



HARMONIZED SYSTEM
COMMITTEE

-
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(+ Annex)

O. Fr.

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CLASSIFICATION OF A HYDRAULIC SALT/SAND SPREADER
FOR CLEARING SNOW FROM ROADS

(Item IX.15 on Agenda)

I. BACKGROUND

1. On 24 October 2001, the Secretariat received a note from the **Polish** Administration requesting that a question concerning the classification of a machine used for clearing snow from roads be added to the Harmonized System Committee's programme of work. In this connection, the **Polish** Administration indicated that the machine concerned was the subject of a classification dispute between itself and another Contracting Party to the HS Convention.
2. Despite the bilateral consultation procedure recommended by Article 10 of the HS Convention, it appears that the two parties were not able to reach agreement on the matter. Consequently, in a communication dated 20 March 2002, the **Polish** Administration informed the Secretariat that it would like to bring the question before the HSC.
3. In the light of the above circumstances, the views advanced by the two parties are described hereafter.

II. PRESENTATION OF THE PROBLEM

4. The **Polish** Administration is of the opinion that the hydraulic salt/sand spreader at issue is classifiable in heading 84.24, by application of Note 3 to Section XVI and on the basis of the text of heading 84.24. That heading text covers "**Mechanical appliances (whether or not hand-operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged ; spray guns and similar appliances ; steam or sand blasting machines and similar jet projecting machines**".

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5. The Polish Administration argues that the principal function of salt and sand spreaders is to disperse salt and sand (or brine) in order to prevent ice from forming on roads; grinding up any lumps of salt or mixing the sand and salt are merely complementary (auxiliary) functions. The Polish Administration also points out that the machine concerned is not one of the types of machines listed as examples in Parts (I) to (III) of the Explanatory Note to heading 84.74, on pages 1587 and 1588 (2002 version).
6. At the same time the Polish Administration has informed the Secretariat that, in contrast to its own point of view, the other Contracting Party considers that the machine at issue is first and foremost a snow-clearing salt machine designed to be mounted on a lorry. It consists of a tank equipped with a lump-breaking agitator which turns at the same time as a screw. The lumps of salt in the tank are first broken up by the agitator, then crushed and finally ground up by the screw. The machine is equipped with a height-adjustable projection system enabling it to be mounted on different types of vehicles. It can spread materials to a width of up to 13 metres.
7. According to the information provided by the Polish Administration, the second administration has formed the view that the machine is covered by the text of heading 84.74, which begins "**Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances, in solid (including powder or paste) form; ...**". Moreover, the administration concerned has apparently drawn attention to the fact that crushing or grinding machines are specifically mentioned in Part (I) B) of the Explanatory Note to heading 84.74, on page 1589 (2002 version).

III. SECRETARIAT COMMENTS

8. On the basis of the information made available to the Secretariat (see the Annex to this document), the machine at issue could be described as follows :

<p>Snow-clearing machine, designed to be mounted on a lorry, consisting of (1) a tank for storing sand and/or salt, equipped with a lump-breaking agitator which turns at the same time as an endless screw (the system can also make brine, using a dissolving bag), (2) a system for crushing/grinding the lumps of salt, and (3) a hydraulic projection system with spreading disk. The machine's various functions are operated from the cab of the lorry, by remote control.</p>

9. In the light of the above description, the Secretariat has prepared a list of headings which could be taken into consideration for the classification of this type of machine :

Heading 84.24

10. This heading covers machines and appliances for projecting, dispersing or spraying steam, liquids or solid materials (e.g., sand, powders, granules, grit or metallic abrasives) in the form of a jet, a dispersion (whether or not in drips) or a spray.
11. However, the Secretariat wishes to point out that (1) the hydraulic salt/spreader at issue is not intended solely for projecting liquids or powders, as it can also project "salt sludge", and (2) projection is only one of the functions involved in the operation of the machine.

Heading 84.74

12. Under the provisions of the Explanatory Note to heading 84.74, first paragraph, item (I), on page 1587, this heading covers, inter alia, machinery of a kind used, mainly in the extractive industries, for crushing, grinding and mixing solid mineral products (in general the products of Section V).
13. Where the French text is concerned, the Secretariat wishes to point out that the word "pulvériser", which appears in the French version of this Explanatory Note, can mean spraying - as it does in the context of heading 84.24 where it also appears – but it can also mean reducing a material to a powder, and that is clearly its meaning in the context of heading 84.74. Therefore, it appears that in neither language version could heading 84.74 be said to cover all the functions of the machine under examination.

Heading 84.79

14. Generally speaking, this heading covers machines and mechanical appliances having individual functions not specified or included elsewhere in Chapter 84.
15. The Secretariat wishes to point out that the mechanical equipment comprising the hydraulic salt/sand spreader constitutes a system specially designed for clearing snow from roads, involving three separate phases : storing salt/sand in a tank provided for that purpose, crushing and grinding the salt as necessary, and spreading the products on the road in the form of abrasive or snow-melting granules. To the extent that clearing snow from roads can be regarded as an individual function not specified or included elsewhere in Chapter 84, the Secretariat proposes that the machine at issue be classified in subheading 8479.89, by application of General Interpretative Rules 1 and 6, which rules out the consideration of the other two headings mentioned above (i.e., headings 84.24 and 84.74).

IV. CONCLUSION

16. The Committee is invited to rule on the classification of the hydraulic salt/sand spreader used for clearing snow from roads, taking into account the differing views expressed in paragraphs 4 to 7 above, and the Secretariat's comments.

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