



HARMONIZED SYSTEM
COMMITTEE

-
28th Session
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NC0459E1
(+ Annex)
O. Eng.

Brussels, 28 September 2001.

AMENDMENTS TO THE EXPLANATORY NOTES TO HEADINGS 87.03 AND 87.04

(Item VI.1 on Agenda)

Reference documents :

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| 26.642 (NC/45) | 40.909 (HSC/19) |
| 26.800, Annex C/8 (NC/45 – Report) | 41.100, Annex G/18 (HSC/19 – Report) |
| 35.350, Annex G/5 (HSC/3 – Report) | 41.313 (HSC/20) |
| 35.700, Annexes E/11 and F/11 (HSC/4 – Report) | 41.600, Annex F/19 (HSC/20 – Report) |
| 35.840 (HSC/5) | 42.434 (HSC/22) |
| 35.841 (HSC/5) | 42.456 (HSC/22) |
| 35.960, Annexes G/4 and G/5 (HSC/5 – Report) | 42.750, Annexes G/9 and G/33 (HSC/22 – Report) |
| 39.156 (RSC/11) | NC0056E1 (HSC/23) |
| 39.200, Annex XI (RSC/11 – Report) | NC0145E1 (HSC/24) |
| 39.282 (RSC/11) | NC0162E1 (HSC/24) |
| 39.332 (HSC/15) | NC0160E2, Annex H/7 (HSC/24 – Report) |
| 39.400, Annex E (HSC/15 – Report) | NC0227E1 (HSC/25) |
| 39.575 (HSC/16) | NC0250E2, Annex IJ/16 (HSC/25 – Report) |
| 39.600, Annex IJ/20 (HSC/16 – Report) | NC0304E1 (HSC/26) |
| 40.083 (HSC/17) | NC0340E2, Annex G/21 (HSC/26 – Report) |
| 40.260, Annex IJ/9 (HSC/17 – Report) | NC0391E1 (HSC/27) |
| 40.454 (HSC/18) | NC0411E1 (HSC/27) |
| 40.625 (HSC/18) | NC0430E2, Annex H/8 (HSC/27 – Report) |
| 40.600, Annex H/20 (HSC/18 – Report) | |

I. BACKGROUND

1. At its 27th Session, the Harmonized System Committee examined the question of amendments to the Explanatory Notes to headings 87.03 and 87.04 on the basis of Docs. NC0391E1 and NC0411E1.
2. After ruling on the fundamental issues highlighted in the above-mentioned working documents, the Committee agreed that the editorial issues could be resolved by the next pre-session Working Party which was requested to consider the draft amendments to the Explanatory Notes to be prepared by the Secretariat on the basis of the conclusions outlined in Annex H/8 to Doc. NC0430E2 (HSC/27 – Report).

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II. SECRETARIAT COMMENTS

3. Acting upon the Committee's instructions, the Secretariat prepared the draft amendments to the Explanatory Notes to headings 87.03 and 87.04 as presented in the Annex to this document. Pending the publication of the HS 2002 Explanatory Notes, the Secretariat has placed the references to the pages and paragraphs in square brackets.
4. The fundamental issues resolved by the Committee have already been reflected in the draft amendments.
5. The Secretariat would like to draw the attention of the Working Party to the following editorial issues pending examination by the Working Party. Alternative proposals by the United States (US), Canada (CAN) and the Secretariat (SEC) were introduced in square brackets :

EN to heading 87.03

- (i) Since the Secretariat agreed with the US, the term "their" was replaced with the term "certain" in the first line in the English version and in the second line in the French version of the introductory paragraph.
- (ii) Replacement of the term "typically" with the term "generally" in the fourth line of the English version and in the fifth line of the French version of the introductory paragraph: This proposal was made at the 27th Session of the Committee. The Secretariat prefers the term "generally".
- (iii) US proposal for the replacement of the term "features" with the term "criteria" in the last sentence of the introductory paragraph : The Secretariat prefers the term "features" as it has already been used in the second line of the English version of the introductory paragraph. It should be noted, however, that in the last sentence of the French version, the term "éléments" has been used as equivalent to "features" in the English version. The Secretariat leaves the final preference to the Working Party.
- (iv) US proposal for the insertion of the expression "the full length of" between "along" and "the two side panels" in Item (b) : The Secretariat feels that a strict interpretation of "the full length" might lead to confusion since a small section might be left without windows on the end of side panels.
- (v) US proposal for the deletion of "lift-up doors" from the first line of Item (c) : The Secretariat believes that many multipurpose vehicles have such lift-up doors especially in the rear for loading and unloading goods.
- (vi) US proposal for the insertion of the expression "in addition to rear seating" in the first line of item (e) : The Secretariat feels that this is unnecessary, since the "presence of permanent seats or anchor points and fittings for installing seats in the rear area" is already referred to in Item (a). The Canadian proposal seems to be a slightly different expression of the same basic idea.

EN to heading 87.04

- (i) Replacement of the term “typically” with the term “generally” in the first line of the English version and in the second line of the French version of the introductory paragraph : This proposal was made at the 27th Session of the Committee. The Secretariat prefers the term “generally”.
- (ii) US proposal for the replacement of the term “area” in the sixth line of the introductory paragraph with the term “platform” : The Secretariat prefers the expression “a separate closed rear area or an open rear platform”.
- (iii) US proposal for the insertion of references to “bench-type” seats and “passenger amenities” in the seventh line of the English version and in the eighth line of the French version of the introductory paragraph : As the reference to “bench-type seats” has already been made in Item (a), this would be a repetition. However, the Secretariat has no objection to the proposal concerning “or passenger amenities”. This was inserted in the Secretariat proposal for Item (a).
- (iv) US proposal for the insertion of the expression “Absence of windows” before “comfort features” in the first line of Item (e) : The Secretariat thinks that this would be a repetition, as the “absence of rear windows” has already been referred to in Item (c). The Canadian proposal seems to be a slightly different expression of the same basic idea.

III. CONCLUSION

6. The Committee is invited to examine the proposed draft amendments to the Explanatory Notes to headings 87.03 and 87.04, as set out in the Annex to this document, taking into account the observations of the Secretariat in paragraph 5 above.

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