



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

NR0460E1

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28<sup>th</sup> Session  
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O. Eng.

Brussels, 1 August 2003.

POSSIBLE AMENDMENT OF HEADING 83.05  
(PROPOSAL BY THE CANADIAN ADMINISTRATION)

(Item III.B.13 on Agenda)

I. BACKGROUND

1. On 27 June 2003, the Secretariat received the following note from the Canadian Administration proposing the amendment of the text of heading 83.05.

II. NOTE FROM CANADA

2. "The Canadian Administration is submitting, for the consideration of the Review Sub-Committee, the following amendment to the legal text of heading 83.05 of the Harmonized System Nomenclature :

Delete heading 83.05 and replace with the following :

**"83.05 Fittings for loose-leaf binders or files, letter clips, letter corners, paper clips, indexing tags, staples in strips and similar office articles, of base metal."**

3. This proposal is designed to correct an anomaly in the classification of staples described as "staples in strips" in the text of heading 83.05. It has come to our attention that most, if not all, staples are presented in strip form. As a result, the intended distinction between staples of heading 83.05 and those named as "staples (other than those of heading 83.05)" in headings 73.17, 74.15 and subheading 7616.10 is blurred.
4. Our understanding of the scope of heading 83.05, based on the terminology used, is that it covers general office supplies. The above amendment provides the necessary clarification. It eliminates the semicolon segregating the legal text and places "staples in strips" within the scope of the other named office articles. Staples for industrial applications (e.g., roofing, carpeting) would clearly fall to be classified according to their constituent material in headings 73.17, 74.15 or 76.16, regardless of whether or not they are presented "in strips".

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

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### III. SECRETARIAT COMMENTS

5. As the texts currently stand, the Secretariat would question the **Canadian** understanding that the scope of heading 83.05 is limited to general office supplies. In this respect, it should be noted that the heading text clearly covers types of staples other than those used in the office, such as those for upholstery or packaging. However, it leaves it to the Sub-Committee to rule on the interpretation to be given to the current text of heading 83.05 and on the appropriateness of a possible transfer of staples other than those for office applications to other Chapters of the Nomenclature (in principle, on the basis of the constituent material).

### IV. CONCLUSION

6. The Sub-Committee is invited to examine the amendment to the text of heading 83.05 proposed by **Canada**, taking into account the comments of the Secretariat above.
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