



News & Types: Client Advisories

Public Comment Deadline for Chinese Import Tariffs Closing

5/10/2018

By: Asa W. Markel

Practices: Commercial, Competition & Trade

This Friday (May 11, 2018), the deadline will have passed for public comments to the U.S. Trade Representative's list of approximately 1,300 categories of Chinese imports being considered for an additional 25% tariff. The USTR will begin a public hearing on the proposed list on May 15. Those interested in attending the hearing were required to file their requests by April 23. The USTR will accept additional written "rebuttal" comments concerning points raised in the public hearings until May 22.

President Trump ordered an investigation into Chinese trade practices under Section 301 of the Trade Act of 1974. The USTR has determined that certain Chinese practices are unfair to U.S. companies doing business in China, and is now in the process of finalizing a decision on the appropriate remedy. If the USTR moves forward with the new tariff, it will likely take effect later this summer at the earliest.

President Trump's Section 301 tariffs are often referred to as an isolated, unilateral action by the U.S. However, at the end of 2017, rather than recognize China as a market economy, the European Union amended its anti-dumping and anti-subsidies regulations to allow more stringent imposition of penalties on underpriced Chinese products imported into Europe. The E.U., U.S., and Japan have all resisted Chinese attempts to obtain market economy status, which would make it more difficult under various trade rules for importing countries to impose anti-dumping duties on underpriced Chinese goods. The WTO is expected to rule in September 2018 on the suit between China and E.U. on this point. However, in the meantime, importers of Chinese goods into the U.S. and E.U. can expect to see continued governmental investigations into the pricing of Chinese exports.