

檔		保存
號	/ /	年限

## 駐南非代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國109年9月14日

發文字號：南非經字第1093010244號

速別：最速件

密等及解密條件或保密期限：

附件：如文(共4頁) (南非經1093010244\_Attach1.PDF, 南非經1093010244\_Attach2.pdf)

主旨：有關南非對輸銷南部非洲關稅同盟(SACU)之特定熱軋鋼品延續防衛措施案，謹請鑒察。

說明：

一、依據南非國際貿易管理委員會(ITAC)本(109)年9月14日致本組電子郵件及ITAC主任委員Mr. Meluleki Nzimande信函辦理。

二、來函略以：

(一)ITAC前公告展開旨揭產品延續防衛措施調查，邀請利害關係人提供書面意見後，初步認定本案基礎事實如下：稅則號列7208.10、7208.25、7208.26、7208.27、7208.36、7208.37、7208.38、7208.39、7208.40、7208.51、7208.52、7208.53、7208.54、7208.90、7211.14、7211.19、7225.30、7225.40、7225.99、7226.91及7226.99等鋼鐵產品出口至SACU地區若不延續相關防衛措施，仍將嚴重損害區域內產業銷售、產出、市佔率及純利潤等，考量現有證據顯示區域內產業刻正進行結構調整，ITAC考慮有必要延長現有之防衛措施3年，回溯自本

經濟部  
國際貿易局

國際貿易局 109/09/15



1097029167

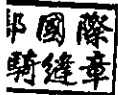
年8月11日生效，俟後每12個月調降防衛稅率1%。

(二)ITAC再次強調本案尚未作成最終決定，爰邀請利害關係人於9月14日起14日內(即9月27日)針對ITAC公布之「基礎事實」提交書面意見，以利該會作成最終決定。

三、檢陳M調查官致本組電郵影本及ITAC信函如附件。

正本：經濟部國際貿易局

副本：電子公文交換章  
2020/09/15 10:04:37





Jao CHiang &lt;zaohsien@gmail.com&gt;

---

**Fw: essential facts letter - leaterhead**

1 message

**Edwin Mkwanazi** <emkwanazi@itac.org.za>

14 September 2020 at 15:27

To: "Francois Dubbelman (fcdubbelman@telkomsa.net)" <fcdubbelman@telkomsa.net>, "fgtllm@mweb.co.za" <fgtllm@mweb.co.za>, Donald MacKay <donald@xa.co.za>, "andre@afrit.co.za" <andre@afrit.co.za>, "stephen.meltzer@webberwentzel.com" <stephen.meltzer@webberwentzel.com>, "kathryn.lloyd@bowmanslaw.com" <kathryn.lloyd@bowmanslaw.com>, Jao CHiang <zaohsien@gmail.com>, Sujata <sujata@miti.gov.my>, "heather.irvine@bowmanslaw.com" <heather.irvine@bowmanslaw.com>, itstrade <itstrade@vodamail.co.za>, "delangeconsultants@gmail.com" <delangeconsultants@gmail.com>, "kaita.nozaki@mof.go.jp" <kaita.nozaki@mof.go.jp>, "sdovey@toyota.co.za" <sdovey@toyota.co.za>, "trade@mexico.org.za" <trade@mexico.org.za>, "astpm@astpm.com" <astpm@astpm.com>, "hgp@naamsa.co.za" <hgp@naamsa.co.za>, "standerdj@satb.co.za" <standerdj@satb.co.za>

Dear Interested parties,

Kindly find the attached essential facts letter.

kind regards,

Siphumelele Edwin Mkwanazi

Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person) you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply e-mail. Please advise immediately if you or your employer do not consent to e-mail messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the International Trade Administration Commission, shall be understood as neither given nor endorsed by it. All views expressed herein are the views of the author and do not reflect the views of the International Trade Administration Commission, unless specifically stated otherwise.

---

 **Essential Facts Letter 20200914.pdf**  
948K

Dear Interested Party

**INVESTIGATION INTO THE EXTENSION OF SAFEGUARD MEASURES AGAINST IMPORTS OF CERTAIN FLAT-ROLLED PRODUCTS OF IRON, NON-ALLOY STEEL OR OTHER ALLOY STEEL (NOT INCLUDING STAINLESS STEEL), WHETHER OR NOT IN COILS (INCLUDING PRODUCTS CUT-TO-LENGTH AND 'NARROW STRIP'), NOT FURTHER WORKED THAN HOT-ROLLED (HOT-ROLLED FLAT), NOT CLAD, PLATED OR COATED, EXCLUDING GRAIN-ORIENTED SILICON ELECTRICAL STEEL: ESSENTIAL FACTS LETTER.**

As you are aware, the International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the extension of safeguard duties through Notice No. 392 of *Government Gazette* No. 43542 dated 24 July 2020, and to maintain the existing safeguard duties pending the finalisation of the investigation.

Subsequently the Commission invited interested parties to make submissions regarding the investigation. Interested parties made written submissions. The Commission considered all information submitted by all the interested parties in making its final before essential facts determination.

Non-confidential versions of all information submitted are available on the public file and are available for perusal. The final determination will be based on all the information submitted during the course of the investigation, together with comments received from interested parties, to this letter.

This letter therefore serves to inform you that the following "essential facts" as set out below, are being considered by the Commission for purposes of its final determination:

### **1. Product Description**

The Commission is considering making a final determination that the subject product is as described in the initiation notice, certain flat-rolled products of iron, non-alloy steel or other alloy steel (not including stainless steel), whether or not in coils (including products cut-to-length and 'narrow strip'), not further worked than hot-rolled (hot-rolled flat), not clad, plated or coated, excluding grain-oriented silicon electrical steel, imported under tariff subheading 7208.10, 7208.25, 7208.26, 7208.27, 7208.36, 7208.37, 7208.38, 7208.39, 7208.40, 7208.51, 7208.52, 7208.53, 7208.54, 7208.90, 7211.14, 7211.19, 7225.30, 7225.40, 7225.99, 7226.91 and 7226.99.

### **2. Serious injury and recurrence of serious injury**

The evaluation of injury information indicates that the SACU industry is likely to recur/continue as shown by following indicators:

- Sales volumes;
- Net profits;
- Output;
- Market share;
- Capacity utilisation;
- Productivity; and
- Employment.

The Commission is considering making a final determination that the information provided indicates that the suffering serious injury suffered by the SACU industry is likely to recur.

### **3. Adjustment of SACU industry**

The Commission further found that the SACU industry is implementing its adjustment plan as submitted in the original investigation, albeit certain elements, not being fully implemented. The SACU industry submitted reasons which are being considered.

The Commission is considering making a final determination that there is evidence of the SACU industry adjusting.

#### 4. Final determination

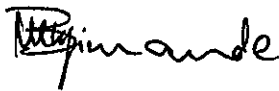
The Commission is considering making a final determination that:

- The lapse of the safeguard measures will likely lead to a recurrence of serious injury;
- There is evidence that the SACU industry is adjusting;
- Safeguard duties on imports of the subject product be extended for 3 years, from 11 August 2020; and
- To liberalise the extended safeguard measures by 1% every 12 months, with retrospective from 11 August 2020.

It should be emphasized that the Commission has not yet made its final determination and nothing in this letter should be construed as such. The final determination will only be made once the Commission has considered all the parties' comments on this essential facts letter.

Any comments on the above "essential facts" should be submitted within 14 days from the date of this letter to the Project Manager: Trade Remedies II at [emkwanazi@itac.org.za](mailto:emkwanazi@itac.org.za) in order for the Commission to be in a position to take such comments into consideration before making its final determination and recommendation to the Minister of Trade and Industry.

Yours sincerely



---

**Meluleki Nzimande**  
**Chief Commissioner**

Date: 14/9/2020