



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
27th Session
-

NR0372E1
(+ Annex)

O. Eng.

Brussels, 5 February 2003.

POSSIBLE AMENDMENT OF THE EXPLANATORY NOTE TO HEADING 29.41

(Item III.C.13 on Agenda)

Reference documents :

NS0060E2, Annexes A/1 and C/1 (SSC/17 – Report)	NR0332E3, Annexes E/4 and F/25 (RSC/26 – Report)
NC0590E2, Annexes E/1 and L/12 (HSC/29 – Report)	NS0066E1 (SSC/18)
NR0298E1 (RSC/26)	NS0080E2, Annexes A/4 and C/4 (SSC/18 – Report)

I. BACKGROUND

1. At its 26th Session, the Harmonized System Review Sub-Committee discussed a proposal presented by the **Canadian** Administration to modify the Explanatory Note to heading 29.41 with a view to clarifying the classification of penem and monobactam antibiotics.
2. There was consensus in the Review Sub-Committee that aztreonam appearing in the proposed amendment was classified in subheading 2941.90, as suggested by the Secretariat in paragraph 7 of Doc. NR0298E1. Nevertheless, the Scientific Sub-Committee was asked to express its views on the classification of this product since it has not yet been examined in the past.
3. One delegate shared the concerns of the Secretariat mentioned in paragraph 10 of Doc. NR0298E1 regarding the word “penem”, since it was a suffix developed to specify a group of INN products having certain characteristics. He felt that it was not necessary to mention it in the proposed text and suggested an alternative text referring only to examples of specific antibiotics : “doripenem (INN) and monobactams (e.g., aztreonam (INN))”.
4. Another delegate pointed out that to his knowledge, the term “penem” was an accepted and recognised term used in technical literature and in medical circles and he was therefore against its deletion from the proposed text, for the time being. His administration would consult with experts regarding this question and would submit additional information in this respect.

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

File No. 2943

5. A third delegate drew the attention of the Review Sub-Committee to the possible misalignment in the proposed text between “penem” used in English and “antibiotiques des types “penem”” in French and suggested referring to “the penem type” in both versions.
6. He also expressed concern as to whether these products were important enough in world trade to be reflected in the Explanatory Notes. The Chairperson explained that the idea was to provide a guide on how to classify similar types of products which might become important in the future.
7. Finally, given the technical nature of the proposal, the Review Sub-Committee agreed to submit the matter to the Scientific Sub-Committee for examination, addressing to it all concerns expressed above.
8. The Scientific Sub-Committee, at its 18th Session, examined the proposal to amend the Explanatory Note to heading 29.41 set out in the Annex to Doc. NS0066E1. The observations of the Sub-Committee are set out below.

II. OBSERVATIONS OF THE SCIENTIFIC SUB-COMMITTEE

9. The Sub-Committee agreed, unanimously, with the view of the Review Sub-Committee, that aztreonam (INN) should be classified in subheading 2941.90.
10. Since the term “penem” was defined in different ways by different organisations (i.e., IUPAC or WHO), the Sub-Committee agreed that the term should not be used in the Explanatory Notes. It also agreed with the suggestion of the Delegate of **Canada** to refer to examples of penems and carbapenem in item (1) of the Explanatory Note concerned, rather than in item (7). Subject to these suggestions, the Sub-Committee decided not to recommend amendment of item (7), but to recommend insertion of specific examples of penems and carbapenem in item (1) of the Explanatory Note to heading 29.41.
11. The recommended texts are set out in the Annex to this document.

III. CONCLUSION

12. The Sub-Committee is invited to take the observations of the Scientific Sub-Committee into consideration when examining the possible amendment of the Explanatory Note to heading 29.41, as set out in the Annex to this document.

* * *