

by Mark Heusel and Hezi Wang

## USTR FINALIZES MODIFICATIONS ON SECTION 301 TARIFFS: STARTING SEPTEMBER 27, 2024

美国贸易代表办公室发布对华301关税最终修改措施：一些关税上调将在2024年9月27日起生效

On September 16, 2024, the office of the United States Trade Representative (“USTR”) announced the final modifications on China 301 tariffs after completing its statutory four-year review in May 2024.

2024年9月16日，美国贸易代表办公室宣布了对中国301关税的最终修改措施，此前他们在2024年5月完成了对301关税的法定四年期审查。

As we reported in May 2024, President Biden directed USTR to take action to increase tariffs across “strategic sectors,” such as steel and aluminum, semiconductors, electric vehicles, batteries, critical minerals, solar cells, ship-to-shore crane, and medical product. Subsequently, on May 28, 2024, USTR announced its proposed increases in Section 301 tariffs that cover products in 14 strategic sectors with an annual trade value of allegedly \$18 billion USD (“May 2024 Proposed Modifications”).

正如我们在2024年5月报道的那样，拜登总统指示美国贸易代表办公室对相关“战略行业”采取行动，提高关税，这些行业包括钢铁和铝、半导体、电动汽车、电池、关键矿物、太阳能电池、岸桥起重机以及医疗产品。随后，美国贸易代表办公室于2024年5月28日宣布了拟议中的对华301关税上调计划，涉及14个战略行业的产品，年贸易额据称达180亿美元（“2024年5月拟议修改计划”）。

After reviewing over 1,100 public comments, the USTR announced on September 16, 2024, its decision to impose additional Section 301 tariffs on certain Chinese products in the specified strategic sectors. This decision includes certain adjustments to the May 2024 Proposed Modifications, such as clarifying effective dates for the tariff increases, increasing tariffs on certain facemasks, and adopting exclusions for solar manufacturing equipment.

在审查了超过1100条公众意见后，美国贸易代表办公室于2024年9月16日宣布了对指定战略行业中某些中国制造的产品加征额外301关税的决定。该决定包括对2024年5月拟议修改计划的某些调整，例如澄清关税上调的生效日期、对某些口罩产品上调关税，并确定了对太阳能制造设备授予关税豁免的产品条目。

The USTR’s Notice of Modification of Actions (“Notice”) was published on the Federal Register on September 18, 2024. Annex A of the Notice includes a table detailing tariff increases for 14 product groups, covering 382 HTSUS subheadings and 7 statistical reporting numbers, along with the applicable tariff rates and the years of the tariff increases. Specifically, the 2024 tariff increases will apply to products entered for consumption, or withdrawn from warehouse for consumption, on or after **September 27, 2024**. The increased 301 tariffs on products identified by HTSUS subheadings in the Notice in

the following sectors will become effective in on September 27.

美国贸易代表办公室上调关税的行动通知（以下简称“《通知》”）已于2024年9月18日发布在《联邦纪事》上。《通知》的附录A包含一张表格，详细列出了14个产品类别下的关税上调细则，包括382个关税协调代码和7个统计报告编号下的产品，以及适用的关税税率和关税上调的生效年度。具体而言，表中所列2024年的关税上调将适用于在**2024年9月27日**或之后进入消费市场或从仓库提取供消费的产品。下表所列产品清单为《通知》中通过HTSUS关税协调码识别的产品，这些产品的301关税上调将于2024年9月27日生效。

Battery parts (non-lithium-ion batteries) 电池零件 (非锂电子电池)	Increase rate to 25% in 2024 关税税率在2024年将上调至25%
Electric vehicles 电动汽车	Increase rate to 100% in 2024 关税税率在2024年将上调至100%
Certain Facemasks 某些口罩	Increase rate to 25% in 2024 关税税率在2024年将上调至25% Increase rate to 50% starting 2026 关税将在2026年进一步上调至50%
Lithium-ion electrical vehicle batteries 锂离子电动汽车电池	Increase rate to 25% in 2024 关税税率在2024年将上调至25%
Other critical minerals 部分其他关键矿物	Increase rate to 25% in 2024 关税税率在2024年将上调至25%
Ship to shore cranes 船岸起重机	Increase rate to 25% in 2024 关税税率在2024年将上调至25%
Solar cells (whether or not assembled into modules) 太阳能电池 (无论是否组装成模块)	Increase rate to 50% in 2024 关税税率在2024年将上调至50%
Steel and aluminum products 钢铝产品	Increase rate to 25% in 2024 关税税率在2024年将上调至25%
Syringes and needles 注射器和针头	Increase rate to 100% in 2024 关税税率在2024年将上调至100%

Tariff increases in 2025 and 2026 are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, respectively on or after **January 1, 2025 and January 1, 2026**.

2025年和2026年的关税上调将分别适用于2025年1月1日和2026年1月1日或之后进入消费市场或从仓库提取供消费的产品。

In Annex B of the Notice, the USTR adopts the 14 temporary exclusions (out of 19 temporary exclusions in the May 2024 Proposed Modifications) for solar manufacturing equipment by Product Description.

在《通知》的附录B中，美国贸易代表办公室采纳了14项用于太阳能制造设备的临时关税豁免产品条目（在2024年5月拟议修改计划中有19项临时关税豁免条目）。

Annex E of the Notice contains a list of HTSUS subheadings eligible for consideration of temporary exclusions under the machinery exclusion process.

《通知》的附录E包含了符合申请临时关税豁免条件的机械设备的HTSUS关税协调代码清单。

It is time to evaluate whether your products from China are subject to the increased Section 301 tariffs. As always, we are available to help your company navigate these tariffs. If you have any questions, please do not hesitate to contact us.

现在是时候评估公司从中国进口的产品是否会受到301关税上调的影响了。我们很愿意帮助公司评估这些关税。如果您有任何问题，请随时与我们联系。

#### **ABOUT THE AUTHORS**



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