



HARMONIZED SYSTEM
COMMITTEE

-
25th Session
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NC0176E1
(+ Annexes I and II)
O. Eng.

Brussels, 14 February 2000.

SURVEY ON THE USE OF THE HS EXPLANATORY NOTES

(Item III.2 on Agenda)

I. INTRODUCTION

1. The HS Explanatory Notes are essential to achieving uniform and correct classification in the Harmonized System, not only for classification experts who may work at Customs headquarters, a Classification Centre or in regional or local classification units of administrations but also for officers working in declaration processing units, post-clearance audit units, risk assessment units, etc.
2. The Secretariat has recognised that in some countries there have not been sufficient supplies of the Explanatory Notes in the original English or French version or in translated versions, so that Customs officers have serious problems in carrying out their classification work.
3. The Secretariat has also noticed that in some countries the original English or French version is copied and used by officers to achieve uniform and correct classification. Furthermore, in certain countries, electronic versions of the Explanatory Notes are used in the form of CD-ROM or Intranet/Internet publications. These initiatives are very important in achieving uniform and correct classification, thus contributing to trade facilitation. At the same time, such practices raise copyright issues which have to be considered separately.
4. In order to better understand the situation in our Member administrations, particularly in developing countries, and to help us to respond to the needs of our Members with regard to the publication of the Explanatory Notes, the Secretariat decided to carry out a comprehensive survey on the use of the HS Explanatory Notes, taking into account the above factors. A copy of the questionnaire is attached at Annex I to this document.

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5. To date the Secretariat has received replies from the following 40 administrations : Austria, Bermuda, Botswana, Brunei, Burkina Faso, Canada, Columbia, Cyprus, Denmark, Fiji, Finland, Gabon, Hong Kong China, Hungary, Indonesia, Ireland, Jordan, Korea (Rep.), Lithuania, Macau, Malaysia, Maldives, Mauritius, Mexico, Myanmar, Netherlands, New Zealand, Norway, Pakistan, Peru, Poland, Romania, Singapore, Slovakia, Sri Lanka, Swaziland, Switzerland, Trinidad & Tobago, Turkey and Ukraine.

II. SECRETARIAT SURVEY

6. Relevant replies to the questionnaire are summarised below as well as in Annex II to this document.

Questions 1(1) and 2(1) (see Table 1)

7. All countries which have answered the above questions are using the original 1996 version of the Explanatory Notes, although translated versions have not been amended properly in a few countries.

Questions 1(2) and 2(2) (see Table 2 and Chart 1)

8. For those countries using the original versions, there is an indication that a sufficient number of Explanatory Notes has not been distributed to regional or local offices. For those countries using translated versions, a sufficient number of Explanatory Notes was distributed, even to regional or local offices.

Questions 1(4) and 1(7) (see Table 3)

9. Many countries are interested in a cheaper version of the Explanatory Notes.

Questions 1(5) and 2(4) (see Table 4)

10. In some countries, the trade community does not have access to the original version of the Explanatory Notes.

Questions 3 and 4 (see Tables 5 and 6)

11. Tables 5 and 6 summarise the use of CD-ROM and Internet versions.

12. Table 7 and Chart 2 summarise, on the basis of the foregoing, the type of the Explanatory Notes distributed among the countries which have submitted replies. Table 8 shows that in some countries legal status is given to the Explanatory Notes (Question 5(1)).

III. SECRETARIAT COMMENTS

13. The Secretariat would like to express its appreciation to those countries which have sent replies to the questionnaire set out in Annex I to this document.

14. Generally speaking, the original versions of the Explanatory Notes have not been well distributed to regional or local offices as compared with the translated versions, which have been relatively well distributed as shown in Table 2 and Chart 1. The Secretariat considers that selling a cheaper version may be one of the solutions to this problem, bearing in mind the result as shown in Table 3 (see paragraph 9 above). The Secretariat intends to take this factor into account in publishing the 2002 version of the Explanatory Notes.
15. As regards the access of the trade community to the Explanatory Notes (Table 4), the Secretariat would urge the trade to make more use of the WCO Web site in connection with information regarding the publication of the Explanatory Notes. Administrations are also invited to encourage the trade community to access the WCO Web site.
16. Questions 3 and 4 mainly relate to the issue of the protection of the WCO's copyright with regard to the Explanatory Notes. The Secretariat would point out that this matter should be addressed on a case by case basis. The Secretariat may be in touch with individual administrations in connection with this issue in the future.
17. For the information of the Committee, the WCO has taken the position in the past that it would allow the translation and printing of the Explanatory Notes in languages other than French or English. In addition, the WCO has authorized Member administrations to print copies of the Explanatory Notes in French and English upon request and provided that the copies are made for the use of the administration only.

IV. CONCLUSION

18. The Committee is invited to take note of the above information and to express any views with regard to this matter.

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QUESTIONNAIRE

<p>1. Users of the original English or French version of the Explanatory Notes :</p> <p>(1) What is the latest version of the Explanatory Notes in use by your Administration ?</p> <p>(2) Is a sufficient number distributed to :</p>		
(a) Headquarters	Yes	No
(b) Classification Centre	Yes	No
(c) Regional or local classification units	Yes	No
(d) Regional or local declaration processing units	Yes	No
(e) Regional or local risk assessment or post clearance audit units	Yes	No
(3) If at least one of the answers to (2) above is Yes, are all of the Explanatory Notes purchased from the WCO ?	Yes	No
(4) If at least one of the above answers to (2) above is No., would the problem be solved through supply of a cheaper version, e.g., without a hard cover ?	Yes	No
(5) Does the trade community have access to the Explanatory Notes ?	Yes	No
(6) Are there any local private firms which sell the Explanatory Notes?	Yes	No
(7) Would you be interested in buying a specific volume of the Explanatory Notes instead of buying the entire set ?	Yes	No
<p>2. Users of a translated version of the Explanatory Notes :</p> <p>(1) What is the latest version of the Explanatory Notes in use by your Administration ?</p> <p>(2) Is a sufficient number distributed to :</p>		
(a) Headquarters	Yes	No
(b) Classification Centre	Yes	No
(c) Regional or local classification units	Yes	No

(d) Regional or local declaration processing units	Yes	No
(e) Regional or local risk assessment or post clearance audit units	Yes	No
(3) Are they updated regularly ?	Yes	No
(4) Does the trade community have access to the translated version through your Administration or a private firm ?	Yes	No
3. CD-ROM of the original English or French version of the Explanatory Notes :		
(1) Is a CD-ROM version of the ENs available in your Administration ?		
(a) If so, is it a product of Customs ?	Yes	No
(b) If the answer to (a) above is Yes, is it available to Customs only ?	Yes	No
(c) If the answer to (a) above is No, is it available to Customs only ?	Yes	No
(2) In case more than one type of CD-ROM is available, is at least one a product of a private firm ?	Yes	No
(3) Regarding (1) and (2) above, please indicate the name, address and fax number of the private firm		
4. Intranet/Internet distribution of the original English or French version of the Explanatory Notes :		
(1) Is an Intranet/Internet version of the ENs available in your Administration ?	Yes	No
(a) If so, is it a product of Customs ?	Yes	No
(b) If the answer to (a) above is Yes, is it available to Customs only ?		
(c) If the answer to (a) above is No, is it available to Customs only ?	Yes	No

(2) In case more than one Intranet/Internet version is available, is at least one a product of a private firm ?	Yes	No
(3) Regarding (1) and (2) above, please indicate the name, address and fax number of the private firm		
5. Other :		
(1) Do the Explanatory Notes have legal status in your Administration ?	Yes	No
(2) Other comments, if any ?		

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ANNEX II

SUMMARY OF THE REPLIES TO THE QUESTIONNAIRE ON THE
HS EXPLANATORY NOTES

Table 1. VERSION OF EXPLANATORY NOTES

(unit : number of countries)

Countries using an original version			Countries using a translated version		
Total (A)	Countries using 1996 version (B)	B/A (%)	Total (C)	Countries using 1996 version (D)	D/C (%)
36	36	100	19	16	84.2

Table 2. DISTRIBUTION OF EXPLANATORY NOTES

(unit : number of countries)

	Countries using an original version			Countries using a translated version		
	Total (A)	"Sufficient" (B)	B/A (%)	Total (C)	"Sufficient" (D)	D/C (%)
Headquarters	35	25	71.4	20	18	90.0
Classification Centre	33	21	63.6	19	18	94.7
Regional or local classification units	30	13	43.3	18	15	83.3
Regional or local declaration processing units	29	11	37.9	17	13	76.5
Regional or local risk assessment or post clearance audit units	29	12	41.4	18	15	83.3

Table 3. CHEAPER VERSION OR SPECIFIC VOLUME

(unit : number of countries)

Countries stating that the original version is insufficiently distributed			Countries using an original version		
Total (A)	Countries interested in a cheaper version (B)	B/A (%)	Total (C)	Countries interested in a specific volume (D)	D/C (%)
20	14	70.0	36	8	22.2

Table 4. ACCESS TO EXPLANATORY NOTES BY TRADE COMMUNITY

(unit : number of countries)

Countries using an original version			Countries using a translated version		
Total (A)	"Yes" (B)	B/A (%)	Total (C)	"Yes" (D)	D/C (%)
36	23	63.9	20	16	80.0

Table 5. CD-ROM OF ORIGINAL VERSION

(unit : number of countries)

Total replies (A)	Administrations in which an original version CD-ROM is available								
	Total (B)	B/A (%)	Administrations using Customs product				Administrations not using Customs product		
			Total (C)	C/B (%)	Available to Customs only (D)	D/C (%)	Total (E)	Available to Customs only (F)	F/E (%)
35	21	60.0	14	66.7	13	92.9	7	5	71.4

Table 6. INTRANET/INTERNET DISTRIBUTION OF ORIGINAL VERSION

(unit : number of countries)

Total replies (A)	Administrations in which Intranet/Internet distribution of original version is available								
	Total (B)	B/A (%)	Administrations using Customs product				Administrations not using Customs product		
			Total (C)	C/B (%)	Available to Customs only (D)	D/C (%)	Total (E)	Available to Customs only (F)	F/E (%)
36	5	13.9	1	20	0	0	1	0	0

Table 7. TYPE OF EXPLANATORY NOTES DISTRIBUTED

(unit : number of countries)

Total replies	Books				CD-ROM	Intranet/Internet
	Original version	Translated version	Both	Total		
40	36(90.0)	19(47.5)	15(37.5)	40	21(52.5)	5(12.5)

Note: Numbers in () mean shares of each type (percentage) represented by total countries.

Table 8. LEGAL STATUS OF EXPLANATORY NOTES

(unit : number of countries)

Total replies (A)	Countries replying "Yes" (B)	B/A(%)
40	18	45.0

Chart 1. ARE EXPLANATORY NOTES DISTRIBUTED IN SUFFICIENT NUMBERS?

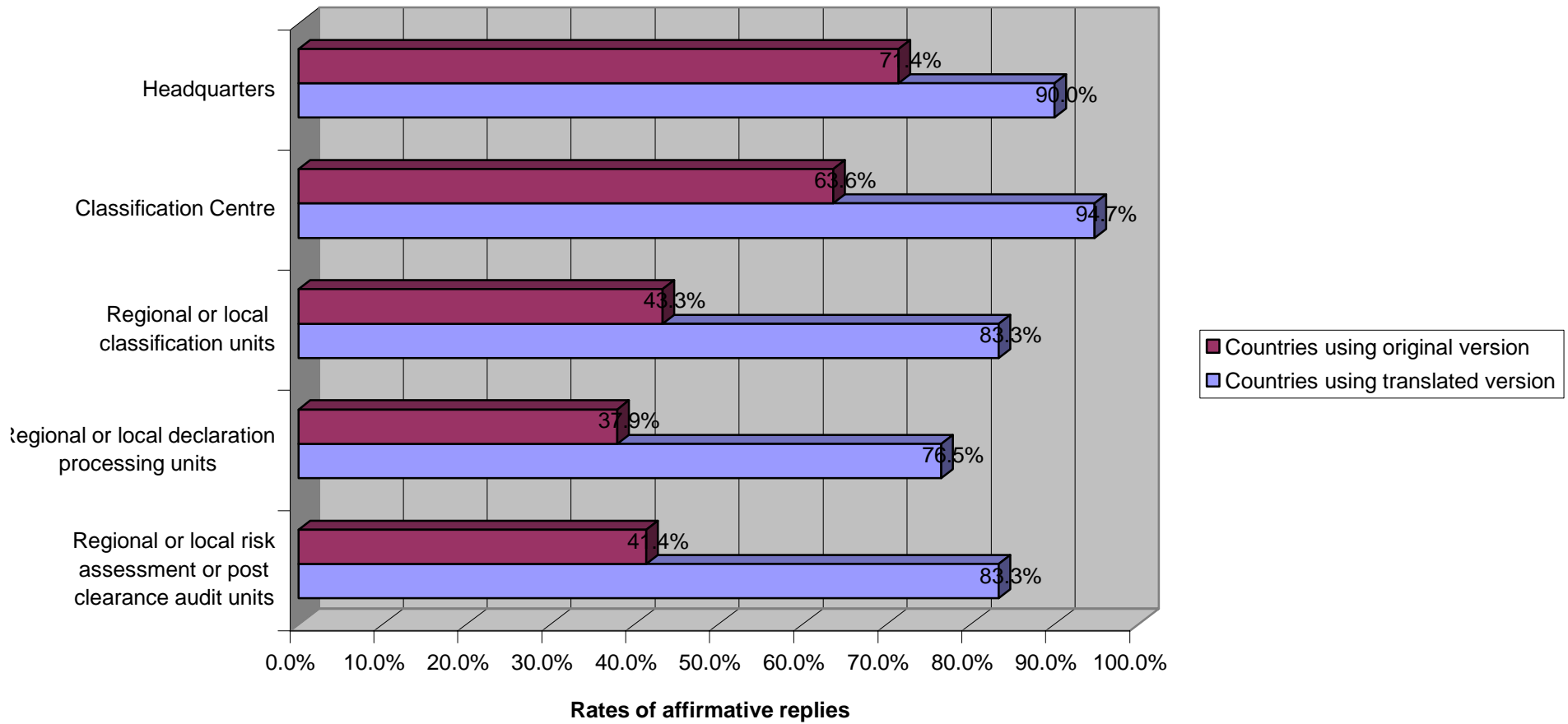


Chart 2. TYPES OF EXPLANATORY NOTES USED

