

Chapter 64

Footwear, gaiters and the like; parts of such articles**Notes.**

1.- This Chapter does not cover :

- (a) Disposable foot or shoe coverings of flimsy material (for example, paper, sheeting of plastics) without applied soles. These products are classified according to their constituent material;
- (b) Footwear of textile material, without an outer sole glued, sewn or otherwise affixed or applied to the upper (Section XI);
- (c) Worn footwear of heading 63.09;
- (d) Articles of asbestos (heading 68.12);
- (e) Orthopaedic footwear or other orthopaedic appliances, or parts thereof (heading 90.21); or
- (f) Toy footwear or skating boots with ice or roller skates attached; shin-guards or similar protective sportswear (Chapter 95).

2.- For the purposes of heading 64.06, the term "parts" does not include pegs, protectors, eyelets, hooks, buckles, ornaments, braid, laces, pompons or other trimmings (which are to be classified in their appropriate headings) or buttons or other goods of heading 96.06.

3.- For the purposes of this Chapter :

- (a) the terms "rubber" and "plastics" include woven fabrics or other textile products with an external layer of rubber or plastics being visible to the naked eye; for the purpose of this provision, no account should be taken of any resulting change of colour; and
- (b) the term "leather" refers to the goods of headings 41.07 and 41.12 to 41.14.

4.- Subject to Note 3 to this Chapter :

- (a) The material of the upper shall be taken to be the constituent material having the greatest external surface area, no account being taken of accessories or reinforcements such as ankle patches, edging, ornamentation, buckles, tabs, eyelet stays or similar attachments;
- (b) The constituent material of the outer sole shall be taken to be the material having the greatest surface area in contact with the ground, no account being taken of accessories or reinforcements such as spikes, bars, nails, protectors or similar attachments.

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Subheading Note.

1.- For the purposes of subheadings 6402.12, 6402.19, 6403.12, 6403.19 and 6404.11, the expression "sports footwear" applies only to :

- (a) Footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like;

- (b) Skating boots, ski-boots and cross-country ski footwear, snowboard boots, wrestling boots, boxing boots and cycling shoes.

GENERAL

With certain **exceptions** (see particularly those mentioned at the end of this General Note) this Chapter covers, under headings 64.01 to 64.05, various types of footwear (including overshoes) irrespective of their shape and size, the particular use for which they are designed, their method of manufacture or the materials of which they are made.

For the purposes of this Chapter, the term "footwear" **does not**, however, **include** disposable foot or shoe coverings of flimsy material (paper, sheeting of plastics, etc.) without applied soles. These products are classified according to their constituent material.

- (A) Footwear may range from sandals with uppers consisting simply of adjustable laces or ribbons to thigh-boots (the uppers of which cover the leg and thigh, and which may have straps, etc., for fastening the uppers to the waist for better support). The Chapter includes :

- (1) Flat or high-heeled shoes for ordinary indoor or outdoor wear.
- (2) Ankle-boots, half-boots, knee-boots and thigh-boots.
- (3) Sandals of various types, "espadrilles" (shoes with canvas uppers and soles of plaited vegetable material), tennis shoes, jogging shoes, bathing slippers and other casual footwear.
- (4) Special sports footwear which is designed for a sporting activity and has, or has provision for, the attachment of spikes, sprigs, stops, clips, bars or the like and skating boots, ski-boots and cross-country ski footwear, snowboard boots, wrestling boots, boxing boots and cycling shoes (see Subheading Note 1 to the Chapter).

Roller-skating or ice-skating boots with skates fixed to the soles, are, however, **excluded** (heading 95.06).

- (5) Dancing slippers.
- (6) House footwear (e.g., bedroom slippers).
- (7) Footwear obtained in a single piece, particularly by moulding rubber or plastics by carving from a solid piece of wood.
- (8) Other footwear specially designed to protect against oil, grease, chemicals or cold.
- (9) Overshoes worn over other footwear; in some cases, they are heel-less.
- (10) Disposable footwear, with applied soles, generally designed to be used only once.

- (B) The footwear covered by this Chapter may be of any material (rubber, leather, plastics, wood, cork, textiles including felt and nonwovens, furskin, plaiting materials, etc.) **except** asbestos, and may contain, in any proportion, the materials of Chapter 71.

Within the limits of the Chapter itself, however, it is the constituent material of the outer sole and of the upper which determines classification in headings 64.01 to 64.05.

- (C) The term "outer sole" as used in headings 64.01 to 64.05 means that part of the footwear (other than an attached heel) which, when in use, is in contact with the ground. The constituent material of the outer sole for purposes of classification shall be taken to be the material having the greatest surface area in contact with the ground. In determining the constituent material of the outer sole, no account should be taken of attached accessories or reinforcements which partly cover the sole (see Note 4 (b) to this Chapter). These accessories or reinforcements include spikes, bars, nails, protectors or similar attachments (including a thin layer of textile flocking (e.g., for creating a design) or a detachable textile material, applied to but not embedded in the sole).

In the case of footwear made in a single piece (e.g., clogs) without applied soles, no separate outer sole is required; such footwear is classified with reference to the constituent material of its lower surface.

- (D) For the purposes of the classification of footwear in this Chapter, the constituent material of the uppers must also be taken into account. The upper is the part of the shoe or boot above the sole. However, in certain footwear with plastic moulded soles or in shoes of the American Indian moccasin type, a single piece of material is used to form the sole and either the whole or part of the upper, thus making it difficult to identify the demarcation between the outer sole and the upper. In such cases, the upper shall be considered to be that portion of the shoe which covers the sides and top of the foot. The size of the uppers varies very much between different types of footwear, from those covering the foot and the whole leg, including the thigh (for example, fishermen's boots), to those which consist simply of straps or thongs (for example, sandals).

If the upper consists of two or more materials, classification is determined by the constituent material which has the greatest external surface area, no account being taken of accessories or reinforcements such as ankle patches, protective or ornamental strips or edging, other ornamentation (e.g., tassels, pompons or braid), buckles, tabs, eyelet stays, laces or slide fasteners. The constituent material of any lining has no effect on classification.

- (E) It should be noted that for the purposes of this Chapter, the terms "rubber" and "plastics" include woven fabrics or other textile products with an external layer of rubber or plastics being visible to the naked eye, no account being taken of any resulting change of colour.
- (F) Subject to the provisions of (E) above, for the purposes of this Chapter the expression "textile materials" covers the fibres, yarns, fabrics, felts, nonwovens, twine, cordage, ropes, cables, etc., of Chapters 50 to 60.
- (G) For the purposes of this Chapter, the term "leather" refers to the goods of headings 41.07 and 41.12 to 41.14.

- (H) Boot or shoe bottoms, consisting of an outer sole affixed to an incomplete or unfinished upper, which do not cover the ankle are to be regarded as footwear (and not as parts of footwear). These articles may be finished simply by trimming their top edge with a border and adding a fastening device.

This Chapter also **excludes** :

- (a) Footwear of textile material, without an outer sole glued, sewn or otherwise affixed or applied to the upper (**Section XI**).
- (b) Footwear showing signs of appreciable wear and presented in bulk or in bales, sacks or similar packings (**heading 63.09**).
- (c) Footwear of asbestos (**heading 68.12**).
- (d) Orthopaedic footwear (**heading 90.21**).
- (e) Toy footwear and skating boots with ice or roller skates attached; shin-guards and similar protective sportswear (**Chapter 95**).

64.01 - Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes.

6401.10 - Footwear incorporating a protective metal toe-cap

- Other footwear :

6401.92 -- Covering the ankle but not covering the knee

6401.99 -- Other

This heading covers waterproof footwear with both the outer soles and the uppers (see General Explanatory Note, paragraphs (C) and (D)), of rubber (as defined in Note 1 to Chapter 40), plastics or textile material with an external layer of rubber or plastics being visible to the naked eye (see Note 3 (a) to this Chapter), **provided** the uppers are neither fixed to the sole nor assembled by the processes named in the heading.

The heading includes footwear constructed to protect against penetration by water or other liquids and would include, *inter alia*, certain snow-boots, galoshes, overshoes and ski-boots.

Footwear remains in this heading even if it is made partly of one and partly of another of the specified materials (e.g., the soles may be of rubber and the uppers of woven fabric with an external layer of plastics being visible to the naked eye; for the purpose of this provision no account should be taken of any resulting change of colour).

The heading covers, *inter alia*, footwear obtained by any of the processes described below :

(1) Press moulding

In this process, a core, sometimes covered by a textile "sock" which later forms the lining of the article, is placed in a mould with either preforms or granules.

The mould is closed and placed between the platens of a press, which are heated to a high temperature.

Under the influence of the heat, the preforms or granules acquire a certain degree of viscosity and completely fill the space between the core and the walls of the mould; the excess material escapes through vents. The material then vulcanises (rubber) or gels (poly(vinyl chloride)).

When the moulding process is complete, the shoe is taken out of the mould and the core is removed.

(2) **Injection moulding**

This process is similar to press moulding, except that the preforms or granules used in the press moulding process are replaced by a rubber-based or poly(vinyl chloride)-based mix, preheated to give it the viscosity required for injection into the mould.

(3) **Slush moulding**

In this process, poly(vinyl chloride) or polystyrene paste is injected into a mould to form a complete coating which gels, excess material escaping through vents.

(4) **Rotational casting**

This process is similar to slush moulding, except that the coating is formed by rotating the paste in a closed mould.

(5) **“ Dip moulding ”**

In this process, a hot mould is dipped into the paste (this process is rarely used in the footwear industry).

(6) **Assembly by vulcanising**

In this process, the raw material (usually rubber or thermoplastics) is prepared with sulphur powder and passed through a press to produce a flat sheet. The sheet is cut (and sometimes calendered) into the shape of the various parts of the outer sole and upper (i.e., vamps, quarters, counters, toe pieces, etc.). The parts are slightly heated to make the material tacky and are then assembled on a last, the shape of which conforms to the shape of the footwear. The assembled footwear is pressed against the last, so that the parts adhere to one another, and then vulcanised. Footwear obtained by this process is known in the trade as “ built-up footwear ”.

(7) **Bonding and vulcanising**

This process is used for moulding and vulcanising an outer sole and heel of rubber on a **preassembled upper** in one operation. The sole is firmly bonded to the upper with cement which hardens during vulcanisation.

(8) **High frequency welding**

In this process, materials are bonded by heat and pressure, without the use of cement.

(9) **Cementing**

In this process, **soles which have been previously moulded** or cut from a sheet are stuck to the uppers **with an adhesive; pressure** is applied, and the article is left to **dry**. Although pressure may be applied at a raised temperature, the material used for the sole is in its final form before the sole is stuck to the upper, and its physical qualities are in no way modified by this operation.

64.02 - Other footwear with outer soles and uppers of rubber or plastics.

- Sports footwear :

6402.12 -- Ski-boots, cross-country ski footwear and snowboard boots

6402.19 -- Other

6402.20 - Footwear with upper straps or thongs assembled to the sole by means of plugs

- Other footwear :

6402.91 -- Covering the ankle

6402.99 -- Other

This heading covers footwear with outer soles and uppers of rubber or plastics, **other than** those of heading 64.01.

Footwear remains in this heading even if it is made partly of one and partly of another of the specified materials (e.g., the soles may be of rubber and the uppers of woven fabric with an external layer of plastics being visible to the naked eye; for the purpose of this provision no account should be taken of any resulting change of colour).

The heading covers, *inter alia* :

- (a) Ski-boots consisting of several moulded parts hinged on rivets or similar devices;
- (b) Clogs without quarter or counter, the uppers of which are produced in one piece usually attached to the base or platform by riveting;
- (c) Slippers or mules without quarter or counter, the uppers of which, being produced in one piece or assembled other than by stitching, are attached to the sole by stitching;
- (d) Sandals consisting of straps across the instep and of counter or heelstrap attached to the sole by any process;
- (e) *Thong-type* sandals in which the thongs are attached to the sole by plugs which lock into holes in the sole;
- (f) Non-waterproof footwear produced in one piece (for example, bathing slippers).

64.03 - Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather.

- Sports footwear :

6403.12 -- Ski-boots, cross-country ski footwear and snowboard boots

6403.19 -- Other

6403.20 - Footwear with outer soles of leather, and uppers which consist of leather straps across the instep and around the big toe

6403.40 - Other footwear, incorporating a protective metal toe-cap

- Other footwear with outer soles of leather :

6403.51 -- Covering the ankle

6403.59 -- Other

- Other footwear :

6403.91 -- Covering the ankle

6403.99 -- Other

This heading covers footwear with uppers (see General Explanatory Note, Part (D)) made of leather and with outer soles (see General Explanatory Note, Part (C)) made of :

- (1) Rubber (as defined in Note 1 to Chapter 40).
- (2) Plastics.
- (3) Woven fabrics or other textile products with an external layer of rubber or plastics being visible to the naked eye, no account being taken of any resulting change of colour (see Note 3 (a) to this Chapter and General Explanatory Note, Part (E)).
- (4) Leather (see Note 3 (b) to this Chapter).
- (5) Composition leather (by virtue of Note 3 to Chapter 41, "composition leather" is restricted to substances with a basis of leather or leather fibre).

64.04 - Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials.

- Footwear with outer soles of rubber or plastics :

6404.11 - - Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like

6404.19 - - Other

6404.20 - Footwear with outer soles of leather or composition leather

This heading covers footwear with uppers (see General Explanatory Note, Part (D)) made of textile materials and with outer soles (see General Explanatory Note, Part (C)) made of the same materials as the footwear of heading 64.03 (see the Explanatory Note to that heading).

64.05

64.05 - Other footwear.

6405.10 - With uppers of leather or composition leather

6405.20 - With uppers of textile materials

6405.90 - Other

Subject to Notes 1 and 4 to this Chapter, this heading covers all footwear having outer soles and uppers of a material or combination of materials not referred to in the preceding headings of this Chapter.

The heading includes in particular :

- (1) Footwear, with outer soles of rubber or plastics, and the uppers made of material other than rubber, plastics, leather or textile material;
- (2) Footwear with outer soles of leather or of composition leather, and the uppers made of material other than leather or textile material;
- (3) Footwear with outer soles of wood, cork, twine or rope, paperboard, furskin, textile fabric, felt, nonwovens, linoleum, raffia, straw, loofah, etc. The uppers of such footwear may be of any material.

The heading **excludes** assemblies of parts (e.g., uppers, whether or not affixed to an inner sole) not yet constituting nor having the essential character of footwear as described in headings 64.01 to 64.05 (**heading 64.06**).

64.06 - Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof.

6406.10 - Uppers and parts thereof, other than stiffeners

6406.20 - Outer soles and heels, of rubber or plastics

- Other :

6406.91 -- Of wood

6406.99 -- Of other materials

(I) PARTS OF FOOTWEAR (INCLUDING UPPERS WHETHER OR NOT ATTACHED TO SOLES OTHER THAN OUTER SOLES); REMOVABLE IN-SOLES, HEEL CUSHIONS AND SIMILAR ARTICLES

This heading covers :

- (A) The various component parts of footwear; these parts may be of any materials **except** asbestos.

Parts of footwear may vary in shape according to the types or styles of footwear for which they are intended. They include :

- (1) Parts of uppers (e.g., vamps, toecaps, quarters, legs, linings and clog straps), including pieces of leather for making footwear cut to the approximate shape of uppers.
- (2) Stiffeners. These may be inserted between the quarters and lining, or between the toecap and lining, to give firmness and solidity at these parts of the footwear.
- (3) Inner, middle and outer soles, including half soles or patins; also in-soles for glueing on the surface of the inner soles.
- (4) Arch supports or shanks and shank pieces (generally of wood, leather, fibreboard or plastics) for incorporation in the sole to form the curved arch of the footwear.
- (5) Various types of heels made of wood, rubber, etc., including glue-on, nail-on and screw-on types; parts of heels (e.g., top pieces).
- (6) Studs, spikes, etc., for sports footwear.
- (7) Assemblies of parts (e.g., uppers, whether or not affixed to an inner sole) not yet constituting nor having the essential character of footwear as described in headings 64.01 to 64.05.

- (B) The following fittings (of any material **except** asbestos) which may be worn inside the footwear : removable in-soles, hose protectors (of rubber, rubberised fabric, etc.) and removable interior heel cushions.

**(II) GAITERS, LEGGINGS, AND SIMILAR ARTICLES,
AND PARTS THEREOF**

These articles are designed to cover the whole or part of the leg and in some cases part of the foot (e.g., the ankle and instep). They differ from socks and stockings, however, in that they do not cover the entire foot.

They may be made of any material (leather, canvas, felt, knitted or crocheted fabrics, etc.) **except** asbestos.

They include gaiters, leggings, spats, puttees, "mountain stockings" without feet, leg warmers and similar articles.

Certain of these articles may have a retaining strap or elastic band which fits under the arch of the foot.

The heading also covers identifiable parts of the above articles.

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The heading also **excludes** :

- (a) Welts in the length of leather or composition leather (**heading 42.05**), of plastics (**Chapter 39**) or of rubber (**Chapter 40**).
- (b) Knee and ankle supports (such as those consisting of elastic fabric designed simply to support or sustain weak joints); these are classified in their own appropriate headings according to the material of which they are made.
- (c) One-piece leggings (tights) of the kind worn by very young children; these are garments which reach the waist, and fit closely round the leg and sometimes cover the entire foot (**Chapter 61** or **62**).
- (d) Footwear parts and accessories of asbestos (**heading 68.12**).
- (e) Special in-soles for arch supporting, made to measure, and orthopaedic appliances (**heading 90.21**).
- (f) Cricket pads, shin-guards, knee-caps and other protective articles for sports activities (**heading 95.06**).
- (g) Pegs, nails, eyelets, hooks, buckles, protectors, braid, pompons, laces, which are classified in their appropriate headings, buttons, snap-fasteners, press-studs, push-buttons (**heading 96.06**) and slide fasteners (zippers) (**heading 96.07**).