



HARMONIZED SYSTEM
COMMITTEE

-
26th Session
-

NC0299E1
(+ Annex)

O. Fr.

Brussels, 20 July 2000.

AMENDMENT TO THE EXPLANATORY NOTES TO HEADINGS 84.43 AND 84.71
TO TAKE ACCOUNT OF THE CLASSIFICATION OF THE "IRIS 3047" INK-JET PRINTER
IN SUBHEADING 8443.51
(Item VII.17 on Agenda)

Reference documents :

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|--------------------------------------|----------------------------------------|
| 40.266 (HSC/17) | 42.057 (HSC/21) |
| 40.726 (HSC/18) | 42.105 (HSC/21) |
| 40.600, Annex IJ/6 (HSC/18 – Report) | 42.119 (HSC/21) |
| 40.885 (HSC/19) | 42.750, Annex G/30 (HSC/22 – Report) |
| 41.124 (HSC/19) | NC0048E1 (HSC/23) |
| 41.100, Annex G/19 (HSC/19 – Report) | NC0139E1 (HSC/24) |
| 41.315 (HSC/20) | NC0160E2, Annex G/16 (HSC/24 - Report) |
| 41.598 (HSC/20) | NC0196E1 (HSC/25) |
| 41.600, Annex E/20 (HSC/20 – Report) | NC0250E2, Annex H/6 (HSC/25 - Report) |

I. BACKGROUND

1. At its 25th Session (March 2000), the Harmonized System Committee, in response to a reservation entered by the Administration of Japan, re-examined the classification of the "Iris 3047" ink-jet printer and confirmed, by 27 votes to 4, that the said printer falls in heading 84.43 (subheading 8443.51) rather than in heading 84.71, by application of GIR 1 and Notes 5 (B) and 5 (E) to Chapter 84.
2. The Committee also confirmed the interpretation it had placed on Note 5 (D) to Chapter 84 at its 24th Session, to the effect that paragraph (D) of Note 5 to Chapter 84 was to be considered in the overall context of the said Note 5 and that, for the paragraph's application, sub-paragraphs (B) (b) and B) (c) and the introductory part of Note 5 (B) had to be read in conjunction, which meant that the rules laid down there were applicable subject to the provisions of Note 5 (E).

Reference document No. 2618F

3. Further to this decision, the Committee also asked the Secretariat to examine the possibility of amending the Explanatory Notes to headings 84.43 and 84.71 and agreed, in that respect, that the interpretation placed on Note 5 (D) to Chapter 84 should be mentioned in those texts.

II. SECRETARIAT COMMENTS

4. In accordance with the Committee's introductions, the Secretariat has prepared a draft amendment to the Explanatory Notes to headings 84.43 and 84.71 to take account of the above-mentioned decisions.
5. At the time of writing this document the Secretariat had not received any proposals or comments from administrations. The appended draft was therefore prepared solely on the basis of the instructions given by the Committee, which were :
 - Insert an exclusion Note in the Explanatory Note to heading 84.71 referring to the printers of the type examined (Doc. NC0160E2, Annex G/16, paragraph 12 – HSC/24 – Report);
 - Mention in the Explanatory Notes the interpretation placed by the Committee on Note 5 (d) to Chapter 84.
6. Although this study requested by the Committee concerned the Explanatory Notes to both headings concerned (headings 84.43 and 84.71), the Secretariat suggests that the amendment be confined essentially to the relevant part of the Explanatory Note to heading 84.71 (Part (I) (A), fourth paragraph on page 1404); hence the Explanatory Note to heading 84.43 would be amended simply with a reference to the other Explanatory Note.
7. In addition, although the Committee's decision concerned ink-jet printers, the Secretariat feels that the classification principle laid down is also valid for other printers. Hence in its proposal the term "ink-jet" has been put in square brackets, and the Committee is asked for a decision on this point.
8. The proposed texts are appended hereto.

III. CONCLUSION

9. The Committee is invited to decide on the draft amendment to the Explanatory Notes appended hereto, in the light of the Secretariat's comments above.

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ANNEXE

MODIFICATION DES NOTES EXPLICATIVES DES N°S 84.43 ET 84.71
EN VUE DE REFLETER LE CLASSEMENT DE L'IMPRIMANTE A JET D'ENCRE
DENOMMEE "IRIS 3047" DANS LE N° 8443.51

(Point VII.17 de l'ordre du jour)

ANNEX

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MODIFICATIONS DES NOTES EXPLICATIVES
A EFFECTUER PAR VOIE DE CORRIGENDUM

CHAPITRE 84.

N° 84.43. Page1339. Deuxième paragraphe. Alinéa 2). Dernière ligne.

Remplacer "**n° 84.71.**" par "**n° 84.71** (voir les paragraphes relatifs aux imprimantes, dans la partie I. A. de la Note explicative de cette position).

N° 84.71. Page 1404. Partie A.

Quatrième paragraphe.

Nouvelle rédaction :

" Conformément à la Note 5, paragraphe D), du présent Chapitre, les imprimantes, les claviers, les dispositifs d'entrée à coordonnées X-Y et les unités de mémoires à disques qui remplissent les conditions énoncées aux alinéas b) et c) ci-dessus sont toujours à considérer en tant qu'unités constitutives de systèmes de traitement de l'information.

La disposition qui précède est toutefois à considérer dans le contexte général de la Note 5 du Chapitre 84 et est donc applicable, en vertu de l'introduction du paragraphe B) de cette Note, sous réserve des dispositions de son paragraphe E). Ainsi, les imprimantes [à jet d'encre] travaillant en liaison avec une machine automatique de traitement de l'information mais présentant, notamment par leurs dimensions, leurs capacités techniques et leurs applications particulières, les caractéristiques de machines à imprimer conçues en vue d'assurer une fonction déterminée dans l'industrie de l'imprimerie ou des arts graphiques (réalisation de tirages préliminaires d'épreuves en couleurs, par exemple), sont à considérer comme des machines exerçant une fonction propre, à classer dans le **n° 84.43.**"

Cinquième paragraphe. Première ligne.

Remplacer "**Ne sont pas**, en revanche, **à considérer**" par "**D'autre part, ne sont pas à considérer**".

AMENDMENTS TO THE EXPLANATORY NOTES
TO BE MADE BY CORRIGENDUM

CHAPTER 84.

Heading 84.43. Page 1339. Second paragraph. Sub-paragraph (2). Last line.

Delete "**heading 84.71**" and substitute "**heading 84.71** (see the paragraphs concerning printers in Part I (A) of the Explanatory Note to this heading)."

Heading 84.71. Page 1404. Part A.

Fourth paragraph.

Delete and substitute :

"In accordance with Note 5 (D) to this Chapter, printers, keyboards, X-Y co-ordinate input devices and disc storage units which satisfy the conditions of items (b) and (c) above, are in all cases to be classified as constituent units of data processing systems.

The foregoing provision is however, to be considered in the overall context of Note 5 to Chapter 84 and is therefore applicable by virtue of the introductory part of paragraph (B) of that Note, subject to the provisions of paragraph (E) thereof. Thus [ink-jet] printers working in conjunction with an automatic data processing machine but having, particularly in terms of their size, technical capabilities and particular applications, the characteristics of a printing machine designed to perform a specific function in the printing or graphics industry (production of pre-press colour proofs, for example) are to be regarded as machines having a specific function classifiable in **heading 84.43.**"

Fifth paragraph. First line.

Delete "Appliances such as measuring or checking instruments" and substitute "Furthermore, appliances such as measuring or checking instruments".
