



HARMONIZED SYSTEM
COMMITTEE

-
25th Session
-

NC0247E1

O. Fr.

Brussels, 14 March 2000.

MATTERS FOR DECISION BY THE HARMONIZED SYSTEM COMMITTEE

(REPORT OF THE 21ST SESSION OF THE REVIEW SUB-COMMITTEE)

(Item VI.3 on Agenda)

Reference documents :

NR0072E2 (RSC/20 - Report)
NC0104E1 (HSC/24)
NC0160E2, Annex E (HSC/24 - Report)
NR0090E1 (RSC/21)
NR0101E2 (RSC/21 - Report)
NC0182E1 (HSC/25)
NC0242E1 (HSC/25)

I. BACKGROUND

1. At its 21st Session, the Review Sub-Committee examined the draft amendments to the Compendium of Classification Opinions consequent upon the amendments made to the legal texts included in the Article 16 Recommendation of 25 June 1999.
2. The Review Sub-Committee's conclusions are reproduced at Annexes C/3 and F/1 to Doc. NR0101E2 (RSC/21 – Report).

II. SECRETARIAT COMMENTS

3. The Secretariat would draw the Committee's attention to the fact that the Review Sub-Committee did not consider the question of the classification, in the 2002 version of the HS, of the post operative shoes that are the subject of present Classification Opinion 6402.99/2.

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4. In this connection, paragraph 4 of Doc. NR0090E1 (RSC/21) reads as follows :

"The Secretariat would also inform the Sub-Committee that Opinion 6402.99/2 concerning postoperative shoes will need to be reviewed since a new Note 6 to Chapter 90 has been created. The Secretariat considers that this matter involves classification issues which need to be examined by the Harmonized System Committee and therefore it will submit the question to the Committee at its 25th Session.

5. New Note 6 to Chapter 90 defines orthopaedic appliances for the purposes of heading 90.21 and specifies, in its second paragraph, that orthopaedic footwear designed to correct orthopaedic conditions are covered by this heading provided that they are either :

- made to measure or
- mass-produced, presented singly and not in pairs and designed to fit either foot equally.

6. "Tecnol" postoperative shoes are specially designed for patients recovering from foot surgery or metatarsal injury. The sole has a wooden base to ensure rigidity and hence stabilize the foot and facilitate recovery.

7. In addition, according to the literature in the file, these shoes, which are mass-produced, are made in five different sizes (X-small, small, medium, large, X-large) and are packed individually (packing : one shoe per box, twelve boxes per case). Examination of the sample shows that these shoes can be worn on either foot.

8. While drawing the Committee's attention to the fact that new Note 6 to Chapter 90 specifies "footwear designed to ... correct orthopaedic conditions" the Secretariat takes the view that the "Tecnol" post-operative shoes meet the conditions laid down in that Note. It would therefore be inclined to classify them in subheading 9021.10 of the 2002 version of the HS, by application of General Interpretative Rules 1 and 6.

9. If it shares this view, the Committee will also have to decide whether a Classification Opinion (in heading 90.21) is still necessary. If so, the Secretariat feels that the wording of the present Opinion would have to be amended by inserting a reference to the effect that the conditions of Note 6 to Chapter 90 are satisfied, and it therefore proposes that this Opinion be examined by the Working Party that will meet before the Committee's 26th Session (autumn 2000).

III. CONCLUSIONS

10. The Committee is invited to (1) decide on the classification of "Tecnol Post-Op" postoperative shoes in the 2002 version of the HS, (2) decide whether a Classification Opinion is still needed, bearing in mind the new legal provisions, and (3) decide on the procedure suggested by the Secretariat as regards the possible amendment of that Opinion.