



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

NR0292E1

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26<sup>th</sup> Session  
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Brussels, 25 June 2002.

POSSIBLE AMENDMENT OF THE TEXT OF SUBHEADING 9504.20

(PROPOSAL BY THE AUSTRALIAN ADMINISTRATION)

(Item III.A.22 on the Agenda)

Reference documents :

NR0247E1 (RSC/25)  
NR0265E3, Annex D/10 (RSC/25 – Report)

I. BACKGROUND

1. At its 25<sup>th</sup> Session, the Sub-Committee held an exchange of views on the possibility of amending the text of subheading 9504.20, covering articles and accessories for billiards, in order to cover all types of tables for billiards and similar games, and accessories therefor, while at the same time achieving full alignment of the French and English versions.
2. This question raised certain concerns of a linguistic nature, as the names and descriptions used for the products of this subheading could result in different classifications depending on which version (French or English) was consulted. In order to align the two language versions, the Sub-Committee instructed the Secretariat to prepare a new document for discussion at the present session, after studying the matter both from the linguistic standpoint and in respect of the scope of subheading 9504.20.
3. Irrespective of the need to achieve perfect alignment between the French and English versions, the fundamental issues are the scope of the French term "billard", which refers to both the game and the table it is played on, and whether or not this subheading covers all types of billiard tables and accessories therefor.
4. In this connection, the Delegate of the EC proposed that the EC's linguistic experts be called upon to provide precise information, which would be forwarded to the Secretariat for use in the preparation of the new document. The Contracting Parties were also invited to submit their views in writing.

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5. At the time of drafting of this document, the Secretariat had received no additional information from any Contracting Party.

## II. SECRETARIAT COMMENTS

6. The Secretariat agrees with the Australian Administration that the current text of subheading 9504.20 raises questions as regards its scope and the alignment of the English and French versions.

### **Scope of subheading 9504.20**

7. Where the scope of this subheading is concerned, leaving aside the terminology used in English ("billiards, snooker, pool, ...") and in French ("billards, billards dits de poche, billards américains..."), the goods at issue are related to the same activity, namely a parlour game played on a specially designed table, using as accessories cues, balls, etc., even though the rules of the game differ from one country to another. In French, it is from the various national sets of rules that the different games take their names, i.e., French-speakers refer to "American", "Russian" or "Japanese" billiards. In English, the three main versions of the game have individual names – billiards, pool, snooker.
8. Notwithstanding the various names, the classification problem relates not to the game, but to the equipment used for playing it in its various forms. Returning to the fundamental problem with the French text, there can be no doubt that the term "billard", as used in the subheading text, refers only to the table and could not possibly refer to the game of billiards itself, which like any game is a physical or intellectual activity which could not logically be regarded as goods classifiable in the Nomenclature.
9. As indicated in Doc. NR0247E1, the Customs Co-operation Council Nomenclature – CCCN – classified billiard tables in heading 97.04, which corresponds to Harmonized System subheading 9504.20. The Explanatory Note to that heading stated, on page 1749, that "this heading includes billiards tables of various types (with or without legs) and accessories therefor (e.g., billiard cues, cue rests, balls, ball or slide type markers)." The corresponding French text indicated that CCCN heading 97.04 covered "les billards-meubles, les billards de table de tous genres et leurs accessoires : queues, boules, compteurs de points à boules ou à curseur ...". The current Explanatory Note to heading 95.04 merely reproduces the corresponding CCCN Note, by adding "billiard chinks".
10. Thus, the English terms "snooker" and "pool" refer not to the equipment which is to be classified in the Nomenclature but to the game, i.e., to a leisure activity pursued in accordance with a series of rules which lead some participants to win and others to lose – again, there can be no possible confusion between the activity and the table it is played on. What is being classified is the billiard table and not the game, which is called by different names – and played by different rules – from one country to another.
11. The English definitions given for these games in dictionaries such as the Concise Oxford English Dictionary, Collins Paperback English Dictionary, and Harrap's Compact, make it clear that they are played on a billiard table, which is itself described as an oblong or rectangular wooden table, enclosed by an elastic cushion and covered with cloth which is generally green.

### Alignment of the two versions

12. On this point, the difficulty arises out of the fact that the terms used in English and French are quite different. That being the case, it appears that the French text "Billards et leurs accessoires" may have a broader scope than the English, which states clearly that the subheading covers "Articles and accessories for billiards".
13. This difficulty was recognized at the time when the Harmonized System was being developed. Doc. 22.832, prepared for the Interim Harmonized System Committee, pointed out that because of terminology differences it had not been possible to achieve full alignment between the two language versions of the heading concerned. It was in this context that the Technical Team opted for the wording "Articles and accessories" in the English version, on the grounds that some of the goods covered could not logically be deemed to be "equipment".
14. Taking into account the Secretariat proposal reproduced in Doc. NR0247E1, and the alternative English text read out by the Director during the discussions at the 25<sup>th</sup> session, the Secretariat believes that it may not be possible to linguistically align the French and English texts, although the scope of the two texts can and should be aligned. We would therefore propose that the new subheading texts could read as follows :
- in English : "9504.20 - Articles and accessories for billiards and similar games"
  - in French : "9504.20 - Billards de tous genres et leurs accessoires".
15. This formula has the advantage of including in subheading 9504.20 all the goods used for playing games of this kind. This would be in keeping with the meaning ascribed to "billiards" in common parlance, i.e., it is a generic term covering all the games played on a billiard table, whether or not the table has pockets. In his book about billiards and pool, published by Editions LIBER (Geneva, 1997), Mike Shamos writes that the term "billiards" in fact refers to some two hundred different games in which the object is to strike the white ball with the cue, causing the white ball to knock another ball into one of the pockets.

### III. CONCLUSION

18. The Sub-Committee is invited to rule on this question in the light of the Secretariat comments set out above, and the proposed amendment reproduced in paragraph 15.
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