



CUSTOMS RULING REPORT (TARIFF CLASSIFICATION)

Ruling Number:	R23/24-0107
Applicant:	[REDACTED]
Goods:	New pneumatic tyres, of rubber: namely: Goodyear EfficientGrip 265/50R20
Composition:	Rubber, steel, nylon, polyester, carbon black
Form:	Complete
Tariff Heading(s) in contention	40.11 New pneumatic tyres, of rubber:
Applicant's opinion	4011.10.09 11E
Findings:	Aree with Applicant 4011.10.09 11E

INTRODUCTION

- 1 The Applicant, [REDACTED] has applied for a Customs Ruling on a tariff classification under section 333(1)(a) of the Customs and Excise Act 2018.
- 2 The goods are new pneumatic tyres of rubber; namely, Goodyear EfficientGrip 265/50R20 (hereinafter referred to as "the goods").
- 3 In support of their application, the Applicant has provided:
 - Completed application form.
 - Website links to product information:
 - https://www.goodyear.co.nz/tyres/4x4_suv_all_terrian

APPLICANT'S SUBMISSION

- 4 The Applicant's opinion is that the goods are classified under tariff item 4011.10.09 11E.

- 5 The Applicant also states:

“These tyres are manufactured as SUV 4x4 tyres The manufacturer indicates the tyres as being for SUV 4x4 vehicles. Previous Customs advice via website FAQ’s indicates that SUV vehicles are designed for the transport of people therefore tyres for such vehicles would be deemed as tyres of a kind used on motor cars.

THE GOODS

- 6 The goods are new pneumatic tyres, of rubber; namely Goodyear EfficientGrip 265/50R20. The codes on this tyre has the following meanings:

- Goodyear EfficientGrip 265/50R20 is the brand/product name.
- 265 – this is the width of the tyre, including the outer edge of the sidewalls in millimetres.
- 50 – this is the ratio between the height of the sidewall and the width of the tyre.
- R – stands for it being a radial tyre.
- 20 is the rim diameter in inches – which equates to 508 mm.

- 7 The website states the tyre is for passenger application.

- 8 The website states the construction of the tyre is passenger.

- 9 It describes this tyre as:

“The Goodyear EfficientGrip Performance has the latest technology to provide an exceptionally quiet and comfortable ride, whilst delivering outstanding wet braking to enhance safety. An innovative tread and cavity design, advanced vibration-damping carcass and high grip compound delivers an exceptional ride in all conditions. The EfficientGrip Performance is Goodyear's quietest ever tyre.”

- 10 An image of the tyre from the website is extracted below:



THE TARIFF

- 11 New Zealand is a signatory to the International Convention on the Harmonized Commodity Description and Coding System (“the Harmonized System Convention”). The Working Tariff of New Zealand (the Tariff) implements this convention.
- The Tariff is divided into two parts. All imported goods must be classified, and the first part of the Tariff (Part I) is used for this classification. The second part of the Tariff (Part II) sets out if there are any concessions applicable to the goods.
- 12 Goods are classified within the Tariff in accordance with the General Rules for Interpretation of the Tariff (GRI). GRI 1 states that classification is determined according to the headings and any relative Section Notes or Chapter Notes. GRI 6 states that classification of goods in the subheadings, items and statistical keys of a heading is determined according to the terms of those subheadings, items and statistical keys and any related Subheading Notes or New Zealand Notes.

LEGAL NOTES

- 13 There are no applicable Legal Notes.

EXPLANATORY NOTES

- 14 There are no applicable Explanatory Notes.

CLASSIFICATION RULES

- 15 Goods are classified within the Tariff in accordance with the General Rules for Interpretation of the Tariff (GRI).
- 16 There are six rules of interpretation, however for this ruling only GRI 1 and 6 are applicable.
- 17 GRI 1 provides that, for legal purposes, classification shall be determined according to the terms of the headings and any relative Section Notes or Chapter Notes.
- 18 GRI 6 provides that the classification of goods in the subheadings, items and statistical keys of a heading shall be determined according to the terms of those subheadings, items and statistical keys and any related Subheading Notes or New Zealand Notes.

CLASSIFICATION OF GOODS



- 19 The goods are new pneumatic tyres, of rubber; namely Goodyear EfficientGrip 265/50R20.
- 20 The first rule of tariff classification interpretation (GRI 1) provides that classification shall be determined according to the terms of the headings. The only heading under consideration is:

- Heading 40.11

New pneumatic tyres, of rubber:

Heading 40.11

- 21 Tariff heading 40.11 is divided into three tariff subheadings, three tariff items with statistical key codes and two tariff items without statistical key codes at the one-dash level:

4011.10	- Of a kind used on motor cars (including station wagons and racing cars):
4011.20	- Of a kind used on buses or lorries:
4011.30.00 00K	- Of a kind used on aircraft
4011.40.00 00C	- Of a kind used on motorcycles
4011.50.00 00G	- Of a kind used on bicycles
4011.70.00	- Of a kind used on agricultural or forestry vehicles and machines
4011.80.00	- Of a kind used on construction, mining or industrial handling vehicles and machines
4011.90	- Other:

- 22 These tyres are not of a kind used on aircraft, motorcycles, bicycles, agricultural, forestry, construction, or mining vehicles.
- 23 This leaves three options: 'of a kind used on motor cars', 'of a kind used on buses or lorries' and 'other'.
- 24 This tyre is stated as being of passenger construction on the website, and it is noted that the tyre application is passenger.
- 25 As a result of this 'Passenger' construction and application, the tyres are eliminated from being classified under the 'of a kind used on buses or lorries' category.
- 26 So, we are now left with two options: 'of a kind used on motor cars' and 'other'.
- 27 The tyres are identified as passenger on the website.
- 28 As a result, in my opinion, these tyres are classified under tariff subheading 4011.10, and the 'other' category is eliminated as this can only be used if none of the preceding options can be considered to cover the goods.

29 Tariff subheading 4011.10 is divided into two tariff items at the two-dash level:

4011.10.01 - - For use in the assembly of motor vehicles as
may be determined by the Minister in accordance
with Section 14 of this Act:

4011.10.09 - - Other:

30 These tyres will not be used in the assembly of motor vehicles; therefore, the
goods fall under the 'other' tariff item.

31 This tariff item is divided into one statistical key codes and one unnumbered
statistical key code at three-dot level:

01H . . . Bias ply
 . . . Radial ply:

32 These goods are radial ply.

33 Therefore they fall under the 'Radial ply:' unnumbered statistical key code.

34 This unnumbered statistical key code is divided into two statistical key codes at the
four-dot level:

11E Steel belted
19L Other

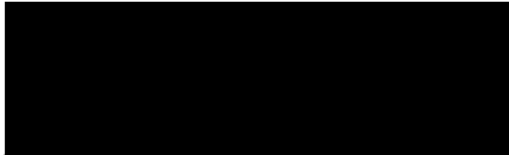
35 These tyres are steel belted, so fall under the statistical key code of 11E.

DECISION

36 The Goodyear EfficientGrip 265/50R20 new pneumatic tyre, of rubber, is classified
with Tariff item 4011.10.09 11E by application of GRIs 1 and 6 in the Working
Tariff Document of New Zealand.

Peer reviewed by:

Signature:



Signature:



SCO – Valuation, Origin and Classification

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