



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
26th Session
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(+ Annex)

O. Eng.

Brussels, 10 July 2002.

COMPREHENSIVE REVIEW OF THE EXPLANATORY NOTES

POSSIBLE AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 29.37

(Item III.C.2. on Agenda)

Reference documents :

NS0060E2, Annexes A/1 and A/6 (SSC/17 – Report)
NC0590E2, Annexes E/1 and L/10 (HSC/29 – Report)

I. BACKGROUND

1. The Secretariat has prepared a list of items which may require amendments to the Explanatory Notes, mainly on the basis of certain classification issues discussed at previous sessions of the Scientific Sub-Committee, and invited administrations to put forward their proposals regarding these areas as well as any other proposals they might have in the framework of the comprehensive review of the Explanatory Notes.
2. At the time of preparing this document the Secretariat had not yet received comments and proposals from administrations regarding the possible amendment of the Explanatory Note to heading 29.37 in relation to new Note 8 to Chapter 29.

II. SECRETARIAT COMMENTS

3. New Note 8 to Chapter 29 with regard to hormones and related products was introduced in the 2002 edition of the Harmonized System and the classifications of certain chemical products under HS 2002 were discussed in connection with this new Note during the 17th Session of the Scientific Sub-Committee and approved by the Harmonized System Committee at its 29th Session (see Annexes E/1, L/10, and L/12 to Doc. NC0590E2).

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5. In order to provide guidance with regard to the interpretation of new Note 8 to Chapter 29, some of these classification decisions could be reflected in the Explanatory Notes in the form of examples. The Secretariat has therefore prepared proposed amendments to the Explanatory Note to heading 29.37. The proposed amendments are reproduced in the Annex to this document.

Insertion of a new example of a polypeptide hormone and its analogue

6. Metreleptin (INN) was considered to be an analogue of the polypeptide hormone leptin and classified in subheading 2937.19 by application of Note 8 to Chapter 29 (see Annex A/1 to Doc. NS0060E2 and Annexes E/1 and L/10 to Doc. NC0590E2). The Secretariat has therefore proposed to include a reference to leptin and its analogue in the list of polypeptide hormones, protein hormones and glycoprotein hormones, their derivatives and structural analogues as new Item (20) of the Explanatory Note to heading 29.37 on page 472.

Insertion of a new example of a growth hormone antagonist

7. Pegvisomant (INN) has been classified as a growth hormone antagonist in subheading 2937.19 by application of Note 8 to Chapter 29 (see Annex A/1 to Doc. NS0060E2 and Annexes E/1 and L/10 to Doc. NC0590E2). The Secretariat has therefore proposed to amend the last sentence of Item (1) concerning somatotropin (growth hormone), its derivatives and structural analogues on page 471 of the Explanatory Notes to include the reference "... and antagonists such as pegvisomant (INN)" (emphasis added).

Exclusions from heading 29.37

8. Following the examination of the scope of new heading 29.37 by the Scientific Sub-Committee (see Annex A/6 to Doc. NS0060E2) and the subsequent classification of certain INN products elsewhere than in heading 29.37 (see Annexes E/1 and L/12 to Doc. NR0590E2), the Secretariat has proposed new exclusions in the Explanatory Notes to heading 29.37 on page 482.
9. The proposed new exclusion (c) is based on the conclusion of the Scientific Sub-Committee (see Annex A/6 to Doc. NS0060E2) that neuromodulators and neurotransmitters such as dopamine, acetylcholine, serotonin and histamine, products related to neuromodulators or neurotransmitters, such as their receptor agonist and antagonists, should not be considered to be hormones of heading 29.37.
10. The proposed new exclusions (d), (e) and (f) follow the conclusion of the Scientific Sub-Committee that products related to endothelin receptor antagonists, growth factors and NMDA receptor antagonists should not be considered to be hormones of heading 29.37.
11. The proposed new Item (6) reflects the fact, that neither the text of heading 29.37, nor Note 8 to Chapter 29, refer to antagonists of tromboxanes and leukotrienes. Agents influencing the respiratory tract belonging to the category of antagonists of tromboxanes and leukotrienes should therefore be excluded from heading 29.37.

12. However, the Secretariat has no information as to whether such products are significant enough in the international trade in order to be reflected in the Explanatory Notes.

III. CONCLUSION

13. Taking into account the Secretariat's comments above, the Review Sub-Committee is invited to consider the proposed amendments to the Explanatory Note to heading 29.37, as set out in the Annex to this document. In view of the technical nature of this matter, the Review Sub-Committee might wish to first refer it to the Scientific Sub-Committee for its advice.

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