



PRESERVING - PROTECTING - PROMOTING
DESIGN - ART - ANTIQUES

CINOA¹, the leading international federation of art and antique trade groups representing the largest collective voice in the sector, respectfully submits its comments on the Office of the United States Trade Representative's Section 301 investigation into structural excess capacity and production in manufacturing sectors.

These comments address the implications for the **European Union**, including Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden, as well as the following countries: **China, Singapore, Switzerland, Norway, Indonesia, Malaysia, Cambodia, Thailand, Korea, Vietnam, Taiwan, Bangladesh, Mexico, Japan, and India.**

¹ Discover more about us on our website: www.cinoa.org

CINOA is the principal stakeholder representing the art trade. Our objective is to represent and promote responsible trade in the art market with a focus on cultural conservation and the trade's role in preserving, protecting, and promoting cultural heritage. Our membership consists of 32 groups in 20 countries including 13 EU Member States totaling about 5,000 dealers and auction houses:

The Australian Antique Dealers Association Ltd -**Australia**, Bundesgremium des Uhren, Juwelen-, Kunst, Antiquitäten und Briefmarkenhandels -**Austria**, ROCAD- The Royal Chamber of Art Dealers -**Belgium**, The Canadian Antique Dealers Association -**Canada**, Czech Association of Antique Dealers -**Czech Republic**, Danish Art and Antique Dealers Association -**Denmark**, Christies -**France**, Comité Professionnel des Galeries d'Art -**France**, Syndicat des Négociants en Art -**France**, Drouot -**France**, Syndicat National des Maisons de Ventes Volontaires -**France**, Kunsthändlerverband Deutschland -**Germany**, The Irish Antique Dealers Association -**Ireland**, Associazione Antiquari d'Italia -**Italy**, Association of Fine Art Dealers In the Netherlands -**Netherlands**, TEFAF-The European Foundation of Fine Art -**Netherlands**, The Union of the Norwegian Art and Antique Dealers -**Norway**, Art and Antique Dealers Association of Poland -**Poland**, Associação Portuguesa Antiquários -**Portugal** Federación Española de Anticuarios -**Spain**, Swedish Art Antique Dealers Association -**Sweden**, Kunsthandelsverband der Schweiz/ Association du Commerce d'Art de la Suisse -**Switzerland**, Verband Schweizerischer Antiquare und Kunsthändler **Switzerland**, Verband Schweizer Galerien **Switzerland**, The British Antique Dealers Association -**UK**, LAPADA - The Association of Art and Antiques Dealers -**UK**, Art And Antique Dealers League of America -**USA**, The Authentic Tribal Art Dealers Association -**USA**, The National Antique and Art Dealers Association of America -**USA**, The International Association of Dealers in Ancient Art -**International**, International Association of Professional Numismatists -**International**, The International League of Antiquarian Book Sellers -**International**

Please find below CINOA's responses to the consultation questions.

Please address the acts, policies, and practices of the relevant Member State(s) in creating or maintaining structural excess capacity or production in specific manufacturing sectors.

In the context of HTS Chapter 97 goods, EU Member States cannot reasonably be considered to create or maintain structural excess capacity or overproduction for the following reasons. Antiques, historical artworks, collectors' pieces, and other cultural goods are unique, one-of-a-kind objects, often created decades or centuries ago, and cannot be "manufactured" today. Even more recent artworks are inherently non-fungible, and no Member State can generate surplus identical cultural goods. Consequently, the sale or export of these items does not relate to the manufacturing sectors referenced in the investigation, and the concept of structural excess or overproduction is not applicable to the art market.

For other counties:

In the context of HTS Chapter 97 goods, it cannot reasonably be argued that the country in question creates or maintains structural excess capacity or overproduction. Antiques, historical artworks, collectors' pieces, and other cultural goods are unique, one-of-a-kind objects, often created decades or centuries ago, and cannot be "manufactured" in the present day. Even more recent artworks are inherently non-fungible, and no country can generate a surplus of identical cultural goods. Consequently, the sale or export of these items does not relate to the manufacturing sectors referenced in the investigation, and the concept of structural excess capacity or overproduction is not applicable to the art market.

Please address whether the Member State(s)' acts, policies, and practices are unreasonable or discriminatory.

EU Member States' acts, policies, and practices regarding antiques, artworks, and collectors' pieces are neither unreasonable nor discriminatory. These goods are unique, non-fungible, and finite; EU Member States do not create structural excess or overproduction, and their policies are consistent with longstanding international and domestic legal frameworks, including an international agreement to abolish duties on, among other things, works of art, collectors' pieces and antiques, that was signed by the U.S. in 1958 and ratified in 1966.

For other countries:

The acts, policies, and practices of the country in question regarding antiques, artworks, and collectors' pieces are neither unreasonable nor discriminatory. These goods are

unique, non-fungible, and finite; the country does not create structural excess capacity or overproduction, and its policies are consistent with longstanding international and domestic legal frameworks, including an international agreement to abolish duties on, among other things, works of art, collectors' pieces, and antiques, signed by the United States in 1958 and ratified in 1966.

Please address whether the Member State(s)' acts, policies, and practices burden or restrict U.S. commerce, and if so, the nature and level of the burden or restriction.

EU Member States' acts, policies, and practices do not burden or restrict U.S. commerce in antiques, artworks, or collectors' pieces. These goods are unique, non-fungible, and finite; EU Member States do not impose restrictions on or artificially boost their creation or trade, and international and domestic frameworks ensure lawful circulation without creating barriers to U.S. buyers.

For other countries:

The acts, policies, and practices of the country in question do not burden or restrict U.S. commerce in antiques, artworks, or collectors' pieces. These goods are unique, non-fungible, and finite; the country does not impose restrictions on or artificially promote their creation or trade, and applicable international and domestic frameworks ensure their lawful circulation without creating barriers to U.S. buyers.

Please address whether the Member State(s)' acts, policies, and practices are actionable under section 301(b) of the Trade Act, and what action, if any, should be taken, including tariff and non-tariff actions.

CINOA respectfully urges the Section 301 Committee to **exclude** all cultural goods classified under HTS Chapter 97 from any tariff measures because they are fundamentally different from industrial products. They do not belong to domestic manufacturing or supply chains that tariffs could protect. Tariffs on these goods would not address any actionable trade practices.

HTS Chapter 97 includes:

- 9701: Paintings, drawings, and pastels (including works over 100 years old)
- 9702: Original engravings, prints, and lithographs
- 9703: Original sculptures and statuary
- 9704: Postage or revenue stamps, stamp-postmarks, first-day covers, postal stationery, and the like
- 9705: Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic, or numismatic

interest

- 9706: Antiques over 100 years old

Legal and Policy Consistency

The United States has long supported the **free circulation of cultural goods**:

- The Tariff Act of 1930 (duty-free treatment for antiques, HTS 9706)
- The UNESCO Florence Agreement (1950) and Protocol (1976)
- The Educational, Scientific, and Cultural Materials Importation Act of 1966 (19 U.S.C. §§ 1202)

These instruments reflect Congressional intent that artworks, antiques, and collectors' items circulate freely, outside trade restrictions designed for industrial commodities.

Structural Features and Policy Rationale for Chapter 97 Goods

Cultural goods are inherently distinctive and non-reproducible:

- **Finite and irreplaceable:** Antiques, historical works, manuscripts, and rare books cannot be recreated domestically. They are unique cultural and historical assets, not part of the manufacturing sector, and not subject to overproduction. Their numbers can only decline through loss, breakage, or destruction.
- **Uniqueness and non-industrial artistic production:** Paintings, sculptures, prints, and manuscripts derive value from authorship, provenance, and cultural significance.
- **Global circulation:** Many items have traveled internationally for decades or centuries. Structural excess capacity is not an issue, and country of origin is no longer associated with economic advantage.

Because these goods are one-of-a-kind and outside industrial supply chains, Section 301 tariffs would not advance U.S. trade policy:

- **No connection to manufacturing:** The vast majority of these works are not produced domestically, and many were created historically, making them impossible to substitute through U.S. production.
- **No market distortion:** There is no overcapacity, subsidization, or unfair trade practice to correct.
- **No substitution effect:** Demand cannot shift to domestic alternatives, since a historian, collector or curator interested in a particular culture or epoch can only look to items that reflect that culture or epoch.

Tariffs would impose costs on U.S. galleries, dealers, museums, collectors, and micro businesses without achieving trade objectives.

Disproportionate Impact on U.S. Stakeholders

Tariffs would primarily affect U.S. actors who sustain the cultural economy:

- Micro and small-sized art and antiques businesses
- Galleries, dealers, and auction houses
- Museums, curators, and scholars
- Private collectors and the broader cultural sector

According to the *Art Basel & UBS Art Market Report 2026*, the U.S. art market is the largest in the world, representing 44 percent of global market value. The term “art market” encompasses all Chapter 97 goods: works of art, collectors’ items, and antiques. Imposing tariffs would discourage international consignments, reduce market activity, and shift trade and domestic activity abroad, undermining U.S. leadership in the global art, antiques, antiquarian, and numismatic markets. Such measures create strong disincentives for foreign collectors to consign works to American galleries and auction houses—whether for resale in the U.S. or back to collectors in Europe and Asia—while generating no tangible trade policy benefit and limiting opportunities for U.S.-based businesses to create added value and wealth.

Conclusion and Recommendations

HTS Chapter 97 goods fall outside Section 301 concerns and should **not** be subject to tariffs. CINOA urges the Section 301 Committee to:

- Confirm EU Member States’ measures are not actionable under Section 301(b)
- Uphold U.S. commitments to duty-free treatment of cultural goods
- Exclude all HTS Chapter 97 goods from any Section 301 tariff action

Because these goods are not part of domestic production or supply chains, and their trade is not linked to unfair or subsidized industrial activity, tariffs on Chapter 97 goods would not achieve Section 301 objectives. Maintaining duty-free treatment protects the U.S. cultural sector, supports small businesses and collectors, and upholds America’s global leadership in the free circulation of cultural goods.

Please address whether there are additional considerations for assessing the acts, policies, and practices that contribute to structural excess capacity or production in the Member State(s)' manufacturing sectors.

As explained elsewhere in this response, the very nature of the types of items covered by Chapter 97 means that there can, by definition, be no excess structural capacity or production of them in EU Member States.

For other countries:

As explained elsewhere in this response, the very nature of the items covered by Chapter 97 means that, by definition, there can be no excess structural capacity or production in the country under consideration.

Sincerely,

The CINOA Secretariat