

LACEY ACT & MUSICAL INSTRUMENTS GUIDE

After October 1, 2020

Guide for European manufacturers and retailers who export lutherie wood or other plant products or musical instruments, accessories and parts of musical instruments made of wood or other plants

This document has been reviewed for accuracy by the USDA-APHIS Lacey Act Program. Last updated on July 21, 2020.

Reminder : The Lacey Act makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported, or sold in violation of any law of the United States or an Indian tribe, or in violation of any State or foreign law that protects plants or that regulates certain specified plant-related activities.

The 2008 Farm Bill (the Food, Conservation, and Energy Act of 2008), effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products. The Lacey Act now, among other things, makes it unlawful to import certain plants and plant products **without an import declaration**. The application of the declaration obligation started on April 1, 2009 and the products requiring a declaration are gradually introduced.

New phase in the implementation schedule

The purpose of this notice is to inform the public of a new phase in the implementation schedule of the United States federal government scheduled for October 1, 2020. *However, the Lacey Act program plans to publish a follow-up notice with a delayed date of implementation to allow for more time.* If one of the products with one of the HTS customs codes enforced by the Lacey Act program is imported into the United States (see list below), the importer must complete a declaration on the paper form - PPQ Form 505 - or through one of the electronic filing options for U.S. - *Customs and Border Protection's Automated Commercial Environment (ACE) or USDA-APHIS Lacey Act Web Governance System (LAWGS).*

All plant material used to manufacture these products must be declared, with a few exceptions. It is not the responsibility of the exporter to declare plant products imported into the US.

IMPORT DECLARATION



Who should complete the import declaration?

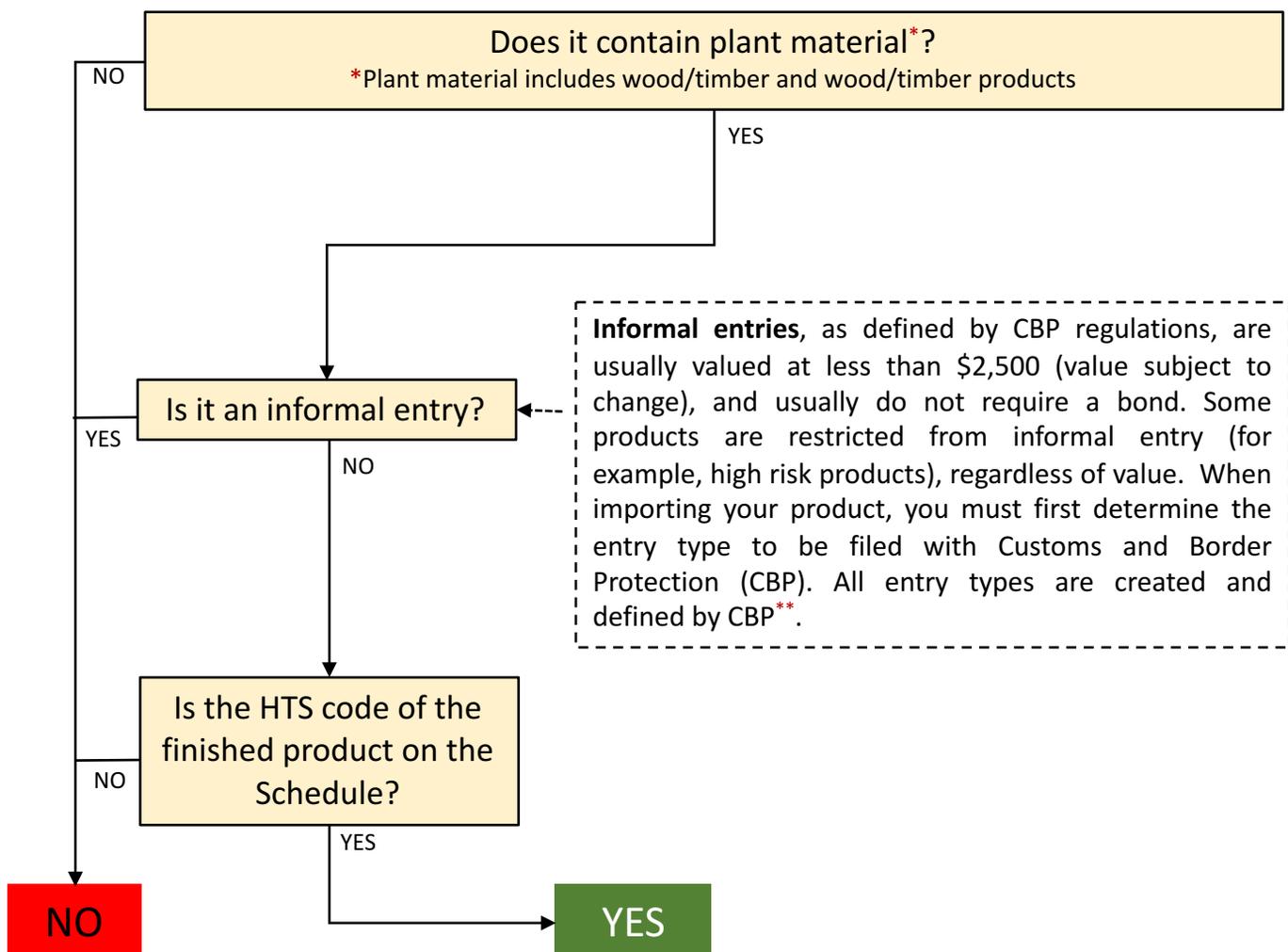
The person or company who is listed as the importer, which usually is the entity who requested and will buy the musical instrument (i.e. the store or an individual buyer). The express carriers' (e.g. FedEx, UPS) brokerage service can assist the importer in completing the PPQ Form 505 or filing the declaration electronically in U.S. Customs and Border Protection's Automated Commercial Environment (ACE).

Information to be transmitted by the exporter of musical instruments to the US importer so that they may file the import declaration (see page 4)

**Note that the USDA-APHIS Lacey Act Program encourages all importers of Lacey Act-regulated wood products to file the import

declaration electronically as opposed to completing and mailing the paper "PPQ Form 505" to APHIS. Use of the paper PPQ Form 505 is acceptable for small businesses and private individuals who infrequently import products into the U.S.

Does the US importer have to declare the shipment of musical instrument(s) that I export to the USA under the Lacey act ? **YES** or **NO**



****CBP Resources:**

• **Basic Importing and Exporting:** <https://www.cbp.gov/trade/basic-import-export>

• **Filing an informal entry (for goods valued at less than \$2500):**

https://cbpcomplaints.cbp.gov/s/article/Article-215?language=en_US&name=Article-215

More information:

<https://beta.regulations.gov/document/APHIS-2008-0119-0297>

WHAT SHOULD THE EXPORTER DO?

The exporter should provide the importer with: the scientific name for all of the different types of plant material used to manufacture the instrument(s), the value of the shipment, the quantity of the plant material and the name of the country from which the plant was harvested, and other information that the importer must declare (see list of information to be transmitted on page 4). Without this information, the importer will not be able to complete the import declaration.

Implementation schedule

CAUTION: The codification of customs codes between Europe and the USA is common for the first 6 digits, example 920600, however the last 4 digits then differ between the USA and the EU.

On the import declaration, the importer must mention the US customs code (HTS Code). The exporter must therefore transmit the US code corresponding to the instrument, even if he mentions the EU customs code (HS code) on his invoice. Some US codes are more precise than those of the EU. It is therefore necessary to find the correspondence of the US customs code according to the 6-digit EU code of the instrument to be exported. The name of the musical instrument will help find the correct US customs code.

Example: Wind instruments are classified under code 9205, with two subcategories 9205.10 (Brass) and 9205.90 (Others). In the US customs classification, there is a specific code for clarinets 9205.90.40.20, while in the EU classification, there is no specific code. It will therefore be necessary to indicate on the invoice the code of the EU sub-category **9205.90.90.00 + the wording "Clarinet"** and transmit to the importer the code **US 9205.90.40.20**.

Enforced since April 1, 2010

9201 Pianos, including player pianos; harpsichords and other keyboard stringed instruments



9202 Other string musical instruments (for example, - acoustic & electro-acoustic guitars, violins, harps)



In force after october 1, 2020 - *The Lacey Act program will publish a second notice to inform public that the implementation date has been delayed. Find US customs codes for EU exports with the EU website :*

https://ec.europa.eu/taxation_customs/dds2/taric/taric_consultation.jsp?Lang=en



9206 00 20 00 - Drums

9206 00 00 - Percussion musical instruments (for example, drums, xylophones, cymbals, castanets, maracas)



9207 90 00 40 - Musical instruments, the sound of which is produced, or must be amplified, electrically (fretted string instruments = electric guitars)

9207 90 10 00 - Electric Guitars



9205 : Wind musical instrument

9205 90 20 00 - Bagpipes

9205 90 40 20 - Clarinets

9205 90 40 60 - Flutes and piccolos

9205 90 40 80 - Other (woodwind instruments)

9205 90 90 00 - Wind musical instruments (except brass)



9209 92 - Parts and accessories for musical instruments of heading 9202

9209 92 00 00 - Parts and accessories for musical instruments of heading 9202

9209 99 20 00 Parts and accessories for musical instruments for bagpipes

9209 99 20 00 - Parts and accessories for musical instruments of heading 9205

9209 99 40 40 Parts and accessories for musical instruments for other woodwind instruments

9209 99 80 00 - Parts and accessories for musical instruments, other, other (Ruling reference : <https://rulings.cbp.gov/search?term=9209.99.8000>)

9209 99 70 00 - Parts and accessories for musical instruments, other

The Lacey Act declaration must always be filed by the importer, never by the exporter, who must however transmit the following information in red text to the importer in advance of the exportation.

Do not use the PPQ 505 form to do this.



UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION
SERVICE PLANT PROTECTION AND QUARANTINE

PLANT AND PLANT PRODUCT DECLARATION
IN RED THE INFORMATION TO BE PROVIDED BY THE EXPORTER OUTSIDE US TO THE US

SECTION 1 – Shipment Information

1. ESTIMATED DATE OF ARRIVAL (MM/DD/YYYY)	2. ENTRY NUMBER
3. CONTAINER NUMBER(S) <input type="checkbox"/> See Attachment	4. BILL OF LADING
6. IMPORTER'S NAME	5. MANUFACTURER IDENTIFICATION CODE (MID)
8. IMPORTER'S ADDRESS	7. CONSIGNEE'S NAME
10. DESCRIPTION OF MERCHANDISE	9. CONSIGNEE'S ADDRESS

SECTION 2 – Compliance with Lacey Act Requirements (16 U.S.C. 3372(f))

For each article or component of an article, provide the following:

11. HTS NUMBER (no dashes/symbols)	12. ENTERED VALUE	13. ARTICLE/COMPONENT OF ARTICLE	14. PLANT SCIENTIFIC NAME Genus Species		15. COUNTRY OF HARVEST	16. QUANTITY OF PLANT MATERIAL	17. UNIT	18. PERCENT RECYCLED

I certify under penalty of perjury that, to the best of my knowledge and belief, the information furnished is true and correct.

PREPARER'S NAME (printed)	PREPARER'S SIGNATURE	EMAIL ADDRESS	TELEPHONE NUMBER	DATE (MM/DD/YYYY)
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INSTRUCTIONS FOR PPQ FORM 505 - PLANT AND PLANT PRODUCT DECLARATION

IN RED THE INFORMATION TO BE PROVIDED BY THE EXPORTER OUTSIDE US TO THE US

- Estimated Date of Arrival:** Enter the date (MM/DD/YYYY) that the product is expected to enter the United States of America.
- Entry Number:** Enter the U.S. Customs and Boarder Protection (CBP) entry number assigned to this shipment. (Format: xxx-xxxxxx-x)
- Container Number:** Enter the number of the shipping container in which the product is being shipped - available from your shipping company. If you have more than one container number in your shipment, check the "See Attachment" box and list all of the containers on a separate sheet. Attach the container list to the PPQ 505. If there is no container number, please leave this section blank.
- Bill of Lading:** Enter the Bill of Lading (BOL) number assigned to this shipment - available from the shipping company. If there is no Bill of Lading number, please leave this section blank.
- Manufacturer Identification Code (MID):** Available from the manufacturer or customs broker (19 CFR Appendix to Part 102).
- Importer's Name:** Enter the name of the Import Company or individual for the product.
- Consignee's Name:** Name of the individual or company who ordered and will ultimately receive the shipment.
- Importer's Address:** Enter the address of the Import Company or individual in block 6.
- Consignee's Address:** Enter the address of the individual or company in block 7.
- Description of the Merchandise:** Enter the name of the plant or plant product, and its use (example: wooden spoons for kitchenware). If the use is unknown, enter only the name of the product (example: lumber).
- HTS Number:** Enter the Harmonized Tariff Code for the merchandise described in #10 - available at <https://www.usitc.gov/>
- Entered Value:** In U.S. dollars, enter the value of the imported merchandise described in #10.
- Article/Component of Article:** Enter a brief description of each article, or component of an article, that is manufactured from plants or plant parts. (Example: A decorative item including a wood frame and 100% recycled paperboard - enter the frame as a line item and record the percent of recycled material in the paperboard in block 18.) **Plant**
- Scientific Name:** For each article/component in block 13, enter the scientific name (see example below). If the species of plant used to produce the product varies, and the species used to produce the product is unknown, enter each species that may have been used to produce the product. If the product was manufactured prior to the Amendment and you cannot determine the species, enter "special" for Genus and "pre-amendment" for Species. **NOTE: The Scientific Name is NOT the trade/common name of the plant.**
- Country of Harvest:** Enter the country where the plant was harvested (see example below). If the country of harvest varies, and/or is unknown, enter all countries from which the plant material in the product may have been harvested. **NOTE: This is NOT the country of manufacture/origin.**
- Quantity of Plant Material:** (see example below).
- Unit:** This is the Unit of Measure of the Plant Material. Use one of the following (see example below): Kilograms=kg, Grams=g, Centigrams=cg, Milligrams=mg, Kiloliter=kl, Liters=l, Milliliters=ml, Millimeters=mm, Square Millimeters=mm², Cubic Millimeters=mm³, Centimeters=cm, Square Centimeters=cm², Cubic Centimeters=cm³, Meters=m, Square Meters=m², Cubic Meters=m³
- Percent Recycled:** If the product is paper or paperboard, enter the percentage of recycled material it contains (0 - 100%). If the percentage of recycled material varies, enter the average percentage of recycled material used in the product (Example: If the percentage of recycled material used is between 25% and 45%, enter 35%). **NOTE: Do not complete this field if your imported product is NOT paper or paperboard.**

EXAMPLE:

11. HTS NUMBER (no dashes/symbols)	12. ENTERED VALUE	13. ARTICLE/COMPONENT OF ARTICLE	14. PLANT SCIENTIFIC NAME Genus Species		15. COUNTRY OF HARVEST	16. QUANTITY OF PLANT MATERIAL	17. UNIT	18. PERCENT RECYCLED
9401692010	1354	Bentwood Seats Made of Oak	Quercus	lineata	Indonesia	500	kg	0
4407950000	8442	European ash lumber (2" x 4")	Fraxinus	excelsior	Switzerland	52	m ³	0

SUBMISSION OF PAPER DECLARATION: Importers should have a copy of the form available for CBP to review at the port of entry. After CBP clears the shipment, the importer must mail the original form to the U.S. Department of Agriculture at the following address: The Lacey Act, c/o USDA/APHIS/PPQ, Box 10, 4700 River Road, Riverdale, MD 20737

NOTE: You may use a continuation sheet, PPQ FORM 505B, should more space be required. Make as many copies as necessary. Failure to include any and all of the required information will result in the rejection of your declaration.

SPECIAL NOTE: IF YOU HAVE FILED A LACEY ACT PLANT AND PLANT PRODUCT DECLARATION ELECTRONICALLY, THERE IS NO NEED TO FILE A PAPER DECLARATION.