European Sealing Association e.V.

ESA Position Statement on EU Custom Tariffs for organic and fluoroelastomeric rubber seals

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Goods entering the European Union are liable to import duties. The tariff for standard organic rubber products is lower compared to that for fluoroelastomer products. This discrepancy may result in unfair competition if incorrect tariff codes are utilized.

The variations in EU customs tariffs for fluoroelastomer and organic rubber products stem from several factors, such as differences in material composition, the level of value-added processing, existing trade agreements, and broader economic strategies.

Organic elastomers and fluoroelastomers differ primarily in their chemical composition and properties. Organic elastomers consist of carbon atoms, along with hydrogen, oxygen, nitrogen, and sometimes sulfur or silicone. Examples include natural rubber, EPDM, NBR, Chloroprene, silicone rubber, and butyl rubber.

On the other hand, fluoroelastomers (FKM, FFKM) are a specialized type of elastomer known for their exceptional resistance to heat, chemicals, and oil. They are composed of carbon, fluorine, and occasionally hydrogen atoms. The presence of fluorine atoms gives fluoroelastomers unique properties that make them suitable for demanding applications where regular elastomers may not perform adequately.

Organic elastomers are known for their elasticity and resilience, but they may not offer the same level of chemical resistance as fluoroelastomers. Fluoroelastomers contain fluorine atoms in their molecular structure, providing them with exceptional resistance to heat, chemicals, oils, fuels, and solvents. This makes them ideal for use in harsh environments and extreme conditions where organic elastomers may not perform as well.

Organic elastomers and fluoroelastomers are both elastomeric materials recognized for their flexibility and elasticity. However, fluoroelastomers provide enhanced chemical and heat resistance owing to their specialized fluorine-based formulation, making them ideal for high-demand applications where conventional elastomers might not perform adequately. Thus, while organic elastomers and fluoroelastomers differ significantly in their chemical makeup and specific attributes, they both exhibit common traits such as elasticity, polymer structure, processability, and curing chemistry.

Sealing products manufactured using organic elastomers fall under Chapter 40, specifically under the category of "rubber and articles thereof". The HS code for these items is 40169300, which refers to "gaskets, washers, and other seals made of vulcanized rubber (excluding hard rubber and cellular rubber)". On the other hand, products made with fluoroelastomers are classified under Chapter 39, "Plastics and articles thereof", within subchapter 3926 for "Articles of plastics and articles of other materials falling under heading 3901 to 3914, not elsewhere specified". More specifically, they are placed under sub-subchapter 392690, which covers "Articles of plastics and articles of other materials falling under heading 3901 to 3914, not elsewhere specified (excluding goods of 9619)". The HS code for products made with FKM and FFKM is 39269097, which corresponds to "Articles of plastics and articles of other materials falling under heading 3901 to 3914, not elsewhere specified".

The variation in tariffs between the two categories results in a 3.5% difference in the cost of the imported products. This could have a substantial impact, especially for our (EU based) members who import large quantities of FKM and FFKM (FEPM…) products. Additionally, there are several

businesses that are not adhering to these customs regulations, putting themselves at risk of significant fines.

The Elastomeric & Polymeric Seals Division of the European Sealing Association (ESA) is calling on the EU Tariff authorities to either increase their scrutiny of fluoroelastomeric seals declarations or to categorize both organic and fluoroelastomeric seals under the same tariff code. This would promote fair competition within the EU.