

Changes to HTSUS Classifications Expected in January

UPDATE: On December 17, 2021, U.S. Customs and Border Protection issued the following statement regarding a delay in updating the 2022 Harmonized Tariff Schedule of the United States (HTSUS):

U.S. Customs and Border Protection (CBP) understands that the five-year World Customs Organization harmonized tariff schedule update will not take effect January 1, 2022. CBP is awaiting formal direction for this update, which will be implemented by Presidential Proclamation and published in the Federal Register. In the interim, CBP will continue to use the current harmonized tariff schedule and encourages the trade community to do the same until further guidance is provided.

Key Notes:

- U.S. importers should review their HTSUS classifications to be ready for anticipated changes in 2022.
- The changes may be effective as early as January 1, 2022, although the exact implementation date has not been published yet.

In April 2021, following the World Customs Organization's (WCO) recommendation of changes to the global Harmonized System (HS), the U.S. International Trade Commission (ITC) submitted to the president [Recommended Modifications to the Harmonized Tariff Schedule, 2021](#). The ITC is required by law to keep the Harmonized Tariff Schedule of the United States (HTSUS) under continuous review and periodically recommend to the president modifications, including to conform the HTSUS to amendments made to the International Convention on the Harmonized Commodity Description and Coding System and the HS.

The Recommended Modifications would primarily update the HTSUS to conform to amendments to the HS adopted by the WCO in its recommendation of June 28, 2019, which are scheduled to enter into force on January 1, 2022.

The Recommended Modifications would impact 350 products and product groups that are classified in various chapters, such as electronic cigarettes, semiconductor devices, polyether, paper products, etc. The modifications would make conforming changes to the HTSUS nomenclature, including modifications of article descriptions and heading and subheading numbers. Some recommended modifications would modify section notes, chapter notes, additional U.S. notes and the general notes to the HTSUS. Others would replace existing HTSUS headings and subheadings. Where a modification in the HTSUS would indirectly alter the scope of an existing subheading without modifying its article description, the subheading is renumbered to indicate that its scope has been changed.

The Recommended Modifications to the HTSUS are expected to be implemented on January 1, 2022, the same date the modifications adopted by the WCO are scheduled to enter into force. However, under applicable statute, the modifications may only be made after the expiration of a 60-day layover (or waiting) period¹ that begins on the date the president submits a report to the House of Representatives Committee on Ways and Means and to the Senate

Committee on Finance. The exact implementation date of the Recommended Modifications in the United States has not been posted yet.

FOR MORE INFORMATION

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¹ It should be noted that the 60-day layover period is not 60 calendar days; it is defined as 60 days when Congress is in session. See section 1206(b)(2) of the 1988 Act (19 U.S.C. 3006(b)(2)).