



HARMONIZED SYSTEM
COMMITTEE

-
31st Session
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NC0709E1
(+ Annexes I, II and III)
O. Fr.

Brussels, 19 March 2003.

STUDY TO ESTABLISH CERTAIN CRITERIA FOR THE CLASSIFICATION OF
VACUUM CLEANERS AS ELECTRO-MECHANICAL "DOMESTIC" APPLIANCES

IN HEADING 85.09

(Item IX.4 on Agenda)

I. BACKGROUND

1. At the request of the **Turkish** Administration, the Secretariat has conducted a study aimed at clarifying the distinction between the "domestic" vacuum cleaners of heading 85.09 and the vacuum cleaners classified in heading 84.79.
2. In this connection, the **Turkish** Administration considers that it would be desirable to incorporate in the Explanatory Notes provisions specifying that heading 85.09 does not cover electro-mechanical appliances with self-contained electric motors designed exclusively for industrial use, even if they are similar in construction and use to domestic appliances. This administration has pointed out that its proposal is based on the existence of similar provisions in the old CCCN.

II. SECRETARIAT COMMENTS

3. As the issue raised by the **Turkish** Administration concerns the interpretation of a legal Note, namely Note 3 to Chapter 85, on 10 December 2002 the Secretariat sent a letter to all Contracting Parties to seek their comments, together with information about the classification practices in force with regard to "domestic" and "industrial" vacuum cleaners.
4. By the date of this document, replies had been received from 14 administrations. Set out below is a summary table, presented in the order in which the replies were received, showing the main comments made. It should be noted that the replies themselves have been placed in the reference file, which will be available for consultation during the session.

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

File No. 2961

COUNTRY	COMMENTS
Switzerland	Reminder, for information, of the criteria applied prior to the most recent classification decisions taken by the HSC : Weight : 11. 5 kg Air flow : 1800 l/mn Dust chamber capacity : 20 l Maximum power : 500 watts.
Sri Lanka	Assessment based on the specifications. Overall dimensions, design, capacity, etc.
Swaziland	Power and type of motor. Application of GIR 3 (a).
Russia	(Proposal) - Weight of vacuum cleaners for dry materials : not exceeding 10 kg - Weight of vacuum cleaners for dry and wet materials : not exceeding 15 kg - Capacity of dust chamber for both types of appliances : not exceeding 30 kg - Power not exceeding 2500 watts.
United States	Application of the features listed in the Explanatory Note to heading 85.09 : overall dimensions, design, capacity, volume.
Cyprus	Application of the features listed in the Explanatory Note to heading 85.09 : overall dimensions, design, capacity, volume.
Iran	<ul style="list-style-type: none"> - Technical specifications - Appliance suitable only for household use - General design of appliance.
Canada	Assessment based on dimensions, weight and power. Flexibility to be maintained in order to accommodate specific national or regional circumstances. Concerns about the consequences of introducing any quantitative criteria.
Jordan	(Proposal) <ul style="list-style-type: none"> - Dust chamber capacity not exceeding 20 litres - Rated power (one or two motors) not exceeding 2,000 watts - Heavy-duty frame and casters.
Macedonia	<ul style="list-style-type: none"> - General design (self-contained electric motor) - Power - Capacity of liquid tank and dust bag.

Australia	In favour of <i>status quo</i> given the wide range of appliances on the market.
Lithuania	Assessment based on technical specifications. Power and capacity are key characteristics.
Chile	No particular criteria. Assessment on a case-by-case basis, primarily with reference to technical specifications.
Senegal	(Proposal) <ul style="list-style-type: none"> - Maximum air flow : 380 m³/h - Maximum capacity : 54 litres - Maximum power : 2000 watts - Maximum diameter : 53 cm - Maximum water column depression : 2000 cm.

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5. In the light of the differing views expressed by administrations, the Secretariat already has the impression that it could be very difficult to establish distinguishing criteria on strictly technical bases.
6. In this connection, the Secretariat merely wishes to point out that in several of the comments received, Member administrations referred to decisions taken by the Harmonized System Committee in respect of various types of vacuum cleaners with self-contained electric motors to demonstrate that, up to now, the Committee appears to have voluntarily refrained from fixing any general distinguishing criteria, preferring to deal with questions relating to the distinction between the two categories of appliances by issuing Classification Opinions on the individual vacuum cleaner at issue.
7. Where the current situation is concerned, the Secretariat wishes to draw attention to the provisions which must be taken into consideration :

1. **Note 3 to Chapter 85**

This legal Note reads as follows :

"3.- Heading 85.09 covers only the following electro-mechanical machines of the kind commonly used for domestic purposes :

- (a) Vacuum cleaners, including dry and wet vacuum cleaners, floor polishers, food grinders and mixers, and fruit or vegetable juice extractors, of any weight;
- (b) Other machines provided the weight of such machines does not exceed 20 kg.

The heading does not, however, apply to fans or ventilating or recycling hoods incorporating a fan, whether or not fitted with filters (heading 84.14), centrifugal clothes-dryers (heading 84.21), dish washing machines (heading 84.22), household washing

machines (heading 84.50), roller or other ironing machines (heading 84.20 or 84.51), sewing machines (heading 84.52), electric scissors (heading 84.67) or to electrothermic appliances (heading 85.16)."

2. **Explanatory Note to heading 85.09, page 1633, first paragraph**

This Explanatory Note states that :

"This heading covers a number of domestic appliances in which an electric motor is incorporated. The term "domestic appliances" in this heading means appliances normally used in the household. These appliances are identifiable, according to type, by one or more characteristic features such as overall dimensions, design, capacity, volume. The yardstick for judging these characteristics is that the appliances in question must not operate at a level in excess of household requirements."

Secretariat assessment

8. Firstly, the Secretariat notes that this question relates only to vacuum cleaners with self-contained electric motors, and therefore does not take account of other systems which could be used in the domestic setting.
9. The Secretariat also wishes to point out that as heading 84.79 is a residual heading, in its view the question could be confined to determining under what conditions electro-mechanical dry and wet vacuum cleaners can be classified in heading 85.09.
10. With regard to actually distinguishing between the two categories of appliances, the Secretariat considers that if reference is made to the various commercial or technical brochures (see Annexes I and II to this document, together with other brochures to be found in the reference file), it should not normally be too difficult to compare the characteristics of the various types of appliances traditionally available on the market. However, the Secretariat concedes that problems may arise in the case of vacuum cleaners intended for establishments such as hospitals and hotels, for example.
11. In this respect, the Secretariat considers that three possibilities might be available to the Committee in terms of establishing a demarcation line between the two categories :
 1. - Define the term "domestic", used in the HS Nomenclature
12. As this term is also used in other parts of the Nomenclature, the Secretariat could conduct a general study of its scope. However, given the many contexts (259 entries) in which this term is used, this solution would not seem to be promising.
 2. - Establish quantitative criteria for distinguishing between the vacuum cleaners of heading 85.09 and other vacuum cleaners.
13. As Members hold differing views, the Secretariat considers that it would be difficult to arrive at a set of technical criteria which would be universally accepted.
14. Nevertheless, the Contracting Parties might reach agreement on quantitative criteria for limiting the scope of heading 85.09 to certain categories of vacuum cleaners. These criteria could take account of capacity, power or dimensions, for example.

15. On the other hand, the Secretariat could also agree with the view that as the appliances at issue are to be used in daily household life, specific national or regional circumstances should be accommodated.

3. - Amend Note 3 to Chapter 85

16. The Secretariat wishes to point out that Note 3 to Chapter 85 covers two categories of appliances :

- (a) certain number of appliances which are specifically listed by name, and
- (b) group of appliances which are not exhaustively listed, and are classifiable in heading 85.09 provided that their weight does not exceed 20 kg.

17. In this connection, the Secretariat wishes to point out that in accordance with decisions taken by the HSC at the time when only vacuum cleaners for dry materials were referred to in the first of these categories, vacuum cleaners able to deal with both wet and dry materials automatically fell into the second category, i.e., the 20 kg weight limit category.

18. If the Committee was prepared to confirm this interpretation, the Secretariat would propose an amendment to Note 3 to Chapter 85, in order to transfer the reference to “dry and wet vacuum cleaners” to part (b) of the Note. This would mean that a 20 kg weight limit would constitute the decisive criterion for determining whether such appliances could be classified in heading 85.09. In any event, it should be noted that a provision of this kind could not be introduced until the 2007 version of the HS, and in the meantime the characteristics of electro-mechanical vacuum cleaners would continue to be assessed on a case-by-case basis, depending on whether or not the appliances in question operated at a level in excess of household requirements.

19. However, the Secretariat leaves it to the Committee to choose which of the three possible approaches should be pursued.

III. CONCLUSION

20. The Committee is invited to :

- (1) rule on whether it is necessary to fix criteria for the classification of vacuum cleaners in heading 85.09;
- (2) if appropriate, define the approach for establishing such criteria, taking into account, in particular, the Secretariat comments in paragraphs 3 to 19 above.

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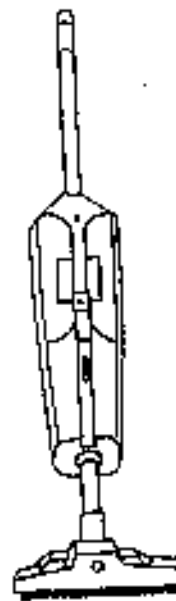
SUMMARY OF THE CLASSIFICATION OPINIONS ISSUED BY THE SECRETARIAT FOR CERTAIN TYPES OF VACUUM CLEANERS

	<u>Article and classification</u>	<u>Power (W)</u>	<u>Air flow (litres/sec)</u>	<u>Vacuum (Pa)</u>	<u>Capacity (litre)</u>	<u>Weight (kg)</u>	<u>Dimensions (mm)</u>	<u>Year</u>
<u>APPLIANCES CLASSIFIED IN HEADING 85.09 AS DOMESTIC APPLIANCES</u>	<u>KARCHER T101</u> <u>8509.10 (vacuum cleaners)</u>	<u>800</u>	<u>55</u>	<u>16000</u>	<u>14</u>	<u>5.3</u>	<u>330 x 480</u>	<u>1989</u>
	<u>KARCHER NT221</u> <u>8509.80 (other appliances)</u>	<u>900</u>	<u>53</u>	<u>14000</u>	<u>22</u>	<u>5.6</u>	<u>380 x 530</u>	<u>1989</u>
	<u>PORTOTECNICA MIRAGE 1615</u> <u>8509.80 (other appliances)</u>	<u>1050</u>	<u>47.2</u>	<u>21700</u>	<u>62</u>	<u>13.5</u>	<u>500 x 500 x 870</u>	<u>1996</u>
	<u>ELECTROLUX UZ930</u> <u>85.09 (vacuum cleaners)</u>	<u>1100</u>	<u>41.7</u>	<u>24100</u>	<u>15</u>	<u>8.8</u>	<u>440 x 380 x 330</u>	<u>1990</u>
	<u>EMERSON 6G 2.0HP</u> <u>8509.80 (other appliances)</u>	<u>1500</u>	<u>n/s</u>	<u>12000</u>	<u>22.7</u>	<u>n/s</u>	<u>n/s</u>	<u>1997</u>
	<u>RAINBOW</u> <u>Vacuuuming system</u> <u>9509.10</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>1997</u>
	<u>EMERSON 8G 3.0HP</u> <u>8509.80 (other appliances)</u>	<u>2200</u>	<u>n/s</u>	<u>12000</u>	<u>30.3</u>	<u>n/s</u>	<u>n/s</u>	<u>1997</u>
<u>APPLIANCES CLASSIFIED IN HEADING 84.79 AS INDUSTRIAL VACUUM CLEANERS</u>	<u>ROVER-VAC-588</u> <u>8479.89 (other appliances)</u>	<u>800</u>	<u>n/s</u>	<u>n/s</u>	<u>22.5</u>	<u>15</u>	<u>n/s</u>	<u>1991</u>
	<u>ROVER-VAC-858</u> <u>8479.89 (other appliances)</u>	<u>800</u>	<u>n/s</u>	<u>n/s</u>	<u>36</u>	<u>15</u>	<u>n/s</u>	<u>1991</u>
	<u>RAINBOW</u> <u>8479.89 (vacuum cleaners)</u>	<u>950</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>n/s</u>	<u>1992</u>
	<u>ELECTROLUX UZ876</u> <u>84.79</u>	<u>1000</u>	<u>33.3</u>	<u>18700</u>	<u>35</u>	<u>12</u>	<u>n/s</u>	<u>1990</u>
	<u>PORTOTECNICA MIRAGE 1629</u> <u>8479.89 (other appliances)</u>	<u>2100</u>	<u>94.4</u>	<u>21700</u>	<u>78</u>	<u>24</u>	<u>600 x 600 x 960</u>	<u>1996</u>
	<u>EMERSON 16G 5.0HP</u> <u>8479.89 (other appliances)</u>	<u>3700</u>	<u>n/s</u>	<u>12000</u>	<u>60.6</u>	<u>n/s</u>	<u>n/s</u>	<u>1997</u>
	<u>WAP SQ 450/460</u> <u>8479.89 (other appliances)</u>	<u>1200</u>	<u>56.7</u>	<u>23000</u>	<u>38</u>	<u>11</u>	<u>443 x 448 x505</u>	<u>1997</u>

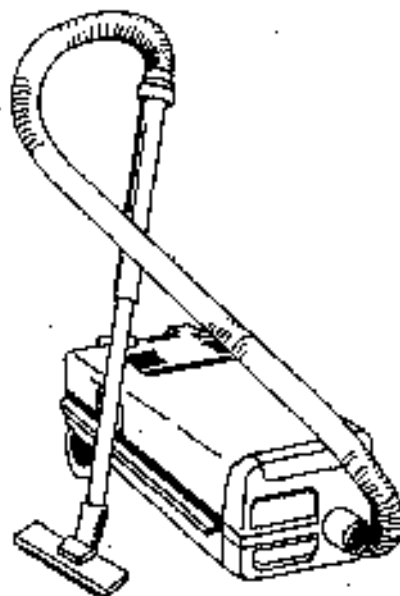
DIFFERENT TYPES OF ELECTRO-MECHANICAL VACUUM CLEANERS
USED IN THE HOUSEHOLD



BEATER-TYPE VACUUM CLEANER
(UPRIGHT)



BRUSH-TYPE VACUUM CLEANER
(UPRIGHT)



CYLINDER TYPE VACUUM CLEANER

OTHER TYPES OF ELECTRO-MECHANICAL VACUUM CLEANERS

