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HARMONIZED SYSTEM
COMMITTEE

-
30th Session
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NC0649E1
(+ Annex)
O. Eng.

Brussels, 24 October 2002.

CLASSIFICATION OF THE "XEROX DOCUMENT CENTRE 230 DC" DIGITAL COPIER

(Item VII.9 on Agenda)

Reference documents :

42.406 (RSC/18)	NC0300E1 (HSC/26)
42.498 (RSC/18)	NC0335E1 (HSC/26)
42.500, Annex B/19 (RSC/18 – Report)	NC0398E1 (HSC/26)
42.750, Annex E (HSC/22 – Report)	NC0430E2, Annex H/4 (HSC/27 – Report)
NR0023E1 (RSC/19)	NC0468E1 (HSC/28)
NR0037E1 (RSC/19)	NC0510E2, Annex G/7 (HSC/28 - Report)
NC0090E2, Annex IJ/26 (HSC/23 – Report)	NC0613E1 (HSC/30)
NC0160E2, Annex H/14 (HSC/24 – Report)	NC0614E1 (HSC/30)
NC0211E1 (HSC/25)	NC0615E1 (HSC/30)
NC0250E2, Annex H/13 (HSC/25 – Report)	NC0616E1 (HSC/30)

I. BACKGROUND

1. At its 27th Session, the Committee examined the classification of various multifunction digital copiers, including the "Xerox Document Centre 230 DC". The Delegate of Brazil called the Committee's attention to the fact that this machine, as presented, was not connectable to an ADP machine and that when adapted to be connectable to an ADP machine it became a different machine, the "Xerox 230 ST". After some discussion, the Committee decided to postpone the classification of this machine to its next session, on the basis of a new document to be presented by the Secretariat that would provide additional information on the nature of the machine, i.e., whether it was connectable to an ADP machine as imported and the difference between the DC and ST models. Administrations were also invited to provide any additional information.

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2. At its 28th Session, at the request of the Delegate of Brazil, the Committee agreed to consider the classification of the "Xerox Document Centre 230 DC" at its 30th Session, together with the other multifunctional digital copier models which were the subject of various reservations.
3. On 22 October 2002, the Secretariat received the following Note from the Brazilian Administration with regard to this issue.

II. NOTE FROM THE BRAZILIAN ADMINISTRATION

4. "At its 27th Session, the Harmonized System Committee classified various multifunctional digital copiers. The "HP Mopier 320", the "Xerox Document Centre 340 ST" without the fax function and the "Xerox Document Centre 340 ST" with the fax function were classified in subheading 8471.60, and in respect of these classification decisions the EC and the Brazilian Administration have entered reservations; on the other side, the Committee has classified the "Brother MFC-8600" and the "Brother 1970MC" in subheading 8517.21, and the US Administration has entered reservations in respect of these decisions.
5. At that session, the classification of the "Xerox Document Centre 230 DC" was also on the agenda. However, the Delegate of Brazil called the Committee's attention to the fact that the machine, as presented, was not connectable to an ADP machine and that when adapted to be connected to an ADP machine, it became a different machine, the "Xerox 230 ST". Consequently, the Committee decided to postpone the classification of this machine to the following session, and the Secretariat was invited to present a new document with additional information on the nature of this machine.
6. At the 28th Session of the HSC, the classification of this machine was again on the agenda and the Secretariat prepared Doc. NC0468E1. Annex II of that document consisted of a note from the manufacturer. The second paragraph of that note reads :

"Initially, the 230 printer series was offered in a configuration which featured a print engine and a connected digital scanner, but did not have a connectivity board. This configuration was marketed as the 230 DC, or "digital copier". While the 230 DC did not feature a connectivity board, it features an internal slot for the insertion of such a board, and was designed to be connected, through this DFE board, to the central processing unit of a computer."
7. Therefore, the manufacturer recognized that the "Xerox 230 DC" does not contain the DFE connectivity board. Then, as the Brazilian Administration has indicated, this machine, as presented, is not connectable to an ADP machine.
8. In the following paragraphs of that note, the manufacturer, maybe concerned about the classification of the product, adds some confusion, by saying (3rd paragraph) that "the 230 ST is simply a 230 printer which features a scanner, as well as a DFE connectivity board". We think that the manufacturer would not deny that the 230 ST can also copy without the assistance of a computer, as the "HP Mopier 320" and the "Xerox 340 ST" do. Therefore, it would be more direct to say simply that, when one adds the connectivity board to the "Xerox 230 DC", one obtains the "Xerox 230 ST". In other words, that was what the Brazilian Delegate said to the Committee at its 27th Session. Incidentally, it is worthy of mentioning that one can pass, in a similar way, from the "Xerox 340 DC" to the "Xerox 340 ST".

9. The important fact to be stressed regarding the classification of this machine is that it features only the scanner and fax functions. That was the machine which the **Brazilian** Administration submitted to the Committee in 1998, as an example of the multifunctional digital copiers family.
10. The **Brazilian** Administration classifies this machine in heading 90.09 and we do not think that, at the moment, it is necessary to repeat all the reasons we gave for that on several occasions. This machine has features very similar to those of the “**Xerox 340 DC**”; then, its only important – yet fundamental – distinction regarding the **340 ST** (without the fax function) is the absence of the connectivity board and, consequently, the absence of the print function.
11. In this context, we would like to call the attention of the Committee to Doc. NC0613E1 of the present session, in which one can find the note that the **Brazilian** Administration has addressed to the Secretariat in support of our reservations in respect of the decisions taken by the Committee at its 27th Session, including the decision that “photocopying” was limited to the projection of an image onto a photosensitive surface and that heading 90.09 did not cover digital copying. We reproduce, below, the paragraphs 30-33 of that document :
30. Regarding our reasons, in fact the main question refers to the first decision listed above [decision that “photocopying” is limited to the projection of an image onto a photosensitive surface and that present heading 90.09 does not cover digital copying]. It goes without saying that the other decisions were strongly influenced by the exclusion of heading 90.09 as a viable alternative for the classification of those products. The only reason for which the Committee decided that present heading 90.09 does not cover digital copying was that heading’s Explanatory Note, which describes the electrostatic photocopying apparatus. Some delegates were of the view that digital photocopying is not covered by that description.
31. However, as several delegates pointed out, that Explanatory Note, written many years ago, could not cover products which incorporate modern technologies. The Explanatory Notes are very important as a guide for classification but only the legal texts can limit the scope of HS headings. Nobody denies that those machines can perform several functions, including copying. And, more importantly, the copying function of all those machines can work independently of the computer. Therefore, in order to classify those products, we need to have an answer to the following question : which heading in the HS covers this digital copying function ?
32. The answer to this question is very important and, in fact, if we remember the discussion we had in the Committee at its 27th Session, the question itself was not fully examined by the delegates. The Committee only decided that heading 90.09 does not cover digital copying but, in this case, the question remains : which heading covers digital copying ? The HSC did not address this question properly. Simply, having disregarded heading 90.09 for the classification, it considered heading 84.71 (which covers the scanner and the printer function) and heading 85.17 (which covers the fax function). Following that, some machines were classified in heading 84.71 and the others in heading 85.17.
33. This question is also very important for the classification of the “**Xerox 230 DC**”, which is on the agenda of the next session of the HSC. In fact, in this case, the question is absolutely essential because this machine is not even connectable to an ADP machine : it only performs the digital copying function. We cannot classify it in headings 84.71 or 85.17, so where should it be classified ?”

III. SECRETARIAT COMMENTS

12. The Secretariat thanks the Brazilian Administration for drawing the Committee's attention to the information contained in Annex II to Doc. NC0468E1. For the convenience of delegates, the Secretariat has reproduced that information in the Annex to this document.

IV. CONCLUSION

13. The Committee is invited to rule on the classification of the "Xerox Document Centre 230 DC" taking into account the Note from the Brazilian Administration and the information contained in the Annex to this document.

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Reproduced from Annex II to Doc. NC0468E1

NOTE FROM XEROX

COMPARISON OF THE XEROX 230 DC AND 230 ST PRINTERS

“The Xerox 230 family of printers is built around a common 30 print per minute laser printing engine. The basic, “laser printer only” version of the engine is marketed as the Xerox 230 LP. This device features a print engine and a digital front end (DFE) connectivity board, which enables the printer to interface with a wide array of computer systems and networks.

Initially, the 230 printer series was offered in a configuration which featured a print engine and a connected digital scanner, but did not have a connectivity board. This configuration was marketed as the 230 DC, or “digital copier”. While the 230 DC did not feature a connectivity board, it features an internal slot for the insertion of such a board, and was designed to be connected, through this DFE board, to the central processing unit of a computer.

The 230 ST is simply a 230 printer which features a scanner, as well as a DFE connectivity board.

The connectivity board, if imported separately, would be classified under HS heading 84.71 as an automatic data processing unit, specifically, a “control and adapter unit”. To the extent this unit is incorporated into the 230 ST, that printer is able to connect directly to the CPU of a computer. The 230 DC is also connectable to a CPU, through another ADP “unit” - specifically, the DFE connectivity board.

As a final point, the Committee may be interested to know that the Xerox 230 DC is no longer in production and order-taking for it ceased some time ago. It is our understanding that the last few orders were taken in 2000.”
