



HARMONIZED SYSTEM
COMMITTEE

-
31st Session
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NC0683E1
(+ Annex)

O. Eng.

Brussels, 11 March 2003.

AMENDMENTS TO THE EXPLANATORY NOTES TO CLARIFY THE CLASSIFICATION
OF FLASH ELECTRONIC STORAGE CARDS

(Item VII.12 on Agenda)

Reference documents :

42.448 (HSC/22)	NC0470E1 (HSC/28)
NC0160E2, Annex G/17 (HSC/24 – Report)	NC0502E1 (HSC/28)
NC0225E1 (HSC/25)	NC0510E2, Annex G/8 (HSC/28 – Report)
NC0250E2, Annex IJ/14 (HSC/25 – Report)	NC0549E1 (HSC/29)
NC0301E1 (HSC/26)	NC0566E1 (HSC/29)
NC0340E2, Annex G/18 (HSC/26 – Report)	NC0590E2, Annex H/13 (HSC/29 – Report)
NC0388E1 (HSC/27)	NC0626E1 (HSC/30)
NC0430E2, Annex H/5 (HSC/27 – Report)	NC0655E2, Annexes G/17 and L/22 (HSC/30 – Report)

I. BACKGROUND

1. At its 30th Session, the Harmonized System Committee discussed the possible amendment of the Explanatory Notes to clarify the classification of flash electronic storage cards. The **US** Delegate explained his administration's proposal, which had been circulated as a non-paper in English only, and which presented a more general amendment of the texts of the Explanatory Notes.
2. The Chairperson then asked the Committee whether it wished to work on the basis of the **US** or the Secretariat's proposal. Because the **US** proposal had been submitted late and in one language only, the Committee decided that it would maintain both proposals and send them for examination to the next preessional Working Party. In addition, the Secretariat was instructed to study both proposals with a view to seeing if even a third (combined) proposal could be drafted. Both proposals were reproduced in square brackets in Annex L/22 to Doc. NC0655B2.
3. Before concluding the discussions on this issue, one delegate proposed that the inclusion of a specific reference to memory capacity should be deleted, as manufacturers were continually making improvements in this area.

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

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II. SECRETARIAT COMMENTS

4. Acting on the Committee's instructions, the Secretariat has prepared and appended draft amendments to the Explanatory Notes.
5. The Secretariat suggests using the **US** proposal as the basis. It has, however, placed certain parts in square brackets for the reasons indicated below. First, in the second sentence, the Secretariat would suggest replacing the expression "e.g.," by "also known as", since it is not aware of other solid-state, non-volatile data storage devices, which are not known under this name. In the same sentence of the **US** proposal, the part "and retrieval of" was presented in square brackets without further clarification.
6. The Secretariat also suggests referring to the examples of external sources as part of the second sentence, rather than starting a new sentence, as suggested by the **United States**.
7. It has put in square brackets the reference to "cards" in the last sentence of the first part and in the first sentence of the second part of the proposed text, since this term is used either as an example (in the **US** proposal) or as a part of a larger description (in the Secretariat's proposal).
8. With respect to the second sub-paragraph of the proposed text, the Secretariat suggests deleting the expression "e.g.," since it is not aware of flash memories other than "FLASH E²PROM". It has also restructured the long sentence (i.e., two sentences instead of one) with a view to improving its readability, and has replaced the term "and/or" by "and", since the expression "may include" used in the same sentence implies that what follows is not exhaustive.
9. The **United States** may wish to clarify the points raised above.
10. In this context, the Secretariat would like to draw the Committee's attention to the fact that the **ICC** had also suggested a new text for the Explanatory Note to heading 85.23. However, this new text was one of the proposals for new Note 4 to Chapter 85, describing the expression "solid-state, non-volatile data storage devices". This proposal is reproduced in Doc. NR0336E1 and will be discussed in the context of reviewing Chapters 84, 85 and 90 (HS Review Sub-Committee – Working Group).

III. CONCLUSION

11. The Committee is invited to approve the appended draft amendments to the Explanatory Notes once they have been finalised by the presessional Working Party.

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