



HARMONIZED SYSTEM
COMMITTEE

-
29th Session
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NC0579E1
(+ Annex)

O. Eng.

Brussels, 24 April 2002.

USE OF THE TERMS "HYGIENIC", "SANITARY" AND "TOILET"

(Item IX.17 on Agenda)

Reference documents :

NR0224E1 (RSC/25)
NR0265E2, Annex C/14 (RSC/25 – Report)

I. BACKGROUND

1. At its 25th Session, the Review Sub-Committee discussed the proposal of the Egyptian Administration to provide separate provisions for hygienic articles of plastics in the Harmonized System. The Sub-Committee agreed to request the HS Committee to clarify the scope of headings 39.22, 39.24 and 39.26, in the context of the possible misalignment of the relevant English and French texts concerning the use of the terms "hygienic", "toilet" and "sanitary". Administrations were requested to submit comments in this respect to the Secretariat.

II. SECRETARIAT COMMENTS

2. At the time of preparing this document, the Secretariat had not yet received comments from administrations concerning the use of the terms "hygienic", "toilet" and "sanitary" (French : "hygiène", "hygiénique", "sanitair(e)" and "toilette"). It has, however, carried out a search through the texts of the HS Nomenclature on the use of these terms, which has resulted in the list of references contained in the Annex to this document.
3. It appears from this search that the terms are being used indiscriminately. Below is a list of the combinations English/French, including the places where they were found in the Nomenclature :

(i) **hygiene** (English) = **hygiène** (French)

(a) Heading 33.06

English : preparations for oral or dental hygiene

French : préparations pour l'hygiène buccale ou dentaire

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- (b) Heading 40.14
English : hygienic articles
French : articles d'hygiène
- (c) Heading 70.17
English : hygienic glassware
French : verrerie d'hygiène
- (ii) **sanitary** (English) = **sanitaires** (French)
 - (a) Heading 48.18
English : sanitary purposes
French : fins sanitaires
 - (b) Heading 69.10
English : sanitary fixtures
French : usages sanitaires
- (iii) **sanitary** (English) = **hygiénique** (French)
 - (a) Subheadings 4818.40 and 5601.10
English : sanitary towels and tampons
French : serviettes et tampons hygiéniques
 - (b) Subheadings 4818.40 and 5601.10
English : sanitary articles
French : articles hygiéniques
- (iv) **sanitary** (English) = **sanitaires ou hygiéniques** (French)
Heading 39.22
English : sanitary ware
French : usages sanitaires ou hygiéniques
- (v) **sanitary** (English) = **hygiène ou de toilette** (French)
 - (a) Heading 48.03
English : sanitary purposes
French : usages d'hygiène ou de toilette
 - (b) Heading 48.18
English : sanitary articles
French : usages de toilette, hygiéniques
 - (c) Headings 73.24, 74.18 and 76.15, and subheadings 7418.20 and 7615.20
English : sanitary ware
French : articles d'hygiène ou de toilette

(vi) **toilet** (English) = **toilette** (French)

Chapter 11, Note 1 (f), Chapter 15, Note 1 (e), Chapter 25, Note 2 (d) and Chapter 33, title

English : toilet preparations

French : produits de toilette

(vii) **toilet** (English) = **hygiénique** (French)

Subheading 4818.10

English : toilet paper

French : papier hygiénique

(viii) **toilet** (English) = **hygiène ou de toilette** (French)

(a) Heading 39.24

English : toilet articles

French : articles d'hygiène ou de toilette

(b) Headings 69.11 and 69.12

English : toilet articles

French : articles d'hygiène ou de toilette

4. The descriptions listed below have been taken from the “*Concise Oxford Dictionary*” and “*Le Petit Larousse Illustré 2002*”.

(Concise Oxford Dictionary – Tenth edition, completely revised)

hygiene = conditions or practices conducive to maintaining health and preventing disease, especially cleanliness

hygienic = promoting or conducive to hygiene; sanitary

sanitary = 1. of or relating to conditions affecting hygiene and health; 2. hygienic

toilet = [1. . . .]; 2. the process of washing oneself, dressing, and attending to one's appearance; 3. the cleansing of part of a person's body as a medical procedure

(Le Petit Larousse Illustré 2002)

hygiène = 1. partie de la médecine étudiant les moyens individuels ou collectifs, les principes et les pratiques qui visent à préserver ou favoriser la santé ; 2. fait de respecter ces principes ; 3. [. . .] ; 4. ensemble des soins apportés au corps pour le maintenir propre ; 5. ensembles des conditions sanitaires

hygiénique = 1. relatif à l'hygiène ; 2. bon pour la santé ; 3. qui a trait à l'hygiène, à la propreté du corps, et partic. de ses parties intimes

sanitaire = (adj.) 1. relatif à la conservation de la santé collective ; 2. relatif aux installations et appareils destinés aux soins de propreté, d'hygiène

= (n.m. pl.) ensemble des installations de propreté (lavabos, water-closets, etc.) d'un lieu

toilette = 1. action de laver, de coiffer, d'habiller ; ensemble des soins de propreté du corps ; 2. action de nettoyer qqch, d'en rafraîchir l'aspect ; 3. ensemble des vêtements et des accessoires utilisés par une femme pour s'habiller, se parer ; 4. meuble garni de divers objets destinés aux soins de propreté et de parure

5. From the descriptions given above, it should be clear that there is a close relation between the three terms used, and that, in particular, the terms "sanitary" and "hygienic" can be used, to a certain extent, indiscriminately in both language versions. However, when referring to a group of commodities, one term may be more appropriate than the other. In addition, each language follows its own rules and customs, and what is the appropriate term in one language, might not be the appropriate one in the other.
6. Following the above-given explanations, the Secretariat would like to offer the following comments with respect to the headings referred to in paragraph 3 above, other than those where the English terms "hygienic", "sanitary" and "toilet" are used as translation of the French terms "hygiène", "sanitaire(s)" and "toilette", respectively.

Heading 39.22

7. If the Committee agrees with the hypothesis that the terms "sanitary" and "hygienic" can be used synonymously in both languages, the heading would have the same scope in the two language versions. It should be noted, however, that the heading is restricted to those articles which are "similar" to the ones referred to in the heading text.

Headings 39.24, 69.11 and 69.12

8. According to the Explanatory Notes to headings 39.24, first paragraph, item (D), and 69.12, second paragraph, item (D) (which applies *mutatis mutandis* to heading 69.11), the term "toilet articles" (French : "articles d'hygiène ou de toilette") is used for such articles for bathrooms, toilets or kitchens (French : "articles similaires destinés à garnir les salles de bain, cabinets de toilette ou cuisines"). Following this reference in the Explanatory Notes, it appears that the term "hygiène" in the French version has been used in the meaning of "ensemble des soins apportés au corps pour le maintenir propre", which is synonymous with the French term "toilette" (= "ensemble des soins de propreté du corps") (see paragraph 4 above).

Headings 48.03 and 48.18, and subheading 5601.10

9. The Secretariat believes that the term "sanitary" in the English version is used as a synonym for "hygienic", thus having the same scope as the term "hygiénique" in the French version of these headings. The term "toilette" in the French version of headings 48.03 and 48.18 could be considered as an amplifier of the term "hygiénique", or as an addition necessary in this context (i.e., when referring to certain types of paper).

Headings 73.24, 74.18 and 76.15, and subheadings 7418.20 and 7615.20

10. Here, the Secretariat also considers that the terms used in the English and French versions of these headings and subheadings are interchangeable, and that, consequently, the scope of both versions is the same.

11. In conclusion, it appears that the only problem that could exist is with regard to the scope of heading 39.24 (English : “toilet articles”; French : “articles d’hygiène ou de toilette”), given the use of the term “hygiène” in the French version. This term could be interpreted to cover the articles identified by the US and Canada under heading 39.26 (i.e., nursing nipples and pacifiers; ice bags; douche bags, enema bags, colostomy bags, hot water bottles, and fittings therefor; invalid and similar nursing cushions; crutch tips and grips; dress shields; finger cots; pessaries; prophylactics; sanitary belts; bulbs for syringes; syringes (other than hypodermic syringes) and fittings therefor) (paragraphs 18 and 19 of Doc. NR0224E1). The Committee is invited to decide whether or not the French and English texts of heading 39.24 would cover these commodities.
12. If the Committee decides that heading 39.24 (in both versions) would not cover these commodities, the Secretariat suggests deleting the term “hygiène” from the French text of that heading, thus avoiding confusion in future. As an interim solution, the Explanatory Note to that heading may be amended to reflect the Committee’s decision.
13. Having said this, the Secretariat considers that, in order to avoid any misunderstanding in the future concerning the scope of any of the terms used, it might be appropriate to review those headings or subheadings where there is a misalignment in the number of terms used (for example, heading 39.22 (English : “sanitary”, French : “sanitaires ou hygiéniques”)). Administrations are invited to provide their views on this point.
14. Finally, since the proposal to insert a reference to hygienic articles in the structured nomenclature to heading 39.26, is apparently intended to cover the same category of products classified in heading 40.14, the Secretariat would like to draw the Committee’s attention on the fact that the wording of that heading not only refers to “hygienic”, but also to “pharmaceutical”, without making any distinction between the two terms at the subheading level or in the Explanatory Note.

III. CONCLUSIONS

15. The Committee is invited to give its view on the use of the terms "hygienic", "sanitary" and "toilet", in particular on the question whether or not the two language versions in this respect are aligned, taking into account the comments of the Secretariat provided in paragraphs 2 to 14 above.

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