



HARMONIZED SYSTEM  
COMMITTEE  
-  
26<sup>th</sup> Session  
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NC0282E1  
(+ Annex)  
O. Fr.  
  
H3-1

Brussels, 31 August 2000.

## AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 85.18

(Item VI.11 on Agenda)

### Reference documents :

NR0089E1 (RSC/21)  
NC0182E1 (HSC/25)

### I. BACKGROUND

1. At its 21<sup>st</sup> Session, the Review Sub-Committee examined a draft amendment to the Explanatory Note to heading 85.18, to mention prenatal listening kits.
2. At its 25<sup>th</sup> Session, the Committee decided that this amendment would be made by corrigendum (see Doc. NC0250E2, Annex F/1, paragraph 76 (HSC/25/March 2000 – Report)).
3. The Committee instructed the Secretariat to prepare a new draft based on Canada's proposal (see paragraph 5 below).

### II. SECRETARIAT COMMENTS

4. At its 21<sup>st</sup> Session the RSC examined a new fourth paragraph to Part (C) of the Explanatory Note to heading 85.18, with specific reference to prenatal listening kits, given that these lists differed from the other products covered by this heading. However, the RSC decided to place this text in square brackets to allow the Canadian Administration to formally submit a new proposal suggested by its delegate during the meeting.
5. On 18 February, the Secretariat received Canada's comments recommending that the Secretariat's proposed text be supplemented with further details as to the apparatus covered by heading 85.18. Canada agreed that the proposed Explanatory Note did not differentiate between the prenatal listening kits used by laypeople and those used by professionals in medical, surgical, dental or veterinary sciences. To avoid any difficulties in classifying this apparatus, Canada was of the opinion that a distinction should be made between prenatal listening kits of heading 85.18 and other foetal monitors used by medical professionals

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classified in heading 90.18 as "other electro-diagnostic apparatus". This distinction should be emphasized in the Explanatory Note to heading 85.18 and in an exclusion note to the Explanatory Note to heading 90.18.

6. The Secretariat points out that during its 17<sup>th</sup> Session in May 1996, the HSC decided to classify the apparatus at issue in subheading 8518.30, as a microphone/speaker set.
7. Moreover, the Secretariat has some difficulties regarding Canada's proposed description of the device as a "kit", which could suggest that classification of the apparatus was based on its packaging rather than its function. The Secretariat therefore proposes deleting "kits" and substituting "systems".
8. However, the Secretariat leaves it to the Committee to choose between the two alternatives in square brackets in the texts proposed in the Annex hereto.
9. The Secretariat would also question the need for the phrase "which she could subsequently play back to calm her baby down" and the reference to the use of such kits in dental science. The Secretariat has therefore also placed these texts in square brackets.
10. Finally, it should be pointed out that since the Committee has already approved the incorporation of a new third paragraph in part (C) of the Explanatory Note to heading 85.18 (see Annex L/16 to Doc. NC0250B2 – HSC/25, Report), prenatal listening kits would be mentioned in two new paragraphs, numbered 4 and 5.

### III. CONCLUSION

11. The Committee is invited to rule on the texts in the Annex hereto once these have been finalized by the presessional Working Party.

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Annexe au Doc. NC0282F1  
Annex to

(CSH/26/nov. 2000)  
(HSC/26/Nov. 2000)

ANNEXE

MODIFICATION DES NOTES EXPLICATIVES DU N° 85.18

(Point II.B.2. de l'ordre du jour)

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ANNEX

AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 85.18

(Item II.B.2. on Agenda)

MODIFICATION DES NOTES EXPLICATIVES  
A EFFECTUER PAR VOIE DE CORRIGENDUM

Page 1477. N° 85.18. Alinéa C). Nouveaux quatrième et cinquième paragraphes.

Ajouter les nouveaux quatrième et cinquième paragraphes ci-après :

"Sont compris ici les [kits] [systèmes] d'écoute prénatale qui se composent généralement d'un microphone, d'un haut-parleur, d'un cône d'écoute, d'un interrupteur de mise en marche, d'un dispositif de réglage du son et d'un compartiment destiné à recevoir des piles. Il s'agit, en fait, d'un appareil qui permet d'entendre et d'enregistrer les bruits du fœtus ainsi que les battements de coeur de la mère [qu'elle pourra, par la suite, faire écouter à son bébé pour le calmer]. Ce type d'appareils est destiné à un usage non médical.

Toutefois, les moniteurs électroniques de diagnostic destinés à écouter les bruits du fœtus conçus pour être utilisés par des professionnels de la médecine, de la chirurgie, de l'art [dentaire ou] vétérinaire relèvent du n° 90.18.

Page 1615. N° 90.18. Partie IV.

Ajouter le nouveau dernier paragraphe ci-après:

"Sont également exclus de la présente position :

Les [kits] [systèmes d'écoute prénatale], composés d'un microphone, d'un haut-parleur et d'un cône d'écoute, du n° 85.18 (voir la Note explicative de cette position)."

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AMENDMENTS TO THE EXPLANATORY NOTES  
TO BE MADE BY CORRIGENDUM

Page 1477. Heading 85.18. Part (C). New fourth and fifth paragraphs.

Insert the following new fourth and fifth paragraphs :

"The heading also includes prenatal listening [kits] [systems] which generally consist of a microphone, a headphone, a listening cone, on/off/volume control and battery compartment. This apparatus makes it possible to hear and record the sounds of a foetus as well as the mother's heartbeat [which she could subsequently play back to calm her baby down]. This device is designed for non-medical use.

However, electronic diagnostic foetal monitors of a type designed for use by professionals in medical, surgical [dental or] veterinary sciences are classified in heading 90.18."

Page 1615. Heading 90.18. Part IV.

Insert the following last paragraph :

"This heading also excludes :

Prenatal listening [kits] [systems] consisting of a microphone, headphone and listening cone, of heading 85.18 (see the Explanatory Note to that heading)."

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