



HARMONIZED SYSTEM  
COMMITTEE

-  
26<sup>th</sup> Session

NC0270E1  
(+ Annex)  
O. Eng.

Brussels, 20 September 2000.

**DRAFT RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL**  
**ON THE INSERTION IN NATIONAL STATISTICAL NOMENCLATURES**  
**OF SUBHEADINGS TO FACILITATE THE MONITORING AND CONTROL OF PRODUCTS**  
**SPECIFIED IN THE DRAFT PROTOCOL CONCERNING FIREARMS COVERED**  
**BY THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME**

(Item IV.1 on Agenda)

Reference documents :

NC0138E2 (HSC/24)  
NC0149E1 (HSC/24)  
NC0160E2, Annex D/2 (HSC/24 – Report)

NC0180E1 (HSC/24)  
NC0250E2, Annex D/2 (HSC/25 – Report)

I. BACKGROUND

1. At its 25<sup>th</sup> Session, the Committee considered a possible draft Recommendation on the insertion in national statistical nomenclatures of subheadings to facilitate the monitoring and control of products specified in the draft Protocol concerning firearms covered by the UN Convention against transnational organized crime. Given the developments in the various UN bodies and recognizing the importance of having a Council Recommendation on this important issue, the Delegate of Canada conveyed his Administration's formal request to prepare a draft Council Recommendation. This draft could be worked out on the basis of comments and proposals submitted earlier by his Administration (reproduced in the Annex to Doc. NC0180E1), and taking into account any further comments to be received by the Secretariat.
2. The Committee agreed to continue the discussions at its next session on the basis of a new working document to be prepared by the Secretariat, with a view to drafting a Council Recommendation, to be presented to the Council upon the completion of the drafting of the Firearms Protocol. This document should take into account the comments presented by Canada in Doc. NC0180E1 and any other comments received by the Secretariat.

File No. 2779

## II. SECRETARIAT COMMENTS

3. Following the instructions of the Committee, the Secretariat has prepared a revised draft Council Recommendation, set out in the Annex to this document. Since no comments were received by the Secretariat during the intersession, the texts have been reviewed on the basis of the comments presented by Canada in the Annex to Doc. NC0180E1. The Secretariat would, however, offer the following comments.

### **Preamble**

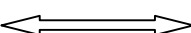
4. The Secretariat suggests deleting the part “either separately or grouped together where necessary to meet national requirements” in the “Recommendation” paragraph of the Preamble, and the corresponding reference in the “Request” paragraph at the end of the draft Recommendation, given the fact that the revised structure of the proposed entries should no longer pose a problem for their introduction at national level. Pending the outcome of the discussions, the Secretariat has placed the relevant parts of the text in square brackets.

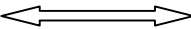
### **Shotguns and rifles**

5. In paragraph 5 of Doc. NC0149E1, the Secretariat expressed its concern vis-à-vis the terminology used in the French version of the Canadian submission for shotguns and rifles, given the existing references in the Harmonized System. The Canadian Administration has indicated in its submission that it agrees with the Secretariat and suggested referring to the various commodities as follows :

**English :**

**French :**

Shotgun  Fusils et carabines comportant au moins un canon lisse

Rifles  Fusils et carabines

6. The Secretariat has replaced the references in the various entries of the French version in accordance with the above-mentioned suggestion. However, it has noted that certain descriptions of the entries proposed by Canada in Doc. NC0180E1 were not in line with this approach, and has, therefore, prepared alternative texts. It concerns entries in the following subheadings : 9303.20 (first and eighth entries – French text only), 9305.29 (second entry – French text only), 9305.90 (first entry – English and French). The alternative texts, together with the texts proposed by Canada have been placed in square brackets, pending the outcome of the discussions.

### **“Fully automatic pistols”**

7. Canada has suggested including a sub-entry in subheading 9301.00 for “fully automatic pistols” within the category of “sub-machine guns”. The Secretariat understands that, despite the reference to “pistols”, these weapons are classifiable in heading 93.01, based on the fifth paragraph of the Explanatory Note to heading 93.02, on page 1692, which stipulates that “continuous fire weapons are classified in heading 93.01”.

### **Subheading 9305.90 – Last entry**

8. Canada has proposed a descriptive text for the last entry in HS subheading 9305.90, which is in fact the residual entry within this subheading. The Secretariat suggests, as an alternative, replacing the text of this entry by “Other”, or even deleting this entry (see paragraphs 9 to 13 below). The Canadian Administration is invited to clarify this point.

Pending the outcome of the discussions, the Secretariat has placed the alternative text and the text proposed by Canada in square brackets.

**“Other”**

9. Finally, the Secretariat would like to point out that the structure proposed by Canada contains references to “other” in almost all entries. For several reasons, the Secretariat wonders whether such entries (and references) would be appropriate in the Recommendation in all cases.
10. First, it is the Secretariat’s understanding that the Firearms Protocol would cover the specifically mentioned goods in the other entries only. In other words, what will be left in “Other” may not be covered by the said protocol and, consequently, would go beyond the intentions of the present Recommendation. This may not apply, however, to the structure suggested for heading 93.01, and for subheadings 9303.20 and 9305.90 (first group of references).
11. Second, the draft Recommendation suggests administrations to insert additional subdivisions in their national statistical nomenclature. If an additional subheading “Other” were to be inserted, one may question where to do so, since the existing nomenclature structure normally already contains a subheading called “Other”.
12. Third, current WCO Recommendations do simply contain references to the goods to be inserted into the national nomenclature, without suggesting a specific (and exhaustive) structure, as it is in the Canadian submission. The introduction of references to subheadings called “Other” in a WCO Recommendation may depart from this uniform and consistent approach.
13. The Canadian Administration is invited to clarify this point. Pending the outcome of the discussions, the Secretariat has placed the relevant parts in square brackets (subheadings 9303.10, 9303.30, 9305.10, 9305.29 and 9305.90).

### III. CONCLUSION

14. The Committee is invited to take account of the Secretariat’s observations in paragraphs 3 to 13 above, when examining this Agenda item.

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ANNEXE

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PROJET DE RECOMMANDATION DU CONSEIL DE COOPERATION DOUANIÈRE\*  
RELATIVE A L'INSERTION DANS LES NOMENCLATURES STATISTIQUES NATIONALES  
DES SOUS-POSITIONS DESTINEES A FACILITER L'IDENTIFICATION  
ET LE CONTROLE DES PRODUITS SPECIFIES DANS LE PROTOCOLE  
RELATIF AUX ARMES A FEU DANS LE CADRE DE LA CONVENTION  
DES NATIONS UNIES CONTRE LA CRIMINALITE TRANSNATIONALE ORGANISEE  
(Point IV.1 de l'ordre du jour)

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ANNEX

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DRAFT RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL\*  
ON THE INSERTION IN NATIONAL STATISTICAL NOMENCLATURES OF SUBHEADINGS  
TO FACILITATE THE MONITORING AND CONTROL OF PRODUCTS  
SPECIFIED IN THE PROTOCOL CONCERNING FIREARMS  
COVERED BY THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME  
(Item IV.1 on Agenda)

\* Le Conseil de coopération douanière est le nom officiel de l'Organisation mondiale des douanes

\* The Customs Co-operation Council is the official name of the World Customs Organization

DRAFT RECOMMENDATION OF THE CUSTOMS COOPERATION COUNCIL\*  
ON THE INSERTION IN NATIONAL STATISTICAL NOMENCLATURES  
OF SUBHEADINGS TO FACILITATE THE MONITORING AND CONTROL  
OF PRODUCTS SPECIFIED IN THE PROTOCOL CONCERNING FIREARMS  
COVERED BY THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

(June 2001)

THE CUSTOMS CO-OPERATION COUNCIL,

CONSIDERING the urgent need to monitor the international trade in firearms, their parts and components and ammunition;

CONSIDERING the development of a new Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials (Firearms Protocol) which will be part of the United Nations Convention Against Transnational Organized Crime;

TAKING INTO ACCOUNT the request by the Canadian Customs Administration to create the appropriate nomenclature to prevent and combat the illicit manufacturing of and the trafficking in firearms, ammunition and other related materials;

RECOMMENDS that Member Administrations and Contracting Parties to the Harmonized System Convention take all appropriate actions to insert the following additional subdivisions in their statistical nomenclatures as soon as possible[, either separately or grouped together where necessary to meet national requirements] :

Subheading 9301.00

- - - Rifles\*\*:
  - - - - Single-shot bolt action
  - - - - Single-shot break action
  - - - - Other bolt action
  - - - - Semi-automatic
  - - - - Fully automatic
  - - - - Other
  
- - - Machine guns :
  - - - - Light
  - - - - Medium
  - - - - Heavy

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- - - Sub-machine guns :
- - - - Fully automatic pistols
- - - - Other
  
- - - Fully automatic shotguns

\*\* Within the context of heading 93.01, the term "rifle" includes assault rifles (rifles capable of selective fire), service rifles and sniper rifles.

Subheading 9302.00

- - - Revolvers
  
- - - Pistols, single barrel :
- - - - Single-shot
- - - - Semi-automatic
- - - - Other
  
- - - Pistols, multiple barrel :
- - - - Single-shot
- - - - Semi-automatic
- - - - Other

Subheading 9303.10

- - - Shotguns
- - - Rifles
- - - Pistols
- - - Revolvers
- [- - - Other]

Subheading 9303.20

- - - Shotguns, single barrel :
- - - - Pump-action
- - - - Single-shot bolt action
- - - - Single-shot break action
- - - - Other bolt-action
- - - - Semi-automatic
- - - - Other
  
- - - Shotguns, multiple barrel, including combination guns :
- - - - Break action
- - - - Other

Subheading 9303.30

- - - Single-shot bolt action
- - - Single-shot break action
- - - Pump-action
- - - Lever-action
- - - Other bolt-action
- - - Semi-automatic
- - - Multiple barrel
- [- - - Other]

Subheading 9305.10

- - - Firing mechanisms\*\*\*
- - - Barrels, barrel extensions and sights (front & back sights)
- - - Pistons, locking lugs and gas buffers
- - - Magazines
- - - Silencers (sound moderators)
- - - Frames, butts, grips and plates
- - - Slides (for pistols)
- - - Cylinders (for revolvers)
- [- - - Other]

Subheading 9305.29

- - - Firing mechanisms\*\*\*
- - - Rifle barrels, barrel extensions, sights (front & back sights) and stocks
- - - Pistons, locking lugs and gas buffers
- - - Magazines
- - - Silencers (sound moderators) and flash eliminators
- - - Receivers, breeches, bolts (gunlocks) and bolt carriers
- - - Slings and tripods/bipods
- [- - - Other]

Subheading 9305.90

- - - [Of rifles, machine guns, sub-machine guns or shotguns] [Of machine guns, sub-machine guns, rifles or shotguns] of heading 93.01 :
- - - - Firing mechanisms\*\*\*
- - - - Barrels, barrel extensions, sights (front & back sights) and stocks
- - - - Pistons, locking lugs and gas buffers
- - - - Magazines
- - - - Silencers (sound moderators) and flash eliminators
- - - - Receivers, breeches, bolts (gunlocks) and bolt carriers
- - - - Slings and tripods/bipods
- - - - Other
- [- - - [Parts and accessories of other articles of heading 93.01, 93.03 or 93.04] [Other]]

\*\*\* For the purposes of heading 93.05, the term "firing mechanisms" includes such parts as levers, tumblers, triggers, percussion hammers, locks, cocking pieces, ejectors, firing-pins, safety catches (safety and selector mechanisms), sears, extractors.

and

REQUESTS Member Administrations and Contracting Parties to the Harmonized System Convention to notify the Secretary General of their acceptance of this Recommendation and of the date of its application[ and, where applicable, to specify which items have been grouped together].

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PROJET DE RECOMMANDATION DU CONSEIL DE COOPERATION DOUANIÈRE\*  
RELATIVE A L'INSERTION DANS LES NOMENCLATURES STATISTIQUES NATIONALES  
DES SOUS-POSITIONS DESTINEES A FACILITER L'IDENTIFICATION  
ET LE CONTROLE DES PRODUITS SPECIFIES DANS LE PROTOCOLE  
RELATIF AUX ARMES A FEU DANS LE CADRE DE LA CONVENTION  
DES NATIONS UNIES CONTRE LA CRIMINALITE TRANSNATIONALE ORGANISEE  
(juin 2001)

LE CONSEIL DE COOPERATION DOUANIÈRE,

CONSIDERANT qu'il est urgent de surveiller les échanges internationaux dont font l'objet les armes à feu, leurs parties, composants et munitions;

EU EGARD à l'élaboration d'un nouveau Protocole ayant trait à la fabrication et au trafic illicites des armes à feu, des munitions et autres matières connexes (Protocole relatif aux armes à feu) qui fera partie de la Convention des Nations Unies contre la criminalité transnationale organisée;

TENANT COMPTE de la demande de l'Administration douanière du Canada de créer une nomenclature appropriée aux fins de prévenir et de lutter contre la fabrication et le trafic illicites des armes à feu, des munitions et autres matières connexes;

RECOMMANDE aux administrations membres et aux Parties contractantes à la Convention sur le Système harmonisé de prendre toutes les mesures nécessaires pour faire figurer dès que possible dans leurs nomenclatures statistiques nationales les sous-positions supplémentaires ci-après[, séparément ou regroupées le cas échéant pour répondre aux prescriptions en vigueur dans chaque pays] :

Sous-position 9301.00

- - - Fusils et carabines\*\* :
- - - - A culasse à un coup
- - - - A culasse mobile à un coup
- - - - Autres à culasse
- - - - Semi-automatiques
- - - - Entièrement automatiques
- - - - Autres
  
- - - Mitrailleuses :
- - - - Légères
- - - - Semi-lourdes
- - - - Lourdes

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Annexe au doc. NC0270B1  
(CSH/26/nov. 00)

- - - Mitraillettes :
- - - - Pistolets entièrement automatiques
- - - - Autres
  
- - - Fusils et carabines comportant au moins un canon lisse, entièrement automatiques

\*\* Dans le contexte du n° 93.01, le terme "fusils et carabines" comprend les fusils d'assaut (les fusils de tir sélectif), les fusils militaires et les fusils de tireur d'élite.

Sous-position 9302.00

- - - Revolvers
  
- - - Pistolets, canon simple :
- - - - A un coup
- - - - Semi-automatiques
- - - - Autres
  
- - - Pistolets, à plusieurs canons :
- - - - A un coup
- - - - Semi-automatiques
- - - - Autres

Sous-position 9303.10

- - - Fusils et carabines comportant au moins un canon lisse
- - - Autres fusils et carabines
- - - Pistolets
- - - Revolvers
- [- - - Autres]

Sous-position 9303.20

- - - Fusils [de chasse] [et carabines], canon simple :
- - - - A coulisse
- - - - A culasse à un coup
- - - - A culasse mobile à un coup
- - - - Autres à culasse
- - - - Semi-automatiques
- - - - Autres
  
- - - Fusils [de chasse] [et carabines], à plusieurs canons, y compris les fusils-combinés :
- - - - A culasse mobile
- - - - Autres

Sous-position 9303.30

- - - A culasse à un coup
- - - A culasse mobile à un coup
- - - A coulisse
- - - A levier
- - - Autres à culasse
- - - Semi-automatiques
- - - A plusieurs canons
- [- - - Autres]

Sous-position 9305.10

- - - Mécanismes de mise de feu\*\*\*
- - - Canons, rallonges de canons et dispositifs de visée (guidons de mire avant et arrière)
- - - Pistons, tenons de verrouillage et amortisseurs à gaz
- - - Chargeurs
- - - Silencieux (dispositifs amortisseurs du bruit de la détonation)
- - - Carcasses, crosses, plaquettes de poignée et plaquettes
- - - Coulisses (pour les pistolets)
- - - Barilletts (pour les revolvers)
- [- - - Autres]

Sous-position 9305.29

- - - Mécanismes de mise de feu\*\*\*
- - - Canons [de carabines] [rayées], rallonges de canons, dispositifs de visée (guidons de mire avant et arrière) et montures
- - - Pistons, tenons de verrouillage et amortisseurs à gaz
- - - Chargeurs
- - - Silencieux (dispositifs amortisseurs du bruit de la détonation) et dispositifs anti-lueur
- - - Carcasses, culasses, verrous (platines) et porte-culasses
- - - Bretelles et trépieds/bipieds
- [- - - Autres]

Sous-position 9305.90

- - - [De fusils, mitrailleuses, mitraillettes et fusils de chasse] [De mitrailleuses, mitraillettes ou fusils et carabines] du n° 93.01 :
- - - - Mécanismes de mise à feu\*\*\*
- - - - Canons, rallonges de canons, dispositifs de visée (guidons de mire avant et arrière) et montures
- - - - Pistons, tenons de verrouillage et amortisseurs à gaz
- - - - Chargeurs
- - - - Silencieux (dispositifs amortisseurs du bruit de la détonation) et dispositifs anti-lueur
- - - - Carcasses, culasses, verrous (platines) et porte-culasses
- - - - Bretelles et trépieds/bipieds
- - - - Autres
- [- - - [Parties et accessoires des autres articles des n°s 93.01, 93.03 et 93.04]  
[Autres]]

Annexe au doc. NC0270B1  
(CSH/26/nov. 00)

\*\*\* Pour les besoins du n° 93.05, l'expression "mécanismes de mise à feu" comprend des parties comme des leviers, des noix, des détonateurs, des chiens percutants, des platines, des pièces d'armement, des éjecteurs, des percuteurs, des crans de sûreté (des mécanismes de sélection et de sûreté), des gâchettes, des extracteurs.

et

INVITE les administrations membres ainsi que les Parties contractantes à la Convention sur le Système harmonisé qui acceptent la présente Recommandation à en faire part au Secrétaire général en indiquant la date de sa mise en application[ et, le cas échéant, à préciser les rubriques qui ont été regroupées].

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