



HARMONIZED SYSTEM  
COMMITTEE

-  
25<sup>th</sup> Session  
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NC0227E1  
(+ Annex)  
O. Eng.

Brussels, 16 February 2000.

STUDY WITH A VIEW TO ESTABLISHING GUIDELINES  
FOR THE CLASSIFICATION OF VEHICLES OF HEADINGS 87.02, 87.03 AND 87.04

(Item IX.17 on Agenda)

Reference documents :

26.642 (NC/45)	40.260, Annex IJ/9 (HSC/17 – Report)
26.800, Annex C/8 (NC/45 – Report)	40.454 (HSC/18)
35.350, Annex G/5 (HSC/3 – Report)	40.625 (HSC/18)
35.700, Annexes E/11 and F/11 (HSC/4 – Report)	40.600, Annex H/20 (HSC/18 – Report)
35.840 (HSC/5)	40.909 (HSC/19)
35.841 (HSC/5)	41.100, Annex G/18 (HSC/19 – Report)
35.960, Annexes G/4 and G/5 (HSC/5 – Report)	41.313 (HSC/20)
39.156 (RSC/11)	41.600, Annex F/19 (HSC/20 – Report)
39.200, Annex XI (RSC/11 – Report)	42.434 (HSC/22)
39.282 (RSC/11)	42.456 (HSC/22)
39.332 (HSC/15)	42.750, Annexes G/9 and G/33 (HSC/22 – Report)
39.400, Annex E (HSC/15 – Report)	NC0056E1 (HSC/23)
39.575 (HSC/16)	NC0145E1 (HSC/24)
39.600, Annex IJ/20 (HSC/16 – Report)	NC0162E1 (HSC/24)
40.083 (HSC/17)	NC0160E2, Annex H/7 (HSC/24 – Report)

I. BACKGROUND

1. At its 24<sup>th</sup> Session, the Committee examined the Secretariat's study with a view to establishing guidelines for the classification of the vehicles of headings 87.02, 87.03 and 87.04. As part of this study, the Committee also examined several questions posed by administrations in connection with the classification of certain motor vehicles.
2. It was pointed out that the Secretariat's study of the Committee's previous classification decisions and the various criteria considered by the Committee for distinguishing between certain vehicles of headings 87.02, 87.03 and 87.04 clearly reflected the fact that the Committee's individual decisions in the past had always been consistent. As auto manufacturing technology was rapidly changing, any criteria to be established in the Explanatory Notes might become obsolete in the near future. Therefore, there was no need to take any further action in this respect.

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3. However, several delegates indicated that, for their administrations, the classification of motor vehicles in headings 87.02, 87.03 and 87.04 was one of the areas subject to frequent disputes. In order to obtain uniformity in classification, the Harmonized System should be updated to set out detailed criteria for distinguishing between the motor vehicles under consideration. They agreed that the table prepared by the Secretariat was a good basis for such a future study but, where available, possible new criteria should also be taken into account. Whether the results of the study should be inserted in the General Explanatory Note to Chapter 87 or in the individual Explanatory Notes to the aforementioned headings, either in table or text form or both, could be decided upon by the Committee at a later stage. However, it was also agreed that the study should not include any criteria that might lead to a classification change from one heading to another.
4. In response to the questions posed by administrations, there was a general agreement in the Committee that :
  - 4.1. The term “persons” should cover both adults and children for the purposes of headings 87.02 and 87.03. It was very difficult to define the term “persons” in the HS and therefore it was impossible to establish a criterion referring to “adults of normal size” since the meaning of these expressions differed from one country to another in accordance with their national regulations.
  - 4.2. The classification of motor vehicles in headings 87.02, 87.03 and 87.04 had so far been determined by the Harmonized System Committee not only on the basis of the seating capacity of the vehicles, but also many other criteria, as listed by the Secretariat in the Annex II to Doc. NC0056E1, such as the presence of seats or anchor points and fittings for installing seats in the rear section, design features, mechanical construction, suspension, load capacity, interior finish, etc., as well as certain new criteria, e.g., the presence of safety equipment (e.g., safety seat belts) and comfort features for the transport of persons. Classification was also affected by national provisions imposed by ministries of industry, transport, traffic, etc. Therefore, placing limitations in the HS defining the term “persons” and the expression “adults of normal size” for the purpose of the classification of motor vehicles was inadvisable and inappropriate.
  - 4.3. Certain motor vehicles which might potentially fall in heading 87.02, 87.03 or 87.04 should be classified on a “case-by-case” basis. Such vehicles could be manufactured with different configurations, mechanical structure, interior finish, safety measures, etc. under different code or model numbers and, therefore, could be classified in any of the above headings. Also, since the term “persons” should refer to both “adults” and “children” in the context of headings 87.02 and 87.03, seats for children in the rear section of the vehicles in question would be regarded as convenient for the transport of “persons”.
5. Finally, the Committee instructed the Secretariat to continue its study of the matter and prepare a new document for examination at its next session. Administrations were requested to consult their industry and to submit their proposals, if any, to the Secretariat during the intersession.

## II. SECRETARIAT COMMENTS

6. By the time of the preparation of this document, the Secretariat did not receive any comments or proposals from the administrations which had advocated the amendment of the Explanatory Notes in the context of this study.

7. Nevertheless, on the basis of the views expressed at the last session, the Secretariat has drafted the following text for consideration by the Committee with a view to establishing guidelines for the classification of the vehicles of headings 87.02, 87.03 and 87.04 :

“The most important criterion affecting the classification of motor vehicles in headings 87.02, 87.03 and 87.04 is the seating capacity of the vehicles concerned. As a general rule, however, the classification of motor vehicles in those headings is determined not only on the basis of the seating capacity of the vehicles, but also many other criteria such as the presence of seats or anchor points and fittings for installing seats in the rear section of the vehicle, design features (exterior and interior), mechanical structure, suspension, load capacity, interior finish, etc., as well as the presence of safety equipment (e.g., safety seat belts) and comfort features for the transport of persons.

Certain motor vehicles which might potentially fall in heading 87.02, 87.03 or 87.04 (for example, “pick-up” or “van” type vehicles) should be classified on a “case-by-case” basis. Such vehicles could be manufactured with different configurations, mechanical structure, interior finish, safety measures, etc. under different code or model numbers and, therefore, could be classified in any of the above headings.

An indicative list of the criteria frequently used for distinguishing between the motor vehicles potentially classifiable in headings 87.02, 87.03 or 87.04 is given in the table below.

.....(The Table set out in the Annex to this document).....”

8. The Secretariat’s suggestion is that, after making any modifications deemed necessary by the Committee, the above text and the table in the Annex to this document could be inserted in the General Explanatory Note to Chapter 87, on page 1544, before the exclusions. The Committee is invited to express its view in this regard.

9. However, the Committee is requested to note that the 11<sup>th</sup> group of criteria in the Annex hereto was proposed in the past by one administration, but has not yet been considered by the Committee as a whole. The Committee is invited to express its views as to whether this group should be included in the table and, if so, what mechanical or structural features of the vehicles in question should be referenced as criteria.

10. The Secretariat also wonders whether the insertion of references, in the above text, to (i) the term “persons” (covers not only adults but also children for the purposes of headings 87.02 and 87.03) and (ii) the expression “seating capacity” (does not refer to the number of seats actually installed) is desirable.

III. CONCLUSION

11. Taking into consideration the Secretariat's above comments, the Committee is invited to rule on the following questions :
- (a) Whether the Explanatory Notes should be amended with a view to establishing general guidelines for the classification of the motor vehicles of headings 87.02, 87.03 and 87.04?
  - (b) If so, whether the amendments suggested by the Secretariat in paragraphs 7 and 8 above are sufficient for the above purpose?
  - (c) If so, whether "mechanical and structural features" of the motor vehicles concerned should be referenced as criteria in the table set out in the Annex to this document?
  - (d) Whether references to (i) the term "persons" and (ii) the expression "seating capacity" should also be inserted in the draft text given in paragraph 7 above?
12. On the basis of the views of the Committee on the above points, the Secretariat could prepare draft amendments to the Explanatory Notes for examination by the next presessional Working Party.

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Criteria for distinguishing between the motor vehicles potentially classifiable in heading 87.02, 87.03 or 87.04

CRITERIA	87.02	87.03	87.04
1. SEATING CAPACITY Number of seating places installed (including the driver) Presence of permanently installed or removable rear seats behind the driver's section - Relation between the space for the passengers and that for the goods - Relation between the weight of the passengers and that of the goods	10 or more Yes Not applicable Not applicable	Less than 10 Yes Higher for passengers Higher for passengers	Less than 10 Possible Higher for goods Higher for goods
2. PRESENCE OF FOLD-AWAY OR COLLAPSIBLE REAR SEATS OR BENCHES BEHIND THE DRIVER'S SECTION	Possible	Possible	Possible
3. PRESENCE OF ANCHOR POINTS AND FITTINGS FOR INSTALLING REAR SEATS OR BENCHES OR AN ADDITIONAL SEAT BETWEEN THE TWO FRONT SEATS	Possible	Possible	Possible, in passenger section only
4. PRESENCE OF REAR WINDOWS ALONG THE TWO SIDE PANELS	Yes	Yes	Possible, but not normal
5. PRESENCE OF REAR DOORS ON THE TWO SIDE PANELS	Yes, one side	Possible, normally both sides	Possible, normally sliding
6. PRESENCE OF A DIVISION BETWEEN DRIVER/PASSENGER SECTION AND REAR SECTION FOR THE TRANSPORT OF GOODS - Part of the vehicle's body - Removable	No No	No Possible	Yes, for protecting the driver from goods
7. PRESENCE OF A TAILGATE	Possible, but not normal	Possible	Yes, for loading and unloading goods
8. PRESENCE OF A LOAD PLATFORM WITH SIDE PANELS - Covered - Uncovered	No No	Possible Possible, but not normal	Yes Yes
9. PRESENCE OF A FLOOR PANEL COVERING THE LOAD PLATFORM	No	Possible	Possible
10. INTERIOR FINISH AND FITTINGS SIMILAR TO THOSE FOUND IN PASSENGER VEHICLES (e.g., floor carpeting, ventilation, interior lighting, ashtrays, etc.)	Yes, for comfort	Yes, for comfort	Possible, in driver/passenger section
11. MECHANICAL AND STRUCTURAL FEATURES - frame (chassis), axle and suspension; - engine and transmission; - body design (aerodynamic features); - other significant design features which indicate the use	This group of criteria was proposed by one administration, but has not yet been considered by the Committee as a whole.		