



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
21st Session
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NR0083E1
(+ Annexes I – VII)
O. Eng.

H3-1

Brussels, .

AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 85.18 REGARDING

MICROPHONES AND SPEAKERS

(Item II.A.10 on Agenda)

Reference document :

41.600, Annexes K/8 and L/8 (HSC/20 – Report)
NC0090B2, Annexes IJ/27 and M/12 (HSC/23 – Report)
NR0063B1 (RSC/20)
NR0072E2, Annex C, paras. 88 and 89 and Annex D/16 (RSC/20 - Report)

1. At its 20th Session, the Review Sub-Committee examined possible amendments to the Explanatory Notes to heading 85.18. When reviewing the new third paragraph to heading 85.18, the Sub-Committee agreed to examine the following alternative text proposed by the US Administration, in addition to the text in Doc. NR0063B1. Following modifications, the Sub-Committee agreed to place both texts in square brackets, and to reconsider this issue at its next session.

“[This heading also covers sets consisting of a microphone and one or more loudspeakers. These include sets connected to a central unit or a central system including an amplifier, designed to meet the individual needs of the various participants at conferences (e.g., the delegates, the chairman, the interpreters); the loudspeaker therefore delivers only low-intensity sound signals.]” (Secretariat proposal)

or

“[The heading also covers sets consisting of a microphone and one or more loudspeakers, which may include a headphone or earphone. [The aforementioned may be fitted together to form a whole.] The loudspeakers deliver only low-intensity sound signals as the sets are designed to be connected to a central unit or control system which includes an amplifier for use, for example, by participants at meetings or conferences.]” (US proposal)

2. The Chairman noted that the Sub-Committee had some concerns regarding the expression “fitted together to form a whole”. Administrations were encouraged to send in written texts to be examined at the next meeting of the Review Sub-Committee.

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II. SECRETARIAT COMMENTS

3. The Secretariat has received a number of comments from administrations and these are set out in the Annexes to the present document. While the majority of the comments are self-explanatory and, as a result, the Secretariat will not comment on them, the Secretariat would like to respond to the comments made by the Israeli Administration.
4. The Israeli Administration, in paragraph 6 of its Note, raises some questions regarding the proposed new third paragraph in reference to loudspeakers that “deliver only low-intensity sound signals”. The results of the Secretariat’s research on the origins of this phrase confirm the points detailed in the Canadian Administration’s Note found in Annex I of this document. In addition, the Secretariat, having reviewed the technical publications at its disposal, has also been unable to find a definition that uses this phrase. Consequently, the Secretariat could agree to delete the phrase “low-intensity sound signals”. Having reviewed all of the proposals before the Sub-Committee, the Secretariat has a preference for the Canadian text based on its simplicity and clarity.

III. CONCLUSION

5. The Sub-Committee is invited to consider the comments from administrations contained in the annexes to this document as well as the Secretariat’s comments when it examines this agenda item.

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NOTE FROM THE CANADIAN ADMINISTRATION

Our administration has reviewed the text for the Explanatory Note to heading 85.18, Part (C), page 1477, new third paragraph, as it relates to “microphones and one or more loudspeakers, which may include a headphone or an earphone”. We believe that the alternate text proposed by the US Administration for the Explanatory Note to this heading which appears in [] brackets is not completely accurate:

“The heading also covers sets consisting of a microphone and one or more loudspeakers, which may include a headphone or earphone. [The aforementioned may be fitted together form a whole.] The loudspeakers deliver only low-intensity sound signals as the sets are designed to be connected to a central unit or control system which includes an amplifier for use, for example, by participants at meetings or conferences.”

We suggest that the text would be clearer and more precise if it read as follows:

“The heading also covers sets consisting of a microphone and one or more loudspeakers which may be fitted together to form a whole. A headphone or earphone may be included with the set for private listening. These sets are plugged into or connected to a central control system which includes an amplifier. These units may be used by participants at meetings or conferences.”

The above text, addresses our concern regarding the phrase “The aforementioned may be fitted together to form a whole”. As well, the reference to “low-intensity sound signals” has been deleted from our proposal. Our research indicates that when the CCCN was being updated to the HS, the Committee determined that a new heading should be created to group headphones and earphones in the same heading with microphones and loudspeakers. The Committee incorporated the definition from the Encyclopédie des sciences industrielles-Quillet which defines a headphone and incorporated it directly into the Explanatory Note so that the note reads as it does today: “Headphones and earphones are electroacoustic receivers used to produce low-intensity sound signals. Like loudspeakers, they transform an electrical effect into an acoustic effect; the means used are the same in both cases, the only difference being the in the powers involved”. Our administration has consulted several electronics dictionaries, and has not been able to find a definition that uses the phrase “low-intensity sound signal”. The McGraw-Hill Electronics Dictionary defines an earphone as “A small, lightweight electroacoustic transducer that fits inside the ear, to function the same as a headphone or telephone receiver”. This same dictionary defines a headphone as “An electroacoustic transducer designed to be held against the ear by a clamp passing over the head, for private listening to the audio output of a communication, radio, or television receiver or other source of audio frequency signals. Usually used in pairs, one for each ear, with the clamping strap holding both in position”. We are not clear on what the reference to “low-intensity sound signal” means and are of the opinion that it does not contribute to the Explanatory Note. Accordingly, our administration proposes that it be deleted from the Explanatory Note.

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NOTE FROM THE ISRAELI ADMINISTRATION

Subject : Part (C) of the Explanatory Note to heading 85.18 on page 1477

1. The proposal to amend the text of subheading 8518.30 and the corresponding part of heading 85.18 was the result of realizing that the English and French texts were not aligned and that the English expression “combined microphone/speaker sets” seemed to be ambiguous (Docs. 40.558, 40.621 and 42.243).
2. In Doc. 40.261, apparatus whose major constituents were built-in loudspeaker and microphone were considered. In light of this apparatus, the Secretariat suggested amending subheading 8518.30, English version, to “Headphones and earphones, whether or not combined with a microphone, and apparatus consisting of a microphone and loudspeaker fitted together to form a whole”.
3. The amended text of subheading 8518.30 which was finally adopted, refers to “sets consisting of a microphone and one or more loudspeakers” in place of “apparatus consisting of a microphone and loudspeaker fitted together to form a whole”. As pointed out by the Canadian Administration (Doc. 40.558, paragraph 6), “sets” consist of separate articles put up and used together, as defined in the HS concerning “goods put up in sets for retail sale”. This would seem to contradict the term “loudspeaker fitted together to form a whole” and exclude the apparatus referred to in 2) above (Doc. 40.261). There is no definition in the HS for “sets” other than those of “goods put up in sets for retail sale”. Sets such as “travel sets” (HS heading 96.05) fall within this definition.
4. Although a number of apparatus are referred to in English as “sets”, specifically telephone sets, radio sets and television sets, these items have been specifically given this term.
5. The proposed Explanatory Note new third paragraph implies that only a specific type of set is excluded, i.e., that which is “connected to a central unit or central control system” etc. (Doc. NR0063B1) or “connected to a central unit or control system” etc. (Doc. NR0072E2). This seems to be an extremely narrow understanding of the text as written. The apparatus covered by the text may be better represented if the word “central” is excluded.
6. The proposed Explanatory Note new third paragraph further explains that the loudspeakers referred to in the subheading text are of the type which “deliver only low-intensity sound signals”. The questions arise as to what are the limits of low-intensity sound signals and which type of loudspeakers deliver such signals.
7. We therefore suggest that the following be clarified :
 - (i) The definition of the term “sets” used in the new subheading text;
 - (ii) The definition of loudspeakers which are able to deliver only low-intensity sound signals.

We further suggest that the new paragraph of the Explanatory Note reflect these clarifications.

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NOTE FROM THE POLISH CENTRAL BOARD OF CUSTOMS

Subject : Part (C) of the Explanatory Note to heading 85.18 on page 1477

In reply to your faxed letter dated the 9th of November 1999, concerning the proposal of the expression "fitted together to form a whole", the Polish Central Board of Customs is sending you our written proposals on the above question, because of some difficulties we are experiencing in translating the word "fitted" into Polish in this particular case.

We would like to propose **instead** of the expression "**fitted together to form a whole**", the following (at your choice) :

- (1) **combined to form a whole,**
- (2) **joined together to form a whole**
- (3) **connected together to form a whole**
- (4) **being integral.**

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NOTE FROM THE REPUBLIC OF SLOVENIA

We submit a proposal relating to the Part (C) of the Explanatory Note to Heading 85.18 on page 1477, as follows :

“This heading also covers sets consisting of a microphone and one or more loudspeakers. These sets may also include a headphone or earphones. Sets are designed to be connected to a central unit or control system which includes an amplifier, designed to meet the individual needs of the various participants at conferences or meetings (e.g., the delegates, the chairman, the interpreters); the loudspeaker therefore delivers only low-intensity sound signals.

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NOTE FROM THE PERUVIAN ADMINISTRATION

I wish to acknowledge receipt of the document in which you invite us to submit proposals in writing about the expression "fitted together to form a whole".

In this regard, Mr. Kappler, I would like to express that the ADUANAS' point of view about the above expression is that this is a term which limits the content of heading 85.18 to only those apparatus that present a microphone and one loudspeaker fitted together to form a whole. However, the expression "apparatus consisting of a microphone and one or more loudspeaker" is wider and even includes those apparatus used in a meeting or conference in a simultaneous way where the participants, interpreter and president can speak. For that reason, we agree with the last position, and also agree with the inclusion in the text of heading 85.18, as well as in Part (C) of the Explanatory Note, page 1477, and in the third paragraph of these Notes.

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NOTE FROM THE OFFICE OF THE REVENUE COMMISSIONERS

Subject : Part (C) of the Explanatory Note to Heading 85.18 on page 1477

Your letter of 9th November 1999 addresses to Commissioner Daly in relation to the above matter has been referred to me for attention. In relation to the proposed amendment to the Explanatory Note to heading 85.18, this Administration has no particular difficulty with the expression "fitted together to form a whole". However, we will await the further proposals in the form of a Working Document to be prepared by the Secretariat and consider our position further at that time.

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NOTE FROM THE MOROCCAN ADMINISTRATION

In your letter of 10 November 1999, you informed me of the Review Sub-Committee's decision at its 20th Session to place in square brackets the text prepared by the Secretariat (Doc. NR0063B1) and a new text by the USA, both relating to Part (C) of Explanatory Note 85.17, page 1477, so that they could be re-examined at the next Session.

In response, please note that the Administration of Morocco approves both proposals for the new third paragraph for Part (C), page 1477, but wishes to supplement them as follows :

"Apparatus consisting of a microphone and a loudspeaker fitted together to form a whole and sets consisting of a microphone and one or more loudspeakers, connected to a central unit or a central system including an amplifier, are designed to meet the individual needs of the various participants at conferences (e.g., the delegates, the chairman, the interpreters, etc.), given that the loudspeaker delivers only low-intensity sound signals".
