



SCIENTIFIC SUB-COMMITTEE

NS0009E1  
(+ Annex)

-  
15th Session  
-

O. Eng.

Brussels, 6 December 1999.

AMENDMENTS TO THE NOMENCLATURE AND THE EXPLANATORY NOTES  
TO CLARIFY THE CLASSIFICATION OF CO-ORDINATION COMPOUNDS

(Item II.8 on the Agenda)

Reference documents :

40.212 (SSC/11)	41.690, Annex A/3 (SSC/13 - Report)
40.460, Annex A/10 (SSC/11 - Report)	42.018 (HSC/21)
40.412 (HSC/18)	42.100, Annex D/1 (HSC/21 - Report)
40.759 (SSC/12)	42.192 (SSC/14)
40.870, Annex A/13 (SSC/12 - Report)	42.850, Annex A/2 (SSC/14 - Report)
41.100, Annex D/1, paragraph 22 (HSC/19 - Report)	NC0016E1 (HSC/23)
41.663 (SSC/13)	NC0090E2 (HSC/23 - Report)
41.687 (SSC/13)	

I. BACKGROUND

1. At its 14<sup>th</sup> Session, the Scientific Sub-Committee discussed possible amendments to the Nomenclature and Explanatory Notes to clarify the classification of co-ordination compounds.
2. The Sub-Committee considered the following three courses of action in respect of this question, i.e., (a) to classify all co-ordination compounds in heading 29.42, as provisionally agreed at the 13<sup>th</sup> Session of the Scientific Sub-Committee and modified by Switzerland (Proposal A, see Doc. 42.192), (b) to classify co-ordination compounds by ligand (i.e., the "cleavage" approach) as proposed by Switzerland (Proposal B, see Doc. 42.192) or (c) to maintain the status quo.
3. Certain delegates preferred Proposal A, since it would facilitate the classification of co-ordination compounds by grouping them in a single heading (29.42). They were opposed to Proposal B, since it would require the classification of chemicals based on the artificially created chemical structure of the product. Further, it would be difficult to determine the structure of the cleaved ligand. In this connection, it was pointed out that the application of the cleavage principle for the classification of amino alcohols in heading 29.22 had given rise to difficulties.

File No. 2620

4. Other delegates preferred the status quo pointing out that there was no indication of any need by the industry for the grouping of co-ordination compounds. There was also no strong administrative need to amend the legal texts.
5. A majority of delegates, however, were in favour of clear guidelines to ensure uniform classification of co-ordination compounds. They favoured an approach based on Proposal B, because it would cause least disturbance in the existing classification practice of a number of administrations, and the transfer of products would be limited. Proposal A, on the other hand, would result in a substantial transfer of products to heading 29.42 from other headings (including products covered by the WTO Pharmaceutical Agreement). These delegates also expressed concern that there was no clear definition of co-ordination compounds and any attempt to group such compounds without establishing their precise scope would lead to more difficulties.
6. The Sub-Committee finally agreed to study this question further at the next session on the basis of Proposal B which proposes a new Note 8 to Chapter 29. The Note is reproduced in the Annex to this document.
7. Administrations were invited to submit comments to the Secretariat with regard to improvements, if any, on this proposal and consequent amendments to the Explanatory Notes. To date, the Secretariat has not received any comments from administrations.

## II. SECRETARIAT COMMENTS

8. The proposed new Note 8 would govern the classification of co-ordination compounds "except where the context otherwise requires". In short, the Note would provide that, except for compounds having metal-carbon bonds (which would fall in heading 29.31), co-ordination compounds would be classified according to the organic "fragment" of the "cleaved" compound, i.e., by disregarding the co-ordinating metal atom(s).
9. As the Secretariat has already pointed out in paragraph 42 of Doc. 42.192, it has been demonstrated that a "cleavage" approach was workable for the classification of oxygen-function amino-compounds of heading 29.22 (see subheading Explanatory note for subheadings 2922.11 to 2922.50, page 400a). In the Secretariat view it is possible that a similar approach might be deemed workable for co-ordination compounds as well.
10. In view of the above and the concerns expressed at the 14<sup>th</sup> Session of the Scientific Sub-Committee, as indicated in paragraph 5 above, the Secretariat feels that this is a simple approach and has the added advantage that the transfer of products will be limited.

## III. CONCLUSION

11. The Committee is requested to finalise the legal texts proposed by the Swiss Administration as set out in the Annex to this document and provide guidance to the Secretariat for drafting suitable amendments to the Explanatory Notes.

\* \* \*

**PROPOSAL BY THE SWISS ADMINISTRATION  
(PROPOSAL B)**

New Note 8 to Chapter 29.

“8. - Except where the context otherwise requires, co-ordination compounds shall be classified according to the following rules :

- (a) Where necessary, co-ordination compounds should be considered as being fragmented by “cleaving” the metal-oxygen, metal-nitrogen, metal-sulphur or metal-halogen bond(s) and should be classified according to the fragment falling in Chapter 29, in the heading occurring last in numerical order.
  - (b) Compounds with a metal-carbon bond fall in heading 29.31. Metal-carbon bonds include those between a metal atom and the carbon atom of a carbonyl group (for example, iron carbonyl) or those between a metal and an unsaturated hydrocarbon (for example, ferrocene or polytopal cage compounds such as fullerenes).”
-