



HARMONIZED SYSTEM
COMMITTEE

-
25th Session

NC0228E1

O. Eng.

Brussels, 7 March 2000.

STUDY OF THE SCOPE OF THE TERMS "DOMESTIC" AND "HOUSEHOLD"
IN THE NOMENCLATURE AND THE EXPLANATORY NOTES

(Item IX.18 on Agenda)

Reference document :

NC0160E2, Annex H/19, paragraphs 12 and 13 (HSC/24 – Report)

I. BACKGROUND

1. In considering the classification of a chafing dish at the Committee's 24th Session, it was pointed out that the discussions had revealed a possible ambiguity in the legal texts vis-à-vis the terms "household" and "domestic", since these terms seemed to have been interpreted differently in headings 73.21 and 73.23. The Director informed the Committee that the Secretariat would look into this issue and would conduct, on its own initiative, a general study of the scope of the expressions "domestic" and "household" in the Nomenclature and the Explanatory Notes.

II. SECRETARIAT COMMENTS

2. The Secretariat has consulted the following dictionaries with a view to looking into the meaning of the terms "domestic" and "household" : (i) New Shorter Oxford English Dictionary, (ii) Webster's Third New International Dictionary and (iii) Grand Larousse Universel. It has also scrutinized the HS legal texts and the Explanatory Notes to see whether the terms are used interchangeably or are used with distinct scopes. The findings are set out below.

File No. 2805

3. The terms “domestic” and “household” are set out in the dictionaries consulted by the Secretariat, as follows (extracts) :

(a) **“Domestic” (French : “domestique”)** (adjective)

(i) The New Shorter Oxford English Dictionary

1. Of or pertaining to the home, house or household; pertaining to one’s home or family affairs;
2. Not wild; (of an animal) kept by or living with humans, tame; (of a plant) cultivated;
3. Having the character or position of the inmate of a house, housed;
4. Of or pertaining to one’s own country or nation; not foreign or international; indigenous; made in one’s own country, not imported;
5. Attached to home; fond of home life or duties.

(ii) Webster’s Third New International Dictionary

1. Enjoying intimate status (as in household); being familiar as if at home;
2. Relating to the household or the family : concerned with or employed in the management of a household or private place or residence – distinguished from public ; connected with the supply, service, and activities of households and private residences – distinguished from industrial ; suited to the physical requirements and livability of a private dwelling ; engaged in designing private dwellings ; belonging to or incumbent on the family or members of the family ; participated in by or emanating from members of a family ; peculiar to or affecting the intimate relations and amenities of a family group living together ; associated with family obligations and harmony ; dealing with the intimate life of a family group;
3. Relating and limited to one’s own country or the country under consideration or its internal affairs and interests;
4. Belonging or occurring within the sphere of authority or control or the fabric or boundaries of the indicated nation or sovereign state ; internal ; involving activities of or within the national government ; affecting the welfare of or experienced or participated in by the citizenry of the indicated country ; living and occupied within one’s own country ; carried on, operating or serving, produced, or distributed within the bounds of the indicated country or region ; applying only within these bounds ; indigenous ; domiciled in the home state of the regulatory authority concerned – used of an insurance company;
5. Living near or about the habitations of man ; domesticated, tame;
6. Devoted to home duties and pleasures.

(iii) Grand Larousse Universel (translation)

1. Of the family, private life; of family affairs;
2. Of household administration;
3. Of one’s own country, as opposed to foreign countries
4. Of an animal living with humans and trained to various levels of obedience depending on the species, with a view to obtaining production, service or pleasure (as opposed to “wild”);
5. Domestic staff : household servants.

(b) **“Household” (French : “Ménage”, “Ménager”, “Ménagère”)** (noun, verb or adjective)

(i) The New Shorter Oxford English Dictionary

1. The people living in a house ; a domestic establishment;
2. The maintaining of a house or family ; housekeeping;
3. The contents of a house;
4. Of or pertaining to a household ; domestic;
5. Intimate, homely;
6. Household appliances : a piece of equipment used in the house;
7. Household effects : the movable content of a house;
8. Household management : the management of domestic affairs.

(ii) Webster’s Third New International Dictionary

1. The maintaining of a house : housekeeping ; household goods and chattels;
2. Those who dwell under the same roof and compose a family : a domestic establishment ; a social unit comprised of those living together in the same dwelling place;
3. Of or relating to a household;
4. Familiar.

(iii) Grand Larousse Universel (translation)

“Ménage”

1. A couple living together and forming a domestic community;
2. A couple’s communal life,
3. All of what concerns domestic affairs and the running of the family;
4. All the work concerning the care and appearance of a house or home;
5. (“de ménage”) of products or accessories for the maintenance of the house; of products made at home or by traditional methods;

“Ménager” (verb)

1. To use something economically, sparingly, so as to make best use of it; to save, economize;
2. (...).

“Ménager/Ménagère” (adjective)

1. Connected with household things, housework or articles intended for the house; utensils, household equipment;
2. Of products made at home;
3. (*Enseignement ménager*) teaching of all matters relating to domestic tasks (= domestic science);
4. (*Equipement ménager*) All the domestic appliances operated by various energy sources (mechanical, electrical, gas, etc.) and intended to facilitate or even eliminate certain domestic tasks.

4. The Secretariat takes the view that the meaning given to the term “domestic” in paragraph 3, items (a) (i) 2 (Shorter Oxford), (a) (ii) 5 (Webster’s) and (a) (iii) 4 (Larousse) above, is obvious and that references to that term in the Explanatory Notes to headings 01.01 to 01.06, 02.01 to 02.04, and 02.07 and 02.09 (and in the French version of heading 01.05), should not pose any problem.

5. From the other definitions given in the above-referenced dictionaries, it appears clear that there is no sharp dividing line between the two terms, in fact several of the definitions refer back to the other term or overlap. It seems, therefore, that, on the basis of the texts given in the various dictionaries, it would not be possible to establish clear dividing lines between the terms for HS purposes, assuming that a distinction between the two terms were desirable.
6. To avoid having (very) long lists reproduced with references to places where the terms occur, the Secretariat suggests listing the references in the legal texts only. The following lists show the places where the terms “domestic” and “household” (or their French equivalents) are found in the legal texts (i.e., headings, subheadings or Chapter Notes) :

(a) **domestic** (or its French equivalent) :

<u>Headings</u>	
01.05	(French text)
39.24	(French text)
48.03	(French text)
48.18	(French text)
69.11	(French text)
69.12	(French text)
73.21	
73.23	(French text)
74.17	
74.18	(French text)
76.15	(French text)
84.19	
85.09	
85.16	
Subheading 8205.51	(French text)
Note to Chapter 1 (e) to Chapter 84 and Note 3 to Chapter 85	

(b) **household** (or its French equivalents) :

<u>Headings</u>	
39.24	(English and French texts)
48.03	(English text)
48.18	(English text)
69.11	
69.12	
73.23	
74.18	
76.15	
84.50	(English text)
<u>Subheadings</u>	
7615.1	
8205.51	(English text)
8418.2	
8422.11	
8423.10	
8452.10	
Note 10 to Chapter 71	(English text)
Note 3 to Chapter 85	(English text)

7. It should first be noted that none of the above-mentioned references include a definition of the terms at issue. However, from certain contexts (either legal texts or Explanatory Notes), the following could be construed :
- (a) The term “household” (or the expression “articles de ménage ou d’économie domestique” in French) does not include toilet articles (in French : “articles d’hygiène ou de toilette” (headings 39.24, 69.11 and 69.12). It is to be noted, however, that the English version of the Explanatory Note to heading 39.24 refers to “kitchenware” whereas the French version refers to “les ustensiles de ménage”, and that the category “other household articles” (in the English version) is referred to as “les autres articles d’économie domestique” in the French version;
 - (b) The expression “household purposes” does not include “sanitary purposes” and “hospital articles” (in the French version, the following expressions are used : “usages domestiques”, “usages d’hygiène ou de toilette” and “articles à usages hospitaliers”, respectively). The expression “household purposes” does not cover articles of apparel either (headings 48.03 and 48.18);
 - (c) The expression “household use” does not include “office or religious use” (Note 10 to Chapter 71 – English text only);
 - (d) The term “domestic” includes “household” (Note 3 to Chapter 85 – English text only);
 - (e) The expression “domestic appliances” applies to “appliances used in the household” (French : “Quant aux termes à *usage domestique* ... dans les ménages”) (Explanatory Notes to headings 85.09 and 85.16); and
 - (f) The term “domestic” covers “household” and “camping” (Explanatory Note to heading 73.21).
8. Secondly, it appears that the two terms can be used interchangeably, in particular when comparing the two language versions : in some cases the English version uses one term, whereas the French version uses the other term or both terms (see paragraph 7 above). This might, however, be caused by the fact that a certain group of articles might be covered by a specific name in one language, whereas the other language uses a more general term or expression.
9. Based on the above, the Secretariat considers that there would appear to be no situations in the HS which require a dividing line between “domestic” on the one hand and “household” on the other. In other words, there is no (sub)heading covering (certain) articles for domestic use versus a (sub)heading covering the same articles but for household use. Moreover, the Secretariat is not aware of any classification conflicts caused by the use of either of the terms, apart from the possible ambiguity referred to during the 24th HSC Session.
10. In conclusion, the Secretariat takes the view that there is no need to establish definitions in the HS delineating the scope of the two terms. The Secretariat also considers that the two terms do not differ in scope and are interchangeable, and that there is no need to align texts. However, if the Committee considers that a dividing line should be established, the Secretariat suggests that the Committee should first formulate the scope of each of the terms. This issue could, subsequently, be dealt with by the Review Sub-Committee.

III. CONCLUSION

11. The Committee is invited to express its views as to whether the terms “domestic” and “household” as referred to in HS texts and in the Explanatory Notes, have the same scope and, consequently, can be used interchangeably, taking into account the comments made by the Secretariat above.
 12. The Committee is also invited to decide what further action should be taken in respect of this issue (i.e., whether legal texts and Explanatory Notes should be aligned, and if so, what the scope of the respective terms should be) and whether this should be done by the Review Sub-Committee.
-