



HARMONIZED SYSTEM
COMMITTEE

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32nd Session
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(+ Annex)

O. Eng.

Brussels, 20 October 2003.

POSSIBLE AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 26.21

(PROPOSAL BY THE CANADIAN ADMINISTRATION)

(Item VII.11 on Agenda)

I. BACKGROUND

1. On 16 September 2003, the Secretariat received a note from the Canadian Administration regarding a possible amendment of the Explanatory Note to heading 26.21, requesting that the matter be placed on the Agenda of the 32nd Session of the HS Committee. The note is reproduced below.

II. NOTE FROM THE CANADIAN ADMINISTRATION

2. "The Canadian administration has been approached by the Association of Canadian Industries Recycling Coal Ash (CIRCA) with a proposal designed to clarify a portion of the Explanatory Note to heading 26.21. This association believes that this addition will better outline the uses of coal ash in much the same manner that the uses of other products are identified in the existing Explanatory Note. We have been advised that this proposal has been supported in principle by both the American Coal Ash Association (ACAA) and the European Coal Combustion Products Association (ECOBA).
3. They have proposed that the Explanatory Note to heading 26.21 be amended by deleting, in the second paragraph on page 240, the portion following (1) and replacing it with the following :

"Ash and clinker of mineral origin (e.g., coal, lignite or peat ashes). Coal ash is produced primarily from burning pulverised coal in utility boilers. It occurs as a fine powder and as a sand sized granular material. Its principal uses are as a raw material for cement manufacture, as a supplement to cement in concrete and mine backfill, as a mineral filler in plastics and paints, as a lightweight aggregate in block manufacture, and in civil structures, such as highway ramps and bridge abutments."

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Items (2) through (5) remain unchanged.

4. We believe that this addition would not alter the scope of the heading or its subheadings in any way but would merely serve to clarify the types of goods currently included.”

III. SECRETARIAT COMMENTS

5. The Secretariat understands the proposal to amend the Explanatory Note to heading 26.21, with a view to referring to ash and clinker of mineral origin as an example, to be included to clarify the way that coal ash is usually produced and what its principal uses are.
6. As pointed out in paragraph 2 above, similar descriptions are given in the Explanatory Note to heading 26.21 for other groups of commodities falling within that heading. The Secretariat therefore can support the **Canadian** proposal and feels that it would contribute to a better understanding of the terms of heading 26.21.
7. On the basis of the proposal by the **Canadian** Administration, the Secretariat has prepared a draft amendment of the Explanatory Note to heading 26.21, which is reproduced in the Annex to this document.

IV. CONCLUSION

8. The Committee is invited to examine the proposed amendment of the Explanatory Note to heading 26.21, taking into account the Note from the **Canadian** Administration and the Secretariat’s comments above. The draft amendment is set out in the Annex to this document.

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