



HARMONIZED SYSTEM
COMMITTEE

-
23rd Session

NC0081E1

O. Eng.

H6-05

Brussels, 4 May 1999.

DRAFT RECOMMENDATION CONCERNING OZONE LAYER DEPLETING SUBSTANCES

(Item IV. 2 on Agenda)

Reference documents :

42.050 (HSC/21)

42.100, Annex D/3 (HSC/21 – Report)

42.405 (HSC/22)

42.750, Annexes D/2 and N/2 (HSC/22 - Report)

NC0015E1 (HSC/23)

I. COMMENTS FROM CANADA

1. On 20 April 1999, the Secretariat received comments on the new draft Recommendation concerning ozone layer depleting substances, set out in the Annex to Doc. NC0015E1 from the Canadian Customs Administration. Extracts from the Canadian comments are reproduced below :
2. “It has been brought to our attention that the proposed new breakouts may cause conflict in the classifications of certain chemical mixtures containing Ozone Depleting Substances (ODSs) in the Harmonized System. According to the lists provided by UNEP in Doc. 42.405, some of these ODS-containing mixtures might actually fall to be classified in heading 38.14, being organic composite solvents (Table 5 in Annex II). Further, we are aware that some methylbromide mixtures (Table 4 in Annex II) are principally used as pesticides (insecticides, soil fumigants, etc.) and would be classifiable under heading 38.08.
3. Our administration recommends that the last two proposed breakouts under subheading 3824.90 be dropped from the draft Recommendation for the interim and suggest that the UNEP list be sent to the Scientific Sub-Committee for examination of technical issue surrounding the classification of mixtures containing ODSs used as composite solvents and pesticides.”

II. SECRETARIAT COMMENTS

4. Regarding the Canadian comment on mixtures containing ODSs in Table 5 of Annex II to Doc. 42.405, it should be recalled that the draft Recommendation does not provide for the creation of a new subdivision for these mixtures as mentioned in paragraph 8 (5) of Doc. 42.405.

5. As for the Canadian comment concerning methylbromide mixtures in Table 4 of Annex II to Doc. 42.405, the Secretariat can agree with Canada that, according to the Merck Index, some of these methylbromide mixtures could be regarded as insecticidal preparations and would therefore be classifiable in subheading 3808.10.
6. Therefore, if the Committee considers that such preparations should also be covered by the new Recommendation, the Secretariat would propose to add the following new subdivision to the draft Recommendation, instead of deleting the proposed subdivision for "Mixtures containing methylbromide" under subheading 3824.90 :

Subheading 3808.10 of the Harmonized System

- - - Containing methylbromide

III. CONCLUSION

7. The Committee is invited to take account of the comments of the Canadian Customs Administration and of the Secretariat when considering this Agenda item.
