

Amendments to the Harmonized System Explanatory Notes – HS Committee 57th Session

The following list contains the decisions taken by the Harmonized System Committee (57th Session – March 2016) concerning amendments to the Harmonized System Explanatory Notes. This publication will be updated regularly.

The Harmonized System Explanatory Notes are published by WCO in 5 volumes (2012 edition) and reflect the official interpretation of the Harmonized Commodity Description and Coding System. They also contain the text of the Subheading Explanatory Notes indicating the scope and content of certain of the Harmonized System Subheadings. The Explanatory Notes are available in English and French, the two official languages of the WCO, and can be ordered directly (see “Bookshop” on this Web site). They are also available on-line.

The amendments listed below are reproduced in the order of the current pages concerned and will be incorporated into the aforementioned WCO publications in due time by replacing the pages affected by the amendments made.

Advice

Parties seeking to import or export merchandise covered by a decision are advised to verify the implementation of the decision by the importing or exporting country, as the case may be.

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AMENDMENTS TO THE EXPLANATORY NOTES

GENERAL RULES FOR THE INTERPRETATION OF THE HARMONIZED SYSTEM.

RULE 3 (b). Page GIR-6.

1. Letter (c).

Delete “users” and substitute “end users”.

2. Paragraph after letter (c).

Delete and substitute :

““Retail sale” does not include sales of products which are intended to be re-sold after further manufacture, preparation, repacking or incorporation with or into other goods.

The term “goods put up in sets for retail sale” therefore only covers sets consisting of goods which are intended to be sold to the end user where the individual goods are intended to be used together. For example, different foodstuffs intended to be used together in the preparation of a ready-to-eat dish or meal, packaged together and intended for consumption by the purchaser would be a “set put up for retail sale”.

CHAPTER 3.

GENERAL. Page I-3-2. New Subheading Explanatory Note.

Insert the following new Subheading Explanatory Note after the last paragraph :

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Subheading Explanatory Note.

Subheadings 0305.10, 0306.19, 0306.29, 0307.91, 0307.99 and 0308.90

Within headings 03.05, 03.06, 03.07 and 03.08, flours, meals and pellets, fit for human consumption, are to be classified in subheadings 0305.10, 0306.19, 0306.29, 0307.91, 0307.99 and 0308.90, as appropriate.”.

CHAPTER 29.

1. Heading 29.09. Page VI-2909-4. Part D.

New exclusion.

Insert the following new exclusion after the last paragraph :

“This heading **excludes** peroxyketals (**heading 29.11**).”

2. Heading 29.11. Page VI-2911-1. Part (A).

1. New fourth paragraph.

Insert the following new fourth paragraph :

“This heading also covers peroxyketals.”

2. Fourth paragraph. New Item (4).

Insert the following new Item (4) :

“(4) **1,1-di(tert-butylperoxy)cyclohexane** (C₁₄H₂₈O₄).*”

3. Heading 29.37.

1. Page VI-2937-1. Heading text.

Insert “**(+)**” at the end of the heading text.

2. Page VI-2937-17. New Subheading Explanatory Note.

Insert the following new Subheading Explanatory Note after the present text :

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Subheading Explanatory Note.

Subheadings 2937.11 to 2937.19

These subheadings include peptide hormones containing two or more amino acids.”

CHAPTER 29. ANNEX.

Page VI-29-Annex-10.

1. Page VI-2909-4. Part (D). Second row (“Ether peroxides 1.1-di(tert-butylperoxy)cyclohexane”).

Delete this row.

2. Page VI-2911-1. Part (A). After the row for “ACETALS AND HEMIACETALS”.

Insert the following new row :

					Peroxyketals 1,1-di(tert-butylperoxy)cyclohexane	
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CHAPTER 30.

Heading 30.05. Page VI-3005-1. Third paragraph.

Delete and substitute :

“Wadding and gauze for dressings (usually of absorbent cotton) and bandages, etc., not impregnated or coated with pharmaceutical substances, are also classified in this heading, provided they are put up in forms or packings for retail sale directly to private persons, clinics, hospitals, etc., without repacking, and they are recognizable by their characteristics (presented in rolls or folded, protective packaging, labelling, etc.) as exclusively intended for medical, surgical, dental or veterinary uses.”

CHAPTER 70.

Heading 70.20. Page XIII-7020-1. Last paragraph (exclusions). Exclusion (h)

Delete "vacuum flasks and other vacuum vessels, complete with cases" and substitute "vacuum flasks and other vacuum vessels, complete".

CHAPTER 73.

Heading 73.10. Page XV-7310-1. Last paragraph (exclusions). Exclusion (h).

Delete and substitute :

"(h) Vacuum flasks and other vacuum vessels, complete, of **heading 96.17.**".

CHAPTER 76.

Heading 76.12. Page XV-7612-1. Last paragraph (exclusions). Exclusion (g).

Delete and substitute :

"(g) Vacuum flasks and other vacuum vessels, complete, of **heading 96.17.**".

CHAPTER 87.

Page XVII-8701-2.

New Subheading Explanatory Notes.

1. Insert the following new subheading Explanatory Note before the subheading Explanatory Note to subheading 8701.30 :

"Subheading 8701.20

For the purposes of this subheading, the expression "road tractors" refers to motor vehicles which are designed to haul semi-trailers over long distances. The road tractor and semi-trailer form a combination known by various names (e.g., "articulated lorries", "tractor-trailers", etc.). These vehicles usually contain diesel engines and may be driven at speeds in excess of urban traffic speeds on the road network (i.e., streets in the general sense, including avenues, boulevards and motorways) with fully loaded trailers. Such vehicles have a closed cab for the driver and passengers (sometimes with sleeping facilities), headlamps and dimensions authorized domestically, and are usually equipped with a fifth wheel coupling allowing rapid shift between semi-trailers performing different functions.

Similar vehicles used to haul semi-trailers over short distances are excluded from this subheading (generally subheading 8701.90)."

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2. Insert the following new subheading Explanatory Note after the subheading Explanatory Note to subheading 8701.30 :

“Subheading 8701.90

This subheading includes vehicles used to haul semi-trailers over short distances. These types of vehicles are known by various names (e.g., “terminal tractors”, “port tractors”, etc.) and they are intended to position or shuttle trailers within a defined area. They are not suitable for long-haul road use for which road tractors of subheading 8701.20 are designed. They are distinguishable from road tractors in that they are usually equipped with diesel engines with a maximum speed normally not exceeding 50 km/h and are generally equipped with a small, single-seat enclosed cab for the driver only.”

CHAPTER 94.

Heading 94.01. Page XX-9401-1.

1. New third paragraph.

Insert the following new third paragraph :

“Seats of this heading may incorporate complementary non-seat components, for example, toy components, a vibration function, music or sound players, as well as lighting features.”

2. Fourth paragraph. Item (f).

Delete and substitute :

“(f) Stools and foot-stools (whether or not rocking) designed to rest the feet, baby walkers, and linen and similar chests having a subsidiary use as seats (**heading 94.03**).”

CHAPTER 95.

1. Heading 95.03. Page XX-9503-4. Paragraph of exclusion.

Add the following new item (m) :

(m) jump balls with one or more handles designed for physical exercises.

2. Heading 95.06. Page XX-9506-2. Part (A).

Delete and substitute :

“(A) **Articles and equipment for general physical exercise, gymnastics or athletics,** e.g. :

Trapeze bars and rings; horizontal and parallel bars; balance beams, vaulting horses; pommel horses; spring boards; climbing ropes and ladders; wall bars; Indian clubs; dumb-bells and bar-bells; medicine balls; jump balls with one or more handles

designed for physical exercises; rowing, cycling and other exercising apparatus; chest expanders; hand grips; starting blocks; hurdles; jumping stands and standards; vaulting poles; landing pit pads; javelins, discuses, throwing hammers and putting shots; punch balls (speed bags) and punch bags (punching bags); boxing or wrestling rings; assault course climbing walls.”

CHAPTER 96.

Heading 96.17. Page XX-9617-1. First paragraph. Item (1).

Delete and substitute :

“(1) **Vacuum flasks and other similar vacuum vessels, provided they are complete.**

This group includes vacuum jars, jugs, carafes, etc., designed to keep liquids, food or other products at fairly constant temperature, for reasonable periods of time. These articles usually consist of a double-walled receptacle (the inner), generally of glass, with a vacuum created between the walls, and a protective outer casing of metal, plastics or other material, sometimes covered with paper, leather, leathercloth, etc. The space between the vacuum container and the outer casing may be packed with insulating material (glass fibre, cork or felt). The heading also includes double-walled stainless steel vacuum insulated thermal flasks without a protective outer case, which perform temperature retention. In the case of vacuum flasks the lid can often be used as a cup.”
