



HARMONIZED SYSTEM
COMMITTEE
-
23rd Session
-

NC0072E1
(+Annex)
O. Eng.

H9-3

Brussels, 15 April 1999.

POSSIBLE AMENDMENT TO SUBHEADING 9009.12

(Item VI.3 on the Agenda)

Reference documents:

42.406 (RSC/18)
42.498 (RSC/18)
42.500 Annex B/19 (RSC/18 – Report)
42.750 Annex E (HSC/22 – Report)
NR0023E1 (RSC/19)
NR0037E1 (RSC/19)
NR0045E1 Annex D/26 (RSC/19 – Report)

I. BACKGROUND

1. At its 18th Session (September 1998), the Review Sub-Committee examined possible amendments to heading 90.09 to provide for multifunctional photo-copying apparatus in the HS. The Sub-Committee agreed to pursue the question at its next session and to leave it to the HS Committee to determine the classification of the apparatus in question. The Brazilian Administration was requested to present trade statistics, as well as technical information on the mechanism of the apparatus (i.e., whether the apparatus in question incorporate an optical system).
2. At its 22nd Session, the HS Committee took note of the Review Sub-Committee's decision to continue studying the question of possible amendments to heading 90.09 to provide for multifunctional photo-copying apparatus in the structured nomenclature of that heading.
3. The Review Sub-Committee, at its 19th Session, continued its study of this issue on the basis of a new proposal presented by the Delegate of Brazil during the session. This proposal eliminated the reference to "digital system" at the heading level in the original Brazilian proposal and, as a consequence, limited the proposal to four breakouts at sub-heading level.

File No. 2755

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4. Given the time-limit to take this question on board during the current review cycle, the Sub-Committee agreed to place the new Brazilian proposal in square brackets and to submit it to the Harmonized System Committee for consideration and to leave the classification issue of the goods in question to the HSC. The Sub-Committee agreed to an EC proposal to introduce a legal Note to Chapter 90 to enable these types of machines to be classified in that Chapter. The Sub-Committee also favoured the alternative put forward by the EC to make no distinction between monochromatic and polychromatic apparatus and consequently group these machines in two subheadings instead of four. The Brazilian Administration was requested to submit a draft legal Note to Chapter 90.
5. The Brazilian proposal submitted at the 19th Session of the Review Sub-Committee, together with its draft legal Note received by the Secretariat by fax of 4 April 1999, are reproduced in the Annex to the present document.

II. SECRETARIAT COMMENTS

6. The Secretariat has some concerns in classifying multifunctional apparatus, that is capable of scanning, faxing, printing and copying, as photo-copying apparatus in heading 90.09. There has not been a full discussion of this issue in the Committee, nor has the Secretariat been able to undertake a study to determine whether this digital apparatus functions as "photo-copying" apparatus.

III. CONCLUSION

7. The Committee is requested to rule on the Brazilian proposal to amend heading 90.09 and insert a new legal Note 5 to Chapter 90, as set out in the Annex to this document, taking into account the concerns of the Secretariat above.

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Annexe au Doc. NR0072B1
Annex to
(CSH/23/mai 99)
(HSC/23/May 99)

ANNEXE

AMENDEMENTS EVENTUELS AU CHAPITRE 90

(Point VI.3 de l'ordre du jour)

ANNEX

POSSIBLE AMENDMENTS TO CHAPTER 90

(Item VI.3 on the Agenda)

PROCEDURE DE L'ARTICLE 16
AMENDEMENTS DE LA NOMENCLATURE

Chapitre 90.

1. Nouvelle Note 5.

Insérer la nouvelle Note 5 suivante :

"5. Relèvent, également, du n° 90.09 les appareils de photocopie combinant les fonctions d'un appareil de photocopie en même temps que celles des appareils ci-après : imprimante, télécopieur, scanner."

Les Notes 5 et 6 actuelles deviennent 6 et 7, respectivement.

2. [N° 9009.12.

Nouvelle rédaction :

" 9009.13 - Fonctionnant par reproduction de l'image de l'original, sur la copie au moyen d'un support intermédiaire (procédé indirect), ne pouvant assurer que la fonction d'appareil de photocopie.

9009.14 - Fonctionnant par reproduction de l'image de l'original, sur la copie au moyen d'un support intermédiaire (procédé indirect), combinant les fonctions d'un appareil de photocopie en même temps que celles des appareils ci-après : imprimante, télécopieur, scanner."]

ARTICLE 16 PROCEDURE
AMENDMENTS TO THE NOMENCLATURE

CHAPTER 90

1. New Note 5.

Insert the following new Note 5 :

"5. Heading 90.09 applies, *inter alia*, to photo-copying apparatus presenting the copier function combined with one or more than one of the following functions : printer, fax, scanner."

Renumber the present Notes 5 and 6, as 6 and 7, respectively.

2. [Subheading 9009.12.

Delete and substitute :

" 9009.13 - Operating by reproducing the original image via an intermediate onto the copy (indirect process), presenting the copier function only.

9009.14 - Operating by reproducing the original image via an intermediate onto the copy (indirect process), presenting the copier function combined with one or more than one of the following functions : printer, fax, scanner."]
