

正本

發文方式：電子交換

檔 號：

保存年限：

## 駐南非代表處經濟組 函

臺北市中正區湖口街1號

受文者：經濟部國際貿易署

發文日期：中華民國113年7月15日

發文字號：南非經字第1133010065號

速別：最速件

密等及解密條件或保密期限：

附件：如文

主旨：有關本組會晤南非國際貿易管理委員會(International Trade Administration Commission of South Africa)事，謹報請鑒察。

說明：

- 一、本組本(113)年7月5日南非經字1133010062號函計蒙鈞察；鈞署本年7月12日貿多字1137020669號副本函敬悉。
- 二、本組羅組長清榮於本年7月11日偕謝秘書逸翔拜會南非國際貿易管理委員會(International Trade Administration Commission of South Africa，以下簡稱ITAC)，由ITAC負責防衛案件之調查官Zuko Ntsangani、Charity Mudzwiri與Brian Same等三人接見，謹將談話內容摘要如次：
  - (一)N調查官首先表示，由於業務需要，經常就貿易救濟案與各國駐斐使館互動，而各使館人員更迭頻繁，故感謝本組主動安排此次會晤，未來將隨時周知本組及業務承辦人員相關案件進展。
  - (二)羅組長表示，我國目前有4件貿易調查案，包括1件反傾銷案、2件既有之防衛措施及本年7月5日實施之臨時防衛措施案。未來將與ITAC保持聯繫，掌握進展。
  - (三)針對熱軋之鋼鐵扁軋製品臨時防衛措施案，N調查官表示，ITAC邀請各國受影響之產業於本年7月19日南非時間下午3時前提交書面意見，另將就本案舉行公聽會，

目前已訂於本年 8 月 20 日上午 10 點。所有欲參加公聽會之利害關係人於南非時間本年 7 月 26 日下午 3 時前提出申請，並在 8 月 2 日下午 3 時之前提出欲在公聽會上報告之非機密書面資料。(聯絡信件與公聽會資訊詳如附件 1 與附件 2) 另本案 ITAC 收件人、郵寄地址及調查官連絡方式如下：

- 1、收件人：Trade Remedies I, International Trade Administration of South Africa (ITAC)
- 2、郵寄地址：Block E - the DTI Campus, 77 Meintjies Street, Sunnyside Pretoria, South Africa, 0001
- 3、調查官連絡方式：Mr. Zuko Ntsangani，電話：  
+27123943688，電子郵件：zntsangani@itac.org.za

正本：經濟部國際貿易署

副本：經濟部陳政務次長辦公室

裝

訂

線

12 July 2024

Economic Secretary: Dylan Hsieh  
Taipei Liaison Office (Taiwan Embassy)  
No.5, Cradock Ave  
Rosebank 2196  
0083

Dear Dylan Hsieh

**INVESTIGATION FOR REMEDIAL ACTION IN THE FORM OF A SAFEGUARD MEASURE AGAINST THE INCREASED 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 (HOT-ROLLED STEEL PRODUCTS): PUBLIC INTEREST HEARING**

With regard to the abovementioned investigation, please take note of the invitation to comment on the public interest as published by the International Trade Administration Commission. A copy of the invitation is attached for your information.

Please be advised that the deadlines as indicated in the notice will strictly be adhered to.

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Should you have any queries, please do not hesitate to contact the investigating officers, Mr. Zuko Ntsangani at email address [zntsangani@itac.org.za](mailto:zntsangani@itac.org.za) , Ms. Charity Mudzwiri at email address [cramaposa@itac.org.za](mailto:cramaposa@itac.org.za) and Mr. Brian Same at email address [bsame@itac.org.za](mailto:bsame@itac.org.za).

Yours sincerely

*Zuko Ntsangani*

**ACTING SENIOR MANAGER: TRADE REMEDIES I**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION****NOTICE 2622 OF 2024****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****INVITATION TO PUBLIC HEARING ON THE INVESTIGATION FOR REMEDIAL ACTION IN THE FORM OF A SAFEGUARD MEASURE AGAINST THE INCREASED 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 (HOT-ROLLED STEEL PRODUCTS)**

On 23 February 2024, the International Trade Administration Commission of South Africa ("the Commission") initiated an investigation for remedial action in the form of a safeguard measure against the increased imports of hot-rolled steel products ("the subject product") through Notice No. 2333 of 2024 in Government Gazette No. 50164 dated 23 February 2024 (the "Initiation Notice").

**THE APPLICANT**

The application was lodged by the South African Iron & Steel Institute ("SAISI" or the "Applicant"), an industry association, which applied on behalf of ArcelorMittal South Africa Limited ("AMSA"), being the major producer of the subject product in the Southern African Customs Union ("SACU").

**DESCRIPTION OF THE SUBJECT PRODUCT UNDER INVESTIGATION**

The subject product is described as 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. The subject product is imported under the following tariff subheadings: 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, 7225.30, 7225.40, 7225.99, 7226.99.

The Applicant stated that an analysis of the import statistics and the tariff subheadings used to import the subject product indicates that importers are also using the tariff subheadings 7211.13, 7211.19, and 7226.91 as loopholes to import hot-rolled products into the SACU. The Applicant therefore requested the Commission to include these tariff subheadings when imposing the safeguard measures.

The Commission considered that there could be circumvention when the safeguard measures are imposed on the subject product. To prevent any potential loopholes, the Commission made a preliminary determination also to impose provisional measures on hot-rolled steel products classifiable under tariff subheadings 7211.13, 7211.19, and 7226.91.

#### **DESCRIPTION OF THE LIKE OR DIRECTLY COMPETITIVE SACU PRODUCT**

The subject product is described as 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. The subject product is imported under the following tariff headings: 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, 7225.30, 7225.40, 7225.99, 7226.99.

#### **CRITICAL CIRCUMSTANCES AND PROVISIONAL MEASURES**

The Commission made a preliminary determination that there is clear evidence that the increased imports have caused serious injury to the SACU industry. The Commission further made a preliminary determination that there are critical circumstances where a delay in the imposition of measures would cause damage that would be difficult to repair.

Therefore, the Commission decided to request the Commissioner for the South African

Revenue Service (“SARS”), in terms of section 57A of the Customs and Excise Act, of 1964, to impose a provisional measure, in the form of a 9 percent ad valorem duty on imports of hot-rolled steel products for a period of 200 days. The provisional measure was imposed on 5 July 2024.

## **PROCEDURAL FRAMEWORK**

This investigation is conducted in accordance with the International Trade Administration Act, 2002 (“ITA Act”) and the International Trade Administration Commission Safeguard Regulations (“SGR”), read with the World Trade Organization Agreement on Safeguards (“the Safeguard Agreement”).

## **PROCEDURES AND TIME LIMIT**

Interested parties are invited to submit comments on whether it will be in the public interest to impose definitive safeguard measures on the subject product, in accordance with Regulation 20.2 of the SGR.

A public hearing is scheduled for 20 August 2024 at 10h00 at the address as indicated below. All interested parties which wish to attend the public hearing on public interest and wish to make oral representations to the Commission on public interest, should indicate their intention to attend on or before 26 July 2024 at 15h00 to the Senior Manager: Trade Remedies I.

All interested parties which wish to address the Commission on public interest should submit a detailed version, including a non-confidential version, of the information to be discussed at the public hearing, in writing to the Senior Manager: Trade Remedies I on or before 02 August 2024 at 15h00. A party that did not timeously submit a non-confidential version of the information to be discussed at the public hearing will not be allowed to take part in the public hearing.

Parties requesting to attend public interest hearing should note that this will be an open

hearing with all parties present and only non-confidential information should be presented during the hearing. As indicated, parties are at liberty to submit a confidential version of the information in writing to the Commission on or before 02 August 2024.

### **CONFIDENTIAL INFORMATION**

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version, the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, a sworn affidavit setting out the reasons why it is impossible to comply should be provided.

A sworn affidavit is defined as a written sworn statement of fact voluntarily made by an affiant or deponent under an oath or affirmation administered by a person authorized to do so by law. Such statement is witnessed as to the authenticity of the affiant's signature by a taker of oaths, such as a notary public or commissioner of oaths. An affidavit is a type of verified statement or showing, or in other words, it contains verification, meaning it is under oath or penalty of perjury and this serves as evidence to its veracity and is required for court proceedings.

This rule applies to all parties and to all correspondence with, and submissions to, the Commission, which unless indicated to be confidential and filed together with a non-



confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is confidential by nature or is otherwise confidential and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Regulation 2.3 of the SGR provides as follows:

*"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):*

- (a) management accounts;*
- (b) financial accounts of a private company;*
- (c) actual and individual sales prices;*
- (d) actual costs, including cost of production and importation cost;*
- (e) actual sales volumes;*
- (f) individual sales prices;*
- (g) information, the release of which could have serious consequences for the person that provided such information; and*

(h) information that would be of significant competitive advantage to a competitor;

Provided that a party submitting such information indicates it to be confidential.”

## ADDRESS

Any information regarding this matter must be submitted in writing to the following address:

### Physical address

Senior Manager: Trade Remedies I  
International Trade Administration Commission  
**Block E** – The DTI Campus  
77 Meintjies Street  
SUNNYSIDE  
PRETORIA  
SOUTH AFRICA

### Postal address

Senior Manager: Trade Remedies I  
Private Bag X753  
PRETORIA  
0001  
SOUTH AFRICA

Should you have any queries, please do not hesitate to contact Mr. Zuko Ntsangani at email address [zntsangani@itac.org.za](mailto:zntsangani@itac.org.za), Ms. Charity Mudzwiri at email address [cramaposa@itac.org.za](mailto:cramaposa@itac.org.za) and Mr Brian Same at email address [bsame@itac.org.za](mailto:bsame@itac.org.za).