



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de coopération douanière

HARMONIZED SYSTEM
COMMITTEE
-
23rd Session
-

NC0010E1
(+ Annexes I and II)
O. Fr.

H9-6

Brussels, 25 March 1999.

POSSIBILITY OF ESTABLISHING A CORRELATION BETWEEN THE HS
AND VARIOUS INTERNATIONAL CONVENTIONS

(Item III.3 on Agenda)

Reference documents :

41.316 (HSC/20)
41.600, Annex F/21 (HSC/20 – Report)
42.055 (HSC/21)
42.100, Annex C/7 (HSC/21 – Report)
42.401 (HSC/22)
42.750, Annex C/3 (HSC/22 – Report)

I. BACKGROUND

1. At its 22nd Session the Harmonized System Committee continued examining a proposal to establish a correlation between the HS and various international Conventions.
2. Following the discussions, the Committee confirmed its approval of publication by the Secretariat of an unofficial file establishing such a correlation. The Committee also drew up certain guidelines regarding the status, presentation, publication and content of the correlation table (see details below) and noted that the Secretariat was continuing its work and investigations with a view to finalizing the draft.

File No. 2714

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II. SECRETARIAT COMMENTS

Development of the work

3. The Secretariat recalls that it contacted the seven international organizations mentioned in Annex I hereto, asking for their opinions and suggestions regarding the draft.
4. At the time of writing, four organizations had officially (in writing) expressed support for the draft :
 - UNDCP (Narcotics);
 - UNEP (Secretariat of the Basel Convention) (Wastes). The UNEP Secretariat nevertheless indicated that it would be difficult to classify certain scheduled wastes in the HS (see also paragraph 8 below);
 - OPCW (Chemical weapons);
 - CITES (Endangered species of wild fauna and flora). The CITES Secretariat's reply (received during the intersession) is given at Annex II hereto. The replies of the other three organizations in Annex II to Doc. 42.401 (HSC/22).
5. OECD (Environment Directorate, Paris) (Waste lists (green, orange, red)), through its representative at the Committee's 22nd Session, also welcomed this initiative but had no comments or suggestions (Doc. 42.750, Annex C/3, paragraph 6 – HSC/22 – Report).
6. At the request of certain HS Committee delegates it was envisaged that the table should also include a correlation between the HS and various WTO instruments (civil aircraft, pharmaceutical products and ITA declaration). At the HSC's 22nd Session the WTO Observer said that her organization would not in principle be opposed to such a correlation, subject to certain conditions, though she indicated that the WTO was still examining the question and might conceivably conclude that the correlation table would be of little use (Annex C/3 to Doc. 42.750, paragraph 4). No additional information has yet reached the Secretariat.
7. Finally, the UNEP (Secretariat of the Vienna Convention) (ozone) has not yet made its position known.
8. In conjunction with the two Secretariats concerned the WCO Secretariat has initiated a study aimed at establishing a concordance between the HS and the various lists of wastes covered by the Basel Convention and OECD. This work is still going on. A similar action will be undertaken with the CITES Secretariat.
9. The Secretariat also recalls that the question of the revision of certain WCO recommendations concerning conventions that might be included in the file (ozone, narcotics, chemical weapons) is on the Agenda for the Committee's 23rd Session (Item IV).
10. Given that not all the elements needed to prepare a representative file are available and also the fact that the Agenda for the 23rd Session includes several more urgent

questions (in particular, finalization of the Recommendation to amend the HS Nomenclature), the Secretariat felt it premature to submit a draft to the Committee and therefore proposes postponing examination of this item until the Committee's next session. However, it may be helpful to recall the principles already adopted.

Status

11. The file will be unofficial and will be compiled by the WCO Secretariat in conjunction with the Secretariats of the organizations administering the conventions or agreements concerned.

Presentation

12. The file will be in the form of a table comprising solely the HS codes covered by one (or more) convention(s), opposite which a symbol will be indicated when one (or more) goods of the subheading are controlled by the convention mentioned in the header of the corresponding column. The symbol will differ according to whether all the products covered by the code or only some of them are covered by the relevant convention. This symbol could also vary in terms of the type of control to be made (e.g., the wastes controlled by OCDE are in three separate lists; red, orange and green).
13. The table should also be easy to amend and will use Excel-type (spreadsheet) or Access (database) software. It will be based on the model proposed by the United States Administration (see Doc. 42.055, Annex I – HSC/21).
14. The table will be preceded by a preamble specifying its status, scope and objectives and providing practical information on its use. It will also have an Annex, as described in paragraphs 17 and 18 below.

Content of the **file**

15. The Secretariat intends to include in the file all the instruments mentioned in Annex I hereto, provided that the organizations administering them agree. In this connection, the Committee's attention is drawn to paragraph 6 above as regards the WTO Agreements.
16. Furthermore, the Secretariat indicated that it would be preferable to have the various lists fully reflect the goods. However, in certain cases (especially CITES) this method could prove unworkable, making it necessary to limit the table to the most frequently traded controlled products. Accordingly, a flexible procedure (case by case) will be applied, given that a notice in the Annex will specify whether or not the list in question is included exhaustively in the table.

Content of the **Annex**

17. At its 22nd Session, the Committee agreed that exhaustive (or partial) lists of products covered by the various organizations would not be published in the Annex to the file.
18. Accordingly, the file annex will contain essentially (1) information concerning the organization administering the instrument concerned (contact details, direct link with the organization's Internet sites, etc.), enabling users to access the convention texts and the lists of products controlled and (2) general information concerning each Convention, to be

inserted at the request of the organization responsible for administering the Convention concerned.

Publication

19. The Committee agreed at its 22nd Session that the file would not only be available on the WCO's Internet Web site, enabling it to be consulted and if necessary downloaded by users, but that it would also be published on paper as an Annex to the Explanatory Notes, like the existing Annex establishing an Interconnexion between the HS and CITES. In particular, a preamble would indicate that this Annex, on coloured paper, was not part of the Explanatory Notes, so as to avoid any misunderstanding as to its status.

III. CONCLUSION

20. The Committee is invited to take note of the above information and of developments regarding this question and to make any new comments or suggestions they may have regarding this draft.

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ORGANIZATIONS	INSTRUMENTS
<p>UNDCP (Vienna)</p>	<ul style="list-style-type: none"> - Single Convention on narcotic drugs 1961 - Convention on psychotropic substances 1971
<p>CITES (Geneva)</p>	<ul style="list-style-type: none"> - Convention on international trade in endangered species of wild fauna and flora
<p>WTO (Geneva)</p>	<ul style="list-style-type: none"> - Agreement on trade in civil aircraft - Ministerial Declaration on trade in information Technology products - Agreement to eliminate Customs duties on pharmaceutical products
<p>UNEP (Secretariat of the Vienna Convention – Nairobi)</p>	<ul style="list-style-type: none"> - Montreal Protocol relating to substances affecting the ozone layer
<p>UNEP (Secretariat of the Basel Convention – Geneva)</p>	<ul style="list-style-type: none"> - Basel Convention on the control of transboundary movements of hazardous wastes and their disposal
<p>OPCW (Organisation for the Prohibition of Chemical Weapons – The Hague)</p>	<ul style="list-style-type: none"> - Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction
<p>OECD (Environment Directorate – Paris)</p>	<ul style="list-style-type: none"> - OECD Council decision including the waste lists (green, orange, red)

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REPLY FROM THE CITES SECRETARIAT

"I should like to congratulate the World Customs Organization on its important initiative which will certainly make for more effective application of the Conventions.

Concerning the six points relating to CITES :

(1) This Secretariat is aware of the list available on the Internet and feels that it would be very useful to insert references to CITES.

(2) The exact references for CITES are as follows :

English : Convention on International Trade in Endangered Species of Wild Fauna and Flora

Spanish : Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres

French : Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction

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(3) As you say in your letter, it does not seem necessary to include a list (names and descriptions) of these species and their parts and products covered by CITES.

(4) Further to your telephone conversation of 4 December 1998 with my colleague, it seems logical and preferable to link the different Internet sites concerning species included in the CITES Appendices rather than to establish a separate list.

(5)-(6) The CITES Secretariat could – and this should be at its own initiative – send you a list of species (name in country of origin and scientific name) corresponding to each of the HS and CN codes marked as being important for CITES, or else to include such a list on its Internet site.

The CITES Secretariat remains at your entire disposal for any further information and thanks your Organization once again for this particularly useful measure."