



SCIENTIFIC SUB-COMMITTEE

NS0020E1
(+ Annexes I and II)
O. Fr.

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16th Session
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Brussels, 28 November 2000.

PROPOSAL BY THE CANADIAN ADMINISTRATION TO AMEND THE NOMENCLATURE
AND EXPLANATORY NOTES TO CHAPTER 54

(Item II.5 on Agenda)

Reference documents :

41.904 (RSC/17)	NR0114E1 (RSC/22)
42.239 (RSC/18)	NR0133E1, Annex D/4 (RSC/22 – Report)
42.476 (RSC/18)	NC0271E1, paragraphs 30 to 32 (HSC/26)
42.500, Annex B/2 (RSC/18 – Report)	NC0340E2, Annex E/1, paragraph 20 (HSC/26 - Report)
NS0014E2, Annex A/7 (SSC/15 - Report)	

I. BACKGROUND

1. In 1998, the Canadian Administration put forward proposed amendments to the Nomenclature and Explanatory Notes to Chapter 54. Those proposals, accompanied by the Secretariat's comments, were circulated in Docs. 42.239 and 42.476 (RSC/18).
2. At its 18th Session, the Review Sub-Committee decided to postpone examination of this question until the next review cycle, and invited Contracting Parties to comment on Canada's proposals (Doc. 42.500, Annex B/2 – RSC/18 – Report).
3. Canada subsequently submitted new proposals for Chapter 54 on 13 July 2000. Those proposals, together with the Secretariat's comments, were reproduced in Doc. NR0114E1.
4. At the Review Sub-Committee's 22nd Session, the proposed texts were placed in square brackets and administrations were invited to consider the proposals during the intersession. The EC Delegate suggested that the proposed amendments regarding polymers be examined by the Scientific Sub-Committee (Doc. NR0133E2, Annex D/4, RSC/22 – Report).

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5. At its 26th Session, the Harmonized System Committee took note of the above (Doc. NC0340E2, Annex E/1, paragraph 20 (HSC/26 - Report)).

II. SECRETARIAT COMMENTS

6. The draft amendments to the HS Nomenclature concerning polymers, including Canada's proposals and the Secretariat's alternatives, are set out at Annex II hereto. They relate to Note 1, Items (a) and (b), to Chapter 54.
7. The Secretariat has no comments regarding the aforementioned Chapter Note 1 and the question of polymers, other than the points already made in paragraphs 11 to 24 of Doc. NR0114E1. Those comments are reproduced at Annex I hereto.
8. It is, however, pointed out that the amendments to the Explanatory Notes regarding polymer names have already been examined by the Scientific Sub-Committee which, at its 15th Session, confirmed the decision to bring polymer names into conformity with the chemical nomenclature of the IUPAC with respect to polymers whose unit or monomer was represented by a specific name, but not polymers represented by a general term (Doc. NS0014E2, Annex A/7).

III. CONCLUSION

9. Taking account of the Secretariat's comments above, the Sub-Committee is invited to examine the proposed amendments to Note 1 to Chapter 54 set out at Annex II hereto, and to provide its views on the polymer names proposed to be used.

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Secretariat's initial comments
(Paragraphs 11 to 24 of Doc. NR0114E1)

Chapter Note 1 (structure)

1. Present Note 1 defines the terms “man-made” and “fibres” together in a single definition. Canada proposes the amendment of the Note’s structure involving separate definitions of (1) the term “man-made” when used in relation to textile materials, and (2) the term “fibres” when used in this context.
2. This new presentation entails the amendment of the introductory sentence and the deletion of the present last paragraph of this Note. Moreover, the term “manufacturing processes” is deleted from the introductory sentence.
3. Though to its knowledge the Note does not appear to give rise to any difficulties of interpretation, the Secretariat has no objection to the new wording proposed by Canada.

Note 1 (a)

4. The Secretariat endorses Canada’s proposal to delete the phrase “organic monomers, such as” and substitute the expression “organic monomers, to produce polymers such as”, thereby avoiding any ambiguity about the fact that the examples cited are polymers and not monomers. It also agrees to the insertion of a reference to “polyolefins”.
5. Regarding the use of the singular for the terms “polyamides”, “polyesters”, “polyolefins” and “polyurethanes”, the Secretariat points out these terms are in the plural in Chapter 39. It has therefore given them an “s” in square brackets in Annex II, leaving it to the Sub-Committee to rule on the matter.
6. The Secretariat can also support the proposal that the reference to “polyvinyl derivatives” be replaced by a specific example of a chemically modified polymer (for example, polyvinyl alcohols prepared by the hydrolysis of polyvinyl acetate). However, it suggests an alternative presentation, with the example included in the first sentence. The two options are set out in square brackets in Annex II.

Note 1 (b)

7. Canada points out that certain cellulosic fibres such as cupro and lyocell are produced by processes (dissolving with solvents) which entail no chemical transformation, and that the present text of Note 1(b) could be interpreted too restrictively, resulting in the exclusion of such fibres from Chapter 54.

8. The Secretariat agrees with Canada that dissolving does not involve any chemical transformation. Though not similarly concerned as to problems with the classification of fibres produced by dissolving polymers, the Secretariat feels this text could be made more specific so as to avoid any classification doubts. In this respect, it points out that the General Explanatory Notes to Chapter 54, page 826, Part II, first paragraph, indicate processes which **may** involve chemical modification.
9. Hence, in principle the Secretariat does not object to the proposed text. But given the late arrival of this new proposal, it has not yet been able to ascertain whether the two procedures mentioned (dissolution and chemical transformation) cover all fibres produced by natural organic polymers. If they do not, a less restrictive phrase should perhaps be considered.
10. Moreover, it agrees with the proposal to replace “such as” by “to produce polymers such as”, making a clear distinction between natural organic polymers and natural polymers transformed into textile fibres.
11. The Secretariat also approves replacing the term “algae” by “alginic acid” (which is the polymer extracted from algae) and “cupro” by its full name “cuprammonium rayon”, both being more accurate terms. Since caseins are a type of protein, the Secretariat also supports the proposal to link the two items (“caseins and other proteins” instead of “casein, proteins”).
12. Regarding the incorporation of a reference to “lyocell”, the Secretariat points out that according to the information in Doc. 42.476, these fibres consist of 100% natural cellulose obtained by dissolving wood pulp using a solvent; the latter is then completely eliminated by washing.
13. The Secretariat therefore feels these are indeed artificial fibres of Chapters 54 and 55. According to its research, the term “Lyocell” was initially a trade name coined by the Lenzing Company, although it is now accepted as a generic term for this type of fibres.
14. The Secretariat leaves it to the Sub-Committee to rule on the eventual incorporation of a reference to lyocell in the legal Note. In the meanwhile, the term is in square brackets in Annex II.

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