



R S A Head Office

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Reg No: 2015/106750/07

NAMIBIA Head Office

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Reg No: CC/2017/06381

Terms and Conditions and Procedures

DEFINITIONS

In these terms and conditions the following words shall bare the following meanings unless otherwise stated or appears from the context.

- 1.1 “Customer” or “you” or “your” means the customer to whom Clearing services is rendered.
- 1.2 “Cross Border Clearing and Forwarding” or “us” or “we” or “Cross Border “CBCF” means Cross Border Clearing and Forwarding (Pty) Ltd
- 1.3 “Doc’s”, means all documentation declared
- 1.4 “VOC” means voucher of corrections
- 1.5 “P/O” means purchase orders
- 1.6 “PRN” means payment reference number

CLEARING PROCEDURES

- 2.1 Before any documents can be processed, the client shall ensure that fully completed clearing instructions are sent to our offices accompanied by;
 - 2.1.1 Original computer generated invoices;
 - 2.1.2 Copy of drivers Passport;
 - 2.1.3 When and if applicable all permits and Phyto Certificates. This document is a legal requirement from SARS Customs, and all information on this document is very important and must be completed truthfully.

Cross Border Clearing and Forwarding (South Africa, Namibia & Botswana)
SA: Directors: N Glover (Managing Director) Y. B. Maartens (Non-Executive); C. van Vuuren (Financial Director),
*Namibia: **L Coetzee (Managing Member), * A Coetzee (Marketing), * N Glover (Member), *L M Sibungo (Operations) *P B Sibungo (Member)
**CBCF Botswana (Pty) Ltd: ** L Coetzee, **N Glover, **M D Nkomo, **D van Vuuren

- 2.2 No handwritten, Till slips, or any form of invoice is allowed. All invoices must have the company full name, physical address, Vat Number and contact numbers on.
No P.O. Box addresses is allowed.
- 2.3 No Excel or Word invoices will be accepted when e-mailing your invoices. Please send your invoices in PDF format. It is against SARS Customs rules and regulations to receive invoices in Excel and/or Word format.
- 2.4 In the event of Customs Vat Payments to be made by the client directly, a customs “Ready for Cash Payment” notification document, containing the PRN number will be sent back to the client. The client then shall ensure that proof of payment of the said VAT is sent back to our office once payment has been made. As soon as Customs receives the payment a Proceed to border document will be issued and sent back to the client along with all clearing doc’s, and delivery note or in the event of cash, a cash invoice.
- 2.5 In the event where Cross Border CF has to make the Customs Vat Payment on behalf of the client on E-Filing, proof of payment for such an amount must reflect in our SA bank account. We request that you forward proof of payment to our office, before we make payment on your behalf. Once we have received proof of payment from the client, we will then make the payment on your behalf.

Once the payment has been made, we will forward the following to you:

- 2.5.1 SARS E-filing and bank proof of payments
 - 2.5.2 Proceed to border notifications
 - 2.5.3 Declared documents
 - 2.5.4 Delivery note, and in the event of cash, a cash invoice
- 2.6 Please do not proceed to the port without a “Proceed to Border” notification. Should the driver enter the port without this notification, you will be liable for the penalty that SARS Customs will impose.

This is a very strict rule of SARS Customs, and must be adhered to at all times to avoid penalties. We shall under no circumstance be held liable for such penalties.

- 2.7 Once the driver enters the port, SARS Customs will issue CN1 and CN2 releases. These

documents must be kept safe at all times as this is your proof of export. We will not take any form of responsibility should these documents go missing. SARS Customs will only allow for re-print of these documents once the client goes to the relevant port themselves. We, as the clearing agent is not allowed to get such reprints on behalf of the client. We do not get copies of these documents as it is printed directly at the border by a Customs official, therefore ensure you train your drivers in safeguarding of these documents as this is very important. We will under no circumstance pay any form of bribe to get copies of these documents.

- 2.8 In the event of foreign invoices, please ensure that we receive translated English invoices, as foreign invoices cannot be read by Customs, and it is required to be in English.
- 2.9 The code **70707070 is no longer allowed**. You must either register for your own exporter's code, or appoint Cross Border CF as your Registered Agent.
- 2.10 The client shall ensure that Cross Border CF has a relevant contact person and contact details in case we need to get more information regarding invoices sent, or for any reason relating to SARS Customs clearing.
- 2.11 The client shall ensure that documents are sent to us prior to the arrival of the driver at our offices. This will ensure pre-clearing and less time wasted our offices and the border.

ACCOUNTS & PAYMENTS

- 3.1 All invoices will be sent via email to clients on a weekly basis. Statements will be emailed to clients on the 25th of every month, unless the 25th falls on a Saturday or Sunday then Statements will be sent on the Friday prior to the 25th.
- 3.2 All accounts are strictly due and payable within 7 days from date of statement.
- 3.3 In the case of 30 day accounts, all payments are due and payable on the 1st day of every month.
- 3.4 Penalty interest of 13% will be charged on late payments.
- 3.5 All accounts will be sent to the client by means of e-mail. Should the client require invoices, documents and statements to be sent by courier or overnight post, the client shall be invoiced for such costs involved.
- 3.6 In the event where the client makes use of P/O numbers, the client shall ensure that

we receive all such numbers no later than the 10th day, of each month. In the event where the client does not send P/O numbers through to our office, it will be assumed that there is no order number, and the client shall ensure to make payment on such invoices.

SUB-CONTRACTING

We shall be entitled to employ sub-contractors or agents for the rendering of Clearing Services in our discretion. We shall not be held liable for any claims arising from the willful misconduct or gross negligence of any subcontractors or agents so appointed.

INDEMNITY AGAINST SARS CUSTOMS PENALTIES (IN THE EVENT WHERE CBCF IS NOT AT FAULT)

You indemnify and hold us harmless against any loss, damage, cost or claim made or alleged by any 3rd parties, including your employees, representatives, and customers, as a result of rendering clearing services. Should any such claim be made, we shall notify you thereof and you will make payment of the full amount of the claim to us or provide security to our satisfaction in respect of the full amount of such claim. If you wish to defend such claim, after payment has been made or security provided to us we shall render to you, at your cost, such assistance as may reasonably be required to defend the claim against a full indemnity to our satisfaction in respect of costs incurred by us in doing so.

CERTIFICATE

A certificate signed by any of our managers (Whose appointment need to be proved) shall be prima facie proof of any amount owing by you to us for all purposes including proof of claims against insolvent and deceased estates and to the extent that we may obtain default-, summary-, or provincial judgement on the strength thereof.

You consent to the Jurisdiction of the Magistrate’s court in respect of any legal proceedings arising from the clearing services and/or any amount owing to us in respect thereof. Notwithstanding such consent we may institute action in any High court in which event you will be liable for costs on an attorney-and-client scale in respect of any legal proceedings instituted against you.

I, _____ the undersigned being a
(NAME IN FULL)

Representative of (Company Name)

hereby confirm that I have read and understand the terms and conditions as set out above.

Signed on this _____ day _____, 2016

at _____

Full Name & Surname

Designation

Signature

Witness:

1. _____ Name in Full _____

Signature: _____

2. _____ Name in Full _____

Signature: _____

CUSTOMS – INTRODUCTION

Modernization in Customs Clearing has brought on new challenges that need to be addressed before any declaration can be sent to Customs via EDI Electronic Data Interchange (EDI). The procedures as set down below, is to give our valued clients clarity on what exactly is needed to successfully clear consignments to and from South Africa. Cross Border Clearing and Forwarding (Pty) Ltd (CBCF) has successfully sub contracted clearing agents in other Countries:

1. Botswana Lobatse Border/Pioneer/Skilpadshek
2. Botswana Tlokweng Border/Kopfontein
3. Botswana Ramatlabama Border
4. Namibian Buitepos Border
5. Namibian Ariamsvlei Border/Nakop
6. Namibian Vioolsdrift Border/Noordoewer
7. Swaziland Border /Oshoek/Ngwenya
8. Zimbabwe Border/Beit bridge
9. Lesotho Border/Maseru
10. Martins Drift/Groblersbrug

These sub-contracted agents are well affiliated with CBCF.

Please take note, each Country has very different procedures to Customs clearances that is also incorporated into the procedures as set out below.

1. REGISTRATIONS

- All importers/exporters based in South Africa needs to be registered with SARS and the Customs code (importer/exporter code) must be supplied to CBCF to enable problem free clearances through the borders. The Companies must ensure that they are registered for both imports and exports.
- All importers/exporters based outside South Africa, importing/exporting goods to non-South African based companies must also register with SARS as foreign importers/exporters and must also nominate a registered agent within South Africa that will take responsibility for their imports/exports. The registered agent must also be registered with SARS for that specific Company.
- All transporters that transport goods across South African border must register with SARS as a haulier. Transporters can either appoint CBCF to submit their electronic manifests on their behalf, or submit the electronic manifests themselves.
- All foreign hauliers that that transport goods across South African borders must register through CBCF as foreign hauliers and CBCF will submit all their electronic manifests.

2. PROCEDURES FOR ROAD FREIGHT CLEARING

PLEASE NOTE:

No clearing can be done until CBCF receives fully completed Clearing Instructions (CI), signed by the client. **Employees from CBCF are not allowed to complete CI on behalf of the client.**

- Once the CI has been completed and signed, it must be sent to CBCF accompanied by the following documentation:
 - Clearing instructions
 - Invoices for clearing – invoices must be legible
 - Copy of drivers valid passport
 - Copy of import/export permit where applicable
 - Proof of VAT payment where applicable
 - Please also provide contact numbers for the driver

- All the above documentation must be sent by email to:
 - **reception@crossbordercf.com**
 - **CC: nesta@crossbordercf.com**
 - **CC: leynette@crossbordercf.com**

- Alternatively by fax to:
 - **(0027) 865 549 8544**

- Once CBCF receives full set of CI together with the required documentation, the process can and will be completed. Once all clearing has been completed, CBCF will e-mail the following documents to the client as well as the respective offices where the driver will cross the border:
 - Delivery note/Cash invoice
 - SAD documents
 - Proceed to border doc's
 - Electronic Manifests
 - Purchase order for foreign declarations (where applicable).

PLEASE NOTE:

No drivers are allowed in the Port without the Proceed to border documents. SARS Customs will issue penalties to the amount of R 5000.00 (penalty amount changes from time to time) for any driver entering the Port without these documents, which will be for the clients account. CBCF will under no circumstances take any responsibility for drivers not adhering to the rules and regulations of SARS Customs.

- On arrival at the port, the driver must hand in the electronic manifests, arrival notices (Proceed to border documentation) together with original invoices to SARS Customs.
- Customs will then issue the following releases to the driver:

- CN1 release for each arrival notice
- CN2 release for each electronic manifest

PLEASE NOTE:

The driver must ensure that he receives the same amount of CN1 and CN2 releases as the arrival notices that he handed over to Customs.

- CN1 release is proof of export for each exporter/importer that has a consignment on that specific truck.
 - The CN2 release is the proof of export for the transporter of all consignments on that specific truck.
- It is very important to school your drivers in the safe keeping of the CN1 and CN2 releases.
 - SARS Customs does not give copies of the CN1 and CN2 releases to agents, CBCF can there for not keep copies of these releases.
 - SARS Customs cannot reprint copies. In the event of lost /missing releases only the client can apply for such copies at SARS Customs Alberton.
 - CBCF cannot take any responsibility for lost/missing CN1 and CN2 releases.

3. IMPORTS WITH SARS CUSTOMS VAT PAYMENTS

Before any SARS Customs VAT payment can be made all documents as per Procedures for Road Freight clearing must be sent to CBCF.

Once the clearing process has been completed, SARS Customs will issue a Ready for Cash Payment document containing the following information which will indicate how the payment should be made:

- A PRN number – requires a manual payment
 - A LRN number – requires a e-Filing payment
- The client will make use of the PRN number that reflects on the Ready for Cash Payment document. This is the manual form of payment to SARS Customs.
 - Please take note that when making a manual payment to SARS Customs it takes up to 48 hours to reflect on the SARS Customs VAT payments delays at the port can be expected.
 - In the event where CBCF makes the Customs VAT payment on behalf of the client, we will make us of the LRN number that reflects on the Ready for Cash Payment document.
 - When using the LRN number, payment is made by E-filing and released on our bank account. Both these proof of payments will accompany documents to the client. This method of payment is immediately and there are no delays.
 - In the event where the client makes a manual Customs VAT payment to SARS, CBCF needs to receive the proof of payment from the client to ensure release notifications are received from SARS Customs, and is attached to the import docs.
 - CBCF will only make Customs VAT payments on behalf of the client, once payment reflects in CBCF's bank account.

4. DECLARATIONS WITH SADC CERTIFICATES

- All exports to countries other than the BLNS-Countries (Botswana, Lesotho, Namibia and Swaziland) need SADC-Certificates as part of the declarations process.
- The importer/exporter must be registered as an importer/exporter SARS Customs to be endorsed.
- Importers/Exporters can however appoint CBCF to handle the procurement, completion and endorsements of these certificates.
- The documentation for clearing as per normal Road Freight Clearing procedures, must be sent to CBCF.
- The SAD 500 will be framed and sent back to the importer/exporter to complete the SADC-Certificates. The importer/exporter must then take the completed SADC-Certificates, SAD 500 and original invoice to a SARS Customs office that endorses SADC-Certificates and have the SADC Certificates endorsed.

- The endorsed SADC-Certificates number on the SAD500 and then continue the EDI process.
- Where CBCF is responsible for the endorsement of the SADC-Certificate the original certificates will be sent to the importer/exporter and must accompany the Customs documentation.

5. PERMITS FOR IMPORTS AND EXPORTS

There are certain commodities of which the import and export thereof is controlled with permits. Agricultural commodities are controlled by the Department of Agriculture, and they will issue permits for such commodities.

Commercial commodities are controlled by the International Trade Administration Commission (ITAC) and they will issue import/export permits for these commodities under permit control.

With both importers/exporters with their registrations at these departments. It is the duty of the importer/exporter to supply CBCF with these permits for Customs clearing.

CBCF INTERNAL PROCESS

- No declarations will be done if not accompanied by fully completed and signed CI.
- Where there are faxed or e-mail documents without CI, the CI process will not start.
- Where there are walk-in clients the drivers will be requested to complete clearing instructions which must be sent to Head Office for processing.
- All documents will only be done strictly according to the CI.
- No employee of CBCF is authorised to complete the clearing instructions on behalf of the client.
- All drivers must sign in at each respective office by means of the driver log sheet.
- A maximum of 8 invoices can be declared on one SAD 500, as the SAD 507 will accommodate only 8 invoice numbers.

- The driver will only receive release notices per invoice set and the electronic manifest for crossing at the border. If the driver is stopped at the border. He/she must report to our nominated agent at the border to assist with the Customs examination.
- The use of the default exporter/importer code has been prohibited and discontinued by SARS Customs.
- No declaration will be done without an importer/exporter code.
- The use of CBCF's Customs code for limited imports/exports can only be approved by:
 - Nesta Glover
 - Leynette O'Connell
- When the Customs code for foreign importers/exporters become compulsory, the same will apply.
- Where other countries clearances must be done by CBCF, the invoices along with a purchase order for the respective office, must be sent to the specific agency on completion of the South African documents.
- Where delays are experienced with communications for SARS Customs, CBCF Agents will keep clients informed at all times with the status of queries and EDI delays.

Where there are any document query, or VOC's required, clients need to send an email with the query to:

1. Reception@crossbordercf.com

Where there are account queries, clients need to send queries to:

2. Samantha Glover Email address: samantha@crossbordercf.com
3. Nesta Glover Email address: nesta@crossbordercf.com

Where there any other problems or queries that needs urgent attention, clients are requested to contact:

Kgalalelo Phatlane Operations Customs Liaison Officer
 Cellular no: 062-680-8752
 Email: kgalalelo@crossbordercf.com

Nesta Glover
 Managing
 Cellular no: 061-334-2190
 Email: nesta@crossbordercf.com