



HARMONIZED SYSTEM  
COMMITTEE

NC0530E1

-  
29<sup>th</sup> Session

O. Eng.

Brussels, 8 March 2002.

MATTERS FOR DECISION BY THE HARMONIZED SYSTEM COMMITTEE

(Item V.2 on Agenda)

Reference document :

NS0060E2 (SSC/17 - Report)

1. The Harmonized System Committee is invited to examine the conclusions of the Scientific Sub-Committee's 17<sup>th</sup> Session, January 2002, which are summarized below with reference to the relevant Annexes of the Sub-Committee's Report (Doc. NS0060E2).

Annexes A/1 and C/1 - Classification of certain INN products and pharmaceutical intermediates

2. The Sub-Committee examined the classification of 10 products from INN Lists 80, 82 and 83 (Annex to Doc. NS0038E1). The list of products with their recommended classifications is set out in Annex C/1 to the Sub-Committee's Report. The two items whose classification has not been settled have been placed in square brackets.
3. **The Committee is invited to approve the classifications recommended by the Sub-Committee. It is also invited to note that the classifications placed in square brackets will be re-examined by the Sub-Committee at its next session.**

Annex A/2 – Possible guidelines to facilitate the classification of INN products

4. The Sub-Committee agreed to examine possible guidelines for the classification of hormones, sugars, etc. within the context of a comprehensive review of the HS Explanatory Notes. It also suggested the incorporation of the EU document entitled "Chapter 29 of the Customs Tariff", after being updated, in the Customs Laboratory Guide.
5. **The Committee is invited to take note of these developments.**

File No. 2071

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

Annexes A/3 and C/2 – Amendments to the Nomenclature and the Explanatory Notes to clarify the classification of co-ordination compounds

6. The Sub-Committee, after further examination, has recommended amendments to the Explanatory Notes, in accordance with the text of proposed new Note 5 (c) (3) to Chapter 29, which had been agreed at the Sub-Committee's 16<sup>th</sup> Session.

7. **The Committee is invited to provisionally approve the texts relating to Note 5 (c) (3) to Chapter 29 proposed by the Sub-Committee. It is also invited to provisionally approve the corresponding amendments to the Explanatory Notes.**

Annexes A/4 and C/3 – Amendments to the Explanatory Notes to Chapter 29 to clarify the classification of certain organic chemical compounds

8. The Sub-Committee has recommended amendments to the General Explanatory Note to Chapter 29 and to the Explanatory Note to heading 29.35, leaving the proposed amendment of the Explanatory Note to sub-Chapter X in square brackets, pending the Committee's decision on the application of the General Interpretative Rules at subheading level.

9. **The Committee is invited to approve the proposed amendments to the Explanatory Notes and to take note of the part left in square brackets.**

Annex A/5 – Classification of certain hormones in the HS Commodity Data Base

10. The Sub-Committee agreed to recommend the classification of thymostimulin in heading 30.01 (subheading 3001.20), as an extract of glands or other organs or of their secretions.

11. **The Committee is invited to approve the classification recommended by the Sub-Committee.**

Annexes A/6 and C/4 – Classification of certain chemical products under the 2002 version of the Harmonized System

12. The Sub-Committee agreed not to consider products related to neurotransmitters or neuromodulators, endothelin receptor antagonists, agents influencing the respiratory tract, growth factors, adrenoreceptor antagonists and NMDA receptor antagonists, that were listed in the Annexes to Doc. NS0043E1, to be hormones of heading 29.37. However, with regard to labradimil (bradykinin receptor agonist), the Sub-Committee agreed to consider this product to be a hormone of heading 29.37.

13. **The Committee is invited to approve the classifications recommended by the Sub-Committee.**

Annex A/7 – Proposal by the US Administration to amend the Nomenclature and Explanatory Note to heading 38.21

14. Many delegates were of the view that the proposed text would widen the scope of present heading 38.21 by transferring culture media for developing and maintaining cultures of higher organisms to that heading. Although the composition and use of such media was

very similar to the media described in the current Explanatory Note to heading 38.21, they were not presently covered by this heading. They supported the **US** proposal, taking into account the recent development of technology in this field.

15. Several other delegates were of the view that the expression “prepared culture media” as proposed was extremely vague and would make it difficult to distinguish between the products falling in the proposed revised heading 38.21 and other media, e.g., those used for preparing yoghurt, which would fall in Chapter 4, and therefore preferred the status quo. If the proposed wording were to be adopted, a legal Note defining the scope of the heading would need to be inserted.
16. Although certain delegates supported the proposed text of the Explanatory Note since it reflected the recent development of technology, the Sub-Committee did not examine this question in detail in view of divergence of opinions as mentioned in paragraph 15 above.
17. The Sub-Committee was of the view that the definitions of procaryotic and eucaryotic cells provided in paragraph 9 of Doc. NS0044E1 were well founded.
18. In this connection, certain delegates were of the view that the term “micro-organisms” appearing in present heading 38.21 did not cover viruses. According to them, viruses were not living organisms and therefore, they considered that even the present Explanatory Note to heading 38.21 exceeded the scope of the legal text.
19. **The Committee is invited to note that the views of the Scientific Sub-Committee have been communicated to the Review Sub-Committee (cf. Item VI on the Agenda).**

Annex A/8 – Classification of certain acid-added clay products

20. The Sub-Committee examined the classification of certain acid-added clay products and agreed that the addition of an acid would go beyond simple washing (Note 1 to Chapter 25) and therefore suggested that the products should be classified in heading 38.02.
21. **The Committee is invited to take into account the conclusions of the Sub-Committee when it examines the classification of these products under Item VIII.6 on the Agenda.**

Annexes A/9 and C/5 – Review of the classification of certain chemical products relating to the Chemical Weapons Convention

22. The Sub-Committee continued its examination of the classification of the chemicals enumerated in Part A of the OPCW Handbook and agreed on recommended classifications for almost all of the products in the list (932 products), while footnoting certain chemicals due to lack of information.
23. **The Committee is invited to approve the classifications recommended by the Sub-Committee.**

Annexes A/10 and C/6 – Possible amendments to the HS Nomenclature and its Explanatory Notes regarding silicones (proposal by the **US** Administration)

24. The Sub-Committee agreed to propose certain amendments to the legal texts and to the Explanatory Notes.

25. **The Committee is invited to note that the conclusions of the Scientific Sub-Committee have been communicated to the Review Sub-Committee (cf. Item VI on Agenda).**

Annex A/11 – Classification of sucralose

26. The Sub-Committee agreed to the recommendation that sucralose would be more appropriately classified in heading 29.32 (subheading 2932.19) rather than in heading 29.40. Furthermore, there was no need to modify the legal or Explanatory Notes texts in this connection.

27. **The Committee is invited to approve the classification recommended by the Sub-Committee.**

Annexes A/12 and C/7 – Proposed amendment of subheading 2941.40

28. The Sub-Committee agreed to recommend the classification of both thiamphenicol and florfenicol in subheading 2941.40 and the insertion of references to these chemicals in the Explanatory Notes, as examples of derivatives of chloramphenicol.

29. **The Committee is invited to approve the suggested classifications and to adopt the amendment to the Explanatory Note recommended by the Sub-Committee.**

Annex A/13 – Functions of prasterone and tibolone

30. The Sub-Committee concluded that prasterone was used for its androgenic effects. The fact that it might be used in menopausal syndrome treatment, did not necessarily mean that it was an oestrogen.

31. Similarly, tibolone was found not to have oestrogen properties, but was used because of its androgenic activity.

32. Taking into account the reported activity of the two products, the Sub-Committee suggested classification in subheading 2937.29.

33. **The Committee is invited to approve the classification recommended by the Sub-Committee.**

Annex A/14 – Scope of headings 35.05 and 38.09

34. The Sub-Committee agreed that the products at issue would fall within the scope of heading 35.05.

35. **The Committee is invited to take into account the conclusion of the Sub-Committee when it examines the classification of these products under Item VIII.5 on the agenda.**

Annex A/15 – Classification of a medicated bone graft substitute called “Osteoset<sup>R.T.M.</sup> T”

36. The Sub-Committee agreed that the product at issue would fall within the scope of heading 30.04 (or 30.03) rather than within the scope of heading 30.06. The Secretariat was invited to check whether the product was in fact traded in packings put up for retail sale.

37. **The Committee is invited to take into account the conclusion of the Sub-Committee when it examines the classification of this product under Item VIII.4 on the agenda.**

Annex B/1 – Decisions taken by the HSC at its 27<sup>th</sup> and 28<sup>th</sup> Sessions affecting the work of the Scientific Sub-Committee

38. The Chairman briefly summarized the decisions taken by the HS Committee at its 27<sup>th</sup> and 28<sup>th</sup> Sessions and the pending questions affecting the work of the Scientific Sub-Committee.

39. The Sub-Committee took note of the developments in the HSC.

Annex B/2 – New procedure for the approval of Scientific Sub-Committee reports

40. The Sub-Committee agreed to the new procedure vis-à-vis the preparation and approval of its reports.

41. **The Committee is invited to take note.**

Annex B/3 – WCO regional seminars on Customs laboratory matters

42. The Sub-Committee took note of the information concerning the WCO regional seminar held in Kenya (June 2001) and the upcoming one in Brazil (June 2002).

43. **The Committee is invited to take note.**

Annex B/4 – Development of the WCO Web site in the context of Customs laboratory issues

44. The Sub-Committee took note of developments, in particular with respect to the new Discussion Forum on the WCO Web site.

45. **The Committee is invited to take note.**

Annex B/5 – Presentations on how to support Customs laboratories in developing countries

46. The Delegates of Canada, France, Japan, Kenya and the United States made presentations on how to support Customs laboratories in developing countries.

47. **The Committee is invited to take note.**

Annex B/6 – Presentations on the role of Customs laboratories in the context of social and environmental concerns

48. Representatives of CITES, the Chemical Weapons Convention, the Rotterdam Convention and UNEP Secretariats, and the Delegate of Japan made presentations on the role of Customs laboratories in the context of social and environmental concerns.

49. **The Committee is invited to take note.**
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