



HARMONIZED SYSTEM
COMMITTEE
-
30th Session
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NC0614E1
O. Eng.

Brussels, 11 October 2002.

CLASSIFICATION OF THE "BROTHER MFC-8600" AND
"BROTHER 1970MC" DIGITAL COPIERS
(RESERVATION BY THE US ADMINISTRATION)
(See Items VII.7 and 8 on Agenda)

Reference documents :

42.406 (RSC/18)	NC0211E1 (HSC/25)
42.498 (RSC/18)	NC0250E2, Annex H/13 (HSC/25 – Report)
42.500, Annex B/19 (RSC/18 – Report)	NC0300E1 (HSC/26)
42.750, Annex E (HSC/22 – Report)	NC0335E1 (HSC/26)
NR0023E1 (RSC/19)	NC0398E1 (HSC/26)
NR0037E1 (RSC/19)	NC0430E2, Annex H/4 (HSC/27 – Report)
NC0090E2, Annex IJ/26 (HSC/23 – Report)	NC0613E1 (HSC/30)
NC0160E2, Annex H/14 (HSC/24 – Report)	

I. BACKGROUND

1. At its 27th Session, the Committee examined the classification of various multifunctional digital copiers. Before it did so, the Committee, by a vote of 22 to 14, decided that "photocopying" was limited to the projection of an image onto a photosensitive surface and that, therefore, present heading 90.09 did not cover digital copying. The Committee then looked at the classification of each individual machine.
2. The Committee classified the various machines at issue as follows :

Machine	HS Subheading
HP Mopier 320	8471.60
Xerox Document Centre 340 ST without fax function	8471.60
Xerox Document Centre 340 ST with fax function	8471.60
Brother MFC-8600	8517.21
Brother MFC-1970mc	8517.21

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

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3. The **US** Administration notified the Secretary General, in a letter dated 30 July 2001, of its request that the decision to classify the “**Brother MFC-8600**” and the “**Brother MFC-1970MC**” in subheading 8517.21, be referred to the Council under the provisions of paragraph 2 of Article 8 of the Harmonized System Convention.
4. On 18 September 2002, the Secretariat received a Note from the **United States** in support of the reservations it had entered in respect of the decision at the Harmonized System Committee’s 27th Session to classify the two apparatus mentioned in paragraph 3 above in subheading 8517.21. This note is reproduced below.

II. **US** NOTE ON THE CLASSIFICATION OF THE
BROTHER MFC-8600 AND THE BROTHER MFC-1970mc

5. “The **US** Administration entered a reservation to the decision of the Committee, taken at its 27th Session, on the classification of two multifunction digital machines, the **Brother MFC-8600** and the **Brother MFC-1970MC**.”
6. The sole issue with respect to each of these machines concerns the determination as to their principal function.
7. By way of background, the **US** Administration agreed with the determination by the Committee at its 27th Session that the term “photocopying” in HS heading 90.09 did not include the process of “digital copying”. The Committee determined that for purposes of HS heading 90.09 the term “photocopying” referred to the projection of an optical image in the form of reflected light onto a photosensitive surface. As we have indicated in our previous Note (Doc. NC0335E1, HSC/26), the legal texts of the Nomenclature, together with the Explanatory Notes, clearly support this determination.
8. The **US** Administration also agreed with the determinations by the Committee that the principal function of the **HP Mopier 320** and **Xerox Document Center 340ST** was the printing function rather than the copying function. As with most multifunction digital machines that are able to print, fax or copy, the principal function is the printing function that results from the connection to an ADP machine.
9. When the Committee considered the **MFC-8600** and **MFC-1970MC**, the two machines were discussed in such a manner that their performance features were compared with the performance features of the previous two machines (see paragraph 23 of Annex H/4 to Doc. NC0430E2, HSC/27 - Report). As the **US** Delegate stated (see paragraph 24 of the above document), the performance of these desktop machines was typical of many desktop printers of the same size and quality. Therefore, the principal function of these machines should have been measured against similar desk types machines. For this reason, the **US** Administration believed that it was necessary to ask the Committee to reconsider the classification of these machines.
10. The question is whether the principal function of these machines is the “printing function”, the “copying function” or the “facsimile function”. Based on the factual information presented to the Committee in Doc. NC0300E1 (HSC/26), we would urge the Committee to classify these machines in HS heading 84.71 on the basis that the printing function represents the principal function by application of Note 3 to Section XVI and Note 5 (B) to Chapter 84.

11. The **United States** recognizes that there are many kinds of printers, facsimile machines, digital copiers and machines which perform two or more of these functions. Not all machines connectable to an ADP machine would be classifiable as "printers" under Note 3 to Section XVI. In all cases, the determination of principal function for each machine must be based on the design of the machine and a comparison of the machine with similar printers, facsimile machines and digital copiers. We ask the Committee to consider these machines on the basis of the machines with which they compete.
12. Each machine consists of a printer component that is connectable to an ADP machine. The **MFC-8600** utilizes laser technology (electrostatic printing) with an output rated at 12 pages per minute. The **MFC-1970MC** utilizes a thermal print technology with an output rated at 2 pages per minute. Both are digital print technologies. Both are advertised as for office use. Both use plain paper for the printed output.
13. Each machine also contains a scanner component. Scanners, which are classifiable as optical readers in subheading 8471.90, incorporate a laser, lens and mirror to focus points of light onto a electrical receptor which converts the light into electrical signals. These signals are then converted to a digital file. The scanning device in both of these machines is known as a "path-through" or "sheet-fed" scanner in which one page is passed over a fixed optical reader. If the scanning device is used to send the data file to an ADP machine, then the function is a "scanning function". If the scanning device is used to make a data file and then send it directly to the printing device, the function is a "digital copying function".
14. Each machine also contains a facsimile component. This is the third identifiable component in the multi-function digital machine. A facsimile function typically requires the inclusion of a keypad and, in some cases, may include a handset to assist in the facsimile function.

BROTHER MFC-8600

15. The **BROTHER MFC-8600** is described in Annex VII to Doc. NC0300E1. As noted by the manufacturer, the origin of the **MFC-8600** was that of a basic laser printer capable of printing 12 pages per minute. The addition of the facsimile function, which uses a sheet-fed scanner, enhances the printer's utility. The other enumerated functions (e.g., copying, scanning, imaging) appear to be secondary functions and, as such, would not to be significant for purposes of determining the classification of this multifunction machine.
16. In several user-comments on the **MFC-8600**, users gave good reports on the speed and durability of the printing function, as well as favorable reports on the additional utility of the copying function. These user-comments can be seen at the following website : http://www.computingreview.com/Multifunction/Brother,MFC-8600/PRD_22094_1754crx.aspx
17. We believe that this information is relevant to determine principal function, and we believe that principal function should be measured by frequency of use, expectations of the purchaser, and any other readily available technical data. In this case, the utility of the desktop **MFC-8600** is based in its connectability to an ADP machine and in its output of 12 pages per minute. As such, this function allows the **MFC-8600** to compete directly with similar desktop laser printers.
18. The **MFC-8600**, a composite machine, serves principally as a printer for an ADP machine. Together with monitors, printers constitute the most important and common output

units for ADP machines. This function in the **MFC-8600** eliminates the need for a separate ADP output unit (printer). The ability to use the printer component with either the scanner to provide copies of pages or with the facsimile component to send or receive facsimiles is secondary to the principal function of the printer component used as an output unit for an ADP machine. Therefore, we urge the Committee to consider the performance features of the **MFC-8600** as typical of electrostatic (laser) desktop printers and, therefore, to classify this multifunction digital machine as a printer of heading 84.71, by application of Note 3 to Section XVI.

BROTHER MFC-1970mc

19. This machine as described in Annex VIII to Doc. NC0300E1, uses thermal transfer technology in which the thermal ink ribbon transfers the ink onto plain paper. It performs printing, faxing, copying, scanning and faxing. It also receives messages on its answering machine.
20. We believe that the principal function of the machine is imparted by the printing function. The printing in a thermal transfer process is created serially and is slower than laser print technology. However, we do not believe that the print speed should be the basis of the conclusion that the principal function of this machine is other than that of an output unit of heading 84.71. The print speed is a function of the technology employed in the machine. Clearly there can be thermal transfer printers of heading 84.71. The speed of a thermal transfer machine is controlled by the technology and is applicable whether the machine is used as a printer, a facsimile machine or a copier.
21. We believe that the ability to use the printer component with a scanner to provide copies, or with a facsimile component to send or receive facsimiles is secondary to the principal function of the printer component used as an output unit for an ADP machine. Therefore, we urge the Committee to consider the performance features of the **MFC-1970mc** as typical of plain paper thermal desktop printers and, therefore, to classify this multifunction digital machine as a printer of heading 84.71, by application of Note 3 to Section XVI.”

III. CONCLUSION

22. The Committee is invited to rule on the classification of the **BROTHER MFC-8600** and **BROTHER MFC-1970mc** taking into account of the Note from the **US** Administration when it examines this agenda item.
