



CLIENT ALERT

November 11, 2019

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Tariff Watch Update (24th Edition)

关税观察更新 (第24期)

As news this week was focused on progress towards reaching the so-called "phase 1" of the US-China trade agreement, and the possibility that some current tariffs would be reeled back, business as usual continued at the offices of the U.S. Trade Representative (USTR), including the opening of the exclusion process for tranche 4A tariffs. And, with lesser fanfare, on October 28, 2019, the office of the USTR announced its decision to consider extending particular exclusions granted in December 2018 for an additional period not to exceed twelve months. The USTR is now establishing a procedure to invite public comments on whether to extend certain exclusions.

当本周的新闻集中在中美将达成“第一阶段”的贸易协定以及可能将取消一些当前加征的关税之时，美国贸易代表办公室继续推动着301条款关税的进展，包括开启4A清单下产品关税豁免程序。同时，虽未受太多关注，美国贸易办公室于2019年10月28日宣布其考虑将涵盖在首批于2018年12月获得关税豁免的特定产品的关税豁免批准延长不超过12个月。美国贸易办公室目前正在制定一项程序，以邀请公众就是否延长某些产品的关税豁免发表意见。

The possible extensions apply only to exclusions granted as of December 28, 2018 (i.e., exclusion granted under the first tranche of Section 301 Tariffs). This first round of exclusions, which included 31 Chinese products from List 1 of Section 301 Tariffs, took effect on December 28, 2018, and are set to expire on December 28, 2019. To view the product list for exclusions granted on December 28, 2018, please click [here](#). At this time, the USTR is not considering extensions on exclusions granted under any other rounds of product exclusions.

此次拟定的延期仅适用于在2018年12月28日授予的关税豁免(即，301条款第一批次关税下的第一轮豁免)。第一轮关税豁免，包含了301条款关税第一清单中的31个中国产品，于去年12月28日生效，将于今年12月28日到期。请点击[这里](#)，查看2018年12月28日授予的关税豁免的产品清单。目前，美国贸易代表办公室不在考虑对任何其他批次授予产品关税豁免进行延期。

An interested party can submit a comment favoring or opposing specific tariff exclusions by submitting Form A through [regulations.gov](https://www.regulations.gov), which will be posted on USTR's public docket. USTR explained that it will evaluate the possible extension of each exclusion on a case-by-case basis. The focus of the evaluation will be "*whether, despite the first imposition of these additional duties in July 2018, the particular products remain available from China.*" Specifically, the USTR asks commenters to address the following:

利益相关方可通过在[regulation.gov](https://www.regulations.gov)上提交表格A来就某个特定的产品关税豁免决定发表赞成或反对的评论，该评论将被发布在美国贸易代表办公室的公开网站上。美国贸易办公室解释说，其将根据具体情况评估延长每一个产品关税豁免的可能性。评估的重点将是"*即使于2018年7月首次加征了额外关税，特定产品是否仍只能从中国获得。*"具体来说，美国贸易办公室要求评论者说明以下问题：

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
是否可以 从美国和/或第三国获得特定产品和/或类似产品。
- Any changes in the global supply chain since July 2018 with respect to a particular product, or any other relevant industry developments.
自2018年7月以来，与特定产品或任何相关行业发展有关的全球供应链是否发生任何变化。

In addition to Form A, commenters who are importers and/or purchasers of the products covered by the exclusion must complete Form B, which requests certain business confidential information that will not be disclosed to the public. Both forms ask for updated information that is available after July 2018. Specifically, Form B asks for the value of the exempted imports and whether Chinese suppliers of those products have lowered their prices over the past year. USTR also requires importers and/or purchasers of the particular products to explain any efforts they have undertaken since July 2018 to source their products from the United States or third countries.

除表格A以外，作为进口商和/或买方的产品关税豁免的评论者必须完成表格B，该表格要求填写一些将不会透露给公众的商业保密信息。这两份表格都要求提供2018年7月之后的最新信息。具体而言，表格B要求获得关税豁免的产品价



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值和这些产品的中国供应商是否在过去一年中降低了产品的价格。美国贸易办公室还要求特定产品的进口商和/或购买者说明他们自2018年7月以来为从美国或第三国采购特定产品所做的任何努力。

The period for submitting comments will run from **November 1, 2019** to **November 30, 2019**.

意见征询期为**2019年11月1日至2019年11月30日**。

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 are part of the first round of exclusions granted on December 28, 2018 and you would like to extend your exclusions for one more year, it is time to begin preparing the extension request. The Dickinson Wright team is available to help you prepare and submit your extension request. Please contact us today to get started.

与往常一样，我们将继续关注美国贸易办公室对301条款关税的行动，并及时报道最新进展。如果您的产品属于2018年12月28日授予的第一轮关税豁免的一部分，并且您希望延长一年关税豁免批准，您现在可以开始准备延长请求。迪克森团队可以帮助您准备和提交关税豁免延长请求。请随时联系我们。

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