



HARMONIZED SYSTEM
COMMITTEE

-
27th Session
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NC0396E1

O. Fr.

Brussels, 4 May 2001.

CLASSIFICATION OF GROUNDING RODS

(Item VIII.13 on Agenda)

Reference document :

NC0307E1 (HSC/26)

I. BACKGROUND

1. On 7 February 2000, the Brazilian Administration requested the Secretariat's opinion on the classification of "Intel-Haste" grounding rods.
2. On 21 March 2000, the Secretariat received a Note from the Argentine Administration requesting that the classification of grounding rods be submitted to the Harmonized System Committee.
3. At its 26th Session, the HSC examined the classification of grounding rods. It agreed, given that there were doubts regarding the identification of the products to be classified, not to rule on this issue. The Committee also hoped that Brazil and Argentina could reach a compromise during the intersession.
4. On 20 April 2001, the Secretariat received the following Note from the Brazilian Administration requesting that the classification of grounding rods be re-examined by the Harmonized System Committee.

II. NOTE BY THE BRAZILIAN ADMINISTRATION

5. "With reference to your fax of April 4, 2001, about information concerning the classification of grounding rods, the Brazilian Administration reiterates that we are interested in classifying the grounding rods described in Annex I to Doc. NC0307E1.

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6. Regarding the connectors and couplings mentioned by the Argentinean Delegate (Annex H/3 to Doc. NC0340E2, paragraph 2, third sentence), we would like to draw your attention to our original letter to the Secretariat, of 7 February 2000, in which we asked for the classification of "copper grounding rods, with and without accessories (technical information in annex)".
7. The above mentioned "accessories", as you can see in the annex to our original letter, are of three types, described by the manufacturer as follows :
 - (a) "LEH – High Strength couplings : threaded bronze chamfered at both ends for easy driving, allows full contact of the rod point with the butt end of the preceding rod."
 - (b) "PH – Driving studs : high strength carbon steel, designed for driving sectional rods."
 - (c) "TH-Clamps : devices for the attachment of the grounding conductor to the grounding electrode, made of high mechanical strength silicon bronze to insure the nominal tightening force necessary for good contact between the parts. Fastening non-ferrous screws."
8. Apparently, these accessories may be the "connectors and couplings" mentioned by the Argentinean Administration.
9. In this case, we remind once more our original question, concerning the classification of "grounding rods, with and without accessories". We think that a decision of the HSC about this broad question would satisfy the demands of both administrations.
10. About the merits of the question, we think the presence of the accessories would not change the essence of the classification issue, i.e., in both cases, with or without accessories, the classification would be determined by the constituent material and the product would fall in Chapter 73.
11. It seems to us that, following the initial demand presented by Brazil, two new issues have come out :
 - (a) About the classification of a complete set of components to construct a lightning arrester (grounding rods, connectors, wires and the lightning arrester itself);
 - (b) About the understanding of the term "lightning arrester" in heading 85.35 and its corresponding Explanatory Note.
12. We suggest that the classification of the grounding rods be studied in an independent way, so that the Committee be invited to decide, in the first place, if the grounding rods described in the Annex 1 to Doc. NC0307E1, with or without its accessories, must be classified according to the constituent material or as an electrical device of Chapter 85.
13. Regarding the subjects (a) and (b) above, we suggest that, in the first place, should be defined the scope of the expression "lightning arrester" in the text of subheading 8535.40 and its corresponding Explanatory Note. After that definition, it could be possible to classify complete sets of products as illustrated in the non-paper presented by Argentina at the 26th Session of the HSC.

14. However, we think the very question about the classification of a complete set of products like this, or the classification of a single lightning arrester, is not at issue for the moment, because neither of the administrations have asked for that. We think as we understand from Doc. NC0307E1, paragraph 9, that the Argentinean Administration has cited the lightning arresters only as "similar" devices to the grounding rods at issue."

III. CONCLUSION

15. The Committee is invited to re-examine the classification of the grounding rods, taking account of the information submitted by the Brazilian Administration and the Secretariat's comments in Doc. NC0307E1. It is also invited to indicate any action to be taken to reflect its decision.
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