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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 3375 OF 2025

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

INVITATION TO PUBLIC INTEREST HEARING ON THE INVESTIGATION FOR REMEDIAL ACTION IN THE FORM OF A SAFEGUARD MEASURE AGAINST THE INCREASED IMPORTS OF FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 MM OR MORE, CLAD, PLATED OR COATED, WITH ALUMINIUM-ZINC ALLOYS, OF A THICKNESS OF LESS THAN 0.45MM, CLASSIFIABLE UNDER TARIFF SUBHEADINGS 7210.61.20 AND 7210.61.30 AND FLAT-ROLLED PRODUCTS OF OTHER ALLOY STEEL, OF A WIDTH OF 600 MM OR MORE, OTHERWISE PLATED OR COATED WITH ZINC, OF A THICKNESS OF LESS THAN 0,45MM, CLASSIFIABLE UNDER TARIFF SUBHEADINGS 7225.92.25 AND 7225.92.35 ("CORROSION RESISTANT STEEL COIL")

On 27 December 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 corrosion resistant steel coil ("the subject product"). On the 17th of January the investigation was terminated and re-initiated on the same day through Notice No. 2931 of 2025 in *Government Gazette* No. 51903 dated 17 January 2025 (the "Initiation Notice").

THE APPLICANT

The application was lodged by ArcelorMittal South Africa Limited ("the Applicant" or "AMSA"), being the major producer of the subject product in the Southern African Customs Union ("SACU"), supported by SAFAL Steel (Pty) Ltd ("SAFAL"), the other manufacturer of the subject product.

DESCRIPTION OF THE SUBJECT PRODUCT UNDER INVESTIGATION

The subject product is described as flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated, with aluminium-zinc alloys, of a thickness of less than 0.45mm, classifiable under tariff subheadings 7210.61.20 and 7210.61.30 and flat-rolled products of other alloy steel, of a width of 600 mm or more, otherwise plated or coated with zinc, of a thickness of less than 0.45mm, classifiable under tariff subheadings 7225.92.25 and 7225.92.35.

DESCRIPTION OF THE LIKE OR DIRECTLY COMPETITIVE SACU PRODUCT

The subject product is described as flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated, with aluminium-zinc alloys, of a thickness of less than 0.45mm, classifiable in tariff subheadings 7210.61.20 and 7210.61.30 and flat-rolled products of other alloy steel, of a width of 600 mm or more, otherwise plated or coated with zinc, classifiable in tariff subheadings 7225.92.25 and 7225.92.35.

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 52.34 percent ad valorem safeguard duty on imports of corrosion resistant steel coil for a period of 200 days. The provisional measure was imposed on 27 June 2025.

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 2025 at 11h30 virtually on Ms Teams. All interested parties who wish to attend the public hearing and wish to make oral representations to the Commission on public interest, should indicate their intention to attend on or before 01 August 2025 at 15h00 to the Senior Manager: Trade Remedies I.

All interested parties who 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 13 August 2025 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 13 August 2025.

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

Postal address
Senior Manager: Trade Remedies I
Private Bag X753
PRETORIA

77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

0001
SOUTH AFRICA

Should you have any queries, please do not hesitate to contact Mr. Busman Makakola at BMakakola@itac.org.za and Ms. Mosa Sebe at email address MSebe@itac.org.za.

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