



HARMONIZED SYSTEM  
COMMITTEE

-  
27<sup>th</sup> Session  
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NC0394E1

O. Eng.

Brussels, 9 April 2001.

STUDY OF THE POSSIBLE MISALIGNMENT BETWEEN THE FRENCH  
EXPRESSIONS "EBAUCHES DE FORGE" AND "EBAUCHES BRUTES DE FORGE"  
AND THE ENGLISH EXPRESSION "ROUGHLY SHAPED BY FORGING"  
IN THE EXPLANATORY NOTES TO HEADINGS 72.07 AND 84.83

(Item VIII.11 on Agenda)

Reference documents :

NC0317E1 (HSC/26)  
NC0340E2, Annex H/9 (HSC/26 – Report)

NC0379E1 (HSC/27)

I. BACKGROUND

1. At its 26<sup>th</sup> Session, the Harmonized System Committee examined the classification of certain forgings for crank shafts.
2. By 31 votes to 1, the Committee decided to classify the closed-die crank shaft forging in subheading 8483.10, by application of GIR 2 (a) and Note 1 (f) to Section XV. The Committee noted, however, that the expressions "ébauches de forge" and "ébauches brutes de forge" in the French version and "roughly shaped by forging" in the English version of the Explanatory Note to heading 72.07, page 1079, Part (B) and in the exclusions to heading 84.83, page 1437, might be misaligned. The Secretariat was asked to study this matter.

II. SECRETARIAT COMMENTS

3. The Secretariat would like to point out first that it understands the possible misalignment indicated by the Committee as referring to certain expressions used in the Explanatory Notes to headings 72.07 and 84.83, rather than to the content of the paragraphs at issue.

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4. The expression “semi-finished products” (French : “demi-produits”) as used in heading 72.07 is defined in Note 1 (ij) to Chapter 72, which reads as follows :

**“Semi-finished products**

Continuous cast products of solid section, whether or not subjected to primary hot-rolling; and

Other products of solid section, which have not been further worked than subjected to primary hot-rolling or roughly shaped by forging, including blanks for angles, shapes or sections.

These products are not presented in coils.” (emphasis added).

(French :

**“Demi-produits**

les produits de section pleine obtenus par coulée continue, même ayant subi un laminage à chaud grossier; et

les autres produits de section pleine ayant simplement subi un laminage à chaud grossier ou simplement dégrossis par forgeage ou par martelage, y compris les ébauches pour profilés.

Ces produits ne sont pas présentés enroulés.”) (emphasis added).

5. The Secretariat notes (i) that the term used in the English version of the Explanatory Note (second paragraph and Part (B)) to heading 72.07 (i.e., “pieces roughly shaped by forging”) is in alignment with the text of the legal Note, and (ii) that the French version of the same Explanatory Note uses the expression “ébauches de forge”, which is not used in the legal Note.
6. Since the scope of the term “ébauches de forge” may be wider than the scope of the reference to “produits de section pleine ayant simplement subi un laminage à chaud grossier ou simplement dégrossis par forgeage ou par martelage” in Note 1 (ij) to Chapter 72, the Secretariat considers that there might be a misalignment in that version. Consequently, it suggests aligning the French version of the Explanatory Note to heading 72.07 on the text of legal Note 1 (ij) to Chapter 72, by replacing the expression “ébauches de forge” by “produits de section pleine simplement dégrossis par forgeage ou par martelage”. It also suggests aligning similar references in other parts of the Explanatory Notes to Chapter 72.
7. With respect to exclusion (a) in the Explanatory Note to heading 84.83, the Secretariat suggests aligning the wording of that exclusion on the (amended) texts used in the Explanatory Note to heading 72.07, i.e., by replacing in the English version the words “Rough forgings” by “Pieces roughly shaped by forging”, and in the French version the words “Les ébauches brutes de forge” by “Les produits de section pleine simplement dégrossis par forgeage ou par martelage”.
8. Draft amendments to the Explanatory Notes at issue are set out in the Annex to this document.

### III. CONCLUSION

9. The Committee is invited to examine the draft amendments to the Explanatory Notes as set out in the Annex to this document, taking into account the comments of the Secretariat in paragraphs 3 to 6 above.

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