



HARMONIZED SYSTEM
COMMITTEE

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30th Session
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NC0635E1
(+ Annex)
O. Fr.

Brussels, 9 October 2002.

POSSIBLE AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 95.05

(PROPOSAL BY THE EC)

(Item VIII.21 on Agenda)

I. BACKGROUND

1. On 11 July 2002, the **European Community** sent the Secretariat the following note, drawing attention to a lack of alignment between the French and English versions of the Explanatory Note to heading 95.05, Part (A), Items (1) and (2).

II. NOTE FROM THE EC

2. "The **EC** proposes to the HS Committee of the WCO to study a closer alignment of the texts of Part (A), Items (1) and (2) of the present Explanatory Note to heading 95.05, page 1917.
3. Generally speaking, the wording of this Explanatory Note does not seem to be very balanced. In this context, one can point for example to the fact that the English version of Item (1) mentioned above ends with the phrase "which are traditionally associated with a particular festival are also classified here". The equivalent of this text does not exist in the French version.
4. Likewise, the content of the last phrase of Item (2) in the French version, also mentioned above, does not exist in the English version. This text reads :
5. "A noter, d'ailleurs, que certains des objets pour la décoration des arbres de Noël servent également à l'ornementation des crèches".
6. The **EC** is of the opinion that these texts should be inserted in the respective versions of the Explanatory Note."

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

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III. SECRETARIAT COMMENTS

7. The Secretariat wishes to begin by pointing out that the WCO's language service has been consulted on this matter. Following this consultation, the Secretariat has concluded that there does indeed appear to be a lack of alignment between the two versions of the Explanatory Note concerned, the origins of which seem to lie in cultural differences, terminology differences and, above all, the different ways in which festivals – particularly Christmas - are celebrated by the French and English-speaking communities.
8. The main problem is that the French text is more detailed than the English. It contains many more examples of the kinds of articles which fall to be classified in this heading. Thus, where Item (1) is concerned, the differences between the two language versions can be summarised as follows :
9. In **Item (1)**, the main differences are :
- (1) the examples of materials that the decorative articles concerned can be made from. Thus, the French text states that they are generally made from paper, paperboard, metallic strip, metal foil, glass, etc. The English version has no reference to "generally", and the list of materials is different ("paper, metal foil, glass fibre, etc.).
 - (2) the examples of decorative articles are different. In French we have tinsel, "chenilles", angel hair, sparkling stars, artificial snow, balls, animals, various figures, all of which are for decorating Christmas trees. The English text lists only tinsel, stars and icicles for decorating the Christmas tree, but it also lists artificial snow, coloured balls, bells, lanterns, etc., as decorations apparently not for the Christmas tree.
 - (3) the last sentence of Item (1) is, as pointed out by the **European Communities**, not at all aligned. The French text states simply that cake decorations are classified here (examples : figures, umbrellas, little flags). The English refers to "cake and other decorations" (without specifying what kind of "other"), and it adds that these decorations must be "traditionally associated with a particular festival" in order to be classified here.
10. So in this case, there is a difference in scope between the English and the French texts. Strictly speaking, decorations intended for a wedding cake could be classified here under the French text, but not under the English.
11. Instead of trying to align the English on the French, or the French on the English, the best solution might be to draft a completely new text for Item (1), which would be shorter and simpler, and exactly the same in both languages.
12. It could contain three sentences, each referring to one type of decoration, as follows :
- "Festive decorations of a kind used to decorate rooms, tables, etc. (such as garlands, lanterns, etc.); decorative articles for Christmas trees (tinsel, coloured balls, animals and other figures, etc); cake decorations which are traditionally associated with a particular festival (e.g., animals, flags)."

13. Perhaps it would be possible not to mention the materials that these decorations are made from, but if examples of materials are needed, there could be a short, fully aligned list, perhaps including paper, paperboard, plastics, metal foil, glass and wood.
14. In **Item (2)**, it is immediately clear that the French version is more than twice as long as the English. There are two main reasons for this :
- 1) the French text contains many more details about artificial Christmas trees than does the English.
 - 2) the French text provides much more detail about “crèches” (what they are made from, the presence of animals and figures, and, in the final sentence mentioned by the **EC**, the fact that some Christmas tree decorations can also be used to decorate the “crèche”. In the English version, all this is reduced to just two words (“nativity scenes”). This may be because the nativity scene is not a major Christmas feature in Anglo-Saxon homes, where much more emphasis is placed on the Christmas tree, i.e., this is a cultural difference.
15. In addition, the examples of Christmas articles are not the same. In French, “angelots”, “sabots”, in English “Christmas crackers”, “Christmas stockings”. Again, these misalignments reflect cultural differences in how Christmas is celebrated in different countries – particularly in the case of the “Christmas crackers”.
16. The Secretariat would propose a new, shorter text, almost aligned but reflecting cultural differences, which could be as follows :
17. “Articles traditionally used at Christmas festivities, e.g., artificial Christmas trees, nativity scenes, nativity figures and animals, angels, Christmas crackers, Christmas stockings, imitation yule logs, Father Christmases.”
18. If, however, the final sentence in the existing French text is considered necessary, then the following could be added to the English : “It should be noted that some decorative articles for Christmas trees can also be used to decorate nativity scenes.”
19. The proposed amendments arising out of this exercise are reproduced in the Annex to this document.
20. The Secretariat believes that as drafted, the texts proposed could allay the concerns expressed by the **EC**, while continuing to accommodate cultural diversities.

IV. CONCLUSION

21. The Committee is invited to examine the alignment of the English and French versions of the Explanatory Note to heading 95.05, in the light of the information submitted by the **EC** and the comments made by the Secretariat above. The Committee is also invited to indicate what measures, if any, should be taken to give effect to its decision in this regard.

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