



## **USTR SETS EFFECTIVE DATE OF MAY 10, 2019, 12:01 AM EST FOR 25% TARIFFS ON CHINESE GOODS INCLUDED IN LIST 3**

Today, the US Trade Representative ("USTR") [released its draft notice](#) that effective Friday, May 10, 2019 at 12:01 am EST, duties on Chinese origin goods included in "List 3" will go up to 25% from the current 10% duty rate. According to the draft notice, the new rate will apply to goods (1) entered for consumption or withdrawn from warehouse for consumption on or after May 10, 2019 at 12:01 am EST **and** (2) exported to the United States on or after May 10, 2019 at 12:01 am EST.

In prior notices involving Lists 1, 2 and 3, the USTR set the effective date for Section 301 duties as the date when goods were entered for consumption or withdrawn from warehouse for consumption. The additional new criteria that the goods also be exported to the United States on or after May 10, 2019, makes it unclear if goods already en route from China will be subjected to the higher duty rate. It remains to be seen if the actual version published in the Federal Register will include the same language. Regardless, absent a negotiated solution to the trade dispute with China in the coming days, it seems clear that the President's tweet last Sunday is being put into action by the USTR and that the List 3 duty rate is going up.

The draft notice released today also confirms that the USTR will soon publish a process by which companies may request that their products be excluded from List 3.

Lastly, today's notice did not include any information about subjecting the balance of Chinese origin goods (i.e., those goods not on Lists 1, 2, or 3) to Section 301 duties.

Pisani & Roll LLP is monitoring the situation closely and will send out updates as soon as details are available. In the meantime, if you have any questions, please do not hesitate to contact us at [info@worldtradelawyers.com](mailto:info@worldtradelawyers.com).



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