USTR Announces New Exclusion Process for Section 301 Tariffs on U.S. Imports from China

The U.S. Trade Representative (USTR) has announced the process for applicants to request that specific Chinese goods be exempted from the recently imposed additional 25 percent tariff. The exclusion process applies to the Section 301 Tariffs on List 3 of Chinese products that was discussed in our May 2019 Alert.

To submit an exclusion request, applicants must first register via the USTR's portal. After registration, interested parties can submit one or more exclusion request forms. Information regarding the exclusion request process and a sample exclusion request form were published recently in the *Federal Register*. (84 FR 29576).

In addition to providing general information regarding the product and the party asking for the exclusion, each submission must describe the rationale for the request, including:

1. whether the product is available only from China;
2. if efforts have been made to source the product from any country other than China;
3. whether the additional duties would cause severe economic harm to the requester; and
4. if the product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

Any exclusions will be effective from September 24, 2018, and continue for one year after the request is granted.

The deadline to submit exclusion requests is September 30, 2019. Affected parties should consider preparing and submitting exclusion requests as soon as possible, as a backlog of submissions is expected.

Your team of customs attorneys at Cozen O'Connor is at your disposal to assist.

Thomas G. Wallrich

Member

twallrich@cozen.com
Phone: (612) 260-9002
Fax: (612) 260-9082

Kristi Adair Zentner

**Member
Co-Chair, Women's Initiative**

kzentner@cozen.com
Phone: (612) 260-9005
Fax: (612) 260-9085

Joel D. Nesset

Member

jnesset@cozen.com
Phone: (612) 260-9007
Fax: (612) 260-9087

Related Practice Areas
• Customs, Imports & Trade Remedies