



HARMONIZED SYSTEM
COMMITTEE

-
27th Session
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NC0427E1

O. Fr.

H3-1

Brussels, 27 April 2001.

AMENDMENTS TO THE EXPLANATORY NOTE TO HEADING 85.18

(Item VII.12 on Agenda)

Reference documents :

| | |
|--------------------------------------|-------------------|
| NR0089E1 (RSC/21) | NC0380E1 (HSC/27) |
| NC0182E1 (HSC/25) | NC0403E1 (HSC/27) |
| NC0282E1 (HSC/26) | NC0408E1 (HSC/27) |
| NC0338B2, Annex A/XI (HSC/26) | NC0410E1 (HSC/27) |
| NC0340E2, Annex F/11 (HSC/26-Report) | NC0416E1 (HSC/27) |

I. BACKGROUND

1. After the preparation of Doc. NC0380E1, the Secretariat received the following note from the Mexican Administration concerning amendments to the Explanatory Note to heading 85.18.

II. NOTE FROM THE MEXICAN ADMINISTRATION

2. "(...) The Mexican Administration proposes the insertion of a fourth and fifth paragraphs in Part "C" of Explanatory Note to heading 85.18, also a new exclusion paragraph at the end of Part IV of heading 90.18, being the proposed texts as follows :

Page 1477. Heading 85.18. Part (C). New fourth and fifth paragraphs.

3. "The heading also includes prenatal listening [kits] [systems] which [generally] consist of a microphone, a headphone, a listening cone, on/off/volume control and battery compartment. This apparatus makes it possible to hear and record the sounds of a foetus as well as the mother's heartbeat [which she could subsequently play back to calm her baby down]. This device is designed for non-medical use.

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However, electronic diagnostic foetal monitors of a type designed for use by professionals in medical, surgical, [dental or] veterinary sciences are classified in heading 90.18."

Page 1615. Heading 90.18. Part IV.

4. Insert the following last paragraph :

"This heading also excludes :

Prenatal listening [kits] [systems] consisting of a microphone, headphone and listening cone, of heading 85.18 (see Explanatory Note to that heading).

5. Regarding the texts in square brackets, we agree that :

- (1) Eliminate the word "kits", otherwise it could create confusion and, also condition the classification to be presented in the same package.
- (2) Substitute the term "system" for "apparatus" to be consistent with the description of the good.
- (3) Eliminate the term "generally", it could implicate the inclusion of other components not admissible in this heading, ex. recording and reproduction of sound kits.
- (4) It was said that especially during dentition, the reproduction of sounds previously recorded calm down the babies. It is for this reason that we include in square brackets the text : ["which she could subsequently play back to calm her baby down] and [dental or]. We recommend its elimination because it would allow a false interpretation of the reach of the apparatus, including recording and reproduction devices in this heading.
- (5) Finally, we propose the following writing for Explanatory Note of heading 90.18, Part IV, last paragraph :

This heading also excludes :

Prenatal listening apparatus for non-medical use, consisting of a microphone, headphone and listening cone, of heading 85.18 (see Explanatory Note to that heading)."

IV. CONCLUSION

6. The Committee is invited to take account of the Mexican Administration's comments above when examining this Agenda item.
