



Ottawa, March 23, 2006

MEMORANDUM D10-17-40

In Brief

THE TARIFF CLASSIFICATION OF WOVEN CHENILLE FABRICS

This memorandum outlines the Canada Border Services Agency's administrative policy for the classification of woven chenille fabrics.



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THE TARIFF CLASSIFICATION OF WOVEN CHENILLE FABRICS

This memorandum outlines the Canada Border Services Agency's (CBSA) administrative policy regarding the classification of woven chenille fabrics of two or more textile yarn materials.

Legislation

58.01	Woven pile fabrics and chenille fabrics, other than fabrics of heading 58.02 or 58.06. -Of cotton:
5801.26.00 00	--Chenille fabrics -Of man-made fibres:
5801.36.00 00	--Chenille fabrics
5801.90	-Of other textile materials
5801.90.90.00	---Other

GUIDELINES AND GENERAL INFORMATION

Definitions

1. Pile fabrics are generally composed of a ground or base fabric using warp and weft yarns that support the pile surface. The pile can be raised loops, tufts (cut loops), cut interlacings of double cloths, or other yarns or fibres deliberately placed to stand away from the fabric.
2. Chenille fabrics have a pile that is created by the use of chenille yarns. Explanatory Note B to heading 58.01 of the Harmonized System produced by the World Customs Organization states "**Chenille fabrics** are very similar to the chenille carpets of heading 57.02; like these, their pile surface (usually on both sides) is produced by chenille yarns. They are generally manufactured by means of an additional weft of chenille yarn or by inserting chenille yarn, in different lengths and colours, into the warp during weaving of the ground fabric."
3. Chenille yarn is described in Explanatory Note B to Heading 56.06:

"Chenille yarn consists generally of two or more strands of textile yarn twisted together and gripping short ends of textile yarn that may be practically perpendicular to them; the strands are sometimes maintained in loops formed on a hosiery loom. In all cases, it looks like yarn tufted with pile threads

throughout its length. It is usually manufactured directly on special looms (ring twister and Raschel knitting machines, for example) or by cutting up special leno fabric; in the latter process, after the fabric has been cut along either side of each group of warp threads, it is these warp threads (ground and crossing threads) which serve as support in the chenille yarn, and the weft which forms the pile.

The heading also covers chenille yarn obtained by fixing textile flock to a core of textile yarn. In this process the core yarn passes through a glue bath and subsequently through a chamber where the textile flock is fixed radially to the core under influence of a high-tension electrostatic field.

Chenille yarn is used, *inter alia*, in the manufacture of chenille fabrics (**heading 58.01**) or of numerous articles such as furnishings, bedding, carpets, trimmings, apparel."

Classification

4. In classifying fabric containing chenille yarn where the textile material of the loop or tuft differs from that of the ground fabric, reference must be made to Subheading Note 2 to Section XI, which states:

2. (A) Products of Chapters 56 to 63 containing two or more textile materials are to be regarded as consisting wholly of that textile material which would be selected under Note 2 to this Section for the classification of a product of Chapters 50 to 55 or of heading 58.09 consisting of the same textile materials.

(B) For the application of this rule:

(a) where appropriate, only the part which determines the classification under Interpretative Rule 3 shall be taken into account;

(b) in the case of textile products consisting of a ground fabric and a pile or looped surface no account shall be taken of the ground fabric;

(c) in the case of embroidery of heading 58.10 and goods thereof, only the ground fabric shall be taken into account. However, embroidery without visible ground, and goods thereof, shall be classified with reference to the embroidering threads alone.

5. Subheading Note 2 to Section XI indicates that in classifying textile products consisting of a ground fabric and a pile surface, no account shall be taken of the ground fabric. It is considered that fabrics containing chenille yarns qualify as a pile fabric, as outlined in the Explanatory Notes

to heading 58.01, noted above. Sub paragraph (B) of Subheading Note 2, therefore, applies, and the ground fabric will not be taken into account in the determination of classification. Accordingly, the classification of chenille fabrics is based on the composition of the chenille yarn and occurs under the provisions of heading 58.01.

6. This guideline is to be followed with the exception of instances in which the use of the chenille yarns is minimal or incidental in the composition of the fabric, such as in the presence of an occasional decorative emblem or tuft of

chenille yarn. In terms of a percentage measurement, this exception would apply to cases where the percentage of chenille yarn is less than 1% of the total composition of the fabric. In such cases, the fabric will not be regarded as a chenille (or pile) fabric, and classification will be based on composition and construction of the entire fabric.

REFERENCES

ISSUING OFFICE – Tariff Policy Division Admissibility Branch	HEADQUARTERS FILE – HS 5801.26 or HS 5801.36
LEGISLATIVE REFERENCES – <i>Customs Tariff</i>	OTHER REFERENCES – N/A
SUPERSEDED MEMORANDA “D” – N/A	

Services provided by the Canada Border Services Agency are available in both official languages.

