Status of U.S. tariffs affecting products from South Africa

A high-level guideline providing basic information to help Western Cape exporters navigate United States tariffs.

Legislation	Status	Impact
Section 122 Trade Act Not country specific. Limited to 15% for 150 days unless Congress extends. Authorises the president to address "large and serious" balance-of-payments deficits by imposing tariffs of up to 15% ad valorem or applying import quotas. Requires a presidential determination that such a deficit exists, no formal investigation needed. Never been invoked.	**Temporary tariffs in effect from 24 Feb-24 Jul 2026 - 10%** Presidential Proclamation **Note that the Proclamation states 10%. Although Pres. Trump subsequently raised it to 15% on social media, this has not yet been reflected in any official notice. Currently this CSMS Guidance shows that the tariff being collected is 10% ad valorem.*	Imposes a temporary 10% (15%)* global ad valorem tariff / import surcharge on all products from all countries, except if specifically exempt. Effective from 24 Feb - 24 Jul 2026. Exempt if shipped before 24 Feb, until 28 Feb. - List of exempt products similar to those exempt under IEEPA, including e.g. certain minerals, metals, energy products, oranges and other food products. - List of exempt products are listed in Annex 2 of the Presidential Proclamation. - Products that are subject to S 232 tariffs are exempt from S 122 temporary tariffs. Where part of a product is subject to S 232, the other parts will be subject to S 122 tariff.
International Emergency Economic Powers Act (IEEPA) IEEPA was used to implement country specific tariffs. Rationale: U.S. trade deficits with trading partners said to constitute a national emergency. Act does not explicitly provide authority to tariff.	**Declared unconstitutional by Supreme Court 20 Feb 2026** Executive Order ordering the termination of collection of duties "as soon as practicable". Tariffs to stop being collected on 24 Feb 2026. CSMS Notice.	30% additional tariff on many South African products will terminate on 24 Feb 2026. **suspension of de minimus exception remains in place (Executive Order)*
African Growth and Opportunity Act (AGOA)	**In effect** Expired 30 Sep 2025.	For qualifying products from eligible countries:

Unilateral preference programme that provides duty free access for qualifying products from qualifying Sub-Saharan African countries, including South Africa. Builds on Generalised System of Preferences (GSP).	**Renewed 3 Feb 2026 – retroactively.** Expires 31 Dec 2026.	- AGOA will zero-rate MFN/ general tariff - 10% (15%)* duty under S122 is over & above AGOA - S232 tariff also over & above AGOA
Section 232 **Trade Expansion Act** Sector/ Industry specific. No cap on tariff rate. Authorises president to impose tariffs or quotas on imports deemed a threat to U.S. national security – requires investigation and recommendations by the secretary of commerce. Actively being used.	**In effect** Ongoing investigations underway on more products.	Among others, imposes 25% tariff on vehicles and vehicle parts, 50% on steel and aluminium products, including from South Africa – these tariffs remain in place. - Over & above AGOA - 10% (15%)* duty under S 122 does not apply where S 232 applies
Section 301 **Trade Act** Could be used to impose country specific tariffs. No cap on tariff levels but requires formal investigation before tariff can be applied. Requires review after 4 years. Empowers the U.S. Trade Representative (USTR) to respond to unfair foreign trade practices, including violations of trade agreements or acts that are “unreasonable or discriminatory” and burden U.S. commerce. S 301 tariffs applied on products from China.	On 20 Feb, the USTR announced that investigations will start being initiated against trading partners. USTR announcement	USTR announced investigations expected for most major trading partners based on a wide range of concerns. Will proceed on an “accelerated timeframe”. May impose tariffs if investigations find unfair trading practices.

What this means for South African exporters

From 24 Feb until 24 Jul 2026:

- If AGOA benefits are claimed, then the tariff on SA products will be 10% (15%)* if the product is not exempt from S 122, and does not fall under S 232.

- If AGOA does not apply, then the tariff on SA products will be 10% (15%)* plus MFN/ general tariff if the product is not exempt from S 122, and does not fall under S 232.

Longer term:

It is uncertain whether Congress will extend the temporary S 122 tariffs, and it is expected that the Trump Administration will explore additional avenues through which to implement tariffs beyond 24 July, e.g. S 301, S 232, and possibly S 338 of the Tariff Act.

AGOA is set to expire again at the end of 2026, with renewal uncertain at this point.

Tariffs on other countries

The temporary S 122 tariffs affect all countries equally, except where exceptions apply. According to the Presidential Proclamation of 20 February, products from Canada and Mexico qualify for various exemptions under the USMCA trade agreement, as do certain textiles and apparel from Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua.

At this point there is still uncertainty about how trade deals that were struck with the U.S. after 2 April 2025 will be handled, particularly where the tariff agreed to exceeds the S 122 temporary tariff.

Get in touch with Wesgro

If you require any further information, please feel free to reach out to us at hello@wesgro.co.za.

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