



सीमाशुल्क आयुक्त (आयात)का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)
हवाई माल परिसर, सहार, अंधेरी (पूर्व), मुंबई-99
AIR CARGO COMPLEX, SAHAR, ANDHERI (E), MUMBAI - 99

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Note on the classification of parts and accessories of Motor Vehicles

Recently the DRI and Audit Commissionerates have pointed out that in respect of classification of parts and accessories of automobiles, the goods which are meant to be used solely & principally with/for the goods of chapter 87 (vehicles) cannot be considered as 'parts of general use' and are therefore required to be classified under appropriate headings of parts & accessories of chapter 87. After receipt of the above said communications, Assessment Groups in ACC, Mumbai have started assessing all the parts and accessories of vehicles under headings of parts & accessories of chapter 87. In response to this change in assessment practice, various automobile manufacturers have represented against the said assessment practice. In view of the above, to streamline the assessment of parts and accessories of automobiles, the legal position in this regard is explained as follows:

1. As per explanatory notes to Section XVII of the HSN, parts and accessories of the vehicles, aircraft or equipment concerned should be classified under headings of section XVII, only if they comply with following conditions:
 - (a) They must not be excluded by the terms of Note 2 to Section XVII
 - (b) They must be suitable for use solely or principally with the articles of Chapters 86 to 88 and
 - (c) They must not be more specifically included elsewhere in the Nomenclature.

Parts & Accessories specifically excluded from chapters 86, 87 & 88 :-

2. Following parts and accessories, whether or not they are identifiable as for the articles of Section XVII, excluded from this Section, in terms of Note 2 to Section XVII:
 - (i) **Joints, gaskets, washers and the like**, of any material (classified according to their constituent material or in **heading 84.84**) and other articles of vulcanised rubber **other than** hard rubber (e.g., mudguard-flaps and pedal covers) (**heading 40.16**).
 - (ii) **Parts of general use as defined in Note 2 to Section XV** of base metal (Section XV), or similar goods of plastics (Chapter 39).
 - (iii) Articles of **Chapter 82 (tools)**
 - (iv) **non-electric** bells, gongs and the like (**heading 83.06**)
 - (v) **Machines or apparatus of headings 84.01 to 84.79**, or parts thereof, **other than the radiators** for the articles of this Section; for example :
 - (a) Boilers and boiler equipment (**heading 84.02 or 84.04**).

- (b) Producer gas generators (e.g., for cars) (**heading 84.05**).
- (c) Steam turbines of **heading 84.06**.
- (d) Engines of all kinds including engines fitted with gear boxes and parts thereof, falling in **headings 84.07 to 84.12**.
- (e) Pumps, compressors and fans (**heading 84.13 or 84.14**).
- (f) Air-conditioning machines (**heading 84.15**).
- (g) Mechanical appliances for projecting, dispersing or spraying liquids or powders; fire extinguishers (**Heading 84.24**); Lifting, handling, loading or unloading machinery (e.g., hoists, jacks, derricks), moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores (**heading 84.25, 84.26, 84.28, 84.30 or 84.31**).
- (h) Agricultural machinery of **heading 84.32 or 84.33** (e.g., threshing, seed distributing, mowing, etc., attachments) constructed for mounting on vehicles.
- (i) Windscreen wiping mechanism of **heading 84.79**
- (vi) Certain other goods of Chapter 84, for e.g.
 - (a) Taps, cocks, valves and similar appliances (e.g., radiator drainage taps, inner-tube valves) (**heading 84.81**).
 - (b) Ball or roller bearings (**heading 84.82**).
 - (c) Internal parts of engines or motors (crank shafts, cam shafts, flywheels, etc.) falling in **heading 84.83**.
- (vii) **Electrical machinery or equipment of Chapter 85**, for example:
 - (a) Electric motors, generators, transformers, etc., of **heading 85.01 or 85.04**.
 - (b) Electro-magnets, electro-magnetic clutches, brakes, etc., of **heading 85.05**
 - (c) Electric accumulators (**heading 85.07**).
 - (d) Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (sparking plugs, starter motors, etc. (**heading 85.11**).
 - (e) Electrical lighting, signalling, windscreen wiping, defrosting, demisting, equipment for cycles or motor vehicles, horns (**heading 85.12**); electrical signalling apparatus for other vehicles (e.g., trains) or for aircraft or ships (**heading 85.31**); electrical defrosters or demisters for such other vehicles, aircraft or ships (**heading 85.43**).
 - (f) Electric heating units for motor or railway vehicles, aircraft, etc. (**heading 85.16**).
 - (g) Microphones, loudspeakers and audio-frequency electric amplifiers (**heading 85.18**).
 - (h) Radio transmitters and receivers (**heading 85.25 or 85.27**).
 - (i) Electrical capacitors (**heading 85.32**).
 - (j) Pantographs and other current collectors for electric traction vehicles, and fuses, switches and other electrical apparatus of **heading 85.35 or 85.36**.

- (k) Electric filament lamps and electric discharge lamps, including sealed beam lamp units, of **heading 85.39**
- (l) Other electrical fittings, such as insulated electric wire, wiring sets and cable (**other than clutch cables, brakes cables, accelerator cables and similar cables**, consisting of a flexible outer casing and a moveable inner cable) and electrical articles of graphite or other carbon, whether or not fitted with terminals; insulators, insulating fittings (**headings 85.44 to 85.48**).
- (viii) **Instruments and apparatus of Chapter 90**, including those used on certain vehicles, such as:
 - (a) Photographic or cinematographic cameras (**heading 90.06 or 90.07**).
 - (b) Navigational instruments and appliances (**heading 90.14**).
 - (c) Instruments and appliances used in medical, surgical, dental or veterinary sciences (**heading 90.18**).
 - (d) Apparatus based on the use of X-rays and other apparatus of **heading 90.22**.
 - (e) Manometers (**heading 90.26**).
 - (f) Revolution counters, taximeters, speed indicators and tachometers and other instruments and apparatus of **heading 90.29**.
 - (g) Measuring or checking instruments, appliances and machines of **heading 90.31**.
- (ix) **Clocks** (e.g., instrument panel clocks) (**Chapter 91**).
- (x) **Arms** (**Chapter 93**).
- (xi) **Lamps and lighting fittings** (e.g., headlamps for aircraft or trains) of **heading 94.05**.
- (xii) **Brushes** (e.g., for road sweeper lorries) (**heading 96.03**).

Parts & Accessories even though pertaining to articles of Section XVII but specifically included in other headings :-

3. As per Explanatory Notes to Section XVII, Parts and Accessories, even if identifiable as for the articles of this Section, are excluded if they are covered more specifically by another heading elsewhere in the Nomenclature. Examples of the same are as follows:
- (a) Profile shapes of vulcanised rubber other than hard rubber, whether or not cut to length (**heading 40.08**).
 - (b) Transmission belts of vulcanised rubber (**heading 40.10**).
 - (c) Rubber tyres, interchangeable tyre treads, tyre flaps and inner tubes (**headings 40.11 to 40.13**).
 - (d) Tool bags of leather or of composition leather, of vulcanized fibre, etc. (**heading 42.02**).
 - (e) Bicycle or balloon nets (**heading 56.08**).
 - (f) Towing ropes (**heading 56.09**).
 - (g) Textile carpets (**Chapter 57**).
 - (h) Unframed safety glass consisting of toughened or laminated glass, whether or not shaped, glass used in motor car windscreens and windows (**heading 70.07**).

- (i) Rear-view mirrors (heading 70.09 or Chapter 90).
- (j) Unframed glass for vehicle headlamps (heading 70.14) and, in general, the goods of Chapter 70.
- (k) Flexible shafts for speed indicators, revolution counters, etc. (heading 84.83).
- (l) Vehicle seats of heading 94.01.

Parts & Accessories of General Use :-

4. There is lot of confusion in respect of classification of parts & accessories of general use which are excluded from section XVII vide section note 2 to this section.

(i) Hon'ble Supreme Court in its various judgments has held **that parts & accessories which are known to be used with automobiles in commercial parlance, and specially/specifically designed to be used in automobiles and accessories which give vehicles inalienable identity are not the parts of general use and deserve classification under chapter 87.**

(ii) In the case of M/s. Asian Paints India Ltd, reported at 1988 (35) E.L.T. 31 (SC), Hon'ble Supreme Court has held that **"It is well settled that the commercial meaning has to be given to the expression in tariff items: Where definition of a word has not been given. It must be construed in its popular sense. Popular sense means that sense which people conversant with the subject matter with which the statute is dealing would attribute to it".**

(iii) In the case of **Ms. G.S. Auto international Ltd.**, reported at 2003(152) E.L.T. 3(S.C.), Hon'ble Supreme Court has held that **to determine the applicability of the item under particular head, the test of commercial identity of the goods would be the relevant test and not the functional test.** It was also held that the expression **"parts of general use"** would not apply to parts or accessories which are not suitable for use solely or primarily with articles of Chapter Heading 87.08 which pertains to parts and accessories of motor vehicles of Chapter Headings 87.01 to 87.05. Hon'ble Court was also categorical that in such a case the test that is to be applied is: **'whether the goods are suitable for use solely or primarily with articles of Chapter Headings 87.01 to 87.05'**.

On the basis of above it is observed that the parts and accessories which are specially designed solely or primarily for automobiles cannot be construed to be "parts of general use" so as to go out of the scope of Chapter 87.

(iv) Applying the same principle, Hon'ble Supreme Court, in the case of M/s. Cast Metal Industries Pvt. Ltd., reported at 2015(325) E.L.T.471 (S.C.), has held that **Door handles and hinges for automobiles**, being specifically meant for and use in motor vehicles as its parts and accessories, are classifiable under heading 87.08.

(v) Therefore, on the basis of legal position as laid down by Hon'ble Supreme Court in the above said cases, it is clear that **the parts & accessories of motor vehicles (having unique part number) which have not been otherwise excluded and are specially/specifically designed to be used for/with a**

motor vehicle of particular model and make should be classified under chapter 87.

Following is the simple test to be applied to identify such parts/accessories for classifying the same under Chapter 87:

If such parts and accessories are specially designed solely or primarily for vehicles or are to be used for a particular brand and model of the vehicle or/and are sold in units as per part numbers of the original vehicle manufacturers or these are not inter-changeable and can be marketed only by auto-vehicle part dealers or parts & accessories which are known to be used with automobiles in commercial parlance, and accessories which give vehicles inalienable identity.

Parts and Accessories specifically included in chapter 87 :-


5. As per explanatory note to heading 8708, following parts and accessories of motor vehicles of headings 87.01 to 87.05 are included in heading 8708, subject to the fulfilment of two conditions (a) and (b) mentioned at point No.1:
- (A) Assembled motor vehicle chassis-frames (whether or not fitted with wheels **but without engines**) and parts thereof (side-members, braces, cross-members; suspension mountings; supports and brackets for the coachwork, engine, running-boards, battery or fuel tanks, etc.).
 - (B) Parts of bodies and associated accessories, for example, floor boards, sides, front or rear panels, luggage compartments, etc.; doors and parts thereof; bonnets (hoods); framed windows, windows equipped with heating resistors and electrical connectors, window frames; running-boards; wings (fenders), mudguards; dashboards; radiator cowlings; number-plate brackets; bumpers and over-riders; steering column brackets; **exterior luggage racks**; visors; non-electric heating and defrosting appliances which use the heat produced by the engine of the vehicle; safety seat belts designed to be permanently fixed into motor vehicles for the protection of persons; floor mats (other than of textile material or unhardened vulcanized rubber), etc. Assemblies (including unit construction chassis-bodies) not yet having the character of incomplete bodies, e.g., not yet fitted with doors, wings (fenders), bonnets (hoods) and rear compartment covers, etc.,
 - (C) Clutches (cone, plate, hydraulic, automatic, etc., but **not the electro-magnetic clutches of heading 85.05**), clutch casings, plates and levers, and mounted linings.
 - (D) Gear boxes (transmissions) of all types (mechanical, overdrive, preselector, electro-mechanical, automatic, etc.); torque converters; gear box (transmission) casings; **shafts (other than internal parts of engines or motors)**; gear pinions; direct-driven dog-clutches and selector rods, etc.
 - (E) Drive-axles, with differential; non-driving axles (front or rear); casings for differentials; sun and planet gear pinions; hubs, stub-axles (axle journals), stub-axle brackets.
 - (F) Other transmission parts and components (for example, **propeller shafts**, half-shafts; **gears, gearing; plain shaft bearings**; reduction gear assemblies; universal joints). But the heading **excludes internal parts of**

engines, such as connecting-rods, push-rods and valve lifters of heading **84.09** and crank shafts, cam shafts and flywheels of heading **84.83**.

- (G) Steering gear parts (for example, steering column tubes, steering track rods and levers, steering knuckle tie rods; casings; racks and pinions; servo-steering mechanisms).
- (H) Brakes (shoe, segment, disc, etc.) and parts thereof (plates, drums, cylinders, mounted linings, oil reservoirs for hydraulic brakes, etc.); servo-brakes and parts thereof.
- (I) Suspension shock-absorbers (friction, hydraulic, etc.) and other suspension parts (other than springs), torsion bars.
- (J) Road wheels (pressed steel, wire-spoked, etc.), whether or not fitted with tyres; tracks and sets of wheels for tracked vehicles; rims, discs, hub-caps and spokes.
- (K) Control equipment, for example, steering wheels, steering columns and steering boxes, steering wheel axles; gear-change and hand-brake levers; accelerator, brake and clutch pedals; connecting-rods for brakes, clutches.
- (L) Radiators, silencers (mufflers) and exhaust pipes, fuel tanks, etc.
- (M) Clutch cables, brakes cables, accelerator cables and similar cables, consisting of a flexible outer casing and a moveable inner cable. They are presented cut to length and equipped with end fittings.
6. **Door handles and hinges for automobiles** are classifiable under heading 87.08 [Judgment of Hon'ble Supreme Court in the case of M/s. Cast Metal Industries Pvt. Ltd., reported at 2015(325) E.L.T.471 (S.C)]
7. CTH 8301.20 includes locks for motor vehicles. It is pertinent to mention that this heading covers locks made of base metal only and automobile door locks and components other than that of base metal such as Smart keys and Trans alarms (**Automotive door lock components**) made of plastic etc. are classifiable under heading 8708.

This note is only for the guidance of the Assessing Officers in Air Cargo Complex, Mumbai. The Assessing Officers are advised to assess the parts and accessories of vehicles as per the legal position as explained above. If any importer does not agree to the assessment of goods under any CTH as explained above under any Bill of Entry, he is required to bring the same to the notice of AC/DC of the concerned group in writing and may opt to pay the duty under protest. The concerned Group will issue the Order-in-Assessment in the case accordingly.

This issues with the approval of Commissioner of Customs (Import), ACC.


(SUKHJIT KUMAR)

ADDL. COMMISSIONER OF CUSTOMS (I)

Copy to:

1. The Chief Commissioner of Customs, Zone - III, Mumbai - for kind information
2. All the concerned Appraising Officers and Asstt/ Dy. Commissioners

For ready reference, classification of some common parts and accessories of vehicles is given below:

S. No.	Item	Classification
1	Jacks	84254100/84254200
2	Wiper Motors	85013113
3	Intake air filters	84213100
4	Petrol Engine (for motor cars)	84073310/84073410
5	Petrol Engine (for motorcycles)	84073320
6	Diesel Engine	840820
7	Engine parts	840991/840999
8	Air conditioners for vehicles	841520
9	Lead acid Battery	85071000
10	Headlamps/ tail lamps	85122010
11	Horns	85123010
12	Reflectors for automobiles	70140010
13	Windshield Glass	70071100
14	Vehicle seats	94012000
15	Rear view mirrors	700910
16	Leaf springs for motor vehicles	73201011
17	Windscreen wipers, defrosters and demisters	85124000
18	Radio broadcast receivers	85272100/85272900
19	Instrument panel clocks for vehicles	91040000
20	Gaskets, washers and seals made of vulcanized rubber	401693
21	Mudguard flaps and pedal covers made of vulcanized rubber	40169990
22	Transmission belts of vulcanized rubber	4010
23	Windscreen wiping mechanism	84798999
24	Taps, cocks, valves and similar appliances	8481
25	Ball or Roller bearings	8482
26	Crank shafts, cam shafts, flywheels, etc. (internal parts of engines or motors)	8483
27	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines	8511
28	Electric heating units for motor vehicles	85167990
29	Navigational instruments and appliances used on vehicles	90148090
30	Speedometers	90292020
31	Tachometers	90292010
32	Door handles and hinges for automobiles	87089900
33	Mudguards	87089900
34	Dashboards	87089900
35	Bumpers	87089900
36	Exterior luggage racks	87089900
37	Safety seat belts	87089900
38	Floor mats (other than of textile material or unhardened vulcanized rubber)	87089900
39	Clutches	87089900
40	Gear boxes, gears, gearings (other than internal parts of engines or motors)	87089900
41	Shafts (other than internal parts of engines or motors)	87089900
42	Silencers	87089900
43	Exhaust pipes	87089900
44	Clutch cables, brake cables, accelerator cables and similar cables	87089900
45	Locks for Motor Vehicles	87089900
46	Pipe-Hose	87089900
47	Motor vehicle radiators and parts thereof	87089100

dinesh@bcbairud.com