



December 10, 2021

Updates To Safeguard Tariffs Sections 301, 232 and 201

Dear Valued Customer,

Please see the recent updates regarding the U.S. safeguard tariffs for Section 301 on Chinese goods, Section 232 for Steel and Aluminum Products, and Section 201 for Solar Cells and Modules.

CBP Issues Guidance for Liquidation Extension Requests and Protests for Section 301 Litigation

U.S. Customs and Border Protection (“CBP”) issued [CSMS #50264295](#) to provide additional guidance to importers who are challenging the Section 301 List 3 and/or 4A lawfulness on Chinese goods in the U.S. Court of International Trade (“CIT”) No. 21-0052. The guidance does not pertain to entries or exclusion petitions for entries under Section 301 Lists 1 and 2, and submissions not contesting the validity of Section 301 Lists 3 and/or 4A.

- CBP will deny all requests for extension of liquidation under 19. USC 1504(b)(2) that are explicitly for the pending CIT litigation.
- CBP will place protests filed in “Suspended” status under “Other” so that CBP does not act on those protests until after the CIT court case is settled. The CSMS message advises that this is an administrative action only and does not acknowledge the validity of the protests.

Commerce to Remove 31 General Approved Exclusions (GAE) to Section 232 Steel and Aluminum Exclusions

The Department of Commerce (“Commerce”) published an interim final rule in the Federal Register on December 9, 2021 that announced the removal of 30 General Approved Exclusions (GAE) for goods covered under the Section 232 tariff for steel and aluminum. The notice stated that Commerce determined that 27 GAEs for steel and 4 GAEs for aluminum no longer met the criteria for the exclusion after an analysis of the products covered and a review from public comments. The interim final rule goes into effect on December 27, 2021. For the full notice and a list of GAEs no longer eligible, please go to [86 FR 70003 - Removal of Certain General Approved Exclusions \(GAEs\) Under the Section 232 Steel and Aluminum Tariff Exclusions Process](#).

Section 201 Safeguard Tariffs on Solar Cells and Modules Changed to 15 Percent

[CSMS Message #5026395](#) announced that the U.S. Court of International Trade (“CIT”) issued a court order on November 16, 2021 that modified the Section 201 safeguard tariff over quota rate for solar cells and modules for the fourth year to 15 percent instead of 18 percent. It also reinstated the exclusion of bifacial solar panels from the safeguard. The court order CIT No. 20-03941 reversed Presidential Proclamation 10101 issued by former President Donald Trump in October 2020. That proclamation increased the over quota tariff rate to 18 percent and removed the exclusion for bifacial solar panels. The CSMS message also provides guidance to importers of bifacial solar panels to upload sufficient information at time of entry to support the exclusion for the panels.

Thank you for being our Valued Customer. If you have any questions, please do not hesitate to contact your C.H. Robinson commercial representative for further information.

Sincerely, C.H. Robinson