



## CHINA SECTION 301 LIST 3 – PRODUCT EXCLUSION PROCESS JUNE 20, 2019

The Office of the U.S. Trade Representative (USTR) has [published](#) procedures for China Section 301 List 3 Product Exclusion requests which may be filed beginning Sunday June 30, 2019 at noon through Monday September 30, 2019. Product exclusion requests may be submitted through a new product exclusion [portal](#), but USTR procedures provide a facsimile of the product exclusion request form.

There are differences between the China Section 301 List 3 Product Exclusion form and prior Product Exclusion forms for China Section 301 Lists 1 and 2. Unlike exclusion requests for Lists 1 and 2, USTR will require information on the product amounts sourced from China, the United States, and third countries. Additional information must now be provided on a requestor's gross revenue and how the requestor has been economically harmed by the China Section 301 List 3 duties since September 2018. Information concerning product sourcing and a company's financial status may be submitted as business-confidential information. Requestors must also list prior Product Exclusion requests for goods subject to China Section 301 List 1 and 2 duties. Significantly, an individual request may include two or more goods with similar characteristics, which may have different SKUs, and must describe the product's function, application, and physical features distinguishing it from other products within the 8-digit HTSUS provision.

Interested parties may submit responses to support or oppose requests within fourteen (14) days of the filing of Product Exclusion requests. The requestor may file a reply within either seven (7) days after the 14-day response period has expired or seven (7) days after the response, whichever is later.

Clients should begin gathering and populating the final China Section 301 List 3 Product Exclusion form for affected products as soon as possible, so that Product Exclusion requests may be filed at the earliest possible opportunity. Approved exclusions will be retroactive to September 24, 2018, the effective date of China Section 301 List 3 duties.

Please contact [Marshall Miller](#), [Brian Murphy](#), [Sean Murray](#), or [Ryan Thornton](#) with questions or assistance in gathering data to populate the Section 301 List 3 Product Exclusion form or filing exclusion requests.

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