



HARMONIZED SYSTEM
COMMITTEE
-
24th Session
-

NC0149E1
(+ Annex)
O. Eng.

Brussels, 8 October 1999.

**DRAFT RECOMMENDATION ON THE INSERTION IN NATIONAL STATISTICAL
NOMENCLATURES OF SUBHEADINGS TO FACILITATE THE MONITORING AND
CONTROL OF PRODUCTS SPECIFIED IN THE PROTOCOL CONCERNING FIREARMS
COVERED BY THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME**

(Item IV.2 on Agenda)

Reference document :

NC0138E2 (HSC/24)

I. SECRETARIAT COMMENTS

1. In paragraph 5 of Doc. NC0138E2, the Secretariat suggested proposing a draft Council Recommendation on the insertion in national statistical nomenclatures of subheadings to facilitate the monitoring and control of products specified in the Firearms Protocol, which would be part of the United Nations Convention against Transnational Organized Crime (TOC Convention), to be presented to the Committee for consideration and approval at its 25th Session (Spring 2000).
2. The Secretariat considers, however, that it may facilitate its drafting work if the Committee could give its views on the preliminary draft Recommendation reproduced in the Annex to this document, and the issues set out hereafter.
3. Firstly, the Secretariat has noted that for each of the subheadings 9305.10, 9305.29 and 9305.90, more than 9 items are listed (see Annex II to Doc. NC0138B2). This might cause practical problems vis-à-vis their introduction at national level, bearing in mind that some countries use a system at national level comparable to the Harmonized System, which does not allow for more than 9 entries within one (sub-)category. To solve this problem, it might be necessary to group a number of items, which could be subsequently subdivided, if necessary. The Representative of the TOC Convention may wish to clarify whether the items referred to under subheadings 9305.10, 9305.29 and 9305.90 could be grouped together and, if so, which.

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4. Secondly, the Canadian Administration's submission indicates that the term "rifle" (in heading 93.01) includes assault rifles (rifles capable of selective fire), service rifles and sniper rifles. The Secretariat understands that this description is not exhaustive and may include other types of military rifles. The same description also includes a reference to "fully automatic sporting rifles". Since heading 93.01 covers "military weapons", the Secretariat has some doubt whether it is appropriate to refer to these rifles in this description. Moreover, sporting rifles are mentioned by way of example in heading 93.03, without qualification, which would, in the view of the Secretariat, imply that fully automatic sporting rifles are classifiable in heading 93.03, rather than in heading 93.01. The Secretariat has placed the relevant part in square brackets in the Annex to this document, and invites the Committee to express its view on this issue.

5. Thirdly, "fully automatic sporting rifles" are referred to in the French version of the same footnote of the Canadian submission as "les fusils de chasse entièrement automatiques". This term is, however, also used as translation of "fully automatic shotguns", for which a separate entry has been foreseen within heading 93.01. Furthermore, the first entry in heading 93.01 of the French version of the Canadian submission refers to "carabines", whereas the footnote refers to "fusil". It is to be noted that the Harmonized System uses both terms in the French version as equivalent of the English word "rifle" (see heading 93.03, for example). The Representative of the TOC Convention and/or the Canadian Administration may wish to clarify these points.

6. Fourthly, the Secretariat has noticed that certain categories may overlap. In order to cover all categories listed in Annex II of Doc. NC0138B2 in the draft Recommendation, the Secretariat invites the Representative of the TOC Convention and/or the Canadian Administration to clarify the following points :
 - (i) Heading 93.02 : does the sub-category "multi barrel" include the sub-categories "single shot" and "semi-automatic";
 - (ii) Subheading 9303.20 : does the sub-category "multi barrel" include the sub-category "combination guns" (which have one smooth barrel and one rifled barrel); and
 - (iii) Subheadings 9303.20 and 9303.30 : do the sub-categories "multi barrel shotguns" and "combination guns" also cover one or more of the sub-categories referring to the action.

7. Fifthly, in the proposed structure for subheadings 9303.20 and 9303.30 references are made to "shotguns" and "rifles", respectively (the French version refers to "fusils de chasse" and "fusils", respectively) (see Annex II to Doc. NC0138B2). Since the scope of the respective subheadings is limited to "shotguns" (subheading 9303.20) and to "rifles" (subheading 9303.30) (cf. texts of the subheadings), the Secretariat doubts whether it would be appropriate to repeat these terms in the proposed structure for insertion at national level. In other words, if these references were inserted at national level, there would be automatically a subheading "other". Furthermore, the French version of the HS subheadings concerned refer to "fusils et carabines" (emphasis added), whereas the term "carabines" does not appear in the Canadian proposals (see also paragraph 5 above). The Secretariat, while suggesting to refer to the types of action only, invites the Representative of the TOC Convention and/or the Canadian Administration to clarify the issue.

8. Finally, the Secretariat suggests replacing the sub-category "bolts" in subheadings 9305.29 and 9305.90 by "bolts (gunlocks)" in the English version, to avoid a possible confusion with bolts of Section XV.

II. CONCLUSION

9. The Committee is invited to take account of the Secretariat's observations in paragraphs 1 to 8 above, when examining this agenda item.

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(CSH/24/oct. 99)
(HSC/24/Oct. 99)

ANNEXE

PROJET DE RECOMMANDATION RELATIVE A L'INSERTION DANS LES
NOMENCLATURES STATISTIQUES NATIONALES
DES SOUS-POSITIONS DESTINEES A FACILITER L'IDENTIFICATION
ET LE CONTROLE DES PRODUITS SPECIFIES DANS LE PROTOCOLE
RELATIF AUX ARMES A FEU DANS LE CADRE DE LA CONVENTION
DES NATIONS UNIES CONTRE LA CRIMINALITE TRANSNATIONALE ORGANISEE

(Point IV.
2 de l'ordre du jour)

ANNEX

DRAFT RECOMMENDATION ON THE INSERTION IN NATIONAL STATISTICAL
NOMENCLATURES OF SUBHEADINGS TO FACILITATE
THE MONITORING AND CONTROL OF PRODUCTS SPECIFIED IN THE PROTOCOL
CONCERNING FIREARMS COVERED BY THE UN CONVENTION AGAINST
TRANSNATIONAL ORGANIZED CRIME

(Item IV.2 on Agenda)

DRAFT RECOMMENDATION ON THE INSERTION IN NATIONAL STATISTICAL
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(July 2000)

THE CUSTOMS CO-OPERATION COUNCIL,

CONSIDERING the urgent need to monitor the international trade in firearms, their parts and components and ammunition;

CONSIDERING the development of a new Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials (Firearms Protocol) which will be part of the United Nations Convention Against Transnational Organized Crime;

TAKING INTO ACCOUNT the request by the United Nations Commission on Crime Prevention and Criminal Justice to create the appropriate nomenclature to prevent and combat the illicit manufacturing of and the trafficking in firearms, ammunition and other related materials;

RECOMMENDS that Member Administrations and Contracting Parties to the Harmonized System Convention take all appropriate actions to insert the following additional subdivisions in their statistical nomenclatures as soon as possible, either separately or grouped together where necessary to meet national requirements :

Subheading 9301.00 of the Harmonized System

- - - Rifles**:

- - - - Single-shot bolt action
- - - - Single-shot break action
- - - - Other bolt action
- - - - Semi-automatic
- - - - Fully automatic
- - - - Other

- - - Machine guns :

- - - - Light
- - - - Medium
- - - - Heavy

- - - Sub-machine guns :

* The Customs Co-operation Council is the official name of the World Customs Organization

- Fully automatic pistols
- Other

- Fully automatic shotguns

** Within the context of heading 93.01, the term "rifle" includes assault rifles (rifles capable of selective fire), service rifles and sniper rifles. [This also includes fully automatic sporting rifles.]

Subheading 9302.00 of the Harmonized System

- Revolvers
- Pistols :
 - Single-shot
 - Semi-automatic
 - Multiple barrel
 - Other

Subheading 9303.10 of the Harmonized System

- Shotguns
- Rifles
- Pistols
- Revolvers
- Other

Subheading 9303.20 of the Harmonized System

- Pump-action
- Single-shot bolt action
- Single-shot break action
- Other bolt-action
- Semi-automatic
- Multiple barrel
- Combination guns (shotgun-rifle)
- Other

Subheading 9303.30 of the Harmonized System

- Single-shot bolt action
- Single-shot break action
- Pump-action
- Lever-action
- Other bolt-action
- Semi-automatic
- Multiple barrel
- Other

Subheading 9305.10 of the Harmonized System

- Firing mechanisms***
- Barrels

- Barrel extensions
- Pistons
- Locking lugs
- Gas buffers
- Sights (front & back sights)
- Magazines
- Silencers (sound moderators)
- Frames
- Slides (for pistols)
- Cylinders (for revolvers)
- Butts, grips and plates
- Other

Subheading 9305.29 of the Harmonized System

- Firing mechanisms***
- Rifle barrels
- Barrel extensions
- Pistons
- Locking lugs
- Gas buffers
- Sights (front & back sights)
- Magazines
- Silencers (sound moderators)
- Receivers
- Breeches
- Stocks
- Slings
- Tripods/bipods
- Flash eliminators
- Bolts (gunlocks)
- Bolt carriers
- Other

Subheading 9305.90 of the Harmonized System

--- Of rifles, machine guns, sub-machine guns, and shotguns of heading 93.01 :

- Firing mechanisms***
- Barrels
- Barrel extensions
- Pistons
- Locking lugs
- Gas buffers
- Sights (front & back sights)
- Magazines
- Silencers (sound moderators)
- Receivers
- Breeches
- Stocks
- Slings
- Tripods/bipods
- Flash eliminators

- - - - Bolts (gunlocks)
- - - - Bolt carriers
- - - - Other

- - - Parts and accessories of other articles of heading 93.01

- - - Parts and accessories of other articles of heading 93.03

- - - Parts and accessories of articles of heading 93.04

*** For the purposes of heading 93.05, the term "firing mechanisms" includes such parts as levers, tumblers, triggers, percussion hammers, locks, cocking pieces, ejectors, firing-pins, safety catches (safety and selector mechanisms), sears, extractors.

and

REQUESTS Member Administrations and Contracting Parties to the Harmonized System Convention to notify the Secretary General of their acceptance of this Recommendation and of the date of its application and, where applicable, to specify which items have been grouped together.

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NOMENCLATURES STATISTIQUES NATIONALES
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(juillet 2000)

LE CONSEIL DE COOPERATION DOUANIERE,

CONSIDERANT qu'il est urgent de surveiller les échanges internationaux dont font l'objet les armes à feu, leurs parties, composants et munitions;

EU EGARD à l'élaboration d'un nouveau Protocole ayant trait à la fabrication et au trafic illicites des armes à feu, des munitions et autres matières connexes (Protocole relatif aux armes à feu) qui fera partie de la Convention des Nations Unies contre la criminalité transnationale organisée;

TENANT COMPTE de la demande de la Commission des Nations Unies pour la prévention de la criminalité et la justice pénale de créer une nomenclature appropriée aux fins de prévenir et de lutter contre la fabrication et le trafic illicites des armes à feu, des munitions et autres matières connexes;

RECOMMANDE aux administrations membres et aux Parties contractantes à la Convention sur le Système harmonisé de prendre toutes les mesures nécessaires pour faire figurer dès que possible dans leurs nomenclatures statistiques nationales les sous-positions supplémentaires ci-après, séparément ou regroupées le cas échéant pour répondre aux prescriptions en vigueur dans chaque pays :

Sous-position 9301.00 du Système harmonisé

- - - Carabines** :

- - - - A culasse à un coup
- - - - A culasse mobile à un coup
- - - - Autres à culasse
- - - - Semi-automatiques
- - - - Entièrement automatiques
- - - - Autres

- - - Mitrailleuses :

- - - - Légères
- - - - Semi-lourdes
- - - - Lourdes

- - - Mitraillettes :

* Le Conseil de coopération douanière est le nom officiel de l'Organisation mondiale des douanes

- - - - Pistolets entièrement automatiques
- - - - Autres

- - - Fusils de chasse entièrement automatiques

** Dans le contexte du n° 93.01, le terme "fusil" comprend les fusils d'assaut (les fusils de tir sélectif), les fusils militaires et les fusils de tireur d'élite. [Ceci comprend également les fusils de chasse entièrement automatiques.]

Sous-position 9302.00 du Système harmonisé

- - - Revolvers

- - - Pistolets :

 - - - - A un coup
 - - - - Semi-automatiques
 - - - - A plusieurs canons
 - - - - Autres

Sous-position 9303.10 du Système harmonisé

- - - Fusils de chasse
- - - Carabines
- - - Pistolets
- - - Revolvers
- - - Autres

Sous-position 9303.20 du Système harmonisé

- - - A coulisse
- - - A culasse à un coup
- - - A culasse mobile à un coup
- - - Autres à culasse
- - - Semi-automatiques
- - - A plusieurs canons
- - - Fusils-combinés (fusils-carabines)
- - - Autres

Sous-position 9303.30 du Système harmonisé

- - - A culasse à un coup
- - - A culasse mobile à un coup
- - - A coulisse
- - - A levier
- - - Autres à culasse
- - - Semi-automatiques
- - - A plusieurs canons
- - - Autres

Sous-position 9305.10 du Système harmonisé

- - - Mécanismes de mise de feu***
- - - Canons

- Rallonges de canons
- Pistons
- Tenons de verrouillage
- Amortisseurs à gaz
- Dispositifs de visée (guidons de mire avant et arrière)
- Magasins
- Silencieux (dispositifs amortisseurs du bruit de la détonation)
- Carcasses
- Coulisses (pour les pistolets)
- Barilletts (pour les revolvers)
- Crosses, plaquettes de poignée et plaquettes
- Autres

Sous-position 9305.29 du Système harmonisé

- Mécanismes de mise de feu***
- Canons de carabines
- Rallonges de canons
- Pistons
- Tenons de verrouillage
- Amortisseurs à gaz
- Dispositifs de visée (guidons de mire avant et arrière)
- Magasins
- Silencieux (dispositifs amortisseurs du bruit)de la détonation)
- Carcasses
- Culasses
- Montures
- Bretelles
- Trépieds/bipieds
- Dispositifs anti-lueur
- Verrous
- Porte-culasses
- Autres

Sous-position 9305.90 du Système harmonisé

- De fusils, mitrailleuses, mitraillettes et fusils de chasse du n° 93.01 :
 - Mécanismes de mise à feu***
 - Canons
 - Rallonges de canons
 - Pistons
 - Tenons de verrouillage
 - Amortisseurs à gaz
 - Dispositifs de visée (guidons de mire avant et arrière)
 - Magasins
 - Silencieux (dispositifs amortisseurs du bruit de la détonation)
 - Carcasses
 - Culasses
 - Montures
 - Bretelles
 - Trépieds/bipieds
 - Dispositifs anti-lueur

- - - - Verrous
- - - - Porte-culasses
- - - - Autres

- - - Parties et accessoires des autres articles du n° 93.01

- - - Parties et accessoires des autres articles du n° 93.03

- - - Parties et accessoires des articles du n° 93.04

*** Pour les besoins du N° 93.05, l'expression "mécanismes de mise à feu" comprend des parties comme des leviers, des noix, des détonateurs, des chiens percutants, des platines, des pièces d'armement, des éjecteurs, des percuteurs, des crans de sûreté (des mécanismes de sélection et de sûreté), des gâchettes, des extracteurs.

et

INVITE les administrations membres ainsi que les Parties contractantes à la Convention sur le Système harmonisé qui acceptent la présente Recommandation à en faire part au Secrétaire général en indiquant la date de sa mise en application et, le cas échéant, à préciser les rubriques qui ont été regroupées.
