



HARMONIZED SYSTEM  
COMMITTEE

NC0234E1

-  
25<sup>th</sup> Session  
-

O. Eng.

Brussels, 16 February 2000.

### CLASSIFICATION OF THE "TATA SUMO 483" MOTOR VEHICLE

(Item VIII.16 on Agenda)

#### Reference documents :

NC0056E1 (HSC/23)  
NC0145E1 (HSC/24)  
NC0162E1 (HSC/24)  
NC0160E2, Annex H/7 (HSC/24 – Report)

#### I. BACKGROUND

1. At its 24<sup>th</sup> Session, the Committee examined the classification of the ten-seat and twelve-seat models of the "Ssang Yong MUSSO 601 and MUSSO 602" motor vehicles and the ten-seat model of the "TATA SUMO 483" motor vehicle, as well as certain questions posed by the Argentine Administration in connection with the classification of these vehicles.
2. The Committee classified the aforementioned models of the "Ssang Yong MUSSO" motor vehicles in heading 87.02 by 28 votes to 3.
3. It was also decided that the classification of the "TATA SUMO 483" motor vehicle could be re-examined at the Committee's 25<sup>th</sup> Session on the basis of further information to be submitted by Argentina.

#### II. SECRETARIAT'S ACTION AND COMMENTS

4. After repeatedly contacting the Argentine Administration, on 2 February 2000, the Secretariat received a letter from that Administration, accompanied by additional information related to "TATA SUMO 483" motor vehicle.

#### Description

5. Information and comments submitted by Argentina to the Committee before the 24<sup>th</sup> Session in respect of the description of the "TATA SUMO 483" motor vehicle is excerpted below (from Doc. NC0056E1, paras. 13 to 16) for ease of reference :

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- 5.1. "This vehicle has two completely different parts as regards its usage: (1) the first part (the front of the vehicle), is intended for the transport of persons; there are six fixed seats with anchorage points and seat belts, and (2) the other part (the rear of the vehicle) which can be used either for the transport of goods or for the transport of persons, has two fold-away bench seats without anchorage points, stored in lateral (side) panels (longitudinally with respect to the vehicle's transmission shaft).
- 5.2. In this case, each of the two folding seats is 78 cm in length and 44 cm in depth (seat width), the height of the seat is 37 cm and there is 50 cm between the two folding bench seats. In this respect, it should be noted that this Administration believes that the 78 cm length measurement for the folding seat is very short for two adults of normal size (approximately 70 kg in weight and 1.70 m in height) to be transported in safe and comfortable conditions, given that a length of at least 90 cm is required for this to be achieved. Furthermore, the height of the seat should be at least 40 cm, but the seats of this vehicle are only 37 cm.
- 5.3. Furthermore, climbing into the rear of the vehicle is very difficult for adults of normal height because they must enter by a 120 cm high door while upright and walking.
- 5.4. Given all of the above, the Argentine Administration is of the opinion that the "TATA" vehicle, model "SUMO 483" should be classified in heading 87.03 because, its dimensions and environment, the seats for the transport of persons are not suitable for the transport of adults of normal size."
6. The additional information submitted by Argentina includes certification, by the manufacturer, with regard to seat and seat belts (English only), technical specifications (English and Spanish) and pictures (interior and exterior) of the "TATA SUMO" 10-seater. This documentation will be made available during the session for consultation by delegates.
7. The certification concerning seats and seat belts indicates that "...TATA SUMO" ten-seater vehicle is fitted with adequate number of seat belts and seat belt anchorage for each of the ten seating positions. Also, the folding rear jump seats are designed to prevent the system from accidental unlocking by virtue of the design feature which ensured that the weight of the passenger is always located within the front and rear anchorage points of the seat (when passenger is seated on the seat)...".
8. According to the technical specifications and pictures submitted, the ten-seater model of the "TATA SUMO 483" motor vehicle is equipped with a 1948 cc water cooled, indirect injection diesel engine, window side panels, four doors and a tailgate with window. The overall length is 4450 mm, maximum width is 1756 mm, overall height is 1906 mm (laden), maximum g.v.w. is 2710 kg and complete vehicle kerb weight is 1700 kg. There is a driver's seat and a bench seat for two passengers in the driver's section, a bench seat for three passengers behind the front seats and two fold-away bench seats, 90 cm long, stored in lateral panels of the rear section which can be used for the transport of either persons or goods. The two bench seats in the rear section are upholstered and covered in the same fashion as the front seats.
9. On the basis of the foregoing information, the Secretariat has prepared the following description of the ten-seater model of the "TATA SUMO 483" motor vehicle :

Motor vehicle with a compression-ignition engine of a cylinder capacity of 1948 cc, equipped with window side panels, four doors and a tailgate with window. There is a driver's seat and a bench seat for two passengers in the driver's section, a bench seat for three passengers behind the front seats and two fold-away bench seats, 90 cm long, stored in lateral panels of the rear section which can be used for the transport of either persons or goods. The two bench seats in the rear section are upholstered and covered in the same fashion as the front seats and fitted with an adequate number of seat belts and seat belt anchor points for each of the ten seating positions. The motor vehicle is designed for the transport of ten persons, including the driver.

### Classification

10. Now that the Committee at its 24<sup>th</sup> Session clarified that :
- (a) the term "persons", in the context of headings 87.02 and 87.03, should cover both adults and children;
  - (b) placing limitations in the HS defining the term "persons" and the expression "adults of normal size" for the purpose of the classification of motor vehicles was inadvisable and inappropriate; and
  - (c) the motor vehicles which might potentially fall in heading 87.02, 87.03 or 87.04 should be classified on a "case-by-case" basis (see paras. 1, 2 and 9, Annex H/7 to Doc. NC0160E2, HSC/24 – Report),

the Secretariat is of the view that the Argentine comments concerning the "size" of the seats of ten-seater model of the "TATA SUMO 483" motor vehicle should no longer be relevant to the classification.

11. In respect of its design features, the ten-seater model of the "TATA SUMO 483" vehicle seems to be similar to the ten-seater model of the "Land Rover 110" vehicle, which was classified by the Committee at its 5<sup>th</sup> Session in heading 87.02, except that the latter had two separate seats for two passengers in the driver's section whereas the former has a bench seat for two passengers in the same section.
12. Further, according to the information available, the seats of the "TATA SUMO 483" vehicle are equipped with certain safety and comfort features.
13. On the basis of the foregoing, the Secretariat would classify the ten-seater model of the "TATA SUMO 483" motor vehicle in heading 87.02, as a motor vehicle for the transport of ten persons, including the driver (in subheading 8702.10, since it is equipped with a diesel engine).
14. Nevertheless, the Secretariat leaves the final classification decision to the Committee.

### III. CONCLUSION

15. Taking into consideration the information and comments submitted by Argentina, as well as the Secretariat comments above, the Committee is invited to rule on the classification of the ten-seater model of the "TATA SUMO 483" motor vehicle and indicate whether any further action should be taken in respect of its decision.