



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

-  
28<sup>th</sup> Session  
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NR0411E1  
(+ Annex)

O. Eng.

Brussels, 15 July 2003.

## POSSIBLE AMENDMENT OF THE STRUCTURED NOMENCLATURE

### TO HEADING 38.24

#### (PROPOSAL BY UNEP)

(Item III.A.10 on Agenda)

#### Reference documents :

NR0322E1 (RSC/26)

NR0332E3, Annexes D/4 and F/16 (RSC/26 – Report)

NC0601E1 (HSC/30)

NS0073E1 (SSC/18)

NS0078E1 (SSC/18)

NS0080E2, Annexes A/11 and C/9 (SSC/18 – Report)

NR0400E3, Annex C/13 (RSC/27 – Report)

NR0367E1 (RSC/27)

NR0442E1 (RSC/28)

NC0730E2, Annexes D and L (HSC/31 – Report)

### I. BACKGROUND

1. At its 27<sup>th</sup> Session, the Review Sub-Committee took note of the statement of the **Canadian** Administration that it would formally submit a proposal to regroup all products covered by the Montreal Protocol and the Rotterdam Convention under one heading of the Nomenclature. The Sub-Committee agreed to postpone the discussion of the possible amendment of the structured nomenclature to heading 38.24 (proposal by UNEP) to its next meeting in September 2003. The texts recommended by the Scientific Sub-Committee in this connection, were set out in Annex C/9 to Doc. NS0080E2 (SSC/18 – Report).

### II. SECRETARIAT COMMENTS

2. In addition to recalling the Secretariat's comments reproduced in Doc. NR0367E1, the Secretariat would like to note that the HS Committee, at its 31<sup>st</sup> Session, while examining the draft Recommendation concerning ozone layer depleting substances, agreed that the text of the Recommendation should follow the terminology of the HS Nomenclature rather than that of the Montreal Protocol. That being the case, it agreed to use the stem “-carbures” with regard to the French names for hydrocarbons in the text of the draft Recommendation.

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3. The Secretariat is therefore of the view that the same approach should be applied to the possible amendments to the structured nomenclature to heading 38.24 with regard to the French terminology for ozone layer depleting substances. Accordingly, the Secretariat has modified the French text of the Annex to Doc. NR0367B1 and replaced the stems “-carbone” by “-carbure”. The modified text is set out in the Annex to this document. The code numbers for the subheadings proposed by UNEP have been followed by the alternative code numbers proposed by the Secretariat (see paragraphs 33 and 34 of Doc. NR0367E1).
4. With regard to the ODS substitutes (perhalogenated fluorocarbons (PFCs) and hydrofluorocarbons (HFCs)) proposed to be identified in new subheading 3824.77 (3824.78) and to be mentioned in subheadings 3824.71 (3824.72) and 3824.74 (3824.75), the Secretariat has not received any proposal from the Kyoto Protocol authorities at the time of preparation of this document. Since the ODS substitutes have been omitted from the draft Council Recommendation concerning ozone layer depleting substances, the Secretariat is of the view that, for the time being, no separate legal provisions should be created for mixtures containing these types of substances.
5. In the draft Council Recommendation, the subdivisions for products containing carbon tetrachloride and 1,1,1-trichloroethane in subheading 3824.90 have been combined with products containing bromochloromethane. The Committee took this decision, taking into account the fact that UNEP preferred to combine the subdivisions rather than to omit them completely from the draft Recommendation (see paragraph 5 of Annex D/1 to Doc. NC0730E2). Accordingly, the Secretariat is of the view that in subheading 3824.75 (3824.76) it would be preferable to combine the subdivisions for mixtures containing carbon tetrachloride and 1,1,1-trichloroethane as proposed by the Scientific Sub-Committee (see paragraph 13 of Doc. NR0367E1).
6. In conclusion, the Secretariat would like to point out that the proposal reproduced in the Annex to this document should be considered together with, and regarded as an alternative to, the Canadian proposal set out in Doc. NR0442E1 (Item III.A.7 on the Agenda).

### III. CONCLUSION

7. The Sub-Committee is invited to examine the possible amendment of the structured nomenclature to heading 38.24 set out in the Annex to this document, taking into account the Secretariat's comments in Doc. NR0367E1 and those set out above.

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