

# Product Exclusion Process for US Tariffs on Imported Products from China

## **Applications Due by October 9, 2018**

Visit [WQA.org/tariffs](http://WQA.org/tariffs) to download:

- Instructions for Exclusion Process from the Office of the United States Trade Representatives
- Product Exclusion Form
- Tariff List One and Tariff List Two

## **Background**

The Office of the United States Trade Representatives has provided instructions on requests for exclusion of products from the tariffs on China products made through *the Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*.

**NOTE:** To determine if a good is impacted, refer to the Harmonized Tariff Schedule of the United States (HTSUS) Code, which clarifies the imported good. Tariff List One went into effect on July 6<sup>th</sup> and Tariff List Two effective date is pending and is currently in the public comment phase.

## **The Product Exclusion Form Outline**

- A complete and detailed description of the product of concern
- 10-digit HTSUS Code item number (for help, visit <https://hts.usitc.gov/>)
- Requester information
- Y/N: Is the product, or a comparable product, available from sources in the United States?
- Y/N: Is this product or a comparable product, available from sources in third countries?
- The value and quantity (with units) of the Chinese-origin product of concern that you purchased for each calendar year specified (limit this figure to products purchased by your firm alone) or provided estimates if precise figures are unavailable
- Additional space on the form to provide information in support of your request
- There is the option to provide additional attachments to supplement the request

## **Additional Information**

**FORMATTING FOR REQUEST:** The 10-digit HTSUS Code and identification of the specific product by physical characteristics (such as dimensions or material composition) is required in the exclusion request to distinguish it from other products within the covered 8-digit HTSUS Code. The United States Trade Representatives notice specifically says it will not consider requests that identify the product by non-physical characteristics, including “the identity of the producer, importer [or] ultimate consumer,” “actual use or chief use”, or “trademarks or tradenames.”

**TIMELINE:** Exclusions would be effective for one year following the publication of a final determination in the federal register, and that companies and associations that receive product exclusions would be eligible to seek return of duties paid starting July 6<sup>th</sup>.

**DEADLINE:** All requests for a product submission must be received no later than October 9, 2018.

**ELIGIBLE APPLICANTS:** Any interested party is eligible to submit exclusion requests, unlike the product exclusion process for Section 232 steel and aluminum tariffs (which was limited to only those directly involved in relevant business).

**SUBMISSION:** All exclusion requests must be submitted through the Federal rulemaking portal, on [www.regulations.gov](http://www.regulations.gov), via docket USTR-2018-0025.