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**Form Questionnaire For Information Needed to Facilitate an Exclusion Request From Section 301 Tariffs Levied On “List 4A” Chinese-Origin Products Imported into the United States**

“The information and questions contained herein are not be considered legal advice, nor can they be relied on as providing any legal opinion. Your completion and submission of this questionnaire does not create a legal relationship between you and Dentons US LLP (“Dentons”), its attorneys, employees, or other affiliates. Your provision and submission of this information is for inquiry purposes only, and any representation or assistance from Dentons can only be provided after the signature of an express agreement between you and Dentons, subject to terms and conditions and the resolution of any potential or actual conflicts of interest.”

**Product:**

**Applicable HTSUS Subheading (8 digit):**

**Applicable HTSUS Subheading (10 digit) (if known):**

**Summary**

The following information is being requested to facilitate the filing of an exclusion request to the United States Trade Representative (“USTR”). The exclusion request will be made for Chinese-origin products contained in “List 4A” of the USTR’s Section 301 trade-action against China. The aim of the exclusion request is to exempt Chinese-origin products from the additional 301 tariffs upon their entry into the United States.

However, please be aware that the making of a request is not a guarantee that it will be granted, or that it will be reviewed promptly. As the previous, and ongoing, Section 301 exclusion request process demonstrate, review is slow and applications are more likely to be denied than approved. Nevertheless, the potential benefit of having these additional tariffs lifted far outweighs the costs of submitting the request. We will continue to fight and advocate for the benefit of our members as long as the deleterious effects of these trade measures remains. You are free to submit your own request as well, and are encouraged to the extent you feel able. More voices on an issue help strengthen the case made before the USTR.

More information related to the USTR’s exclusion request process may be found here: <https://www.govinfo.gov/content/pkg/FR-2019-10-24/pdf/2019-23181.pdf>

**Confidentiality**

Please indicate what, if any, information you are providing in response to these questions is confidential. Your responses to these questions will not be shared with any other person or entity outside of those who work directly for the Association, including any legal or professional counsel which may assist in processing and drafting the request.

**Instructions**

Please answer the questions below to the best of your knowledge and ability, and return your responses to the **Cody Wood** at Dentons US LLP at [cody.n.wood@dentons.com](mailto:cody.n.wood@dentons.com) no later than **Nov. 30, 2019**.

**Questions**

1. How is the product you import different from other products that fall under the same HTSUS 8 digit subheading? Please include in your answer an explanation (as detailed as possible) of the product in terms of its:
   * general description;
   * physical characteristics, such as its dimensions, material composition (e.g., aluminum, steel, plastic, or a combination of materials and/or particular parts);
   * common name (i.e., how it is known as or called in the marketplace);
   * essential character, including approximate weight, color, existence of any special characteristics or attributes;
   * use (i.e., how it is used in practice by consumers).
2. What is the model or part number of the product being imported into the United States?
3. What do you believe is or would be the most applicable *10 digit* subheading for the product under the HTSUS? If you are unsure of the correct HTSUS subheading for the product, please consult with your customs broker or other service you use to assist in processing your imports.
4. What is the aggregate annual quantity (in units) and value of the Chinese-origin products your company has purchased/imported in the past? Please provide the value of the products based on the *price of the goods* at the time of importation, and on an annual basis, reflecting the quantity and value imported separately for years 2017, 2018, and the first half (January through June) of 2019. If this information is not available to you, please provide an estimate and a brief explanation describing what this estimate is based on.

|  |  |  |
| --- | --- | --- |
|  | Number of Units | Total Cost (USD) |
| H1 2019 |  |  |
| 2018 |  |  |
| 2017 |  |  |

1. What is the aggregate annual quantity (in units) and value of the products originating in from a country other than China or the U.S. that your company has purchased/imported in the past? Please provide the value of the products based on the *price of the goods* at the time of importation, and on an annual basis, reflecting the quantity and value imported separately for years 2017, 2018, and the first half (January through June) of 2019. If this information is not available to you, please provide an estimate and a brief explanation describing what this estimate is based on.

|  |  |  |
| --- | --- | --- |
|  | Number of Units | Total Cost (USD) |
| H1 2019 |  |  |
| 2018 |  |  |
| 2017 |  |  |

1. What was your company’s gross revenue for the fiscal year of 2018, the first half of 2018 (January through June) and the first half of 2019 (January through June)?

|  |  |
| --- | --- |
|  | Gross Revenue (USD) |
| FY2 2018 |  |
| H1 2018 |  |
| H1 2019 |  |

1. How would U.S. Customs and Border Protection be able to reasonably distinguish this product from other similar or non-Chinese originating products at the time of its entry into the United States, without adding any undue burden to their import process?
2. Is the product you seek to import available only from China?
3. If the answer to Question 7 is no:
   1. Would you be able to import this product, or a comparable product, from sources in the United States? If so, why must the product to be imported be of Chinese origin?
   2. Would you be able to import this product, or a comparable product, from other countries? If so, where? If not, why must the product to be imported be of Chinese origin?
   3. Have you tried to produce this product in the United States or outside of China? If no, why?
4. Are the products imported as final products, or are they components or inputs used in the production of final products after importation?
   1. If they are final products, what percentage of your company’s total gross sales does the product account for?
      1. What were the total gross sales in 2018 of the final product?
   2. If they are not final products, what percentage of the total cost of producing the final product does the Chinese-origin component or input account for?
      1. What were the total gross sales in 2018 of the final product?
5. What sort of financial harm would result to your business as a result of the additional duties placed on the product? Where applicable, include things such as lost profits potential layoffs, a reduction in competitiveness relative to U.S. or foreign companies, etc.
6. Are you aware of whether this product or its development could be useful for any application or advancement in industries relating to information technology, robotics, aerospace, ocean engineering/shipping, railway, electric vehicle, utility/power transmission, medical device, or agricultural machinery? If so, how?
7. Is there anything else you might consider relevant to a request that the U.S. government excludes this product from tariffs? Include anecdotal or empirical support.
8. Did you submit any exclusion requests for other products of Chinese origin affected by a prior Section 301 tariff action? If yes, please enter their total value of your company’s imports applicable to the tariff action for which you submitted one or more exclusion request. The value should be the aggregate price paid for the products (in USD) at the time of importation.

|  |  |
| --- | --- |
| Tariff Action | Total Value of Affected Products |
| Initial $34 Billion “List 1” Action |  |
| Additional $16 Billion “List 2” Action |  |
| Additional $200 Billion “List 3” Action |  |