



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



C-211/KAPE/DC/PCT/2022

Dated: 28.12.2022

**PUBLIC NOTICE NO. 17/2022**

SUBJECT: **CLASSIFICATION OF '99.999% PURITY COPPER TINNED BUSBAR HAVING THICKNESS LESS THAN ONE TENTH OF WIDTH'.**

The Collectorate of Customs Appraisalment (West), Karachi vide letter No. SI/MISC/52/2022-V dated 12.08.2022 forwarded a reference for classification of '99.999% purity copper tinned busbar having thickness less than one tenth of width' imported by M/s. Hussain and Co.

2. Brief facts as reported by the referring Collectorate are that M/s. Hussain and Co. Karachi imported a consignment of 'Tinned Copper Busbars of 99.999% purity, Length 4m assorted width/thickness' vide reference GD No.KAPW-HC-180258-09-06-2022 under declared PCT heading 7407.1040. The consignment was examined, whose examination report is as under:

*"GD No.KAPW-HC-180258-09-06-2022- commercial invoice found—examined the goods in the light of GD and found description: I. Copper Busbar, Size 120.0x10.0 R 1.0 Half Hard, QTY: 24 PCS, Net Weight 1025 KGs, II. Copper bBusbar, Size 100.0x10.0 R 1.0 Half Hard, QTY: 30 PCS, Net Weight 1076 KGs, III. Copper Busbar, Size 100.0x5.0 R 1.0 Half Hard, QTY: 31 PCS, Net Weight 544 KGs, IV. Copper Busbar, Size 80.0x10.0 R 1.0 Half Hard, QTY: 18 PCS, Net Weight 514 KGs, V. Copper Busbar, Size 60.0x10.0 R 1.0 Half Hard, QTY: 32 PCS, Net Weight 686 KGs, VI. Copper Busbar, Size 50.0x10.0 R 1.0 Half Hard, QTY: 31 PCS, Net Weight 556 KGs, VII. Copper Busbar, Size 40.0x10.0 R 1.0 Half Hard, QTY: 53 PCS, Net Weight 759 KGs, made in Malaysia. QTY, Part No., Size are verified as per scanned P/List No. 296600 dated 14/06/2022. Images are attached. Group may check all aspect in the light of ER, IPO Condition, IPR condition, Catalogue Etc."*

3. The referring Collectorate further reported that during the assessment, (i) Copper Busbar, Size 120.0x10.0 R 1.0 Half Hard, QTY: 24 PCS, Net Weight 1025 KGs, (ii) Copper Busbar, Size 100.0x10.0 R 1.0 Half Hard, QTY: 30 PCS, Net Weight 1076 KGs, (iii) Copper Busbar, size 100.0x5.0 R 1.0 Half Hard, QTY: 31 PCS, Net Weight 544 KGs were classified under PCT heading 7409.1900 (and the rest were classified as per declared PCT heading i.e.

7407.1040), in terms of Notes of the Chapter 74,i.e. 1(d), the relevant tariff lines are given as under:

74.07	Copper bars, rods and profiles. - Of refined copper:
7407.1040	- - - Busbars of electrolytic grade of 99.9 % purity
74.09	Copper plates, sheets and strip, of a thickness exceeding 0.15 mm. - Of refined copper:
7409.1900	- - Other

4. The referring Collectorate is of the opinion that impugned goods are classifiable under PCT heading 7409.1900 on the following grounds:

- i. The thickness of items (i), (ii), & (iii) as per examination report is less than one tenth of width, i.e. 12mm, 10mm & 10mm respectively.
- ii. Aforementioned items were classified under PCT heading 7409.1900, considering 1(d) & 1(g) of Notes
- iii. The goods are in solid rectangular shape with sharp edges.

5. It has been reported that the importers are of the view that the impugned goods are classifiable under PCT heading 7407.1040 on the following reasons:

- i. The legislature has created a specific national heading 7407.1040 for busbars and by virtue of Rule 3(a) the appropriate PCT heading for the subject busbars is 7407.1040 being a specific national heading.
- ii. The manufacturing process for plate, sheet and strips are entirely different than that of busbars which can be verified through internationally defined process.

6. The meeting of the classification committee was convened on 03.12.2022 in the Conference Room of the Collectorate of Customs Appraisalment (East), Karachi which was attended by the representatives of the importers, the referring Collectorate and the members of the Classification Committee. During the hearing, the representatives of the importers and the officials of the referring Collectorate reiterated their stances as stated in stated above. No dispute regarding specifications of the goods was raised.

7. The Classification Committee has gone through the arguments and documents put forth and also considered the relevant provisions of law dealing with the HS classification. The Committee observed that the PCT headings and Tariff Structure stand changed after promulgation of Finance Act, 2022, whereas Chapter Notes 1(d) & 1(g) of Chapter 74 also stand

omitted/deleted from that Chapter Notes and added under Note 9 of Section VX. These Notes were/are reproduced as under:

***“Bars and rods***

*Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including flattened circles and modified rectangles, of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. **The thickness of such products which have a rectangular (including modified rectangular) cross-section exceeds one-tenth of the width.** The expression also covers cast or sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products or other headings.*

***Plates, sheets, strips and foil***

*Flat-surfaced products (other than the unwrought products of heading 74.03) coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including modified rectangles of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are:*

- ***Of rectangular (including square) shape with a thickness not exceeding one-tenth of the width***
- *Of a shape other than rectangular or square, of any size, provided that they do not assume the character of articles or products of other headings.*

*Headings 74.09 and 74.120 apply, inter alia, to plates, sheets, strip and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished, or coated, provided that they do not thereby assume the character of articles or products of other headings.”*

8. As regards the PCT headings and Tariff Structure, the Committee observed that same were/are as detailed hereunder:

PCT Headings	Description	CD %	PCT Headings	Description	CD %
<b>74.07</b>	<b>Copper bars, rods and profiles.</b>		<b>74.07</b>	<b>Copper bars, rods and profiles.</b>	
	- Of refined copper:			- Of refined copper:	
7407.1010	- - - Bars	0	7407.1010	- - - Bars	0
7407.1020	- - - Rods	0	7407.1020	- - - Rods	0
7407.1030	- - - Twisted copper bars	0	7407.1030	- - - Twisted copper bars	0
<b>7407.1040</b>	<b>- - - Busbars of electrolytic grade of 99.9 % purity</b>	<b>0</b>	<b>7407.1040</b>	<b>- - - Busbars of electrolytic grade of 99.9 % purity</b>	<b>0</b>
<b>74.09</b>	<b>Copper plates, sheets and strip, of a thickness exceeding 0.15 mm.</b>		<b>74.09</b>	<b>Copper plates, sheets and strip, of a thickness exceeding 0.15 mm.</b>	
	- Of refined copper:			- Of refined copper:	
7409.1100	- - In coils	11	7409.1100	- - In coils	11
<b>7409.1900</b>	<b>- - Other</b>	<b>20</b>		- - Other:	
			<b>7409.1910</b>	<b>- - - Busbars of electrolytic grade of 99.9% purity</b>	<b>0</b>
			7409.1990	- - - Other	20

9. The classification of any imported goods is determined under General Rules of Interpretation. The Committee considered Rule 1 & 6 which are reproduced as under:

#### Rule 1

*“The titles of Sections, Chapters and Sub-Chapters 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 and, provided such headings or Notes do not otherwise require, according to the following provisions.”*

#### Rule 6

*“For legal purposes, the classification of goods in the subheadings of a heading shall be determined according to the terms of those subheadings and any related Subheading Notes and, mutatis mutandis, to the above Rules, on the understanding that only subheadings at the same level are comparable. For the purposes of this Rule the relative Section and Chapter notes also apply, unless the context otherwise requires.”*

10. The Committee observed that classification of goods is to be determined primarily according to the terms of the headings and any relative section or chapter notes. Only after headings have been determined, subheadings are to be determined as per the terms of those subheadings. Sub-headings are not to be compared with headings, or sub-headings of dissimilar level.

11. The importers arguments that the impugned goods were classifiable under PCT 7407.1040, because there was a specific national heading of “- - - busbars of electrolytic grade of 99.9% purity” does not carry weight, as the impugned goods needed to meet the terms of the heading 74.07 as defined in Chapter Notes 1 (d) & 1(g) of Chapter 74 before being classified in the sub-heading 7407.1900. The Rule 3(a) of GRI, as relied upon by the importers, can only be applied, in the circumstances as given in the said Rule, i.e. “*when by application of Rule 2(a) or for any other reason, goods are, prima facie, classifiable under two or more headings*”. As mentioned above, Rule 1 of GRI, read with terms of the heading 74.07, and Chapter Notes 1(d) and 1(g) of Chapter 74 preclude such dispute of classification among headings; hence, application of Rule 3(a) of GRI does not arise. Note of HS heading 74.07 includes “*Bars and Rods are defined Chapter Note 1(d)*” whereas of HS heading 74.09 states that “*This heading covers products define in Chapter Note 1(g) when of a thickness exceeding 0.15mm*”.

12. In the instant case, impugned goods are busbars whose thickness is less than one-tenth of their width. By application of chapter notes 1(d) and 1(g) of Chapter 74 (and now under Note 9 of Section VX), the goods fall under the definition of plates, sheets, strips and foil. Hence, the Classification Committee is of the view that in light of Rule 1 & 6 of GRI, the impugned goods "99.99% purity copper tinned busbar having thickness less than one tenth of width" are classifiable in heading 74.09, and the appropriate PCT heading at that relevant time (prior to 01.07.2022) was 7409.1900 (-- Other), whereas, after promulgation of Finance Act, 2022, the appropriate heading by description has been created and the same are classifiable under PCT heading 7409.1910 (- - - Busbars of electrolytic grade of 99.9% purity).

13. The above classification determination is specific to the product whose details/specifications have been given above. Further, the ruling is based on the documents, information and catalogue/literature provided by the importers/referring 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.

14. This Public Notice is issued in terms of Chapter-II (Classification) of CGO 12/2002 dated 15.06.2002.

**(Mushtaq Ali Shahani)**  
Additional Collector of Customs/  
Chairman Classification Committee

**Copy for information to:**

1. The Member Customs (Policy / Operations), Federal Board of Revenue, Islamabad.
2. The Member (Customs Legal & Accounting), Federal Board of Revenue, Islamabad.

3. The Member (FATE), Federal Board of Revenue, Islamabad with the request to publish this ruling on FBR website.
4. The Chief Collector of Customs (Appraisalment) South, Custom House, Karachi.
5. The Chief Collector of Customs (Enforcement) South, Custom House, Karachi.
6. The Chief Collector of Customs (Appraisalment) Central, Custom House, Lahore.
7. The Chief Collector of Customs (Enforcement) Central, Custom House, Lahore.
8. The Chief Collector of Customs (North), Custom House, Islamabad.
9. The Chief Collector of Customs (Balochistan), Custom House, Quetta.
10. The Collectorate of Customs (Appraisalment), Islamabad.
11. The Collectorate of Customs (Appraisalment) West/East/PMBQ Custom House, Karachi.
12. The Director, Reforms and Automation (R&A), Custom House, Karachi with the request to incorporate this ruling in WeBOC.
13. M/s. Hussain and Co., W.S. A-6, Block-18, F.B Area, Karachi.
14. M/s ZGL Private Limited, 15KM-Sheikhupura Road, Faisalabad.
15. M/s Accrescent Engineering (Pvt) Limited, Suite No.410-412, Anum Estate, 49 D.A.C.H.S, Block 7/8, Shahrah-e-Faisal, Karachi.
16. M/s HRA Switchergear (Pvt), Ltd, Plot No.C-9, Sector 6-E, Mehran Town Scheme, Korangi, Karachi.
17. M/s Jamali Metal Mart, Shop No.10, Fatima Hajiani Mansion, James Terrace Road, Nanakwala Panmandi, Karachi.
18. The Project Director, WeBOCGlo, Custom House, Karachi for necessary action.
19. The Federation of Pakistan Chambers of Commerce and Industry, Karachi.
20. The Karachi Chamber of Commerce & Industry, Karachi.
21. The Karachi Customs Agents Association, Karachi.
22. Notice Board.

**(Mushtaq Ali Shahani)**  
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Chairman Classification Committee