



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0145E1

-
23rd Session
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O. Eng.

Brussels, 9 February 2001.

STUDY WITH A VIEW TO AMENDING THE STRUCTURE OF CHAPTER 87

(Item III.A.10 on Agenda)

Reference documents :

NC0056E1 (HSC/23)	NC0234E1 (HSC/25)
NC0145E1 (HSC/24)	NC0250E2, Annexes H/15 and IJ/16 (HSC/25 – Report)
NC0160E2, Annex H/7 (HSC/24 – Report)	NC0290E1 (HSC/26)
NC0162E1 (HSC/24)	NC0340E2, Annexes G/8 and G/21 (HSC/26 – Report)
NC0227E1 (HSC/25)	

I. BACKGROUND

1. At its 26th Session, the Harmonized System Committee examined, in connection with the classification of the “TATA SUMO 483” motor vehicles, a Brazilian proposal comprising :
 - (i) The addition to the Explanatory Note to heading 87.02 of the language designed to make it clear that the passenger space and seats of vehicles of that heading must have dimensions sufficient to accommodate ten or more adults of normal height and weight (1.70 m and 70 kg, respectively) and
 - (ii) The submission of this question [to the Review Sub-Committee] for discussion with a view to the insertion of a Note to Chapter 87 within the context of the current round of the HS review.
2. One delegate pointed out that the legal texts of headings 87.02 and 87.03 were clear enough to decide on the classification of the vehicles concerned. He therefore believed that there was no need to amend the Explanatory Notes by Article 8 Procedure. However, he was not against referring the question of amendments to the Nomenclature by Article 16 Procedure to the Review Sub-Committee, but on the basis of a more concrete proposal.

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3. In this connection, the Director questioned whether the Review Sub-Committee should confine its study to the Brazilian proposal or should look at the broader question including, for example, the possibility of creating a new subheading for the type of vehicles in question.
4. The Committee generally agreed that the matter should be examined by the Review Sub-Committee on the basis of more concrete proposals. Interested administrations were invited to provide the Secretariat with their proposals as soon as possible.
5. At its same session, the Committee also considered the possible amendments to the Explanatory Notes to Chapter 87 by Article 8 Procedure in the context of the study with a view to establishing guidelines for the classification of vehicles of headings 87.02, 87.03 and 87.04.
6. As to the question of whether the Explanatory Note to heading 87.02 should be amended, the Committee noted that this question would be examined by the Review Sub-Committee as a result of its decision summarized above.

II. SECRETARIAT COMMENTS

7. On 10 January 2001, administrations were invited to submit their proposals to the Secretariat. By the time of the preparation of this document, the Secretariat had not received any proposals from administrations.
8. In respect of the Brazilian proposal for the insertion of a new Legal Note to Chapter 87 regarding the dimensions of the seats of motor vehicles, the Secretariat would like to remind the Sub-Committee that this idea was first proposed to the Harmonized System Committee at its 24th Session by the Argentine Administration.
9. At that time, on the question of whether the criteria for adults of normal size (approximately 70 kg in weight and 1.70 m in height) and the seat and passenger space dimensions should be specified in a Chapter Note, while one delegate stated that her administration interpreted the term “persons” in the context of headings 87.02 and 87.03 as referring to adults, many delegates agreed that this term should cover both adults and children for the purposes of those headings. It was very difficult to define the term “persons” in the HS and therefore it was impossible to establish a criterion referring to “adults of normal size” since the meaning of these expressions differed from one country to another in accordance with their national regulations. Therefore, placing limitations in the HS defining the term “persons” and the expression “adults of normal size” for purposes of the classification of motor vehicles was inadvisable and inappropriate (see paragraphs 1 and 2 of Annex H/7 to Doc. NC0160E2, HSC/24 – Report).
10. Further, the Committee at its 26th Session referred the matter to the Review Sub-Committee to be examined on the basis of “more concrete” proposals, implying that the present Brazilian proposal was not supported (see paragraph 14 of Annex G/8 to Doc. NC340E2, HSC/26 – Report).
11. For the above reasons, the Secretariat is reluctant to support the Brazilian proposal.
12. Therefore, before preparing draft amendments to the Nomenclature, the Review Sub-Committee is invited to express its views as to whether the insertion of a new Legal Note to Chapter 87 specifying that the passenger space and seats of motor vehicles should have

dimensions sufficient to accommodate adults of normal height and weight (1.70 m and 70 kg, respectively) is advisable and feasible. If the answer to this question is affirmative, the Secretariat could prepare the draft Nomenclature amendments for examination by the Sub-Committee at its next session.

13. If the Brazilian proposal is not considered to be advisable or feasible by the Sub-Committee, administrations are invited to submit to the Secretariat their “more concrete” proposals if they are interested in amendments to Chapter 87.
14. For the consideration of administrations in preparing their future proposals, the Secretariat would like to clarify that the reason behind the Brazilian (originally Argentine) proposal was the difficulty encountered by the Argentine Administration in classifying the “Ssang Yong” models “MUSS0 601 and MUSS0 602” and the “TATA SUMO 483” type motor vehicles. For the Committee’s decisions on the classification of these type of motor vehicles, administrations are referred to Annex H/7 to Doc. NC0160E2 (HSC/24 – Report) and Annex G/8 to Doc. NC0340E2 (HSC/26 – Report), respectively.
15. It should also be noted that this study should not be confined to the Brazilian proposal only. Administrations in their future proposals might also take into account the possibility of creating a new heading or of restructuring the present headings for the classification of the type of vehicles in question.

III. CONCLUSIONS

16. Taking the Brazilian (originally Argentine) proposal mentioned in paragraph 1 above and the respective Secretariat comments into account, the Sub-Committee is invited to consider :
 - (a) Whether the insertion of a new Legal Note to Chapter 87 specifying that the passenger space and seats of motor vehicles should have dimensions sufficient to accommodate adults of normal height and weight (1.70 m and 70 kg, respectively) is advisable and feasible. If so, the Secretariat will prepare draft Nomenclature amendments for consideration by the Sub-Committee at its next session; and
 - (b) Whether Chapter 87 should be amended, on the basis of more concrete proposals as suggested by the Harmonized System Committee, to clarify the classification of the motor vehicles of the type “Ssang Yong” models “MUSS0 601 and MUSS0 602” and the “TATA SUMO 483”. If so, interested administrations are invited to submit their proposals to the Secretariat for consideration by the Sub-Committee at its next session.
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