

SCIENTIFIC SUB-COMMITTEE

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11th Session

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Brussels, 4 June 1996.

PROPOSAL BY ARGENTINA FOR AMENDING THE TEXTS
OF SUBHEADINGS 2903.1 AND 2903.2
(Item II.16 on Agenda)

Reference documents :

25.201 (CC/32)
25.335, Annex A (CC/32 - Report)

I. On 29 April 1996, the Secretariat received the following Note from the Argentine Administration proposing amendments to the texts of subheadings 2903.1 and 2903.2.

I. NOTE FROM THE ARGENTINE ADMINISTRATION

II. "The Argentine Customs Administration hereby notifies that it has arrived at the conclusion that the 1-dash subheading texts, without codification, of heading 29.03 may lead to mistakes.

"-Saturated chlorinated derivatives of acyclic hydrocarbons.

-Unsaturated chlorinated derivatives of acyclic hydrocarbons."

File No. 2530

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- III. To the Argentine Administration's understanding, the corresponding texts do not express the real scope of those subheadings since, in the first case, we are dealing with chlorinated derivatives of saturated acyclic hydrocarbons and, in the second case, with chlorinated derivatives of non-saturated acyclic hydrocarbons.
- IV. This is clear from the compounds covered in the 2-dash subheadings included under each of the above-mentioned 1-dash subheadings.
- V. For example, chloromethane (subheading 2903.11) is, taking into account the 1-dash subheading text, a chlorinated derivative of a saturated acyclic hydrocarbon, and it is not a saturated chlorinated derivative of an acyclic hydrocarbon as is stated in the 1-dash subheading text under which it is included.
- VI. That is the reason why the Argentine Administration proposes modifications to the above-mentioned subheading texts so that this matter can be clarified.
- VII. Argentina's proposal is as follows :

Delete :

"-Saturated chlorinated derivatives of acyclic hydrocarbons."

and substitute :

"-Chlorinated derivatives of saturated acyclic hydrocarbons."

Similarly, delete :

"-Unsaturated chlorinated derivatives of acyclic hydrocarbons."

and substitute :

"-Chlorinated derivatives of unsaturated acyclic hydrocarbons.""

II. SECRETARIAT COMMENTS

- VIII. At the 32nd Session of the Chemist's Committee, the structured nomenclature of heading 29.03 was examined. The Note drafted by the Technical Team was as follows :

8.1. "The texts of the first two 1-dash subheadings of heading 29.03 will be a source of difficulty as they now stand. Only those readers who are well acquainted with the CCCN and its Explanatory Notes are likely to understand that these two subheadings are intended to cover chlorinated derivatives with a structural formula like that of a saturated or unsaturated hydrocarbon in which

one or more hydrogen atoms have been replaced by an equal number of chlorine atoms. Consequently, derivatives of saturated hydrocarbons must themselves be saturated, and derivatives of unsaturated hydrocarbons must likewise be unsaturated.

8.2. However, the unwary reader would almost certainly understand the two subheading texts to cover products which have actually been derived from saturated or unsaturated hydrocarbons, respectively. Based on this misunderstanding, he might well conclude that products such as 1,2-dichloroethane or 1,2-dichloropropane, if actually derived from an unsaturated hydrocarbon by the addition of chlorine, must be excluded from the first 1-dash subheading and classified under the second 1-dash subheading.

8.3. In order to clear up any possible misunderstanding and to prevent misclassification, it is suggested that these subheading texts be amended to ensure that classification is based on whether the chlorinated derivatives are saturated or unsaturated and not on the degree of saturation of the actual or theoretical raw materials. If the Chemists agree, the English text could be amended to read as follows :

- Saturated chlorinated derivatives of acyclic hydrocarbons.
- Unsaturated chlorinated derivatives of acyclic hydrocarbons.

8.4. The French text could be amended by inserting a comma before "saturés" and "non saturés", thereby bringing the two texts into alignment."

IX. The Chemists's Committee (32nd Session) felt that from the technical point of view there was no serious problem with the existing texts of the structured nomenclature of heading 29.03. However, in order to avoid any possible misunderstanding on the part of the general reader, it was agreed that the English texts of the first two 1-dash subheadings (2903.1 and 2903.2) should be amended along the lines suggested in paragraph 8.3. above.

X. The Chemists's Committee also agreed that the French texts of subheadings 2903.1 and 2903.2 should be aligned on the new English texts by placing the words "saturés" and "non saturés", respectively, after the words "Dérivés chlorés", instead of at the end.

XI. In view of the background explained above, the Secretariat feels that the Argentine proposal need not to be pursued.

III. CONCLUSION

- XII. The Sub-Committee is invited to examine the proposal by Argentina for amending the texts of subheadings 2903.1 and 2903.2, taking into account the Secretariat's comments above.
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