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密等及解密條件或保密期限：
附件：如文

主旨：陳報美對進口變壓器薄板或鐵捲心啟動232國家安全調查，美重要產業公協會及外國政府提交書面評論事，敬請查參。

說明：

- 一、相關前案：本組本年5月4日經美字第1090000360號函。
- 二、Inside U.S. Trade本年7月9日報導，有關美對進口變壓器薄板或鐵捲心啟動232國家安全調查，美重要產業公協會，包括美國總商會(USCC)及全國對外貿易協會(NFTC)等，均提交書面資料反對川普政府以232調查因應不公平貿易，重點扼陳如下：

(一)USCC表示美國內業者無法供給需求，並呼籲政府勿使用232條款因應不公平貿易：

- 1、USCC書面意見指出，美國國內生產方向性電池鋼 (grain-oriented electrical steel, GOES, 按，用以製造變電器零件之原料)不足因應國內需求，爰業者必須另進口變壓器，用以營運美國電力系統。此外某些變壓器使用材料需符合美能源部之節能標準，美國內或無業者生產，或數量不足支應，需仰賴進口。

109. 7. 13

第 1 頁 共 3 頁

經濟部國際貿易局



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2、USCC另呼籲政府，應採用其他措施(例如反傾銷及反補貼調查)因應任何不公平貿易之產品，而非廣泛使用232條款，其同意不公平貿易會損害市場，然使用232條款無法為國家帶來利益。

(二)NFTC與USCC秉持相同觀點，同意全面使用232條款或將適得其反：

1、NFTC亦認為，倘若美國之貿易夥伴進行傾銷、補貼或規避相關之反傾銷稅及平衡稅，則應透過該等貿易救濟調查，確認市場因不公平貿易所受那些損害，從經濟及國家安全角度出發，並無法解決問題。

2、美國需要自國外進口GOES，係因為美業者無法滿足國內需求，即便對進口GOES加徵25%之232國安關稅已滿2年，為該廠商提供免受全球競爭之保護措施，惟情況依然。

三、外國政府包括加拿大、墨西哥、韓國及歐盟等，亦就本案提交書面意見：

(一)加拿大：針對他國透過加、墨簡易加工後轉運GOES進口至美國之指控，加拿大提出異議表示，實際上自美一開始對自加拿大進口鋼鐵加徵232國安關稅已降，進口至加拿大之GOES數量已下降；另亦表示，對變壓器薄板或鐵捲心啟動232國家安全調查，無助於改善北美市場依賴GOES進口之情形。

(二)墨西哥：墨國提交書面意見表示，既然美加墨貿易協定已生效，美國應致力於尋找加強貿易之方法，此外，墨國預估，美國自墨國進口之變電器，其中有50%有高比例之含美成分，爰未來倘加徵232關稅，成本將提高4成。

(三)韓國：韓國政府則認為，美國增加232條款之使用次數，惟多數調查產品似與國家安全無關，且商務部調查後可能徵收關稅，將對貿易產生影響，爰要求美國政府

審慎評估該調查，應將重點放在真正國家安全問題，而非使用此類調查作為貿易壁壘。

四、檢送前述報導如附件，併請卓參。

正本：經濟部國際貿易局

副本：經濟部工業局(含附件)

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Business groups, countries warn against tariffs on transformer components

July 9, 2020 at 3:42 PM

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Business groups and other countries are pushing the U.S. to proceed with caution in its Section 232 investigation into imports of key electrical transformer components, contending trade restrictions would be costly, counterproductive and potentially illegal.

Parties [filed comments](#) last week to inform the Commerce Department's probe into the national security implications of imports of "laminations for stacked cores for incorporation into transformers, stacked cores for incorporation into transformers, wound cores for incorporation into transformers, and electrical transformers and transformer regulators," which was [initiated](#) in May under Section 232 of the 1962 Trade Expansion Act.

The U.S. Chamber of Commerce, in a July 1 submission, said the U.S. is incapable of supplying grain-oriented electrical steel to meet the needs of the entire domestic manufacturing base and that access to imports of electrical transformer components supports an efficient and "affordable operation of the U.S. bulk-power system."

"This remains the case despite the application of Section 232 tariffs broadly on imports of steel as well as the extensive application of import duties (often at rates above 100%) in connection with more than 150 antidumping (AD) and countervailing duty (CVD) orders in place on steel imports from dozens of countries, including on GOES," the Chamber stated.

Additionally, materials used in certain transformer manufacturers' production lines, which must meet Energy Department conservation requirements, "are either not available or are not available in sufficient quantities from domestic producers and therefore must be imported," the Chamber said. "The application of tariffs in this instance would run counter to the goals of existing federal regulations."

The Chamber also noted the different market segments for transformers in the U.S., saying it was unclear how Commerce would distinguish between them in its investigation. The largest segment includes lower-voltage distribution transformers, followed by medium-voltage transformers and large power transformers.

"These three markets have different characteristics and different global manufacturing footprints and supply chain demands, with smaller transformers more likely to be manufactured close to the end-customer," the Chamber said. "Limiting imports of key inputs for these different industry segments is likely to result in unintended consequences for manufacturers in energy intensive industries that would suffer from higher electricity costs as a result of tariffs on medium-to-large power transformers."

The U.S. should use other methods -- such as AD and CVD investigations -- to address any unfairly traded products rather than employ the "broad-brush" Section 232 approach, the Chamber added: "Those trade remedies can differentiate which segments of the transformer market are legitimately harmed by unfair competition. A broad-brush approach using Section 232 is unlikely to yield the same benefit to our nation."

The National Foreign Trade Council agreed, saying if U.S. trading partners are "engaged in dumping or subsidization of steel or transformer exports to the United States, or in circumvention of the related AD/CVD orders, those imports should be subject to AD or CVD duties after a full investigation."

The use of such remedies, the NFTC continued, would allow Commerce to "differentiate which segments of the transformer market are legitimately harmed by unfair competition and which are not." The NFTC represents more than 200 companies.

"A broad 232 remedy, such as global tariffs covering all Transformers and Transformer Parts, is a blunt instrument to remedy a specific concern and will do more harm than good, both from an economic and national security perspective," its submission states.

The NFTC also echoed the Chamber's supply and demand concerns. "Foreign-produced electrical steel is imported precisely because U.S. electrical steel manufacturing capacity is insufficient to meet domestic demand," it said. "The one GOES producer in the United States cannot meet all of the domestic demand and will not be able to do so for the foreseeable future. This remains the case even after the Section 232 25 percent tariffs on GOES have been in force for two years, giving the one U.S. producer of GOES significant protection from global competition. Loss of access to imports of Transformers and Transformer Parts would cause grave harm to transformer manufacturers who use those imported parts and who would no longer be able to manufacture and supply [Energy Department]-compliant products."

Overall, the NFTC said the Section 232 investigation "may, in fact, create more economic and national security problems than it seeks to solve. Simply putting tariffs on imported transformers will not guarantee that production or supply chains will suddenly shift to the United States."

Meanwhile, Rep. Troy Balderson (R-OH) said while the administration provided relief against imports of grain-oriented electrical steel via Section 232 steel tariffs, "bad actors have been able to circumvent those tariffs and quotas."

"The Section 232 tariffs do not apply to derivative electrical steel articles, including laminations and cores. As a result, Mexico and Canada are being used to help foreign producers of GOES -- including producers from China, Japan, Korea, and Russia -- circumvent the tariffs. The value of these imports through Canada and Mexico are up 105 percent from 2016 to 2019. On top of this, 95 percent of Canadian and Mexican lamination and core exports are now coming into the United States, even though neither Canada nor Mexico has any domestic GOES production," Balderson said in a June 9 [letter](#) to Commerce Secretary Wilbur Ross.

Canada: Circumvention claims 'not based on fact'

But the Canadian government, in a July 2 submission, disputed claims that Mexico and Canada were circumventing the U.S. steel tariffs by "minimally transforming" GOES into parts for electrical transformers for export to the U.S.

"The complaints by [the sole U.S. GOES producer] led others to ask for a Section 232 investigation," Canada asserted. "This allegation of circumvention is not based on fact. Since Section 232 steel tariffs were initially imposed on Canada, Canadian imports of GOES have actually declined."

Additionally, a Section 232 investigation into laminations and cores for electrical transformers "stands to do little to address the issue of limited supply of GOES in North America," Canada contended.

"In addition to sourcing some grain-oriented electrical steel ... from the United States, Canadian producers source materials such as copper wire, copper strip, switches, gauges and radiators predominantly from U.S. suppliers," the submission states. "When some grades of core steel are not available from the sole U.S. producer of GOES in order to make certain types of transformers, there is no other North American source for that raw material."

Canada echoed comments from the NFTC and Chamber of Commerce in asserting that Congress intended "economically injurious imports to be dealt with by other provisions of U.S. law," such as AD or CVD statutes or Section 201 of the Trade Act of 1974.

"There is no legal basis or need to take actions against imports under a tool Congress legislated explicitly to protect 'essential security interests' for mere reasons of economic security rather than true national security interests," the submission states. "Congress' intent is clear that Section 232 is not the appropriate legislative tool to deal with such allegations of mere injurious economic effects."

The U.S. should also be aware of obligations it agreed to in the U.S.-Mexico-Canada Agreement, Canada continued. The government cited Article 5 of a U.S.-Canada [side letter](#) that it said "enshrines the intent of open-access and non-discriminatory treatment of electricity transmission services between our two countries."

Mexico, in its submission, said the U.S. should be focused on finding ways to strengthen bilateral trade now that USMCA has entered into force. "It is estimated that 50% of the transformers that the United States imports from Mexico have high content from the United States," Mexico stated. "Therefore, 232 duties will increase costs, which would adversely affect the electrical network of the United States and the two other USMCA partners."

Korea and the European Union, in separate submissions, took aim at the Trump administration's affinity for using the Section 232 statute, contending its increased use has been weakening the U.S. cases.

"The United States' increased use of Section 232 proceedings raises questions over the intended purpose of these measures, as these products do not appear to be directly related to national security issues," the Korean government wrote. "Furthermore, the result of the Department's investigations may have a broad-reaching impact on trade through the imposition of duties. Accordingly, Korean government requests that the Department carefully assess and focus its investigation on genuine national security concerns and refrain from using such investigations as a means to impose trade barriers based on commercial considerations."

The EU, in a June 10 submission, noted that the transformer probe was the sixth such investigation initiated by President Trump "of a total of eight within the span of three years."

"The proliferation of such actions under the guise of national security to protect certain industrial sectors against foreign competition is highly concerning to the European Union," the submission stated. The bloc also warned of potential retaliation at the World Trade Organization should the U.S. move ahead with trade restrictions.

"The European Union will weigh its options against the potential U.S. actions and expects that the reaction of other WTO Members will be similar," the EU said. -- *Isabelle Icsó* (iics@iwpnews.com)

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