

Session IX: Classification of parts

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Session IX

Classification of parts

Session IX: Parts

Parts <-----> Articles



Session IX: Parts

Statement:

“Parts are articles”

Correct?



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Introduction

73.15 - Chain and **parts thereof**, of iron or steel

44.19 - Tableware and kitchenware, of wood

What is the difference?

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Introduction

- What is a part ?
- Goods intended:
 - to be assembled into an article, together with other goods (parts); or
 - to be incorporated into other articles
- Component of an article

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Introduction

EU Judgment C-297/13 – consideration 35:

“The notion of ‘parts’ implies a whole for the operation of which the part is essential”

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Introduction

- No general classification rule
- Parts are articles
- Specific provisions at Section, Chapter, heading or subheading level

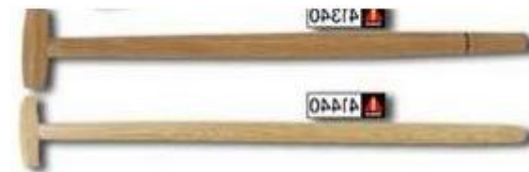
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No specific provision

- Part being an article referred to in a heading
- Other parts

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No specific general rule - Parts being articles referred to in a heading



- 44.17 - Tools, [...], tool handles, of wood
- 87.06 - Chassis fitted with engines
- 87.07 - Bodies (including cabs), for motor vehicles



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No specific general rule - Parts not being articles referred to in a heading

Compare the two following headings:

- heading 44.19 (tableware of wood)
- heading 73.23 (table, kitchen or other household articles and parts thereof, of iron or steel)

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No specific general rule - Parts not being articles referred to in a heading

Classification according to constituent material

✓ *wooden* lid of wooden tableware:

— ~~heading 44.19 (tableware of wood)~~

— heading 44.21 (other articles of wood)



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No specific general rule - Parts not being articles referred to in a heading

Classification according to constituent material

- ✓ lid of *steel* for a sugar-bowl of glass:
 - heading 73.23 (table, kitchen or other household articles and parts thereof, of iron or steel)
 - ~~heading 70.13 (glassware of a kind used for table use)~~



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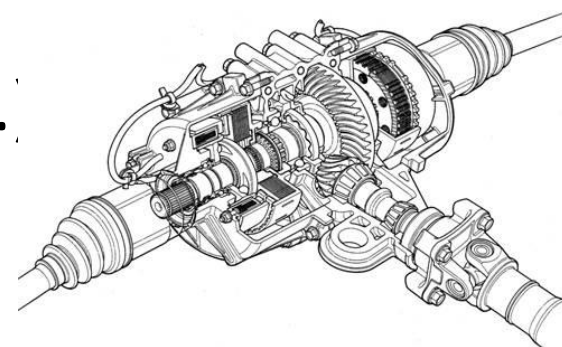
Specific provisions

- Chapters with a specific heading for “parts”
- Headings referring to certain articles and “parts thereof”
- Section or Chapter Notes governing the classification of parts

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Chapters with a specific heading for “parts”

- 61.17 – (...) parts of garments or (...)
- 86.07 – Parts of (...) or rolling stock
- 87.08 – Parts of (...) of headings 87.01 to 87.05
- 92.09 – Parts (...) of musical instruments
- 93.05 – Parts (...) of headings 93.01 to 93.04



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Headings referring to certain articles and “parts thereof”

Examples:

- 73.15 - Chain and parts thereof, of iron or steel
- 73.23/74.18/76.15 – Table, kitchen or other household articles and parts thereof (...)
- 87.15 - Baby carriages and parts thereof
- 91.11 - Watch cases and parts thereof



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Section or Chapter Notes governing the classification of parts (1)

- Chapter 82 - Note 2
- Chapter 83 - Note 1
- Section XVI - Note 2
- Chapter 90 - Note 2
- Chapter 95 - Note 3

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Section or Chapter Notes governing the classification of parts (2)

May include certain conditions:

- ✓ Nature of the material (Note 2 to Chapter 82)
- ✓ Suitability for use solely or principally with the parent article (Note 3 to Section XVII)

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Conclusions

- No specific general rules
- “Parts” are “articles”
- Classification according to specific provisions, if there are any

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“Parts of general use”

Note 1 (g) to Section XVI:

- This Section does not cover:
- (a) (...) (f)
- (g) **Parts of general use**, as defined in Note 2 to Section XV, of base metal (Section XV), or similar goods of plastics (Chapter 39);
- (h) (...)

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Question:



What are “Parts of general use”?

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What are “parts of general use”?

- Particular group of articles
- General purpose type goods
- Whether or not designed for a particular machine or purpose
- Of base metal (Section XV) or of plastics (Chapter 39)

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Note 2 to Section XV

“Parts of general use” means:

- Articles of 73.07, 73.12, 73.15, 73.17, 73.18
- Springs or leaves for springs (other than clock or watch springs)
- Articles of 83.01, 83.02, 83.08, 83.10 and frames and mirrors, of 83.06

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In other words, the following articles:

- Tube and pipe fittings (73.07)
- Stranded wire, ropes, cables, plaited bands, slings and the like (73.12)
- Chain (73.15)
- Nails, tacks, drawing pins, corrugated nails, staples (73.17)
- Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter-pins, washers (73.18)
- Springs or leaves for springs (other than clock or watch springs) (73.20)

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And:

- **83.01:** Padlocks and locks; clasps and frames with clasps, incorporating locks; keys
- **83.02:** Mounting, fittings suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, chests, caskets; hat-racks, hat-pegs, brackets and similar fixtures; castors with mountings; automatic door closers
- **83.08:** Clasps, frames with clasps, buckles, buckle-clasps, hooks, eyes, eyelets; tubular or bifurcated rivets; beads and spangles
- **83.10:** Sign-plates, name-plates, address-plates, numbers, letters and other symbols (excluding those of 94.05)
- frames and mirrors, of **83.06**

All the foregoing of base metal *or of plastics*

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Parts of general use

Not relevant:

- Specificity
- Intended use

Relevant:

Presented separately

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Parts of general use (example)

Bolts and nuts designed for aircraft



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Parts of general use (example)

What about this article of titanium alloy?

- Used in trauma surgery for posterior stabilisation of the spine
- Dual core thread



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Parts of general use (example)

What about this article of titanium alloy?

- Not the character of a “screw”
- Different spacing of the threads
- Part of a system



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Any questions?



THAT'S ALL !
(for today)