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A LAW FIRM SERVING A DIVERSE CLIENTELE IN IMPORT, EXPORT, FOREIGN-TRADE ZONE, AND INTERNATIONAL TRADE LAW.

PRODUCT EXCLUSION REQUESTS UNDER SECTION 301 CHINA 25% DUTIES JULY 9, 2018

The U.S. Trade Representative (USTR) has announced a procedure to request product exclusions for China products subject to Section 301 25% duties which took effect on July 6, 2018, pursuant to a USTR [press release](#) and prepublication Federal Register [Notice](#). The procedures, which are unique, can be summarized as follows:

- All product exclusion requests must be filed by October 9, 2018.
- Exclusion requests must describe the product and its 10-digit HTSUS tariff classification, but the USTR will not consider requests that identify the product by its actual or principal use, trademarks or trade names, or the identities of the producer, importer, or ultimate consumer. Separate requests must be submitted for each product.
- Exclusions will be made on a product basis, and an exclusion will apply to all imports of the product, regardless if the particular importer filed a request. This is similar to HTSUS Chapter 99 Miscellaneous Tariff Bill (MTB) provisions.
- The USTR has posted a product exclusion [form](#), which requests product quantity and value information for 3 years of prior product imports. Documents may be submitted with business confidential and public versions.
- Each product exclusion request should address if the product is only available from China and availability of the product or comparable products from the U.S. or elsewhere, if the additional duties impose severe economic harm to the requestor or other U.S. interests, and if the particular product is strategically important or related to “Made in China 2025” or other China industrial programs.
- If granted, product exclusions apply for one year upon publication of the exclusion determination in the Federal Register and will apply retroactively to July 6, 2018.
- After a product exclusion request is posted on docket number USTR-2018-0025, interested parties may provide responses in support of, or to object to, the request within 14 days. Interested parties may reply within 7 days after the close of the 14-day response period.

We are available for consultation. Please contact [Marshall Miller](#), [Brian Murphy](#) or [Sean Murray](#) with questions.

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