

GENERAL RULES FOR THE INTERPRETATION OF THE HARMONIZED SYSTEM

The General Interpretative Rules (GIR) is a set of 6 rules for classification of goods. The rules are provided to ensure uniform legal interpretation of the Harmonized System Nomenclature for proper classification of goods. These rules have to be applied in sequential order.

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.

Examples:

- Section XV is entitled “Base metals and articles of base metal” but jewellery of base metal is classified in Section XIV.
- Chapter 61 is entitled “Articles of apparel and clothing accessories, knitted or crocheted”, although the chapter also covers certain articles which are not wholly knitted or crocheted, such as those in heading 62.12.
- Live horses are classified in Heading 01.01.

Rule 2

- (a) Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this Rule), presented unassembled or disassembled.

Examples:

- A car without wheels, is considered as a complete car.
- A complete set of wooden panels meant for assembly into a cupboard, is considered as a finished cupboard.

- (b) Any reference in a heading to a material or substance shall be taken to include a reference to mixtures or combinations of that material or substance with other materials or substances. Any reference to goods of a given material or substance shall be taken to include a reference to goods consisting wholly or partly of such material or substance. The classification of goods consisting of more than one material or substance shall be according to the principles of Rule 3.

Examples:

- Milk to which vitamins or minerals have been added.
- A pack of cornflakes which also contains a small amount of nuts and raisins.

Rule 3

When by application of Rule 2 (b) or for any other reason, goods are, *prima facie*, classifiable under two or more headings, classification shall be effected as follows:

- (a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.

Examples:

- Steel spoon is classified in Heading 82.15 and not in Heading 73.23.
- Seats for motor vehicles are classified in Heading 94.01 and not in Heading 87.08.

- (b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to 3 (a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.

Examples:

- A mixture for brewing, consisting of 70 % wheat and 30 % barley. The mixture is classified in Heading 10.01 (Wheat and meslin).
- Liquor-filled chocolates are classified in Heading 18.06 (Chocolate and other food preparations containing cocoa).
- A bed linen set comprising a woven bedspread, pillow-cases and bolsters put up in a paperboard case. It is classified in Heading 63.04.

- (c) When goods cannot be classified by reference to 3 (a) or 3 (b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

Examples:

- A belt made of 50 % leather and 50 % textiles is classified in Heading 62.17.
- A machine-tool for working stone as well as wood is classified in Heading 84.65.

Rule 4

Goods which cannot be classified in accordance with the above Rules shall be classified under the heading appropriate to the goods to which they are most akin.

Rule 5

In addition to the foregoing provisions, the following Rules shall apply in respect of the goods referred to therein:

- (a) Camera cases, musical instrument cases, gun cases, drawing instrument cases, necklace cases and similar containers, specially shaped or fitted to contain a specific article or set of articles, suitable for long-term use and presented with the articles for which they are intended, shall be classified with such articles when of a kind normally sold therewith. This Rule does not, however, apply to containers which give the whole its essential character;
- (b) Subject to the provisions of Rule 5 (a) above, packing materials and packing containers presented with the goods therein shall be classified with the goods if they are of a kind normally used for packing such goods. However, this provision is not binding when such packing materials or packing containers are clearly suitable for repetitive use.

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.