



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0023E1

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19th Session

O. Eng.

H11-3

Brussels, February 1999.

POSSIBLE AMENDMENTS TO HEADING 90.09

(Item II.A.23 on the Agenda)

Reference documents:

- 42.498 (RSC/18)
- 42.500 Annex B/19 (RSC/18 – Report)
- 42.406 (RSC/18)
- 42.750 Annex E (HSC/22 – Report)

I. BACKGROUND

1. At its 18th Session (September 1998), the Review Sub-Committee examined possible amendments to heading 90.09, to provide for multifunctional photocopying apparatus in the HS. The Sub-Committee agreed to pursue the question at its next session and to leave it to the HS Committee to determine the classification of the apparatus in question. The Brazilian Administration was requested to present trade statistics as well as technical information on the mechanism of the apparatus (i.e., whether the apparatus in question incorporate an optical system).
2. At its 22nd Session, the HS Committee took note of the developments on this issue.
3. Following the decision of the Review Sub-Committee, the Secretariat sent two faxes to the Brazilian Administration (one on 24 November 1998 and another on 14 January 1999) requesting complementary information. So far, the Secretariat has received no response. Efforts to find information in the manufacturer's brochure on the Internet have also been fruitless.

File No. 2755

II. SECRETARIAT COMMENTS

4. According to the information contained in Doc. 42.498, Annex II, it would appear that the apparatus in question incorporate essentially a digital scanner and a digital memory, therefore, the Secretariat wonders whether these apparatus are really photo-copying apparatus within the meaning of heading 90.09. Moreover, photo-copying apparatus of heading 90.09 must necessarily incorporate an optical system unless they are of the contact type. In the absence of further technical information, it is not clear that the apparatus at issue are classifiable in Chapter 90; classification in Chapter 84 might be appropriate. The Brazilian proposal is set out in Annex I to Doc. 42.498.

III. CONCLUSION

5. Taking into account the Secretariat's comments in paragraph 4 above, the Sub-Committee is invited to decide what further action should be taken in the matter.
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