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主旨：陳報美國232條款汽車及其零組件國家安全調查進展如說明，敬請查照。

說明：

一、相關前案：本組上(107)年10月1日經美字第1070001208號函。

二、據Inside U.S. Trade及Washington Trade Daily本(108)年1月10日報導，針對美232條款汽車及其零組件國家安全調查之相關進展，謹扼陳如下：

(一)消息來源表示，商務部之調查報告將含有3種影響程度大小不一之建議措施：針對232條款汽車及零組件國安調查，商務部將提交之報告，涵蓋3種不同之措施供川普總統決定。包括：

- 1、對受調查汽車及零組件全面採取20-25%關稅；
- 2、僅對含自動化(automated)、連結(connected)、電動(electric)及共享(shared)(按，簡稱ACES)汽車技術之汽車及零組件加徵關稅；
- 3、或採取不致於像第一種全面關稅激進，但課徵國安關

國際貿易局 108/01/11



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稅品項又比ACES汽車範圍廣之措施。

- (二)232條款國安措施採行係為對中國施壓：部分產業界人士以及分析師推斷，倘美方決定採取前揭針對含ACES汽車技術之汽車及零組件加徵關稅，可視為針對中國之舉措，因該等技術為中國全力發展「2025中國製造」之高科技，且針對ACES技術汽車及零組件可酌避免國內汽車業界之反彈，惟因在美製造之汽車其相關零組件，包括雷達、控制系統等，多數在中國生產，整體製造成本仍將升高，對消費者不利。
- (三)施壓貿易夥伴一起對中國採取強硬態度：另有消息來源指出，德國汽車供應鏈已與中國高度整合，而中國為日本最大貿易夥伴，德、日不願對中國採取強硬措施，美國可能藉由232條款汽車國安調查，迫使歐盟及日本對中國採取強硬措施，如對中國製造2025產品課徵關稅或採取杜絕中國轉運之措施，以換取豁免。惟另有業界人士表示，美國232汽車國安調查應僅用於美國與該等國家貿易談判場域作為籌碼，並非對歐、日施壓要求彼等轉而對中國採取強硬措施。
- (四)韓國應可獲得232條款汽車及零組件國安措施之豁免：韓駐美大使趙潤濟(Cho Yoon-Ji)表示，韓國與美國於美韓FTA重新談判過程中，即便韓國業者反對甚鉅，仍與美方在汽車產業方面達成重大共識，包括同意美國延長對進口卡車徵收25%關稅至2041年，並且同意對美部分開放其汽車市場，每年每製造商得以將5萬輛不符合韓國安全標準之汽車輸銷至韓國，因此，未來倘美國對汽車及零組件課徵國安關稅，韓國將可獲得豁免。

三、本案商務部之報告有多種版本草稿，目前已完成跨部會間的檢視，預計報告提交時間為本年2月17日，但亦有可能

因目前美國政府部分關閉而延遲提交(商務部亦為部分關閉機關之一)；川普總統於接獲報告以後，將於3個月內決定是否採取措施。

四、檢送前述報導如附件，併請卓參。

正本：行政院經貿談判辦公室、經濟部國際貿易局

副本：經濟部、經濟部部長室、經濟部王次長室(請經濟部代陳)、經濟部工業局、經濟部國際貿易局局長室、經濟部國際貿易局副局長室(以上均請貿易局代陳)(均含附件)



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DAILY NEWS

Draft Section 232 autos report includes three options for Trump

January 10, 2019 at 7:50 AM

The latest draft of the Commerce Department's Section 232 report on the national security implications of auto and auto parts imports includes three different remedy options President Trump could consider as he weighs whether to impose import restrictions, industry sources tell *Inside U.S. Trade*.

A blanket tariff on autos and auto parts ranging from 20-25 percent is one of the options, according to these sources. Another would involve narrowly tailored tariffs on automated, connected, electric and shared (ACES) vehicle technologies, they said, while a third is believed to be less aggressive than a blanket tariff but broader than the option focused on ACES vehicles.

A previous draft of the report did not include three options, recommending only that the president impose a blanket tariff on autos and parts, these sources said. Several drafts of the report have been through the interagency review process, they said.

Commerce Secretary Wilbur Ross on Monday acknowledged that the department has produced multiple drafts. "We've been through lots and lots of drafts on it, lots and lots of research because the picture also keeps evolving," he told CNBC on Monday.

In announcing the Section 232 investigation last year, Ross said Commerce would consider the effect of imports on U.S. technological innovation, including autonomous and connected vehicle efforts.

"Automobile manufacturing has long been a significant source of American technological innovation," he said in a May 23 statement. "This investigation will consider whether the decline of domestic automobile and automotive parts production threatens to weaken the internal economy of the United States, including by potentially reducing research, development, and jobs for skilled workers in connected vehicle systems, autonomous vehicles, fuel cells, electric motors and storage, advanced manufacturing processes, and other cutting-edge technologies."

Some industry sources and a China analyst told *Inside U.S. Trade* they believed the U.S. was trying to use the threat of tariffs on autos and parts to compel China to make concessions in ongoing bilateral talks. Choosing to impose tariffs on ACES vehicles and vehicle parts could be a means of targeting China, according to some industry sources, because China is focusing on the development of high-tech auto technologies under its "Made in China 2025" initiative.

Focusing on ACES vehicles and components could be a political win for the Trump administration because the U.S. auto industry, which opposes blanket tariffs, might be willing to go along with it, sources said. A former Commerce official said the industry would feel like it "dodged a bullet" because it avoided much broader tariffs.

Dan Ujcz, a trade lawyer with Dickinson Wright, said avoiding the industry pushback that would result from broader tariffs on autos and auto parts would be a political victory for the president. However, tariffs on ACES vehicles and parts would need a long phase-in period, he said.

Tariffs on ACES cars and components also would not be without cost to U.S. consumers, according to Kristin Dzik, the vice president of industry, labor and economics at the Center for Automotive Research. U.S.-

made vehicles include batteries and other technologies – lidar, sensors and control systems among them – that are produced in China. Tariffs on those products could increase consumer costs.

China, though, would be hit hard by tariffs on ACES components, Dziczek said, because they are key to the Made in China 2025 initiative. The Trump administration targeted Made in China 2025 in its Section 301 report on Chinese practices, which was the basis for tariffs on \$250 billion in Chinese goods. Tariffs on ACES vehicles would have broader impacts because many such vehicles come from Europe, including from brands such as BMW and Jaguar, she said.

Implementing tariffs on ACES vehicles and parts could also be problematic for customs officials because shared and automation classifications are self-certified and considered subjective. For instance, SAE – a standards developing organization – has recognized five levels of automation that are certified by the manufacturer. Tariffs could be applied to only certain levels of automation, giving manufacturers leeway to avoid tariffs, Dziczek said.

Similarly, the definition of a shared vehicle relies on its end-use rather than its design, she said. Shared vehicles are expected eventually to feature design differences that reflect their different roles, but today there is no discernible design difference between a regular vehicle and a shared vehicle, she said.

Commerce's deadline for the submission of the Section 232 report to the president is set for less than two weeks before Trump's deadline for the U.S. and China to reach a deal on a host of trade issues, creating a de facto link between the U.S.' bilateral negotiations with Beijing and U.S. talks with the European Union and Japan, according to two sources. The U.S. administration could attempt to use the threat of auto tariffs to compel Brussels and Tokyo to take harder stances on China, according to one analyst. Germany and Japan have been loath to take too hard of a line with the Chinese because the German auto supply chain is highly integrated with China, and China is Japan's largest trading partner, the analyst said.

With the release of the Section 232 report on autos and auto parts, the EU and Japan could seek to secure exemptions from auto and auto parts tariffs, sources said. The U.S. could ask for Brussels and Japan to impose tariffs on Chinese products that are part of the Made in China 2025 initiative or to clamp down on Chinese steel transshipment, Ujczko said.

One source pointed to the administration's use of Section 232 tariffs on steel and aluminum as a threat in the renegotiation of the North American Free Trade Agreement as proof the administration is not averse to using such tactics to obtain its objectives. In his case, the ultimate goal is to get the EU and Japan to increase pressure on China, the source said. One trade lawyer called the strategy "a typical Trump negotiating tactic."

Other industry sources said they did not believe the U.S. was using the imminent Section 232 report to compel the EU and Japan to take action on China. Rather, they see it as a way to extract concessions from Brussels and Tokyo in separate bilateral talks. USTR in October 2018 notified Congress of its intent to negotiate trade deals with the EU and Japan.

"I don't really see the leverage points and connection and that the raw coercive power would motivate them to help us on China," one industry source said. Another source said the motivation for the Section 232 autos investigation was moving Japan and the EU to negotiate free trade deals. Both industry sources said they believed the EU and Japan were willing to side with the U.S. against China, as Japanese and European companies are also harmed by China's forced tech-transfer policies and intellectual property theft.

The U.S. has also agreed to refrain from imposing tariffs on autos as part of a July 2018 agreement reached by Trump and EU Commission President Jean-Claude Juncker, one source noted in suggesting the Section 232 investigation was not being used as leverage with the EU to act on China. Citing the Trump-Juncker agreement, EU Trade Commissioner Cecilia Malmström has repeatedly said the EU does not expect to be hit with auto tariffs. The two industry sources also said they believed using auto tariffs to coerce the EU and Japan to take action against China would backfire on the U.S. because if it followed through on its threats, the U.S. would suffer economic harm and its partners would be less inclined to help the U.S. against Beijing.

If the president does decide to move forward with auto restrictions, he could prompt lawmakers – including some prominent Republicans – to attempt to curtail his authority to unilaterally impose tariffs. Sen. Chuck Grassley (R-IA), the new chairman of the Senate Finance Committee, issued a statement on Wednesday

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saying "I do not believe that we should alienate our allies with tariffs disguised as national security protections. And certainly not when it comes to trade in automobiles and auto parts."

"For this reason, I intend to review the president's use of power under Section 232 of the Trade Act of 1962, which grants the president broad legal authority to impose tariffs in the name of national security," Grassley added. – *Brett Fortnam* (bfortnam@iwnews.com)

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tougher enforcement for the USMCA.

But the USMCA may not have the all-important support of the US agricultural community unless the President exempts Canada and Mexico from the Section 232 tariffs on imported steel and aluminum, the senator told reporters. Ottawa and Mexico City retaliated by imposing their own tariffs on US agricultural products. All of those tariffs "have to go off," he said.

A proposal being floated by the White House for Congress to expand President Trump's ability to impose tariffs will not have support on Capitol Hill, according to Sen. Grassley. "We ain't going to give him any greater authority," the senator said bluntly. "We already gave him too much."

In a statement released later in the day, Sen. Grassley said he intends to review whether President Trump has overstepped his authority to impose tariffs under Section 232. "I do not believe that we should alienate our allies with tariffs disguised as national security protections," he said. "And certainly not when it comes to trade in automobiles and auto parts."

EU Will Not Talk Agriculture

Brussels will not budge from its position that agriculture is off the table in proposed trade agreement negotiations with the United States, European Trade Commissioner Cecilia Malmström told reporters yesterday.

The United States and the EU have not yet agreed on the scope of the proposed talks, but the EU has made clear that it is only willing to discuss industrial products – not agriculture, she said.

President Trump and European Commission President Juncker agreed last year that trade talks would only deal with industrial products, Ms. Malmström noted. The two leaders want to pursue a trade agreement that could be completed relatively quickly, after a previous attempt to negotiate a comprehensive trade pact – the Transatlantic Trade and Investment Partnership – failed, she said.

An agreement limited to industrial goods still would have major benefits on both sides of the Atlantic, the EU official stated. Brussels is willing to put auto tariffs on the table in those talks.

But agriculture is not open for negotiation. The United States has its own issues that it wants left off the table, she said, like its rules on government procurement, the Jones Act, Buy America and geographical indications.

EU Mandate

Brussels is in the final stages of preparing its negotiating mandates for the talks, she said.

Ms. Malmström met late Tuesday with US Trade Representative Robert Lighthizer to review ongoing discussions that are taking place at the working group level.

President Trump's threats to impose tariffs on imported autos under Section 232 were not discussed by the two trade officials. Ms. Malmström said the EU believes it has a commitment from the White House that it would not be subject to the tariffs as long as the two sides are engaged in trade negotiations.

Separately, Senate Finance Committee Chairman Chuck Grassley (R-Iowa) told reporters yesterday a trade deal with the EU that does not include agriculture would not have the votes to pass Congress. The senator met yesterday with Ms. Malmström. The EU trade official also met yesterday with Finance ranking Democrat Ron Wyden (Ore), House Ways and Means Committee Chairman Richard Neal (D-Mass) and ranking Republican Kevin Brady (Texas).

✓ Korea Expects Break on Auto Tariffs

Seoul believes it would be exempted if President Trump decides to impose Section 232 tariffs on auto imports, Korean Ambassador Cho Yoon-je said yesterday.

Korea made big concessions to the Administration on autos trade in the revised US-Korea free trade agreement that went into effect this month, the ambassador told a program sponsored by the Hudson Institute.

Those concessions, which were made despite Korean domestic opposition, should exempt Seoul from Section 232 tariffs on autos, Mr. Cho said. Korea was satisfied with the original FTA, but "mostly accommodated" the Trump Administration's demands for changes on autos. Seoul agreed to an

extension of the phase-out of the 25 percent US tariff on trucks until 2041. It also agreed to double the number of US automobile exports, to 50,000 cars per manufacturer per year, that can enter the Korean market without meeting Korean safety standards.

Given those changes, "we hope Korea will not be subject to Section 232," the ambassador said.

The Commerce Department is still preparing a report to the President that will recommend whether tariffs should be imposed on imported autos and parts on national security grounds. That report is due to the President by February 17, but may be delayed because Commerce is among the federal agencies currently shuttered by the partial government shutdown.

President Trump has three months after receiving the report to determine what action he will take.

Trilateral on China

The trade ministers of the United States, European Union and Japan agreed yesterday to continue seeking ways to address unfair trade practices by non-market economies like China and said they expect to have text on how to deal with industrial subsidies this Spring.

US Trade Representative Robert Lighthizer, European Trade Commissioner Cecilia Malmström and Japanese Economy Minister Hiroshige Seko held the latest round of discussions yesterday on non-market policies and practices, industrial subsidies and state-owned enterprises, forced technology transfer policies and practices, reform of the World Trade Organization and digital trade and e-commerce, according to a joint statement.

China's trade practices are at the heart of the discussions, although Beijing was not specifically called out in the joint statement.

Ms. Malmström told reporters yesterday that the three allies are not trying to form a "coalition against China," but they are worried about "many" Chinese practices – and the fact that current WTO rules do not address these practices.

The three officials said after the meeting they are aiming to have text on proposals for dealing with industrial subsidies finalized this Spring.

Joint Statement

According to the joint statement:

- On concerns with non-market oriented policies and practices, Ministers took stock of the intensification of the exchange of information between them, the identification of additional criteria indicating market-oriented conditions, and confirmed that market-oriented conditions are fundamental to a fair, mutually advantageous global trading system and that their citizens and businesses operate under market-oriented conditions. The Ministers also confirmed their commitment to continue working together to maintain the effectiveness of existing WTO disciplines, including through ongoing WTO disputes.
- On industrial subsidies, Ministers instructed their staff to finalize trilateral text-based work in this area by spring in order to engage other key WTO Members after that, as appropriate.
- In the area of forced technology transfers, Ministers confirmed their agreement to cooperate on enforcement, on the development of new rules, on investment review for national security purposes and on export controls and further take stock of this cooperation by spring.
- On the reform of the WTO, the three partners submitted a joint transparency and notification proposal to the Council for Trade in Goods last November with other co-sponsors, and the Ministers agreed to intensify engagement with other trading partners to advance this proposal. They confirmed their agreement to work towards strengthening the regular committees' activities. They also reiterated their call on advanced WTO Members claiming developing country status to undertake full commitments in ongoing and future WTO negotiations.
- The Ministers reaffirmed the importance of cooperating in facilitating digital trade and the growth of the digital economy and to enhance business environments through the promotion of data security. The Ministers confirmed their support for the timely initiation of WTO negotiations on trade-related aspects of electronic commerce that seek to achieve a high standard agreement with the participation of as many WTO members as possible.