



HARMONIZED SYSTEM  
COMMITTEE

NC0016E1

-  
23<sup>rd</sup> Session

O. Eng.

H2-1

Brussels, 20 April 1999.

CONCLUSIONS OF THE 14<sup>TH</sup> SESSION OF THE SCIENTIFIC SUB-COMMITTEE :

MATTERS FOR DECISION BY THE HARMONIZED SYSTEM COMMITTEE

(Item V.2 on Agenda)

Reference document :

42.850 (SSC/14 Report)

1. The Harmonized System Committee is requested to consider the conclusions of the Scientific Sub-Committee (14<sup>th</sup> Session, February 1999), which are summarized in the following paragraphs with reference to the relevant Annexes of the Sub-Committee's Report (Doc. 42.850).

Annex A/1 - Possible creation of a new heading for biodegradable plastics and articles thereof

2. Many delegates were of the view that since there were a lot of difficulties in selecting and describing biodegradable plastics and distinguishing them from other plastics, it was premature to separately identify these products in the Harmonized System. It was also pointed out that the Japanese proposal would not fit the logical sequence of Chapter 39.
3. Since there was no support for the Japanese proposal, the Sub-Committee decided to suspend its study for the time being. Administrations were invited to take up the study of this matter in the next review cycle, if necessary. **The Committee is invited to take note.**

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Annex A/2 – Possible amendments to the Nomenclature and the Explanatory Notes to clarify the classification of co-ordination compounds

4. A majority of delegates were in favour of the approach to classify co-ordination compounds by ligand (i.e., the "cleavage approach"), because it would cause least disturbance to the existing classification practice of a number of administrations, and the transfer of products would be limited. The Sub-Committee agreed to study this question further at its next session on the basis of this approach. **The Committee is requested to take note.**

Annexes A/3 and C1 – Classification of certain INN products and pharmaceutical intermediates.

5. The Sub-Committee examined (a) the classification of pending items-INN List 78, (b) new items-INN List 79, (c) pending INN items and (d) pharmaceutical intermediates. The list of products and their agreed classifications are set out in Parts I to IV of Annex C/1 to Doc. 42.850, respectively. The items whose classification has not been settled have been placed in square brackets.
6. With regard to the classification of new items-INN List 80, the Sub-Committee agreed to follow the same procedure that it had applied to INN List 78, since the working document had only been published immediately before the meeting. Therefore, delegates were requested to submit comments on the proposed classifications in the Annex to Doc. 42.825 to the Secretariat as soon as possible, in order to enable the Secretariat to submit the agreed classifications to the 23<sup>rd</sup> Session of the Harmonized System Committee for decision, after receiving the agreement of the Chairman of the Scientific Sub-Committee.
7. **The Committee is invited to approve the classifications agreed upon by the Scientific Sub-Committee. The Committee is also requested to note that the classifications placed in square brackets will be further examined by the Sub-Committee. For the classification of new items-INN List 80, the Committee is referred to Agenda Item V.5 (Doc. NC0041E1).**

Annexes A/4 and C/2 – Possible amendment of heading 25.18

8. Regarding the amendments to the legal texts, there was a consensus in the Sub-Committee as to the alignment of the English texts of heading 25.18 and subheadings 2518.10 and 2518.20 on the French texts by inserting the term "sintered". The Sub-Committee also agreed to use the expression "dolomite ramming mix" in the English texts of heading 25.18 and subheading 2518.30 as equivalent to the French expression "pisé de dolomie", noting that the binding agents used in "pisé de dolomie", of heading 25.18 were "non-hydraulic" agents whereas the binding agents used in the products falling in heading 38.16 were "hydraulic".
9. As to the amendments to the Explanatory Notes, the Sub-Committee, to avoid confusion in distinguishing between "dolomite ramming mix" and the "ramming mixes" of heading 38.16 (page 576, third paragraph, item (b)), agreed to recommend to the Harmonized System Committee the deletion of the expression "ramming mixes" from the Explanatory Notes to heading 38.16 and to describe these products in a different way, and also to insert the term "hydraulic" between the words "added" and "binder" in the penultimate line of the first paragraph of that Explanatory Note. The text proposed for the amendment of

the Explanatory Note to heading 25.18 was also modified, to indicate that “dolomite ramming mixes” (or “pisé de dolomie”) are presented in “powder or granular form” and that the binders used in such products are “non-hydraulic”.

10. **The Committee is requested to adopt the texts approved by the Sub-Committee as set out in Annex C/2 to Doc. 42.850. The Committee is also requested to indicate whether the Explanatory Note to heading 38.16 should be amended as recommended by the Scientific Sub-Committee, so that the Secretariat could prepare the relevant draft texts for examination at the next session.**

Annex A/5 – Criteria for distinguishing between medicaments and premixes containing antibiotics

11. The Sub-Committee concluded that, no general criteria could be established for distinguishing between medicaments and premixes containing antibiotics.

12. However, the Sub-Committee was of the view that the parameters set out in paragraph 7 of Doc. 42.195 and the modifications indicated in paragraph 5 of Annex A/5 to Doc. 42.850, could be adopted for guidance to classify products on a case by case basis and these could be incorporated in the Explanatory Notes. **The Committee is requested to take note of the above views of the Scientific Sub-Committee and to decide what action to be taken in this regard.**

Annexes A/6 and C/3 - Proposed amendments to the Nomenclature and the Explanatory Notes concerning polymer names

13. The Sub-Committee agreed to bring polymer names into conformity with the chemical nomenclature of the IUPAC with respect to polymers whose unit or monomer was represented by a specific term, but not polymers represented by a general term. It also agreed not to introduce IUPAC nomenclature in those cases where the scope of the polymer descriptions concerned might change.

14. It was pointed out that for certain plastics the use of both IUPAC names and commercial names in parentheses would be useful for the trade. Subject to the above modifications, the Sub-Committee approved the draft amendments set out in the Annex to Doc. 42.196. The above conclusions were forwarded to the Review Sub-Committee's 19<sup>th</sup> Session in March 1999 (see Item VI on Agenda). **The Committee is invited to take note.**

Annexes A/7 and C/4 – Possible legal amendments to Chapter 30 concerning hormone derivatives and analogues.

15. The Sub-Committee agreed to the proposed amendments to Chapter 30 and its Explanatory Notes subject to certain modifications to avoid any misinterpretation of the scope of chemical contraceptive preparations. **The Committee is invited to adopt the proposed amendments as set out in Annex C/4 to Doc 42.850.**

Annex A/8 – Proposal by the EC for amendment of the structure of heading 25.19

16. The Sub-Committee could not reach consensus on the parameters suggested by the EC as criteria for distinguishing between proposed subheadings 2519.20 (fused magnesia), 2519.30 (dead-burned magnesia) and 2519.90 (products of the residual category), especially on the threshold values to be associated therewith. Also, a range of simple to sophisticated methods for testing these parameters were available, but there were no internationally agreed standard methods.
17. However, the Sub-Committee further decided that if the Review Sub-Committee wished to amend, subject to above considerations, the structure of heading 25.19 so as to provide separate subheadings for fused magnesia and dead-burned magnesia, (a) it would be more logical to reverse the sequence of “fused magnesia” and “dead-burned (sintered) magnesia” in the proposed structure and (b) it would be necessary to review the Explanatory Note to heading 25.19.
18. These conclusions were forwarded to the Review Sub-Committee’s 19<sup>th</sup> Session in March 1999 (see Item VI on Agenda). **The Committee is invited to take note.**

Annexes A/9 and C/5 - Proposed amendments to certain subheadings in Chapter 29

19. Concerning subheadings 2905.15 and 2905.16, the Sub-Committee did not agree with the Chinese proposal for amendment, since the current texts had not posed any problems and the suggested amendments seemed unnecessary.
20. With regard to the wording of subheading 2915.60, the Sub-Committee noted that the current text might result in the misclassification of isomers of certain chemical products, such as valeric acids. In order to avoid such problems, the Sub-Committee suggested the amendment of the text of this subheading, as set out in Annex C/5 to Doc. 42.850. In this respect, it was pointed out that amendments to the Explanatory Note to heading 29.15 would also be required, in line with this legal amendment.
21. As regards subheadings 2933.40, 2934.20 and 2934.30, the Sub-Committee agreed with the Chinese proposal to insert the expression “in the structure” in the texts of these subheadings.
22. The above conclusions were forwarded to the Review Sub-Committee’s 19<sup>th</sup> Session in March 1999 (see Item VI on Agenda). **The Committee is invited to take note.**

Annex A/10 – Proposed new subheading for “gas condensates” in heading 27.09

23. The Sub-Committee agreed that the information obtained so far was insufficient for reaching a satisfactory conclusion in respect of the definition of “gas condensates” and distinguishing them from similar products of heading 27.10. Nevertheless, the Sub-Committee agreed to submit to the Review Sub-Committee a text concerning the description of “gas condensates”.
24. These conclusions were forwarded to the Review Sub-Committee’s 19<sup>th</sup> Session in March 1999 (see Item VI on Agenda). **The Committee is invited to take note.**

Annexes A/11 and C/6 – Possible amendments to the texts of subheadings 3920.41 and 3920.42

25. Many delegates were in favour of the proposal to provide a legal Note to simply say that the term “plasticisers”, for the purposes of the subheading concerned, includes secondary plasticisers; this would be supplemented by a Subheading Explanatory Note explaining the scope of plasticisers based on the meaning given in technical literature.
26. On this basis, the Sub-Committee agreed on the draft texts of the amendments to the Nomenclature and the Explanatory Notes set out in Annex C/6 to Doc. 42.850. However, it could not agree on the draft amendments to the proposed subheading Explanatory Note and decided to retain the draft texts in square brackets.
27. The Sub-Committee agreed to re-examine the draft texts of the amendments to the Subheading Explanatory Note and the appropriate test methods for distinguishing products based on the new criteria at the next SSC Session, subject to the approval of the draft amendments to the Nomenclature by the Review Sub-Committee and the Harmonized System Committee. **The Committee is invited to take note.**

Annex A/12 - Classification of tropical fruit preserved by the addition of sugar and drying

28. **For the Sub-Committee’s conclusions concerning this question, the Committee is referred to Agenda Item V.3 (Doc. NC0026E1).**

Annex A/13 - Classification of “High fat cream cheese” and possible creation of a definition of cheese of heading 04.06

29. **For the Sub-Committee’s conclusions concerning this question, the Committee is referred to Agenda Item V.4 (Doc. NC0027E1).**

Annex A/14 - Possible upper limit of cocoa content for products of heading 17.04

30. As regards the analytical method, there was consensus that the High-Performance Liquid Chromatography (HPLC) technique was the most common method to analyse the theobromine and caffeine content of a product. According to this technique, as mentioned in the General Explanatory Note to Chapter 19, the cocoa content of a product might be calculated by multiplying the combined theobromine and caffeine content by a factor of 31. It was emphasized that the mere presence of theobromine or caffeine did not indicate that cocoa was definitely present in the product.
31. As to the upper limit certain delegations were of the view that the upper limit for cocoa content in heading 17.04 could be established at 0.1% by weight calculated on a totally defatted basis.
32. Certain other delegates, however, felt that this limit was too low, since the Customs Laboratories of Belgium, Canada and Japan, could not detect cocoa in a product, which reportedly had a content of 0.057 % cocoa. These delegates, therefore, preferred a higher limit, say 0.5 % (on a totally defatted basis).

33. The Sub-Committee finally agreed to suggest a threshold of 0.2 % cocoa (on a totally defatted basis). In this context it was pointed out that a cocoa content of less than 0.2 % might be detectable by visual or microscopical analysis.

34. **The Committee is invited to approve the High-Performance Liquid Chromatography (HPLC) technique as the most common method to analyse the theobromine and caffeine content of a product, and the fact that the upper limit of cocoa content in products of heading 17.04 should be established at 0.2% by weight calculated on a totally defatted basis. The Committee is invited to decide what further action should be taken to reflect the Sub-Committee's recommendations. The Committee is also referred to Agenda Item VIII.1 concerning the possible amendment to the Explanatory Notes to heading 17.04 concerning "detectable" cocoa content (Doc. NC0039E1).**

Annexes B/1 and D - Inclusion of chemical structures in the Explanatory Notes to Chapter 29

35. The Sub-Committee approved, subject to minor modifications, the draft amendments to the Explanatory Notes set out in Annex II to Doc. 42.765. **The Committee is invited to adopt the texts set out in Annex D to Doc. 42.850.**

36. It was recognized that some amendments to the chemical nomenclature might still be necessary. It was suggested that written proposals should be forwarded to the Secretariat in this connection. **The Committee is also requested to take note.**

Annex B/2 – Exchange of information on Customs laboratory matters

37. The Sub-Committee was informed of the Secretariat's mission to Uzbekistan in May 1998, and a planned mission by the Secretariat to Myanmar in June this year. The Sub-Committee also exchanged information on Customs laboratory matters. The administrations which were interested in providing assistance to Customs laboratories in developing countries were urged to contact the Secretariat. The Secretariat was more than willing to act as intermediary despite the fact that it had very limited means to help.

38. Stressing the importance of exchanging information and stimulating new ideas regarding Customs Laboratories, Mr. Kappler, Director of Tariff and Trade Affairs, suggested that the Sub-Committee should put an item "Future of Customs laboratories" on its next Agenda. He also stated that the Secretariat would establish a list of contact points for the exchange of information. **The Committee is requested to take note of these developments.**

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