



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE
-
19th Session
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O. Eng.

H11-3

Brussels, .

POSSIBLE AMENDMENTS TO HEADING 42.02

(Item II.A.22 on Agenda)

Reference documents:

39.600, Annex IJ/22 (HSC/16 - Report)
39.631 (HSC/16)
40.003 (HSC/17)
40.260, Annexes G/7 and L/15 (HSC/17 - Report)
42.475 (HSC/22)
42.500, Annex B/18 (RSC/18)

I. BACKGROUND

1. At its 18th Session (October 1998), the HS Review Sub-Committee examined, on the basis of Doc. 42.745, a proposal by the United States Administration to amend the legal texts and the Explanatory Note to heading 42.02 to specifically provide for cooler bags.
2. The Sub-Committee agreed in principle to amend the text of 42.02, provided that the proposed amendment should not cause any change in the present classification practice. It also agreed that the alternative expression "insulated food and beverage bags" suggested by the Delegate of the United States was more specific and preferable compared to the texts proposed by the Secretariat in the Annex to Doc. 42.475. Consequently, the Secretariat's alternative proposal to group all similar containers in Chapter 39 was dropped.
3. The Sub-Committee finally agreed to study the question at its next Session on the basis of a new document incorporating draft texts, taking into account the above conclusions (see Annex B/18 of Doc. 42.500).

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II. SECRETARIAT COMMENTS

4. The Secretariat has redrafted the texts on the basis of discussion at the last session. The revised texts are set out in the Annex to this document.
5. Concerning the texts set out in the Annex, the Secretariat would like to draw the attention of Sub-Committee to the following points :
 - (a) The expression "insulated food and beverage bags" has been used to replace the earlier expression "cooler (isothermal) bags (or boxes)";
 - (b) Since the US Administration has agreed to drop the reference to "boxes" in the proposed Explanatory Note, the Secretariat considers that a specific exclusion for moulded plastic "cooler boxes" from heading 42.02 would no longer be necessary;
 - (c) The text suggested by the US Administration to amend the Explanatory Note to heading 42.02 does not seem to clearly reflect the main function of the bags. The Secretariat has therefore suggested to place the expressions "transport" and "storage" at the end of the sentence. Both options are placed in square brackets;
 - (d) One issue, which is yet to be resolved, is the classification treatment of the so called "isothermal bags" which are similar to the articles mentioned under the exclusion Note 2 (A) (a) to Chapter 42 (see paragraph 11 to Doc. 42.475). These bags are made of sheeting of plastics consisting of two outer layers sandwiching an inner layer of cellular plastics. They are usually available in food stores, supermarkets and duty-free shops to carry chilled or hot foods and beverages and help to maintain their temperature during transport. It appears that they would be included in heading 42.02 in terms of the new terminology adopted (see paragraph 2 above). However, a specific exclusion for such bags in the Explanatory Note to heading 42.02 has been inserted in square brackets

III. CONCLUSION

6. The Sub-Committee is invited to examine the draft amendments to the Nomenclature and the Explanatory Notes set out in the Annex, taking into account of the Secretariat's comments above.

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x x

ANNEXE

REMANIEMENTS A APPORTER EVENTUELLEMENT A LA NOMENCLATURE ET AUX NOTES
EXPLICATIVES CONCERNANT LES SACS ISOLANTS POUR PRODUITS ALIMENTAIRES ET
BOISSONS

(Point II.A.23 de l'ordre du jour)

ANNEX

PROPOSED AMENDMENTS TO THE NOMENCLATURE AND EXPLANATORY NOTES
CONCERNING INSULATED FOOD AND BEVERAGE BAGS

(Item II.A.23 on Agenda)

PROCEDURE DE L'ARTICLE 16

A. AMENDMENTS DE LA NOMENCLATURE

N° 42.02. Texte suivant le point-virgule.

Nouvelle rédaction :

"sacs de voyage, sacs isolants pour produits alimentaires et boissons, trousse de toilette, sacs à dos, sacs à main, sacs à provisions, portefeuilles, porte-monnaie, porte-cartes, étuis à cigarettes, blagues à tabac, trousse à outils, sacs pour articles de sport, boîtes pour flacons ou bijoux, boîtes à poudre, écrins pour orfèvrerie et contenants similaires, en cuir naturel ou reconstitué, en feuilles de matières plastiques, en matières textiles, en fibre vulcanisée ou en carton, ou recouverts, en totalité en fibre vulcanisée ou en carton, ou recouverts, en totalité ou en majeure partie, de ces mêmes matières ou de papier."

B. MODIFICATIONS DES NOTES EXPLICATIVES

Page 660. N° 42.02. Texte suivant le point-virgule.

Nouvelle rédaction :

"SACS DE VOYAGE, SACS ISOLANTS POUR PRODUITS ALIMENTAIRES ET BOISSONS, TROUSSES DE TOILETTE, SACS A DOS, SACS A MAIN, SACS A PROVISIONS, PORTEFEUILLES, PORTE-MONNAIE, PORTE-CARTES, ETUIS A CIGARETTES, BLAGUES A TABAC, TROUSSES A OUTILS, SACS POUR ARTICLES DE SPORT, BOITES POUR FLACONS OU BIJOUX, BOITES A POUDDRE, ECRINS POUR ORFEVRERIE ET CONTENANTS SIMILAIRES, EN CUIR NATUREL OU RECONSTITUE, EN FEUILLES DE MATIERES PLASTIQUES, EN MATIERES TEXTILES, EN FIBRE VULCANISEE, OU EN CARTON, OU RECOUVERTS, EN TOTALITE, EN FIBRE VULCANISEE OU EN CARTON, OU RECOUVERTS, EN TOTALITE OU EN MAJEURE PARTIE, DE CES MEMES MATIERES OU DE PAPIER."

Page 661. N° 42.02.

a) Nouveau huitième paragraphe

Insérer le nouveau huitième paragraphe suivant :

"L'expression "sacs isolants pour produits alimentaires et boissons" couvre les sacs isolants utilisés pour [transporter, ranger et] maintenir la température de ces produits [lors de leur transport ou de leur stockage]".

b) Dernier paragraphe. Exclusion a)

Nouvelle rédaction :

a) les sacs à provision [, y compris les sacs en feuille de matière plastique constitués d'une âme en matière plastique alvéolaire recouverte sur les deux faces d'une feuille de matière plastique,], décrits dans la Note 2 A) a) du présent Chapitre (n° 39.23.)."

ARTICLE 16 PROCEDURE

A. AMENDMENTS TO THE NOMENCLATURE

CHAPTER 42

Heading 42.02. Text following the semicolon.

Delete and substitute

"travelling-bags, insulated food or beverages bags, toilet bags, rucksacks, handbags, shopping bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sportS bags, bottle-cases, jewellery boxes, powder-boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanised fibre or of paperboard, or wholly or mainly covered with such materials or with paper."

B. AMENDMENTS TO THE EXPLANATORY NOTES

Page 660. Heading 42.02. Text following the semicolon

Delete and substitute :

"TRAVELLING-BAGS, INSULATED FOOD OR BEVERAGES BAGS, TOILET BAGS, RUCKSACKS, HANDBAGS, SHOPPING BAGS, WALLETS, PURSES, MAP-CASES, CIGARETTE-CASES, TOBACCO-POUCHES, TOOL BAGS, SPORTS BAGS, BOTTLE-CASES, JEWELLERY BOXES, POWDER-BOXES, CUTLERY CASES, AND SIMILAR CONTAINERS, OF LEATHER OR OF COMPOSITION LEATHER, OF SHEETING OF PLASTICS, OF TEXTILE MATERIALS, OF VULCANISED FIBRE OR OF PAPERBOARD, OR WHOLLY OR MAINLY COVERED WITH SUCH MATERIALS OR WITH PAPER."

Paragraph 661. Heading 42.02.

(a) New eight paragraph.

Insert the following new eight paragraph :

"The expression "isulated food or beverage bags" covers insulated bags used [to transport, store and] maintain the temperature of foods and beverages [during transport or storage]."

(b) Last paragraph. Exclusion (a).

Delete and substitute:

"(a) Shopping bags [, including bags consisting of two outer layers of plastics sandwiching an inner layer of cellular plastics,] as described in Note 2 (A) (a) to this Chapter (**heading 39.23**)."