



HARMONIZED SYSTEM  
COMMITTEE

-  
29<sup>th</sup> Session  
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NC0525E1  
(+ Annex)

O. Eng.

Brussels, 10 April 2002.

PROPOSED AMENDMENT OF THE COMPENDIUM OF CLASSIFICATION OPINIONS

(Item III.1 on Agenda)

Reference documents :

NC0430E2, Annex G/15 (HSC/27 – Report)  
NC0454E1 (HSC/28)  
NC0510E2, Annex C/3 (HSC/28 – Report)

I. BACKGROUND

1. At its last session, the Committee unanimously confirmed that it would be beneficial to insert, to the extent possible and appropriate, a picture of the article concerned in the Compendium of Classification Opinions with regard to Opinions issued from the 27<sup>th</sup> Session onwards.
2. The Committee generally appreciated the Secretariat's proposal for examining the possibility of supplementing the existing Classification Opinions with pictures of the articles concerned, to the extent that such pictures were available from the Secretariat's files.
3. Since some delegations expressed certain legal and practical concerns, the Committee was not able to come to agreement on the idea. The Secretariat was requested to prepare a new document for the 29<sup>th</sup> Session, setting out a possible procedure that would overcome those concerns. The draft procedure would be illustrated with appropriate examples from the Secretariat's files.

II. SECRETARIAT COMMENTS

Concerns expressed

4. One of the concerns expressed at the 28<sup>th</sup> Session was that the existing Classification Opinions had already been adopted by the Committee and the Council by the Article 8 Procedure. Insertion of pictures of the articles concerned would require the adoption of such pictures through the same formal procedure, implying additional burdens on the Secretariat, on the one hand, and the Committee, on the other.

File No. 2888

5. Another issue was that for many administrations, the Compendium of Classification Opinions had a binding status at national level and, thus, these administrations had already issued binding tariff information on the basis of the Classification Opinions adopted by the WCO. Insertion of pictures in the existing Classification Opinions would make it necessary for such administrations to review the existing national binding tariff information.
6. A third concern was that there were also certain risks inherent in inserting such pictures. The existing Opinions had been adopted by the Committee in the past on the basis of product descriptions and samples of the articles concerned. Administrations (and even perhaps private firms) confused by the newly inserted pictures, which were not taken into account in the past, could once again open up certain old classification decisions which had been taken after prolonged discussion by the Committee.
7. In addition, the Secretariat had pointed out, in paragraph 3 of Doc. NC0454E1, that there would be a need to suppress any trade names and obtain the permission of the copyright holder to publish pictures if they were taken from manufacturer's brochures, pamphlets, etc.

Secretariat's approach

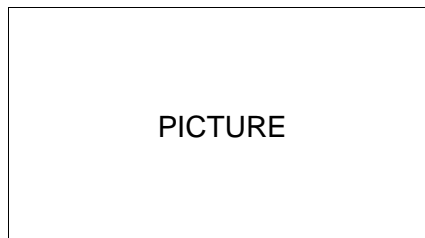
8. The Secretariat is sympathetic to the concerns expressed at the 28<sup>th</sup> Session as mentioned in paragraphs 4 to 6 above. Nevertheless, the Secretariat believes that these concerns can be addressed and would propose to do so as follows.
9. It is clear that the procedure to be followed is the one described in Article 8 of the HS Convention (Amendments to the Compendium of Classification Opinions) as illustrated below.

AMENDMENTS TO THE COMPENDIUM OF CLASSIFICATION OPINIONS  
TO BE MADE BY CORRIGENDUM

Insert the following pictures/drawings after each Classification Opinion listed below :

Page   HS Code   Serial No.   Product Description

XX   YYYYY.YY   ZZ   **Abcdef...**



10. Based on its review of the existing files, the Secretariat could make proposals to the Committee for the insertion of pictures in the existing Classification Opinions. The Secretariat would not expect to burden the Committee with the entire job at one time, but would propose sets of pictures for inclusion in the Compendium on a flow basis over a

number of sessions of the Committee. Insertion of pictures should be decided by the Committee and deemed approved by the Council.

11. Depending upon the national rules established in their Customs legislation, HS Contracting Parties may have to reflect the relevant amendments in their national compendiums and in the binding tariff information they have already issued.
12. If the Committee agrees to supplement the existing Classification Opinions with pictures, the Secretariat would recommend that the Committee agree before hand that the texts of the existing Opinions not be re-opened for discussion and that if there is one objection to the insertion of a picture in the Explanatory Notes the proposal should be dropped. We would note in this connection that the pictures to be inserted in the Compendium will be those which exist in the Secretariat files and have already been examined by the Committee before the classification decisions. The Secretariat therefore feels that the insertion of such pictures in the Compendium would not create confusion but would be helpful in clarifying the description of the product they represent.
13. Based on a search conducted by the Secretariat in the files concerning the existing Classification Opinions, there are many pictures or drawings suitable for insertion in the Compendium (see the Annex to this document for examples). There are also many pictures that would not improve the understanding of the Opinions or present technical problems and would therefore not be forwarded by the Secretariat for consideration by the Committee. In this connection, as already mentioned above, there may be a need to suppress any trade names and obtain the permission of the copyright holder to publish pictures if they are taken from manufacturer's brochures, pamphlets, etc.

### III. CONCLUSION

14. Taking into account the concerns expressed in paragraphs 4 to 6 and the Secretariat comments above, the Committee is requested to decide whether the Compendium of Classification Opinions should be amended to insert pictures of products previously classified by the Committee, to the extent they are available in the Secretariat's files and suitable for insertion.

\* \* \*

1. Embroidered (5810.91 to 5810.99/1)



2. Postoperative shoes (6402.99/2)



3. Mini-vehicles (9501.00)



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