

SUMMARY OF APPEAL DECISION

APPEAL NO. TRK (K) 7-2008

FACTS

1. The Appellant is a private limited company incorporated on 15 September 1989. The Appellant imports Gear Boxes, Trade name: Truck Mixer Drive 500 Series, Model 575 L, Bongfiglioli Brand. The Appellant applied for a Customs Ruling under section 10B Customs Act 1967. The Director General of Customs decided in Customs Ruling dated 30 April 2008 that the product is classified under tariff code 8483.40 000 which is subject to import duty of 5% and sales tax of 10%. The reason for the Customs Ruling is stated as follows: The classification is made based on information provided where according to its shape, usage and specification it fulfills the explanation in Explanatory Notes on page XVI-8483, para (E), heading 8483. Based on GIR 1 and GIR 6 the goods are classified under tariff code 8483.40 000 in Customs Duties Order 2007 (8483.40 000 - PDK 1996)
2. The Appellant was aggrieved with the decision of the Director General of Customs and filed a Notice of Appeal at the Customs Appeal Tribunal on 28 May 2008.

ISSUE

The ground of appeal is that the product should be classified under tariff code 8474.90 which is not subject to import duty and sales tax because the classification should take into account its application and usage, operation and specific industry and not only based on subject alone.

(After the appeal was filed the parties negotiated for settlement as provided under section 141P Customs Act 1967. As a result of the negotiation for settlement, the Appellant agreed that the decision of the Director General of Customs dated 30 April 2008 be affirmed)

DECISION

The Tribunal recorded the agreed decision by making an order that the Customs Ruling dated 30 April 2008 is affirmed.

20 June 2008