# Council Decision (EU) 2020/1532 of 12 October 2020 on the position to be taken, on behalf of the European Union, in the 66th session of the Harmonized System Committee of the World Customs Organization in relation to the envisaged adoption of Classification Opinions, classification decisions, amendments to the Harmonized System Explanatory Notes or other advice on the interpretation of the Harmonized System, and of recommendations to secure uniformity in the interpretation of the Harmonized System under the Harmonized System Convention

## COUNCIL DECISION (EU) 2020/1532

## of 12 October 2020

## on the position to be taken, on behalf of the European Union, in the 66th session of the Harmonized System Committee of the World Customs Organization in relation to the envisaged adoption of Classification Opinions, classification decisions, amendments to the Harmonized System Explanatory Notes or other advice on the interpretation of the Harmonized System, and of recommendations to secure uniformity in the interpretation of the Harmonized System under the Harmonized System Convention

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31, Article 43(2) and Article 207(4), first subparagraph, thereof, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By Council Decision 87/369/EEC[(1)], the Union approved the International Convention on the Harmonized Commodity Description and Coding System[(2)], and the Protocol of Amendment thereto[(3)] (HS Convention), which established the Harmonized System Committee (HSC).

(2) Pursuant to points (b) and (c) of Article 7(1) of the HS Convention, the HSC is, inter alia, responsible for preparing Explanatory Notes, Classification Opinions, other advice on the interpretation of the Harmonized System and for preparing recommendations to secure uniformity in the interpretation and application of the Harmonized System.

(3) The HSC is expected to decide on Classification Opinions, classification decisions, amendments to the Explanatory Notes or other advice on the interpretation of the Harmonized System and to decide on recommendations to secure uniformity in the interpretation of the Harmonized System under the HS Convention at its September 2020 session.

(4) It is important to recall that, according to the settled case law of the Court of Justice of the European Union, in the interests of legal certainty and ease of verification, the decisive criterion for the classification of goods for customs purposes is, in general, to be sought in their objective characteristics and properties as defined in the wording of

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the relevant heading of the customs nomenclature and the relative section and chapter notes.

(5) In view of the Classification Opinions, classification decisions, amendments to the Explanatory Notes or other advice on the interpretation of the Harmonized System, and of recommendations to secure uniformity in the interpretation of the HS Convention, it is appropriate to establish the position to be taken on the Union's behalf, because, once accepted, those Classification Opinions, and certain of those classification decisions and amendments will be published in a Commission Communication under point (a)(iii) of Article 34(7) of Regulation (EU) No 952/2013 of the European Parliament and of the Council[(4)], and become applicable to Member States. The position will be expressed at the HSC.

(6) This Decision supplements Council Decision (EU) 2020/1410[(5)],

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken, on behalf of the Union, in the 66th session of the Harmonized System Committee of the World Customs Organization on the approval of Explanatory Notes, Classification Opinions or other advice on the interpretation of the Harmonized System and of recommendations to secure uniformity in the interpretation of the Harmonized System under the HS Convention, is set out in the Annex.

*Article 2*

Minor technical changes to the position referred to in Article 1 may be agreed upon by the representatives of the Union without further decision of the Council.

*Article 3*

This Decision shall enter into force on the date of its adoption.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2020/1532. (See end of Document for details)*

# [X1ANNEX

**Editorial Information**

**X1** Substituted by Corrigendum to Council Decision (EU) 2020/1532 of 12 October 2020 on the position to be taken, on behalf of the European Union, in the 66th session of the Harmonized System Committee of the World Customs Organization in relation to the envisaged adoption of Classification Opinions, classification decisions, amendments to the Harmonized System Explanatory Notes or other advice on the interpretation of the Harmonized System, and of recommendations to secure uniformity in the interpretation of the Harmonized System under the Harmonized System Convention (Official Journal of the European Union L 352 of 22 October 2020).

This Annex supplements the Annex to Decision (EU) 2020/1410.

II.2. Development of correlation tables between the 2017 and 2022 versions of the Harmonized System (Doc. NC2704, NC2749 and NC2753)

Concerning the correlation table for subheadings 4 407,13 and 4 407,14 (mixtures of S#P# F (spruce, pine and fir) and Hem-fir (Western hemlock and fir)), the Union shall support the correlations proposed by the WCO Secretariat in paragraph 20 of document NC2753.

Concerning the correlation table for subheading 4 418,83 (I beams), the Union shall support the correlations proposed by Japan in paragraph 14 of document NC2753.

Concerning the correlation table for subheading 7 019,71 (veils/thin sheets of glass fibres), the Union notes that the only transfer from HS 2017 would be from subheading 7 019,32.

Concerning the correlation table for subheadings 8 462,62 and 8 462,63 (forging machines), the Union shall support keeping all the subheadings proposed for transfer mentioned under HS 2017, including the ones in square brackets.

Concerning the correlation table for subheading 8 519,81 (telephone answering machines), the Union shall support the proposal of the WCO Secretariat in paragraph 26 of document NC2704.

Concerning the correlation table for subheading 8 539,51 (LED), the Union shall support the WCO Secretariat's conclusion in paragraph 24 of document NC2704.

Concerning the correlation table for new subheading 8 541,51 (semiconductor-based transducers), the Union notes that there is no evidence of parts classified separately in the HS 2017 version. Therefore no additional transfers are needed.

Concerning the correlation table for heading 88.06 (unmanned aircraft), the Union shall support option (i) mentioned in paragraph 25 of document NC2704.

Finally, the Union shall support the correction of some editorial errors in the draft Correlation Tables I and II, as set out in the Annex to document NC2753.

III.4. Classification in HS 2022 of certain collections and collectors' pieces of numismatic interest (Request by the Secretariat) (Doc. NC2711, NC2754)

The Union would classify the three products in the new subheading 9 705,31 in HS 2022. The Union notes that both Canada and the WCO Secretariat support the Union's proposal to delete the mention of the 'coins generally known in the trade as 'ancients' or 'ancient coins'' from the second paragraph of Item (4) of new Part (A) of HSENs to heading 97.05.

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III.5. Classification in HS 2022 of cartridges for 3D printers (Request by the Secretariat) (Doc. NC2712, NC2755)

The Union shall support the proposal for amending the HSENs which specifies that 3D printer cartridges with electronic components or mechanical mechanisms should be classified as parts of 3D printers.

The Union would classify products presented in both documents NC2712 and NC2755 in heading 84.85 in HS 2022 as parts of 3D printers considering the presence of electronic components for connection to a 3D printer.

III.7. Report of the 57th Session of the HS Review Sub-Committee (Doc. NR1434)

III.8. Matters for decision (Doc. NC2709)

(a) Annexes C/4 and D/8 – Amendments to the Explanatory Notes (HS 2022) (Section VI)

(b) Annexes C/5, D/9 and D/22 – Amendments to the Explanatory Notes (HS 2022) (Section VII)

(c) Annexes C/8 and D/12 – Amendments to the Explanatory Notes consequential to the Article 16 Recommendation of 28 June 2019 (Section XIII)

(d) Annexes C/13 and D/17 – Amendments to the Explanatory Notes consequential to the Article 16 Recommendation of 28 June 2019 (Section XX)

(e) Annexes C/14 and D/18 – Possible amendments to the Explanatory Notes in respect of certain amusement park equipment (Proposal by the United States)

The Union shall agree to all proposed amendments in those documents.

(f) Annexes C/1 and D/5 – Possible amendments to the Explanatory Notes to heading 15.09 in respect of other virgin olive oils, and heading 15.15 in respect of examples of microbial fats and oils

Concerning the HSENs to heading 15.09, the Union shall support the Union's proposal (option 2) and the new Canadian proposal (option 3). In item (D)(2), the Union shall support the use of 'or' (option 2) instead of 'and/or'.

Concerning the HSENs to heading 15.15, the Union shall support the use of the expression 'single cell organism' (option 1), and the use of 'or' (option 2) instead of 'and/or'. In examples (a) and (b), the Union shall support the use of the expression 'obtained from' (option 2).

(g) Annexes C/3 and D/7 – Possible amendments to the Explanatory Notes in respect of 'placebos' and 'double-blinded clinical trial kits' in heading 30.06 (Request by Australia)

Concerning the sentence 'The placebos of this heading also include [control vaccines] [controlled vaccines] [vaccines which are used as control substances and] that have been licensed for use in recognized clinical trials.', the Union shall not support adding this sentence to the text of item (12) of the HSENs to heading 30.06, as it is not clear what kind of substances are described by it. If the other Contracting Parties decide to add it, the Union shall support 'vaccines which are used as control substances' (option 3), or if flexibility is needed, 'control vaccines' (option 1).