



HARMONIZED SYSTEM  
COMMITTEE

-  
27<sup>th</sup> Session

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NC0380E1  
(+ Annex)  
O. Fr.

H3-1

Brussels, 28 March 2001.

## AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 85.18

(Item VII.12 on Agenda)

### Reference documents :

NR0089E1 (RSC/21)

NC0182E1 (HSC/25)

NC0282E1 (HSC/26)

NC0338B2, Annex A/XI (HSC/26)

NC0340E2, Annex F/11 (HSC/26-Report)

### I. BACKGROUND

1. Having decided that the amendment of the Explanatory Note to heading 85.18 to mention prenatal listening kits would be made by corrigendum (cf. Doc. NC0250E2, Annex F/1, paragraph 76 - HSC/25/March 2000, Report), at its 26th Session, in November 2000, the Committee examined a draft text prepared by the Secretariat on the basis of a proposal by the Canadian Administration.
2. Given the number of issues raised by the proposed text, the Committee decided to ask the presessional Working Party to re-examine the draft on the basis of a new document that took into account the further proposals made at the last session.

### II. SECRETARIAT COMMENTS

3. In a letter dated 6 February 2001, the Secretariat invited administrations to give their opinions on the possible amendment of the Explanatory Note to heading 85.18. However, at the time this document was prepared it had not yet received any comments from administrations.

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4. Below, therefore, the Secretariat summarizes the different views expressed by administrations at the Harmonized System Committee's last session (cf. Annex F/11 to Doc. NC0340E2 - HSC/26, Report).

First proposal

5. Maintain the exclusion for "electronic diagnostic monitors of heading 90.18" in the Explanatory Note to heading 85.18.

Note : Although the Canadian Administration emphasized the importance of this part of the text to clarify the classification of this type of apparatus, several delegates were against maintaining this reference, given that the classification of the monitors at issue had not been examined by the HSC.

Second proposal

6. Delete "electronic diagnostic foetal monitors" and substitute "electro-diagnostic apparatus", for the sake of alignment on the legal text of heading 90.18.

Third proposal

7. Specify in the Explanatory Note to heading 90.18 that apparatus for non-medical use are excluded from that heading. In addition, the adverb "generally" should be inserted before the list of the various elements making up the apparatus at issue.

Fourth proposal

8. - Delete the term "generally" in the Explanatory Note to heading 85.18,

**or**, if the term is retained,

- Add to the legal text of that heading a provision to explain that the prenatal listening apparatus of the heading does not contain devices for recording or reproducing sound.

9. With regard to this fourth proposal, the Secretariat has taken only the first alternative into account, since the Committee had decided, within the context of the present question, to only study possible amendments to the Explanatory Notes.

10. The Secretariat has endeavoured to present all the above alternatives in a single document in order to establish the consistency of the different proposals. Accordingly, in the draft text set out in the Annex hereto, the various proposals to be examined have been placed in square brackets.

### III. CONCLUSION

11. The Committee is invited to rule on the texts set out in the Annex to this document, once they have been finalized by the preessional Working Party.

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