



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
23rd Session
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NR0146E1
(+ Annex)

O. Fr.
H11-3

Brussels, 13 February 2001.

STUDY WITH A VIEW TO AMENDING THE STRUCTURE OF HEADING 73.21

(Item III.A.11 on Agenda)

Reference documents :

NC0326E1
NC0340E2, Annex IJ/1 (HSC/26-Report)

I. BACKGROUND

1. On 2 October 2000, the Secretariat received a note from the European Community concerning, firstly, the classification of a non-electric barbecue using only solar energy for cooking and the amendment of the Explanatory Note to heading 73.21 and, secondly, the amendment of the texts of subheadings 7321.13 and 7321.83. Extracts from the European Community's note are reproduced below.

II. NOTE BY THE EC

2. "Amendments to the legal text of heading 73.21 and the corresponding Explanatory Note.

Amendment of the texts of subheadings 7321.13 and 7321.83 with a view to updating the Harmonized System (Procedure under Article 16 of the HS Convention)

In any event, the EC considers that Rule 4 is seldom applicable and, consequently, it is preferable to avoid recourse to that rule as far as possible. At the same time, classification by the straightforward application of Rule 3(c) does not seem appropriate in this particular case. In order that matters may be put right, the EC

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proposes that the structure of heading 73.21 be amended so that in the future these appliances may be classified in one of their subheadings under Rules 1 and 6. For the sake of uniformity, it is also proposed that subheadings 7321.1 and 7321.8 be similarly amended.

PROPOSAL

- Cooking appliances and plate warmers :
 - 7321.11 -- for gas fuel or for both gas and other fuels (unchanged)
 - 7321.12 -- for liquid fuel (unchanged)
 - 7321.19 -- **other, including** for solid fuel
- Other appliances :
 - 7321.81 -- for gas fuel or for both gas and other fuels (unchanged)
 - 7321.82 -- for liquid fuel (unchanged)
 - 7321.89 -- **other, including** for solid fuel
- 7321.90 - Parts (unchanged)

These amendments could be made to the legal texts under the Article 16 procedure during the 23rd Session of the HS Review Sub-Committee.”

III. SECRETARIAT COMMENTS

3. At its 26th Session, the Committee decided to classify the barbecue in question in subheading 7321.11 and to amend the Explanatory Note to heading 73.21 by corrigendum. It also instructed the Secretariat to undertake a study with a view to amending the subheading structure of heading 73.21 for consideration by the Review Sub-Committee.
4. In accordance with the Committee’s instructions, the Secretariat has carried out the study and submits annexed hereto an alternative to the EC proposal. This envisages the creation of new residual subheadings (7321.19 and 7321.89).
5. The Secretariat’s alternative would ensure that cooking appliances for solid fuel continue to be classified in their respective headings (subheadings 7321.13 and 7321.83) and that international statistics will not be affected.
6. In light of the above, the Secretariat has reproduced the two alternatives in the Annex hereto.

IV. CONCLUSION

7. The Sub-Committee is invited to determine whether the structure of heading 73.21 should be amended to take into account cooking appliances using solar or other energy and, if appropriate, to choose one of the two alternatives proposed in the Annex.

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