



WORLD CUSTOMS ORGANIZATION  
ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM  
COMMITTEE

NC0060E1  
(+Annexes I-III)  
O.Fr.

-  
23rd Session

H2-1  
H3-1  
H9-3

Brussels, 7 April 1999.

CLASSIFICATION OF HANDS-FREE RADIOTELEPHONY DEVICES AND POSSIBLE  
AMENDMENTS TO HEADING 85.18 AND SUBHEADING 8518.30 AND TO THE  
EXPLANATORY NOTE CONCERNED

(Item IX.27 on Agenda)

Reference documents :

- 41.580, Annexes B/11 and D/14 (RSC/16 – Report)
- 41 341, paragraph 55 (HSC/20)
- 41.600, Annex D, paragraph 71, K/8 (HSC/20 – Report)
- 42.243 (RSC/18)
- 42.500, Annex B/11 (RSC/18 – Report)

I. BACKGROUND

1. At its 20th Session, the HSC approved the draft amendments to the texts of heading 85.18 and subheading 8518.30, namely inserting the words "casques d'écoute" (in the French version) and the expression "apparatus consisting of a microphone and a loudspeaker fitted together to form a whole" in place of "combined microphone/speaker sets". It also adopted draft amendments to the corresponding Explanatory Note. Consequently, the new texts of heading 85.18 and subheading 8518.30, provisionally adopted read as follows :

85.18 "Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones and earphones, whether or not combined with a

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microphone, apparatus consisting of a microphone and a loudspeaker fitted together to form a whole; audiofrequency electric amplifiers; electric sound amplifier sets."

8518.30 "Headphones and earphones, whether or not combined with a microphone, apparatus consisting of a microphone and a loudspeaker fitted together to form a whole."

2. However, at the Review Sub-Committee's 18th Session in September 1998, the Secretariat pointed out that the provisionally adopted new texts could exclude from heading 8518.30 certain apparatus consisting of a microphone and a loudspeaker, designed to permit car drivers to use radiotelephony devices without using their hands.
3. Consequently, the RSC has left it up to the Secretariat to study the classification question and to postpone the item until a subsequent session.
4. However, given that the classification of products at issue could have an influence on the provisionally adopted texts of heading 85.18 and subheading 8518.30, the Secretariat suggests that the Committee also examine possible amendments to these texts in question which should be included in the present review cycle.

## II. SECRETARIAT COMMENTS

5. First of all, the Secretariat invites the Committee to refer to the description of the articles in question which is reproduced in Annex I hereto, accompanied by excerpts (Annex II) from correspondence between the Secretariat and the Member Administration which raised the classification question. All the relevant documents have been included in the reference file which delegates will be able to consult in the meeting room.
6. The study made by the Secretariat shows that, initially, it held the opinion that the apparatus at issue were classifiable in subheading 8518.30.
7. However, as this classification has not been endorsed by the requesting administration, the Secretariat has had the administration's samples examined by experts working for a representative of a manufacturer in Belgium. From this information, it has been recognized that the aforementioned apparatus included a built-in amplifier.
8. The Secretariat accordingly revised its position in favour of classifying the apparatus in question in subheading 8518.50.
9. Nevertheless, the Secretariat believes that if the "hands free" radiotelephony apparatus are classifiable in subheading 8518.50 rather than in subheading 8518.30; there is no reason to amend the present text of subheading 8518.30.
10. The Secretariat thus proposes to restore the expression "and combined microphone/ speaker sets" after the word "whole" in the English version, and to insert into the French version the phrase "combinaisons constituées d'un microphone et d'un ou plusieurs haut-parleurs", after "seul corps". The amendments proposed by the Secretariat are reproduced in Annex III hereto, in square brackets. If adopted, these amendments will replace the texts provisionally adopted (see Doc. 41.600, Annexes K/8 and L/8).

III. CONCLUSION

11. The Committee is invited :

- To rule on the classification of "hands free" radiotelephony apparatus.
- To adopt, if appropriate, the draft amendments to the texts of heading 85.18 and subheading 8518.30 and the amendment to the corresponding Explanatory Note, reproduced in the Annex hereto.

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x            x



EXTRACTS OF THE SECRETARIAT'S CORRESPONDENCE  
(See paragraph 5 above)

**(1) Fax No 97.N.933 – Fo/L of 7 October 1997**

- Description and use

(a) *Digital Hands Free Adapter (supplement to personal cellular telephone)*

This article, presented as a kit, includes the following : speaker with cable (no art. No.), speaker with cable (SSN 4005A), microphone (SLN 2551C), chargeable battery (SLN 2483A), cables (SKN 4326A; SKN 4327A; SKN 4370A), mounting brackets and bolts (SLN 5565B; 5599A; TRN 5502A; SLN 5509A).

(b) *Digital Hands Free Adapter*

This article, presented as a kit, includes the following : Three speakers (2xSSN 4005A; SLN 5509B), microphone (SLN 2551D); electric device (possibly a microphone) with cable (SMN 4031A – this number did not appear in the manufacturer's catalogue, therefore, we could not confirm whether or not it was a microphone), adapter (SPN 2012); antenna (KIT#SAF – 4080A), charger/antenna coupler (SLN 5898D), charger/holder SKN 4347A), brackets and bolts (SLN 5216B; SLN 5599A; TRN 5502A).

- Classification

As regards hand free adapter kits, since these kits (i) consist of components of different headings, (ii) are intended to carry out a specific activity (hand free telephoning (speaking and listening)) and are suitable for sale to users without repacking, these would be classifiable by application of GIR 3 (b). Since among the various components of the kits, the speaker and microphone which are the most important elements for hand free telephoning determine the essential character to the kits, the kits could be classified in subheading 8518.30 as "combined microphone/speaker sets".

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**2) Fax No 98.N.1178 – Fo/Fg of 22 October 1998**

"In order to leave no doubt as to the correct classification of the "Digital Hands Free Adapter (supplement to personal cellular telephone)" and "Digital Hands free Adapter", the Secretariat paid a visit to the Belgian representative of the manufacturer. One of that representative's technical experts examined the samples provided by your Administration and stated that each of the products in question comprised an audio-frequency electric amplifier, "SLN 2551 C" and "SPN 2012", respectively (...). Unfortunately, my previous reply, 97.N.933 – Fo/L of 7 October 1997, was based on the information from the same representative that these articles were a microphone and an adapter, respectively.

In the light of foregoing, I agree with you that the "Digital hands Free Adapter (supplement to personal cellular telephone)" and "Digital hands Free Adapter" are classifiable in subheading

Annex II to Doc. NC0060E1  
(HSC/23/May 99)

8518.50 as electric sound amplifier sets. My fax 97.N.933 - Fo/L of 7 October 1997 should therefore be considered null and void."

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x      x

(CSH/23/mai 99)  
(HSC/23/May 99)

ANNEXE III

CLASSEMENT D'APPAREILS DE RADIOTELEPHONIE "MAINS LIBRES" ET  
REMANIEMENTS A APPORTER EVENTUELLEMENT AUX N°s 85.18 ET 8518.30

ET A LA NOTE EXPLICATIVE Y AFFERENTE

(Point VIII. 27 de l'ordre du jour)

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ANNEX III

CLASSIFICATION OF HANDS-FREE RADIOTELEPHONY DEVICES  
AND POSSIBLE AMENDMENTS TO HEADING 85.18 AND SUBHEADING 8518.30

AND TO THE EXPLANATORY NOTE CONCERNED

(Item VIII.27 on Agenda)





PROCEDURE DE L'ARTICLE 16

I. AMENDEMENT DE LA NOMENCLATURE

N° 85.18.

Libellé :

Remplacer "écouteurs, même combinés avec un microphone;" par "casques d'écoute et écouteurs, même combinés avec un microphone, et appareils constitués d'un microphone et d'un haut-parleur formant un seul corps; combinaisons constituées d'un microphone et d'un ou plusieurs haut-parleurs];".

N° 8518.30.

Remplacer "Ecouteurs, même combinés avec un microphone;" par "Casques d'écoute et écouteurs, même combinés avec un microphone, et appareils constitués d'un microphone et d'un haut-parleur formant un seul corps; combinaisons constituées d'un microphone et d'un ou plusieurs haut-parleurs".

II. MODIFICATIONS DES NOTES EXPLICATIVES

Page 1476. N° 85.18.

1. Libellé.

Remplacer "ECOUTEURS, MEME COMBINES AVEC UN MICROPHONE" par "CASQUES D'ECOUTE ET ECOUTEURS, MEME COMBINES AVEC UN MICROPHONE, ET APPAREILS CONSTITUES D'UN MICROPHONE ET D'UN HAUT-PARLEUR FORMANT UN SEUL CORPS[; COMBINAISONS CONSTITUEES D'UN MICROPHONE ET D'UN OU PLUSIEURS HAUT-PARLEURS]".

2. N° 8518.30.

Remplacer "Ecouteurs, même combinés avec un microphone" par "Casques d'écoute et écouteurs, même combinés avec un microphone, et appareils constitués d'un microphone et d'un haut-parleur formant un seul corps; combinaisons constituées d'un microphone et d'un ou plusieurs haut-parleurs]".

Page 1477. N° 85.18. Partie C).

1. Libellé.

Remplacer "**ECOUTEURS, MEME COMBINES AVEC UN MICROPHONE**" par "**CASQUES D'ECOUTE ET ECOUTEURS, MEME COMBINES AVEC UN MICROPHONE, ET APPAREILS CONSTITUES D'UN MICROPHONE ET D'UN HAUT-PARLEUR FORMANT UN SEUL CORPS]; COMBINAISONS CONSTITUEES D'UN MICROPHONE ET D'UN OU PLUSIEURS HAUT-PARLEURS]**".

2. Nouveau troisième paragraphe.

"Les appareils constitués d'un microphone et d'un haut-parleur formant un seul corps, reliés à une unité centrale ou un système central incorporant un amplificateur, sont conçus de manière à servir aux besoins individuels des divers participants à des conférences, tels les délégués, le président, les interprètes, etc.; en conséquence, le haut-parleur ne rend que des signaux sonores peu intenses."

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ARTICLE 16 PROCEDURE

I. AMENDMENTS TO THE NOMENCLATURE

Heading 85.18. Heading text.

Delete and substitute :

**“Microphones and stands thereof; loudspeakers, whether or not mounted in their enclosure; headphones and earphones, whether or not combined with a microphone, apparatus consisting of a microphone and a loudspeaker fitted together to form a whole [; combined microphone/speaker sets]; audio-frequency electric amplifiers; electric sound amplifier sets.”**

Subheading 8518.30.

Delete and substitute :

**“8518.30 - Headphones and earphones, whether or not combined with a microphone, apparatus consisting of a microphone and a loudspeaker fitted together to form a whole [; combined microphone/speaker sets]”.**

II. AMENDMENTS TO THE EXPLANATORY NOTES

Page 1476. Heading 85.18.

1. Heading text.

Delete and substitute :

**"MICROPHONES AND STANDS THEREFOR; LOUDSPEAKERS, WHETHER OR NOT MOUNTED IN THEIR ENCLOSURES; HEADPHONES AND EARPHONES, WHETHER OR NOT COMBINED WITH A MICROPHONE, APPARATUS CONSISTING OF A MICROPHONE AND A LOUDSPEAKER FITTED TOGETHER TO FORM A WHOLE [; COMBINED MICROPHONE/SPEAKER SETS]; AUDIO-FREQUENCY ELECTRIC AMPLIFIERS; ELECTRIC SOUND AMPLIFIER SETS."**

2. Subheading 8518.30.

Delete and substitute :

**"8518.30 - Headphones and earphones, whether or not combined with a microphone, apparatus consisting of a microphone and a loudspeaker fitted together to form a whole [; combined microphone/speaker sets]".**

Page 1477. Heading 85.18. Part (C).

1. Title.

Delete and substitute :

**"(C) HEADPHONES AND EARPHONES, WHETHER OR NOT COMBINED WITH A MICROPHONE, APPARATUS CONSISTING OF A MICROPHONE AND A LOUDSPEAKER FITTED TOGETHER TO FORM A WHOLE [; COMBINED MICROPHONE/SPEAKER SETS]"**.

2. New third paragraph.

"Apparatus consisting of a microphone and a loudspeaker fitted together to form a whole, connected to a central unit or a central system including an amplifier, are designed to meet the individual needs of the various participants at conferences (e.g., the delegates, the chairman, the interpreters, etc.); the loudspeaker therefore delivers only low-intensity sound signals."

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