



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

NR0224E1

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

O. Eng.

Brussels, 15 February 2002.

POSSIBLE AMENDMENT OF CHAPTER 39 TO PROVIDE SEPARATELY  
FOR HYGIENIC ARTICLES OF PLASTICS  
(PROPOSAL BY THE EGYPTIAN ADMINISTRATION)

(Item III.A.14 on Agenda)

Reference documents :

NR0186E1 (RSC/24)  
NR0205E2, Annex D/4 (RSC/24 - Report)

I. BACKGROUND

1. At its 24<sup>th</sup> Session (September 2001), the Sub-Committee undertook a preliminary discussion of the above-mentioned proposal by the Egyptian Administration on the basis of Doc. NR0186E1.
2. Certain delegates supported the Egyptian proposal, in principle, but indicated their concerns with regard to the specific goods that needed to be specified at heading or subheading level and their trade volume.
3. The US Delegate indicated that “nursing nipples and pacifiers of plastics” were specified as a national subheading in the US tariff and that the trade statistics for this item reflected a substantial increase in trade, from US\$ 48 million in 1996 to US\$ 120 million in 1998. The Delegate of Canada also informed the Sub-Committee that “hygienic or pharmaceutical articles of plastics” were specified in the Canadian tariff and offered to provide trade statistics to the Secretariat.
4. One delegate stressed that it would be important to know precisely which goods should be specified and whether they should be specified at heading level or subheading level. He explained that, depending on the goods to be specified, the scope of headings 39.22 and 39.24 should also be examined in addition to heading 39.26. He also stressed the importance of obtaining the relevant trade data.

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

File No. 2862

-----  
For reasons of economy, documents are printed in limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

5. Finally, the Sub-Committee agreed to re-examine this question at its next session, on the basis of more specific information as to the articles covered by the proposal and trade statistics to be submitted by administrations.
6. The Secretariat accordingly wrote to administrations requesting their comments regarding this proposal, in particular, any relevant trade statistics. The Secretariat has received the following comments from administrations.

## II. COMMENTS FROM ADMINISTRATIONS

### Canada

7. "At the 24<sup>th</sup> Session of the Review Sub-Committee, Canada expressed its support for this proposal and agreed to provide statistical information. The Canadian Customs Tariff contains a specific provision within subheading 3926.90 that covers certain listed hygienic or pharmaceutical articles. The articles specified are nursing nipples and pacifiers; ice bags; douche bags; enema bags; hot water bottles and fittings therefor; invalid and similar nursing cushions; crutch tips or grips; dress shields; finger cots; pessaries; prophylactics; sanitary belts; bulbs for syringes; syringes (other than hypodermic syringes) and fittings therefor, not containing glass or metal.
8. According to the latest figures available, imports into Canada under the provisions noted above were : (All figures in US dollars)

1998	1.7 million
1999	2.3 million
2000	7.6 million
2001	12.5 million (est.)"

### China

9. "Usually we add a new subheading for some reason such as due to large trade volume or to reflect a specific international convention or for other important reasons. For hygienic articles of plastics we think the only reason we could support the proposal is large trade volume. Unfortunately we cannot get the data easily, and we could not add subheadings just because of balancing the structure of certain headings. So we think the best way is that the Secretariat should collect the import and export information and try to contact with administrations at which large trade volume occurs or companies which have the high proportion of transaction of such articles. By now our administration could not think that it is necessary to add new subheadings for those commodities."

### South Africa

10. "This administration only has a local provision for condoms, insofar as pharmaceutical or hygienic articles of plastics are concerned. We have not had any inquiries from the trade, requesting special provision to be made for articles of this nature. As the relevant statistics with regard to subheading 3926.90 are of a non-specific nature, it is as is the case with the Secretariat, impossible to pinpoint exactly which goods are traded under this subheading. It is, furthermore, also not viable to even contemplate which genus of goods of plastics should be covered should such a provision be created. This also potentially applies to goods cleared within headings 39.22, 39.23 and 39.24.

11. Whilst the goods covered in Chapter 70, of a hygienic or pharmaceutical nature, are fairly specific in application, the same can not necessarily be said of the goods covered by heading 40.14. This administration is of the opinion that the terms "hygienic" and "pharmaceutical" in this heading are very closely applied. The examples mentioned in the commentary of the Explanatory Notes to the said heading do not always, in practical terms, meet the common perception of what the mentioned terms are supposed to imply. The same scenario would probably occur should a similar provision be made for plastics of goods. Be that as it may however, this administration has no objection, should the Secretariat deem it fit to create such a provision, but does not deem it rather superfluous. It is suggested that the Egyptian Administration provides a specific list of products that they deem to be of a hygienic or pharmaceutical nature, of plastics, and that the Secretariat together with other administrations, discuss the feasibility of the proposal based on the specific examples put forward."

#### Federation of Russia

12. "The State Customs Committee Federation of Russia submits the trade statistics regarding the goods of subheadings 3926.90. 910 0 and 3926.90.990 9 which were imported in Russian Federation from 1 January to 1 July 2001.

Subheading	Price (US \$)	Net weight (Kg)
3926.90. 910 0 (Made from sheet)	8,076,633	4,222,782
3926.90. 990 9 (Other)	40,508,634	7,203,222

13. We support the proposal of the Egyptian Administration to specify the hygienic articles of Chapter 39 because sometimes in international trade practice importers classify this kind of goods made of polymeric materials (for example from silicone) in Chapter 40, which covers analogous goods but made of rubber (HS heading 40.14).
14. We consider that the Harmonized System Review Sub-Committee should re-examine the specification of the hygienic articles in the scope of HS headings 39.22, 39.24, 39.26. The Russian Administration is of the opinion that the above-mentioned articles should be specified in HS heading 39.26."

#### Morocco

15. "██████████ is in favour of amending Chapter 39, and more specifically heading 39.24, and proposes the following :
- (1) Amending the legal text of heading 39.24 as follows :
- "39.24 - Tableware, kitchenware, other household articles and hygienic, pharmaceutical and toilet articles, of plastics"
- (2) The creation of a subheading numbered and worded as follows :
- "3924.90 - Hygienic or pharmaceutical articles"

- (3) Amendment of the Explanatory Note to heading 39.24 to include "hygienic or pharmaceutical articles".

Mexico

16. "This administration is of the opinion that we supported the Egyptian proposal, in principle, but indicated their concerns with regard to the specific goods that needed to be specified at heading or subheading level."

III. SECRETARIAT COMMENTS

17. The Secretariat has not received any further comments or information from the Egyptian Administration in respect of articles requested to be specified at heading level or subheading level in relation to their proposal.

18. Based on the information available to the Secretariat, the "Harmonized Tariff Schedule of the United States (1999), Annotated for Statistical Reporting Purposes" has national subheadings under subheading 3926.90, covering hygienic or pharmaceutical articles as follows :

3926.90.15 Nursing nipples and pacifiers

3926.90.20 Ice bags; douche bags, enema bags, colostomy bags, hot water bottles, and fittings therefor; invalid and similar nursing cushions; crutch tips and grips; dress shields; finger cots; pessaries; prophylactics; sanitary belts; bulbs for syringes; syringes (other than hypodermic syringes) and fittings therefor, not in part of glass or metal.

19. The Canadian Customs Tariff also has the following national subheadings, almost all of which correspond to the above-mentioned two US national subheadings.

3926.90.90.60 Nursing nipples and pacifiers; Ice bags; douche bags; enema bags; hot water bottles, and fittings therefor; invalid and similar nursing cushions; crutch tips or grips; dress shields; finger cots; pessaries; prophylactics; sanitary belts; bulbs for syringes; syringes (other than hypodermic syringes) and fittings therefor, not in part of glass or metal.

20. Canada has submitted trade statistics regarding the above national subheading (see paragraph 8 above). According to the Canadian statistics there has been a significant increase in trade with regard to the above products from 1998 to 2001. Furthermore, at the 24<sup>th</sup> Session, the US Delegate indicated a substantial increase in trade with regard to "nursing nipples and pacifiers" (national subheading 3926.90.15 (see paragraphs 3 and 19 above). The Secretariat considers that these figures will justify a creation of a new subheading under heading 39.26 in the context of the Egyptian proposal.

21. If the Sub-Committee agrees to create a new subheading under heading 39.26, e.g., "hygienic or pharmaceutical articles of plastics", the following points would need to be considered :

21.1. Classification of individual items mentioned in paragraphs 18 and 19 above should be examined so that they could be reflected in the Explanatory Notes.

- 21.2. As indicated by one delegate at the last session (see paragraph 4 above), and noted by South Africa in paragraph 10 above headings 39.22 and 39.24 would also cover certain hygienic articles of plastics. Subheading 3926.20 further includes certain hygienic articles. These may include, portable bidets, baby baths, camping toilets etc. (heading 39.22), hot-water bottles, food storage containers, sanitary pails, bed pans, urinals, chamber-pots, eye baths, etc. (heading 39.24), and surgeons', radiologists' aprons and gloves (subheading 3926.20). Therefore, distinction between headings 39.22, 39.24 and 39.26 (and subheadings 3926.20 and 3926.90) should be clarified in the context of hygienic or pharmaceutical articles.
- 21.3. A variety of hygienic or pharmaceutical articles appear in the Explanatory Notes to heading 40.14 or heading 70.17. Some of the similar types, which are made of plastics, have already been listed in paragraph 19 above. Apart from them, it should be clarified whether articles such as teats, breast relievers, urinals, bed pans, spittoons, made of plastics would be covered by the proposed subheading.
22. On the other hand, if the Sub-Committee agrees with the proposal of Morocco as reflected in paragraph 15 above, namely, to insert a reference to hygienic or pharmaceutical articles in heading 39.24, the Secretariat would merely point out that an identification problem similar to those mentioned in paragraph 21.3 above will occur.

#### IV. CONCLUSION

23. The Sub-Committee is invited to examine the proposal of the Egyptian Administration, taking account of the comments of the administrations and the Secretariat above and to decide the next course of action.
-