



HARMONIZED SYSTEM
COMMITTEE

-
28th Session
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NC0481E1

O. Eng.

Brussels, 14 September 2001.

CLASSIFICATION OF PARTS OF LASER CUTTERS FOR CUTTING CONTACTING
TRACKS IN SEMICONDUCTOR PRODUCTION (REQUEST FROM THE WTO)
(Item VIII.13 on Agenda)

I. BACKGROUND

1. On 1 July 2001, the Secretariat received a note from the Chairman of the World Trade Organization (WTO) Committee of Participants on the Expansion of Trade in Information Technology Products, requesting WCO's opinion on the classification of certain commodities.
2. The classification of parts of lasercutters for cutting contacting tracks in semiconductor production by laser beam is one of the issues listed in the WTO request. The pertinent part of the Report of the Informal Meeting of Customs Experts from ITA Participants reads as follows :

"The respective host apparatus is # 125¹⁾.

The Group questioned 8515.90 as inappropriate based on the classification of the host apparatus.

The Group noted that the same issue relating to 8466.10, 8466.20 and 8466.30 (see item # 129)²⁾ was relevant here and thus this issue should be transmitted to the HSC."
3. Since the documentation received from WTO did not include a description of the commodity at issue, the Secretariat contacted the International Chamber of Commerce (ICC) with a view to obtaining more information vis-à-vis the product. On 22 August the Secretariat received a submission from ICC, indicating that no information was available at this time.

¹⁾ Secretariat note : According to the ITA Group the lasercutters at issue (the host apparatus) were classifiable in subheading 8456.10. This issue is, however, not presented to the Committee for consideration.

²⁾ Secretariat note : This issue is presented in Doc. NC0472E1, under Item VIII.11 on the Agenda.

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II. SECRETARIAT COMMENTS

4. The Secretariat would like to clarify first that no indication has been given (either by the ITA Group, or by ICC) on the nature of the parts the Committee is requested to classify.
5. That being the case the Secretariat is not in a position to give its view on the classification, since it lacks a full description of the product(s) to be classified.
6. With respect to the question how to differentiate between “parts” on the one hand and “accessories” on the other hand (item # 129), the Secretariat would like to refer to its comments in Doc. NC0472E1 (Item VIII.11 on the Agenda).
7. The Representative of the WTO and other interested parties may wish to clarify the points referred to above.
8. In conclusion, the Secretariat is not in a position to present its view on the classification of parts of laser cutters for cutting contacting tracks in semi conductor production to the Committee as requested by the WTO Group, due to the fact that no description of the parts at issue has been provided.

III. CONCLUSION

9. The Committee is invited to express its view on the classification of parts of the machines or systems referred to in paragraph 2 above, taking into account the comments of the Secretariat in paragraphs 4 to 8 above, and to indicate what action should be taken, if any.
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