



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



C.No. C-188/KAPE/PCT/2022

Dated: 20/08.2022

PUBLIC NOTICE NO. 08 OF 2022

Subject: **CLASSIFICATION OF "WOVEN FUSIBLE INTERLINING"**

M/s Tradimpex Marketing (NTN No. 5248595), 1st Floor, Chughtai Chamber, 63-C, The Mall, Lahore, imports 'Woven Fusible Interlining' and declares the same under PCT 5901.9090. The Collectorate of Customs Appraisalment East and West, Karachi assessed certain number GDs of M/s Tradimpex Marketing provisionally and changed declared PCT 5901.9090 to PCT 5903.9000, 5407.5100 and 5407.5200. Collectorate of Customs Appraisalment East assessed the goods provisionally under 5407.5100 and 5407.5200. Whereas, Collectorate of Customs Appraisalment West assessed the goods provisionally under HS Code 5903.9000. Importer had also agitated the matter before Honorable High Court Sindh vide CP No. 6911/2019 and same was disposed of on 30.10.2019 with directions to the clearance Collectorate to assess the same provisionally. Accordingly, Collectorate of Customs Appraisalment West, Karachi assessed GD NO. KAPW-HC-33106-21-09-2019 provisionally under HS Code 5903.9000 for final decision by the Classification Committee. Therefore, instant matter is before the Classification Committee for its decision.

2. Hearing of the committee was held on 03.02.2022 which was attended by Mr. Muhammad Usman Malik, Import Manager of Tradimpex Marketing. Importer's representative also submitted technical literature of the imported goods. Case record also shows that instant goods were also lab tested through Customs House Laboratory Karachi and report submitted vide letter No. SI/Misc/01/2016-IV dated 20.07.2019. Findings of the Lab test are as under:

Report: Two samples received. Reports are as under:

- 1. The sample is in the form of black / white color one side rough fusible fabric, on test is found to consist of parallel strands of spun yarn composed of cotton (85%) interlocked vertically by multifilamentary yarn composed of polyester (15%). It has polymeric sprinkled coating on one side.*
- 2. The sample is in the form of white color one side rough fusible fabric, on test is found to consist of parallel strands of spun yarn composed of cotton (85%) interlocked vertically by multifilamentary yarn composed of polyester (15%). It has polymeric sprinkled coating on one side.*

Whereas M/s Tradimpex Marketing submitted its written reply to the Classification Committee on 17.1.2022 and key points raised are reproduced below:

- *that the said item Woven Fusible Interlining is being imported and cleared by us from three different IDs for the last 15 years under HS Code 5901.9090.*

dy

- However, first the time the Assessment Officer has changed HS Code from 5901.9090 to 5407.5100 (white) and 5407.5200 (Black).
- It may please be noted that the heading 5407 is for un-coated woven fabrics of synthetic filament yarn including woven fabrics obtained from material of heading 54.04. The Goods imported by us are purely Fusible Interlining (impregnated, continuously / simultaneously coated) which are correctly classifiable under HS Code 5901.9090.
- The assessment officers had raised an objection that "According to the chapter notes of 59 serial No. 02- (04) that: fabrics partially coated or partially covered with plastics and bearing designs resulting from these treatments (usually chapter 50 to 55, 58 or 60)." Partially means "Only in part; to a limited extent".
- But in fact, the goods in question are of continuously / simultaneously coating which is crystal clear from the sample. Whereas the back is impregnate and if our interlining was partially coated then it will not properly fuse with the other fabric. The partially coated articles are not used as interlining they are proper meant from designing of suits shirts and other fabrics. But interlining is only used for "interlining is one kind of accessories that is used between the two layers of fabric in a garment. To keep the different component or part of apparel in a desired shape, a kind of fabric is used between the two plies of fabric by sewing or fusing is called interlining". "Fusible interlining is one kinds of interlining which is fixed with the garment components by applying heat and pressure for certain period of time. Various types of fusible interlining which are significantly used in apparel manufacturing industry has mentioned in this article.
- that the Goods, Fusible Interlining (Coated and impregnated) may be allowed reassessment under the appropriate and Correct HS Code 5901.9090, which is applied by every assessment Officer during the past 15 years.

3. The Committee has heard parties, examined case record, and perused observation of assessment officers, consulted lab reports and technical literature of the impugned product. Relevant Explanatory Notes to Sections, Chapters and headings have also been relied upon. It is confirmed through lab reports, technical literature, and written confirmation of the importer that goods (Fusible interlining) are coated with polyamides. Whereas heading 5901 only includes fabric coated with gum or amylaceous substances and such fabric have specific uses like for outer cover of books, tracing cloth, painting canvass, buckram or stiffened cloth for foundation hat. Accordingly, impugned goods are neither coated with gum or amylaceous substances nor it is used in these products. Whereas, as per lab report and technical literature goods have coating of polyamides/polymers. Besides, Explanatory Notes to heading 5901 specifically exclude fabrics coated with plastics from the scope of heading 5901 and suggest heading 5903. Therefore, impugned goods are not classifiable under 5901.

4. Now question arises if these goods are covered either under heading 5903.9000 or 5407.50. Assessment remarks of the assessing officers as available under GD remarks have been perused. Assessing Officers have remarked that imported goods are classifiable under 5407.51 and 52 as the same are excluded from the scope of heading 5903 by virtue of Chapter (39) Note 2(a)(4) which provides that 'Fabrics partially coated or partially covered with plastics and bearing designs resulting from these treatments' shall be classified under

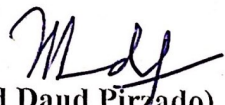
dy

Chapters 50 to 55, 58 or 60. So it needs to be determined if impugned goods are covered under exclusion provided in Chapter 39 Note 2 (a) (4). Importer claims that goods are not partially coated but continuously coated as partial coating will not serve the purpose of fusing which is the main characteristic of the fusible interlining material. Besides, Explanatory Notes under Heading 5903 provide that 'textile fabrics which are spattered by spraying with visible particles of thermoplastic material and are capable of providing a bond to other fabrics or materials on the application of heat and pressure' are to be classified under heading 5903. Custom House Lab findings mentioned above also confirm this aspect. Accordingly, it can be fairly concluded that provisionally assessed goods (woven fusible interlining) are appropriately classifiable under 5903 and not under 5901 (as declared) or 5407.51 and 52 (as assessed provisionally).

5. It is also pertinent to mention here that US Customs vide Cross Ruling No NY F88487 dated 11.7.2000 has ruled that woven fusible interlining is classified under 5903. In another Cross Ruling (HQ 085850 dated 11.1.1990) US Customs has classified fusible interlining of Knit fabric also under 5903. In a recent decision (11.11.2019), Authority of Advance Ruling West Bengal India has also concluded that Fusible Interlining Fabrics of Cotton are also classifiable under 5903.

6. In view of above, the Committee is of the considered opinion that "Woven Fusible Interlining" is appropriately classifiable under 5903.9000 in terms of GIR 1 and 6

7. This Public Notice is issued in terms of Chapter-II (Classification) of CGO 12/2002 dated 15.06.2022.


(Muhammad Daud Pirzado)
(Chairman Classification Committee)

Copy for information to:

1. The Member (Customs Operations), Federal Board of Revenue, Islamabad.
2. The Member (Customs Policy), Federal Board of Revenue, Islamabad.
3. The Chief Collector of Customs (Appraisalment) South, Custom House, Karachi.
4. The Chief Collector of Customs (Enforcement) South, Custom House, Karachi.
5. The Chief Collector of Customs (Appraisalment) Central, Custom House, Lahore.
6. The Chief Collector of Customs (Enforcement) Central, Custom House, Lahore.
7. The Chief Collector of Customs (Islamabad), Custom House, Islamabad.
8. The Chief Collector of Customs (Balochistan), Custom House, Quetta.
9. The Chief Collector of Customs (North), Custom House, Peshawar.
10. The Collector, Collectorate of Customs Appraisalment-East/West/PMBQ, Karachi.
11. Karachi Chamber of Commerce & Industry, Karachi.
12. Federation of Pakistan Chambers of Commerce & Industry, Karachi.
13. Karachi Customs Agents Association, Karachi.
14. M/s Tradimpex Marketing (NTN No. 5248595), 1st Floor, Chughtai Chamber, 63-C, The Mall, Lahore
15. Notice Board.