

GOVERNMENT OF PAKISTAN
MODEL CUSTOMS COLLECTORATE OF APPRAISEMENT (EAST)
CUSTOM HOUSE, KARACHI

C.No.(616)KAPE/Classification/2013/537/East

Dated: 08.01.2015

PUBLIC NOTICE 02 OF 2015

Subject: CLASSIFICATION OF GOODS DECLARED AS RUBBER SEAL STRIPS

The matter regarding classification of the product, namely "RUBBER SEAL STRIPS" was referred to the PCT Committee by the Collector, MCC Appraisal (East) in the light of Findings/Recommendations of Honorable Federal Tax Ombudsman in Complaint No.550/LHR/CUS(21)/13552014 dated 01.12.2014. Brief details of the case are as below:

2. M/S Shaheen Rubber Store, Lahore imported a consignment of RUBBER SEAL STRIPS against PCT heading 4016.9320 which was assessed by the Collectorate under PCT heading 4008.2110. Being aggrieved with the assessment done by the Collectorate, the importer approached the Honourable Federal Tax Ombudsman who vide aforementioned Findings/Recommendations disposed off the matter on grounds that the Complaint was outside the jurisdiction under section 9(2)(b) of the Ordinance.

3. The Classification Committee held its meetings on 24.11.2014 and 22.12.2014. The Importer and his representative explained that the usage of Rubber Seal Strips is in generator, power looms and allied machinery etc. for reduction of noise and control of vibration; hence the impugned goods could not be termed as component for vehicle.

4. The Committee examined the representative sealed sample of the imported product and consulted the Chapter/Section notes and Explanatory Notes. The importer's contention about classification under PCT 4016.9320 is not tenable as heading 40.16 covers "other articles of vulcanized rubber other than hard rubber" and subheading 4016.9320 covers washers and other seals of rubber composed of cellular rubber. Since the item under consideration is not "an article" and is a "strip", hence it falls outside the scope of definition of article. The Collectorate's stance about classification of item under PCT heading 4008.2110 is also not maintainable as the impugned product in question is a strip of vulcanized rubber other than hard rubber, being made of cellular rubber, in length and not cut to size. PCT heading 4008.2110 being proposed by the Collectorate restricts the scope of non cellular rubber plates, sheets and strip to use in vehicles of chapter 87; which includes (1) weather strips for doors and luggage compartments for motor cars of heading 87.03 and vehicles of sub-heading 8703.2113, except weather strip moulding (inner/outer) for glass; (2) weather strips for doors and glass for vehicles of subheading 8704.2190; (3) weather strips for doors for vehicles of sub-heading 8704.3190.

5. The Committee after considering all aspects of the matter deliberated upon PCT heading 4008.1190 which encompasses in its scope sheets, strips of vulcanized rubber other than

hard rubber composed of cellular rubber under the description of "Other". The Explanatory Notes to Chapter 40.08 cover plates, sheets and strip (having any cross-sectional dimension exceeding 5mm) in length, or merely cut to length or into rectangles (including squares). Considering the nature of impugned item, the cellular rubber strips are imported in length/rolls and their usage is not restricted to doors, glass or luggage compartment of vehicles, for which the cellular rubber strips, should be cut to size as per dimensional requirement of each vehicle. Instead the rubber strips are in length, hence usable in doors, glass or luggage compartment of vehicles as well as in machinery and other items.

6. In light of the above facts, impugned item is appropriately classifiable under PCT heading 4008.1190 in terms of Rule 3 (c) to the General Rules for Interpretation.

sd.
(Zeba Bashir Ahmed)
Additional Collector I
Chairman Classification Committee

Copy for information to:

1. PS to Member (Customs), Federal Board of Revenue, Islamabad.
2. The Chief Collector of Customs (Appraisalment)/ (Enforcement) South, Custom House, Karachi.
3. The Chief Collector of Customs (Central)/ (North), Custom House, Lahore/Islamabad.
4. The Collector, MCC Appraisalment (East)/ (West), Custom House, Karachi.
5. The Collector, MCC Port Muhammad Bin Qasim, Karachi.
6. The Collector, MCC Hyderabad, MCC Gwadar, MCC Quetta, MCC Appraisalment Lahore, MCC Multan, MCC Sambrial, MCC Faisalabad, MCC Rawalpindi, MCC Peshawar, MCC Gilgit-Baltistan.
7. The Director, Directorate of Intelligence & Investigation (Customs), Karachi.
8. The Collector, Collectorate of Customs Adjudication I & II, Custom House, Karachi.
9. The Karachi Chamber of Commerce & Industry, Karachi.
10. The Karachi Customs Agents Association, Karachi
11. The Chemical Examiner, Custom House Laboratory, Karachi.
- ✓ 12. Notice Board.

Zeba Bashir Ahmed
8/11/15
(Zeba Bashir Ahmed)
Additional Collector I
Chairman Classification Committee