

HTSUS subheading	Product description
6403.99.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, for women/child./infants, val. over \$2.50/pair.
6404.19.39	Footwear w/outer sole rub./plast. & upp. textile, nesoi, w/open toes/heels or slip-on, >10% by wt. rub./plast. not subj note 5 ch 64.
6404.20.40	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. o/\$2.50/pr.
6404.20.60	Footwear w/outer soles of leather/comp. leather & uppers of textile, nesoi.
6405.90.90	Footwear, nesoi, w/outer soles and uppers o/than leather or comp. leather, not disposable.
6504.00.60	Hats and headgear, plaited or assembled from strips of veg. fibers or unspun fibrous veg. materials and/or paper yarn, not sewed.
6505.00.04	Hats and headgear of fur felt made from hat forms and hat bodies of 6501.
6505.00.08	Hats and headgear made from hat forms and hat bodies of 6501, except of fur felt.
6505.00.15	Hats and headgear, of cotton and/or flax, knitted.
6505.00.30	Hats and headgear, of wool, knitted or crocheted or made up from knitted or crocheted fabric.
6505.00.60	Hats and headgear, of man-made fibers, knitted or crocheted or made up from knitted or crocheted fabrics, not in part of braid.
7013.99.50	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, valued over \$0.30 but n/over \$3 each.
7013.99.80	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over \$3 but n/over \$5 each.
7013.99.90	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over \$5 each.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2021-0002]

Proposed Action in Section 301 Investigation of Austria's Digital Services Tax

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The Office of the United States Trade Representative (USTR) requests written comments regarding a potential trade action in connection with the Section 301 investigation of Austria's Digital Services Tax (DST). USTR also will convene virtual public hearings and accept rebuttal comments in relation to the potential action.

DATES:

April 21, 2021: To be assured of consideration, submit requests to appear at a hearing, along with a summary of the testimony, by this date.

April 30, 2021: To be assured of consideration, submit written comments by this date.

May 3, 2021: Multi-jurisdictional virtual hearing on proposed actions.

May 10, 2021: To be assured of consideration, submit multi-jurisdictional hearing rebuttal comments by this date.

May 11, 2021 at 9:30 a.m.: Virtual hearing on Austria DST proposed action.

May 18, 2021: To be assured of consideration, submit Austria DST hearing rebuttal comments by this date.

ADDRESSES: Submit documents in response to this notice, including written comments and hearing appearance requests, through the online USTR portal: <https://comments.ustr.gov/s/>.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Ben Allen or Patrick Childress, Assistant General Counsels at (202) 395-9439 and (202) 395-9531, respectively; Robert Tanner, Director, Services and Investment at (202) 395-6125; or Michael Rogers, Director, Europe and the Middle East at (202) 395-2684. For issues with on-line submissions, please contact the USTR Section 301 line at (202) 395-5725.

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

Austria has adopted a DST that imposes a 5% tax on gross revenues from digital advertising services provided in Austria. The DST applies only to companies with annual global revenues of €750 million or more, and annual revenues from digital advertising services in Austria of €25 million or more.

On June 2, 2020, the U.S. Trade Representative initiated an investigation of Austria's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia*, the following aspects of Austria's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to tax policy, USTR solicited comments on, *inter alia*, whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not

income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on www.regulations.gov in docket number USTR-2020-0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of Austria regarding the issues involved in the investigation. Consultations were held on December 21, 2020.

Based on information obtained during the investigation, USTR prepared a comprehensive report on Austria's DST (Austria DST Report). The Austria DST Report is posted on the USTR website at <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes>. The report includes a full description of Austria's DST, and supports findings that Austria's DST is unreasonable and discriminatory and burdens or restricts U.S. commerce.

On January 14, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Austria's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (19 U.S.C. 2411(b) and 2414(a)). *See* 86 FR 6406 (January 21, 2021).

II. Proposed Action

Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, 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(b), to obtain the elimination of that act, policy, or practice.

Section 301(c)(1)(B) of the Trade Act authorizes the U.S. Trade Representative to impose duties on the goods of the foreign country subject to the investigation. Pursuant to sections 301(b) and (c), USTR proposes that the U.S. Trade Representative should determine that action is appropriate and that appropriate action would include the imposition of additional *ad valorem* tariffs on certain products of Austria.

In particular, USTR proposes to impose additional tariffs of up to 25 percent *ad valorem* on an aggregate level of trade that would collect duties on goods of Austria in the range of the amount of the DST that Austria is expected to collect from U.S. companies. Initial estimates indicate that the value of the DST payable by U.S.-based company groups to Austria will be up to approximately \$45 million per year.

USTR further proposes that the goods of Austria subject to additional tariffs would be drawn from the preliminary list of products in the Annex to this notice, as specified by the listed eight-digit tariff subheadings.

III. Request for Public Comments

In accordance with section 304(b) of the Trade Act (19 U.S.C. 2414(b)), USTR invites comments from interested persons with respect to whether action is appropriate, and if so, the appropriate action to be taken.

USTR requests comments with respect to any issue related to the action to be taken in this investigation. With respect to the proposed tariff action outline above, USTR specifically invites comments regarding:

- The level of the burden or restriction on U.S. commerce resulting from Austria's DST, including the amount of DST payments owed by U.S. companies, the annual growth rate of such payments, and other effects, such as compliance costs.
- The appropriate aggregate level of trade to be covered by additional duties.
- The level of the increase, if any, in the rate of duty.
- The specific products to be subject to increased duties, including whether the tariff subheadings listed in the Annex should be retained or removed,

or whether tariff subheadings not currently on the list should be added.

In commenting on the inclusion or removal of particular products on the preliminary list of products subject to the proposed additional duties, USTR requests that commenters specifically address whether imposing increased duties on a particular product would be practicable or effective to obtain the elimination of Austria's acts, policies, and practices, and whether imposing additional duties on a particular product would cause disproportionate economic harm to U.S. interests, including small- or medium-size businesses and consumers.

Simultaneously with this notice, USTR also is requesting public comments on proposed trade actions in five other DST investigations initiated at the same time as the Austria DST investigation. Certain interested persons may wish to provide written comments or oral testimony on multi-jurisdictional issues common to two or more investigations. To avoid duplication, the USTR portal will have a separate docket for multi-jurisdictional submissions, and USTR will hold a separate multi-jurisdictional hearing.

To be assured of consideration, you must submit written comments on the proposed action by April 30, 2021, and post-hearing rebuttal comments by May 10, 2021 for the multi-jurisdictional hearing, and by May 18, 2021 for the Austria DST hearing.

IV. Hearing Participation

The Section 301 Committee will convene a virtual public hearing for comments pertaining to the Austria DST proposed action on May 11, 2021, beginning at 9:30 a.m. Those requesting to appear at this hearing should have comments applicable only to the Austria DST proposed action.

The Section 301 Committee will convene a virtual public hearing for comments pertaining to multiple jurisdictions on May 3, 2021, beginning at 9:30 a.m. Those requesting to appear at the multi-jurisdictional hearing should have comments that are applicable to two or more DST investigations.

For either hearing, you must submit a request to appear at the specific hearing using the electronic portal at <https://comments.ustr.gov/s/>. You will be able to view a docket entitled 'Request to Appear at Hearing on Proposed Action in Section 301 Investigation of Austria's Digital Services Tax.' Requests to appear must include a summary of testimony, and may be accompanied by a pre-hearing submission. Remarks at the hearing are limited to five minutes to

allow for possible questions from the Section 301 Committee. All submissions must be in English. To be assured of consideration, USTR must receive your request to appear by April 21, 2021.

V. Procedures for Written Submissions

You must submit written comments, rebuttal comments, and requests to appear at the hearing using the electronic portal at <https://comments.ustr.gov/s>. You will be able to view a docket entitled 'Comments Concerning Proposed Action in Section 301 Investigation of Austria's Digital Services Tax' on the portal, docket number USTR-2021-0002.

You do not need to establish an account to submit comments. Fields with a gray (BCI) notation are for Business Confidential Information and the information entered will not be publicly available. Required fields are marked 'Required' and will have a red asterisk (*). Fields with a green (Public) notation will be viewable by the public.

The first screen of the portal requires you to enter identification and contact information. Third party organizations such as law firms, trade associations, or customs brokers, should identify the full legal name of the organization they represent, and identify the primary point of contact for the submission. The remaining fields of the form are optional.

After entering the identification and contact information, you can complete the remainder of the questionnaire, or any portion of it by clicking 'Next.' You can comment on multiple products in a single entry, or submit multiple comments. You will be able to navigate through each screen of the form by clicking 'Next,' with or without entering a response to each field on an individual screen or page. Additionally, you will be able to upload documents at the end of the form and designate whether USTR should treat the documents as business confidential or public information.

For uploads containing BCI, the file name of the business confidential version should begin with the characters 'BCI'. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is BCI. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Parties uploading attachments containing BCI also must

submit a public version of their comments. The file name of the public version, which must be uploaded on <https://comments.ustr.gov/s/>, should begin with the character 'P'. The 'BCI' and 'P' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact the USTR Section Hotline 301 line at (202) 395-5725 to discuss whether alternative arrangements are possible. USTR will

post attachments uploaded to the docket for public inspection, except for attachments marked as business confidential.

You can view all public submissions on the USTR portal at <https://comments.ustr.gov/s>.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex

Note: All products that are classified in the eight-digit subheadings of the Harmonized

Tariff Schedule of the United States (HTSUS) that are listed in this Annex are covered by the proposed action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTSUS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

HTSUS subheading	Product description
4107.99.70	Bovine (not buffalo) and equine leather, not whole, nesoi, without hair on, not fancy, prepared after tanning or crusting, not heading 4114.
4203.40.60	Clothing accessories of leather or of composition leather, nesoi.
4205.00.80	Articles of leather or of composition leather, nesoi, excluding reptile leather.
5209.12.00	Unbleached 3- or 4-thread twill fabrics of cotton, including cross twill, 85 percent or more cotton by weight, weighing more than 200 g/m ² .
5402.49.91	Other yarns, monofil; multifil, untwisted or twisted > or = to 5, not exceeding 50 turns per meter of other synthetic, not for retail sale.
5404.19.10	Racket strings of synthetic monofilament of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm.
5404.19.80	Synthetic monofilament (exc. polypropylene), of 67 decitex or more and with no cross-sectional dimension > 1 mm, nesoi.
5603.94.10	Nonwoven floor covering underlays (not of man-made filaments), weighing >150 g/square m, whether or not impreg, coated, cov or laminated.
5603.94.90	Nonwovens nesoi (not of man-made filaments), weighing >150 g/square m, whether or not impregnated, coated, covered but not laminated.
6903.20.00	Refractory ceramic goods (o/than of siliceous fossil meals or earths), nesoi, cont. by wt. o/50% alumina or mix. or comp. of Al ₂ O ₃ & SiO ₃ .
7013.22.50	Stemware drinking glasses of lead crystal, valued over \$5 each.
7013.28.20	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued o/\$0.30 but n/over \$3 each.
7013.28.50	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued o/\$3 but n/over \$5 each.
7013.28.60	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over \$5 each.
7013.37.20	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, valued o/\$0.30 but n/over \$3 each.
7013.37.60	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over \$5 each.
7013.41.50	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over \$5 each.
7013.49.60	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, n/cut or engraved, valued over \$5 each.
7013.91.50	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over \$5 each.
7019.90.10	Woven glass fiber articles (other than fabrics), nesoi.
7019.90.50	Glass fibers (including glass wool), nesoi, and articles thereof, nesoi.
7105.90.00	Natural or synthetic precious (except diamond) or semiprecious stone dust and powder.
7403.29.01	Copper alloys (o/than copper-zinc, copper-tin alloys), unwrought nesoi.
8305.20.00	Base metal staples in strips (e.g., for offices, upholstery, packaging).
8418.10.00	Combined refrigerator-freezers, fitted with separate external doors, electric or other.
8504.90.65	Printed circuit assemblies of the goods of subheading 8504.40 or 8504.50 for telecommunication apparatus.
8504.90.75	Printed circuit assemblies of electrical transformers, static converters and inductors, nesoi.
8515.80.00	Electric welding apparatus nesoi, and electric machines and apparatus for hot spraying metals or sintered metal carbides.
8526.10.00	Radar apparatus.
9003.11.00	Frames and mountings, of plastics, for spectacles, goggles or the like.
9005.10.00	Binoculars.
9005.80.40	Optical telescopes, including monoculars.
9005.80.60	Monoculars and astronomical instruments other than binoculars and optical telescopes but not including instruments for radio-astronomy.
9010.60.00	Projection screens.
9012.10.00	Microscopes other than optical microscopes; diffraction apparatus.
9015.40.80	Photogrammetrical surveying instruments and appliances, other than electrical.
9015.80.20	Optical surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, nesoi.
9027.50.80	Nonelectrical instruments and apparatus using optical radiations (ultraviolet, visible, infrared), nesoi.
9030.40.00	Instruments and apparatus specially designed for telecommunications.
9201.20.00	Grand pianos.

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BILLING CODE 3290-F1-P

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE****[Docket Number USTR-2021-0004]****Proposed Action in Section 301
Investigation of Italy's Digital Services
Tax****AGENCY:** Office of the United States
Trade Representative.**ACTION:** Request for comments and
notice of public hearing.**SUMMARY:** The Office of the United
States Trade Representative (USTR)
requests written comments regarding a
potential trade action in connection
with the Section 301 investigation of
Italy's Digital Services Tax (DST). USTR
also will convene virtual public
hearings and accept rebuttal comments
in relation to the potential action.**DATES:***April 21, 2021:* To be assured of
consideration, submit requests to appear
at a hearing, along with a summary of
the testimony, by this date.*April 30, 2021:* To be assured of
consideration, submit written comments
by this date.*May 3, 2021:* Multi-jurisdictional
virtual hearing on proposed actions.*May 5, 2021 at 9:30 a.m.:* Virtual
hearing on Italy DST proposed action.*May 10, 2021:* To be assured of
consideration, submit multi-
jurisdictional hearing rebuttal
comments by this date.*May 12, 2021:* To be assured of
consideration, submit Italy DST hearing
rebuttal comments by this date.**ADDRESSES:** Submit documents in
response to this notice, including
written comments and hearing
appearance requests, through the online
USTR portal: [https://
comments.ustr.gov/s/](https://comments.ustr.gov/s/).**FOR FURTHER INFORMATION CONTACT:** For
questions concerning the investigation,
please contact Ben Allen or Patrick
Childress, Assistant General Counsels at
(202) 395-9439 and (202) 395-9531,
respectively; Robert Tanner, Director,
Services and Investment at (202) 395-
6125; or Michael Rogers, Director,
Europe and the Middle East at (202)
395-2684. For issues with on-line
submissions, please contact the USTR
Section 301 line at (202) 395-5725.**SUPPLEMENTARY INFORMATION:****I. Proceedings in the Investigation**Italy has adopted a DST that applies
to companies that during the previouscalendar year, generated €750 million or
more in worldwide revenues and €5.5
million or more in revenues deriving
from the provision of digital services in
Italy.On June 2, 2020, the U.S. Trade
Representative initiated an investigation
of Italy's DST pursuant to section
302(b)(1)(A) of the Trade Act of 1974, as
amended (Trade Act). See 85 FR 34709
(June 5, 2020) (notice of initiation). The
notice of initiation solicited written
comments on, *inter alia*, the following
aspects of Italy's DST: Discrimination
against U.S. companies; retroactivity;
and possibly unreasonable tax policy.
With respect to tax policy, USTR
solicited comments on, *inter alia*,
whether the DST diverged from
principles reflected in the U.S. and
international tax systems including
extraterritoriality; taxing revenue not
income; and a purpose of penalizing
particular technology companies for
their commercial success. Interested
persons filed over 380 written
submissions in response. The public
submissions are available on
www.regulations.gov in docket number
USTR-2020-0022.Under section 303 of the Trade Act,
the U.S. Trade Representative requested
consultations with the government of
Italy regarding the issues involved in
the investigation. Consultations were
held on November 10, 2020.Based on information obtained during
the investigation, USTR prepared a
comprehensive report on Italy's DST
(Italy DST Report). The Italy DST Report
is posted on the USTR website at
[https://ustr.gov/issue-areas/
enforcement/section-301-investigations/
section-301-digital-services-taxes](https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes). The
report includes a full description of
Italy's DST, and supports findings that
Italy's DST is unreasonable and
discriminatory and burdens or restricts
U.S. commerce.On January 6, 2021, based on the
information obtained during the
investigation and the advice of the
Section 301 Committee, the U.S. Trade
Representative determined that Italy's
DST is unreasonable or discriminatory
and burdens or restricts U.S. commerce,
and therefore is actionable under
sections 301(b) and 304(a) of the Trade
Act (19 U.S.C. 2411(b) and 2414(a)). See
86 FR 2477 (January 12, 2021).**II. Proposed Action**Section 301(b) provides that upon
determining that the acts, policies, and
practices under investigation are
actionable and that action is
appropriate, the U.S. Trade
Representative shall take all appropriate
and feasible action authorized undersection 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(b), to obtain the elimination of that
act, policy, or practice.Section 301(c)(1)(B) of the Trade Act
authorizes the U.S. Trade
Representative to impose duties on the
goods of the foreign country subject to
the investigation. Pursuant to sections
301(b) and (c), USTR proposes that the
U.S. Trade Representative should
determine that action is appropriate and
that appropriate action would include
the imposition of additional *ad valorem*
tariffs on certain products of Italy.In particular, USTR proposes to
impose additional tariffs of up to 25
percent *ad valorem* on an aggregate
level of trade that would collect duties
on goods of Italy in the range of the
amount of DST that Italy is expected to
collect from U.S. companies. Initial
estimates indicate that the value of the
DST payable by U.S.-based company
groups to Italy will be up to
approximately \$140 million per year.USTR further proposes that the goods
of Italy subject to additional tariffs
would be drawn from the preliminary
list of products in the Annex to this
notice, as specified by the listed eight-
digit tariff subheadings.**III. Request for Public Comments**In accordance with section 304(b) of
the Trade Act (19 U.S.C. 2414(b)), USTR
invites comments from interested
persons with respect to whether action
is appropriate, and if so, the appropriate
action to be taken.USTR requests comments with
respect to any issue related to the action
to be taken in this investigation. With
respect to the proposed tariff action
outline above, USTR specifically invites
comments regarding:

- The level of the burden or restriction on U.S. commerce resulting from Italy's DST, including the amount of DST payments owed by U.S. companies, the annual growth rate of such payments, and other effects, such as compliance costs.
- The appropriate aggregate level of trade to be covered by additional duties.
- The level of the increase, if any, in the rate of duty.
- The specific products to be subject to increased duties, including whether the tariff subheadings listed in the Annex should be retained or removed, or whether tariff subheadings not currently on the list should be added.