



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

NR0243E1

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25<sup>th</sup> Session  
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O. Eng.

Brussels, 30 January 2002.

POSSIBLE AMENDMENTS TO HEADINGS 02.03 AND 02.10 WITH REGARD TO HAMS

(PROPOSAL BY THE AUSTRALIAN ADMINISTRATION)

(Item III.B.6 on Agenda)

I. INTRODUCTION

1. The Secretariat received, on 19 December 2001, a proposal for possible amendments to headings 02.03 and 02.10 with regard to hams from the Australian Customs Service. The proposal is reproduced below.

II. NOTE FROM THE AUSTRALIAN ADMINISTRATION

2. "As part of the Harmonized System (HS) Third Review, the Australian Customs Service requests that consideration be given to differentiating between the references to the term "hams" within the subheadings of headings 02.03 and 02.10 of the HS Nomenclature.
3. In Australia the term "ham" refers to pig meat that has been cured, for example by being salted in brine or by smoking, irrespective of the cut - i.e. whether it is the leg (thigh) or the shoulder.
4. Australia understands that the term "ham" is the terminology used by many countries to describe a particular cut only of pig meat, being the leg (or thigh) regardless of whether or not the meat has undergone a curing process.
5. Australia acknowledges that this is the interpretation found in dictionaries, for example :

- the Macquarie Dictionary, second revised edition, reads :

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“... **1.** one of the rear quarters of a pig, esp. the heavy-muscled part, between hip and hock. **2.** the meat of this part. **3.** the part of the leg behind the knee. **4.** the back of the thigh or the thigh and buttock together. ...”,

- the Webster’s Dictionary reads similarly, viz. :

“... **1 a** : the part of the leg behind the knee ...**b** : a buttock with its associated thigh or with the hinder part of a thigh ...”,

- as does the Concise Oxford Dictionary which reads :

“... **1.** back of thigh, thigh and buttock; bend of knee. **2.** thigh of pig salted and dried in smoke or otherwise for food ...”.

6. However the second part of the definition extends to more than merely a pig’s thigh - it also relates to that cut of meat “salted and dried in smoke ...”.

7. In addition there are various food related publications that also support the wider definition, for example :

- the Complete Book of Food and Nutrition, Rosemary Stanton - an Australian publication - refers to ham as :

"Pig meat (from the leg or shoulder) which is preserved by salting, smoking or drying.",

- and the New Larousse Gastronomique, by Prosper Montagne, - which has been translated from the French version - reads :

“Strictly, a ham is a leg of pork, salted and smoked. In current usage, however, the term is also applied to the shoulder of pig that is cured in the same fashion.”

8. **Australia** considers that at the very least, the above definitions / interpretations cast doubt on what is meant by the term “ham”.

9. The **Australian** Administration readily agrees that cured pig meat (or, as it called in **Australia**, “ham”) is classified within heading 02.10.

10. However, notwithstanding the need to first classify goods at the four digit level, the terminology that is used within subheadings 0203.12 and 0203.22 is causing many misclassifications by **Australian** importers of cured pig meat. Research indicates many importers (and exporters) see the term “hams” in those subheadings and classify accordingly.

11. It also appears that those importers who do first have recourse to heading 02.03 rationalise that “meat of swine ...” means that all pig meat is covered by heading 02.03, and therefore they do not go on to examine the other headings within Chapter 2.

12. If the Review Sub-Committee agrees with **Australia** that a clarification is in order, this administration suggests that the word “leg” and /or “thigh” be placed in parentheses after each occurrence of the word “hams”.

13. It is also suggested that the Explanatory Note to heading 02.03 be amended to reflect that the term "hams" has a different meaning or understanding in some countries, for example :

"It is acknowledged that for some administrations the term "hams" does not indicate a particular part of the pig, but refers to pig meat having undergone a curing process, for example by treatment with a brine solution, or by smoking. Nevertheless for the purposes of subheadings 0203.12 and 0203.22 (and in subheading 0210.11) the term "hams" means the buttock with its associated thigh or with the hinder part of a thigh. It does not relate to a curing process.

This heading does not cover meat of the pig and other swine that has been treated by any curing process. Such goods are classified within subheading 0210.1."

### III. SECRETARIAT COMMENTS

14. Australia's proposal relates to subheadings 0203.12, 0203.22 and 0210.11 which all read "Hams, shoulders and cuts thereof, with bone in". According to the terms of the headings the products of these subheadings are fresh or chilled (subheading 0203.12), frozen (subheading 0203.22) or salted, in brine, dried or smoked (subheading 0210.11).
15. However, according to the Australian Administration the term "ham" in Australia normally applies to pig meat that has been cured, for example by being salted in brine or by smoking, irrespective of the cut - i.e., whether it is the leg (thigh) or the shoulder. For that reason, it is proposed to amend both the legal texts and the Explanatory Notes to make it quite clear that the term "ham" is the terminology used in the HS Nomenclature to describe a particular cut only of pig meat (see paragraphs 12 and 13 above).
16. On the basis of the definitions of ham which are referred to in paragraphs 5 to 7 above, the Australian proposals may be justifiable. However, in the Secretariat's view, the legal situation with regard to the classification of ham is quite clear. The heading texts at issue (headings 02.03 and 02.10) clearly indicate that these headings cover ham in specific states only. Moreover, according to the Secretariat's linguistic service, there are no corresponding restrictions in respect of the understanding of the parallel French term ("jambon").
17. The Secretariat would therefore prefer to leave these texts unchanged and would rather see this problem resolved nationally. However, the Secretariat leaves it to the Sub-Committee to provide its views with regard to this question.

### IV. CONCLUSION

18. The Sub-Committee is invited to examine the proposal of the Australian Administration, taking into account the comments by the Secretariat in paragraphs 14 to 17 above.