

*What Every Member of the  
Trade Community Should Know About:*  
**Locks of Base Metal**



AN INFORMED COMPLIANCE PUBLICATION

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**U.S. CUSTOMS and BORDER PROTECTION**

**NOTICE:**

This publication is intended to provide guidance and information to the trade community. It reflects the position on or interpretation of the applicable laws or regulations by U.S. Customs and Border Protection (CBP) as of the date of publication, which is shown on the front cover. It does not in any way replace or supersede those laws or regulations. Only the latest official version of the laws or regulations is authoritative.

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## PREFACE

On December 8, 1993, Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), also known as the Customs Modernization or “Mod” Act, became effective. These provisions amended many sections of the Tariff Act of 1930 and related laws.

Two new concepts that emerge from the Mod Act are “informed compliance” and “shared responsibility,” which are premised on the idea that in order to maximize voluntary compliance with laws and regulations of U.S. Customs and Border Protection, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the Mod Act imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's rights and responsibilities under customs regulations and related laws. In addition, both the trade and U.S. Customs and Border Protection share responsibility for carrying out these requirements. For example, under Section 484 of the Tariff Act, as amended (19 U.S.C. 1484), the importer of record is responsible for using reasonable care to enter, classify and determine the value of imported merchandise and to provide any other information necessary to enable U.S. Customs and Border Protection to properly assess duties, collect accurate statistics, and determine whether other applicable legal requirements, if any, have been met. CBP is then responsible for fixing the final classification and value of the merchandise. An importer of record's failure to exercise reasonable care could delay release of the merchandise and, in some cases, could result in the imposition of penalties.

Regulations and Rulings (RR) of the Office of International Trade has been given a major role in meeting the informed compliance responsibilities of U.S. Customs and Border Protection. In order to provide information to the public, CBP has issued a series of informed compliance publications on new or revised requirements, regulations or procedures, and a variety of classification and valuation issues.

This publication, prepared by the National Commodity Specialist Division of Regulations and Rulings is entitled "Locks of Base Metal". It provides guidance regarding the classification of these items. We sincerely hope that this material, together with seminars and increased access to rulings of U.S. Customs and Border Protection, will help the trade community to improve voluntary compliance with customs laws and to understand the relevant administrative processes.

The material in this publication is provided for general information purposes only. Because many complicated factors can be involved in customs issues, an importer may wish to obtain a ruling under Regulations of U.S. Customs and Border Protection, 19 C.F.R. Part 177, or to obtain advice from an expert who specializes in customs matters, for example, a licensed customs broker, attorney or consultant.

Comments and suggestions are welcomed and should be addressed to U.S. Customs and Border Protection, Office of International Trade, Executive Director, Regulations and Rulings, 799 9<sup>th</sup> Street N.W. 7<sup>th</sup> floor, Washington, D.C. 20229-1177.

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<b>LOCKS OF BASE METAL .....</b>	<b>7</b>
INTRODUCTION.....	7
<b>FUNDAMENTALS OF CLASSIFICATION REGARDING HEADING 8301.7</b>	
GENERAL RULES OF INTERPRETATION (GRI) .....	7
EXPLANATORY NOTES (EN) .....	8
PARTS OF GENERAL USE.....	9
ADDITIONAL U.S. RULES OF INTERPRETATION.....	10
<b>DEFINITION OF A BASE METAL.....</b>	<b>10</b>
<b>THE SUBHEADINGS .....</b>	<b>11</b>
PADLOCKS.....	11
LOCKS OF A KIND USED ON MOTOR VEHICLES .....	15
LOCKS OF A KIND USED FOR FURNITURE .....	16
OTHER LOCKS.....	17
Clasps and frames with clasps, INCORPORATING LOCKS.....	19
Parts.....	19
Keys presented separately.....	21
<b>COMPOSITE GOODS .....</b>	<b>21</b>
<b>ADDITIONAL INFORMATION.....</b>	<b>24</b>
The Internet.....	24
Customs Regulations .....	24
Customs Bulletin .....	24
Importing into the United States .....	25
Informed Compliance Publications .....	25
Value Publications.....	26
“Your Comments are Important” .....	27

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## **LOCKS OF BASE METAL**

### **INTRODUCTION**

A lock is a mechanical fastening device that functions to restrict access to an enclosed area or to secure a possession. Since the beginning of history, people have endeavored to secure their belongings. In ancient times, however, only the wealthy owned possessions valuable enough to secure. Evidence of the earliest known lock was found in the ruins of the ancient Egyptian city of Nineveh. It was made of wood and is considered the forerunner of the modern pin tumbler lock.

This Informed Compliance Publication seeks to clarify the tariff classification of base metal locks, parts thereof and keys. It also identifies the country of origin marking requirements applicable to keys.

Locks of base metal are classified in Section XV, Harmonized Tariff Schedule of the United States (HTSUS), Chapter 83, Heading 8301, which reads as follows:

**PADLOCKS AND LOCKS (KEY, COMBINATION OR ELECTRICALLY OPERATED), OF BASE METAL; CLASPS AND FRAMES WITH CLASPS, INCORPORATING LOCKS, OF BASE METAL; KEYS AND PARTS OF ANY OF THE FOREGOING ARTICLES, OF BASE METAL:**

Heading 8301 covers base metal fastening devices including locks operated by key, combination, or electronically. Electronically operated locks may be operated by radio wave signal, insertion of a magnetic card, or by entering combination data on an electronic keypad. Also included are locks that utilize biometric technology to scan and recognize fingerprints, eyes, faces, voices, etc. This heading also covers base metal locking clasps, frames with clasps that incorporate locks, keys of base metal (including blanks), and base metal parts of all the above.

Please note that this publication relies heavily on prior Customs and Border Protection (CBP) rulings to illustrate classification practices and decisions. All rulings quoted in this paper have been extracted, condensed, or summarized. We do not recommend relying on the extract without reading the entire ruling. Additionally, the rulings cited are intended to illustrate CBP's position on various classification issues; they represent only a portion of the rulings published in relation to articles of this heading.

### **FUNDAMENTALS OF CLASSIFICATION REGARDING HEADING 8301**

#### **GENERAL RULES OF INTERPRETATION (GRI)**

Classification of merchandise under the HTSUS is governed by the principles of the General Rules of Interpretation (GRI). The systematic detail of the HTSUS is such that most goods are classified by application of GRI 1, that is, according to the terms of the headings of the tariff schedule and any relative section or chapter notes. "In the event that

the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.” See Headquarters Ruling Letter (HQ) 963610, dated April 8, 2002. When goods cannot be classified on the basis of GRI 1, the remaining GRIs must be applied in sequential order.

## **EXPLANATORY NOTES (EN)**

The Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level and facilitate classification under the HTSUS by offering guidance in understanding the scope of the headings and GRI. (HQ 963610) CBP refers to the EN for direction and guidance when interpreting the headings and subheadings of the HTSUS. Although not legally binding nor dispositive, the EN provide an explanation of the scope of each heading and generally indicate the appropriate interpretation of these headings. It is CBP’s practice to follow, whenever possible, the terms of the EN when interpreting the HTSUS. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 12, 1989). [HQ 964945, *et al.*]

The EN for heading 8301 list the items covered in this heading as follows:

- (A) Padlocks of all types for doors, trunks, chests, bags, cycles, etc., including key-operated locking hasps.
- (B) Locks for doors or gates, letter boxes, safes, boxes or caskets, furniture, pianos, trunks, suit-cases, handbags, dispatch-cases, etc., for automobiles, railway-rolling-stock, tramcars, etc., for lifts, shutters, sliding doors, etc.
- (C) Clasps and frames with clasps, incorporating locks.

The heading also covers:

- (1) Base metal parts of the articles mentioned above clearly recognizable as such (*e.g.*, cases, bolts, striking plates and sockets, thread escutcheons, face-plates, wards, mechanisms and cylinder barrels).
- (2) Base metal keys for the articles mentioned above, finished or not (including roughly cast, forged or stamped blanks).

The heading also includes special railway coach compartment keys, skeleton keys, etc.

The following articles are not covered in heading 8301:

- Simple latches and bolts of heading 8302, such as a privacy lock for a bedroom or bathroom door. These usually lock from the inside with the press of a button or turn of a thumb knob. They are not key, combination or electronically operated.



- Simple fasteners and clasps for handbags, purses, briefcases, etc., which are not key or combination operated. These are classified in heading 8308.

## PARTS OF GENERAL USE

In order to classify merchandise in heading 8301, one must understand the term, "parts of general use," as defined in the HTSUS. Section XV, Note 2 defines the expression "parts of general use." It states:

Throughout the tariff schedule, the expression "parts of general use" means:

- (A) Articles of heading 7307, 7312, 7315, 7317, or 7318 and similar articles of other base metals;
- (B) Springs and leaves for springs, of base metal, other than clock or watch springs (heading 9114); and
- (C) Articles of heading **8301**, 8302, 8308, or 8310 and frames and mirrors, of base metal, of heading 8306. (Emphasis added)

In chapters 73 to 76 and 78 to 82 (but not in heading 7315) references to parts of goods do not include references to parts of general use as defined above.

Subject to the preceding paragraph and to note 1 to chapter 83, the articles of chapter 82 or 83 are excluded from chapters 72 to 76 and 78 to 81.

EN (C) to Section XV states, in relevant part, that:

"In general, identifiable parts of articles are classified as such parts in their appropriate headings in the Nomenclature".

"However, parts of general use (as defined in Note 2 to this Section) presented separately are **not** considered as parts of articles, but are classified in the headings of this Section appropriate to them...."

Accordingly, articles of heading 8301 are parts of general use. As such, a good that falls within heading 8301 will be classified in this heading, regardless of whether it may also be covered by another heading in the tariff. Some examples: a car door handle incorporating a lock is classified in heading 8301, not in Chapter 87 as a part of a car; a key operated lock for a desk drawer is classified in heading 8301, not in Chapter 94 as a part of furniture.

Additionally, Section XVI, Section XVII, and numerous chapters in the HTSUS include notes explicitly excluding parts of general use from classification within their provisions.

See Section XVI, Note 1(g); Section XVII, Note 2(b); Chapter 90, Note 1(f); Chapter 92, Note 1(a); Chapter 93, Note 1(b); Chapter 94, Note 1(d); Chapter 95, Note 1(k); and Chapter 96, Note 1(d).

## **ADDITIONAL U.S. RULES OF INTERPRETATION**

Several of the subheadings within heading 8301 are controlled by use, such as 8301.20.00, locks of a kind used on motor vehicles and 8301.30.00, locks of a kind used for furniture. When classifying these articles one must turn to Additional U.S. Rules of Interpretation 1(a), which states that, “a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of goods of that class or kind to which the imported goods belong, and the controlling use is the principal use.”

HQ 967263, dated August 1, 2005, noted the following regarding the concepts of “principal use” and “class or kind”:

Although the introduction of the HTSUS changed the concept of use from chief use to principal use, it is still informative to see how courts interpreted the former statute since the wording regarding class or kind is nearly identical. In United States v. Colibri Lighters (USA), Inc., 47 CCPA 106, CAD 739 (1960), discussing the concept of chief use, the Appeals Court stated that in addition to the characteristics of the merchandise itself, classification should be based on the chief use of the articles of that class generally and not on the basis to which the individual articles should be put. In Group Italglass U.S.A., Inc. v. United States, 17 CIT 1177, 839 F. Supp. 866 (1993), the Court found that it is the principal use of the class or kind or goods to which the imports belong at or immediately prior to the date of importation and not the principal use of the specific imports that is controlling. Moreover, in Primal Lite, Inc. v. United States, 182 F. 3d 1362 (Fed. Ct. App. 1999), the Court stated that principal use under Additional U.S. Rule of Interpretation 1(a) limits the “class or kind” language to those goods that are “commercially fungible” with the imported goods.

## **DEFINITION OF A BASE METAL**

Section XV, Note 3 defines base metals under the HTSUS. It reads:

Throughout the Nomenclature, the expression “base metals” means: iron and steel, copper, nickel, aluminum, lead, zinc, tin, tungsten (wolfram), molybdenum, tantalum, magnesium, cobalt, bismuth, cadmium, titanium, zirconium, antimony, manganese, beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium (columbium), rhenium and thallium.

This definition applies throughout the entire HTSUS and supersedes any other scientific or commercial definition. It is important to note that the definition includes semi-metals, such as antimony, and excludes other elements sometimes considered metals, such as arsenic.

In contrast, Section XIV, Chapter 71, Note 4 indicates that “precious metal” means silver, gold and platinum (platinum, iridium, osmium, palladium, rhodium and ruthenium). Section XIV, Chapter 71, Note 5 states that an alloy containing precious metal is classified as an alloy of that precious metal if it constitutes 2% or more of the weight.

Heading 8301 makes no distinction between different types of base metals. Accordingly, locks are classified in this heading regardless of the base metal of which they are composed.

## THE SUBHEADINGS

This heading covers the following subheadings:

8301.10	Padlocks
8301.20	Locks of a kind used on motor vehicles
8301.30	Locks of a kind used for furniture
8301.40	Other Locks
8301.50	Clasps and frames with clasps, incorporating locks
8301.60	Parts
8301.70	Keys presented separately

## PADLOCKS

8301.10 Padlocks:

Not of cylinder or pin tumbler construction:

8301.10.2000	Not over 3.8 cm in width
8301.10.4000	Over 3.8 cm but not over 6.4 cm in width
8301.10.5000	Over 6.4 cm in width

Of cylinder or pin tumbler construction:

8301.10.6000	Not over 3.8 cm in width
8301.10.8000	Over 3.8 cm but not over 6.4 cm in width
8301.10.9000	Over 6.4 cm in width

The term “padlock” is not defined in either the HTSUS or the EN. When tariff terms are not defined in the tariff or the EN they will be construed in accordance with their common and commercial meaning. See Nippon Kogasku (USA), Inc. v. United States, 69 CCPA 89,

673 F.2d 380 (1982). The common and commercial meaning of a tariff term, such as “padlock,” may be determined by consulting reliable resources, these include dictionaries, lexicons, scientific authorities, encyclopedias, etc. See C.J. Tower & Sons v. United States, 69 CCPA 128, 673 F.2d 1268 (1982).

The Oxford English Dictionary defines a padlock as follows:

A detachable lock, having a movable hook or shackle that may be passed through a staple, ring, etc., on the object to be fastened, before being fitted into a socket.

Padlocks have a wide variety of uses. They are commonly used to secure lockers, bicycles, and luggage. They are also frequently used as part of the security measures on commercial and industrial sites. Padlocks of flimsy construction that do not appear to be capable of serious use as a locking device are not classified in this heading. See HQ 091741, dated April 8, 1970.

A padlock is a detachable, portable lock. Portable locks having a chain or cable, instead of a solid shackle, are considered to be padlocks for tariff purposes. CBP has ruled that a portable lock without an external shackle is also classified as a padlock (see discussion of NY B85123 and HQ 960786 below).

Padlocks are subdivided into two major groupings within the HTSUS: those that are **not** made of cylinder or pin tumbler construction (subheadings 8301.10.20, 8301.10.40, 8301.10.50) and those that **are** made of cylinder or pin tumbler construction (subheadings 8301.10.60, 8301.10.80, 8301.10.90).

A cylinder lock is a type of lock consisting of a locking mechanism contained inside a cylinder barrel. The cylinder must rotate in order to open the lock. Locks of cylinder construction are always key operated. Cylinder locks include locks constructed of various types of locking mechanisms, including pin tumbler construction and disc tumbler or wafer construction.

A pin tumbler lock is a type of cylinder lock consisting of a cylinder that contains a series of small pins of varying lengths. The pins are divided into pairs. Each pair of pins rests in a shaft that runs through the central cylinder plug and also into the housing around the plug. A spring at the top of each shaft keeps the pin pair in position within the plug. When no key is inserted, one pin of each pair is completely inside the plug, while the other pin is halfway in the plug and halfway in the housing. This position of the pins keeps the plug from turning by binding the plug to the housing and, therefore, holding it in the locked position. When a key is inserted, the series of notches in the key push the pin pairs up to different levels. The correct key will push each pin pair into position so that the upper and lower pin meet at the same point where the cylinder and the housing meet. This point is called the shear line. In other words, the correct key will push the pins up so that all the upper pins are inserted completely in the housing, while all the lower pins rest completely in the plug. Without any pins binding it to the housing, the

plug moves freely and the bolt can be moved in (unlocked position) and out (locked position).

Disc tumbler locks, also known as wafer locks, are cylinder locks that utilize a set of flat discs or wafers to prevent the lock from opening unless the correct key is inserted. Each disc/wafer has a rectangular hole cut into its center and a spring located at its side. When locked, the springs force the discs/wafers down through the bottom of the cylinder and into the outer casing of the lock. The correct key will raise each disc/wafer out of the casing so that it is positioned in the center of the cylinder, which enables the plug, the discs/wafers and the key to rotate.

Although all cylinder locks are key operated, not every key operated lock is a cylinder lock. Examples of key operated locks that are not cylinder locks are warded locks and lever locks.

Padlocks that are not key operated, such as combination padlocks, are “not of cylinder or pin tumbler construction.” There are several forms of combination locks. The dial design has a single dial that is manually rotated to match up with specific numbers located around its edge. The disk combination padlock consists of several small, numbered, rotating disks that must be positioned in a certain order for the lock to open. The push button combination padlock contains a series of push buttons. When the correct numbered buttons are depressed, the lock will open.

The classification of padlocks is further subdivided in the tariff into subheadings of varying widths. Generally speaking, CBP measures padlocks in accordance with trade practices. According to industry standards, the width of a padlock is measured at the widest part of the body of the lock, not including the rubber bumper. CBP discussed the definition of the width of a padlock in NY B85123, dated May 8, 1997, in which it stated that, “the classification of padlocks depends on their construction and width. The width, for CBP purposes, is the dimension perpendicular to the length, measured at its greatest point.” To determine the length of a padlock, the entire lock (including the shackle) is measured in its locked position.

NY B86871, dated July 1, 1997, addressed the classification of a lock used to secure an electrical plug. CBP described the lock as follows:

The merchandise is called the "Power Lock." This item is a padlock used to secure an electrical plug. It is 4.4 cm long and 2.8 cm wide. It has a plastic housing with two slots on the end to hold the prongs of an electrical plug. The housing contains a key-operated lock, of cylinder construction, made of base metal. After the prongs have been inserted into the Power Lock, the user turns the key 900 counter clock-wise and removes it. In the opinion of this office, the essential character of this device is provided by the locking mechanism of base metal.

Although the lock in NY B86871 did not have an external shackle, CBP classified it as a padlock of base metal, of cylinder or pin tumbler construction, not over 3.8 cm in width in subheading 8301.10.6000, HTSUS. This decision was upheld in HQ 960786, dated May 14, 1998, which considered the applicability of headings 8301 and 8536. Heading 8536 covers electrical apparatus for switching or protecting electrical circuits. Through careful analysis, CBP determined that the "Power Lock" was described by heading 8301, as a padlock of cylinder construction and by EN 83.01, as a fastening device operated by a key. It did not meet the description of articles included in heading 8536, since it did not make or break a circuit, prevent circuit overload, or connect parts of an electrical circuit. It also differed from the examples in EN 85.36 because electricity did not flow through it. Rather, it physically prevented a plug from being inserted into a socket. Additionally, the "Power Lock" was not fitted with a means of electrical connection, but was used solely as a protective cover for a plug.

In NY C82068, dated December 22, 1998, CBP classified a combination bicycle lock with a 7-inch long, PVC covered shackle. The lock was 4.5 cm wide, and was not of cylinder or pin tumbler construction. The applicable subheading for the bicycle lock was determined to be 8301.10.4000, HTSUS, which provides for padlocks and locks (key, combination or electrically operated) of base metal, not of cylinder or pin tumbler construction, over 3.8 cm but not over 6.4 cm in width.

In NY I80890, dated April 30, 2002, CBP addressed the classification of a base metal combination padlock, which was mounted inside a resin shape that resembled a golf ball. The lock, itself, measured approximately 3.4 centimeters in width. CBP determined that the applicable subheading for this novelty lock was 8301.10.2000, HTSUS, as a padlock, not of cylinder or pin tumbler construction, not over 3.8 cm in width.

In NY A84508, dated June 19, 1996, CBP considered a zinc coupler lock used on trailers to prevent unauthorized tow-away. The lock covered the coupler of a trailer with a housing. A pin tumbler, key-operated lock extended below the housing. The lock measured 8.2 cm in length at its longest point, and 10 cm wide at its widest point. These locks were commercially known and sold as padlocks. The locks were determined to be classified in subheading 8301.10.9000, HTSUS, which provides for padlocks, of base metal, of cylinder or pin tumbler construction, over 6.4 cm in width.

In NY 801785, dated September 7, 1994, the classification of an article described as a "GunLok Motion Activated Trigger Alarm" was addressed. It consisted of three parts: the key, the main housing and the foot. The main housing contained a key-operated padlock of pin tumbler construction, and a motion activated electronic lock. The shackle of the lock was intended to pass through the trigger guard of a firearm to prevent it from discharging. The housing was made of plastic, the lock of base metal. The essential character of this article was determined to be imparted by the metal lock. The applicable subheading was determined to be 8301.10.8000, HTSUS, which provides for padlocks, of base metal, of cylinder or pin tumbler construction, over 3.8 cm but not over 6.4 cm in width.

NY N008831, dated April 3, 2007, addressed the classification of three padlocks designed for luggage security. Each lock comprised two separate locking mechanisms; a combination mechanism consisting of four numerical code dials to be used by the traveler and a cylinder locking mechanism to be used by a Transportation Security Administration (TSA) Officer. CBP determined that both the combination and cylinder components were of equal importance to the padlocks and, therefore, neither component imparted the essential character. Employing GRI 3(c) and GRI 6, the padlocks were determined to be classified in subheading 8301.10.6000, HTSUS, which provides for padlocks of base metal, of cylinder or pin tumbler construction, not over 3.8 cm in width.

## **LOCKS OF A KIND USED ON MOTOR VEHICLES**

8301.20.00      Locks of a kind used on motor vehicles

8301.20.0030      Non-integral steering wheel immobilizer devices

8301.20.0060      Other

In NY B83843, dated April 16, 1997, CBP classified a steering wheel lock in subheading 8301.20.00030, HTSUS. The lock is an anti-theft device that secures around the steering wheel of the car. The body of the lock physically prevents the steering wheel from turning.

In NY C87963, dated May 20, 1998, CBP considered the classification of an article called the "Auto Taser." This device consists of a steel bar that fits around the steering wheel of a car to prevent theft. It locks with a key and also includes two other anti-theft devices. It has a motion-activated alarm and a Taser anti-tamper system, which generates a strong electric shock if tampering occurs. The applicable subheading for the Auto Taser was determined to be 8301.20.0030, HTSUS.

In NY B86334, dated June 17, 1999, CBP classified a locking device consisting of a steel cable attached to a key operated, cylinder lock with a plastic housing and retractable, plastic teeth. To engage the device, the cable is looped through a vehicle's steering wheel, the lock body is inserted into the cassette slot, and the key is turned. When locked, the teeth inside the lock body are engaged to hold it firmly in the slot, thereby securing the stereo and immobilizing the steering wheel. CBP classified this device in subheading 8301.20.0060, HTSUS, as locks of a kind used on motor vehicles, other.

In NY K83177, dated March 9, 2004, CBP classified a mechanical lock used in the rear door of vans. The lock contained a small switch used to give continuity to the car's ceiling light. CBP determined that the essential character was imparted by the lock and it was classified in subheading 8301.20.0060, HTSUS.

In NY J86533, dated July 16, 2003, CBP classified both manual and power door latches and their strikers. The latches keep the front doors of a vehicle closed while the vehicle is in motion. When the door is closed, the latch, which is mounted on the door pillar, contacts the striker. The importer asserted that the latches were classified in heading

8302, HTSUS, as mountings and fittings, however, the manual latches were key operated and the power latches were operated by a radio-remote key fob. As such, they fit the description of locks in heading 8301 and were classified in subheading 8301.20.0060, HTSUS.

In NY J86535, dated July 14, 2003, CBP addressed the classification of a hood latch and a trunk latch. The hood latch is released via a mechanical cable running from the passenger compartment to the hood release pawl. It also incorporates a secondary safety latch that is released by a lever under the vehicle's hood. It functions to keep the hood closed while the vehicle is moving. The trunk latch operates several ways: by key, electrically by a button located in the passenger compartment, and by remote keyless entry, which sends a signal to a radio control receiver. The trunk latch functions to keep the trunk closed while the vehicle is in motion.

Since the trunk latch operates by key or remote, CBP determined that it was provided for in subheading 8301.20.0060, HTSUS. Conversely, the hood latch is a simple latch not operated by key or remote; as such, it was classified in heading 8302, HTSUS, which provides in part for base metal mountings, fittings and similar articles.

#### **LOCKS OF A KIND USED FOR FURNITURE**

- 8301.30.00      Locks of a kind used for furniture
- 8301.30.0060    Cam locks and other locks suitable for use with chests,  
                         drawers and similar items
- 8301.30.0090    Other

This subheading covers locks used for furniture, including both domestic and office furniture. These include cam locks, cabinet locks, drawer locks, handle locks, paddle locks, showcase locks, and more. These locks are designed to be installed onto or into the furniture and are not detachable. However, when imported separately, they are parts of general use and classified in heading 8301, HTSUS.

A cam lock is a type of lock that has an attached cam. The cam moves with the turn of a key and serves as the locking bolt. These locks are often used on furniture and provide minimal security.

In NY 805502, dated January 19, 1995, CBP addressed the classification of two steel locks designed to be permanently mounted onto lockers. One was key-operated and the other was combination. The applicable subheading was determined to be 8301.30.0090, HTSUS.



In NY B89578, dated September 19, 1997, CBP classified a locking handle for a metal storage cabinet. It consisted of a lever handle with a built-in, key-operated lock cylinder and a detachable cam. All parts were made of base metal. The applicable subheading was determined to be 8301.30.0060, HTSUS.

The classification of a lock designed to block access to the compact disk drive of a personal computer was addressed in NY C88783, dated June 18, 1998. The article consisted of two plates. The first plate mounted onto the bottom of the CPU cabinet. The second plate contained a key-operated cam lock, which fit into the first plate and extended over the opening of the disk drive. This prevented unauthorized use of the computer. Although, in this instance, the lock was used on a computer, CBP determined that a cam lock is a class or kind of lock principally used on cabinets, desks or other furniture. As such, it was classified in subheading 8301.30.0060, HTSUS.

## OTHER LOCKS

8301.40	Other locks:
8301.40.3000	Luggage locks
8301.40.60	Other
8301.40.6030	Door locks, locksets and other locks suitable for use with interior or exterior doors (except garage, overhead or sliding doors)
8301.40.6060	Other

Luggage locks are principally used for securing luggage. It is important to note that this subheading does not include small padlocks designed for use on luggage, since padlocks are *eo nomine* provided for in subheading 8301.10, HTSUS.

In NY 872742, dated March 30, 1992, CBP classified a lock cylinder and key intended to be used on luggage. The applicable subheading was determined to be 8301.40.3000, HTSUS, which provides for luggage locks.

In NY A82373, dated May 24, 1996, CBP considered the classification of a lock used on a car rack box. The car rack box is similar to a trunk and is used to transport personal effects. It is designed to mount onto a vehicle's roof rack. The integrated key lock restricts access into the box. CBP determined that the car rack box was classified as a trunk, suitcase or similar container in heading 4202, HTSUS. If the key lock is imported with the box, it is classified in the same subheading and dutiable at the same rate as the box. If imported separately, the lock is a part of general use and is classified in subheading 8301.40.3000, HTSUS, as a luggage lock.

In NY I85087, dated August 26, 2002, CBP classified a cylinder lock that was of the type usually used on doors. The applicable subheading was determined to be 8301.40.6030, HTSUS, which provides for door locks, locksets and other locks suitable for use with interior or exterior doors (except garage, overhead or sliding doors).

In NY F87060, dated May 23, 2000, CBP considered the classification of an electronic door lockset, which was designed to monitor and control access via a key card. The lockset consisted of a mortise lock and handle/escutcheon assemblies with built-in electronics. The lockset was determined to fall under subheading 8301.40.6030, HTSUS, which provides for door locks, locksets and other locks suitable for use with interior or exterior doors (except garage, overhead or sliding doors).

CBP addressed the classification of various locksets and latch sets in NY H85951, dated December 12, 2001. A double-keyed deadbolt; a keyed, lever entrance lock; and a keyed, front entrance handle set were all determined to be classified in subheading 8301.40.6030, HTSUS, as locks and locksets suitable for use with interior and exterior doors. A non-keyed passage latch set and a non-keyed bed and bath privacy latch set were classified as mounting and fittings suitable for buildings in subheading 8302.41.9045, HTSUS.

In NY 838266, dated March 17, 1989, CBP classified garage door locksets in subheading 8301.40.6060, HTSUS.

In NY 851456, dated April 30, 1990, CBP considered the classification of a video cassette recorder (VCR) lock. It is a rectangular shaped device consisting of a plastic casing and a metal, tumbler lock. It fit into the tape opening of a front-loading VCR to prevent its use by unauthorized persons. CBP determined that it was classified in subheading 8301.40.6060, HTSUS.

CBP addressed the classification of two electronic locking mechanisms for in-room hotel security boxes in NY D88232, dated March, 15, 1999. The units are battery operated, digital locks with electronic keypads. One unit is an automatic digital electronic lock; the other unit is a semi-automatic electronic lock with a manual locking unit. After importation, the locks are incorporated into steel safe boxes. CBP determined that both locking mechanisms are classified in subheading 8301.40.6060, HTSUS.

In NY L83260, CBP considered the classification of a transom saver with an attached propeller lock, which is used while transporting a boat via trailer. The transom saver supports the boat's transom and the lock prevents theft of the propeller. The transom saver is aluminum with pivoting feet to fit all engine sizes. It has rubber shock-absorbing cushions and a rubber strap for attachment to the engine. The attached propeller lock is a hardened steel bar coated in vinyl that telescopes and swivels for an adjustable fit. It has a zinc lock tumbler with a plastic end cap and two keys. The applicable subheading for the transom saver with attached propeller lock is 8301.40.6060, HTSUS.

In HQ 957416, dated June 20, 1995, CBP addressed the classification of an electronic locking system that used magnetized cards. The system was designed as a security and billing system for hotels. It included an encoder, door handles, card readers, cables, programmed operator software, etc. The encoder is connected to the central processing computer and is the card-issuing unit of the system. The processor chip in the encoder encrypts magnetic cards with data obtained by the software. The individual cards are coded with credit and personal information for a limited period of time. The encoder imparts data on the cards, which when presented to a card reader, executes a logical sequence to determine whether access to rooms, corridors, swimming pools, parking garages, etc., is permitted. The card readers consist of printed circuit boards inside metal lock cases for doors or walls. They read the data from the encoded cards and unlock when access is permitted.

CBP determined that, since providing hotel security and billing are not defined by either of these headings, classification of the security system in headings 8543 and 8471 was precluded. CBP then determined that the system was not a set for tariff purposes since its components were entered in bulk and not put up in a manner suitable for sale directly to the user. As a result, the components of the security system were classified separately.

The card readers in HQ 957416 were ultimately classified in subheading 8301.40.60, HTSUS, as other electrically operated locks. All other components, including the encoder, software, cables, fasteners, etc., were broken out and classified under separate headings in the tariff.

### **Clasps and frames with clasps, INCORPORATING LOCKS**

8301.50.0000

This subheading covers clasps and frames with clasps that incorporate locks. They are often used on purses, briefcases, luggage, books and watches. Clasps and frames with clasps that do not incorporate locks are classified in heading 8308, HTSUS.

### **Parts**

8301.60.0000

CBP addressed the classification of lock parts in HQ 956832, dated August 10, 1994. The merchandise consisted of components for keyed locks used in residential exterior doors. At issue was the classification of a grip handle, a thumb piece and a lock cylinder trim ring. Neither the lock nor the bolts were included. CBP determined that these components did not impart the essential character of a door lock since the lock itself was not present. Consequently, they were not classified as an unfinished door lock.

The importer informed CBP that 97% of these components were dedicated for use in door lock assemblies; 3% would be used in “dummy trim” products that did not lock. In determining whether the components were classified as parts of a lock, CBP noted the following:

Whether an article is part of another article depends on the nature of the so-called “part” and its usefulness, function and purpose in relation to the article in which it is designed to serve. *Kores Manufacturing Inc. v. U.S.*, 3 CIT 178, 179 (1982), *aff'd appeal No. 82-83 (C.A.F.C. 1983)*.

CBP decided that the grip handle, thumb piece, and lock cylinder trim ring were all necessary to the operation of a door lock. They provided structure and stability and the lock could not function effectively without these components. CBP then turned to the principal use of the merchandise. CBP was satisfied that since 97% were dedicated for use in keyed door lock assemblies, the subject components were principally used with the locks of heading 8301, HTSUS. Accordingly, in HQ 956832, CBP classified the grip handle, thumb piece, and lock cylinder trim ring in subheading 8301.60.00, HTSUS, as parts of a door lock.

In NY L85570, dated June 14, 2005, CBP classified a steel latch, a steel striker, a plastic lock handle and a plastic spacer, which were designed to be assembled on a skid steer loader. The handle, spacer and latch attach to the door; the striker bolt attaches to the doorframe. The spacer fits under the handle and provides room for the operator’s gloved hand. When the handle is locked with a key, the push button on the handle cannot move. When the handle is unlocked, the button pushes the lever on the latch. This releases the latch rotors from the striker bolt, thus enabling the door to open. When the door is shut, the latch rotors close around the striker bolt, thus holding the door closed. Each item would be imported, stocked in the U.S. and shipped to the ultimate purchaser as needed.

The importer believed the applicable subheading for these items was 8431.49.9040, HTSUS, as parts suitable for use solely or principally with the machinery of headings 8425 to 8430. However, CBP noted that Note 1(g) to Section XVI excludes parts of general use of base metal and similar goods of plastics. Additionally, Note 2 to Section XV defines the expression, “parts of general use” as articles of heading 8301, 8302, 8308 or 8310 and frames and mirrors, of base metal, of heading 8306. Since metal locks and parts of locks are provided for in heading 8301, HTSUS, they are included in the definition of “parts of general use,” and along with plastic locks and lock parts, are precluded from classification in chapter 84.

CBP determined in NY L85570 that the latch possessed the essential character of a lock and was classified in subheading 8301.40.6060, HTSUS, which provides for padlocks and locks...of base metal...other locks, other, other. The striker was classified in subheading 8301.60.0000, HTSUS, which provides for padlocks and locks...of base metal...parts. The plastic lock handle was classified in subheading 3926.90.2500, HTSUS, which provides for other articles of plastics and articles of other materials of

headings 3901 to 3914, other, handles and knobs, not elsewhere specified or included, of plastics. The plastic lock spacer was classified in subheading 3926.90.9880, HTSUS, which provides for other articles of plastics and articles of other materials of headings 3901 to 3914, other, other, other.

### **Keys presented separately**

8301.70.0000

This subheading includes keys, both cut and uncut, imported without locks. Keys imported separately are generally uncut. Uncut keys are known as blanks. It is important to note that upon importation all keys, including blanks, must be marked with the country of origin. In NY F84142, dated March 30, 2000, CBP addressed the classification of a key that functions as a combination vehicle ignition/door key and also a disabler for an engine immobilizer. The key is imported blank and consists of a metal key with a plastic key head. Inside the key head is a passive microchip, which disables an engine immobilizer. The applicable subheading for this key was determined to be 8301.70.0000, HTSUS, which provides for keys presented separately.

In HQ 734062, dated April 22, 1991, CBP addressed the country of origin marking requirements for key blanks. The imported key blanks were imported in bulk and were destined for residential and auto use. Once imported, they were redistributed to U.S. locksmiths and hardware stores, who further processed them by using special cutting machines that cut teeth into the blanks according to customer specifications. CBP determined that a key blank has the appearance of an unfinished key and that grinding the teeth does not alter the basic character of the key and does not determine its essential character. Additionally, a store employee can perform the process of grinding the teeth into a key easily and quickly. CBP determined that the ultimate purchaser of the key blanks is the retail purchaser, therefore, each blank must be individually marked to reflect its country of origin.

### **COMPOSITE GOODS**

Many of the rulings discussed in this publication involve articles that are composite goods. GRI 3(b) describes a composite good as an article that is made up of different components or materials. The components may be attached to each other to form a practically inseparable whole or they may be separate components, provided they are adapted to each other, are mutually complementary, and form a whole that is not normally sold in separate parts. The following CBP rulings give some insight into factors that must be considered when classifying locks that are composite goods.

In HQ 089970, dated December 2, 1991, CBP addressed the classification of two steering wheel locks. Both models consist of a 21.5 inch steel bar. One end of the bar fits around the steering wheel of an automobile and is secured by a key lock. The length of the locked bar prevents the steering wheel from turning. The electronic model of this lock also includes a flashlight, a motion sensor and an alarm.

The basic model of the steering wheel lock was determined by CBP to be classified according to GRI 1 in subheading 8301.20.00, HTSUS, which provides for locks of a kind used on motor vehicles. The electronic model was determined to be a composite good because it incorporated a lock and several electronic devices. As such, it was classified according to GRI 3(b), which states that classification is determined by the component that imparts the essential character of the good. EN to GRI 3(b) states that, "the factor which determines essential character will vary between different kinds of goods. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the goods."

Although the value of the electronic components was far greater than the value of the locking mechanism, CBP determined that the most significant factor for determining essential character in this instance was the role of each component in relation to the use of the good. CBP reasoned that without the lock, the vehicle could be stolen. Regardless of the alarm or flashing light, the steering wheel could be turned and the vehicle stolen without the locking bar. Although the alarm and flashlight were a theft deterrent, this did not outweigh the article's function as a lock. As a result, CBP determined that the essential character of the electronic steering wheel lock was imparted by the lock. As such, it was classified in subheading 8301.20.00, HTSUS, which provides for locks of a kind used on motor vehicles.

In NY F84142, dated March 30, 2000, CBP addressed the classification of an article, which was a combination electronic radio wave transmitter control and metal key. The transmitter portion arms/disarms a vehicle, locks/unlocks the doors, opens the windows, and shuts off the headlights. The key portion opens and closes the doors, turns on the ignition, and includes a microchip that disables the engine immobilizer.

CBP determined that this article could not be classified in accordance with GRI 1 since it contained two components that if imported separately would be classified under different tariff headings: the metal key in 8301.70.0000, HTSUS, which provides for keys presented separately and the transmitter in 8526.92.0000, HTSUS, which provides for radio remote control apparatus. Since no one subheading fully described the article, CBP referred to GRI 3. GRI 3 (a) provides that a composite article is to be classified in the heading that provides the most specific description. Since in this instance the description of the various components were regarded as equally specific, the article could not be classified under GRI 3 (a). Accordingly, CBP next considered the classification of the item under GRI 3 (b).

In considering the factors set forth in the EN to GRI 3(b), CBP concluded that the key and the remote control transmitter both play equally important roles and are equally essential to the item's functional performance. Accordingly, CBP referred to GRI 3 (c), which provides that when goods cannot be classified by reference to GRI 3 (a) or (b), they are classified in the heading that occurs last in numerical order among those that equally merit consideration in determining their classification.

Accordingly, by virtue of GRI 3 (c), the combination remote control radio frequency transmitter and key was classified in the heading that occurred last in the tariff. The applicable subheading for the composite good was determined to be 8526.92.0000, HTSUS.

## **ADDITIONAL INFORMATION**

### **The Internet**

The home page of U.S. Customs and Border Protection on the Internet's World Wide Web, provides the trade community with current, relevant information regarding CBP operations and items of special interest. The site posts information -- which includes proposed regulations, news releases, publications and notices, etc. -- that can be searched, read on-line, printed or downloaded to your personal computer. The web site was established as a trade-friendly mechanism to assist the importing and exporting community. The web site also links to the home pages of many other agencies whose importing or exporting regulations that U.S. Customs and Border Protection helps to enforce. The web site also contains a wealth of information of interest to a broader public than the trade community. For instance, the "Know Before You Go" publication and traveler awareness campaign is designed to help educate international travelers.

The web address of U.S. Customs and Border Protection is <http://www.cbp.gov>

### **Customs Regulations**

The current edition of Customs and Border Protection Regulations of the United States is a loose-leaf, subscription publication available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; telephone (202) 512-1800. A bound edition of Title 19, Code of Federal Regulations is also available for sale from the same address. All proposed and final regulations are published in the Federal Register, which is published daily by the Office of the Federal Register, National Archives and Records Administration, and distributed by the Superintendent of Documents. Information about on-line access to the Federal Register may be obtained by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time. These notices are also published in the weekly Customs Bulletin described below.

### **Customs Bulletin**

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## **Importing into the United States**

This publication provides an overview of the importing process and contains general information about import requirements. The current edition of *Importing Into the United States* contains much new and revised material brought about pursuant to the Customs Modernization Act ("Mod Act"). The Mod Act has fundamentally altered the relationship between importers and U.S. Customs and Border Protection by shifting to the importer the legal responsibility for declaring the value, classification, and rate of duty applicable to entered merchandise.

The current edition contains a section entitled "Informed Compliance." A key component of informed compliance is the shared responsibility between U.S. Customs and Border Protection and the import community, wherein CBP communicates its requirements to the importer, and the importer, in turn, uses reasonable care to assure that CBP is provided accurate and timely data pertaining to his or her importation.

Single copies may be obtained from local offices of U.S. Customs and Border Protection, or from the Office of Public Affairs, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229. An on-line version is available at the CBP web site. *Importing into the United States* is also available for sale, in single copies or bulk orders, from the Superintendent of Documents by calling (202) 512-1800, or by mail from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054.

## **Informed Compliance Publications**

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## Value Publications

*Customs Valuation under the Trade Agreements Act of 1979* is a 96-page book containing a detailed narrative description of the customs valuation system, the customs valuation title of the Trade Agreements Act (§402 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (19 U.S.C. §1401a)), the Statement of Administrative Action which was sent to the U.S. Congress in conjunction with the TAA, regulations (19 C.F.R. §§152.000-152.108) implementing the valuation system (a few sections of the regulations have been amended subsequent to the publication of the book) and questions and answers concerning the valuation system.

*Customs Valuation Encyclopedia* (with updates) is comprised of relevant statutory provisions, CBP Regulations implementing the statute, portions of the Customs Valuation Code, judicial precedent, and administrative rulings involving application of valuation law. A copy may be purchased for a nominal charge from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054. This publication is also available on the Internet web site of U.S. Customs and Border Protection.

The information provided in this publication is for general information purposes only. Recognizing that many complicated factors may be involved in customs issues, an importer may wish to obtain a ruling under CBP Regulations, 19 C.F.R. Part 177, or obtain advice from an expert (such as a licensed Customs Broker, attorney or consultant) who specializes in customs matters. Reliance solely on the general information in this pamphlet may not be considered reasonable care.

Additional information may also be obtained from U.S. Customs and Border Protection ports of entry. Please consult your telephone directory for an office near you. The listing will be found under U.S. Government, Department of Homeland Security.

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