



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0259E1

-
25th Session
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O. Eng.

Brussels, 13 February 2002.

POSSIBLE AMENDMENTS TO THE NOMENCLATURE
REGARDING THE CLASSIFICATION OF CAMERAS

(Item III.A.4 on Agenda)

Reference documents :

NC0055E1 (HSC/23)	NR0141E1 (RSC/23)
NR0072E2, Annex C, paragraph 94 (RSC/20 – Report)	NR0152E1 (RSC/23)
NR0086E1 (RSC/21)	NR0165E2, Annex D/8 (RSC/23 – Report)
NR0093E1 (RSC/21)	NR0173E1 (RSC/24)
NR0095E1 (RSC/21)	NR0199E1 (RSC/24)
NR0101E2, Annex B/12 (RSC/21 – Report)	NR0205E2, Annex C/5 (RSC/24 – Report)
NR0101E2, Annex E/15 (RSC/21 – Report)	NR0214E1 (RSC/25)
NR0118E1 (RSC/22)	NR0234E1 (RSC/25)
NR0133E2, Annex D/8 (RSC/22 – Report)	

I. BACKGROUND

1. On 7 December 2001, the Secretariat received the following note from the **Japanese Administration**.

II. NOTE FROM THE **JAPANESE** ADMINISTRATION

2. “**Japan** would not agree to the proposal for amending the Nomenclature to transfer television cameras, video camera recorders and digital cameras of heading 85.25 to heading 90.06. We believe that television cameras, video camera recorders and digital cameras should remain classified in Section XVI as electrical apparatus given their technical characteristics.

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

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3. As to the nature of Chapters 85 and 90, it should be noted that Chapter 85 covers electrical machines, whereas Chapter 90 covers instruments, inter alia, optical instruments, e.g., photographic apparatus. Therefore, as far as the technical characteristics are concerned, there is a great difference between goods classified under Chapter 85 and goods classified under Chapter 90.
4. Under the 2002 version of the Harmonized System, cameras of heading 85.25 are electronic machines since they capture images by means of light-sensitive integrated circuits such as CCDs or CMOS sensors and convert them into electronic signals. Converted images can be processed in various ways, for instance, displayed, edited, or recorded on a built-in memory or recording media such as flash memory cards, that are used for the cameras themselves or for connected apparatus of Section XVI such as ADP machines.
5. Cameras of heading 90.06 are photographic instruments that irreversibly change silver halide film exposed to light by a chemical reaction.
6. Bearing in mind the fact that Chapter 85 is the Chapter for electrical machines and that under the 2002 version of the Harmonized System, cameras of heading 85.25 are electronic machines, they should remain classified in heading 85.25.
7. Another point to be considered is that apparatus of Section XVI are without exception subject to the Notes to that Section (e.g., Note 3 to Section XVI), so that they can be classified under their appropriate headings. Apparatus not classified under Section XVI are not subject to these Notes. Therefore, if cameras of heading 85.25 were transferred to Chapter 90, apparatus of Section XVI incorporating cameras such as video-phones of heading 85.17 would not be subject to Note 3 to Section XVI and would thereby be transferred to heading 90.06 since Note 1(m) to Section XVI excludes from that Section articles of Chapter 90. Consequently, Japan believes that a transfer of cameras of heading 85.25 to heading 90.06 would be a radical change that should be avoided.

III. CONCLUSION

8. The Sub-Committee is invited to take account of the Note from the Japanese Administration when it examines this agenda item.
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