-seven~~ of the Act; or

(b) in the case of an importer or distributor, that the importer or distributor is duly registered for that purpose.

(2) The Commissioner-General if satisfied that the applicant satisfies the requirements for the issue of cigarette tax stamps under regulation ~~one hundred and sixB~~, shall subject to payment of a prescribed cigarette tax stamps fee issue the cigarette tax stamps to the applicant.

106C. The cigarette tax stamps issued pursuant to these Regulations shall be assigned codes in accordance with such categories as the Commissioner-General may determine for purposes of enforcing these Regulations.

Cigarette tax stamps to be assigned codes

11. The principal Regulations are amended by the insertion immediately after Part XIIA, of the following new Part :

Insertion of new Part XII B

PART XII B

MANAGEMENT OF SURTAX ON CARBON EMISSIONS

113E. In this Part, unless the context otherwise requires—

Interpretation

“Authority” means the Zambia Revenue Authority established under the Zambia Revenue Authority Act; and

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“motor vehicle” means any mechanically propelled motor vehicle which is intended for use, or is capable of being used, on roads and includes a motor cycle but does not include an ambulance, a prison van or a hearse.

113F.(1) Except for a motor vehicle which is entered to be warehoused, removed in bond on a carrier or manufactured in Zambia, every motor vehicle which is imported, temporarily imported into, or in transit through, Zambia shall be subject to a surtax on carbon emissions at the time of importation or when transiting through Zambia as the case may be, and the owner or person in

Motor vehicles subject to payment of carbon emission tax

charge of such motor vehicle shall be required to obtain a carbon emission tax certificate:

Provided that every motor vehicle which is—

- (a) purchased in Zambia;
- (b) is due for renewal of the motor vehicle road licence under the Road Traffic Act, 2002; or
- (c) entered for consumption after warehousing or removal in bond, as a case may be;

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shall be subject to a surtax on carbon emissions at the time of purchase, renewal of road licence or entry for consumption as the case may be, and the owner or person in charge of such motor vehicle shall be required to obtain a carbon emission tax certificate.

(2) The rates for a carbon emission tax certificate shall be as set out in the Fourth Schedule to the Act.

Place of
payment of
surtax on
carbon
emissions

113G. The surtax on carbon emissions referred to in regulation 113F shall be payable at—

- (a) any office of the Authority; or
- (b) any office of such Agent as may be designated by the Commissioner-General for the purpose of collecting surtax on carbon emissions.

Documents
to be
presented
on payment
of
carbon
emissions
surtax
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of 2002

113H. Any payment of surtax on carbon emissions shall be made upon presentation of the motor vehicle registration documents issued in respect of the motor vehicle under the Road Traffic Act, 2002, and in the case of motor vehicles in transit and those temporarily imported, upon the presentation of clearance or other relevant documentation.

Display of
carbon
emissions
tax
certificate

113I. A carbon emission tax certificate issued in respect of any motor vehicle shall be affixed in a conspicuous place on such motor vehicle.

Exemptions
from
payment
of surtax on
carbon
emission

113J. (1) Subject to the provisions of this part a refund or remission of surtax shall be granted in respect of carbon emissions, if a motor vehicle is imported into Zambia or, is for the exclusive use of an international organisation, a diplomatic mission or any person who is connected with that mission and enjoys the privileges and immunities provided under the Diplomatic Immunities and Privileges Act.

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12. Regulation 127 of the principal Regulations is amended in subregulation (2)—
- (a) by the deletion of the full stop at the end of the subsection and the substitution therefor of a colon; and
- (b) by the insertion immediately after the colon of the following new proviso:
- Provided that rail carriers shall be required to exit from Zambia within thirty days from the date of entry.
- Amendment of regulation 127
13. The principal Regulations are amended by the insertion immediately after regulation 128 of the following new regulation:
- 128A. The storage fees payable on goods that remain in customs premises beyond forty-eight hours after their release from customs control under the provisions of subsection (5) of section *thirty-four* of the Act shall be as out in the First Schedule.
- Insertion of new regulation 128A
Storage fees payable for goods in customs premises after release from customs control
14. The First Schedule to the principal Regulations is amended—
- (a) in Part 6 by the insertion in the appropriate place of the new item set out in Appendix I to these Regulations;
- (b) by the insertion immediately after item 3 of the new Part as set out in Appendix II to these Regulations; and
- (c) in Part 10 (1) by the deletion of the figure “14” and the substitution therefor of the figure “50”.
- Amendment of First Schedule
15. The Third Schedule to the principal Regulations is amended by the insertion in the appropriate places of the organisations set out in Appendix III to these Regulations.
- Amendment of Third Schedule
16. The principal Regulations are amended by the insertion immediately after the Eleventh Schedule of the new Twelfth Schedule set out in Appendix IV to these Regulations.
- Insertion of new Twelfth Schedule
17. The principal Regulations are amended by the insertion immediately after the Twelfth Schedule of the new Thirteenth Schedule set out in Appendix V to these Regulations.
- Insertion of new Thirteenth Schedule

Insertion of
new
Fourteenth
Schedule

18. The principal Regulations are amended by the insertion immediately after the Thirteenth Schedule of the new Fourteenth Schedule set out in Appendix VI to these Regulations.

APPENDIX I
(Regulation 14)

PART 6 : Fees to be paid on issue of certificate of origin

<i>Type of Certificate</i>	<i>Fee units</i>
(j) Special preferential tariff treatment for least developed countries in Africa form SPT (Africa)	10

APPENDIX II
(Regulation 14)

PART 10A: Storage fees to be paid on goods that remain within customs premises after release from customs control.

The storage fee to be paid on goods that remain in customs premises beyond forty-eight hours after release from custom control shall be 100 fee units per day or part thereof.

APPENDIX III
(Regulation 15)

Amendment to the Third Schedule

Approved Organisations

- (a) African Development Foundation (ADF)
- (b) Student Partnership Worldwide
- (c) Water Aid-Zambia
- (d) Rafiki Foundation Incorporate

APPENDIX IV
(Regulation 16)

TWELFTH SCHEDULE
(Regulation 69E)

LIST OF PRODUCTS APPROVED FOR CHINA'S SPECIAL PREFERENTIAL
TARIFF TREATMENT

<i>Tariff No.</i>	<i>Description of goods</i>
1063990	Birds, nes
1069090	Other live animals, not edible
3033300	Frozen sole
3033900	Frozen flat fish (excl. halibut, plaice & sole)
3035000	Frozen herrings (excl. livers & roes)
3037100	Frozen sardines, brisling or sprats
3037910	Frozen scabber fish (trichurius)
3037990	Frozen fish, nes

3038000	Frozen fish livers & roes
3049000	Frozen fishmeat (excl. fillets)
3055920	Dried sharks' fins, not smoked
3055990	Other dried fish, not smoked
3061319	Frozen shrimps in shell
03061329	Frozen prawns in shell
03061490	Other frozen crabs, nes
03074900	Cuttle fish & squid, frozen, dried, salted or in brine
03075900	Octopus, frozen, dried, salted or in brine
03079920	Sea cucumbers, frozen, dried, salted or in brine
05071000	Ivory, its powder & waste, unworked
05080090	Coral; shells of molluscs, crustaceans, etc; not cut to shape
05119100	Products of fish, etc; dead animals of Chapter 3
06049900	Parts of plants, without flowers or buds, for ornamental purposes
08013100	Cashew nuts, in shell, fresh or dried
09011100	Coffee, not roasted or decaffeinated
09011200	Decaffeinated coffee, not roasted
09050000	Vanilla
09070000	Cloves (whole fruit, cloves & stems)
12074090	Sesamum seeds excl for sowing
12119050	Plants and parts of plants, used in perfumery
12122090	Edible seaweeds and other algae, fresh chilled frozen or dried nes
13012000	Gum Arabic
13019020	Olibanum, myrrh and dragon's blood
14019090	Other vegetable plaiting materials, nes
14049000	Vegetable products, nes
15131900	Coconut copra oil (excl. crude) & fractions thereof
16041990	Prepared or preserved fish (excl. minced), nes
18010000	Cocoa beans, whole or broken, raw or roasted
18040000	Cocoa butter, fat & oil
20041000	Potatoes, preserved o/t by vinegar or acetic acid, frozen
25061000	Quartz
25062100	Crude or roughly trimmed quartzite
25062900	Quartzite cut into blocks or slabs of a rectangular shape
25084000	Other clays, nes, whether or not calcined
25085000	Andalusite, kyanite & sillimanite, whether or not calcined
25140000	Slate, whether or not roughly trimmed or cut into blocks or slabs of a rectangular (incl. square) shape
25151100	Marble & travertine crude or roughly trimmed
25161100	Granite, crude or roughly trimmed
25162100	Sandstone, crude or roughly trimmed
25171000	Pebbles, gravel, broken or crushed stone, commonly used for concrete aggregates, for road metalling or for railway or other ballast, shingle & flint, whether or not heat treated
25174900	Granules, chippings & powder, of stones (excl. marble) of heading 25.15 & 25.16, whether or not heat treated
25309090	Mineral substances, nes
26203000	Ash & residues containing mainly copper & compound thereof
27101991	Lubricating oils
27141000	Bituminous or oil shale & tar sands
29071990	Monophenols and their salts, nes
29095000	Ether phenols, ether alcohol phenols and their halogenatd,

29157090	Palmitic acid, its salts and esters; salts and esters of stearic acid
29392100	Quinine and its salts
33011300	Essential oils of lemon (incl. concretes & absolutes)
33012990	Essential oils other than of citrus fruit, (incl. concretes & absolutes), nes
33019090	Concentrates of essential oils in fats, in fixed oils, in waxes or the like; terpenic by products of the dewatering of essential oils (excl. citrus fruits); aqueous distillates & aqueous solutions of essential oils
33029000	Odoriferous substances used as raw materials in other industry
34031900	Lubricating preparations, containing petroleum oils or oils obtained from bituminous minerals and their weight <70%
39152000	Waste, parings & scrap, of polymers of styrene
39159000	Waste, parings & scrap, of other plastics, nes
39191099	Self adhesive tape, plates, strip, sheet, film, foil & other flat shapes, of plastics, in rolls, width ≤ 20cm, nes
39219090	Other plates, strips, sheet, film of plastics, nes
39229000	Bidets, lavatory pans & other sanitary ware of plastics, nes
39269010	Machine or instruments parts of plastics
39269090	Articles of plastics, nes
40111000	New pneumatic tyres, of rubber of a kind used on motor cars
40169310	Gaskets, washers/seals of vulcanized rubber for machines
41041111	Chrome tanned bovine leather (wet blue skin leather), full grains, unsplit, or grain splits, not further prepared
41041911	Wet blue bovine leather, not further prepared, nes
41051010	Wet blue sheep or lamb skin leather, without wool on, but not further prepared, whether or not split
41051090	Sheep or lamb skin leather, in the wet state other than wet blue, without wool on, but not further prepared, whether or not split
41053000	Sheep or lamb skin leather, in the dry state (crust), without wool on, but not further prepared, whether or not split
41062100	Goat or kid skin leather, in the wet state (incl. wet blue), without hair on, but not further prepared, whether or not split
41064000	Leather of reptiles, tanned or crust, without hair on, but not further prepared, whether or not split
41079200	Leather further prepared after tanning or crusting, including parchment dressed leather, of bovine (including buffalo) or equine animals, without hair on, whether or not split, other than leather of heading 41.14, other than whole hides and skins, grains
41120000	Leather further prepared after tanning or crusting, including parchment dressed leather, of sheep or lamb, without wool on, whether or not split, other than leather of heading 41.14
41131000	Leather further prepared after tanning or crusting, including parchment dressed leather, of goats or kids, without wool or hair on, whether or not split, other than leather of heading 41.14
41133000	Leather further prepared after tanning or crusting, including parchment dressed leather, of reptiles, without wool or hair on, whether or not split, other than leather of heading 41.14
42022200	Handbags, whether or not with shoulder strap, incl. those

	without handle, with outer surface of plastic sheeting or of textile materials
42023100	Articles of a kind normally carried in the pocket or handbag, with outer surface of leather, of composition leather or of patent leather
42023200	Articles of a kind normally carried in the pocket or handbag, with outer surface of plastic sheeting or of textile materials 42029200 Tool bags, cutlery cases and containers nes, with outer surface of plastic sheeting or of textile materials
44201010	Wood or bamboo carvings
44201090	Statuettes and other ornaments, of wood, nes
44209090	Caskets and cases for jewellery or cutlery, and similar articles, of wood; wooden articles or furniture not falling in Chapter 94 46012029 Mats, matting and screens of grass or straw (other than rushes)
46019199	Plaits materials, plaits and similar products of plaiting materials, bond together in parallel strands or woven, in sheet form, whether or not being finished articles, of other vegetable plaiting material, nes
46021020	Basketwork, wickerwork and other articles, of grass or straw
49100000	Calendars of any kind, printed, including calendar blocks
51081000	Carded yarn of fine animal hair, not put up for retail sale
52052100	Combed single cotton yarn, with $\geq 85\%$ cotton, nprs, $\leq 14\text{mn}$
52053200	Uncombed cabled cotton yarn, with $\geq 85\%$ cotton, nprs, $>14\text{mn}$ but $\leq 43\text{mn}$
52054200	Combed cabled cotton yarn, with $\geq 85\%$ cotton, nprs, $>14\text{mn}$ but $\leq 43\text{mn}$
52083200	Dyed plain cotton weave, with $\geq 85\%$ cotton, $>100\text{g/m}^2$, $\leq 200\text{g/m}^2$
52085200	Printed plain cotton weave, with $\geq 85\%$ cotton, $>100\text{g/m}^2$, $\leq 200\text{g/m}^2$
52091100	Unbleached plain cotton weave, with $\geq 85\%$ cotton, $>200\text{g/m}^2$
52105900	Printed woven cotton fabrics, nes, with $<85\%$ cotton, $\leq 200\text{g/m}^2$
53041000	Sisal & other textile fibres of the genus Agave, raw
53049000	Sisal, etc (excl. raw), not spun; tow & waste of these fibres
53082000	True hemp yarn
54076100	Other woven fabrics of synthetic yarn, $\geq 85\%$ non textured polyester
54079200	Dyed woven fabrics of synthetic filament yarn, nes
55081000	Sewing thread of synthetic staple fibres
58012200	Cut corduroy of cotton
58071000	Labels, badges and similar articles of textiles, woven, in piece, in strips or cut to shape or size, not embroidered
61033200	Men's or boys' jackets & blazers of cotton, knitted or crocheted
61043200	Women's or girls' jackets, of cotton, knitted or crocheted
61061000	Women's or girls' blouses, etc, of cotton, knitted or crocheted
61091000	T shirts, singlets & other vests, of cotton, knitted or crocheted
61099090	T shirts, singlets, etc, of other textiles, nes, knitted/crocheted
61101100	Jerseys, pullovers, etc, of wool, knitted or crocheted
61102000	Jerseys, pullovers, etc, of cotton, knitted or crocheted
61178000	Other clothing accessories, knitted or crocheted, nes
62031100	Men's or boys' suits of wool or fine animal hair
62033200	Men's or boys' jackets & blazers of cotton
62033300	Men's or boys' jackets & blazers of synthetic fibres
62033990	Men's or boys' jackets & blazers of other textile materials, nes
62034990	Men's or boys' trousers, breeches, nes, of other textile fibres
62043100	Women's or girls' jackets & blazers of wool or fine animal hair
62045990	Women's or girls' skirts of other textile materials, nes
62046200	Women's or girls' trousers, breeches, etc, of cotton
62052000	Men's or boys' shirts of cotton
62053000	Men's or boys' shirts of man made fibres

62069000	Women's or girls' blouses, shirts, etc, of other textiles, nes
62079100	Men's or boys' singlets, dressing gowns, etc, of cotton
62159000	Ties, bow ties & cravats of other textiles, nes
62179000	Parts of garments or of clothing accessories, nes
68021010	Tiles etc of marble, side<7cm; artificial colored granuls,powder
68029990	Worked building stone and articles thereof, nes
68159900	Articles of stone or of other mineral substances nes
71023100	Diamonds non industrial unworked or simply sawn, cleaved or bruted
71031000	Precious or semi precious stones (other than diamonds) ,unworked or simply sawn or rough shaped
71049099	Synthetic/reconstructed precious/semi precious stones, further worked, not for technical use
71162000	Articles of precious or semi precious stones(natural,synthetic or reconstructed) 71171900 Imitation jewellery nes of base metal
72022900	Ferro silicon, nes
73089000	Structure/parts nes, plate,rods etc prepared for use in structures,of iron/steel
73181500	Bolts and screws nes, whether or not with their nuts or washers,of iron/steel
74011000	Copper mattes
74020000	Unrefined copper, Copper anodes for electrolytic refining
74031100	Refined copper, cathodes & sections of cathodes, unwrought
74040000	Copper Waste & scrap
74199990	Articles of Copper, nes, not for technical use
75022000	Ni unwrought, alloyed
76011000	Al unwrought, not alloyed
76020000	Waste & scrap, Al
81052000	Cobalt mattes and other intermediate products of cobalt metallurgy,unwrought cobalt,powders
81059000	Wrought cobalt & articles thereof
83024900	Mountings, fittings & similar articles of base metal, nes
83081000	Hooks,eyes & eyelets of base metal
83089000	Claps,buckles & like, beads & spangles of base metal
84139100	Parts of pumps for liquids
84314310	Parts of oil/gas boring machinery
84339090	Parts of other machines of heading 84.33
84701000	Electronic calculators, operating without external source of power
84821000	Bearings, ball
84829900	Bearing parts, nes
84831090	Transmission shafts not for ships; cranks
84834090	Gears/gearing,ball screws,gear boxes,speed changers, etc
84839000	Parts of appliances of heading No. 84.83
84849000	Gasket sets consisting of gaskets of different materials
85011099	Electric motors of an output \leq 37.5 W, nes
85021100	Generating sets,diesel or semi diesel engines, output \leq 75 KVA
85139010	Parts of torches of subheading No. 8513.1010
85189000	Parts of microphones,loudspeakers, headphones,earphones &elec sound amplier sets

85245390	Other recorded magnetic tapes, width>6.5 mm, nes
85389000	Parts for switches, fuses, panels and .etc of heading No 85.35, 85.36, nes
87120041	Cross country bicycles, 16", 18", 20"
90183100	Syringes, with or without needles
90229090	Parts & accessories of apparatus of 90.22, nes
90230000	Instruments/apparatus/models, for demonstrational purposes
90328900	Automatic regulating or controlling instruments & apparatus, nes
91051100	Electric alarm clocks
92099200	Parts & accessories for musical instruments of heading No 92.02
94016900	Seats with wooden frames, nes
94035099	Bedroom furniture, wooden, nes
94036099	Furniture, wooden, nes
96020090	Worked vegetable/mineral carving material/articles, etc
96071100	Slide fasteners fitted with chain scoops of base metal
96081000	Ball point pens
97030000	Original sculptures & statuary, in any material

APPENDIX V
(Regulation 17)

THIRTEENTH SCHEDULE
(Regulation 69F)

Rules of Origin for Goods under the Special Preferential Tariff Treatment Granted by the People's Republic of China to the Least Developed Countries of Africa

Rule 1. In accordance with the Official Letters (hereinafter referred to as "Exchange Letters" exchanged between the Government of the People's Republic of China (hereinafter referred to as "China") and the Beneficiary Country on the Partial Goods Exported by the Beneficiary Country under the Special Preferential Tariff Treatment Program (hereinafter referred to as SPT Program), these rules shall be applied in the determination of goods exported under the SPT Program from the beneficiary country to China.

Rule 2. For the purpose of the present rules---

"beneficiary country" means the least developed country of Africa with which China signed the Exchange Letters under the SPT Program.

"materials" shall include ingredients, parts, components; subassembly and/or goods that are physically incorporated into another good or are subject to a process in the production of another good.

"production" means methods of obtaining goods including growing, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing or assembling of a good.

"ports of entry in China" refer to the ports located in the customs territory of China, not including those in Hong Kong, Macao and Taiwan.

Rule 3. The origin of goods, under the product list of SPT Program, imported directly to China from the beneficiary country shall be determined in accordance with the following requirements:

- (a) products wholly obtained in the beneficiary country shall be regarded as being originated in that country;
- (b) products not wholly obtained in the beneficiary country shall be only regarded as originating provided that the last substantial transformation has been performed in that country.

Rule 4. Within the meaning of Rule 3(a), the term "products wholly obtained in the beneficiary country", which is defined as wholly obtained criteria refers to—

- (a) mineral products mined or extracted in the country;
- (b) plants or plant products harvested or collected in the country;
- (c) live animals born and raised in the country;
- (d) products obtained in the country from live animals specified in paragraph (c) of this Rule;
- (e) products obtained from hunting or fishing in the country;
- (f) fish and other marine products obtained by fishing conducted in the high seas by vessels holding a license issued by the country or flying the national flag of the country;
- (g) products obtained from the processing of products set out in paragraph (f) of this Rule aboard vessels holding a license issued by the country or flying the national flag of the country;
- (h) used Rules collected in the country which are produced from consumption in the country and fit only for the recovery of raw materials;
- (i) waste and scrap which are produced from processing or manufacturing operations in the country and fit only for the recovery of raw materials;
- (j) products obtained through processing in the country of products Set out in Paragraphs (a) to (i) of this Rule.

Rule 5. Operations or processes undertaken individually or in combination with each other for the purposes listed below, shall be regarded as minimal processing treatment. Such treatment will not be taken into account in determining whether the products are wholly obtained or not:

- (a) processing or treatment for transportation or storage of goods;
- (b) processing or treatment to facilitate packaging and shipping of goods;
- (c) processing or treatment such as packaging or presenting for distribution and sale of goods.

Rule 6. The criteria for "substantial transformation" under Rule 3 (b) of the present rules shall be "change of tariff heading" or "value added percentage".

- (a) the criteria of "change of tariff heading" means that the processing and manufacturing operations on non-originating materials of the beneficiary country carried out in the territory of that country result in a product of a different four-digit tariff heading under the "Harmonized Commodity Description and Coding System". Moreover, no production, processing or manufacturing operations will be carried out in other countries or regions other than the

above beneficiary country, which will result in a change in the four-digit tariff heading;

- (b) the criteria of "value added percentage" means that the total value of non-originating materials, part or produce of the beneficiary country does not exceed 60% of the FOB value of the product so produced or obtained provided that the final process of the manufacture is performed within the territory of the beneficiary country.

The formula is calculated as follows:

$$\frac{\text{Value of materials obtained outside the Territory of the beneficiary country} + \text{Value of materials of Undetermined origin}}{\text{FOB Price}} \times 100 \% < 60\%$$

- (i) the value of materials obtained outside the beneficiary country refers to the CIF
 (ii) value at the time of importation of the materials;
 (iii) the value of materials of undetermined origin refers to the earliest ascertained price paid for the materials of undetermined origin in the territory of the beneficiary
 (iv) country where the manufacturing or processing takes place.

The calculation of the above "value added percentage" shall be consistent with generally accepted accounting principles and the "Agreement on Implementation of Rule VII of the General Agreement on Tariffs and Trade 1994".

Rule 7. Simple diluting, mixing, packaging, bottling, drying, assembling, sorting or decorating shall not be regarded as substantial transformation. Any production or pricing practices undertaken by the commercial operator with the intent to circumvent the legal provisions of the present rules shall not be regarded as substantial transformation.

Rule 8. In determining the origin of the goods, the origin of energy, factory premises, equipment, machines and tools for production of the goods, or the materials used in the production process but not constituting the composition or the component parts of the goods shall not be taken into account.

Rule 9. The following factors shall not be taken into account in determining origin:

- (a) package, packaging materials and repository presented for customs declaration and classified with the goods in the "Import and Export Tariff of the People's Republic of China";
 (b) parts, spare parts, tools and explanatory materials presented for customs declaration and classified with the goods in the "Tariff of Import and Export of the People's Republic of China".

Rule 10. Goods qualified for SPT Program under the Exchange Letters shall comply with the direct consignment rule. "Direct consignment" means:

- (a) that the goods are transported directly from the beneficiary country to the ports of entry in China; or
- (b) that the goods whose transport involves transit through a third country or region, provided that:
 - (i) the transit is justified for geographical reasons or by consideration related exclusively to transport requirements;
 - (ii) the goods have not entered into trade or consumption in the third country or region;
 - (iii) the goods have not undergone any operation in the third country or region other than unloading and reloading or any operation required to keep them in good condition.
- (c) Whereas the transportation of the imported goods is effected through the territory of a third country or region, the following documents shall be lodged for customs declaration:
 - (i) Bill of Lading issued in the exporting country;
 - (ii) Certificate of Origin issued by the issuing authorities of the exporting country;
 - (iii) the original commercial invoice in respect of the product;
 - (iv) any other supporting documents to prove that the 3 conditions as laid down under Rule 10(b) of the present Rules are satisfied.

Rule 11. Certificate of Origin (whose layout key attached as Appendix 1) issued by the designated government authorities of the exporting country shall be submitted to the Customs authorities for Declaration of the Goods Qualified for SPT Program at the time of importation and exportation.

Rule 12. The present rules are subject to the periodic review of the General Administration of Customs of the People's Republic of China. If there is any modification on the present rules, it will be notified to the relevant country in the form of "Exchange Letters" 60 days of the modified rules in advance.

Rule 13. The interpretation of the present rules shall rest with the General Administration of Customs of the People's Republic of China.

Rule 14. The present rules shall come into effect on 1st January, 2005

APPENDIX VI
(Regulation 18)

FOURTEENTH SCHEDULE
(Regulation 69G)

Form SPT 1

Certificate of Origin

1. Exporter (full name, address and country)		2. CERTIFICATE NO. DATE OF ISSUE		
3. Consignee (full name, address and country)		SPECIAL PREFERENTIAL TARIFF TREATMENT FOR LDC AFRICA CERTIFICATE OF ORIGIN(Combined Declaration and Certificate)AFRICA SPT PROGRAM		
4. <input type="checkbox"/> Manufacturer (full name, address and country)				
5. Departure date		Issued in (country) See instructions overleaf		
6. Vessel/Flight/Train/Vehicle No.		7. Place of loading	8. For official use by China Customs	
9. Port of discharge				
10. Item number	11. Marks & numbers on packages;	12. Container No.; No. and Kind of Packages; Description of goods (including quantity where appropriate and HS Code of China);	13. Gross weight or other quantity (Quantity unit) and value (FOB)	14. Number and date of invoice
		15. Please select the following origin criteria where appropriate: <input type="checkbox"/> Wholly obtained <input type="checkbox"/> CTH <input type="checkbox"/> Value Added		
16. Declaration by the exporter The undersigned hereby declares that the above details and statements are correct, that all the goods were produced in (country) and that they comply with the origin requirements specified for these goods under the Africa SPT Program exported in China. Place and date, signature of authority signatory		17. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct. Place and date, signature and stamp of certifying authority	18. Customs verification This is to certify that the goods declared for exportation correspond to what is stated under this certificate Place, date, signature and stamp of exporting customs authority.	

Instruction for filling in the form

1. The main conditions for admission to preference are that goods sent to The People's Republic of China:

(a) shall fall within a description of goods eligible for preference under the Agreement; and

(b) shall comply with the origin criteria specified in the Standard Rules of Origin.

2. If the goods qualify under the origin criteria, the exporter shall indicate in Box 12 of the form as below:

Classification of goods by types of origin criteria	Indication to be made Box 12 of the form
Goods wholly produced in one or more beneficiary countries	P for goods wholly produced in one or more beneficiary countries
Goods not wholly produced in one or more beneficiary countries	Y for goods not wholly produced in one or more beneficiary countries

3. A declaration on the certificate of origin form shall be preferred by the exporter of the goods and submitted in duplicate to the certifying authority of country of exportation, which will, if satisfied, certify the original copy of the certificate of origin and return it to the exporter for transmission to the importer in the country of destination. The certifying authority will keep the duplicate duly completed and signed by the exporters.

4. Any unused space in the certificate of origin form should be struck through in such a manner as to make any later addition impossible. Any alternation shall be endorsed by certifying authority. The description of goods should be sufficiently detailed to enable the goods to be identified by the customs officer examining them at port of importation.

LUSAKA
3rd February, 2006
[MFB. 103/13/1]

N. P. MAGANDE,
*Minister of Finance and
National Planning*