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駐美國代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國109年10月9日

發文字號：經美字第1090000882號

速別：普通件

密等及解密條件或保密期限：

附件：如文 (經美1090000882_Attach1.pdf, 經美1090000882_Attach2.pdf)

主旨：陳報美國國際貿易委員會(ITC)公告，對進口「新鮮、冷藏或冷凍藍莓」(fresh, chilled or frozen blueberries)開啟防衛措施調查事，敬請查照。

說明：

一、ITC本(2020)年10月9日於聯邦公報公告，對旨揭產品開啟防衛措施(貿易法201條款)調查，認定是否因為該產品進口激增，導致美國生產相同或直接競爭產品產業遭受嚴重損害或受有嚴重損害威脅。該調查係美國貿易代表署(USTR)於本年9月29日請求ITC進行調查。

二、ITC已認定本案調查為「異常複雜」，因此將於收到申訴之135日內(明年2月11日前)作出損害認定，並於收到申訴之180日內(明年3月29日前)向總統提交報告(包含建議救濟措施)。另據報導，美國進口藍莓主要來源為加拿大、智利、祕魯及墨西哥。

三、本案調查期程，要點如下(詳如附件)：

(一)欲參加本案調查者，應於本件公告公布於聯邦公報日之21日內向ITC提出申請；欲取得機密商業資訊(CBI)者，

經濟部
貿易局

國際貿易局 109/10/10



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應於本件公告公布於聯邦公報日之21日內提出申請。

- (二)有關產業損害之公聽會將於明年1月12日上午舉行，欲出席者須於本年12月30日前提出申請；倘認定存在產業損害，有關本案救濟措施之公聽會將於明年2月25日上午舉行，欲出席者須於明年2月19日前提出申請。

四、檢送本案公告及相關報導，併請卓參。

正本：經濟部國際貿易局

副本：電子公文交換章
2020/10/10 11:31:26



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ITC deems Section 201 blueberry probe 'extraordinarily complicated'

October 8, 2020 at 4:16 PM

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The U.S. International Trade Commission this week determined a safeguard investigation into blueberry imports was "extraordinarily complicated," allowing for an extension of 15 days.

The ITC on Thursday initiated the investigation into imports of fresh, chilled or frozen blueberries after U.S. Trade Representative [Robert Lighthizer requested it](#) on Sept. 29.

Under Section 201 of the Trade Act of 1974, the ITC generally has 120 days to make its injury finding and must transmit its report to the president, which includes any relief recommendations, within 180 days of the initiation request. In this investigation, the ITC will allow itself an extra 15 days, moving the deadline for a decision to Feb. 11, 2021, according to [an Oct. 6 notice](#). The report to the president will be submitted by March 29.

"The Commission's decision to designate this investigation 'extraordinarily complicated' is based on the complexity of the investigation, including the need to collect data and other information from a large number of firms involved in the domestic production, processing, and/or marketing of blueberries," the notice states.

The blueberry probe is the second safeguard investigation during the Trump administration to be ruled extraordinarily complicated. The first [addressed imports of solar panel products](#).

Center for Strategic and International Studies International Business Chair William Reinsch discussed the probe during an [Oct. 7 podcast](#).

"The biggest blueberry importer is Canada," Reinsch said. "So, we are not making that relationship any better. The fourth-biggest is Mexico, the others I think are Chile and Peru."

The Section 201 probe into blueberries is part of the administration's plan to address the concerns of growers of seasonal and perishable fruits and vegetables. After failing to secure seasonal grower protections in the U.S.-Mexico-Canada Agreement, Lighthizer in January committed to Georgia and Florida lawmakers that [hearings](#), held in August, would inform a plan to address the longstanding issue. The [plan was released last month](#).

"USTR has had hearings and the Floridians and the Georgians came in and said 'We need to relief from these imported Mexican vegetables.' And the administration was trying to respond to that and the first thing they picked was blueberries, even though that's not really a southern thing," Reinsch said. "But it addresses Maine and it allows them to go back to Florida and say 'See, we are taking care of your problems one fruit at a time.'"

Scott Miller, a senior adviser with CSIS, said during the same discussion that "It's part of the great irony of trade politics is that when it comes to the consumer, seasonality and seasonal differences is why you want trade because you want blueberries all year round. And yet the producers tend to see that as a problem of trade. So the politics tends to be ... the intensity is usually on the side of the producers, not the consumers."

[Related News | ITC |](#)

169806

LEGAL STATUS

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LEGAL STATUS

Fresh, Chilled, or Frozen Blueberries; Institution of Investigation, Scheduling of Public Hearings, and Determination That the Investigation Is Extraordinarily Complicated

A Notice by the International Trade Commission on 10/09/2020

DOCUMENT DETAILS

Printed version:

PDF (<https://www.govinfo.gov/content/pkg/FR-2020-10-09/pdf/2020-22423.pdf>)

Publication Date:

10/09/2020 ([/documents/2020/10/09](#))

Agency:

International Trade Commission (<https://www.federalregister.gov/agencies/international-trade-commission>)

Dates:

September 29, 2020.

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64162-64164 (3 pages)

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Investigation No. TA-201-77

Document Number:

2020-22423

DOCUMENT DETAILS

DOCUMENT STATISTICS

Page views:

14
as of 10/09/2020 at 2:15 pm EDT

PUBLISHED DOCUMENT

AGENCY:

United States International Trade Commission.

ACTION:

Notice of institution of investigation and scheduling of public hearings; determination that the investigation is extraordinarily complicated.

SUMMARY:

Following receipt of a request from the United States Trade Representative ("USTR") on September 29, 2020, the Commission has instituted Investigation No. TA-201-77 pursuant to section 202 of the Trade Act of 1974 ("the Act") to determine whether fresh, chilled, or frozen blueberries are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. The Commission has determined that this investigation is "extraordinarily complicated" within the meaning of section 202(b)(2)(B) of the Act, and will make its injury determination within 135 days after the petition was filed, or by February 11, 2021. The Commission will submit to the President the report required under section 202(f)(1) of the Act within 180 days after the date on which the petition was filed, or by March 29, 2021.

DATES:

September 29, 2020.

FOR FURTHER INFORMATION CONTACT:

Jordan Harriman (202-205-2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

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SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 202 of the Act (19 U.S.C. 2252 (<https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html>)), in response to a request filed on September 29, 2020, by the USTR.

The imported articles covered by this investigation are fresh, chilled, or frozen blueberries ("blueberries"). For Customs purposes, the blueberries covered by the investigation are provided for under Harmonized Tariff Schedule of the United States ("HTSUS") statistical reporting numbers 0810.40.0024; 0810.40.0026; 0810.40.0029; 0811.90.2010; 0811.90.2024; and 0811.90.2030. These HTSUS numbers are provided for convenience, and the written description of the scope is dispositive.

Determination that investigation is extraordinarily complicated.—The Commission has determined that this investigation is "extraordinarily complicated" within the meaning of section 202(b)(2)(B) of the Act (19 U.S.C. 2252 (<https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html>))). The Commission's decision to designate this investigation "extraordinarily complicated" is based

on the complexity of the investigation, including the need to collect data and other information from a large number of firms involved in the domestic production, processing, and/or marketing of blueberries. Ordinarily, the Commission is required to make its injury determination within 120 days after the petition was filed, or by January 27, 2021. The statute permits the Commission to take up to 30 additional days to make its injury determination in an investigation where it determines that the investigation is extraordinarily complicated. In this instance, the Commission intends to take fifteen extra days and make its injury determination by February 11, 2021. As required by section 202(f)(1) of the Act (19 U.S.C. 2252 ([\(https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html\)](https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html))(f)(1)), the Commission will submit its report to the President no later than 180 days after the day on which the USTR requested the investigation.

Participation in the investigation and public service list.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 21 days after publication of this notice in the **Federal Register**. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of confidential business information (CBI).—Pursuant to § 206.17 of the Commission's rules, the Secretary will make CBI gathered in this investigation available to authorized applicants under an administrative protective order (APO) issued in the investigation in accordance with the procedures set forth in section 206.17 of the rules, provided that the application is made not later than 21 days after the publication of this notice in the **Federal Register**. The Secretary will maintain a separate service list for those parties authorized to receive CBI under the APO.

The Commission may also include some or all CBI submitted in this investigation in the report it sends to the President and the U.S. Trade Representative in this or a related investigation. The Commission will not otherwise disclose information which it considers to be CBI unless the party submitting the information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information. See 19 U.S.C. 2252 ([\(https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html\)](https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html))(a)(8) and 19 U.S.C. 1332 ([\(https://www.govinfo.gov/link/uscode/19/1332?type=usc&year=mostrecent&link-type=html\)](https://www.govinfo.gov/link/uscode/19/1332?type=usc&year=mostrecent&link-type=html)) (g).

Hearings on injury and remedy.—The Commission has scheduled separate hearings in connection with the injury phase and remedy phase (if necessary) of this investigation. It appears at this time that the injury phase hearing and possibly the remedy phase hearing will be held via an online videoconferencing platform. Information about the place and form of the hearings, including about how to participate in and/or view the hearings, will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html> (<https://www.usitc.gov/calendarpad/calendar.html>). Interested parties should check the Commission's website periodically for updates.

The hearing on injury will be held beginning at 9:30 a.m. EST on January 12, 2021, either via an online videoconferencing platform or at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. In the event the Commission makes an affirmative injury determination or is equally divided on the question of injury in this investigation, a hearing on the question of remedy will be held beginning at 9:30 a.m. on February 25, 2021. Requests to appear at the hearings should be filed electronically with the Secretary to the Commission on or before December 30, 2020 for the injury hearing, and on or before February 19, 2021 for the remedy hearing. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearings.

All parties and nonparties desiring to appear at the hearings and make oral presentations should participate in prehearing conferences to be held on January 11, 2021 for the injury hearing and February 24, 2021 for the remedy hearing, if deemed necessary. Oral testimony and written materials to be submitted at the public hearings are governed by sections 201.6(b)(2) 201.13(f), and 206.5 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the respective hearings.

Written submissions.—Each party which is an interested party may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of sections 201.8, 206.7, and 206.8 of the Commission's rules. Please note that section 201.8 of the Commission's rules has been temporarily amended by 85 FR 15798 (/citation/85-FR-15798) (March 19, 2020). Under that rule waiver, the Office of the Secretary will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov> (<https://edis.usitc.gov>)). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

The deadline for filing prehearing briefs on injury is December 29, 2020; that for filing prehearing briefs on remedy, including any commitments pursuant to 19 U.S.C. 2252 (<https://www.govinfo.gov/link/uscode/19/2252?type=usc&year=mostrecent&link-type=html>)(a)(6)(B), is February 18, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in sections 201.13, 206.5, and 206.8 of the Commission's rules, and posthearing briefs, which must conform with the provisions of sections 201.8, 201.13, 206.7, and 206.8 of Commission's rules. Persons appearing at the injury and/or remedy phase hearings must file, with the Secretary, an electronic copy of the oral statement they plan to present at the hearing no later than noon, January 11, 2021, and February 24, 2021, respectively. The deadline for filing posthearing briefs for the injury phase of the investigation is January 19, 2021. The deadline for filing posthearing briefs for the remedy phase of the investigation, if any, is March 3, 2021.

No posthearing brief, either in the injury phase or any remedy phase, shall exceed fifteen (15) pages of textual material, double-spaced and single-sided, when printed out on pages measuring 8.5 x 11 inches. In addition, the presiding official may permit persons to file answers to questions or requests made by the Commission at the hearing for the injury phase, and at any hearing for the remedy phase, within a specified time. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of injury on or before January 19, 2021, and pertinent to the consideration of remedy on or before March 3, 2021.

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Except as provided above, all written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of sections 201.6 and 206.17 of the Commission's rules. The Commission's *Handbook on E-Filing*, available on the Commission's website at <https://edis.usitc.gov> (<https://edis.usitc.gov>), further explains the Commission's rules with respect to electronic filing.

Any additional written submission to the Commission, including requests pursuant to section 201.12 of the Commission's rules, will not be accepted unless good cause is shown for accepting such a submission, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201 (/select-citation/2020/10/09/19-CFR-201)), and part 206, subparts A and B (19 CFR part 206 (/select-

Authority: This investigation is being conducted under authority of Section 202 of the Act; this notice is published pursuant to section 203(b)(3) of the Act.

By order of the Commission.

Issued: October 6, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020-22423 (/a/2020-22423) Filed 10-8-20; 8:45 am]

BILLING CODE 7020-02-P

PUBLISHED DOCUMENT

檔		保存年限
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中華民國常駐世界貿易組織代表團 函

受文者：經濟部國際貿易局

發文日期：中華民國109年10月9日
發文字號：世貿字第10943408200號
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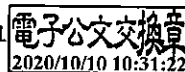
主旨：有關美國針對進口「新鮮、冷藏及冷凍藍莓 (Fresh, Chilled, or Frozen Blueberries)」啟動防衛措施調查事，請查照。

說明：

- 一、依據WTO秘書處2020年10月8日第G/SG/N/6/USA/ 13號文件辦理(如附件)。
- 二、美國依據WTO防衛協定第12.1(a)條進行本案通知，略以該國調查機關已於本年10月6日就旨揭產品啟動防衛措施調查，本案利害關係人應於公告後21日內向該國調查機關登記，後續相關調查程序併請參考通知文件。
- 三、以上，謹請卓參。

正本：經濟部國際貿易局

副本：外交部、駐美國代表處經濟組



國際貿易局 109/10/10



1097032132



8 October 2020

(20-6901)

Page: 1/3

Committee on Safeguards

Original: English

**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT ON
SAFEGUARDS ON INITIATION OF AN INVESTIGATION AND
THE REASONS FOR IT**

UNITED STATES

Fresh, Chilled, or Frozen Blueberries

The following communication, dated 7 October 2020, is being circulated at the request of the delegation of the United States.

Pursuant to Article 12.1(a) of the WTO Agreement on Safeguards (Safeguards Agreement), the United States notifies that a safeguard investigation has been initiated as follows:

1 SPECIFY THE DATE WHEN THE INVESTIGATION WAS INITIATED

The U.S. International Trade Commission (Commission) initiated the investigation on 6 October 2020, with the initiation effective for purposes of U.S. law on 29 September 2020.

A copy of the notice of institution of the investigation, which includes the scheduling of public hearings and the applicable rules of procedure, is attached.

The Commission will make its serious injury determination on or before 11 February 2021. If affirmative, the Commission will submit to the President its report on or before 29 March 2021.

2 SPECIFY THE PRODUCT SUBJECT TO THE INVESTIGATION

The products covered by this investigation are fresh, chilled, or frozen blueberries ("blueberries"). For Customs purposes, the blueberries covered by the investigation are provided for under Harmonized Tariff Schedule of the United States ("HTSUS") statistical reporting numbers 0810.40.0024, 0810.40.0026, 0810.40.0029, 0811.90.2010, 0811.90.2024, and 0811.90.2030. These HTSUS numbers are provided for convenience, and the written description of the scope is dispositive.

3 PROVIDE THE REASONS FOR THE INITIATION OF THE INVESTIGATION

- (i) Was the investigation initiated pursuant to a petition from the domestic industry?

The investigation was initiated pursuant to a request filed on 29 September 2020, by the United States Trade Representative ("USTR").

- (ii) Evidence on the basis of which the investigation was initiated.

The investigation was initiated in response to a request by the USTR.

The request noted that U.S. import statistics indicate that blueberry imports have greatly increased in recent years and are sourced in major quantities from multiple countries.

The request noted that USTR and the Departments of Agriculture ("USDA") and Commerce ("Commerce") had conducted a series of hearings conducted by USTR, USDA, and Commerce on trade distorting practices that might be contributing to unfair pricing in the United States. The agencies received more than 300 written submissions, and more than 60 witnesses testified at two days of hearings. A transcript of the hearings and copies of written submissions are available at www.regulations.gov under Docket ID: USTR-2020-0010.

- (iii) Evidence, if any, of critical circumstances where delay would cause damage which it would be difficult to repair.

The request did not allege critical circumstances.

4 PROVIDE A POINT OF CONTACT FOR THE INVESTIGATION AND IDENTIFY THE PREFERRED MEANS FOR CORRESPONDING

The point of contact for the investigation is:

Jordan Harriman
Office of Investigations
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436
Tel: (202-205-2610)

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

5 PROVIDE THE DEADLINES AND PROCEDURES FOR IMPORTERS, EXPORTERS AND OTHER INTERESTED PARTIES TO PRESENT EVIDENCE AND THEIR VIEWS, INCLUDING (I) DEADLINES AND PROCEDURES FOR MEMBERS AND EXPORTERS TO IDENTIFY THEMSELVES AS INTERESTED PARTIES, IF SO REQUIRED, TO PARTICIPATE IN THE INVESTIGATION, AND (II) THE DATE OF AN INTENDED PUBLIC HEARING AS PROVIDED FOR IN ARTICLE 3.1

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission not later than 21 days after publication of the notice of institution in the Federal Register. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

The Secretary will make confidential business information gathered in this investigation available to authorized applicants representing interested parties under the administrative protective order issued in the investigation, provided that the application is made not later than 21 days after the publication of the notice of institution in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive confidential business information under the administrative protective order.

Each party who is an interested party may submit a prehearing brief to the Commission. The deadline for filing prehearing briefs on serious injury is 29 December 2020; that for filing prehearing briefs on remedy is 18 February 2021.

The Commission has scheduled separate hearings in connection with the serious injury and remedy phases of this investigation. The hearing on serious injury will be held on 12 January 2021, at the U.S. International Trade Commission Building, 500 E Street, SW, Washington, DC.

In the event that the Commission makes an affirmative serious injury determination or is equally divided on the question of serious injury in this investigation, a hearing on the question of remedy will be held on 25 February 2021.

Requests to appear at the hearings should be filed in writing with the Secretary to the Commission on or before 30 December 2020 for the serious injury hearing, and 19 February 2021 for the remedy hearing.

All parties and nonparties desiring to appear at the hearings and make oral presentations should participate in prehearing conferences to be held on 11 January 2021 for the serious injury hearing and 24 February 2021 for the remedy hearing, if deemed necessary.

Parties may file written testimony in connection with their presentation at the hearing. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearings. Parties must submit any request to present a portion of their hearing testimony in camera no later than seven business days prior to the date of the respective hearings.

The deadline for filing posthearing briefs for the serious injury phase of the investigation is 19 January 2021; the deadline for filing posthearing briefs for the remedy phase of the investigation, if any, is 3 March 2021.

In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of serious injury on or before 19 January 2021, and pertinent to the consideration of remedy on or before 3 March 2021.

The attached notice of institution provides further information regarding deadlines and procedures applicable to this investigation.

The Commission's Handbook on E-Filing, available on the Commission's website at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.
