

ITEM: Airsoft gun powered by gas or compressed air, mainly made of aluminium and steel, designed for use in airsoft activities. It shoots 6 mm plastic BB pellets and includes the following components, such as: - CNC-machined steel gear set; - Aircraft-grade aluminium piston head and cylinder; - 8mm ceramic ball bearings; - CNC-machined 7.5-inch outer barrel; - Standard 1913 Picatinny rail and aluminium handguard with KeyMod system; and - Quick-change spring system. Specifications: - Weight: 2.5 kg - Inner barrel length: 206 mm - Pellet size: 6 mm - Length (Min./Max.): 590 mm / 675 mm - Inner barrel calibre: 6.1 mm - Magazine capacity: 190 rounds.

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## Suggested Tariff Classification

### Phase 1

#### Top 3 candidate chapters

Chapter	Justification
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<b>93</b>	By GRI 1, classification is by heading text: 93.04 expressly covers “weapons... spring, compressed air or gas” (e.g., rifles/pistols) and covers the described airsoft gun (gas/air). Note 1(e) to Chapter 93 only excludes those having the character of toys (Chapter 95). By GRI 3(a), this specific description prevails over more generic options. It belongs to Section XIX (Arms), where Chapter 93 is located.
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<b>95</b>	Alternative only if it has the character of a toy: 95.03 covers “other toys... scale models” and, per NESA, “toy replicas of firearms.” However, Chapter 95 itself excludes “arms and other articles of Chapter 93” (Note 1(s)), so if it is an air/gas weapon, Chapter 93 prevails.
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### Phase 2

## TARIFF CLASSIFICATION OPINION

#### I. Applicable regulatory framework

- General Rules of Interpretation (GRI):
  - Rule 1: “THE TITLES OF SECTIONS, CHAPTERS OR SUBCHAPTERS ARE PROVIDED FOR EASE OF REFERENCE ONLY; FOR LEGAL PURPOSES, CLASSIFICATION SHALL BE DETERMINED ACCORDING TO THE TERMS OF THE HEADINGS AND ANY RELATIVE SECTION OR CHAPTER NOTES...”
  - Rule 3(a): “THE HEADING WHICH PROVIDES THE MOST SPECIFIC DESCRIPTION

21 SHALL BE PREFERRED TO HEADINGS PROVIDING A MORE GENERAL DESCRIPTION.”

22 • Rule 3(b): when 3(a) is inoperative, classification shall be “ACCORDING TO THE  
23 MATERIAL OR COMPONENT WHICH GIVES THEM THEIR ESSENTIAL CHARACTER...”

24 • Rule 6: “FOR LEGAL PURPOSES, THE CLASSIFICATION OF GOODS IN THE  
25 SUBHEADINGS OF A HEADING SHALL BE DETERMINED ACCORDING TO THE  
26 TERMS OF THOSE SUBHEADINGS... PROVIDED THAT ONLY SUBHEADINGS AT THE  
27 SAME LEVEL ARE COMPARABLE.”

- 28 • Applicable legal and chapter notes (LIGIE/NESA): • Chapter 93, Note 1(e): excludes  
29 from Chapter 93 “weapons... having the character of toys (Chapter 95).”  
30 • Heading 93.04: “Other arms (for example, spring, air or gas guns and pistols,  
31 truncheons), excluding those of heading 93.07.” The 9304.00 subheading  
32 reproduces this description at the 6-digit level.  
33 • National Notes, Chapter 93: “Heading 93.04 includes, among others, similar  
34 weapons that operate by expansion of a powerful spring...”  
35 • Chapter 95 (exclusions): NESA for Chapter 95 expressly states that “arms and  
36 other articles of Chapter 93” are not considered under Chapter 95.  
37 • Heading 95.03, subheading 9503.00.25: “Toy replicas of firearms... but not  
38 including the weapons covered by heading 93.04.”

39 II. Legal-technical analysis Object: “Airsoft gun powered by gas or compressed air... shoots  
40 6 mm plastic BB pellets... includes steel gears, aluminium piston and cylinder, ceramic  
41 bearings, 7.5” outer barrel, standard 1913 rail, handguard with KeyMod and quick-change  
42 spring system.”

43 1) Applicable chapter (93)

- 44 • Under GRI 1, refer to heading texts and Notes. The article is a weapon operating by  
45 compressed air/gas and/or spring. Chapter 93 covers arms and parts thereof; Note  
46 1(e) only excludes weapons with the character of toys, referring them to Chapter 95,  
47 while air/gas weapons are treated as arms in 93.04.

48 2) Applicable heading (93.04)

- 49 • Heading 93.04 covers “weapons... spring, air or gas.” The described merchandise is  
50 a weapon designed to fire 6 mm plastic ammunition by air/gas and spring  
51 mechanisms, thus it falls in heading 93.04 by direct application of GRI 1. National  
52 Notes reinforce that 93.04 includes weapons operating by spring expansion.

53 3) Subheading (9304.00)

- At the subheading level, 9304.00 reproduces and exhausts the scope of the heading for “Other arms (... spring, air or gas ...).” As there are no more specific 6-digit subdivisions in the HS within 9304.00, determination at this level is made under GRI 6, selecting subheading 9304.00.

### III. Exclusion of alternative headings or chapters (Chapters 93 and 95)

- 93.02 (Revolvers and pistols, except those of 93.03 or 93.04): the text itself excludes those covered by 93.04; this article is an air/gas/spring weapon, so 93.02 does not apply.
- 93.03 (Other firearms... using the deflagration of gunpowder): the merchandise does not use gunpowder; it is not a firearm. Heading 93.03 is excluded by its text and by the specificity of 93.04 (GRI 1 and 3(a)).
- 93.05 (Parts and accessories): the good is a complete weapon, not parts; 93.05 does not apply by its own text.
- 93.06 (Ammunition and projectiles, incl. pellets for air guns): the merchandise is the weapon, not ammunition. “Pellets for air guns” are 93.06, not the weapon; 93.06 is excluded by express text (GRI 1).
- 95.03 (Toys; incl. replicas):
  - NESAs for Chapter 95 excludes “arms and other articles of Chapter 93” from the scope of toys; therefore, an air/gas weapon covered by 93.04 is not classified as a toy (GRI 1).
  - Subheading 9503.00.25 covers “toy replicas of firearms... but not including the weapons covered by heading 93.04.” The text makes clear that when the object is a weapon of 93.04, it is not classifiable as a toy replica (GRI 1 and 3(a)).
- 95.06 (Articles and equipment for sports): the text is generic and, moreover, NESAs for Chapter 95 expressly excludes the arms of Chapter 93; by specificity (GRI 3(a)), 93.04 prevails and 95.06 is excluded.

### IV. Documentary requirements To support the classification at clearance, the importer must provide:

- Manufacturer’s data sheet and manual describing the propulsion system (compressed air/gas/spring) and firing operation.
- Photographs of the weapon and its mechanisms (piston, cylinder, gears, inner and outer barrel, rails).
- Specifications for caliber/diameter of ammunition (6 mm) and magazine capacity.

- Manufacturer's declaration of intended use (airsoft activities) and absence of gunpowder/deflagration.
- Where applicable, brochure or commercial catalog identifying the described model.

V. Conclusion Based on GRI 1 and 6, on the text of heading 93.04 and subheading 9304.00, and on the applicable Notes, the described merchandise is classified at the subheading level as follows:

- Chapter: 93
- Heading: 93.04
- Subheading: 93.04.00
- National tariff line (8 digits): N/A (outside the requested scope)
- NICO: N/A (outside the requested scope)

Final determination: Subheading 93.04.00.

Observation regarding the requested note: 9304.00 should not be ruled out; on the contrary, it is the applicable classification, since the heading text itself covers "weapons... spring, compressed air or gas," and the Notes to Chapter 93 exclude from its scope the arms of Chapter 93. Moreover, 9503.00.25 limits replicas to "toys... that are not the weapons covered by heading 93.04."