



C. No. (54)(DC-PCT) 2017

Dated: 05-06-2017

Public Notice No. 08 /2017 (Classification)

Subject: **CLASSIFICATION OF BULB GLASS PARTS**

FACTS:

Model Customs Collectorate of Appraisement (East), Custom House, Karachi forwarded a reference to the Classification Committee for determination of appropriate IIS Code of 'Bulb Glass Parts', imported vide GD No. KAPE-HC-111387-08-02-2017, claiming the classification under PCT Heading 8539.9090. Conversely, the clearance Collectorate is of the opinion that impugned product, as presented, is classifiable under PCT Heading 8539.2910, since the same has attained the essential character of complete 'bulb' in terms of GRI 2(a). The meeting of the Committee was held on 4-4-2017. Importer along with their consultant / advisor attended the meeting.

ISSUE:

2. Whether the imported 'Auto Bulb Glass without Base Cap' is appropriately classified as "parts" under HS Code 8539.9090 as declared by the importer, under HS Code 8539.2910 as proposed by the clearance Collectorate or under any other relevant Heading of the First Schedule to the Customs Act, 1969 (Pakistan Customs Tariff)?

PRODUCT ANALYSIS:

3. The product, as per examination report is 'Auto Bulb Glass without Base Cap'. The uploaded images together with the representative samples presented to the Classification Committee further verify that the imported product is an incandescent type glass bulb fitted inside with tungsten filament, lead wire (contact / support wires), glass mount / support, without base cap and electrical foot contact.

LAW AND ANALYSIS:

4. The importers informed the Committee that the imported 'glass bulb parts' will be used in making automotive / motorcycle bulbs. They contended that the imported 'glass bulb parts' are not finished product and these are, in the present form, not workable, useable,

installable without going through the mechanical processes to be performed on different types of machines and materials like soldering wires, soldering flux, joining compound, capping cement and gaseous material (oxygen) will be used in order to achieve finished product and about 30% of capsules goes to waste during said local manufacturing process. They further elaborated that following machines are used to process the imported goods in order to make product ready for use:

- (i) 24 / 52 Heads Full Automatic Wire Threading Base Capping & Finishing Machine;
- (ii) Automatic Base Cap Cement Mixing Machine;
- (iii) Automatic Base Caps Marking Machine;
- (iv) Automatic Base Caps Cement Filling Machine;
- (v) Cabinet of Lamp Bulb Life Testing Apparatus;
- (vi) Oil Circle Lubricate Auto Low Pressure Air Blower; and
- (vii) 15HP Air Compressor.

The importer, while supplementing their arguments, placed reliance on a number of decisions of CBEC (Central Board of Excise and Customs, India) whereby the term 'essential character' has been defined / explained.

5. The Committee observed that ENs to Rule 2 (a) provides that:
"Any reference in a heading to an article shall be taken to include a reference to that article incomplete or un-finished, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or failing to be classified as complete or finished by virtue of this Rule), presented unassembled or disassembled".

6. The committee observed that the impugned product is an incandescent type glass bulb fitted inside with tungsten filament, lead wire (contact / support wires), glass mount / support without insulation / base cap and electrical foot contact. The two wires coming out from the bulb when connect to the power source illuminates the bulb. The only process required to make it a complete bulb is soldering wires with metal caps with some binder, through a machine, to the bulb. However, it is pertinent to mention that the form in which the impugned product has been imported has attained all the properties of a complete bulb and at this stage the product cannot be used for any purpose other than a 'bulb'. Hence, Committee is of the view that the impugned product i.e. incandescent type glass bulb fitted inside with tungsten filament, lead wire (contact / support wires), glass mount / support, without base cap and electrical foot contact in present form has attained the essential character of the finished product i.e. Bulb and merely non

inclusion of soldering flux, joining compound and binding cement in the imported goods, do not render the goods as "parts".

HOLDING:

7. In view of the above, the impugned product is appropriately classifiable under HS Code 8539.2910 through application of Rule 2(a) of General Rules for Interpretation (GRI).

8. This Classification Ruling is based on the product information provided by the importing company and concerned Collectorate and shall be treated as annulled, if it is found, at any subsequent stage, that the same was obtained by providing incorrect, false, misleading or incomplete information either by the applicant or the Collectorate.



(Muhammad Haris Ansari)
Additional Collector-I
Chairman Classification Committee

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16. M/s M. J. Corporation, 4 – D, Tagore Park, Nicholson Road, Lahore.
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