

Tariff Watch Update (23rd Edition)

关税观察更新（第23期）

Breaking News. The Office of the U.S. Trade Representative announced that on **October 31, 2019** it will begin accepting tariff exclusion requests for Chinese products classified within the so-called "fourth tranche" of Section 301 tariffs. Specifically, these exclusion requests pertain to the additional tariffs that went into effect on September 1, 2019 at 15 percent for products listed on List 4A, which can be found at Annex A of the [August 20, 2019 Federal Register Notice](#). This new round of exclusion request will not cover any Chinese imports identified on List 4B, which is currently scheduled to take effect on December 15, 2019.

重要新闻。美国贸易代表办公室宣布，自**2019年10月31日**起，其将开始接受301条款关税下第四批次中国产品的关税豁免申请。具体来说，这批豁免申请将涵盖于2019年9月1日生效的对清单4A所列产品征收的15%的额外关税。清单4A可在**2019年8月20日《联邦记事》**公告的附件A中找到。新一轮的关税豁免申请将不会涵盖清单4B所列的任何中国商品。清单4B下的额外关税目前计划于2019年12月15日起生效。

Similar to the exclusion procedure for the third tranche of Section 301 tariffs, USTR will establish a web portal for submitting exclusion request and the web portal is scheduled to open at noon EDT on October 31, 2019. Interested persons must submit requests for exclusions in the period between the opening of the portal on **October 31, 2019 and January 31, 2020 submission deadline**. Any granted exclusion will be effective for one year, starting from September 1, 2019, effective date for List 4A products.

与301条款第三批关税豁免程序类似，美国贸易代表办公室将建立一个门户网站以提交清单4A下的豁免申请，该门户网站计划于2019年10月31日美国东部时间中午12点开放。所有利益相关方必须在**2019年10月31日至2020年1月31日截止日期**之间在该网站中提交豁免申请。一旦产品获得批准，关税豁免的生效日可追溯至自2019年9月1日，即清单4A额外关税生效之日，有效期为一年。

USTR has prepared a form for exclusion request and information to be entered on the exclusion request form for Chinese products under List 4A are also similar to what was required for the third tranche Section 301 tariff exclusion requests. Specifically, each request must:

美国贸易办公室已为清单4A下产品关税豁免申请制订了豁免申请表格且该表格中所要求提供的信息与第三批关税豁免申请所要求的内容十分相似。具体来说，每份申请必须：

- Identify a particular product, including the 10-digit HTSUS subheading, detailed product description, and principal use;
标识特定产品，包括10位美国关税协调代码，详细的产品描述和主要用途；
- Provide supporting data, including relevant financial data associated with the Chinese imports; and
提供支持性数据，包括与中国进口产品相关的财务数据；以及
- Provide the rationale for the requested exclusion, including:
提供要求豁免额外关税的基本理由，包含：

(1) Whether the particular product is available only from China and whether the particular product and/or a comparable product is available from sources in the US or third country.

该产品是否只能从中国进口且该产品或类似产品是否可以从美国或第三国获得；

(2) Whether the requester has attempted to source the product from the US or third countries.

申请方是否尝试从美国或第三国获得该产品；

(3) Whether the imposition of additional tariffs on the particular product will cause severe economic harm to the requester or other US interest. In support of this rationale, USTR for the first time asked the requester to address the number of employees in an interested company and the number of employees potentially affected by the additional tariffs.

额外关税的征收是否会对申请者或其他美国利益造成严重的经济损害。为了支持这一理由，美国贸易代表办公室首次要求申请者说明申请关税豁免的公司中的雇员人数以及可能受到额外关税影响的雇员人数。

(4) Whether the particular product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

该产品是否具有战略重要性或与“中国制造2025”或其他中国工业项目有关。

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Besides the information requested above, USTR, for the first time, asked whether the product is currently subject to an antidumping or countervailing duty order issued by the US Department of Commerce.

除了上述要求的信息，美国贸易办公室首次要求申请者说明该产品当前是否受到美国商务部发布的反倾销税或反补贴税令的限制。

Same with the exclusion process for the previous tranches of Section 301 tariffs, after an exclusion request is posted on USTR's web portal, interested persons will have 14 days to respond to the request. And the requester will have the opportunity to reply to a response within the later of 7 days after the close of the 14-day response period, or 7 days after the posting of a response.

与301条款前几个批次的关税豁免申请相同的是，一旦豁免申请发布至美国贸易办公室的门户网站，利益相关方将有14天的公众评论期来对豁免申请做出回复。申请者也将有机会在公众评论期结束的7天内或发布回复之后的7天内对回复做出回应。

In addition, USTR also announced that additional exclusions for Chinese imports subject to an additional 25% tariff on the third tranche of Section 301 tariffs will be issued this week in response to approximately 150 exclusion requests previously submitted as part of USTR's ongoing process.

此外，美国贸易办公室同时宣布在本周其将对先前提交的301条款第三批次关税豁免申请中的150个申请做出裁定，作为其关税豁免程序的一部分。

This recent announcement follows the President's announcement earlier this month that China and the U.S. has reached an informal agreement, to be memorialized in November. Resulting from this positive development, the U.S. put off increasing additional duties on \$250B of Chinese goods from 25% to 30% pending finalization of the agreement.

此轮关税豁免程序是在特朗普总统本月早些时候宣布中美已经达成非正式协议之后宣布的，该协议将于11月再次被提上日程。由于这一积极进展，美国推迟了对价值2500亿美元中国商品的关税从25%至30%的上调，直至协议最终敲定。

As always, we will continue to follow USTR's action on the Section 301 tariffs and report back when more news is coming. Otherwise, if your products belong to the List 4A of Section 301 tariffs, it is time to begin preparing your tariff exclusion request. The Dickinson Wright team is available to help you prepare and submit your exclusion request. Please contact us today to get started.

与往常一样，我们将持续关注美国贸易办公室对301条款下关税采取的任何行动并及时向大家汇报最新消息。如果您的产品属于301条款关税的清单4A中，现在应该开始准备产品的豁免申请了。我们的团队可以帮助您准备和提交豁免申请。请立即联系我们。

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