



HARMONIZED SYSTEM
COMMITTEE
-
24th Session
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NC0137E1
(+ annex)
O. Eng.

H3-1

Brussels, 13 August 1999.

POSSIBLE AMENDMENTS TO THE EXPLANATORY NOTE

TO HEADING 84.21

(Item VIII.21 on Agenda)

I. BACKGROUND

1. In answering a request for classification advice the Secretariat noticed that there is an apparent misalignment between the French and English texts of the Explanatory Note to heading 84.21.

II. SECRETARIAT COMMENTS

2. On page 1280, the English text of part (II) (A) (1) of the Explanatory Note to heading 84.21 reads "But the heading **excludes** filters made mainly of ceramics or glass (**Chapter 69** or **70**, respectively)." (emphasis added). The corresponding French text reads "**à l'exception** des fontaines de l'espèce entièrement en céramique ou en verre (**Chapitres 69** ou **70**, selon le cas)." (emphasis added). "But the heading **excludes** filters made wholly of ceramics or glass (**Chapter 69** or **70**, respectively)". It should be noted that this text first appeared in the 1955 edition of the Explanatory Notes to the Brussels Nomenclature.
3. Note 1 (b) to Chapter 84 excludes "machinery or appliances (for example, pumps) of ceramic material and ceramic parts of machinery or appliances of any material (Chapter 69)". This Note does not say that the article has to be "wholly" or "completely" of ceramic material. By application of General Interpretative Rule 2, any combination of ceramic material with any other material, where the ceramic material gives the whole its essential character, is excluded from Chapter 84.

4. The General Explanatory Note to the Chapter (Part I (A), fourth and fifth paragraphs), provides guidance in the classification of articles comprised of ceramic and other materials by indicating that “even if a machine or mechanical appliance is covered, because of its description or nature, by a heading of this Chapter it is not to be classified therein if it has the character of an article of ceramic materials or of glass. This applies, for example, to articles of ceramic material or of glass, incorporating components of minor importance of other materials, such as stoppers, joints, taps, etc., clamping or tightening bands or collars or other fixing or supporting devices (stands, tripods, etc.)”
5. Following this approach, the Secretariat feels that the word “mainly” (as used in the English version) would be more appropriate than the term “entièrement” in the French text, since the latter would be too restrictive.
6. Consequently, the Secretariat proposes to align the French text on the English text by replacing the word “entièrement” by “principalement”, this expression being used in Chapter 55 (heading 55.15), as being equivalent of the English term “mainly”.

III. CONCLUSION

7. The Committee is invited to examine the proposed amendments to the Explanatory Notes set out in the Annex to this document.

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Annexe au Doc. NC0137B1
Annex to

(CSH/24/oct. 99)
(HSC/24/Oct. 99)

ANNEXE

AMENDEMENTS EVENTUELS DES NOTES EXPLICATIVES

DU N° 84.21

(Point VIII.21 de l'ordre du jour)

ANNEX

POSSIBLE AMENDMENTS TO THE EXPLANATORY NOTE

TO HEADING 84.21

(Item VIII.21 on Agenda)

Annexe au doc. NC0137B1
(CSH/24/oct. 99)

MODIFICATION DES NOTES EXPLICATIVES
A EFFECTUER PAR VOIE DE CORRIGENDUM

Page 1280. N° 84.21. Partie II-A 1). Cinquième ligne.

Remplacer “entièrement” par “principalement”.

AMENDMENT TO THE EXPLANATORY NOTES

TO BE MADE BY CORRIGENDUM

Page 1280. Heading 84.21. Part II (A) (1).

French text only.
