



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council
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HARMONIZED SYSTEM
COMMITTEE

-
24th Session
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NC0130E1
(+ Annex)

O. Eng.
H3-1

Brussels, 20 September 1999.

AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 38.16

(Item VII.11 on Agenda)

Reference documents :

19.499 Annex XVIII (Technical Team)	40.600 Annex H/5 (HSC/18 – Report)
21.046 (NC/33)	40.802 (SSC/12)
21.150 Annexes K/32 and P/3 (NC/33 - Report)	40.870 Annex A/15 (SSC/12 – Report)
40.030 (HSC/17)	41.666 (SSC/13)
40.260 Annexe C/3, para. 4 (HSC/17 - Report)	41.690 Annex A/6 (SSC/13 – Report)
40.081 (RSC/13)	42.018 (HSC/21)
40.180 Annexes C/18 and H/14 (RSC/13 - Report)	42.100 Annex E/1, para.10 (HSC/21 –Report)
40.039 (HSC/17)	42.194 (SSC/14)
40.260 Annexes E/1 (para.56), M/13 and N/14 (HSC/17 - Report)	42.850 Annex A/4 (SSC/14 – Report)
40.434 (HSC/18)	NC0016E1, para. 8 to 10 (HSC/23)
	NC0090E2, Annex E/1, para. 6 to 9 (HSC/23 – Report))

I. BACKGROUND

1. Concerning the possible alignment of the English and French texts of heading 25.18 and its subheadings, the Harmonized System Committee (23rd Session) adopted the texts proposed by the Scientific Sub-Committee for heading 25.18 and subheadings 2518.10 to 2518.30. The Committee agreed to amend, by corrigendum, the Explanatory Note to heading 25.18 as proposed. The Committee further agreed to study the amendments to the Explanatory Note to heading 38.16 as recommended by Scientific Sub-Committee at its next session.

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II. RECOMMENDATION OF THE SCIENTIFIC SUB-COMMITTEE

2. To avoid confusion in distinguishing between “Dolomite ramming mix” and the “ramming mixes” of heading 38.16, which appear in the Explanatory Note to that heading, the Scientific Sub-Committee (14th Session) agreed to recommend to the Harmonized System Committee the deletion of the expression “Ramming mixes” from the Explanatory Note to heading 38.16 and to describe these products in a different way, and also to insert the term “hydraulic” between the words “added” and “binder” in the penultimate line of the first paragraph of the Explanatory Note.

III. SECRETARIAT COMMENTS

3. The Secretariat would like to point out that the expression “Ramming mixes” in the English Explanatory Note to heading 38.16 is closely related to items (a) and (c) of the same Explanatory Note and finds it rather difficult to give a completely new wording to “Ramming mixes”. Furthermore, it should be noted that while the expression “dolomite ramming mix” in heading 25.18 as amended corresponds to the expression “Pisè de dolomie” in French, the expression “Ramming mixes” in the English Explanatory Note to heading 38.16 also corresponds to the expression “Les mélanges de damage” in French; the latter seems to be well aligned between the two languages.
4. The Secretariat therefore feels that the amendment to be made to the English Explanatory Note to heading 38.16 regarding “Ramming mixes” should be kept to the minimum, maintaining the basic wording and structure of the current Explanatory Note. The Secretariat considers that what should be clarified in order to avoid confusion in the Explanatory Note to heading 38.16 is that the products of heading 38.16 contain hydraulic binders as contrasted with those of heading 25.18 which contain non-hydraulic binders.
5. Accordingly, having regard to the recommendation of the Scientific Sub-Committee, the Secretariat has prepared amendments to the Explanatory Note to heading 38.16. The relevant draft texts are set out in the Annex to this document.

IV. CONCLUSION

6. The Committee is invited to examine the draft amendments to the Explanatory Note to heading 38.16 as set out in the Annex to this document.

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Annexe au Doc. NC0130B1
Annex to

(CSH/24/oct. 99)
(HSC/24/Oct. 99)

ANNEXE

MODIFICATION DE LA NOTE EXPLICATIVE DU N° 38.16

(Voir Point VII.11 ci-dessus)

ANNEX

AMENDMENTS OF THE EXPLANATORY NOTE TO HEADING 38.16

(See Item VII.11 above)

AMENDMENTS TO THE EXPLANATORY NOTES
TO BE MADE BY CORRIGENDUM

CHAPTER 38.

Page 576. Heading 38.16.

1. First paragraph. Third line.

Delete “added binder” and substitute “added hydraulic binder”.

2. Third paragraph. Item (b).

Delete “Ramming mixes” and substitute “Ramming mixes with added hydraulic binders”.

3. Last paragraph. Exclusions.

Delete and substitute :

“The heading **does** not cover :

(a) Carbonaceous pastes of **heading 38.01**.

(b) Dolomite ramming mixes with an added non-hydraulic binder (e.g., tar, pitch, resins) (**heading 25.18**).”

MODIFICATIONS DES NOTES EXPLICATIVES
A EFFECTUER PAR VOIE DE CORRIGENDUM

CHAPITRE 38.

Page 576. N° 38.16.

1. Premier paragraphe. Troisième ligne.

Remplacer "additionnés d'un liant" par "additionnés d'un liant hydraulique"

2. Troisième paragraphe. Alinéa b).

Remplacer "mélanges de damage" par " mélanges de damage additionnés d'un liant hydraulique"

3. Dernier paragraphe. Exclusions.

Nouvelle rédaction :

"La position **ne comprend pas** :

- a) Les pâtes carbonées du **n° 38.01**
 - b) Les pisés de dolomie additionnés d'un liant non hydraulique (goudron, brai, par exemple) (**n° 25.18**)."
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