



HARMONIZED SYSTEM  
COMMITTEE

NC0453E1

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28<sup>th</sup> Session

O. Fr.

Brussels, 18 September 2001.

POSSIBLE AMENDMENTS TO THE EXPLANATORY NOTES  
WITH REGARD TO VARIOUS WOMEN'S AND GIRLS' GARMENTS

(Item VII.11 on Agenda)

Reference documents :

NC0309E1 (HSC/26)	NC0414E1 (HSC/27)
NC0340E2, Annex H/5 (HSC/26 – Report)	NC0418E1 (HSC/27)
NC0393E1 (HSC/27)	NC0429E1 (HSC/27)
NC0413E1 (HSC/27)	NC0430E2, Annex H/10 (HSC/27 – Report)

I. BACKGROUND

1. At its 26<sup>th</sup> Session, the Harmonized System Committee decided to classify certain women's or girls' articles in heading 61.14 as "Other garments, knitted or crocheted", while another article was classified in heading 62.12 as a brassière (see Annex H/5 to Doc. NC0340E2 - Report).
2. At the end of the discussions, it was agreed that the Secretariat should carry out a more detailed study on the scope of the headings concerned, with a view to the possible amendment of the corresponding Explanatory Notes.
3. At the request of a delegate, the Secretariat's proposals and comments (contained in Doc. NC0393E1 of 6 April 2001) and those received from various administrations (published in Docs. NC0413E1, NC0414E1, NC0418E1 and NC0429E1), were not examined during the 27<sup>th</sup> Session (see Annex H/10 to Doc. NC0430E2 – Report).
4. On 23 July 2001 the Secretariat received a Note from the European Community, an extract of which is reproduced below, concerning the amendments to be made to the Explanatory Note to heading 62.12.

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## II. NOTE FROM THE EUROPEAN COMMUNITY

5. "... In order to assist the Secretariat and the HS Committee with this study, the EC presents hereafter a proposed amendment to the Explanatory Note to heading 62.12, aimed in particular at specifying the definition criteria for brassières :

To be classified in heading 62.12, a brassière has to provide support for the breasts. This support is to be provided by a garment which separates the breasts. As a general rule the cups are to be shaped and separated by means of seaming or moulding. This shaping is, for example, provided by special cutting, insertion of wires, spirals or other stiffeners. The brassière may have an elastic band or not directly under the bust which may be ruched or smooth. It must be worn directly on the skin.

This heading does not cover garments that merely enclose the breasts but do not support or shape the breasts. Neither does this heading cover garments intended as outerwear."

## III. SECRETARIAT COMMENTS

6. The Secretariat has no objection to the proposed amendment to the Explanatory Note to heading 62.12 presented by the EC with a view to clarifying the scope of the term "brassière". However, the Secretariat is not sure that the use of the term "garment" in the second line is appropriate when defining a brassière, given that this is more properly an undergarment, or an article of women's underwear composed of two cups.
7. In this respect, it should be noted that neither the text of heading 62.12 nor the corresponding Explanatory Note in its present form refers to the articles of this heading as "garments". Moreover, for the application of Note 13 to Section XI and the classification of textile garments put up in sets, the articles of heading 62.12 are not regarded as garments.

## IV. CONCLUSION

8. The Committee is invited to indicate whether the Explanatory Note to heading 62.12 should be amended as proposed in paragraph 5 above, taking into account the comments made by the Secretariat above, and also those contained in Docs. NC0393E1, NC0413E1, NC0414E1, NC0418E1 and NC0429E1.
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