



HARMONIZED SYSTEM  
COMMITTEE

-  
26<sup>th</sup> Session

NC0309E1  
(+ Annexes I to III)  
O. Fr.

Brussels, 18 September 2000.

## CLASSIFICATION OF VARIOUS WOMEN'S OR GIRLS' GARMENTS

(Item VIII.5 on Agenda)

### I. BACKGROUND

1. On 7 February 2000, the Secretariat received a letter from the Argentine Customs Administration (see Annex III) requesting that the Harmonized System Committee be asked to consider the classification of various women's or girls' knitted garments used as brassières or as outer garments, as well as a nonwoven adhesive article intended to be stuck on the skin.
2. A more detailed description of these articles and trade documentation on the adhesive article are set out in Annexes I and II hereto; samples will be available to delegates for examination during the session.

### II. SECRETARIAT COMMENTS

3. Heading 62.12 covers articles of a kind designed for wear as body-supporting garments or as supports for certain other articles of apparel. In most cases these are articles intended to be worn next to the skin as undergarments, i.e., articles of clothing generally intended to be worn under other garments.
4. However, a number of garments are now put up for sale as bodices, short sleeveless tops or stretch bandeau-type tops. Although these fit tightly over the bust, they have no real support function, and can be worn either as garments or as undergarments.
5. The classification of these articles should be decided on a case-by-case basis. The question at issue is whether they are covered by the text of heading 62.12. It has to be acknowledged that the Explanatory Notes do not provide any information allowing for a

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distinction to be made between certain of these close-fitting articles which provide a degree of support and the articles of heading 62.12.

6. In this respect, it is pointed out that the French text of subheading 6212.10 explicitly covers “bustiers” (long-line strapless bras) together with “brassières”.
7. The French encyclopaedia “Grand Larousse Universel” defines the French term “bustier” as follows :
  - “1. A strapless brassière fitted with flexible stays and incorporated in a bodice providing support for the stomach.
  2. Close-fitting bodice which holds the bust like a brassière but leaves the shoulders bare”.[Translation]
8. The Secretariat feels that the “bustiers” referred to in subheading 6212.10 are undergarments of the brassière type, and not other articles of women’s apparel.
9. The definition in “The New Shorter Oxford Dictionary” of the English term “brassière”, mentioned in subheading 6212.10, appears to confirm the Secretariat’s view. According to that dictionary, the term “brassière” denotes “A woman’s undergarment worn to support the breasts”.

Sample 1

10. It is pointed out that the Argentine Administration already requested the Secretariat’s advice on the HS classification of this article in March 1998.
11. At the time, the Secretariat replied that the article was not a brassière and could not be considered a “similar article” to those used for supporting certain parts of the body, covered by heading 62.12, given that it was not designed as a body-supporting garment. After examining the scope of headings 61.06, 61.09, 61.10 and 61.14, the Secretariat had decided that the article at issue was classifiable in heading 61.14.
12. Given the presence of a means of tightening at the bottom of the garment, classification as a blouse, shirt-blouse or T-shirt of heading 61.06 or 61.09 was ruled out under the terms of Notes 4 and 5 to Chapter 61.
13. Furthermore, given the general appearance of the garment, classification as a pullover in heading 61.10 hardly seems more appropriate. Although the Harmonized System Committee did decide that a sleeveless garment with round neckline and reaching down to just above the waist was classifiable in heading 61.10 as a garment similar to a pullover (see Compendium of Classification Opinions – 6110.20), the Secretariat feels that the garment at issue, which is worn next to the skin and has shoulder straps, is not similar to that article and is not covered by the wording of heading 61.10.
14. In the absence of a more specific heading, the Secretariat therefore feels that this garment is classifiable in heading 61.14, and more specifically in subheading 6114.20.

Samples 2 and 3

15. Given the general appearance and the finish of these articles (short length, type of material, thin shoulder straps for sample 2 and strapless in the case of sample 3), the Secretariat feels that they could be regarded as articles similar to those mentioned in the text of heading 62.12.
16. These two articles do ensure a certain degree of support and have the characteristics of brassière-type undergarments. The Secretariat could therefore agree with the Argentine Administration that they are classifiable in subheading 6212.10.

Sample 4

17. This is a nonwoven article, cut to a specific shape, which is somewhat different to the other articles at issue, given that it is intended to be stuck directly onto the skin, on the lower part of the breast.
18. In this respect, it could be argued that this article is intended to replace the cup of a brassière, thus providing the same support function, and should therefore be classified in heading 62.12.
19. However, the Secretariat feels that despite providing some support, this article is not really similar to those covered by heading 62.12. Given that it is neither a garment nor a clothing accessory, this nonwoven of a shape other than square or rectangular should be regarded as an "other made up article" of subheading 6307.90; this corresponds to the opinion expressed by the Argentine Administration.

III. CONCLUSIONS

20. The Committee is invited to rule on the classification of the articles described in Annex I hereto, on the basis of the remarks and information provided by Argentina (see Annex III in particular) and the Secretariat's comments set out in paragraphs 3 to 19 above.
21. The Committee is also asked to decide whether the scope of the headings concerned should be clarified.

\* \* \*

## DESCRIPTION OF THE ARTICLES

### Sample 1

Light-weight knitted garment (94% cotton, 6% elastomeric yarn) for women or girls; it has shoulder straps approximately 35 mm wide and a round neckline at the front. This article can be worn next to the skin as a garment or undergarment; it covers the upper part of the body and extends down below the bust. The neckline and arm openings are bordered by a hem incorporating an elastic strip. The bottom of the garment is also fitted with an elastic strip so as to hug the body.

### Sample 2

Light-weight knitted garment (90% polyamide, 10% elastothane) for women or girls, designed to cover the upper part of the body and extending down just below the bust. This article can be worn next to the skin as a garment or undergarment and has a V-shaped neckline and thin shoulder straps with added elastic strips. The bottom of the garment is also fitted with an elastic strip approximately 20 mm wide so as to hug the body.

### Sample 3

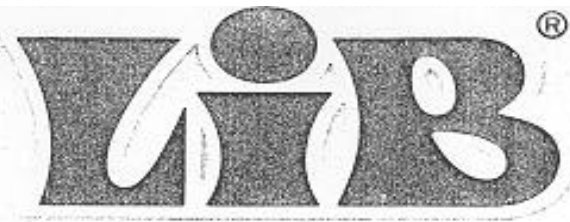
Light-weight knitted, strapless garment (90% polyamide, 10% elastothane) for women or girls, designed to cover the upper part of the body and extending down just below the bust; the garment leaves the shoulders bare. This article can be worn next to the skin as a garment or undergarment; it is fitted with elastic strips approximately 30 mm wide at the bottom of the garment and 15 mm at the top, thus ensuring that the garment hugs the bust.

### Sample 4

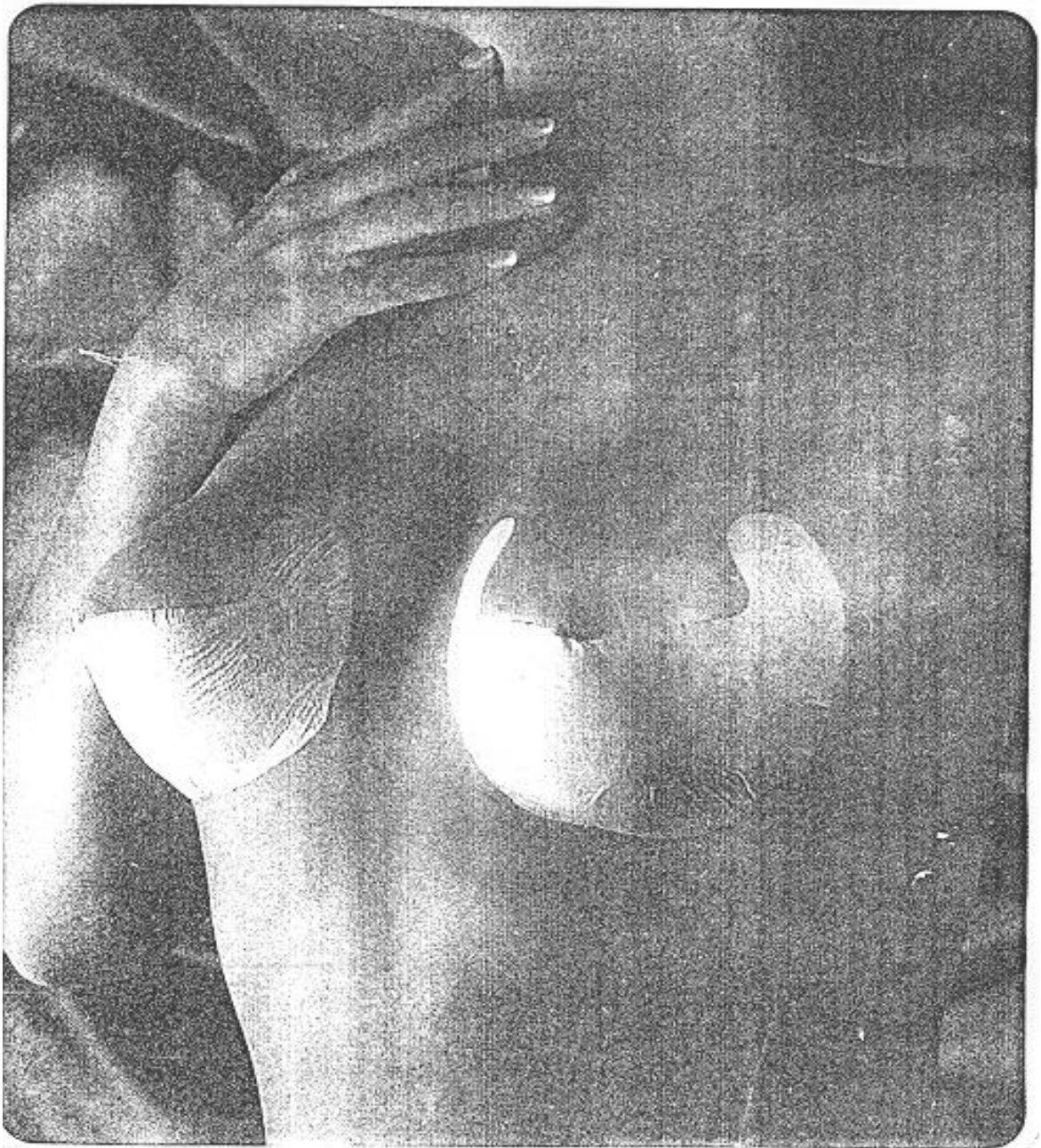
Nonwoven article, cut to a specific shape, coated on one side with an adhesive protected by a sheet of paper (adhesive nonwoven). After removal of the protective paper, the article is intended to be stuck directly onto the skin, to fit perfectly round the lower part of the breast like the cup of a brassière.

\* \* \*

DOCUMENTATION ON SAMPLE 4



*Modelador de Seios*



**LIB** *um novo conceito em soutien*

43394



1. *Esfregue com a ponta do dedo uma das extremidades do Lib.*



2. *Retire completamente o papel protetor (branco) do Lib.*



3. *Comece aplicando o Lib na altura do mamilo em direção à parte inferior do seio. Você pode ou não cobrir o mamilo. Depende do quão sensual você quer se apresentar.*



4. *Suspenda o seu seio até a altura desejada e fixe as extremidades.*

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LETTER FROM ARGENTINE ADMINISTRATION DATED 7 FEBRUARY 2000

"The General Directorate of Argentine Customs is writing with regard to the classification of the following made up articles :

- (1) Knitted fabric article (100 % synthetic fibres), with straps approximately 3.5 cm wide and a round collar; it is designed to cover the upper part of the body and extend down below the bust. It is finished at the neck and the straps with hems made of the same material; the bottom part of the garment incorporates an elastic strip so that it hugs the body.
- (2) White brassière with knitted straps (100 % synthetic fibres).
- (3) Black elastic knitted fabric (100 % synthetic fibres) designed to go round the entire body at bust level and to support the bust; the article is basically used as underwear but may be used as an outer garment.
- (4) Self-adhesive disposable support for the female bust; the article is made of a microporous nonwoven.

Article (1) above was the subject of a classification question submitted to the Tariff and Trade Affairs Directorate by the Argentine Administration in a Note of 5 March 1998; the article was identified as product No. 2 in that Note and a sample was provided. The Secretariat's reply, contained in faxes of 20 April 1998 (Ref. : 98.N.438 – Bo/L) and 29 April 1998 (Ref. : 98.N.551 – Bo/L), indicated that the article was classifiable in heading 61.14 (in subheading 6114.30 or 6114.20, depending on the constituent material).

Samples of articles (2), (3) and (4) above are now enclosed.

The Argentine Administration feels that samples (2) and (3) are classifiable in heading 62.12 and sample (4) in heading 63.07. However, since this type of article is difficult to classify and given that the fundamental aim of the Nomenclature is to achieve uniform classification of goods world-wide, the Argentine Administration would like the scope of headings 61.10, 61.12 and 61.14 to be defined in view of the fact that fashion trends and new fabric developments mean that the articles at issue (with the exception of article (4)) are used as outer garments or as brassières. In the light of the foregoing, the Secretariat is asked to submit this matter to the Harmonized System Committee in order to determine the appropriate classification and to specify the scope of the headings concerned".