



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
28th Session
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NR0429E1
(+ Annex)

O. Eng.

Brussels, 11 juillet 2003.

COMPREHENSIVE REVIEW OF THE EXPLANATORY NOTES
POSSIBLE AMENDMENT OF THE EXPLANATORY NOTES
TO HEADINGS 84.01 TO 84.29
(Item III.C.1 on Agenda)

Reference documents :

NR0302E1 (RSC/26)
NR0355E1 (RSC/27°)

NR0332E2 – Annex E/11 (RSC/26 - Report)
NR0400E3 – Annex E/1 (RSC/27 - Report)

I. BACKGROUND

1. At its 27th Session, the Sub-Committee continued its discussion on the possible amendment of the Explanatory Notes to headings 84.01 to 84.29.
2. Although there was general agreement with many of the proposed amendments, the Sub-Committee felt that certain remaining questions should be resolved before the amendments were approved. In order to identify the remaining questions, the Sub-Committee agreed to place square brackets around those texts for which further discussion was necessary. The Sub-Committee agreed to address these texts at its next session on the basis of additional proposals from administrations, review of additional technical information by administrations, and, where appropriate, redrafted language based on an editorial review by the Secretariat. All the other proposals were agreed upon and will be reviewed, if necessary, when the Sub-Committee considers the specific texts that remain in square brackets.

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3. The texts for which there was general agreement and those placed in square brackets are reproduced in the Annex to this document.

II. SECRETARIAT COMMENTS

4. At the time of preparing this document, the Secretariat had not received additional proposals or additional technical information from administrations. The texts in square brackets in the Annex call for the following comments.

Section XVI.

Page 1386. General. Part (III). First sentence.

5. There was a lengthy discussion concerning the proposal to insert a reference to “automatic data processing machines” in the General Explanatory Note to Section XVI, Part (III) ACCESSORY APPARATUS. Several delegates were of the opinion that ADP machines were not accessory apparatus and that the proposed text should be deleted because it presented classification questions which conflicted with the existing Nomenclature, Explanatory Notes and Classification Opinions (see, for example, Note 5 (E) to Chapter 84 and Item (2) of the corresponding Explanatory Note on page 1395, Classification Opinion 9027.30/2, and paragraph 2 of the Explanatory Note on page 1388 to Part (VII) on functional units).
6. Several other delegates were of the opposite opinion and indicated that the existing Explanatory Notes and Opinions supported the inclusion of the article in the list of articles that were accessory apparatus classifiable with a machine or apparatus when presented with the machine or apparatus (see, for example, Note 4 to Section XVI, Note 5 (E) to Chapter 84 and the corresponding Explanatory Note on page 1395, and Classification Opinions 8517.30/1 and 8517.50/2).
7. One delegate agreed with the insertion of the proposed reference and stated that this type of reference was not the type which the Sub-Committee had agreed to delete if it raised classification questions for an administration.
8. The Sub-Committee finally agreed to place the text in square brackets. This text was to be re-addressed by the Sub-Committee at its next session. The proponents were strongly encouraged to submit written comments on their position for the next session.

Heading 84.05.

Page 1405. Exclusion paragraph.

9. Concerning new exclusion (b), delegates agreed to redraft the text, as set out in Annex F/26 to the RSC/27 Report, and to examine the relevancy of the term “town gas generators” at the next session. One delegate indicated that the exclusion of ozone generating and diffusing apparatus from heading 84.05 may be incorrect because the current Explanatory Note, page 1404, refers to self-contained apparatus for producing “any kind of gas”. Some

administrations suggested that the exclusion refer only to “coking ovens”. The Sub-Committee agreed to place both proposed exclusion texts in square brackets for further consideration at its next session.

Heading 84.26.

Page 1458. Sixth paragraph. New Item (6).

Heading 84.28.

Page 1463. Part (II). Item (A).

Page 1464. Part (III). New item (M).

10. The **US** Delegate requested that these proposed texts be placed in square brackets and indicated that his administration would submit comments on these texts for the next Session.

III. CONCLUSION

11. The Review Sub-Committee is invited to examine the draft amendments placed in square brackets in the Annex to this document, taking into account the Secretariat’s comments in paragraphs 4 to 10 above.

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