

**RECORD OF UNDERSTANDING
ON COOPERATION IN TRADE REMEDIES INVESTIGATIONS**

**Between the
International Trade Administration Commission of South Africa
And the
Trade Remedy and Investigation Bureau,
Ministry of Commerce of the People's Republic of China**

Preamble

The International Trade Administration Commission of South Africa (hereinafter referred to as "ITAC") and the Trade Remedy and Investigation Bureau, Ministry of Commerce of the People's Republic of China (hereinafter referred to as "TRB"), collectively referred to as "the parties";

IN RECOLLECTION OF *Memorandum Of Understanding Between The Government Of The People's Republic Of China And The Government Of The Republic Of South Africa On Promoting Bilateral Trade And Economic Cooperation* signed in 2004, *and Record of Understanding (RoU) between the International Trade Administration Commission of South Africa (ITAC) and the Bureau of Fair Trade for Imports & Exports (BOFT) of the Ministry of Commerce of the People's Republic of China (PRC)* signed in 2006.

RECOGNISING the importance of strengthening cooperation between the Republic of South Africa and the People's Republic of China in the administration of trade remedies to promote fair trade;

ACKNOWLEDGING the shared commitment of both the parties to rules-based trade under the World Trade Organization (WTO), including the Agreement on Implementation of Article VI of the GATT 1994 (“Anti-Dumping Agreement”), the Agreement on Subsidies and Countervailing Measures, and the Agreement on Safeguards;

AFFIRMING the two parties’ rights and obligations under free trade agreements and regional trade agreements to which both Parties are members;

NOW, THEREFORE, the parties hereby record their mutual understanding as follows:

Article 1

Purpose

The purpose of this Record of Understanding (“RoU”) is to recalibrate the framework for cooperation and mutual assistance between ITAC and TRB in the field of trade remedies, including anti-dumping, countervailing, and safeguard measures, in a manner consistent with their respective legal frameworks and international obligations.

Article 2

Objectives

The objectives of this RoU are to:

2.1 Promote mutual understanding of each party’s trade remedies laws, procedures, and practices;

2.2 Facilitate technical dialogue and information exchange on methodologies, investigative practices, and enforcement;

2.3 Strengthen capacity building through co-operation on training, study visits, and technical support;

2.4 Enhance transparency, predictability, and fairness in the use of trade remedies as a rules-based response to instances of unfair trade, particularly in alignment with WTO rules and relevant regional frameworks such as SADC, AfCFTA and RCEP.

2.5 Promote a consistent understanding of multilateral trade rules, including the exchange of views on broader issues of multilateral rules.

2.6 Promote transparency and fairness in trade remedy cooperation, provided that such cooperation does not compromise the independence of either Party's investigative processes.

Article 3

Principles of Cooperation

The parties agree to cooperate in good faith, respecting each other's legal frameworks and sovereignty, and to promote transparency, efficiency, and consistency in trade remedies investigations.

Article 4

Areas of Cooperation

The parties agree to cooperate in the following areas:

4.1 Information Sharing

In circumstances where the domestic industry and the Investigating Authorities are unable to obtain reliable pricing data from each other's markets, the Authorities agree to utilize publicly available pricing information from independent and verifiable sources. Such sources may include international trade databases, customs statistics, industry publications, commodity price indices, and other reputable market intelligence platforms. The Authorities further agree to consult on the selection and

interpretation of such data to ensure consistency, transparency, and fairness in the conduct of investigations;

4.2 Technical Cooperation

Organisation of joint technical seminars, expert-level exchanges, and workshops on key topics such as injury analysis, causal link, price effects, and verification techniques;

Engagement on emerging issues in trade remedies within the context of regional trade agreements.

4.3 Notification

When one party receives an application for trade remedy investigation or an application for extension of measures, it shall provide notification in accordance with the WTO rules, without prejudice to the rights of domestic industries or interested parties.

4.4 Multilateral cooperation

The Parties may exchange views and share general best practices on trade remedies within multilateral frameworks such as the WTO, exchange views and, where appropriate, consider cooperation in addressing the challenges posed by trade remedy investigations of third country.

4.5 Capacity Building and Exchange

Enhance technical cooperation on trade remedy such as holding seminars and training on human resources, etc. at mutual convenience. Provision of training or technical support upon mutual agreement.

Article 5

Remedy of Domestic Industry and Procedural Safeguards

5.1 The parties reaffirm their commitment to conducting trade remedies investigations in a fair, transparent, and rules-based manner, in line with the relevant WTO Agreements, and in accordance with their respective domestic laws and regulations.

5.2 Any political-level consultations or diplomatic engagements relating to trade remedies investigations shall be conducted in a manner that fully respects the procedural independence of the investigating authority and the rights of all interested parties, including the domestic industry.

5.3 This clause ensures that cooperation under this RoU enhances, not undermines, the legitimate rights of domestic industries to seek remedial actions against unfair trade practices.

Article 6

Special and Differential Treatment of Developing Member of WTO

Respect and Abide by the relevant articles concerning developing members regarding the special and differential treatment in the Anti-Dumping Agreement, the Agreement on Subsidies and Countervailing Measures, and the Agreement on Safeguards

Article 7

Cooperation on Third-Country Trade Patterns and Emerging Practices

7.1 The Parties acknowledge the increasing complexity of global and regional value chains, including the growing role of investment and production across multiple jurisdictions, particularly within regional and preferential trade arrangements.

7.2 The Parties recognise that such developments may give rise to emerging trade patterns which, in certain circumstances, could warrant closer technical understanding and dialogue, including:

(a) Trade flows involving third countries that may raise questions relating to trans-shipment, minimal processing, or changes in trade patterns;

(b) Cross-border industrial or investment support measures that may have implications for market conditions in regional or third-country markets.

7.3 For this purpose, and on a voluntary and non-binding basis, the Parties agree

to:

(a) Exchange technical information and experience, where appropriate, on trade patterns and analytical approaches relevant to third-country practices;

(b) Maintain channels of communication to facilitate consultations where trade developments raise questions of mutual interest;

(c) Promote transparency and mutual understanding of relevant policy frameworks, without prejudice to the rights and obligations of either Party under the WTO Agreements.

7.4 The Parties agree that cooperation under this Article shall not create new rights or obligations, shall not prejudice any future investigation or determination by either authority, and shall be implemented in accordance with each Party's domestic laws and regulations.

7.5 The Parties may review the implementation of this Article periodically, as mutually agreed, in light of evolving trade and investment trends.

Article 8

Confidentiality

Each party undertakes to maintain the confidentiality of all information exchanged under this RoU that is identified as confidential or proprietary. Such information shall not be disclosed to any third party without the express written consent of the originating party or entity and shall be handled in accordance with the domestic laws and policies of the receiving party.

Any personal information of third parties that may be shared under this RoU shall be processed in accordance with the applicable privacy laws and policies of the respective parties and the laws of the Republic of South Africa, including the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) ("POPIA").

Article 9

Legal Status

This RoU is not legally binding and does not create any rights or obligations under international or domestic law. It serves as a statement of mutual intent and cooperation between ITAC and TRB.

Article 10

Dispute Resolution

Any disputes arising from the interpretation or implementation of this RoU shall be resolved amicably through consultations between the parties.

Article 11

Cooperation Framework

10.1 The parties agree to establish a Working Group under this RoU. The Working Group, composed of duly authorised representatives of the parties, will hold a meeting every two years in principle so as to review matters under this RoU and resolve problems arising from the RoU.

10.2 The meeting will be held alternately in the People's Republic of China and South Africa. Should either party deem it necessary, it may propose convening an ad hoc meeting. The time and venue for such a meeting shall be determined through mutual consultation and held at a mutually convenient time.

Article 12

Duration and Amendment

11.1 This RoU shall enter into force from the date of signature and shall remain in force unless terminated by either party giving written notice to the other party through diplomatic channels. In that case, the termination of this RoU shall take effect 3 months after the date on which the notification has been received by the other party.

11.2 This RoU may be amended by mutual consent, and any such amendments shall be an integral part of the RoU.

Executed in Beijing on 08/26/2026, in two original copies in the English and Chinese languages, both texts being equally authentic.

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Administration Commission,
the Republic of South Africa

The Trade Remedy and Investigation
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