
Mr. Parks Tau, MP

Minister of Trade, Industry and Competition
Private Bag X84
Pretoria
0001

Dear Minister Tau

MINUTE M04/2026: AMENDMENT OF REPORT 740: AMENDMENT OF EXISTING SAFEGUARD DUTY ON 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") TO INCLUDE IMPORTS ORIGINATING IN OR IMPORTED FROM SOUTH KOREA BUT NOT THOSE OF EGYPT OR VIETNAM

1. PURPOSE

The purpose of this submission is to request the Minister of Trade, Industry and Competition's ("the Minister") approval of the recommendation of the International Trade Administration Commission ("the Commission") that its Report No. 740 be amended to provide that imports of hot-rolled steel products originating in or imported from the Republic of South Korea ("South Korea", but not those of the Arab Republic of Egypt ("Egypt") or the Socialist Republic of Vietnam ("Vietnam")), be subject to the safeguard measures on hot-rolled steel products for the remainder of the period during which safeguard duties are in place in terms of Regulation 21.20 of the Amended Safeguard Regulations ("SGR").

2. BACKGROUND

- 2.1 On 23 February 2024, the Commission initiated an investigation for remedial action in the form of a safeguard against increased imports of hot-rolled steel products through Notice No. 2333 in Government Gazette No. 50164.
- 2.2 The South African Iron & Steel Institute ("SAISI" or "the Applicant"), an industry association, applied on behalf of ArcelorMittal South Africa Limited ("AMSA"), being the major producer of the subject product in the Southern African Customs Union ("SACU").
- 2.3 On 07 February 2025, the Commission made a final determination to recommend to the Minister that, all the requirements for the imposition of a measure having been met, it will be in the public interest to impose definitive safeguard duties on imports of hot-rolled steel products classifiable under tariff subheadings: 7208.10, 7208.25, 7208.26, 7208.27, 7208.36, 7208.37, 7208.38, 7208.39, 7208.40, 7208.51,¹ 7208.52, 7208.53, 7208.54, 7208.90, 7211.14, 7225.30, 7225.40, 7225.99, 7226.99.
- 2.4 On 26 February 2025, the Minister approved the Commission's recommendations through Report No. 740. These recommendations were implemented by the South African Revenue Service ("SARS") on 02 May 2025. As a result, final safeguard measures were imposed on imports of the subject products originating from all countries, excluding developing countries whose imports were found to be below 3% of the total import volumes, for a period of 3 years, ending 01 May 2028.

2.5 The Amended Safeguard Regulations and the 3% and 9% thresholds

On 03 October 2025, the Applicant informed the Commission that exports from South Korea had reached 25,000 tonnes from August 2024 to August 2025, resulting in an import share of approximately 2%. The Applicant contended that although imports from South Korea did not exceed the 3% exemption threshold, total imports from Egypt, Indonesia, South Korea, and Vietnam collectively accounted for 15%, surpassing the 9% exemption threshold under SGR 21.18. Consequently, the industry requested that all developing nations be removed from the exempt list.

On 03 November 2025, the Applicant provided additional information regarding SARS statistics. Specifically, they noted that South Korea's share of total imports reached 4%, totalling 23,333 tonnes, during the period from June 2025 to September 2025. The Applicant also argued that, while maintaining its position that the import share should be counted from the date of imposition of provisional measures, the 3% exemption threshold was exceeded.

Furthermore, on 15 December 2025 the Applicant informed the Commission that under SGR 21.20, South Korea had exceeded the 3% import exemption threshold, indicating that imports of hot-rolled steel products from the Republic of South Korea had reached 5% (29,874 tonnes) in the most recent 12-month period (November 2024 to October 2025), further supporting its removal from the exempted list. The Applicant highlighted that the European Union follows a similar process, automatically updating the list of exempted countries based on recent import data without needing a new investigation.

In the original investigation South Korea, Egypt and Vietnam were among the developing countries with import volumes that were found to be less than 3% of total imports into SACU and therefore were exempted from the payment of safeguard measures.

Commission's consideration

The relevant provisions regarding the exclusion from and/or the inclusion of developing countries subject to a safeguard measure are SGR 21.18 and SGR 21.20.

SGR 21.18, in line with Article 9.1 of the WTO Agreement, states that "safeguard measures shall not be applied against a product originating in a developing country as long as its share of imports of the product concerned in SACU does not exceed three per cent, provided that developing countries with less than three per cent import share collectively account for not more than nine per cent of total imports of the product concerned".

Further, SGR 21.20 provides that "developing country exempted from the application of a safeguard measure in terms of subsection 18 may become subject to such safeguard measure without a new investigation being conducted if, subsequent to the imposition of the safeguard measure its share of the imports increases to a level that exceeds three percent of the total import volume in the original investigation period".

As is evident from the text of SGR 21.20, the 9% threshold is not applicable, as the provision solely contains the 3% exemption threshold. Therefore, the relevant question the Commission considered was whether the share of import volumes from South Korea, Egypt, and Vietnam, individually have exceeded the 3% exemption threshold. Where this is the case, the safeguard measure would apply

to such countries individually and not to all the developing countries that are on the exemption list.

Comments by the Applicant on the Commission's essential facts letter

The Applicant stated that it strongly disagrees with Commission's interpretation of SGR 21.18 and 21.20 regarding specifically the 9% threshold and submitted that there must be some relevance to the 9% rule. If there were no significance to the threshold, then the inclusion of the threshold would be meaningless from the legislature. The Applicant believes this could not have been the legislature's intention.

The Applicant stated that, as previously argued, the 9% threshold was included to prevent the conundrum it is presently facing. As soon as the Commission decides to remove a developing country for breaching the threshold, another increases their exports beyond 3%. The Commission is then stuck in a constant situation, closing loopholes one by one.

Additionally, the Applicant emphasized that the 9% threshold guards against a situation where all developing countries collectively increase exports to just under 3%, and in the last legs of the protection, rapidly increasing their exports again, thereby capitalising on the exemption granted. The reality is that these exemptions have allowed certain developing nations (which have sizable steel industries of their own) to undermine the protections granted to the domestic industry,¹ thus detracting from industry adjustment and causing further serious injury. The Applicant requested that the Commission reconsider its interpretation of the rule, advocating for the inclusion of the 9% threshold for removing developing countries from the exempted list instead of just the 3% threshold.

Comments by the Group on the Commission's essential facts letter

The Group stated that, as established during the Commission's consideration of Indonesia's exclusion from the list of exempted countries, the 9 percent threshold mentioned in the World Trade Organization (WTO) Agreement on Safeguards—outlined in Article XIX of the General Agreement on Tariffs and Trade (GATT)—and referenced in the SG Regulations, does not apply when deciding whether to include imports from a developing country in the scope of the duty after the safeguard duty has been imposed.

The Group highlighted that AMSA's legal opinion, obtained from Dr. Gustav Brink of Brindis, confirmed this point. It clearly stated that the 9 percent rule only applies to an original investigation and that Regulation 21.20 of the SG Regulations does not provide for the application of the 9 percent rule. The Group expressed concern regarding the Applicant's ongoing references to the 9 percent threshold, as this appears contrary to the established understanding of its relevance in this context. It is therefore very clear that the only factor in the consideration of whether or not a developing country should be excluded from the list of exempted countries is whether the volume of imports exceeds the 3 per cent threshold.

Commission's consideration

The Commission clarified the implementation of the 9% and 3% thresholds as detailed below:

•It is important to note that the Commission applies SGR 21.18 during the safeguard investigation phase, prior to the imposition of any provisional or definitive safeguard measures. At this stage, the Commission assesses developing countries whose individual import shares do not exceed three per cent and further determines whether their collective import share exceeds the nine per cent threshold. Both conditions must be satisfied for the exemption to

apply. The Commission determined to impose provisional and definitive safeguard measures, which were applied to all countries except those developing countries whose individual import shares did not exceed three per cent and whose collective share also remained below the nine per cent threshold, in line with SGR 21.18.

- SGR 21.20 becomes applicable only after safeguard measures have been imposed, whether provisional or definitive. This provision allows for a reassessment of developing countries that were initially exempt, should their share of imports subsequently increase above three per cent of total imports for purposes of monitoring the application of the safeguard measure. This assessment is conducted on a country-by-country basis, and at this stage the collective nine per cent threshold is no longer applicable.*

- The structure of the Regulations therefore reflects a clear distinction between the two stages: SGR 21.18 governs the determination of exemptions during the investigation phase through a dual individual and collective test, while SGR 21.20 addresses post-imposition developments by focusing exclusively on whether an individual developing country's import share exceeds the three per cent threshold.*

The Commission emphasizes that it only has to evaluate if the import volumes from South Korea, Egypt, and Vietnam have exceeded the 3% exemption threshold individually. If any of these countries exceeds this threshold, the safeguard measure will apply specifically to those countries and not developing countries on the exemption list collectively. Therefore, the Commission made a final determination to evaluate the import volumes from each of these countries individually.

- 2.6 The Commission considered making final determination that the volume of imports of hot-rolled steel products from South Korea, but not from Egypt or Vietnam, increased to more than 3 percent of total imports to SACU in the final year of the original period of investigation; and

Furthermore, the Commission considered making a final determination to recommend to the Minister that imports of hot-rolled steel products originating in or imported from South Korea be subject to the safeguard measures imposed in the original investigation for the remainder of the period which safeguard duties are in place in terms of Regulation 21.20 of the SGR.

2.7 **COMMENTS FROM INTERESTED PARTIES**

The Commission considered all comments received from interested parties prior to making its final determination. All submissions made by interested parties are contained in the Commission's public file for this investigation and are available for perusal. It should be noted that this Minute does not purport to present all comments received and considered by the Commission. However, some of the salient comments received from interested parties and the Commission's consideration of these comments are specifically included in this Minute.

Comments were received from FC Dubbelman before issuing the essential facts letter on behalf of their client representing the following parties ("The Group"):

- Augusta Manufacturing (Pty) Ltd;
- Augusta Steel (Pty) Ltd;
- Bell Equipment Company SA (Pty) Ltd;
- China Iron and Steel Association;
- Duferco Steel Processing (Pty) Ltd;
- NJR Steel Holdings (Pty) Ltd;
- Safal Steel (Pty) Ltd;

- SS Profiling (Pty) Ltd;
- Steel Import International (Pty) Ltd; and
- Steelbank Merchants (Pty) Ltd.

2.8 Essential facts letters were subsequently sent to the applicant and the interested parties on 17 February 2026. Interested parties were given 7 days, until 24 February 2026, to comment on the Commission's essential facts letter,

Comments on essential facts letters were received from the following interested parties:

- (AMSA) – The Applicant; and
- The Group.

South Korea WTO status

Comments by the Group considered by the Commission before issuing essential facts letters

The Group responded with regards to the classification of South Korea in relation to a safeguard measure. The Group questioned whether the Applicant could prove that South Korean imports exceeded the 3% exemption threshold necessary for inclusion in the measure, while requesting the removal of South Korea from the exempted list based on the claim that it is no longer a developing country.

The Group pointed out that the Applicant recognized the lack of a formal "definition" of a developing country by the WTO, yet argued for treating South Korea as developed, citing its voluntary relinquishment of preferential treatment. However, they noted that the WTO has not officially reclassified South Korea and highlighted that its status remains as a developing country on the WTO website. They argued that until the WTO makes an official change, the Commission should

continue to recognize South Korea as a developing country and exclude its imports from the safeguard duty.

Response by the Applicant considered by the Commission before issuing essential facts letters

The Applicant stated that it is seeking for the immediate removal of South Korea from the list of exempted countries concerning safeguard measures, citing an alleged error of law by the Commission. This request originates from South Korea's public renunciation of its developing country status in 2019. According to the ITA Act, the Commission has the authority to amend decisions that contain obvious errors. Given that South Korea should not have been included on the exempted list, the Applicant requests that the decision be made retroactively.

Furthermore, on 15 December 2025 the Applicant informed the Commission that under SGR 21.20, South Korea had exceeded the 3% import exemption threshold, indicating that imports of hot-rolled steel products from the Republic of South Korea had reached 5% (29,874 tonnes) in the most recent 12-month period (November 2024 to October 2025), further supporting its removal from the exempted list. The Applicant highlighted that the European Union follows a similar process, automatically updating the list of exempted countries based on recent import data without needing a new investigation.

Commission's consideration

The Commission disagrees with the Applicant's claim that the Commission made an error of law. The Commission considered that it relies on the WTO classification of developing countries. As per the current WTO list, South Korea is categorized as a developing country. During the original investigation, the Commission sought to confirm South Korea's status, which was subsequently validated by the WTO.

Additionally, the Commission normally uses audited import statistics from SARS to determine the volume of the subject product entering the SACU from the other countries as it considers this information to be the most reliable. The import statistics provided by the Applicant were verified against SARS audited statistics and found to be correct. As expounded on below, the data indicates that imports from South Korea, but not from Egypt and Vietnam, have exceeded the 3% exemption threshold. Therefore, the Commission considered removing South Korea from the exemption list due to its exceeding the 3% threshold.

Comments by the Applicant on the Commission's essential facts letter

The Applicant stated that while it agrees with South Korea's removal based on the breach of the 3% threshold, it disagrees with the Commission's rejection of its claim regarding an error of law and the reliance on the current WTO classification of developing countries. The Applicant argued that South Korea is clearly a developed economy based on economic realities, noting that the WTO list has not been updated since South Korea voluntarily chose to be classified as a developed country in 2019. The Applicant urged the Commission to consider the outdated nature of the list and emphasized the need for an evidence-based and holistic approach in future applications.

Comments by the Group on the Commission's essential facts letter

The Group noted that the Applicant continues to assert that South Korea should not be classified as a developing country, claiming that the Commission made an error by including South Korea in the list of exempted developing countries. The Group supports the Commission's practice of following the WTO classification of developing countries and believes that the available information confirms that South Korea is indeed categorised as a developing country.

Commission's consideration

The Commission considered that the WTO list of developing countries is reviewed for any changes or developments for each investigation. The Commission reiterated that, according to the current WTO list, South Korea is classified as a developing country. They sought to confirm South Korea's status, which was subsequently validated by the WTO.

3. Import trend analysis for South Korea, Egypt and Vietnam:

The following tables shows the import volumes from South Korea, Egypt and Vietnam, following the imposition of provisional measures and after final measures for the period from July 2024 to November 2025:

Table 3.1 Import volumes from South Korea (July 2024 to November 2025) (Tons)

Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025	Total Imports tons
0	0	27	0	29	0	0	0	29	0	0	30	0	10 618	12 686	6 483	4 298	34 199

Table 3.2 Import volumes from Egypt (July 2024 to November 2025) (Tons)

Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025	Total Imports tons
0	0	0	0	0	0	0	0	6377	6011	0	0	0	0	0	0	0	12 389

Table 3.3 Import volumes from Vietnam (July 2024 to November 2025) (Tons)

Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025	Total Imports tons
0	0	0	0	0	0	0	0	0	13 101	0	0	3509	0	0	0	0	16 610

The following table shows the import volume from South Korea, Egypt and Vietnam for the 12-month period (December 2024 to November 2025) versus the total imports volume during each year of the POI including the determinative final year of the original investigation (July 2020 to June 2023).

Table 3.4: Import volumes in tonnes

Original period of investigation (POI) (Tons)	Jul 2020 - Jun 2021	Jul 2021 - Jun 2022	Jul 2022 - Jun 2023
Total Import Volumes	437 108	283 891	580 778
Import Volumes from South Korea	8 541	231	8 661
Import Volumes from Egypt	6 635	5 466	0
Import Volumes from Vietnam	0	4 080	0
Imports for the period after imposition of safeguard measures	Dec 2024 – Nov 2025	Dec 2024 – Nov 2025	Dec 2024 - Nov 2025
Imports from South Korea	34 142	34 142	34 142
Imports from South Korea as % of total imports for each year of the original POI	7,8%	12%	5,9%
Imports from Egypt	12 389	12 389	12 389
Imports from Egypt as % of total imports for each year of the original POI	2,8%	4,4%	2,1%
Imports from Vietnam	16 610	16 610	16 610
Imports from Vietnam as % of total imports for each year of the original POI	3,8%	5,9%	2,9%

The information in the table 3.4 above indicates that import volumes only from South Korea for the current 12-month period (December 2024 – November 2025) now account for more than 3% of the total imports in the final year of the original investigation period. The table also shows that imports volumes from

Egypt and Vietnam individually remain less than 3% of the total imports into SACU in the final year of the original investigation period.

Comments by the Group on the Commission's essential facts letter

The Group reiterated its position that the evaluation period for determining whether the 3 percent threshold has been met for a developing country can only begin once the final measures have been implemented. In this case, the relevant import volumes to consider are those recorded after 02 May 2025.

The Group also noted that the Commission continued to take into account import volumes prior to this date, which the Group strongly opposes. According to regulation 21.20 of the SG regulations, it is only after the definitive safeguard measures have been imposed that the Commission and/or industry can start collecting data on the import volumes from excluded developing countries to ascertain whether the 3 percent threshold has been exceeded.

Consequently, the earliest point from which import volumes may be legally counted, in accordance with regulation 21.20, is May 2, 2025, which is the effective date of the definitive safeguard measure. Therefore, the Commission must recalculate the threshold using data from after 02 May 2025 and must disclose the complete dataset used for this calculation.

Based on the post- 02 May 2025 data, Egypt recorded no imports during this period. In contrast, Vietnam's imports amounted to 3,509 tons, which represents 0.06 percent of the import volume from the last year of the period of investigation (POI) of the original investigation. These percentages would be significantly lower if the correct POI is utilized, which is defined as the total import volume in the original investigation period.

According to the Commission's own figures, the aggregate total for the POI is calculated as follows: $437,108 + 283,891 + 580,778 = 1,301,777$ tons. South Korea's stated import volume of 34,142 tons would represent approximately 2.62%, which is below the 3% threshold. Therefore, the Commission must withdraw or correct the proposed determination unless it can lawfully demonstrate that regulation 21.20 has been triggered based on the correct criteria.

Comments by the Applicant on the Commission's essential facts letter

The Applicant stated that, based on the first two columns of Table 3.4, all three countries Vietnam, Egypt, and South Korea should be removed. It is only in the final column that Vietnam and Egypt are shown to be below the 3% threshold. The Applicant argued that developing countries are clearly taking advantage of the exemption provisions, resulting in systemic increases in imports and ongoing market distortions.

Removing South Korea and Indonesia will not stop the trend of cumulative surges from multiple exempted sources. The records thus far indicate that this issue is systemic, and the Commission should not limit its approach to merely assessing individual 3% thresholds repeatedly. The 9% collective rule offers a more comprehensive remedy to address the cumulative impact of low-volume but collectively significant imports from developing countries. This approach would ensure that the safeguard measure remains effective against serious injury without constant procedural delays.

Furthermore, the Applicant noted that the Group asserts that only import volumes occurring after 02 May 2025, the date of imposition of the definitive safeguard measure, should be considered when assessing whether the 3% threshold has been exceeded.

The Applicant stated that regarding Indonesia, the Commission has already determined how the relevant period should be calculated. Reopening this argument appears to be a tactic to further delay the removal of developing nations that are in breach. The Group's comments seem to be an attempt to bend the wording of the Regulations in order to allow their clients to import from exempt nations.

Commission's consideration

In response to the Group's comments regarding the methodology used to analyse the 3% exemption threshold, the Commission has addressed this issue comprehensively in the Indonesia case. The Commission's methodology remains applicable in the current case. The Commission considered that SGR 21.20 does not specify the period (beginning and end dates) that must be examined to determine whether the import share of a developing country has exceeded the 3% threshold. Instead, the provision broadly states that "subsequent to the imposition of the safeguard measure, its share of the imports increases to a level that exceeds three percent of the total import volume in the original investigation." (Emphasis added). Therefore, an investigating authority can employ any reasonable methodology to assess whether the 3% threshold has been breached.

The Commission further considered that the provision refers to "safeguard measures," not "definitive safeguard measures." Provisional safeguard measures fall within the definition of safeguard measures according to the ITA Act and relevant regulations.

The regulations and the provisions of the Safeguard Agreement grant the Commission the authority to analyse import data immediately after the imposition of provisional measures. In this case, the analysis is conducted after the imposition of provisional measures, specifically during the most recent 12-

month period following those measures compared with the 12 months of the final year of the period of investigation. The threshold has indeed been breached. The approach taken by the Commission to determine import volumes in relation to the 3% threshold is consistent with the Commission's established administrative practices.

In response to the Applicant's statement that, based on the first two columns of Table 3.4, all three countries Vietnam, Egypt, and South Korea should be removed, it is important to clarify that the import volumes following the imposition of the provisional measures are compared to the total imports into SACU in the final year of the original period of investigation. The last column indicates that the import volumes from Egypt and Vietnam, considered individually, remain less than 3% of the total imports into SACU during that final year of the investigation period.

SGR 21.20 stipulates that a "developing country exempted from the application of a safeguard measure in terms of [SGR 21.18] may become subject to such safeguard measure without a new investigation being conducted if, subsequent to the imposition of the safeguard measure its share of the imports increases to a level that exceeds three percent of the total import volume in the original investigation period".

Based on the analysis in table 3.4 above the Commission made a final determination that imports from South Korea be subject to safeguard measures applicable for the remainder of the period during which safeguard duties are in place in terms of SGR 21.20. The Commission further made a final determination that Egypt and Vietnam should remain on the list of exempted countries as their imports remained below 3% of the total imports to SACU in the final year of the original investigation period

4. Recommendation

The Commission made a final determination that the import volumes from South Korea increased to more than 3 percent of total imports into SACU in the final year of the original period of investigation.

The Commission also made a final determination that volume of imports from Egypt and Vietnam did not increase to more than 3 percent of total imports into SACU in the final year of the original period of investigation.

The Commission therefore decided to recommend to the Minister that imports of hot-rolled steel products originating in or imported from South Korea, but not Egypt or Vietnam, be subject to the safeguard measures imposed in the original investigation for the remainder of the period for which safeguard duties are in place in terms of regulation 21.20 of the SGR.

The Commission also recommends that the Minister approves the Commission's final determination that the list of developing countries exempted from safeguard measures contained in Annexure 1 of Report No: 740 be amended by removing South Korea. Below is the amended list of developing countries exempted from safeguard measures:

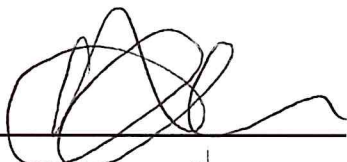
The amended list of developing countries exempted from the payment of safeguard duties is as follows:

Table 1: Developing WTO member countries

Name	Name	Name	Name
Afghanistan	Dominican Republic	Malaysia	Saudi Arabia, Kingdom of
Angola	Ecuador	Maldives	Senegal
Antigua and Barbuda	Egypt	Mali	Seychelles
Argentina	El Salvador	Mauritania	Sierra Leone
Angola	Eswatini	Mauritius	Singapore
Armenia	Fiji	Mexico	Solomon Islands
Bahrain, Kingdom of	Gabon	Moldova, Republic of	Sri Lanka
Bangladesh	Gambia	Mongolia	Suriname
Barbados	Georgia	Montenegro	Tajikistan
Belize	Ghana	Morocco	Tanzania
Benin	Grenada	Mozambique	Thailand
Bolivia, Plurinational State of	Guatemala	Myanmar	Timor-Leste
Botswana	Guinea	Namibia	Togo
Brazil	Guinea Bissau	Nepal	Tonga
Brunei Darussalam	Guyana	Nicaragua	Trinidad and Tobago
Burkina Faso	Haiti	Niger	Tunisia
Burundi	Honduras	Nigeria	Türkiye
Cabo Verde	India	North Macedonia	Uganda
Cambodia		Oman	Ukraine
Cameroon	Israel	Pakistan	United Arab Emirates
Central African Republic	Jamaica	Panama	Uruguay
Chad	Jordan	Papua New Guinea	Vanuatu
Chile	Kazakhstan	Paraguay	Venezuela, Bolivarian Republic of
Chinese Taipei	Kenya	Peru	Viet Nam
Colombia		Philippines	Yemen

Comoros	Kuwait, the State of	Qatar	Zambia
Congo	Kyrgyz Republic	Russian Federation	Zimbabwe
Costa Rica	Lao, People's Democratic Republic of	Rwanda	
Cote d'Ivoire	Lesotho	Saint Kitts and Nevis	
Cuba	Liberia	Saint Lucia	
Djibouti	Madagascar	Saint Vincent and the Grenadines	
Dominica	Malawi	Samoa	

Yours sincerely



Mr. Ayabonga Cawe

Chief Commissioner

Date: 26/05/2026

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速別：普通件

密等及解密條件或保密期限：

附件：如文(84243_90401f_附件2_SARS官網有關2026年關稅修正截圖.jpg、84243_90401f_附件3_ITAC回覆電郵.pdf、84243_90401f_附件1_ITAC_議決紀錄Minute_M04_of_2026.pdf)

主旨：（更正）陳報南非修正熱軋鋼品防衛措施適用範圍，我國本次新增列入修正後豁免名單，並經南非國際貿易管理委員會確認豁免適用，報請鑒察。

說明：

- 一、依據鈞署多邊貿易組經貿規則科本（115）年9月21日電郵辦理。
- 二、南非國際貿易管理委員會（International Trade Administration Commission of South Africa, ITAC）於本年9月9日公布第M04/2026號議決紀錄（Minute M04/2026，詳附件1），建議修正旨案第740號調查報告（Report No. 740）所列開發中國家防衛措施豁免名單。經本組重新比對，Report No. 740原公布之「免予課徵防衛稅之開發中國家」（Developing Countries to be Excluded from the Duty）名單並未列有「Chinese Taipei」；惟M04/2026第18頁載明修正後「免於繳納防衛稅之開發中國家名單」（amended list of developing countries exempted from the payment of safeguard duties），並於第19頁新增列入「Chinese Taipei」，爰我國係本次新增列入修正後之開發中國家豁免

國際貿易署



1157031330

免名單。

- 三、本案涉及特定鐵、非合金鋼或其他合金鋼（不含不鏽鋼）熱軋扁軋產品，包括捲材、定尺裁切產品及窄帶鋼等，共涉及19項稅則號列：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、7225.30、7225.40、7225.99及7226.99。
- 四、另ITAC依修正後防衛措施規則（SGR）第21.20條及相關進口資料作成最終認定，認為韓國涉案產品應納入原防衛措施剩餘期間之適用範圍，並建議將韓國自第740號調查報告之開發中國家豁免名單移除；埃及及越南因涉案產品進口占比未超過3%，續列豁免名單。
- 五、經查本案後續法定執执行程序業已完成。依南非國稅局（SARS）網站「2026年關稅修正」（Tariff Amendments 2026）公布資料（詳附件2），南非政府於本年9月4日發布第55298號政府公報（Government Gazette No. 55298），刊登第R.7874號及第R.7875號公告（Notice R.7874 and R.7875），據以修正南非《海關暨貨物稅法》（Customs and Excise Act）稅則附表第2號第3部分（Schedule No. 2 Part 3）之相關防衛措施。其中第R.7874號公告將原產或進口自韓國之涉案熱軋鋼品納入11%防衛稅適用範圍，適用至2027年5月1日（含）；第R.7875號公告則自2027年5月2日起改適用9%防衛稅，至2028年5月1日（含）。SARS並於前揭資料明列兩項關稅修正之依據均為ITAC第M04/2026號議決紀錄，爰可確認ITAC就韓國部分之建議業經後續關稅修正程序正式公告執行。
- 六、為確認我國新增列入豁免名單之實際適用情形，本組續洽ITAC查證，並於本年9月18日獲該會貿易救濟處專案經理



Ms Charity Mudzwiri正式書面回復（詳附件3），並據以確認「Chinese Taipei目前豁免適用Report No. 740經M04/2026修正後之防衛稅，該項豁免於本案防衛措施存續期間內持續有效，除非相關進口門檻嗣後遭逾越」（“Chinese Taipei is currently exempt from the safeguard duties outlined in Report No. 740, as amended by Minute M04/2026. This exemption will remain in effect for the duration of the safeguard measure, unless the relevant import threshold is exceeded.”），爰可確認我國目前就旨揭涉案熱軋鋼品享有防衛稅豁免待遇。

七、另本案相關公告資料可分別至ITAC官網（https://itac.org.za/wp-content/uploads/Minute-M04-of-2026_.pdf）及SARS官網下載（<https://www.sars.gov.za/legal-counsel/secondary-legislation/tariff-amendments/tariff-amendments-2026/>），併請鑒察。

正本：經濟部國際貿易署

副本：經濟部江政務次長辦公室(請經濟部代轉陳)、經濟部產業發展署

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