



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0162E1

-
23rd Session
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O. Eng.

Brussels, 12 March 2001.

STUDY WITH A VIEW TO AMENDING THE STRUCTURE OF CHAPTER 87

(Item III.A.10 on Agenda)

Reference documents :

NC0056E1 (HSC/23)	NC0250E2, Annexes H/15 and IJ/16 (HSC/25 – Report)
NC0145E1 (HSC/24)	NC0290E1 (HSC/26)
NC0160E2, Annex H/7 (HSC/24 – Report)	NC0340E2, Annexes G/8 and G/21 (HSC/26 – Report)
NC0162E1 (HSC/24)	NR0145E1 (RSC/23)
NC0227E1 (HSC/25)	NR0151E1 (RSC/23)
NC0234E1 (HSC/25)	

I. BACKGROUND

1. After the preparation of Doc. NR0145E1, the Secretariat received the following note from the Russian Federation on 5 March 2001.

II. NOTE FROM THE RUSSIAN FEDERATION

2. "...The State Customs Committee of the Russian Federation has reviewed the classification of the "TATA SUMO 483" motor vehicles.
3. After careful consideration of the classification, we support the position expressed at the 26th HS Committee Session that heading 87.02 was not intended by the drafters of the HS to cover vehicles like "TATA SUMO 483". But, as the classification in the HS is based on the terms of headings, it is vital to adhere strictly to the present legal text in order to preserve uniformity when applying the HS. Hence, we believe that the vehicle at issue should be classified in heading 87.02, as being capable of transporting 10 or more persons including the driver.

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4. As to the proposals to include in the Explanatory Notes any reference to adults of average size, we would like to mention that both adults and children are considered as “persons” in terms of the current Nomenclature. Provided such a decision is made by the HS Committee, the Explanatory Notes will introduce new criteria that would have effect of changing longstanding interpretation and classification of motor vehicles. Apparently, such fundamental changes should be made by amending the Legal Notes and not by inserting new provisions in the Explanatory Notes.
5. Along with that, we have other concerns about the seating capacity of the vehicles like “TATA SUMO 483”, classifiable in heading 87.02, e.g., “SSANG YONG MUSSO”. The point is that the front row of seats is believed to accommodate 3 persons. However, in the middle of the front row, as can be seen in the pictures, there is very little room for a passenger to be transported in safe and comfortable conditions.
 - (i) given the dimensions of the seat in the middle of the front row, it can hardly be used for transporting an adult, and children are not allowed to be transported in front seats of motor vehicles for quite obvious reasons of safety and according to the current requirements;
 - (ii) transporting of an adult in the above-mentioned seat may impede the driver in operation a gear stick, thus affecting the driving safety.
6. We would like the HS Committee and the Review Sub-Committee to take into account the above mentioned conclusions while considering the matter...”.

III. CONCLUSION

7. The Sub-Committee is invited to take the above comments from the Russian Federation into account while discussing this agenda item.
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