
Important China Tariffs Update - List 3 Exclusion Requests

By Mark R. Ludwikowski, R. Kevin Williams, Sorana G. Ban / Jun 03, 2019

On September 24, 2018, the President imposed a 10% tariff on a third list of Chinese goods with a value of \$200 billion. These tariffs applied to more than 6,000 tariff subheadings covering everything from food products to tires to textiles. The tariff on the "List 3" goods was increased to 25% on May 9, 2019.

Unlike the previous two lists of Chinese goods subject to the 301 tariffs, the government did not establish a process for importers to request exclusions from the tariffs. Importers and their Congressmen and Senators were not happy with this decision. When the tariffs were increased to 25%, the United States Trade Representative ("USTR") promised to implement an exclusion process.

On May 21st, the USTR published a notice stating that the window to submit exclusion requests will open on or around **June 30, 2019**. The notice does not state how long the window will remain open. The exclusion request form attached to the May 21st notice is similar to the one used in the previous processes. The key element of the exclusion request is to provide information regarding the product's availability in the United States or from countries other than China. The stronger this evidence the more likely it is for the exclusion to be granted.

Clark Hill has developed a template to assist clients in the preparation of key arguments, collection of the data, and the formatting of the requests for submission to the USTR.

For our flat fee pricing of the exclusion requests, or if you have any questions regarding this action and its potential implications, please contact Mark Ludwikowski (mludwikowski@clarkhill.com; 202.640.6680), Kevin Williams (kwilliams@clarkhill.com; 312.985.5907), Sorana Ban (sorana.ban@clarkhillstrasburger.com; 469.287.3972) or another member of Clark Hill's International Trade Business Unit.