



HARMONIZED SYSTEM
COMMITTEE

-
28th Session
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NC0446E1
(+ Annex)
O. Eng.

Brussels, 23 October 2001.

SURVEY ON THE CAPACITY OF HS CONTRACTING PARTIES
TO USE THE HS DISCUSSION FORUM
(Item II.8 on Agenda)

Reference documents :

NC0313E1 (HSC/26)
NC0340E2, Annex C/4 (HSC/26 – Report)
NC0358E1 (HSC/27)

NC0426E1 (HSC/27)
NC0430E2, Annex C/3 (HSC/27 – Report)

I. BACKGROUND

1. At its 27th Session, the Harmonized System Committee (HSC) discussed the use of information technology to speed up decisions by the HSC. With respect to the discussion forum it concluded that (i) it would be left to the Secretariat whether the discussion forum would be used as an additional means of exchanging views on Working Parties issues, and (ii) the Secretariat might conduct a survey on the capacity of the HS Contracting Parties to use the new discussion forum.
2. Following this conclusion the Secretariat prepared a survey, which was sent to all WCO Members and HS Contracting Parties (letter reference No. 01NL0777 – Wi/FI, of 11 September 2001). A copy of the survey is reproduced in the Annex to this document.

II. RESULTS OF THE SURVEY

3. At the time of preparing this document, the Secretariat had received the responses from 25 Customs administrations (i.e., Australia, Austria, Belarus, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Hungary, Indonesia, Ireland, Italy, Lebanon, Lithuania, Mexico, New Zealand, Norway, Romania, Slovak Republic, Slovenia, South Africa, Sudan, Switzerland and Turkey) and from the European Commission. This represents about 16.5 % of the 158 WCO Members.
4. All responding administrations and the EU Commission indicated that they have access to the Internet and to the WCO Members Website. The level within the administration at which the Internet and the WCO Members Website can be accessed,

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differs from one administration to the other. The table below illustrates the various situations. It is to be noted that the EU Commission indicated "at Headquarters" only, and that Italy indicated that access to the Internet and to the WCO Members Website was available at the classification centre only.

Access to :	Internet		WCO Members Website	
	Number	%	Number	%
(i) Headquarters	25	96	25	96
(ii) Classification Centre	18	69	12	46 (1 via Intranet)
(iii) Regional or local classification units	9	34.6	1	3.8
(iv) Regional or local declaration processing units	6	23	-	-
(v) Regional or local risk assessment or post clearance units	7	26.9	1	3.8
(vi) Other (specify)	1 (All staff) 1 (IT Division) 1 (Laboratory)	11.5	1 (IT Division) 1 (Laboratory)	7.7

5. Some respondents indicated that regional or local units would be able to access the Internet, once their automation projects had been completed.
6. Apart from two administrations (Hungary and Lebanon), all respondents indicated that they were aware of the existence of the WCO Discussion Forums. The nature of information or messages to be received from the Secretariat through the Discussion Forum (Question 7) has been indicated as follows :
 - Questions concerning the uniform application of the HS. Questions and answers (by administrations) should be available as far as possible in the two official languages of the HS Convention (EU, Austria, Belgium, France, Ireland);
 - Information vis-à-vis HSC decisions which are not followed by a Contracting Party (EU, Austria, Belgium, Finland, France, Ireland);
 - Provide information which promotes discussion and comment (Australia);
 - Clarification or position on contentious issues under discussion (Australia);
 - Application of consensual agreement where discussion has run its course and provide direction when necessary (Australia);
 - Access to HSC data base concerning requests of administrations for classification advice and classification opinions (Belarus);
 - Clarification of some agenda items to be discussed (Cyprus);
 - Opinions by other Members vis-à-vis specific classification issues (Cyprus);
 - Acceptable specification (identification) in respect of a product for classification purposes (Cyprus);
 - Analysing methods used and results for specific items or categories of goods (Cyprus);
 - Any information related to tariff classification, in particular classification advice given by the Secretariat and opinions provided by administrations (Denmark, Finland);

- Secretariat's opinion (informal) on classification issues (Indonesia);
- Questions related to the application of the HS (Italy);
- Classification advice on a specific problem (Lithuania, Slovak Republic);
- Members' opinion on specific classification issues (Lithuania);
- Information concerning difficult areas of classification, such as the application of the term "derivatives" in Chapter 29, and the classification of biotechnology products (Mexico);
- Advice on classification problems administrations are faced with and amendments proposed by administrations or WCO (New Zealand);
- List of the most important questions submitted to the Secretariat (Romania);
- The Secretariat's opinion vis-à-vis the interpretation and application of legal texts and Explanatory Notes (Slovak Republic);
- Proposals received from administrations (Slovenia);
- Classification matters of general interest to Members ("burning issues" which affect various administrations) (South Africa);
- New methods and practices introduced by administrations with a view to developing classification work (Turkey); and
- Views of other administrations on matters to be discussed in the HSC (Turkey).

7. Concerning the issues not to be submitted to the Discussion Forum (Question 8), the following were listed :

- Questions subject to a dispute between two Contracting Parties (EU, Austria, Belgium, France, Ireland);
- (Sub-)Committee meetings (EU, Austria, Belgium, France, Ireland, Italy);
- Issues which have no information related to the subject under discussion (Australia);
- Issues which personally attack Members of the Discussion Forum (Australia);
- Issues which flaunt personal agendas in promoting respective organisations (Australia);
- Issues which have Intellectual Property Rights attached (Australia);
- WCO discussion on classification issues (Indonesia);
- Reports of meetings (Indonesia);
- Special cases related to a particular situation in a Customs administration (Lebanon);
- Confidential information (Mexico, Slovak Republic);
- Classification issues which require a formal response of WCO (South Africa); and
- No restriction in the subjects (Switzerland).

8. Finally, with respect to issues administrations would like to submit (Question 9), the following suggestions were noted :

- Provide information on actual experiences dealing with topic under discussion (Australia);
- Provide information on current activities which relate to the topic under discussion (Australia);
- Provide information on comments made by other members of the forum (Australia);
- Different classification decisions on specific items (Cyprus);
- Opinions on a classification issue (Cyprus, Indonesia, Mexico, Romania, Slovak Republic);
- Informal questions with respect to the classification of a particular item (Indonesia);
- Opinions and views regarding the classification of certain commodities (Lithuania, Slovenia, South Africa);
- Items on the HSC Agenda to narrow down the points for discussion or for classification purposes (Lithuania);
- Assist other Members in classification issues (Lithuania);

- Issues (to be) submitted to the HSC or SSC as a kind of pre-information (Mexico, Romania, Slovenia);
 - Request for advice on the classification of certain commodities and the analytical methods to be used (Switzerland, Turkey); and
 - Request for advice from other administrations on the purchase of laboratory equipment (Switzerland).
9. One administration indicated that it has several discussion forums at the national level for the exchange of informal views, such forums being beneficial to all officers dealing with a particular issue. Another administration indicated that the discussion forums might enable less developed administrations to seek assistance from administrations with greater experience and may enable the latter administrations to more readily provide assistance.

III. SECRETARIAT COMMENTS

10. As regards the access to the Internet and to the WCO Members Website, the Secretariat notes that all respondents do have access to the Members Website (and thereby to the discussion forums and the Secretariat's database with classification advice). Though only 16.5 % of its Members have been reflected on the survey, the Secretariat hopes that these results reflect the situation in all (or most of) its Member administrations. It has also noted that less than 50 % of the classification centres of the responding administrations have access to the Members Website. The percentage of access to the WCO Website at the lower level (regional or local) is indeed very low : only one respondent indicated that certain units at that level have access. The Secretariat feels that the supporting classification instruments, such as the discussion forums, should be available to as many officers as possible. It understands possible practical problems with respect to control, but it can only guess what other reasons there might be (e.g., no classification centre or no connection to the Internet). Administrations may wish to clarify this point.
11. With respect to the answers of the respondents to questions 7 to 9 of the survey, the following can be concluded.
12. First, although the respondent administrations use various descriptions in their answers to questions 7 to 9 of the survey, the Secretariat feels that a fair number of them in fact refer to the same subject, i.e., providing (informal) information or classification advice (either by the Secretariat or by administrations) on specific issues, which was exactly the initial idea of the discussion forums. However, the Secretariat would like to stress that the information provided through the discussion forum should remain informal. Views expressed are, therefore, personal views and not the view of the administration, unless otherwise indicated in the message involved.
13. Second, a number of administrations would also like to see proposals put forward by administrations, published through the discussion forum, either by the Secretariat or by the administration concerned. The Secretariat could accept this idea. However, in case the proposal is not put on the discussion forum by the administration itself, the Secretariat feels that it needs approval from that administration, in order to do so.
14. Third, with respect to classification advice given by the Secretariat to Member administrations, the Secretariat would like to point out that a separate data base can be accessed on the Members Website, to consult extracts of classification advice provided by the Secretariat. This data base is up-dated regularly and contains, at the moment, all classification advice given during the year 2000, to the extent that the Secretariat did not receive an objection to the publication from the administration concerned (see also Item II.6 on Agenda).

15. Finally, some administrations request that the issues on the discussion forum should be in the two official languages of the HS Convention. Although the Secretariat understands the rationale for this proposal, it would like to stress that the issues submitted to the discussion forums are informal. Having said that, administrations are free to submit their issues in either or both of the two languages. The Secretariat is, however, not responsible for any translation submitted by an administration. In addition, translation by the Secretariat may demand an effort of the Secretariat which is not in proportion to the discussion at issue. Nonetheless, issues submitted to the discussion forums by the Secretariat will be presented in both languages.

III. CONCLUSION

16. The Committee is invited to give its view on the ideas suggested by respondents, as reflected in paragraphs 4 to 9 above, and on the comments provided by the Secretariat in paragraphs 10 to 15 above.

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QUESTIONNAIRE

Name of the Harmonized System Contracting Party :

1. Do you have access to Internet ?	Yes	No
2. If yes, at what level :		
(i) Headquarters	Yes	No
(ii) Classification Centre	Yes	No
(iii) Regional or local classification units	Yes	No
(iv) Regional or local declaration processing units	Yes	No
(v) Regional or local risk assessment or post clearance units	Yes	No
(vi) Other (specify)	Yes	No
3. Do you have access to the WCO Members Website ?	Yes	No
4. If yes, at what level :		
(i) Headquarters	Yes	No
(ii) Classification Centre	Yes	No
(iii) Regional or local classification units	Yes	No
(iv) Regional or local declaration processing units	Yes	No
(v) Regional or local risk assessment or post clearance units	Yes	No
(vi) Other (specify)	Yes	No

<p>5. If you do not have access to Internet or to the WCO Members Website, do you foresee a connection in the near future ?</p>	<p>Yes</p>	<p>No</p>
<p>6. Are you aware of the existence of the WCO Discussion Forums ?</p>	<p>Yes</p>	<p>No</p>
<p>7. What kind of information/messages would you like to receive from the Secretariat through the Discussion Forum (specify) </p>		
<p>8. What kind of information/messages should <u>not</u> be submitted to the Discussion Forum (specify) </p>		
<p>9. What kind of information/messages would you like to submit to the Discussion Forum (specify) </p>		
<p>10. Other remarks </p>		