



STANDARD INTERPRETATION GUIDELINE 2020

Customs Concession Code 104 (viii)-New Ready-made Clothing for Children

This Standard Interpretation Guideline ('SIG') sets out Fiji Revenue and Customs Service's ("FRCS") policy and operational practice in relation to the Customs Concessions granted for the importation of New Ready-Made Clothing for Children under Concession Code 104 (viii), Part 3, Schedule 2, Customs Tariff Act 1987 hereinafter "Code 104".

It is issued with the authority of the Comptroller of Customs, who is also the Chief Executive Officer ("CEO") of FRCS.

All legislative references in this SIG are to the *Customs Tariff Act ("CTA") 1986* (unless otherwise stated).

This SIG may need to be reviewed in the event of any relevant legislative amendments.

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Purpose

1. The purpose of this SIG is to provide clarity and certainty to the application of the provisions under Code 104 (viii). The pre-requisites to qualify and the entitlements under the code are discussed.
2. This SIG will also serve as a checklist for the applicants to self-assess their eligibility.
3. Furthermore, it will ensure that there is a uniformed approach to the processing of applications under this Concession code 104(viii).

Introduction

4. This concession was created for importation of brand new children’s clothing to ensure that we **“get better quality clothes for our children and pay less money for it”**.
5. While the legislative provisions are set out in the CTA, the importers of brand new children’s clothing need to be clear in terms of the administration and the application of the law.
6. This SIG therefore, sets out the Comptroller’s official position on the application of Customs Concession Code 104 (viii).
7. The SIG relates to the list of goods, persons and bodies that can qualify for duty concession under Code 104 (viii).

Legislative Analysis

8. Concession Code 104 (viii) provides the legislative basis for making concession available to importers of children’s brand new ready-made clothing.
9. The concession is applicable on the importation of children’s brand new ready-made clothing whether for commercial or personal use.
10. Below is an extract of the concession code table relating to Code 104 (viii)

Code No.	Description and Part 1 Chapter Heading or item No. Applicable	Fiscal	Import Excise	VAT
(1)	(2)	(3)	(4)	(5)
104 (viii)	New ready-made clothing for children(global sizes in children’s category)	5%	Free	9%

Governing Conditions

11. The concession is to be claimed at the time of importation or at the time of clearance from any customs controlled stations by the importer of **brand new children's clothing**.
12. The concession is for new ready-made clothing for children (global sizes in children's category)
13. Any condition that may be specified by the Comptroller are to be fulfilled.
14. When any conditions affecting the goods is not fulfilled after the goods leave Customs Control, the Comptroller may disallow the concession and collect the duty applicable under Part 1 of the Customs Tariff Act. Further action may also be taken such as imposition of penalties.

Qualifying Criteria and Conditions

15. This concession is specifically designed for the importation of brand new ready-made children's clothing. Used or 2nd hand children's clothing will not be eligible for this duty concession.
16. In the context of this concession, children's clothing will be restricted to clothing from the age of 2 to 14. This is to ensure that this concession does not coincide with the provisions of babies' garments under Heading 61.11 and 62.09 of Schedule 2 of the Customs Tariff Act 1986.
17. Under the Heading 61.11 and 62.09, "babies' garments and clothing accessories" applies to articles for children of a body height not exceeding 86cm.
18. Heading 61.11 and 62.09 covers clothing for babies ranging from newborn (0 months) to infants 24 months. The applicable rates for clothing falling under these headings are 5% Fiscal, Free Import Excise and 9% VAT.
19. Children's clothing is typically classed according to the stages of development and gender. Most International size guidelines for children's clothing range from newborn till the age of 14. For instance, a 12-year-old girl would typically wear a Girls Size 12-14 or a Girls Medium. Similarly, a 4-year-old would wear a Kids Size 4 or Kids Small.
20. For the purpose of this concession children's clothing will begin from the Toddler (age 2) to 14 years old.

21. The below table serves as a children’s sizing guide based on internationally accepted clothing sizes of USA, UK, Europe, Australia and Japan.¹

	USA	UK	Europe	Australia	Japan
Kids age 2-3	2T	2-3	92-98	3	95
Kids age 3-4	4T	3-4	98-104	4	100
Kids age 4-5	5	4-5	104-110	5	100
Kids age 5-6	6	5-6	110-116	6	110
Kids age 6-7	7	6-7	116-122	7	--
Kids age 7-8	8	7-8	122-128	8	120
Kids age 8-9	9	8-9	128-134	9	--
Kids age 9-10	10	9-10	134-140	10	130
Kids age 10-11	11	10-11	140-146	11	--
Kids age 11-12	12	11-12	146-152	12	140
Kids age 12-13	13	12-13	152-158	13	--
Kids age 13-14	14	13-14	158-164	14	150

¹ <http://convertchart.com/childrens-clothing-size/>. This was referred on 12.01.2021.

22. Sizing may extend beyond the list provided and vary across continents but it should be maintained that the maximum category of classification for children’s clothing should still fall under the gender category (Girls/Boys).

23. For instance, plus size clothing for girls may extend to size 18 but the labeling will clearly state “Plus Size Girls”. This indicates that the clothing is still made for children but the sizes will not follow standard measurements. In such a case the concession will still be applicable if proper description is provided.

24. To determine eligibility for this concession the sewn in fabric label and invoice should provide proper description, sizing of the garment and age group.

25. In such case whereby detailed description is not provided and it is difficult to ascertain if the garment is bona fide children’s wear, the proper officer shall use his/her discretion based on the design, width and length of the garments with reference to international children’s clothing sizing charts. Comparison can also be made with clothing articles whose classification are known. The appendix provides for sizing charts that can be used.

26. Once approved for duty concession, the Single Administrative Document (SAD) has to be lodged along with other mandatory documentations such as the Invoice, Bill of Lading/Air Way Bill and other documents relevant to the consignment (concession declaration) for clearance of the goods. If the goods cleared under this provision are used for purposes other than for which the duty concession was granted, the company shall be investigated and penalized accordingly.

27. For any other clarifications you may contact the FRCS TIPU team on tipu.techs@frcs.org.fj