



HARMONIZED SYSTEM
COMMITTEE

-
40th Session
-

NC1189E1a
(+ Annex)

O. Eng.

Brussels, 28 August 2007.

UPDATING OF THE TABLE ESTABLISHING A CORRELATION BETWEEN THE
HARMONIZED SYSTEM AND SELECTED INTERNATIONAL CONVENTIONS

(Item III.1 on Agenda)

Reference documents :

NC0777E1 (HSC/32)	NR0570E1a (RSC/31)
NC0796E2, Annex G/7 (HSC/32 – Report)	NR0578E3, Annex D/7 (RSC/31 – Report)
NC0816E1 (HSC/33)	NR0602E1a (RSC/32)
NC0845E2, Annex G/4 (HSC/33 – Report)	NR0618E1c, Annex D/5 (RSC/32 – Report)
NR0534E1 (RSC/30)	NC1161E1a (HSC/39)
NR0542E3, Annexes D3, D/5, and D/7 (RSC/30 – Report)	NC1178E1c, Annex IJ/4 (HSC/39 – Report)

I. BACKGROUND

1. The last time the CORRELATION BETWEEN THE PRODUCT COVERAGE OF SELECTED INTERNATIONAL CONVENTIONS AND THE HARMONIZED SYSTEM (“*Correlation Table*”) was updated was in March 2006, when the Committee approved changes consequential upon the Recommendation of 26 June 2004 (2007 HS changes) and the insertion of references to the Rotterdam and Stockholm Conventions¹.
2. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (“Basel Convention”) is an international agreement signed in Basel in 1989 and developed under the auspices of the United Nations Environmental Programme (UNEP). The Harmonized System Committee, Review Sub-Committee and Scientific Committee have cooperated with the Secretariat to the Basel Convention (“Basel Secretariat”) to provide tools to assist in the administration of the Basel Convention. Most recently, the Committee has considered means to assist the Basel Secretariat and the Parties to the Convention in administering the parts of the Basel Convention that concern waste of high-technology products (principally in Chapters 84, 85 and 90).

¹ The current *Correlation Table* can be viewed at, or downloaded from, the WCO’s public website, at http://www.wcoomd.org/ie/En/Topics_Issues/topics_issues.html . Click on “Harmonized system” and then on “Table establishing an interconnection between the Harmonized System and selected international Conventions,…”

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3. During the Committee's last (39th) Session, the Committee discussed the Review Sub-Committee's request for advice regarding possible ways in which the WCO instruments and publications could be modified to assist in the administration of the Basel Convention in the high-tech area. The consensus of the Committee was that although modifications to the HS or Explanatory Notes in this area must await the development of legal definitions that would be susceptible to uniform interpretation, the *Correlation Table* could provide immediate and valuable assistance to administrations, by identifying those HS categories which contain products described by the high-tech provisions of the Basel Convention. Accordingly, the Committee charged the Secretariat with drafting such modifications, in consultation with the Basel Secretariat, and reporting back to the Committee during its next (40th) Session.

II. REVISION OF THE CORRELATION TABLE

4. The WCO Secretariat has proposed to the Basel Secretariat that the initial work revising the *Correlation Table* be performed by the WCO Secretariat and that the Basel Secretariat and its participating administrations critique the WCO Secretariat's initial work. As of the creation of this working paper, the WCO Secretariat has not received an acknowledgement from the Basel Secretariat. However, in consideration of the constraints imposed by the consultative mechanisms of international organisations and by the summer holiday period, it was considered best to publish the WCO Secretariat's initial draft revisions as soon as possible, for the consideration of all parties. The Annex to this working paper contains the Secretariat's draft additions to the existing columns "WASTE B-I" and "WASTE B-II" of the *Correlation Table* (the columns which cover, respectively, List A products and List B products in the Basel Convention).

III. SECRETARIAT COMMENTS

5. The Secretariat draws the Committee's attention to several issues that arose during the drafting of the revisions to the Correlation Table.
6. Firstly, except for subheading 8548.10, the codes appearing in the draft revisions all take the form of "EX" notations, indicating that not all products within a 6-digit HS category are covered by the Basel Convention. In the Secretariat's view, this was necessary because the HS categories could cover products which were new or reusable and therefore not under the coverage of the Basel Convention. An alternative would be to take the view that the "X" and "EX" indicators would be more useful if they described the level of coverage of the HS code when **not** taking into consideration the condition of the goods covered therein. Under such a paradigm, several categories, such as those for semiconductor devices (subheadings of headings 85.41 and 85.42) would have coverage indicated as "X" because all such individual articles would be covered by the "B" list of Annex IX of the Basel Convention, when presented as waste electronic components.
7. Secondly, the draft insertions into the Correlation Table do not include subheadings of heading 85.06 and 85.07, because waste and scrap of primary cells, primary batteries and electric accumulators are provided for in heading 85.48 (subheading 8548.10). However, it is possible that the expression, "electrical and electronic assemblies" in category B1110 includes assembled sets of accumulators (connected by soldered wire conductors). Any of such products which are not considered in the HS to be "waste and scrap" as defined by Note 9 to Chapter 85 could be covered by the third paragraph of category B1110. (Note, in this context, footnote 3 to category B1110).

8. The Secretariat's draft does not include complete articles of Section XVII except for training machines.
9. The Secretariat wishes to point out that, as the RSC discovered, the language of several of the applicable categories, most notably category B1110, could be subject to differing interpretation. For example, although the Secretariat found several references to "activated glass" in trade and government literature, it was unable to locate a formal definition of the product, possibly because the term is loosely used to designate a wide range of sensitised or surface covered glass articles. Furthermore, the information obtained by the Secretariat suggests that some waste management organisations treat all capacitors produced before 1980 as if they contain PCBs and therefore would be covered by the description of category A1180. The Secretariat has also included in the list of applicable headings (in both columns B-I and B-II) any which could contain products that incorporate batteries. The Basel Secretariat may wish to comment on the methodology used by the WCO Secretariat in these and other high-tech areas of the Nomenclature.
10. For the purposes of this revision of the *Correlation Table*, the Secretariat identified products in the following Basel Convention categories (available on the Internet for viewing or downloading at <http://www.basel.int/text/documents.html>) :

ANNEX VIII

LIST A (Column B-I in the *Correlation Table*)

(Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.)

A1160 Waste lead-acid batteries, whole or crushed

A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous

A1180 Waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110)

A1190 Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB, lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics.

ANNEX IX

LIST B (Column B-II in the *Correlation Table*)

(Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.)

B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous.

B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

B1110 Electrical and electronic assemblies :

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap² (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse³, and not for recycling or final disposal⁴

11. The above list of Basel Convention categories is somewhat broader than the original list envisioned by the Secretariat in the working paper for HSC/39 (Doc. NC1161E1a, paragraph 18 (c)). The Secretariat's goal for the present working paper was to indicate in the *Correlation Table* all products which might contain electrical or electronic components subject to application of the Basel Convention (except for the products mentioned in paragraph 8 above). The Basel Secretariat may wish to identify other categories in Annexes VIII and IX which should be examined for possible relevance during this exercise, and may also wish to indicate cases in which the Parties to the Convention apply the above categories in a narrower fashion than the WCO Secretariat has done in the Annex to this working paper.
12. Finally, the Secretariat notes that the initial WCO work on the *Correlation Table*, including Basel Convention products, began during the Committee's 19th Session (1997) and the Committee's initial approval for publication of the *Correlation Table* (which included Basel Convention product listings but not listings for high-tech products), took place during the Committee's 28th Session in 2001. Since that time, the Committee was requested by the Basel Secretariat to provide further assistance in three product areas, namely :
 - Power plant ash and residues
 - Inks, dyes, pigments, paints, lacquers and varnishes
 - High-tech apparatus and components
13. In the case of the first category, the Committee approved amendments to the Explanatory Notes to clarify the scope of existing heading 26.21 (Annexes D/1 and L/6 to Doc. NC1004, HSC/36/Sept. 2005). The Committee also approved EN changes to clarify the scope of headings 26.20, 27.10 and 38.25 with respect to the second category (Annexes E and N/13 to Doc. NC1123, HSC/38/Oct. 2006).
14. The products concerned with the first two categories had already been itemized in the *Correlation Table*. The current exercise is intended to fill in the missing high-tech product

² This entry does not include scrap from electrical power generation.

³ Reuse can include repair, refurbishment or upgrading, but not major reassembly.

⁴ In some countries these materials destined for direct re-use are not considered wastes.

area. It would be helpful if the Basel Secretariat would note any other products areas covered by Annexes VIII and IX of the Basel Convention which are still missing from the *Correlation Table*, and indicate the relevant categories in the Annexes to the Basel Convention.

IV. CONCLUSION

15. The Committee is invited to give its views on the Secretariat's comments in paragraphs 6 through 14 above, and to comment on the draft revisions to the WCO's CORRELATION BETWEEN THE PRODUCT COVERAGE OF SELECTED INTERNATIONAL CONVENTIONS AND THE HARMONIZED SYSTEM presented in the Annex to this working paper.

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