



WORLD CUSTOMS ORGANIZATION  
ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

NR0014E1

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19th Session

O. Eng.

H11-3

Brussels, February 1999.

PROPOSAL BY THE EC FOR AMENDMENT OF THE STRUCTURE OF HEADING 25.19

(Item II.A.14 on Agenda)

Reference documents :

42.244 RSC/18  
42.500 Annex B/7 (RSC/18 – Report)  
42.203 SSC/14  
42.850 Annex A/8 (SSC/14 – Report)

I. BACKGROUND

1. The Sub-Committee at its 18<sup>th</sup> Session examined the following proposal from the EC for the separate identification of “fused magnesia” and “dead-burned (sintered) magnesia” in heading 25.19 :  
  
25.19 Natural magnesium carbonate (magnesite); fused magnesia; dead-burned (sintered) magnesia, whether or not containing small quantities of other oxides added before sintering; other magnesium oxide, whether or not pure (unchanged)  
  
2519.10 - Natural magnesium carbonate (magnesite) (unchanged)  
2519.20 - Fused magnesia  
2519.30 - Dead-burned (sintered) magnesia  
2519.90 - Other
2. The EC had proposed to distinguish (i) both dead-burned and fused magnesia from the residual category by using a specific weight (bulk density) criterion and (ii) dead-burned magnesia from fused magnesia by using a crystal size criterion.

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3. At the 18<sup>th</sup> Session, the Delegate of the EC explained that the proposal was based on a request from the industry which distinguished the products. With regard to the questions raised by the Secretariat in Doc. 42.244, clarification was furnished by the industry association (EUROMETAUX) to the Secretariat. Since neither “end use” nor “manufacturing process” criterion would not be practical, the criteria suggested by the EC were essentially based on purity, specific weight and crystal size.
4. In view of the technical nature of the EC proposal, the Review Sub-Committee agreed that the matter be referred to the Scientific Sub-Committee for advice on the following questions :
  - (a) criterion or criteria (e.g., density, surface area, crystal size, purity or any combination thereof) that could be applied to clearly distinguish between “fused magnesia” and “dead-burned (sintered) magnesia”; and between these two types and the residual products (caustic-burned magnesia and other magnesium oxides);
  - (b) the analytical methods which could be used to test these criteria.
5. The Secretariat submitted the matter, including the clarification furnished by EUROMETAUX (see paragraph 3 above), to the 14<sup>th</sup> Session of the Scientific Sub-Committee. On the basis of its study, the Secretariat also requested the Scientific Sub-Committee to examine certain other possible criteria for the aforementioned purposes.

## II. CONCLUSIONS OF THE SCIENTIFIC SUB-COMMITTEE

6. The Scientific Sub-Committee at its 14<sup>th</sup> Session concluded as follows (see Annex A/8 to Doc. 42.850, SSC/14 – Report) :
  - 6.1. Purity in terms of magnesium oxide could not be used as a criterion to identify the various products covered by the EC proposal.
  - 6.2. Specific weight (bulk density) criterion : Distinction between dead-burned or fused magnesia and the residual category could be made by using specific weight (bulk density), but it was necessary to clarify the terminology proposed by the EUROMETAUX, in order to avoid any confusion amongst the terms “bulk density”, “specific gravity” and “tamped specific weight” that were often used by the industry but had different values. Further, there was no internationally accepted standard method to test this criterion.
  - 6.3. Crystal size criterion : Crystal size of dead-burned magnesia might well be over 150 microns, contrary to the information provided by EUROMETAUX, thus representing a risk of overlapping with the crystal size of fused magnesia (see Paragraph 13 of Doc. 42.203). Further, internationally accepted standard methods for measuring crystal size were not available. Some sophisticated methods such as scanning electron microscopy (SEM) or X-ray diffraction could be used, but these were quite expensive methods and were not available in the Customs laboratories of many administrations. Moreover, the workability of this criterion would depend on the form of presentation of the products concerned. For example, if fused magnesia were presented to Customs in powdered or crushed form, the crystal size criterion would not work.

- 6.4. Other possible criteria : The Sub-Committee was also reluctant to establish surface area, porosity and manufacturing method as criteria for distinguishing between the proposed categories of magnesia products.
- 6.5. Nevertheless, it was noted that there were other simpler criteria such as solubility in acid, carbonate content, iron- or chromium oxide content, etc., but all had certain weaknesses in respect of distinguishing between the proposed categories.
- 6.6. After discussion, the Sub-Committee could not reach a consensus on the parameters suggested by the EC as criteria for distinguishing between the proposed subheadings 2519.20 (fused magnesia), 2519.30 (dead-burned magnesia) and 2519.90 (products of the residual category), especially on the threshold values to be associated therewith. Also, a range of simple to sophisticated methods for testing these parameters were available, but they were not internationally agreed standard methods.
- 6.7. Finally, it was noted that, if the Review Sub-Committee wished to amend, subject to the above considerations, the structure of heading 25.19 so as to provide separate subheadings for fused magnesia and dead-burned magnesia :
- (a) it would be more logical to reverse the sequence of “fused magnesia” and “dead-burned (sintered) magnesia” in the proposed structure; and
  - (b) it would be necessary to review the Explanatory Note to heading 25.19.

### III. CONCLUSION

7. Taking into account the conclusions of the Scientific Sub-Committee, the Review Sub-Committee is invited to re-examine the EC proposal and to indicate whether the proposal should be pursued. If so, the Sub-Committee is requested to instruct the Secretariat what further action should be taken in this respect.
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