



[Billing Code 3290-F0]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR-2019-0003]

Notice of Determination and Action Pursuant to Section 301: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determinations and action.

SUMMARY: The U.S. Trade Representative has determined that the European Union (EU) and certain member States have denied U.S. rights under the World Trade Organization (WTO) Agreement and have failed to implement WTO Dispute Settlement Body recommendations concerning certain subsidies to the EU large civil aircraft industry. The U.S. Trade Representative has determined to take action in the form of additional duties on products of certain member States of the EU, as specified in Annex A to this notice.

DATES: The additional duties set out in Annex A are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 18, 2019.

FOR FURTHER INFORMATION CONTACT: For questions about the determinations in this investigation, contact Assistant General Counsel Megan Grimball, (202) 395-5725, or Director for Europe Michael Rogers, at (202) 395-3320. For questions on customs classification of products identified in Annex A, contact Traderemedym@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION

A. Proceedings in the Investigation

On April 12, 2019, the U.S. Trade Representative announced the initiation of an investigation to enforce U.S. rights in the WTO dispute against the EU and certain EU member States addressed to subsidies on large civil aircraft. *See* 84 FR 15028 (April 12 notice). The April 12 notice contains background information on the investigation and the dispute settlement proceedings, as well as the website where you can find the WTO reports:
https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds316_e.htm.

The April 12 notice solicited comments on a proposed determination that, *inter alia*, the EU and certain member States have denied U.S. rights under the WTO Agreement, and in particular, under Articles 5 and 6.3 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) and the General Agreement on Tariffs and Trade 1994 (GATT 1994), and have failed to comply with the WTO Dispute Settlement Body (DSB) recommendations to bring the WTO-inconsistent subsidies into compliance with WTO obligations. The April 12 notice invited public comment on a proposed action in the form of an additional *ad valorem* duty of up to 100 percent on products of EU member States to be drawn from a list of 317 tariff subheadings and 9 statistical reporting numbers of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice.

The public comment process following the April 12 notice included an opportunity for the submission of written comments, and the opportunity to participate in a public hearing. The Office of the United States Trade Representative (USTR) received over 600 submissions, and held a 2 day public hearing where 47 witnesses provided testimony.

In response to these public comments, and upon further analysis, USTR published a notice inviting public comment on a second list of products also being considered for an additional *ad valorem* duty of up to 100 percent. *See* 84 FR 32248 (July 5, 2019) (July 5 notice).

USTR received nearly 1,900 submissions in response to the July 5 notice, and held a hearing on August 5, 2019, where 31 witnesses provided testimony.

The public versions of submissions received in response to the April 12 and July 5 notices, as well as transcripts of both hearings, are available on www.regulations.gov under docket number USTR-2019-0003.

As stated in the April 12 and July 5 notices, any final list of products subject to additional tariffs would take into account the report of the WTO Arbitrator on the appropriate level of countermeasures authorized by the WTO. On October 2, 2019, the WTO Arbitrator issued a report that concluded that the appropriate level of countermeasures in response to the WTO-inconsistent launch-aid provided by the EU or certain member States to their large civil aircraft domestic industry is approximately \$7.5 billion annually.

B. Determination of Whether U.S. Rights under a Trade Agreement Are Being Denied

Based on the original panel and appellate reports, the compliance panel and appellate reports, the report of the WTO Arbitrator, and information obtained during the investigation, including public comments and the advice of the Section 301 Committee, the U.S. Trade Representative has determined, under sections 301(a), 304(a), and 306(b) of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2411(a), 2414(a) and 2416 (b)), that the rights of the United States under the GATT 1994 and the SCM Agreement, particularly Articles 5 and 6.3 of the SCM Agreement, are being denied; that subsidies provided by the EU and certain member States violate, or are inconsistent with, the provisions of these agreements; and that the EU has not satisfactorily implemented a recommendation of the WTO DSB. For these reasons, the U.S. Trade Representative has made an affirmative determination of actionability under sections 301(a), and 304(a)(1)(A) of the Trade Act.

C. Determination of Action

Upon making an affirmative determination that U.S. rights under a trade agreement are being denied, or that an act, policy, or practice of a foreign country violates, or is inconsistent with, the provisions of, a trade agreement, section 301(a) of the Trade Act provides that the U.S. Trade Representative shall take all appropriate and feasible action authorized under section 301(c), subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(a), to enforce such rights or to obtain the elimination of such act, policy, or practice.

Pursuant to sections 301(a), 301(c), 304(a)(1)(B), and 306(b) of the Trade Act (19 U.S.C. 2411(a), 2411(c), 2414(a)(1)(B), and 2416(b)), the U.S. Trade Representative has determined to impose additional duties on products of certain EU member States, as specified in Annex A to this notice. The annual trade value of the list of tariff subheadings subject to additional duties is approximately \$7.5 billion, which is consistent with the WTO Arbitrator's finding on the appropriate level of countermeasures. Annex A identifies the products covered by the action, the rate of duty to be assessed, and the EU member States affected. The final list of products and rates of additional duty take into account the public comments and the testimony from the public hearings, the advice of advisory committees, and the advice of the Section 301 Committee. In accordance with section 306(b)(2)(F) of the Trade Act (19 U.S.C. 2416(b)(2)(F)), Annex A includes reciprocal goods of the affected industry. Annex B contains the same list of tariff subheadings, with unofficial descriptions of the types of products covered in each subheading.

In order to implement this determination, effective October 18, 2019, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Products provided for in new

HTSUS subheading 9903.89.05 will be subject to an additional *ad valorem* duty of 10 percent. Products provided for in new HTSUS subheadings 9903.89.10, 9903.89.13, 9903.89.16, 9903.89.19, 9903.89.22, 9903.89.25, 9903.89.28, 9903.89.31, 9903.89.34, 9903.89.37, 9903.89.40, 9903.89.43, 9903.89.46, and 9903.89.49, will be subject to an additional *ad valorem* duty of 25 percent.

The additional duties provided for in the new HTSUS subheadings established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex A, except any product that is eligible for admission under ‘domestic status’ as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on October 18, 2019, only may be admitted as ‘privileged foreign status’ as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to consider the action taken in this investigation. In determining whether future modifications may be appropriate, the U.S. Trade Representative will take into account the public comments and testimony previously provided in response to the April 12 and July 5 notices. USTR remains open to discussing matters related to this investigation with the EU and EU member States.

Joseph Barloon
General Counsel
Office of the U.S. Trade Representative.

ANNEX A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 18, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provisions, with the material in the latter inserted in the columns entitled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

“21 (a) For the purposes of subheadings 9903.89.05 through 9903.89.49, inclusive, and superior text thereto, products of Austria, of Belgium, of Bulgaria, of Croatia, of Republic of Cyprus, of Czech Republic, of Denmark, of Estonia, of Finland, of France, of Germany, of Greece, of Hungary, of Ireland, of Italy, of Latvia, of Lithuania, of Luxembourg, of Malta, of Netherlands, of Poland, of Portugal, of Romania, of Slovakia, of Slovenia, of Spain, of Sweden or of the United Kingdom, as specified in such provisions and this note, shall be subject to additional duties as provided herein. All products of the specified countries that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by subheadings 9903.89.05 through 9903.89.49. The duties imposed by such heading and subheadings shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by subheadings 9903.89.05 through 9903.89.49, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by subheadings 9903.89.05 through 9903.89.49 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in one or more of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are described in any of subheading 9903.89.05 through 9903.89.49 and classified in one of the subheadings enumerated in such subheadings and in this note shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional imposed herein.

(b) For purposes of subheading 9903.89.05, the term “new airplanes or other new aircraft” means airplanes or aircraft with no time in service or hours in flight other than for production testing and for each such airplane’s or aircraft’s flight required to enter the airplane or aircraft into the U.S. customs territory or to arrive at a U.S. port of entry. Such subheading shall not cover used or rebuilt airplanes or other aircraft not covered by the definition of “new” goods set forth in this subdivision.

(c) Subheading 9903.89.10 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in the subheadings enumerated below:

0403.10.50	0406.30.28	0406.90.94
0403.90.85	0406.30.34	0805.10.00
0403.90.90	0406.30.38	0805.21.00
0405.20.20	0406.30.55	0805.22.00
0406.10.28	0406.30.69	0805.50.20
0406.10.54	0406.30.79	0812.10.00
0406.10.58	0406.40.44	0813.40.30
0406.10.68	0406.40.48	1602.49.10
0406.20.51	0406.90.32	1605.53.05
0406.20.53	0406.90.43	1605.56.05
0406.20.69	0406.90.52	1605.56.10
0406.20.77	0406.90.54	1605.56.15
0406.20.79	0406.90.68	1605.56.20
0406.20.87	0406.90.72	1605.56.30
0406.20.91	0406.90.74	1605.56.60
0406.30.05	0406.90.82	1605.59.05
0406.30.18	0406.90.92	1605.59.60

(d) Subheading 9903.89.13 and superior text thereto shall apply to all products of Germany, of Spain or of the United Kingdom that are classified in the subheadings enumerated below:

0203.29.40	0406.10.84	0406.10.95
0404.10.05	0406.10.88	0406.90.14

0406.90.16	1509.10.20	2005.70.12
0406.90.56	1509.90.20	2005.70.25

- (e) Subheading 9903.89.16 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in the subheadings enumerated below:

0403.10.90	0406.90.99	2008.70.20
0405.10.10	0811.90.80	2008.97.90
0405.10.20	1601.00.20	2009.89.65
0406.30.89	2008.60.00	2009.89.80

- (f) Subheading 9903.89.19 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in the subheadings enumerated below:

0405.20.30	0406.90.78	1602.42.40
0405.20.80	1602.41.90	1602.49.40
0406.30.85	1602.42.20	1602.49.90

- (g) Subheading 9903.89.22 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in the subheadings enumerated below:

0405.90.10	0406.90.41	2007.99.70
0406.30.51	0406.90.42	2008.40.00
0406.30.53	0406.90.48	2009.89.20
0406.40.54	0406.90.90	2009.89.40
0406.90.08	0406.90.97	
0406.90.12	1605.53.60	

- (h) Subheading 9903.89.25 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in subheading 0406.90.46.

- (i) Subheading 9903.89.28 and superior text thereto shall apply to all products of Austria, Belgium, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in subheading 0406.90.57.

- (j) Subheading 9903.89.31 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in subheading 0406.90.95.
- (k) Subheading 9903.89.34 and superior text thereto shall apply to all products of France, of Germany, of Spain or of the United Kingdom that are classified in the subheadings enumerated below:
- | | | |
|------------|------------|------------|
| 0711.20.18 | 0711.20.40 | 2005.70.23 |
| 0711.20.28 | 2005.70.08 | 2204.21.50 |
| 0711.20.38 | 2005.70.16 | |
- (l) Subheading 9903.89.37 and superior text thereto shall apply to all products of Germany that are classified in the subheadings enumerated below:
- | | | |
|------------|------------|------------|
| 0901.21.00 | 8203.30.00 | 8467.19.50 |
| 0901.22.00 | 8203.40.60 | 8468.80.10 |
| 2101.11.21 | 8205.40.00 | 8468.90.10 |
| 8201.40.60 | 8211.93.00 | 8514.20.40 |
| 8203.20.20 | 8211.94.50 | 9002.11.90 |
| 8203.20.60 | 8467.19.10 | |
- (m) Subheading 9903.89.40 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom that are classified in subheading 1604.49.20.
- (n) Subheading 9903.89.43 and superior text thereto shall apply to all products of Germany or the United Kingdom that are classified in the subheadings enumerated below:
- | | | |
|------------|------------|------------|
| 1905.31.00 | 4911.91.20 | 8429.52.50 |
| 1905.32.00 | 4911.91.30 | 8467.29.00 |
| 4901.10.00 | 4911.91.40 | |
| 4908.10.00 | 8429.52.10 | |
- (o) Subheading 9903.89.46 and superior text thereto shall apply to all products of Germany, of Ireland, of Italy, of Spain or of the United Kingdom that are classified in subheading 2208.70.00.
- (p) Subheading 9903.89.49 and superior text thereto shall apply to all products of the United Kingdom that are either—
- (1) single-malt Irish or Scotch Whiskies (provided for in subheading 2208.30.30), or
 - (2) provided for in the subheadings enumerated below:
- | | | |
|------------|------------|------------|
| 6110.11.00 | 6110.30.30 | 6203.11.60 |
| 6110.12.10 | 6202.99.15 | 6203.11.90 |
| 6110.20.20 | 6202.99.80 | 6203.19.30 |

6203.19.90
6208.21.00
6211.12.40
6211.12.80
6301.30.00
6301.90.00
6302.21.50
6302.21.90”

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.89.05	<p>“Articles the product of France, of Germany, of Spain or of the United Kingdom: New airplanes and other new aircraft, as defined in U.S. note 21(b) to this subchapter (other than military airplanes or other military aircraft), of an unladen weight exceeding 30,000 kg (described in statistical reporting numbers 8802.40.0040, 8802.40.0060 or 8802.40.0070).</p>			
9903.89.10	<p>Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in the subheadings enumerated in U.S. note 21(c) to this subchapter</p>			
9903.89.13	<p>Articles the product of Germany, of Spain or of the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(d) to this subchapter.</p>			
9903.89.16	<p>Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(e) to this subchapter</p>			

Heading/	Article description	Rates of Duty		
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Subheading		1		2
		General	Special	
9903.89.19	Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(f) to this subchapter.	The duty provided in the applicable subheading + 25%		
9903.89.22	Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(g) to this subchapter.	The duty provided in the applicable subheading + 25%		
9903.89.25	Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(h) to this subchapter	The duty provided in the applicable subheading + 25%		

Heading/	Article description	Rates of Duty
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Subheading		1		2
		General	Special	
9903.89.28	Articles the product of Austria, Belgium, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(i) to this subchapter	The duty provided in the applicable subheading + 25%		
9903.89.31	Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(j) to this subchapter	The duty provided in the applicable subheading + 25%		
9903.89.34	Articles the product of France, of Germany, of Spain or of the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(k) to this subchapter	The duty provided in the applicable subheading + 25%		
9903.89.37	Articles the products of Germany: Provided for in subheadings enumerated in U.S. note 21(l) to this subchapter	The duty provided in the applicable subheading + 25%		

Heading/ Subheading	Article description	Rates of Duty		2
		1		
		General	Special	

9903.89.40	<p>Articles the product of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(m) to this subchapter.</p>	<p>The duty provided in the applicable subheading + 25%</p>
9903.89.43	<p>Articles the product of Germany or of the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(n) to this subchapter</p>	<p>The duty provided in the applicable subheading + 25%</p>
9903.89.46	<p>Articles the product of Germany, of Ireland, of Italy, of Spain or of the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(o) to this subchapter</p>	<p>The duty provided in the applicable subheading + 25%</p>
9903.89.49	<p>Articles the product of the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(p) to this subchapter.</p>	<p>The duty provided in the applicable subheading + 25%”</p>

Annex B

Note: The product descriptions that are contained this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action, except as specified below. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

Part 1 – Products of France, Germany, Spain, or the United Kingdom described below are subject to additional import duties of 10 percent ad valorem:

Note: For purposes of the 8-digit subheading of HTS listed below, the product description defines and limits the scope of the proposed action.

HTS Subheading	Product Description
8802.40.00**	New airplanes and other new aircraft, as defined in U.S. note 21(b), (other than military airplanes or other military aircraft), of an unladen weight exceeding 30,000 kg (described in statistical reporting numbers 8802.40.0040, 8802.40.0060 or 8802.40.0070)

**Only a portion of HS8 digit is to be covered

Part 2 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0403.10.50	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, not subject to gen nte 15 or add. US nte 10 to Ch.4
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments
0403.90.90	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subject to add US note 10 to Ch.4
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 US note 18, not GN15
0406.10.54	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, subj to Ch4 US nte 21, not GN15
0406.10.58	Fresh (unrip./uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 US note 21 or GN15
0406.10.68	Fresh (unripened/uncured) Swiss/emmentaler cheeses exc eye formation, gruyere-process cheese and cheese cont or proc. from such, not subj ..
0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's

HTS Subheading	Product Description
	milk, grated or powdered, subject to add US note 21 to Ch.4
0406.20.53	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's
	milk, grated or powdered, not subj to Ch4 US nte 21 or GN15
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar),
	grated or powdered, subject to add US note 19 to Ch. 4
0406.20.77	Cheese containing or processed from italian-type cheeses made from cow's
	milk, grated or powdered, subject to add US note 21 to Ch. 4
0406.20.79	Cheese containing or processed from italian-type cheeses made from cow's
	milk, grated or powdered, not subject to add US note 21 to Ch. 4
0406.20.87	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or
	powdered, not subject to add US note 23 to Ch. 4
0406.20.91	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk,
	grated or powdered, not subject to add US note 16 to Ch. 4
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to add US note 24
	to Ch. 4
0406.30.18	Blue-veined cheese (except roquefort), processed, not grated or powdered, not
	subject to gen. note 15 or add. US note 17 to Ch. 4
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15
	or in add US note 18 to Ch. 4
0406.30.34	Colby cheese, processed, not grated or powdered, subject to add US note 19 to
	Ch. 4
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or
	add US note 19 to Ch. 4
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such
	cheeses, not grated or powdered
0406.30.69	Processed cheese cont/procd fr american-type cheese (ex cheddar), not
	grated/powdered, subject to add US note 19 to Ch. 4, not GN15
0406.30.79	Processed cheese cont/procd from italian-type, not grated/powdered, not
	subject to add US note 21 to Ch. 4, not GN15
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to add. US note 24 to Ch. 4
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to add. US note 24 to Ch.
	4
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen.
	note 15 or to add. US note 21 to Ch. 4
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's
	milk, not subject to gen. note 15
0406.90.52	Colby cheese, nesoi, subject to add. US note 19 to Ch. 4 and entered pursuant
	to its provisions
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. US note 19 to Ch. 4
0406.90.68	Cheeses & subst. for cheese(incl. mixt.), nesoi,
	w/romano/reggiano/parmesan/provolone/etc, f/cow milk, not subj. Ch4 US
	note 21, not GN15
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined
	cheese, subj. to add. US note 17 to Ch.4, not GN15

HTS Subheading	Product Description
0406.90.74	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, not subj. to add. US note 17 to Ch.4, not GN15
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from Am. cheese except cheddar, subj. to add. US note 19 to Ch.4, not GN15
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from swiss, emmentaler or gruyere, not subj. Ch4 US note 22, not GN15
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, not subject to add. US note 23 to Ch. 4, not GN15
0805.10.00	Oranges, fresh or dried
0805.21.00	Mandarins and other similar citrus hybrids including tangerines, satsumas, clementines, wilkings, fresh or dried
0805.22.00	Clementines, fresh or dried, other
0805.50.20	Lemons, fresh or dried
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption
0813.40.30	Cherries, dried
1602.49.10	Prepared or preserved pork offal, including mixtures
1605.53.05	Mussels, containing fish meats or in prepared meals
1605.56.05	Products of clams, cockles, and arkshells containing fish meat; prepared meals
1605.56.10	Razor clams, in airtight containers, prepared or preserved, nesoi
1605.56.15	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight
1605.56.20	Clams, prepared or preserved, excluding boiled clams, in immediate airtight containers, nesoi
1605.56.30	Clams, prepared or preserved, other than in airtight containers
1605.56.60	Cockles and arkshells, prepared or preserved
1605.59.05	Products of molluscs nesoi containing fish meat; prepared meals of molluscs nesoi
1605.59.60	Molluscs nesoi, prepared or preserved

Part 3 – Products of Germany, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0203.29.40	Frozen meat of swine, other than retail cuts, nesoi
0404.10.05	Whey protein concentrates
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, descr in add US note 16 to Ch 4, not GN15
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, not descr in add US note 16 to Ch 4, not GN 15
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cows milk, neosi, o/0.5% by wt. of butterfat
0406.90.14	Described in general note 15 of the tariff schedule and entered pursuant to its

HTS Subheading	Product Description
	provisions
0406.90.16	Edam and gouda cheese, nesoi, subject to add. US note 20 to Ch. 4
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg
2005.70.12	Olives, green, not pitted, in saline, not ripe
2005.70.25	Olives, green, in a saline solution, pitted or stuffed, not place packed

Part 4 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa
0405.10.10	Butter subject to quota pursuant to chapter 4 additional US note 6
0405.10.20	Butter not subject to general note 15 and in excess of quota in chapter 4 additional U.S. note 6
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add US note 16 to Ch. 4, not GN15
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat o/0.5% by wt, not GN15
0811.90.80	Fruit, nesoi, frozen, whether or not previously steamed or boiled
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products
2008.60.00	Cherries, otherwise prepared or preserved, nesoi
2008.70.20	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included
2008.97.90	Mixtures of fruit or other edible parts of plants, otherwise prepared or preserved, nesoi (excluding tropical fruit salad)
2009.89.65	Cherry juice, concentrated or not concentrated
2009.89.80	Juice of any single vegetable, other than tomato, concentrated or not concentrated

Part 5 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0405.20.30	Butter substitute dairy spreads, over 45% butterfat weight, not subj to gen note 15 and in excess of quota in ch. 4 additional US note 14
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1
0406.30.85	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch4 US note 23, not GN15
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from cheddar cheese, not subj. to add. US note 18 to Ch.4, not GN15
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi
1602.49.90	Prepared or preserved pork, nesoi

Part 6 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional US note 14
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to add. US note 22 to Ch. 4
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 22 to Ch. 4
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. US note 17 to Ch. 4
0406.90.08	Cheddar cheese, neosi, subject to add. US note 18 to Ch. 4
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 18 to Ch. 4
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. US note 21 to Ch. 4
0406.90.42	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to GN 15 or Ch4 US note 21
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to add. US note 25 to Ch. 4
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from swiss, emmentaler or gruyere, subj. to add. US note 22 to Ch.4, not GN15

HTS Subheading	Product Description
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, not subject to Ch4 US note 16, not GN15
1605.53.60	Mussels, prepared or preserved
2007.99.70	Currant and berry fruit jellies
2008.40.00	Pears, otherwise prepared or preserved, nesoi
2009.89.20	Pear juice, concentrated or not concentrated
2009.89.40	Prune juice, concentrated or not concentrated

Part 7 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. US note 25 to Ch. 4

Part 8 – Products of Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating

Part 9 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, subject to Ch 4 US note 16 (quota)

Part 10 – Products of France, Germany, Spain or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, subject to add. US note 5 to Ch. 7

HTS Subheading	Product Description
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, not subject to add. US note 5 to Ch. 7
0711.20.38	Olives, n/pitted, nesoi
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. US note 4 to Ch. 20
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less
2204.21.50	Wine other than Tokay (not carbonated), not over 14% alcohol, in containers not over 2 liters

Part 11 – Products of Germany described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0901.21.00	Coffee, roasted, not decaffeinated
0901.22.00	Coffee, roasted, decaffeinated
2101.11.21	Instant coffee, not flavored
8201.40.60	Axes, bill hooks and similar hewing tools (o/than machetes), and base metal parts thereof
8203.20.20	Base metal tweezers
8203.20.60	Pliers (including cutting pliers but not slip joint pliers), pincers and similar tools
8203.30.00	Metal cutting shears and similar tools, and base metal parts thereof
8203.40.60	Pipe cutters, bolt cutters, perforating punches and similar tools, nesoi, and base metal parts thereof
8205.40.00	Screwdrivers and base metal parts thereof
8211.93.00	Knives having other than fixed blades
8211.94.50	Base metal blades for knives having other than fixed blades
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working
8467.19.50	Tools for working in the hand, pneumatic, other than rotary type, other than suitable for metal working
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated
8468.90.10	Parts of hand-directed or -controlled machinery, apparatus and appliances used for soldering, brazing, welding or tempering
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food
9002.11.90	Objective lenses and parts & access. thereof, for cameras, projectors, or photographic enlargers or reducers, except projection, nesoi

Part 12 – Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
1602.49.20	Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers

Part 13 – Products of Germany or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
1905.31.00	Sweet biscuits
1905.32.00	Waffles and wafers
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded
4908.10.00	Transfers (decalcomanias), vitrifiable
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor

Part 14 – Products of Germany, Ireland, Italy, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
2208.70.00	Liqueurs and cordials

Part 15 – Products of the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

Note: For purposes of 2208.30.30, the product description defines and limits the scope of the proposed action.

HTS Subheading	Product Description
2208.30.30**	Single-malt Irish and Scotch Whiskies (described in 2208.30.30)
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi
6202.99.15	Rec perf outwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont < 70% by wt of silk
6202.99.80	Women's/girls' anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont < 70% by wt of silk,
6203.11.60	Men's or boys' suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less
6203.11.90	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, nesoi
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted
6203.19.90	Men's or boys' suits, of textile mats(except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, not knit or croch
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton
6211.12.40	Women's or girls' swimwear, of textile materials(except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted
6211.12.80	Women's or girls' swimwear, of textile materials(except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton
6301.90.00	Blankets and traveling rugs, nesoi
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped

**Only a portion of HS8 digit is to be covered

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