



HARMONIZED SYSTEM
COMMITTEE

NC0079E1

-
23rd Session

O. Eng.

Brussels, 3 May 1999.

MATTERS FOR DECISION BY THE HARMONIZED SYSTEM COMMITTEE

(Possible amendment of heading 38.22 to clarify the classification of CRMs)

(Item VI. 2 on Agenda)

Reference documents :

NR0045E1 Annexes A/12 and D/23 (RSC-Report)

NC0017E1 paragraphs 44 to 46 (HSC/23)

I. COMMENTS FROM CANADA

1. On 13 April 1999, the Secretariat received from the Canadian Customs Administration comments on the draft amendment to heading 38.22 to clarify the classification of CRMs (see Annexes A/12 and D/23 of Doc. NR0045E2 and paragraphs 44 to 46 of Doc. NC0017E1). Extracts from the Canadian comments are set out below :
2. "With respect to the first question as to whether the term "the products of Chapters 28 or 29" should be deleted from the proposed Note 2 (B) to Chapter 38, our administration wishes to retain these words for the following reasons :
 - (1) It is difficult to distinguish between CRM certification and other certifications. For instance, American Chemical Society (ACS) and other grades of chemicals have a certified composition. This could easily mean that all products of Chapters 28 and 29 that are used in a chemical laboratory would be products of heading 38.22 ;
 - (2) There would be a conflict with Section VI, Note 1 (a), which classifies goods (other than radioactive ores) answering to a description in heading No. 28.44 or 28.45 in those headings and no other headings of the Nomenclature.
3. The second question is whether the term "laboratory" should be deleted from the proposed Note 2 (B). Our administration wishes to delete this word."

II. CONCLUSION

4. The Committee is invited to take account of the Canadian comments above when considering the possible amendment of heading 38.22 to clarify the classification of CRMs under Agenda Item VI. 2.