



HARMONIZED SYSTEM  
COMMITTEE

-  
25th Session

NC0209E1

O. Fr.

H11-3

Brussels, 4 February 2000.

## CLASSIFICATION OF VIBRATORS

(Item VIII.13 on Agenda)

### Reference documents :

NR0063B1 (RSC/20)  
NR0072E2, Annex C, paragraph 84 (RSC/20 – Report)  
NR0104E1, paragraph 67 (HSC/24)  
NC0160E2, Annex E, paragraph 13 (HSC/24 – Report)

### I. BACKGROUND

1. At its 20<sup>th</sup> Session in September 1999 the Review Sub-Committee agreed that the classification of the “vibrators” mentioned in the proposed Explanatory Note to heading 84.67 concerning hand tools with self-contained electric motor was a question for the HSC.
2. Bearing in mind that the reference to “vibrator” referred to electric motors with eccentric discs fitted to each end of the shaft, one delegate pointed out that there were also hydraulic motors with this feature and that the reference to a vibrator was therefore ambiguous. Moreover, he said, since vibrators were classified in heading 84.79, it could be argued that tools with built-in vibrator, for working in the hand, did not meet the terms of the text of heading 84.67.
3. The Committee finally agreed to put the expression “or vibrator” in square brackets and instructed the Secretariat to prepare a working document based on paragraph 84 of Annex C to Doc. NR0072E2.

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## II. SECRETARIAT COMMENTS

4. The Secretariat recalls that following the deletion of present heading 85.08 in the 2002 version of the HS the products of that heading were moved to heading 84.67 which will be reworded as follows :

**"84.67 Tools for working in the hand, pneumatic, hydraulic or with self-contained electric or non-electric motor."**

5. To take account of this change the Secretariat proposed that the provisions of the present Explanatory Note to heading 85.08 be included in a draft text for new heading 84.67. This text expressly refers to "tools which incorporate an electric motor or vibrator".
6. At the last session the EC questioned the reference to "vibrators" on the grounds that the heading text of new heading 84.67 referred only to electric or non-electric motors and that it was not possible to extend its scope to cover "vibrators" which were, apparently, electric motors with eccentric discs fitted to each end of the shaft.
7. In response to the EC's objection the Secretariat points out that from its archives it has established that the "vibrators" referred to in the text were the subject of a classification question examined by the former Nomenclature Committee (see Doc. 15.460/E/14, Report NC/21).
8. That study concluded that the essential characteristic of the articles at issue was that they consist essentially of an electric motor of the traditional type, hence their name vibrator or vibrating "motors". Their only special feature is that they have eccentric "weights" fitted to the protruding ends of the shaft. It is the presence of these "weights" that creates the vibrations which, moreover, can be varied by adjusting the eccentric weights.
9. The former Nomenclature Committee took the view that the additional devices fitted to the vibrator motors described above prevented them from being regarded as ordinary motors of heading 85.01. Accordingly, it decided that such vibrators had the character of mechanical appliances and since no heading mentioned them specifically they were classifiable in the residual heading for machines and mechanical appliances having individual functions.
10. Using the same reasoning, the Secretariat agrees that electric motors alone belong in heading 85.01. It therefore takes the view that the vibrators at issue should at present be classified in heading 84.79, which is also what the Explanatory Note to that heading would seem to indicate (page 1423, part I, paragraph (5)).
11. However, the Secretariat points out that the classification of "vibrators" as such in heading 84.79 does not necessarily affect the scope of the legal text of heading 84.67, which refers to tools for working in the hand, with self-contained electric motor; this is still the case here, even if other devices are incorporated in the structure of the whole.
12. If the Committee agrees with this view, the reference to "vibrators" in the Draft Explanatory Note to new heading 84.67 could be deleted so as to clarify its coverage.

13. However, the Secretariat leaves it to the Committee to decide whether the classification of these "vibrators" in heading 84.79 could affect the scope of the text of new heading 84.67, so as to enable the Sub-Committee to continue its study of this question.

### III. CONCLUSION

14. The Committee is invited, taking account of the Secretariat's comments, to :
- decide on the classification of the vibrators described in paragraphs 7 and 8 above;
  - decide, if necessary, whether the reference to vibrators in the Draft Explanatory Note to new heading 84.67 should be deleted.

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