



HARMONIZED SYSTEM
COMMITTEE

NC0699E1

-
31st Session
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O. Eng.

Brussels, 24 March 2003.

STUDY OF THE APPLICATION OF GIR 3 (B) TO MULTI-FUNCTION MACHINES

(Item VIII.13 on Agenda)

Reference documents :

42.406 (RSC/18)	NC0250E2, Annex H/13 (HSC/25 – Report)
42.498 (RSC/18)	NC0300E1 (HSC/26)
42.500, Annex B/19 (RSC/18 – Report)	NC0335E1 (HSC/26)
42.750, Annex E (HSC/22 – Report)	NC0335E1 (HSC/26)
NR0023E1 (RSC/19)	NC0398E1 (HSC/26)
NR0037E1 (RSC/19)	NC0430E2, Annex H/4 (HSC/27 – Report)
NC0090E2, Annex IJ/26 (HSC/23 – Report)	NC0613E1 (HSC/30)
NC0160E2, Annex H/14 (HSC/24 – Report)	NC0655E2, Annex G/4 (HSC/30 – Report)
NC0211E1 (HSC/25)	

I. BACKGROUND

1. At its 30th Session, the Committee discussed the classification of a number of multifunction machines. The Delegate of **Brazil** indicated that the fundamental question of whether or not General Interpretative Rule (GIR) 3 (b) was applicable to the classification of multifunction machines was extremely important in resolving the classification of the multifunction machines at issue.
2. The Committee agreed, therefore, to instruct the Secretariat to undertake a study, for examination by the Committee at its next session, (i) to determine whether GIR 3 (b) can be applied to multifunction machines which perform functions covered by headings in Chapters 84, 85 and 90 and (ii) to determine the consequences of the Committee's previous decision (that heading 90.09 covered digital copying) on the application of GIRs 3 (b) and 3 (c) for the classification of the multifunction machines at issue. The machines which were the subject of agenda items VII.4 to VII.9 would all be included in this study.

II. SECRETARIAT COMMENTS

3. Subsequent to the 30th Session and within the time period for entering reservations, the **US, Canadian, Japanese** and **Mexican** administrations all requested to refer that the decision that "photocopying" is not limited to the projection of an image onto a photosensitive

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surface and present heading 90.09 covers digital copying” (Doc. NC0655E2, Annex G/3) be referred to the Council under the reservation procedure. Since the study of the question whether GIR 3 (b) could be applied to multifunction machines, is closely linked to the decision on the scope of the term "photocopying" in the Harmonized System and, consequently, to the reservation entered with regard to that decision, the Secretariat considers that it would not be appropriate to start the study on the application of GIR 3 (b) to multifunction machines and its consequences at this time. It would rather suggest discussing this issue once the Committee has taken a final decision on the scope of heading 90.09.

4. Meanwhile, the Secretariat would appreciate it if interested parties could provide specific examples (other than those which are the subject of the reservations) of combinations of machines of Chapters 84 (or 85) and 90 (or any other Chapter outside Section XVI), which could contribute to the preparation of the study.

III. CONCLUSION

5. The Committee is invited to take note of the development with respect to the study on the applicability of GIR 3 (b) vis-à-vis multifunction machines.
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