



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0125E1

-
22nd Session
-

O. Fr.

Brussels, 23 June 2000.

POSSIBLE REPLACEMENT OF SUBHEADING NOTE 1 (a) TO SECTION XI
REGARDING ELASTOMERIC YARN BY A NEW NOTE TO SECTION XI

(Item III.B.15 on Agenda)

I. SECRETARIAT COMMENTS

1. Elastomeric yarn is at present defined in Subheading Note 1(a) to Section XI, such yarn being referred to only at subheading level (subheadings 5806.20, 6002.10 and 6002.30).
2. From 1 January 2002, elastomeric yarn will also be mentioned at heading level (headings 60.02 and 60.04), when present heading 60.02 is split into five new headings.
3. The Secretariat is of the opinion that, from a legal standpoint, it would be advisable to replace the Subheading Note by a Section or Chapter Note, since according to General Interpretative Rule 6, subheading notes determine, for legal purposes, classification of goods in the subheadings of a given heading and are not in principle applicable for determination of classification at heading level.
4. The Secretariat would therefore propose deletion of Subheading Note 1(a) and insertion of a new Section Note. Thus it prefers a Section Note to a Chapter Note (in Chapter 60), given that several other textile terms are defined in Section Notes and that the expression "elastomeric yarn" occurs in the legal texts of two different Chapters in Section XI and is presently defined in a Subheading Note for that Section.
5. Furthermore, as present Section Note 13 refers to Chapters 61 and 62, the Secretariat proposes the insertion of a new Section Note 13; present Note 13 would be renumbered 14.
6. The Secretariat draws attention to the fact that these amendments would affect the Explanatory Notes (in particular the Subheading Explanatory Notes to Section XI (page 784); the text concerning elastomeric yarn would be replaced by an insertion in the General Explanatory Notes to heading 60.02 and 60.04 which will enter into force in 2002).

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The Secretariat therefore proposes that, if necessary, consequential amendments to the Explanatory Notes would be examined later.

II. CONCLUSION

7. The Sub-Committee is invited to decide on the Secretariat proposal to replace Subheading Note 1(a) to Section XI relating to elastomeric yarn by a new Note to Section XI and if necessary to examine the texts in the Annex hereto.

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(SCR/22/sept. 2000)
(RSC/22/Sept. 2000)

ANNEXE

REPLACEMENT EVENTUEL DE LA NOTE 1a) DE SOUS-POSITIONS
DE LA SECTION XI RELATIVE AUX FILS D'ELASTOMERES
PAR UNE NOUVELLE NOTE DE LA SECTION XI
(Point III.B.15 de l'ordre du jour)

ANNEX

POSSIBLE REPLACEMENT OF SUBHEADING NOTE 1 (a) TO SECTION XI
REGARDING ELASTOMERIC YARN
BY A NEW NOTE TO SECTION XI
(Item III.B.15 on Agenda)

PROCEDURE DE L'ARTICLE 16

AMENDEMENTS DE LA NOMENCLATURE

SECTION XI.

Notes de Section. Nouvelle Note 13.

Insérer la nouvelle Note 13 suivante :

"13.- Dans la présente Section et, le cas échéant, dans la Nomenclature, on entend par *fils d'élastomères*, les fils de filaments (y compris les monofilaments) en matières textiles synthétiques, autres que les fils texturés, qui peuvent, sans se rompre, subir un allongement les portant à trois fois leur longueur primitive et qui, après avoir subi un allongement les portant à deux fois leur longueur primitive, reprendront, en moins de cinq minutes, une longueur au plus égale à une fois et demie leur longueur primitive."

La Note 13 actuelle devient la Note 14.

Notes de sous-positions.

1. Note 1a).

Supprimer la Note 1a) de sous-positions.

Les Notes 1b) à 1k) de sous-positions deviennent les Notes 1a) à 1ij) de sous-positions, respectivement.

2. Paragraphe avant la lettre k) de la Note 1 de sous-positions.

Nouvelle rédaction :

" Les définitions des lettres d) à h) ci-dessus s'appliquent, *mutatis mutandis*, aux étoffes de bonneterie."

ARTICLE 16 PROCEDURE

AMENDMENTS TO THE NOMENCLATURE

SECTION XI.

Section Notes. New Note 13.

Insert the following new Note 13 :

"13.- For the purposes of this Section and, where applicable, throughout the Nomenclature, the expression "elastomeric yarn" means filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length."

Renumber present Note 13 as Note 14.

Subheading Notes.

1. Note 1 (a).

Delete Subheading Note 1 (a).

Reletter present Subheading Notes 1 (b) to 1 (k) as Subheading Notes 1 (a) to 1 (ij), respectively.

2. Paragraph before letter (k) of Subheading Note 1.

Delete and substitute :

" The definitions at (d) to (h) above apply, *mutatis mutandis*, to knitted or crocheted fabrics."
