



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
28th Session
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NR0437E1
(+ Annex)

O. Eng.

Brussels, 10 July 2003.

COMPREHENSIVE REVIEW OF THE EXPLANATORY NOTES
POSSIBLE AMENDMENT OF THE EXPLANATORY NOTES TO
HEADINGS 90.01 TO 90.10
(Item III.C.9 on Agenda)

Reference documents :

NR0309E1 (RSC/26)

NR0332E2 – Annex E/18 (RSC/26 – Report)

NR0363E1 (RSC/27)

NR0384E1 (RSC/27)

NR0400E3, Annexes E/9 and F/34 (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 90.01 to 90.10.
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 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.
3. The texts for which there was general agreement and those placed in square brackets are reproduced in the Annex to this document.

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

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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.

Heading 90.01.

New second paragraph.

5. The text of this amendment was placed in square brackets, pending an alternative proposal to be provided by the **US** Administration.

Heading 90.06.

Part (I). First paragraph. New two last sentences.

6. The proposed amendment was placed in square brackets, pending further information to be provided by **Australia** on the use of a thermal process, a reference to which might be included in the last sentence, as suggested by the **EC**.

New items (6) and (7) and present item (6).

7. Following the observation of the Delegate of **Canada** that there might not be sufficient trade in the articles referred to in proposed new items (6) and (7), the two proposed items were placed in square brackets. The proposed amendment to present item (6) was also placed in square brackets, pending a new text proposal to be submitted by the **Canadian** Administration.

Item (11). New last sentence.

8. Following the observation of the Delegate of **Canada** questioning whether there was sufficient trade in the article referred to in the proposed new last sentence of item (11), this proposal had been placed in square brackets.

9. The Secretariat understands the aim of the comprehensive review of the Explanatory Notes as deleting references to obsolete technologies or commodities and introducing references to new ones. The question whether or not there is sufficient trade in such new technologies or commodities, is in the view of the Secretariat, not relevant. Moreover, the proposed amendment concerns an exclusion. The Sub-Committee is invited to express its view on this issue.

10. Having said this and if the Sub-Committee adopts the proposed exclusion phrase, the Secretariat suggests inserting it as a new exclusion paragraph in item (11). The duly modified proposal is reproduced in the Annex to this document.

New items (15) and (16).

11. The proposal to introduce these two new items was placed in square brackets following the observation of the **EC** Delegate that the reference to these articles in heading 90.06 might not be appropriate, since they might be covered by the terms of heading 85.25. Further information was requested.

12. The Secretariat fails to understand the issue raised by the **EC** Delegate, given the fact that the cameras at issue are "photographic cameras", which are classifiable in heading

90.06, whereas heading 85.25 refers, among other things, to video cameras and digital cameras.

Heading 90.08.

Item (A).

13. The proposal was placed in square brackets pending receipt of further information from **Australia**.

III. CONCLUSION

14. 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 13 above.

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