



KEEPING IT FRESH



News from the FPEF – 25 February 2026

Dear FPEF Members,

Thank you to all the members who made the effort to attend the APAC Rules Public Participation sessions last week. Although the in-person meeting was not well attended, the online session recorded 40 members participating. These public participation sessions are an important part of the process to finalise the Export Agent Rules and it was good to note the high level of attendance.

The next sessions will be in March, with an in-person scheduled for Pretoria on the 19th (venue still to be confirmed) and a final online session on the 20th. Please make every effort to attend, even if you send a representative, so that the Department of Agriculture can endorse the process.

I would like to invite any member with questions or queries regarding the rules to reach out to us. The rules were drafted in a rigorous process in conjunction with APAC and the *FPEF APAC Board Committee* assisted by Cluver Markotter Inc and we are satisfied that the draft rules are practical, implementable and fair and serves the interest of our industry.

This week saw the US Supreme Court overturn President Trump's tariffs, which were immediately replaced by others, adding even more uncertainty regarding trade. Please read the section below and keep an eye out for opinion pieces from AGBIZ and others that we will distribute as we receive them.

We are continuing to engage with stakeholders regarding the state of the Port of Cape Town, notably CTCT. This includes commodity groups, government departments, related forums and organisations at various levels. Together with our partners we are ensuring that industry is aligned in our objectives and speaking as a collective. While each grouping has their own mandate and approach, we have to work together to achieve a solution to the Port and we encourage our members to reach out to us to avoid a fragmented approach.



- Market Access
- Government Engagement
- Export process assistance
- Provide Information
- Transformation
- Research, Development and Innovation

After serving us well for a number of years, we made the decision to move away from the Regus offices in Century City. As from **1 March** we will be occupying shared office space on the ground floor of **SARU House** in **Platteklouf**. The new contact details, including a new office number, is listed below.

NEW FPEF CONTACT INFORMATION

POSTAL ADDRESS

PostNet Suite 67
Private Bag X24
Tyger Valley
7536

PHYSICAL ADDRESS

Office 3, Ground Floor,
SARU House, Tygerberg Office Park
163 Uys Krige Drive
Platteklouf
7500

TELEPHONE NUMBER

075 411 1378

FINANCIAL MATTERS - MARINDA ROUX

We would like to take this opportunity to sincerely **thank all members who paid their membership fees** on or before the due date of **31 January 2026**. Your promptness and continued support are greatly appreciated.



According to our records, there remain some outstanding membership fees beyond the due date. **If you have not yet made payment, we kindly request that you do so *on or before Friday, 27th February 2026* to ensure that your membership remains in good standing.**

If payment has already been made after the due date, please accept our thanks and disregard this reminder.

Should you require any clarification regarding your membership status or the payment process, please do not hesitate to contact Marinda Roux marinda@fpéf.co.za or 082 560 1019.

Thank you for your continued cooperation.

USA Supreme Court Tariff Decision on 20th February 2026

While the specific IEEPA (Emergency Economic Powers Act) tariffs are dead, they have been immediately replaced by new tariffs under different legal authorities, and the fight over refunds for past payments is just beginning.

On February 20, 2026, the Supreme Court ruled 6-3 that President Trump's tariffs imposed under the International Emergency Economic Powers Act (IEEPA) are unlawful, holding that the statute does not authorise the President to impose tariffs. The decision invalidated both the reciprocal tariffs on most trading partners and the tariffs on China, Canada, and Mexico.



However, the ruling does not end the administration's tariff regime.

Within hours, President Trump:

- Issued a Proclamation under **Section 122 of the Trade Act of 1974** imposing a **15% tariff (from 10% to the maximum permissible tariff under Section 122, in this case 15%, via a Truth Social announcement on 21 Feb)** on products of all countries (effective February 24, 2026, for 150 days), replacing the voided IEEPA tariffs.
- Announced new **Section 301 investigations** into unfair trading practices of major partners, likely leading to additional duties.
- Confirmed that tariffs under other authorities (**Section 232, Section 301**) remain in effect.

Refunds on Past unlawful IEEPA Tariffs:

- The Supreme Court did not order refunds; the administration has not addressed repayment mechanisms. Refunds will require litigation or formal claims processes, not automatic repayment.
- Only the Importer of Record (typically the US buyer) can claim refunds - exporters cannot directly claim.
- Nearly 2,000 importers have pending Court of International Trade (CIT) cases seeking refunds; the CIT will now determine methodology.
- Exporters should maintain detailed records (entry forms, invoices, bills of lading) as documentation will be required.

In conclusion:

- Existing Tariffs Continue: Section 232 tariffs (steel, aluminium, automotives, lumber, furniture, semiconductors) and Section 301 measures remain fully in effect.
- Critical Exemptions Remain: Agricultural products relevant to South African exports including oranges, macadamias, litchis, and pineapple juice, remain exempt, consistent with November 2025 exemptions and will not be subject to the 15% temporary import duty. The exemption list has not expanded.
- New Section 301 Investigations: The office of the United States Trade Representative (USTR) will launch accelerated investigations into "most major trading partners" to determining whether a country either violated U.S. trade agreements or engage in acts that are unfair, unjustifiable, or unreasonable and harm US commerce. This allows a US President to apply county-based tariffs at a rate of his/her choosing.

Overberg Freight Rail Business Case - Stakeholder Feedback Session

On Friday, 20 February 2026, the Western Cape Government released the first findings of the Overberg Rail Business Case, following a high-level stakeholder feedback session held in Bredasdorp.

This report sets out a strategic roadmap to modernise rail infrastructure in the Overberg and establish an integrated freight corridor linking the region to key inland markets, including Gauteng as well as Belcon and the Port of Cape Town.

This corridor will enable the efficient movement of agricultural and bulk commodities — including fruit, barley, wheat, canola, animal feed and fertiliser — to domestic and export markets. It will also create backloading opportunities from inland markets, improving asset utilisation and reducing overall transport costs.

The next phase will focus on finalising the implementation plan, addressing infrastructure and operational requirements, and deepening collaboration with industry stakeholders. As a pilot initiative, the Overberg Rail Business Case will generate practical insights to inform wider freight rail revitalisation efforts.



Minister Sileku and Mayor Franken with officials from the Department and Municipality at the stakeholder feedback session.

Until next time,

Piet