



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

NR0247E1

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25<sup>th</sup> Session  
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O. Fr.

Brussels, 29 January 2002.

POSSIBLE AMENDMENTS TO THE TEXT OF SUBHEADING 9504.20

(PROPOSAL BY THE AUSTRALIAN ADMINISTRATION)

(Item III.B.10 on Agenda)

I. BACKGROUND

1. On 5 January 2002, the Secretariat received the following note from the Australian Customs Service.

II. NOTE FROM THE AUSTRALIAN ADMINISTRATION

2. "As part of the Harmonized System (HS) Third Review, the Australian Customs Service requests that consideration be given to amending subheading 9504.20 to include the term "snooker, pool and similar games", so that the subheading would read :

"Articles and accessories for billiards, snooker, pool and similar games".

3. This request is based on the premise that it is the Harmonized System Committee's intention that equipment for the games of snooker and pool is indeed classified within this subheading. Research by this administration through HS documentation has failed to establish this fact.

4. Dictionary definitions indicate a relationship between the three games, viz :

- the Macquarie Dictionary, Second Revised Edition, reads :  
Billiards

".... a game played by two or more persons on a rectangular table enclosed by an elastic ledger or cushion, with balls (billiard balls) of ivory or other hard material, driven by means of cues".

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

File No. 2906

### Snooker

".... a game played on a billiard table with fifteen red balls and six balls of other colours, the object being to pocket them ...".

### Pool

".... pocket billiards. Any of various games played on a billiard table in which the object is to drive all the balls into the pockets with a cue ball."

- The Shorter Oxford Dictionary, Third Edition, reads :

### Billiards

".... a game played with balls on a rectangular table having a smooth cloth-covered horizontal surface, the balls being knocked about, according to rules, by means of cues".

### Snooker

".... a game played with balls on a billiard table, combining pool and pyramids".

### Pool

".... a game played on a billiard-table, in which each player has a ball of a distinctive colour with which he tries to pocket the balls of the other players in a certain order, each player contributing an agreed sum, the whole of which the winner takes; also a similar game in the U.S. played with balls numbered 1 to 15, the number of each ball a player pockets being added to his score ...".

5. **Australia** recognises that there are similarities between the equipment that is used for billiards, snooker and pool. For example :

- there is nothing to differentiate between a cue that is used for billiards, snooker or pool;
- both billiards and snooker use the same type and size of playing surface. The table comprises six pockets – one at each corner and one in the middle of both of the two longer sides. Pool tables also have six pockets however the size of the table is normally smaller than that used for billiards and snooker;
- both billiards and snooker use the same type of playing accessories, such as cue rests.

However all three games use different types of balls, have different rules and have different scoring procedures.

6. Notwithstanding the comments in the previous paragraph, it is considered the three games belong to a similar genus of activity and have a relationship with each other. All are table games that rely on using a cue ball to make contact with other balls and/or the sinking (or "potting") of those balls into the pockets.

7. The relationship between the three games has led to differences of opinion in respect of the coverage of subheading 9504.20. One school of thought suggests that a literal interpretation of subheading 9504.20 restricts the subheading to goods that are for use only with billiards.
8. Alternatively there is another opinion that considers that as long as the goods are for use with billiards, subheading 9504.20 will also accept those goods if they are described as being for use with other similar games, e.g., for use with snooker. This second view does not allow for the inclusion of goods that are specifically designed for pool, e.g., the pool table.
9. There is also a third view that considers the terms "billiards", "snooker" and "pool" to be interchangeable, and thus that the term "billiards" encompasses snooker and pool.
10. **Australia** subscribes to the literal interpretation, and is of the view that subheading 9504.20 is restricted to goods that are for use only with billiards.
11. Based on the contention that the three games belong to a similar genus of activity, **Australia** considers that all three games should be grouped within the same subheading. To do otherwise may result in goods being described as "tables and cues used for billiards" being classified within subheading 9504.20, and goods described as "tables and cues used for snooker" being classified within subheading 9504.90, when in all probability the goods are the same.
12. Should the Sub-Committee agree that subheading 9504.20 is restricted to goods that are for use only with billiards and share **Australia's** view that all three games should be grouped within the same subheading, **Australia** suggests that an amendment to the subheading, similar to that set out above, i.e., "Articles and accessories for billiards, snooker, pool and similar games", would be appropriate."

### III. SECRETARIAT COMMENTS

13. The intention of the **Australian** proposal is to include articles and accessories for billiards, snooker, pool and similar games in subheading 9504.20. The Sub-Committee is invited to decide on this proposal; however, the Secretariat would make the following comments.
14. It should be noted that these articles were already referred to in the first version of the CCCN (1970) Nomenclature, since heading 97.04 referred to billiard tables as being articles covered by the reference : funfair, table or parlour games. In 1978, the reference was maintained. When drafting the Harmonized System (see Doc. 22.832) the Interim HS Committee aligned the two versions and decided to create a specific subheading for these articles (subheading 9704.20). Finally, on implementation of the Harmonized System and the subsequent renumbering of headings, the articles were placed in subheading 9504.20 where they remain classified today.
15. The Secretariat would agree with **Australia** that the heading text appears to cover goods for use only with billiards whereas the intention of the HSC was to create a heading to cover all types of billiards and accessories therefor. The Secretariat considers that snooker and pool are simply different types of the same category of articles found on the market. All these articles should normally be considered as belonging to a similar genus of activity. It

should also be noted that terminology and the rules of the game differ from one country to another.

16. The Secretariat agrees with the Australian proposal for the English version however, it feels that in the French version it would be preferable to replace the list of different types of “billiard” with the expression “de tous types”. The French text would therefore read :

“9504.20 - Billiards de tous genres, jeux analogues et leurs accessoires”

17. This proposal, which is aligned on the wording of the first paragraph of the Explanatory Note to the heading (page 1916, Item (1)) would be easier to apply. Thus, if a new type of billiards or articles and accessories therefor appears on the market it would not be necessary to amend the texts.

#### IV. CONCLUSION

18. The Sub-Committee is requested to examine the proposal put forward by the Australian Administration in the light of the Secretariat’s comments above.

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