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SCIENTIFIC SUB-COMMITTEE

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Brussels, 28 November 1997.

INCLUSION OF CHEMICAL STRUCTURES IN THE EXPLANATORY NOTES TO CHAPTER 29

(Item II.4 on the Agenda)

Reference documents :

39.480, Annex A/5 (Report - SSC/9)  
39.563 (HSC/16)  
39.600, Annex D/2 (Report - HSC/16)  
39.908 (SSC/10)  
40.080, Annex A/8 (Report - SSC/10)  
40.037, paragraph 23 (HSC/17)  
40.260, Annex D paragraph 24 (Report - HSC/17)  
40.760 (SSC/12)  
40.808 (SSC/12)  
40.924 (SSC/12)  
41.007 (SSC/12)  
40.870, Annex A/14 (Report - SSC/12)  
40.929 (HSC/19)  
41.100, Annex D/2 (Report - HSC/19)

I. BACKGROUND

1. At its 19th Session (April 1997), the Harmonized System Committee examined the Scientific Sub-Committee's conclusion at its 12th Session (January 1997) concerning the possible inclusion of chemical structures in the Explanatory Notes to Chapter 29. After an exchange of views, the Harmonized System Committee :
  - approved the principle of including chemical structures in the Explanatory Notes to Chapter 29;
  - agreed that the number of structures to be included would be limited to approximately 150, on the basis of the criteria adopted by the Scientific Sub-Committee;

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- decided that the structures should be published as an Annex at the end of Chapter 29 in the Explanatory Notes.
2. In this connection, the Secretariat was asked to prepare a document for the Scientific Sub-Committee after consulting administrations concerning the list of chemicals whose structure was proposed for inclusion in the Explanatory Notes (see HSC/19 - Report, Doc. 41.100, Annex D/2).
  3. Acting on the Committee's instructions, the Secretariat prepared a draft list of chemicals, based on the proposals put forward at the Scientific Sub-Committee's 12th Session by Canada, the United States and the EC. The number of chemical names in this draft list exceeded 300, although the Committee agreed that the number should be limited to approximately 150. The Secretariat sent the draft list to administrations for comments on the following points :
    - (1) Which chemicals should be deleted from the draft list.
    - (2) Which chemicals should be added to the draft list.
    - (3) Whether the format of the list should be amended.

## II. COMMENTS FROM ADMINISTRATIONS

4. By the end of September 1997, the Secretariat received comments from Argentina, Australia, Canada, China, Hungary, Japan, Malaysia, Mongolia, New Zealand, Russia, Slovakia, Switzerland, Thailand and the United States. There were in the nature of general comments and specific comments (9 Administrations). For ease of reference, the Secretariat has summarized the comments as follows :

### **General comments**

- (a) The list should include chemicals which represent groups (Canada, China, Malaysia and Switzerland);
- (b) The list should also include chemical structures of compounds which are named at the subheading level and whose structural information is not readily available (Canada and Switzerland);
- (c) Any deletion from the list of chemicals would reduce its effectiveness (New Zealand);
- (d) If the list is to consist of over 300 structures, consideration could be given to publishing it as a separate document (New Zealand);
- (e) Since it would be difficult to provide chemical structure of generic headings or subheadings, the chemical structure of specific examples should be given (China);
- (f) In order to reduce the number, provide just only one structure for each of the headings 29.14 to 29.18 (United States);
- (g) Since vitamins of heading 29.36, alkaloids of heading 29.39 and antibiotics of heading 29.41 are not strictly classified on the basis of chemical structure, there is no

need to give them. The structure of the parent compounds of alkaloids and penicillanic acid would, however, be helpful (United States);

- (h) It would be helpful to include the following for each compound : (i) empirical formula; (ii) molecular formula; (iii) generic formula; (iv) IUPAC name; (v) CAS No.; (vi) trivial name; and (viii) molecular weight (Australia and China);
- (ij) It is not necessary to amend the format of the list (Argentina, Hungary, Japan, Malaysia, Mongolia, Russia, Slovakia, Thailand and United States).

### **Specific comments**

- 5. The specific comments from administrations as to which structures should be deleted from or added to the list are summarized in the table at Annex II hereto.

### **III. SECRETARIAT COMMENTS**

- 6. The Secretariat has revised the draft list taking account of comments from administrations (see Annex I to this document). Additions suggested to the list have been incorporated in the draft list together with their chemical structures. However, names of chemicals suggested for deletion by administrations have not yet been deleted. This is to enable the Sub-Committee to examine all the chemical structures and to identify those for possible inclusion in the final list.
- 7. On the basis of discussion in the Sub-Committee (12th Session), the Secretariat understands that the key areas in which chemical structures should be provided are the following :
  - Chemicals which have common names that do not provide any information as to the product's chemical structure.
  - Chemicals which have complex systematic names and whose chemical structure cannot readily be discovered.
  - Specific chemical structures to illustrate the scope of generic headings or subheadings (alcohols, phenols, sugars, heterosides, etc.).
  - Specific examples to illustrate the chemical terminology used (fusion, ester or ether cutting, isomers, etc.) in the legal texts or Explanatory Notes.

8. In the light of the above and taking into account the comments from administrations (see paragraph 4 and 5 above), the Secretariat would like to put forward the following suggestions :
- (1) Delete items 1 to 31 at Annex I, since these chemical structures deal with the general scope of Chapter 29 and not the scope of particular headings/subheadings;
  - (2) The structures of heterocyclic compounds named at pages 408 and 409 of the Explanatory Note to Sub-Chapter X (see items 266 to 304 at Annex I) should be given with reference to their relevant headings or subheadings to facilitate classification (see items 322 - 381 at Annex I).
  - (3) Delete the systematic chemicals whose structure could be easily identified.
  - (4) Reduce the number of similar examples under the same item.
  - (5) Use the chemical names at present employed in the Explanatory Notes and do not to incorporate the CAS No., molecular weight, etc., since the list is intended for guidance regarding the scope of each heading/subheading and not to identify the chemicals themselves.
9. On the basis of suggestions in paragraph 8 above, the Secretariat has indicated in Annex I the chemicals which should be deleted from the draft list. This is by way of shading the first column (Row No. column) meaning that the entire entry alongside that number including chemical name and structure should be deleted from the list. In that case, the number of items left for inclusion of chemical structures in the Explanatory Notes would be 150.

#### IV. CONCLUSION

10. Taking into account the Secretariat comments in paragraph 6 to 9 above, the Sub-Committee is invited to express its views on the following points:
- (i) whether, in principle, the list should be modified in accordance with the suggestions made in paragraph 8 above;
  - (ii) whether the draft list in Annex I subject to the deletion of shaded items can be accepted in principle.
11. Delegates and Administrations are requested to give, if necessary, their detailed comments on the addition, deletion and correction of items during the meeting or by the end of January at the latest so that the Secretariat can finalize the list and circulate it to Member Administrations for final check and confirmation before formal adoption by the Harmonized System Committee at its 21st Session.

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