



HARMONIZED SYSTEM
COMMITTEE

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STUDY WITH A VIEW TO ESTABLISHING GUIDELINES
FOR THE CLASSIFICATION OF DOUBLE-CAB PICK-UP VEHICLES

(Item VIII.7 on Agenda)

Reference documents :

26.642 (NC/45)	39.600, Annex IJ/20 (HSC/16 – Report)
26.800, Annex C/8 (NC/45 – Report)	40.083 (HSC/17)
35.350, Annex G/5 (HSC/3 – Report)	40.260, Annex IJ/9 (HSC/17 – Report)
35.700, Annexes E/11 and F/11 (HSC/4 – Report)	40.454 (HSC/18)
35.840 (HSC/5)	40.625 (HSC/18)
35.841 (HSC/5)	40.600, Annex H/20 (HSC/18 – Report)
35.960, Annexes G/4 and G/5 (HSC/5 – Report)	40.909 (HSC/19)
39.156 (RSC/11)	41.100, Annex G/18 (HSC/19 – Report)
39.200, Annex XI (RSC/11 – Report)	41.313 (HSC/20)
39.282 (RSC/11)	41.600, Annex F/19 (HSC/20 – Report)
39.332 (HSC/15)	42.434 (HSC/22)
39.400, Annex E (HSC/15 – Report)	42.456 (HSC/22)
39.575 (HSC/16)	42.750, Annexes G/9 and G/33 (HSC/22 – Report)
	NC0056E1 (HSC/23)

I. BACKGROUND

1. The Secretariat recently received one request from Zambia concerning the classification of the “Toyota Venture” and “Toyota Land Cruiser” motor vehicles and another one from Mongolia concerning the classification of the “Nissan Patrol Station Wagon-GL-Grade” motor vehicle.

Request from Zambia

2. According to the information provided by Zambian Administration :

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- 2.1 The "Toyota Venture" motor vehicle is designed to transport persons and a certain quantity of personal effects. It comes in two models : i.e., one transports nine persons and the other transports ten persons, both including the driver.
- 2.1.1 Seating capacities of the above models are for "5 Adults, 4 children" and "6 Adults, 4 children", respectively. Both models have four side doors, a lift-up tailgate with window and window side panels for the dual purpose area. There is a folding bench behind the front seats. Behind the bench, there are two fold-away children's seats in the form of benches fixed to the side panels. In respect of the seating capacity, the only difference between the two versions is that, the passenger seat in the driver's section is the same size as the driver's seat in the nine-seater version whereas it is slightly wider than the driver's seat in the ten-seater version. However, the dimensions of the seats are not given in the brochure.
- 2.1.2 The area behind the driver's section may be used, after raising the benches in the dual purpose area, for the transport of goods.
- 2.1.3 The vehicles have well-finished interiors (e.g., upholstered seats or benches, carpeted floors and side panel coverings).
- 2.2 The "Toyota Land Cruiser" is used for transporting persons. There are three models with reference to seating capacity i.e. :
- (i) The "Toyota VX Land Cruiser" comes in two versions : five-seater and eight-seater;
 - (ii) The "Toyota GX Land Cruiser" comes in three versions : five-seater, eight-seater and ten-seater (all including the driver);
 - (iii) The "Toyota STD Land Cruiser" comes in four versions : five-seater, six-seater, nine-seater and ten-seater.
- 2.2.1 All of the above models have four side doors, a lift-up or horizontal opening (depending on the user's option) back doors with window and window side panels for the dual purpose area.
- 2.2.2 Depending on the user's choice, the seats may be arranged in several configurations : (1) three separate folding seats, (2) a folding bench behind the front seats, (3) behind these a second row of seats or a bench, two other removable normal seats slightly wider than those in the second row or (4) another bench or (5) two fold-away seats in the form of benches fixed to the side panels. In the ten-seater models of the "GX" and "STD" models, the passenger seat in the driver's section has an extension to accommodate another passenger, but there is not a third seat. However, the dimensions of the seats are not given in the brochure. In the other models (less than ten-seater), there is a storage box between the two front seats.
- 2.2.3 The area behind the driver's section may be used, after folding or removing the seats or the benches in the third row, and folding the seats or bench in the second row, for the transport of goods.
- 2.2.4 All models of the "Toyota Land Cruiser" have a well-finished interior (e.g., upholstered seats or benches, carpeted floors and side panel coverings).

3. The Secretariat was of the view that the basic questions involved in the Zambian submission were :
- (a) Whether the same motor vehicle should be classified in different headings by increasing its seating capacity by simply changing the size of the passenger seat in the driver's section; and
 - (b) Whether the two benches for four children in the aforementioned motor vehicles could be regarded as convenient for the transport of "persons" in the context of headings 87.02 and 87.03.

Request from Mongolia

4. According to the information provided by Mongolia, the "Nissan Patrol Station Wagon-GL Grade" motor vehicle has a 4,169 cc diesel engine, four doors, a tailgate, three front seats in the driver's section, three rear seats behind the driver's section and, in the third row of the passenger compartment, four fold-away seats located 2x2, face to face. It can transport 10 persons, including the driver, and has no space in the passenger compartment for transporting goods. The interior trimmings are similar to those found in other vehicles for the transport of persons. Upon the buyer's order, the Station Wagon GL model can be equipped for the transport of 10 persons.
5. In connection with the classification the aforementioned motor vehicle, the Mongolian Administration posed the following questions :
- (a) Could you explain the expression "station wagon" in the Explanatory Note to heading 87.03 in detail ?
 - (b) Would a "station wagon" have 10 or more seats ?
 - (c) Is there any difference between a "station wagon" and a "jeep" ? If yes, what is the difference ? If no, how we can classify a "station wagon" and a "jeep" with 10 or more seats ?
 - (d) Does a "station wagon" or a "jeep" have three front seats ? If yes, would the middle seat be included in the total number of seats in the technical specifications of the vehicle ?
 - (e) Whether the outward appearance or structure of a "station wagon" would resemble to those of a "jeep" or not ?
6. As regards classification, the Secretariat informed the two administrations, in summary, that, on the basis of the present terms of :
- Headings 87.02 and 87.03;
 - The first paragraph of the Explanatory Note to heading 87.02 (concerning the "design" of the motor vehicles of that heading); and
 - The last paragraph of the Explanatory Note to heading 87.03 (concerning the description of "station wagons"),

the five to nine-seater models of the motor vehicles described above should fall in heading 87.03 and the ten-seater models should fall in heading 87.02.

7. In respect of the questions concerning “jeeps” and “station wagons”, the Secretariat informed Mongolia that, by application of General Interpretative Rule 1, “for legal purposes, classification shall be determined according to the terms of the headings and any relative Section or Chapter Notes ...”. Therefore, in the Secretariat’s view, once a motor vehicle is designed for the transport of ten or more persons, including the driver, it should be classified in heading 87.02 regardless of whether it is commercially called, e.g., a bus, van, jeep, station wagon, etc.
8. However, due to the relevance of the requests by Zambia and Mongolia (see paragraphs 3 and 5 above, respectively) to the question raised by Argentina as to whether the term “person” in the text of heading 87.02 refers to adults of normal size in respect of weight and height of passengers (see paragraphs 9 to 19 of Doc. NC0056E1), the Secretariat asked Zambia and Mongolia whether their requests should also be considered under this agenda item. The both administrations agreed.

II. CONCLUSIONS

9. The Committee is invited to take into consideration the questions raised in paragraphs 3 and 5 above when discussing this agenda item.
