



# CLIENT ALERT

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## DW-China Update (30th Edition)

### 迪克森律所中国团队简报（第三十期）

#### USTR Considers Removing Additional Duties from Medical-Care Products from Section 301 Tariffs to Address the Covid-19 Outbreak.

美国贸易代表办公室考虑取消在301条款下部分医疗用品的额外关税以应对新冠疫情的爆发

Due to the outbreak of Covid-19 across the United States, health-related products, such as ventilators, oxygen masks, etc. are in urgent need. The United States government has prioritized health considerations and is taking actions to ensure that critical medicines and other essential medical products are in sufficient supply to support the national fight against the coronavirus pandemic.

由于新冠疫情在美国各地的爆发，人们迫切需要医疗防护用品，例如呼吸机，氧气面罩等。美国政府已将公共安全健康列为优先考虑的事项，并正在采取行动，以确保有足够的关健药物和其他基本医疗产品来支持全国的抗疫。

In our previous Update, we suggested that President Trump jump-start the economy by reconsidering his 301 Trade policy directed as China, especially in light of the fact that many of the sorely needed supplies are currently manufactured in China. While other trade organizations, such as the National Retail Federation have now made similar suggestions, the President has not indicate any intention to re-think his strategy in any ways that might gain attention.

在之前一期的简报中，我们建议特朗普总统通过重新考虑针对中国采取的301条款贸易政策来推动经济，特别是考虑到目前许多急需的供应品都在中国生产这一事实。尽管其他贸易组织，例如全国零售联合会，现在也提出了类似的建议，但总统尚未表示打算以任何可能引起关注的方式重新考虑其战略。

Nonetheless, the Administration has more discretely taken actions to test the waters on some part of this approach. On Friday, the U.S. Customs and Border Protection issued a notice that it “will approve on a case by case basis additional days for payment of estimated duties, taxes and fees due to the emergency” (that being the COVID-19 response). This partial tariff relief sparked outrage from traditional trade advocates, like the American Iron and Steel Institute. Next, perhaps even

more significantly, the Administration, through the Office of the U.S. Trade Representative (USTR), in consultation with the Department of Health and Human Services (HHS), has prioritized the review of exclusion requests related to medical-care products in order to facilitate the U.S. response to COVID-19, and granted approximately 200 separate exclusions on March 10, 2020, March 16, 2020, and March 17, 2020. The exclusions covered personal protective equipment products and other medical-care related products, which are classified under the third and fourth list of Section 301 tariffs.

尽管如此，美国政府已经采取了一些关税方面的行动，来测试这种做法的效果。上周五，美国海关与边境保护局发布通知，称其“因紧急状况，逐个批准延长支付关税、税款和费用的天数”（这里的紧急状况指的是为了应对新冠疫情）。该关税举措引发了美国钢铁协会等传统贸易倡导者的愤怒。紧接着，或许更为重要的，美国政府通过美国贸易代表办公室，与美国卫生及公共服务部协商之后，已将与医疗保健产品有关的关税豁免申请的审查作为优先考虑，以便于美国应对新冠疫情，并在2020年3月10日，2020年3月16日和2020年3月17日批准了大约200个产品的关税豁免申请。这些批准的豁免申请包括了属于301条款关税下的第三和第四个清单中个人防护产品和其他医疗相关产品。

This week, USTR is taking further action to respond to the COVID-19 outbreak and it is now considering removing Section 301 duties from additional medical-care products from China. USTR's action covers medical-related products that are currently subject to any of the tranches of the Section 301 tariffs. While quietly introduced, this shift is significant and means that even if a company's previously submitted exclusion request is pending or was even already denied, the company may still be eligible to submit a new request for exclusion. Submissions are limited to comments on products subject to the Section 301 tariff actions and relevant to the medical response to the coronavirus.

为了继续应对新冠疫情，本周美国贸易代表办公室采取进一步行动，继续考虑取消部分从中国进口的医疗产品的301条款关税。美国贸易代表办公室的此次行动涵盖了301条款所有清单下与医疗相关的产品。尽管这一行动未被广泛报道，但意义重大，这意味着即使公司先前提交的关税豁免申请处于待处理状态甚至已被拒绝，该公司仍可能有资格提交新的关税豁免申请。此轮关税豁免申请仅限于在301条款关税清单下且与应对新冠病毒相关医疗的产品。

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Specifically, USTR has opened a public docket through [www.regulations.gov](http://www.regulations.gov) and invited interested parties to submit comments with respect to whether a particular product covered in any of the Section 301 tariff tranches is needed to respond to the COVID-19 outbreak. If your product is directly used to treat COVID-19 or to limit the outbreak, and/or is used in the production of needed-medical-care products, and it is currently subject to a Section 301 tariffs, you may request USTR to consider a tariff exclusion for your product.

具体来说，美国贸易代表办公室已在[www.regulations.gov](http://www.regulations.gov)上建立了一个公共在线页面，并邀请利益相关方就属于301条款关税清单中任何一项产品是否可以用于应对疫情发表意见。如果贵公司的产品能够直接用于治疗新冠病毒或用于控制疫情暴发，和/或能够用于生产所需的医疗产品，并且目前在301条款关税清单下，则可以要求美国贸易办公室考虑豁免该产品的关税。

The docket for submitting a comment for product exclusion will remain open until **June 25, 2020** and it may be extended as appropriate, according to USTR. USTR will review comments on a rolling basis.

提交产品关税豁免申请的在线网页将在**2020年6月25日**之前保持开放，且美国贸易代表办公室可能会适当延长该截止日期。美国贸易代表办公室将滚动审查所提交的评论。

If you believe that your products relate to medical response to the COVID-19 and you would like to find out if it is eligible for a tariff exclusion under USTR's current action, please contact us immediately to get started.

如果您认为贵司的产品与应对新冠疫情有关，且您希望了解贵司产品是否可以在美国贸易代表办公室此次行动下申请关税豁免，请立即联系我们。

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