



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0135E1

-
23rd Session
-

O. Eng.

Brussels, 8 February 2001.

DECISIONS TAKEN BY THE HARMONIZED SYSTEM COMMITTEE
AT ITS 26th SESSION CONCERNING THE REPORT OF THE 22nd SESSION
OF THE REVIEW SUB-COMMITTEE AND PENDING QUESTIONS

(Item II.1 on Agenda)

Reference documents :

NR0133E2 (RSC/22 - Report)
NC0340E2, Annex E (HSC/26 – Report)

I. SECRETARIAT COMMENTS

1. The Secretariat is of the opinion that it is useful to have, in one document, the decisions taken by the Harmonized System Committee concerning the Report of the Review Sub-Committee and pending questions. This was first done at the 21st Session of the Review Sub-Committee (Agenda Item II.A.1) and the Secretariat proposes to continue this procedure.
2. To facilitate the work of the Review Sub-Committee, the Secretariat, in this document, presents (1) a brief account of the decisions taken by the Committee at its 26th Session, and (2) the questions postponed and included as separate Agenda Items for the RSC, SSC, or HSC. In the latter case, there is a reference to the Item concerned if it is for the 16th Session of the SSC or the 23rd Session of the RSC.

II. DECISIONS OF THE COMMITTEE (HSC/26)

3. The conclusions reached by the Committee at its 26th Session, as set out at Annexes E/1 and E/2 to Doc. NC0340E2, are as follows :

General questions (paragraph 4 of the above-mentioned Annex E/1)

- 3.1 The Committee endorsed the conclusions of the Review Sub-Committee on the scope of the 3rd HS Review Cycle. (Annex B/2 to Doc. NR0133E2).

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Technical questions

- 3.2 The Committee unanimously adopted (for HS 2002) the Explanatory Note amendments to heading 08.05 as set out in Annex E/1 to Doc. NR0133B2.
- 3.3 The Committee unanimously agreed to the proposal by the Canadian Administration in Doc. NC0332E1 concerning an amendment of the Explanatory Note to heading 40.10 as set out in Annex E/2 to Doc. NR0133B2.
- 3.4 The Committee examined the amendment of the Explanatory Notes to Chapter 41. With respect to the texts placed in square brackets by the Sub-Committee, the Committee decided to delete :
- (i) the term “light” from the Explanatory Notes to headings 41.01, 41.02 and 41.03;
 - (ii) the term “into leather” from the Explanatory Notes to headings 41.04, 41.05 and 41.06 (English text only); and
 - (iii) the term “bastards” from the French version of the Explanatory Notes to headings 41.05 and 41.12.
- 3.5 Subject to certain minor editorial modifications, the Committee adopted (for HS 2002) the amendments set out in Annex E/3 to Doc. NR0133B2.
- 3.6 The Committee examined the amendment of the Explanatory Note to heading 85.25. With respect to the texts placed in square brackets by the Sub-Committee, the Committee decided to :
- (i) keep the term “or digital” in the first paragraph of part (1). Consequently, the square brackets around this term were removed;
 - (ii) delete the term “external” and the last sentence “The signals may also be transmitted by telephone line” from the second paragraph of part (1); and
 - (iii) delete the expression “on internal storage media” from the first sentence of the first paragraph of part (3).
- 3.7 In this context, the Committee also considered a US proposal concerning certain modifications to the text proposed by the Review Sub-Committee. The Committee decided to replace the following portions of the texts with the texts proposed by the US, subject to certain drafting changes :
- (i) Third paragraph of part (1);
 - (ii) Second sentence of the first paragraph of part (3); and
 - (iii) Second and third sentences of the second paragraph of part (3).
- 3.8 Subject to the above, the Committee adopted (for HS 2002) the amendments set out in Annex E/4 to Doc. NR0133B2.

- 3.9 The Committee examined possible amendments to the Nomenclature to clarify the distinction between headings 19.05 and 20.05. Subject to the deletion, from the French text, of the expression “ordinaire ou fine” which did not appear in the text of heading 19.05, the Committee provisionally adopted (for HS 2007) the amendments set out in Annex E/5 to Doc. NR0133B2.
- 3.10 The Committee examined the possible amendment of the text of heading 83.09 in order to align the French and English versions. The Committee provisionally adopted, by Article 16 procedure (for HS 2007), the amendments set out in Annex E/9 to Doc. NR0133B2. The Committee also unanimously adopted the same amendments by corrigendum, as well as the corresponding Explanatory Note amendments consequential upon the above corrigendum amendments.
- 3.11 The Committee examined possible amendments to Note 2 (n) to Chapter 48, Note 1 (e) to Chapter 56 and Note 5 (h) to Chapter 59. The Committee provisionally adopted (for HS 2007), the amendments set out in Annex E/10 to Doc. NR0133B2. The Committee also provisionally adopted the corresponding Explanatory Note amendments (for HS 2007).
- 3.12 The Committee examined the possible amendment of Note 3 (a) to Chapter 64. The Committee provisionally adopted (for HS 2007), the amendments set out in Annex E/11 to Doc. NR0133B2.
- 3.13 The Committee examined the possible replacement of Subheading Note 1 (a) to Section XI regarding elastomeric yarn by a new Note to Section XI. The Committee provisionally adopted (for HS 2007) the amendments set out in Annex E/12 to Doc. NR0133B2.
- 3.14 The Committee examined the issue of amendments to the legal texts consequential upon the amendments to the Recommendation of 25 June 1999 to be made by corrigendum together with Agenda Item III.3 (HSC/26) concerning corrigendum amendments to the Article 16 Recommendation of 25 June 1999.
- 3.15 In this respect, the Committee provisionally adopted, by Article 16 procedure, the amendments set out in Annex E/8 to Doc. NR0133B2, bearing in mind that these amendments would be included in the next Article 16 Council Recommendation concerning amendments to the HS Nomenclature (for HS 2007). The Committee also unanimously adopted the same amendments by corrigendum, as well as the corresponding Explanatory Note amendments consequential upon above corrigendum amendments.

III. PENDING QUESTIONS

Working Group

4. Pursuant to the provisions of paragraph 8 of Article 6 of the HS Convention, the Committee unanimously decided to establish a Working Group with a view to updating and clarifying Note 5 to Chapter 84. The Working Group would report directly to the Review Sub-Committee.

Possible amendments to the Nomenclature regarding the classification of sauces
(Annex E/1 (paragraph 15) to Doc. NC0340E2, HSC/26 - Report).

5. The Committee took note of the conclusions of the Review Sub-Committee, in Annex D/1 to Doc. NR0133B2, that this issue should be examined on the basis of the results of the HS Committee's examination with regard to the relevant parts of the Explanatory Notes (see Item III.A.1 of RSC/23 Agenda).

Possible amendments to Note 1 (c) to Chapter 41 regarding hides and skins of camels
(Annex E/1 (paragraph 19) to Doc. NC0340E2, HSC/26 - Report).

6. The Committee examined possible amendments to Note 1 (c) to Chapter 41 regarding hides and skins of camels. The Chairman pointed out that present Note 1 (b) to Chapter 51 made reference to the hair of "camel", noting that this Note would perhaps need to be amended as well. Further, another delegate wondered whether the proposed amendments would result in any product transfer from other headings of the Nomenclature.
7. The Committee decided to refer the matter back to the Review Sub-Committee to study the above-mentioned questions (see Item III.A.2 of RSC/23 Agenda).

Proposal by Canada to amend the Nomenclature and Explanatory Notes to Chapter 54
(Annex E/1 (paragraph 20) to Doc. NC0340E2, HSC/26 - Report).

8. The Committee took note of the fact that the proposal by the Canadian Administration to amend the Nomenclature and Explanatory Notes to Chapter 54 would be re-examined by the Review Sub-Committee at its next session (see Item III.A.3 of RSC/23 Agenda), following examination by the Scientific Sub-Committee at its 16th Session (see Annex A/5 to Doc. NS0034E2).

Possible amendments to the Nomenclature and Explanatory Note to heading 84.42
(Annex E/1 (paragraph 22) to Doc. NC0340E2, HSC/26 - Report).

9. The Committee took note of the fact that the possible amendments to the Nomenclature and Explanatory Note to heading 84.42 would be re-examined by the Review Sub-Committee at its next session (see Item III.A.4 of RSC/23 Agenda).

Possible amendments to the Nomenclature and the Explanatory Note to heading 84.71
(Annexes E/1 (paragraph 23) and H/1 to Doc. NC0340E2, HSC/26 - Report).

10. The Committee took note of the Review Sub-Committee's conclusions concerning developments vis-à-vis the possible revision of the Explanatory Note to heading 84.71 (bearing in mind that the Committee had not yet concluded its discussions on the classification of all products concerned). RSC/23 Agenda Item III.A.5 deals with this issue.

Possible amendment of the text of heading 85.25 to clarify the classification of cameras
(Annex E/1 (paragraph 24) to Doc. NC0340E2, HSC/26 - Report).

11. The Committee took note of the fact that the possible amendment of the text of heading 85.25 to clarify the classification of cameras would be examined by the Review Sub-Committee, taking into account the Committee's decision on the reservation on the classification of the "Color Quick-Cam" (see Item III.A.6 of RSC/23 Agenda).

Possible amendment of Note 5 (B) to Chapter 85

(Annex E/1 (paragraph 25) to Doc. NC0340E2, HSC/26 - Report).

12. The Committee took note of the fact that the possible amendment of Note 5 (B) to Chapter 85 would be re-examined by the Review Sub-Committee on the basis of information arising out of the examination of the classification question to be submitted by the South African Administration (see Item III.A.7 of RSC/23 Agenda).

Amendment to the text of subheading 9021.10 in order to align the French and English versions

(Annex E/1 (paragraph 26) to Doc. NC0340E2, HSC/26 - Report).

13. The Committee took note of the fact that the amendment of the text of subheading 9021.10 in order to align the French and English versions would be re-examined by the Review Sub-Committee at its next session (see Item III.A.8 of RSC/23 Agenda).

Possible amendment to the Nomenclature and the Explanatory Notes to Chapter 24

(Annex G/2 to Doc. NC0340E2, HSC/26 - Report).

14. Following its decision to classify non-aromatic cut tobacco in heading 24.03, the Committee also decided that a study of the legal texts and Explanatory Notes to Chapter 24 was required. Administrations were therefore invited to submit information and proposals so that the Review Sub-Committee could prepare the necessary amendments. RSC/23 Agenda Item III.A.9 deals with this issue.

Study with a view to amending the structure of Chapter 87

(Annex G/8 to Doc. NC0340E2, HSC/26 - Report).

15. At its 26th Session, the Committee examined the question of whether the Explanatory Note to heading 87.02 should be amended. The Committee recalled that this question would be examined by the Review Sub-Committee, as a result of the Committee's decision on the classification of the "TATA SUMO 483" motor vehicle (see Annex G/8 of Doc. NC0340B2). RSC/23 Agenda Item III.A.9 deals with this issue.

Study with a view to amending the structure of heading 73.21

(Annex IJ/1 to Doc. NC0340E2, HSC/26 - Report).

16. At its 26th Session, the Committee, after classifying a non-electric barbecue, envisaged a study to amend the structure of heading 73.21 for submission to the next session of the Review Sub-Committee (see Item III.A.11 of RSC/23 Agenda).

IV. CONCLUSION

17. The Sub-Committee is invited to take note of the decisions taken by the HSC at its 26th Session concerning the Report of the 22nd Session of the Review Sub-Committee, as well as the other questions which are the subject of separate Agenda Items for the SSC, RSC or HSC.