

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



50 475



Distr.  
LIMITED

E/CN.14/STC/WPCA/6  
9 November 1966

Original : ENGLISH

ECONOMIC COMMISSION FOR AFRICA  
Study Group on Tariff Classification  
and Interpretation  
Addis Ababa, 5-20 December 1966

THE BRUSSELS NOMENCLATURE FOR THE CLASSIFICATION OF GOODS IN CUSTOMS  
TARIFFS: ITS ORIGINS, CHARACTERISTIC FEATURES  
AND FIELD OF APPLICATION

(Paper prepared by the Secretariat of the Customs Cooperation Council)

M66-1691

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FORWARD

The Customs Co-operation Council (C.C.C.) was established by a Convention signed in Brussels on 15th December 1950.

Under the terms of that Convention, the functions of the Council are :

- (a) to study all questions relating to co-operation in customs matters which the Contracting Parties agree to promote in conformity with the general purposes of the present Convention;
- (b) to examine the technical aspects, as well as the economic factors related thereto, of customs systems with a view to proposing to its Members practical means of attaining the highest possible degree of harmony and uniformity;
- (c) to prepare draft Conventions and amendments to Conventions and to recommend their adoption by interested Governments;
- (d) to make recommendations to ensure the uniform interpretation and application of the Conventions concluded as a result of its work as well as those concerning the Nomenclature for the Classification of Goods in Customs Tariffs and the Valuation of Goods for Customs Purposes prepared by the European Customs Union Study Group and, to this end, to perform such functions as may be expressly assigned to it in those Conventions in accordance with the provisions thereof;
- (e) to make recommendations, in a conciliatory capacity, for the settlement of disputes concerning the interpretation or application of the Conventions referred to in paragraph (d) above in accordance with the provisions of those Conventions; the parties in dispute may agree in advance to accept the recommendations of the Council as binding;
- (f) to ensure the circulation of information regarding customs regulations and procedures;

- (g) on its own initiative or on request, to furnish to interested Governments information or advice on customs matters within the general purposes of the present Convention and to make recommendations thereon;
- (h) to co-operate with other inter-governmental organisations as regards matters within its competence.

The Council possesses juridical personality.

Member countries are : Australia, Austria, Belgium, Denmark, Finland, France, Germany (Fed. Rep. of), Greece, Haiti, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Lebanon, Luxembourg, Malawi, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Portugal, Rwanda, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

## I. INTRODUCTION

### 1. Need for an International Tariff Nomenclature

Everyone concerned in international trade is well aware of the difficulties which arise when various national Customs Tariffs are based on fundamentally different systems of classification or nomenclature. These differences derive not only from the fact that the individual economic structure of each country is naturally reflected in its national tariff, but also from the diversity of formal and systematic criteria by reference to which goods are classified in categories and headings. Until quite recently, there was no uniformity in this respect between the nomenclatures used by the different countries. The items or headings were rarely in the same order, the headings were never identical in scope, and different definitions were applied to the same products.

Some national tariffs had been drawn up empirically. Others, although originally based on a methodical (but currently outdated) plan, had since been amended and altered to give effect to subsequent national protective measures, international commercial arrangements or multilateral tariff agreements. Even before the Second World War, a number of countries, working under the aegis of the League of Nations, attempted to resolve these problems by drafting an International Customs Tariff Nomenclature known as the Geneva Nomenclature. After the war, however, the pressing need for a standard Customs Nomenclature became all the more evident in order to ensure :

- (a) The systematic classification of all goods found in international trade.
- (b) Internationally uniform classification of all goods on a sound basis in the tariffs of all countries adopting this Nomenclature.

- (c) The adoption of a common internationally accepted Customs "language" so that Customs terminology should be readily understood by the public as well as by experts, thus simplifying the task of importers, exporters, producers and Customs Administrations.
- (d) Simplicity and certainty of meaning in the negotiation, application and correct interpretation of bilateral or multilateral Customs or trade agreements.
- (e) The general facilitation and promotion of international trade.

These were the objectives sought by the authors of the Brussels Nomenclature.

## 2. The Geneva Nomenclature

The idea of a common framework for Customs tariffs was first put forward in a Recommendation made by the World Economic Conference which met in May 1927 under the auspices of the League of Nations. A Committee of Experts then prepared a Draft Customs Nomenclature. The first version of the Geneva Nomenclature was completed in 1931, and the text was revised in 1937.

It comprised 991 headings, arranged in 86 Chapters which were themselves grouped in 21 Sections. Apart from the main or basic headings, there were secondary and in some cases tertiary and even quaternary headings. In principle, the main headings had an obligatory character but countries were free either to reduce the number of sub-headings by grouping several together, or to create new distinctions in addition to those provided.

This method was intended to ensure that all tariffs would be sufficiently detailed, thus avoiding the undue simplicity which is just as undesirable in this field as unnecessary differentiation. Moreover, further distinctions could always be introduced provided that they did not destroy the uniformity of the standard nomenclature.

### 3. Background to the Brussels Nomenclature

From the outset, the authors of the Brussels Nomenclature made considerable use of the Geneva Nomenclature which was the only standard framework of its kind available at the time. But the main bases of the Nomenclature are to be found in the work done by the European Customs Union Study Group which, starting in 1948, sought to establish a common Customs tariff for use by all the participating countries.

Although they used the Geneva Nomenclature as a working basis, the Study Group's experts made considerable amendments to the Geneva text, partly because of technical progress and partly because of shortcomings revealed by the experience of countries which had already adopted Geneva-type tariffs.

A preliminary draft containing headings and sub-headings was first produced. But at the end of 1949, the Study Group decided that, irrespective of the progress which might be made on the European Customs Union project, the very valuable results already attained in the field of Nomenclature should be turned to advantage. It was accordingly decided that the headings of the Nomenclature (other than the sub-headings, which were left to the initiative of individual countries), should be established by a Convention.

It was thus this 1949 draft which, re-arranged, abridged and simplified, was incorporated into the Brussels Convention of 15th December 1950 on Nomenclature for the Classification of Goods in Customs Tariffs. This Convention was opened for signature at the same time as the Convention establishing a Customs Co-operation Council and the Convention on the Valuation of Goods for Customs Purposes. It came into force on 11th September 1959.

The text of the Convention is reproduced in Annex I.

In order to safeguard the international uniformity of classification which is the basic aim of the Convention, the Customs Co-operation Council also prepared Explanatory Notes to the Brussels Nomenclature.

In the course of compiling these Explanatory Notes, it became clear that a number of amendments were needed in the Nomenclature; these were approved by the Council together with the Explanatory Notes themselves and a Protocol of Amendment to the Nomenclature Convention was signed on 1st July 1955. This Protocol in effect replaced the 1950 Nomenclature by a revised text incorporating the amendments to the 1950 version. This revised text constitutes the 1955 Brussels Nomenclature.

[ Three Recommendations concerning the amendment of the Nomenclature are currently open for acceptance by Contracting Parties to the Convention :

- (i) The Recommendation of 16 June 1960.
- (ii) The Recommendation of 8 December 1960.
- (iii) The Recommendation of 9 June 1961.

Under the terms of Article XVI of the 1950 Convention, these Nomenclature amendments will come into force three months after receipt by the Belgian Ministry of Foreign Affairs of notice of acceptance by all the Contracting Parties of the relevant Recommendations.]

## II. GROWING INFLUENCE OF THE BRUSSELS NOMENCLATURE

### 1. Use of the Nomenclature in national tariffs

Nineteen countries are now Contracting Parties to the Nomenclature Convention : Austria, Belgium, Denmark, Finland, France, Germany (Fed. Rep. of), Iran, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom and Yugoslavia.

But the use of the Brussels Nomenclature has increased so substantially and rapidly that it now has a much wider field of application. More than 70 countries or territories are at present using Brussels-type tariffs, and [sixteen] other countries are preparing to introduce such tariffs.

2. Use of the Nomenclature by inter-governmental organisations

While a standard international Tariff Nomenclature has obvious advantages for any country anxious to develop its external trade and thus contribute to the expansion of international commerce, such a Nomenclature is still more indispensable for countries which join (or propose to join) Economic Associations of the type which have recently been set up in various parts of the world.

The Brussels Nomenclature offers special safeguards and advantages in this respect. It is the only international Nomenclature which can guarantee a systematic and precise classification of goods in Customs tariffs and thus ensure the uniform classification essential for the smooth running of these Associations. It is therefore not surprising that such Associations have chosen the Nomenclature as the basis for their tariffs.

The European Coal and Steel Community (E.C.S.C.) has adopted, in their entirety, those parts of the Nomenclature relating to the products with which it is concerned; the European Economic Community (E.E.C.) and the EURATOM have also relied on the Brussels Nomenclature. In the case of the EEC, the use of the Brussels Nomenclature substantially shortened the time required to prepare a common Customs tariff.

Although no common Customs tariff was involved, the creation of the European Free Trade Association (EFTA) was facilitated by the fact that the seven Member countries had each already adopted the Brussels Nomenclature. It was therefore relatively easy for these seven countries to draw up lists, defined by reference to the Chapters and headings of the Brussels Nomenclature, of the manufactured or processed goods covered by particular provisions of the EFTA Convention (e.g., provisions concerning origin), and to arrange for the Customs treatment of these goods accordingly.

Other regional intergovernmental organisations such as the Latin American Free Trade Association (LAFTA) and the Organisation for Economic Co-operation of Afro-Malagasy States (OAMCE) have also based their work on the Brussels Nomenclature, in particular for negotiations conducted under their basic treaties.

Finally, the wide adoption of Brussels-type tariffs at national and regional levels has greatly facilitated the work of international organisations such as GATT, OECD and the United Nations Economic Commissions (Economic Commission for Latin America (ECLA), Economic Commission for Africa (ECA) and Economic Commission for Asia and the Far East (ECAFE) in particular).

### 3. The Brussels Nomenclature and commercial circles

The advantages of a standardised Customs Nomenclature are as great in the business field as in that of trade policy. Apart from the convenience it offers for the comparison of tariffs and in determining the relevant rate of duty, this standardisation affords manufacturers and traders safeguards which purely national nomenclatures cannot provide to the same degree.

In the circumstances, it is not surprising that ever since its first publication the Brussels Nomenclature has gained a very wide audience in industrial and commercial circles.

In a Resolution adopted in November 1960, the International Chamber of Commerce expressed its satisfaction at the establishment of the Brussels Nomenclature, and emphasised that the simplicity and uniformity of classification and numbering, and above all international comparability of Customs Tariffs, are of the utmost value not only to governments but also to business firms engaged in international trade. The Resolution also stressed that, the ultimate purpose of the Nomenclature being complete world-wide comparability of Customs Tariffs, it is essential that countries drawing up their tariffs on a Brussels basis should adopt the Brussels Nomenclature in toto, with no changes in the texts or numbering of the headings.

At its Session in November 1960, the "World Conference of the Junior Chamber International" adopted a Resolution on similar lines, stressing the importance to the trading community of a standard international tariff Nomenclature.

### III. CHARACTERISTIC FEATURES AND STRUCTURE OF THE BRUSSELS NOMENCLATURE

#### 1. Basic principles

The Brussels Nomenclature provides both a convenient list of headings covering the various categories of goods in world trade and a comprehensive classification system which is designed to meet the following requirements :

- (i) Simplicity, i.e., it should be readily understood by the lay-man as well as by experts.
- (ii) Precision, to ensure that the heading most appropriate to any given product can be easily determined.
- (iii) Strictness in application, to ensure international uniformity of classification in the tariffs of all the countries using it.

The Brussels Nomenclature, like that of the League of Nations, does not, in general, employ the distinction between raw materials, semi-manufactured and manufactured goods traditionally followed for statistical purposes. In a Customs Nomenclature it is usually preferable, for both economical and practical purposes, to group together all the goods relating to the same industry. Thus Section XI of the Brussels Nomenclature embraces all the products of the textile industry while Section XV covers the products of the metallurgical industries.

In general the authors of the Nomenclature adopted the principle of classifying together in the same Chapter all goods obtained from the same raw material, and of arranging them "progressively" within each Chapter, that is starting from the raw material and progressing to the finished product or article.

This system was, however, not applied with undue rigidity since, despite its merits of clarity and precision, in certain cases it can lead to unnecessary complexity. Pile fabrics, embroidery and tulle, for example, fall in the same Brussels Chapter irrespective of the basic textile material used. Similarly, furniture is classified in Chapter 94 whether of wood, metal or any other material.

However, apart from such inevitable exceptions, the structure of the 1955 Brussels Nomenclature is based essentially on the general principles outlined above.

## 2. General Structure

The 1955 Brussels Nomenclature comprises :

- (a) The General Rules for the interpretation of the Nomenclature.
- (b) Legal Notes to the Sections and Chapters.
- and (c) A list of headings covering all items in international commerce and arranged in systematic order.

(a) The Interpretative Rules

A tariff classification system can guarantee certainty in the assessment of duty only if it is so designed that each particular product will fall within only one tariff heading and will be clearly excluded from all other headings to which it might otherwise have appeared to fall.

The text of the Brussels Nomenclature therefore opens with a series of provisions codifying the principles on which it is based and laying down rules to ensure correct legal interpretation in all cases.

These are the five Interpretative Rules which form an integral part of the Nomenclature.

Interpretative Rule 1 which takes precedence over following Rules, provides that, for legal purposes, classification is determined by the terms of the headings and of any relevant Legal Section or Chapter Notes. There are however cases where the texts of the headings and Legal Notes cannot, of themselves, determine the appropriate heading with certainty. Classification is then effected by the application of Interpretative Rules 2 to 5.

Rules 2 and 3, in particular, lay down the procedure governing the classification of goods which are prima facie classifiable under two or more headings, either because they are mixtures (consisting of two or more different materials) or because they are composite goods (obtained by assembling two or more different components).

Rule 3 classifies these goods :

- (a) In the heading which provides the most specific description.
- or (b) In the heading applicable to the material or component which gives the goods their essential character.
- or (c) Under the heading which involves the highest rate of duty.

These classification criteria must be applied in the order in which they are set out. Criterion (b) does not therefore become operative unless classification cannot be determined by application of criterion (a). Similarly, criterion (c) can be used only if neither (a) nor (b) is applicable. Application of criterion (c) is therefore merely a last resort governing the classification of goods not otherwise provided for, and it is moreover very rarely used.

Rule 4 defines the scope of the Notes of exclusion at the beginning of Sections or Chapters.

Finally, Rule 5 provides that goods which (for example because they have newly appeared on the world market) are not specifically covered by any heading of the Nomenclature, shall be classified in the heading appropriate to the goods to which they are most akin.

The Interpretative Rules thus establish classification principles which, unless the texts of headings or of the Legal Section or Chapter Notes otherwise require, are applicable throughout the whole Nomenclature, and correct interpretation depends, in the first place, on compliance with these principles.

(b) The Legal Section and Chapter Notes

Most of the Sections and Chapters, into which the tariff headings are grouped in methodical order, commence with Legal Notes which, like the Interpretative Rules, form an integral part of the Nomenclature and which have the same legal force as the headings themselves. These Notes are a distinctive feature of the Brussels Nomenclature, indeed there are few other tariff systems which have anything similar in completeness and scope. To distinguish them from the Explanatory Notes, which are not legally binding, they are normally referred to as "Legal Notes".

In drafting these Legal Notes, whose function is to define the precise scope and limits of each heading (or group of headings), Chapter and Section, various types of drafting formulae were employed, for example :

- (i) General definitions delimiting the scope of a heading or the meaning of particular terms, for example, Legal Note 5 to Section XI defines in general terms gauze fabric (of heading No. 55.07) and plain tulle and other net fabrics (of heading No. 55.08) in general terms according to their appearance and texture.
- (ii) Non-exhaustive lists of typical examples, for example Legal Note 3 to Chapter 86, specified certain of the railway and tramway track fixtures and fittings which, inter alia, fall within heading No. 86.10.
- (iii) Exhaustive lists of the goods covered by a heading or group of headings. Thus the Legal Note to Chapter 81 specifies precisely which metals are to be classified as "other base metals" in heading No. 81.04; similarly Legal Notes 1, 2 and 3 to Chapter 31 state that headings Nos. 31.02 to 31.04 "are to be taken to apply, and apply only," to a specific list of named products.
- (iv) Lists of excluded goods. For example, Legal Note 3 to Chapter 60 states that, "for the purposes of heading No. 60.06, knitted or crocheted articles are not to be regarded as elastic articles only by reason of their containing rubber thread or elastic forming merely a supporting band".

Certain Legal Notes employ several of these drafting formulae. The definition of "synthetic rubbers" in Legal Note 4 to Chapter 40 provides an example of a definition framed in general terms, followed first by scientific criteria and then by an enumeration of the products which, in the present stage of technical knowledge, are to be taken as covered by the definition.

It would, no doubt, have been possible to incorporate the substance of these Notes in the text of the headings themselves. But this would have greatly lengthened the headings, making them difficult to understand, and would have involved a great deal of repetition. The Legal Notes thus made it possible to draft the headings in concise form while at the same time safeguarding the precision and exactness of interpretation which are essential to avoid doubts and disputes in classification.

(c) The Headings of the Brussels Nomenclature

The Brussels Nomenclature comprises 1097 headings (of which two are optional); these are arranged in 99 Chapters which are themselves grouped in 21 Sections. Unlike the Geneva Nomenclature, it contains no sub-headings. The possible introduction of sub-headings is left to the discretion of each country using the Nomenclature as the framework of its national Customs tariff.

The structure of the Nomenclature in Sections and Chapters is based on the general considerations already explained in paragraph 1 above. Under Interpretative Rule 1, the Chapter and Section titles are not legally binding but are provided for ease of reference only; they have therefore been drawn up as short, general descriptions.

Each heading in the Brussels Nomenclature is identified by four digits of which the first two represent the Chapter in which the heading appears, while the second two digits indicate its position in that Chapter. Thus heading 57.08, covering "Paper yarn", is the eighth heading in Chapter 57.

3. Complementary publications

The Brussels Nomenclature is supported by the following publications designed to facilitate its application and ensure uniformity in its interpretation :

- (a) The Explanatory Notes.
- (b) The Alphabetical Indexes to the Nomenclature and to the Explanatory Notes.
- (c) A Compendium of Classification Opinions.

(a) The Explanatory Notes

The Explanatory Notes do not form part of the 1950 Convention but they constitute the official interpretation of the Nomenclature as approved by the Customs Co-operation Council. Published in July 1955, these Notes are the product of painstaking studies pursued in Brussels almost uninterruptedly since March 1951. They follow the systematic order of the Nomenclature and provide a full commentary on the scope of each heading, giving a list of the main products included and excluded, together with appropriate technical descriptions of the goods concerned and their appearance, properties, method of production and uses, as well as practical guidance for their identification.

In preparing these Explanatory Notes, the Council took account of all available technical literature in a number of languages; further, in the case of particularly specialised categories of goods, the advice of professional experts was sought.

In this way, a comprehensive body of information and technical literature was collected which has proved of very real value both to Customs Administrations and to commercial circles dealing with Customs classification. The Chapters on chemicals, iron and steel products, and textiles, for example, contain much practical data rarely found assembled in such readily accessible and concise form in one single document.

The Explanatory Notes are therefore such an indispensable complement to the Brussels Nomenclature that it is always useful and sometimes essential to refer to them in order to ascertain the correct interpretation of the Nomenclature itself. However, it must be borne in mind that the Explanatory Notes must always be read in strict conformity with the Nomenclature texts, and in particular with the Interpretative Rules and the Legal Section and Chapter Notes.

The Explanatory Notes are kept under constant review with the particular aim of seeing that they are always abreast of technological progress. In principle, two sets of amendments are issued each year, generally in January and July following the Sessions of the Council.

(b) The Alphabetical Indexes

In order to make it easy to locate in the Nomenclature and in the Explanatory Notes references to all products or articles mentioned therein, the Council has also published :

- (a) An Alphabetical Index of all the goods specified in the Nomenclature.
- (b) An Alphabetical Index of all the goods specified in the Explanatory Notes.

Amendments keeping these texts up to date are issued by the Council from time to time.

(c) The Compendium of Classification Opinions

This Compendium lists all Classifications Opinions adopted by the Council as a result of the study of classification questions submitted by Member or non-Member Customs Administrations.

It comprises two parts :

- (i) A list of Classification Opinions arranged in Nomenclature heading order (and in alphabetical order within each such heading).
- (ii) An Alphabetical Index of the "key-words" describing the products dealt with in the Classification Opinions.

Each Classification Opinion contains :- the number of the Nomenclature heading in which the product or article is to be classified, a precise and detailed description of that product or article, and a reference to the working documents established during the study of the question.

As Classification Opinions can be communicated only to Customs Administrations, the Compendium is reserved for the official use of these Administrations.

However, in accordance with the Council's policy of providing all possible assistance to countries using the Brussels Nomenclature, it has decided (Decision No. 142 of 5th June 1962) to make the Compendium available to the Customs Administrations of all States which have adopted or intend to adopt the Brussels Nomenclature as a basis for their national Customs tariffs, even if they are not Contracting Parties to the Nomenclature Convention and whether or not they are Members of the Council.

The Customs Administrations of States whose national tariffs are based on the Brussels Nomenclature may, in addition, like those of the Contracting Parties to the Nomenclature Convention, include these Classification Opinions, in whole or in part, in their own national publications, provided that they indicate that the texts in question constitute the considered views of the Customs Co-operation Council.

The Compendium of Classification Opinions is in loose-leaf form. Like the other complementary publications to the Nomenclature, it is kept up to date, in particular by the insertion of New Opinions adopted by the Council. An Amending Supplement is normally published at the beginning of each year.

#### IV. METHODS OF APPLICATION OF THE BRUSSELS NOMENCLATURE

The methods by which the Brussels Nomenclature is to be put into application are clearly defined in the Nomenclature Convention.

The uniformity of interpretation which is essential if an international Nomenclature is to provide a common Customs "language" depends not only upon the specific features of that Nomenclature (and in particular its precision), but also upon the manner in which it is applied by the countries which adopt it as a basis for their national tariffs.

1. Obligations of Contracting Parties to the Convention on Nomenclature

Under the terms of the Convention, the Contracting Parties are bound to adopt all the main headings without omission or change of substance with the exception of two optional headings for coal gas, etc. (27.05 bis) and electric current (27.17).

Article II (b) of the Convention indicates the obligations of Contracting Parties in this respect, each Contracting State undertaking that, as regards its own tariff,

- (a) It will not omit any of the headings of the Nomenclature nor add new headings, nor depart from any of the numbers of the headings.
- (b) It will make no changes in the Chapter or Section Notes in a manner modifying the scope of the Chapters, Sections and headings as laid down in the Nomenclature.
- (c) It will include the General Rules for the Interpretation of the Nomenclature.

Each Contracting State may, however, make such textual adaptations as may be necessary to give effect to the Nomenclature in its domestic law. For example, provided that they are compatible with the provisions of the Brussels Nomenclature and of the Brussels Explanatory Notes, extra national Legal Notes may be inserted in the national Tariffs in order, for example, to define particular terms or to de-limit the scope of any national tariff sub-headings (see paragraph 2 below).

It is, of course, important that any national Legal Notes of this type should be so arranged as not to impair the comparability of all Customs tariffs based on the Brussels Nomenclature. On 19 November 1957 the Council therefore adopted a Recommendation concerning the Form and Lay-out of Customs Tariffs, which invites Members preparing new national tariffs to follow as closely as possible the form and lay-out set out in the Nomenclature itself and in particular to maintain the numbering of the Section and Chapter Notes and the lettering of their sub-paragraphs •

In strictness, the only countries bound to a complete observance of the principles of the Brussels Nomenclature are those which have ratified or acceded to the Convention. In practice, it is to the interest of all countries using Brussels-type Tariffs to conform fully to these principles even if they are not Contracting Parties to the Convention. This strict adherence to the provisions of the Nomenclature is essential in order to guarantee correct and uniform international interpretation and to ensure that any specific product will always be classified under the same heading number in all national Brussels-type Tariffs. Indeed, if any State were to depart from the prescribed rules it would, in practice, lose part of those very advantages which the adoption of the Brussels Nomenclature entitles it to expect.

However, in order to facilitate the use of the Brussels Nomenclature by developing countries, the Customs Co-operation Council has adopted special provisions permitting those countries, subject to certain conditions, to contract the Nomenclature in order to adapt it to their own level of economic development. These provisions are described in paragraph 3 below.

## 2. Construction of national Tariffs based on the Brussels Nomenclature

Though the Convention binds Members to a strict acceptance of the Legal Notes and main headings set out in the Brussels Nomenclature, this in no way interferes with their sovereign rights to fix their rates of duty and systems of protection at the levels they judge desirable.

To this end, the Convention specifically gives each country complete freedom to set up any sub-divisions it may wish under the main Brussels headings in order to take account of any special needs dictated by the level of its own industrial or agricultural economy, always provided that such sub-headings in no way modify the scope of the main heading concerned. In other words, national sub-headings must necessarily be so drafted that they relate only to products classified in the relevant Brussels main heading.

The Brussels Nomenclature therefore provides an equally suitable basic framework for all types of national Tariffs, whether for highly-industrialised countries requiring many special sub-headings, or for countries which, being less developed industrially, may currently require relatively few, or even no sub-headings. Further the system is such as to readily permit the latter type of country to add sub-headings to its Tariff as subsequent economic development proceeds.

In this respect, since the Brussels Nomenclature contains no sub-headings, it affords much wider facilities than the Geneva Nomenclature in which the secondary, tertiary and even quaternary items, although optional, might in certain cases have hampered States in the establishment of their own sub-headings.

Since countries are left completely free to set up their own national sub-headings, the number and scope of such sub-headings introduced under the main Brussels headings inevitably vary from one country to another. It follows that full uniformity is achieved only at main heading level.

However, these main headings are so conceived that, because of the nature and character of the goods or categories of goods covered, all Customs tariffs in which they are incorporated have the same basic framework and structure and, in practice, are uniform and readily comparable. This achievement is all the more remarkable in that the flexibility of the system leaves States entirely free to adapt their national tariffs to their own particular economic and fiscal requirements and to any commitments they may have entered into with other countries

Countries using Brussels-type Tariffs may also (subject to the Council's approval in the case of non-Members) use the Brussels Explanatory Notes as a basis for preparing any national Notes they may wish to issue to assist their Customs Officers in the application of such Tariffs, always provided that these national editions fully respect the classification rulings adopted by the Council. National Explanatory Notes may, of course, also incorporate supplementary

information concerning the scope of national sub-headings, or concerning the application of any special measures which may fall to be supervised by national Customs Officers (e.g. : import or export restrictions; regulations concerning health, imports of animals or plants, drug control, prevention of commercial fraud, merchandise marks, etc.; collection of internal or other special taxes).

Nevertheless, it is preferable that the text of these Supplementary Explanatory Notes should be kept distinct from that of the Brussels Explanatory Notes, either by publishing them separately or by printing them in different characters or forms to the Brussels Notes.

### 3. Possibility of contracting the Brussels Nomenclature

As stated in paragraph 1 of this Part, the Brussels Nomenclature must be adopted in its entirety in order to ensure uniformity in its interpretation and application.

The Brussels Nomenclature has nevertheless been criticised as a complex instrument more specially suited to highly industrialised countries. Some countries have therefore suggested that, just as provision has been made for adaptation to the individual requirements of each country by the introduction of sub-divisions under the main headings, developing countries should be permitted, where necessary, to merge into a single heading several headings or groups of headings in the same Sub-Chapter or Chapter if those headings are of no practical use to them at their present stage of economic development.

In accordance with its policy of encouraging developing countries to adopt the Brussels Nomenclature, the Customs Co-operation Council has approved, in principle, the possible regrouping or contraction of Nomenclature headings.

Consequently, although it is recommended in their own interests, that countries should adopt the Brussels Nomenclature in its entirety, where simplifications are indispensable developing countries are allowed to contract the text by merging two or more headings of the same Sub-Chapter or Chapter into one single heading.

These contractions must be undertaken in close co-operation with the Council. The structure of the Nomenclature, and in particular the order of the headings, must be respected. The contractions must be compatible with the principles on which the Nomenclature rests, and they must be so designed as to provide for room for subsequent expansion within the framework of the full Nomenclature.

Several developing countries have already been assisted by the Council in establishing comparatively simple Brussels-type Tariffs in accordance with the above principles.

#### V. FUNCTIONS OF THE CUSTOMS CO-OPERATION COUNCIL IN RELATION TO NOMENCLATURE

The Customs Co-operation Council is responsible for securing uniformity in the interpretation and application of the Convention on Nomenclature and for the general supervision of its operation. To this end, the Convention provides that the Council shall establish a Nomenclature Committee.

##### 1. The Nomenclature Committee

The Nomenclature Committee was set up immediately after the official entry into force (on 11 September 1959) of the international instruments instituting the Brussels Nomenclature, and it held its first Session in 1960. It succeeded the Interim Nomenclature Committee which had been set up by the Council on a provisional basis in February 1953 to pursue, pending the official entry into force of the Nomenclature Convention, the work previously undertaken in this field by the Customs Committee of the European Customs Union Study Group. Work relating to the application of the Brussels Nomenclature has thus continued uninterruptedly since February 1953.

The Nomenclature Committee is composed of representatives of all States which have ratified or acceded to the Nomenclature Convention, in principle it meets twice a year, each Session lasting approximately a fortnight and being held in the intersessions between the Council's meetings.

Observers from non-Member countries and international organisations may attend the Committee's meetings, and a great many usually take part at each Session.

The Nomenclature Committee elects its own Chairman and Vice-Chairman, and draws up its own Rules of Procedure which are subject to the approval of the Council.

## 2. The Chemists' Committee

Because of the difficulties encountered in drafting those Sections of the Nomenclature which deal with chemical products, in 1949 the Permanent Tariff Bureau asked the Customs Committee to convene a meeting of chemical experts. These experts met for the first time on 2nd May 1949 to consider the Chapters in the draft Nomenclature dealing with inorganic and organic chemicals, fertilisers, pharmaceutical products, photographic products, casein, albumins and glues, explosives and miscellaneous chemical products, as well as the Chapter on artificial plastic materials.

This initial group of chemical experts eventually became the Chemists' Committee which has now been established on a permanent basis to assist the Nomenclature Committee in the study of classification questions relating to products of the chemical and allied industries.

The Chemists' Committee is composed of chemical experts normally serving in the official laboratories of Member States. It meets on the initiative of the Nomenclature Committee (in principle once or twice yearly) to discuss questions referred to it by the Committee and report back its conclusions.

In the case of specialised questions (e.g., concerning the nuclear energy, rubber and petroleum industries), the Chemists' Committee and the Nomenclature Committee may consult professional experts.

## 3. Functions of the Nomenclature Committee

The Nomenclature Committee supervises the operation of the Nomenclature Convention, under the authority of the Council and in accordance with any directives the Council may give. For this purpose, the Committee exercises the following functions :

- (a) It collates and circulates information concerning the application of the Nomenclature in the Customs tariffs of Member countries.
- (b) It studies the procedures and practices of the Contracting Parties in relation to the classification of goods for Customs purposes and makes any appropriate recommendations to the Council or to the Contracting Parties to secure uniformity in the interpretation and application of the Nomenclature.
- (c) It prepares Explanatory Notes as a guide to the interpretation and application of the Nomenclature.
- (d) On its own initiative or on request, it furnishes to Contracting Parties information or advice on any matters concerning the classification of goods for Customs purposes.
- (e) It submits to the Council proposals for any amendments to the Nomenclature Convention which it may consider desirable.
- (f) Finally, it exercises such other powers and functions of the Council in relation to classification of goods for Customs purposes as the Council may delegate to it.

#### 4. Classification of goods

Most of the problems involved in the application of a tariff Nomenclature are essentially questions of classification. The appropriate heading for each individual product has to be determined on the basis of available technological data and by application of the Interpretative Rules, the Legal Section and Chapter Notes, the texts of headings themselves and, if necessary, the relative Explanatory Notes.

Despite all the care taken in drafting the Nomenclature and its complementary publications, it was obviously quite impossible, in a field as vast and varied as that of a Nomenclature covering all goods in world trade, to provide for every possible current and future contingency, and to settle each such possibility, in advance, in a manner so precise as to obviate any subsequent doubt about the classification of any particular product or article.

Admittedly the Interpretative Rules lay down guiding principles for classification purposes, but their application may sometimes be a delicate matter. Interpretative Rule 3 (b) provides that mixtures and composite goods, prima facie classifiable under two or more headings, shall be classified as if they consisted of that material or component giving the product its essential character; but this principle can give rise to very different results according to the viewpoint of the person applying it. Similar considerations of personal appreciation inevitably enter into the application of Interpretative Rule 5, which provides that goods not falling within any heading of the Nomenclature shall be classified with the goods to which they are most akin.

It can therefore sometimes happen that countries using Brussels-type tariffs arrive at different decisions concerning the classification of the same product.

It is the responsibility of the Customs Co-operation Council, acting through its Nomenclature Committee, to prevent or eliminate these divergencies in classification by giving rulings on the more delicate classification problems, arbitrating in the event of disagreements and, in general, taking all necessary measures to ensure the uniform interpretation and application of the Nomenclature.

In most cases, classification questions are raised by Member Administrations, but the Committee may also be called upon to deal with questions submitted by non-Members, by other inter-governmental organisations, or by non-governmental international organisations representing particular trades or industries.

On the other hand, no direct action is taken on requests for information received from private individuals or associations; such requests are referred to the Member Customs Administrations concerned, which can then decide whether or not the matter should be raised in the Nomenclature Committee. Since the Customs Co-operation Council is not a supra-national body, it is not competent to intervene in disputes between national Administrations and importers or exporters.

5. Settlement of disputes concerning classification

One of the most important tasks assigned to the Nomenclature Committee by the Council is the settlement of disputes between Member Administrations concerning the classification of goods in the Nomenclature.

Where a dispute arises between two or more Contracting Parties regarding the interpretation or application of the Nomenclature, the Administrations concerned should, in the first instance, endeavour to reach agreement among themselves. Administrations which have resolved such a question by direct negotiation may advise the Council Secretariat which in turn informs the Nomenclature Committee of the solution adopted.

Classification disputes which cannot be settled by direct negotiation are referred to the Secretariat; after appropriate examination, the Secretariat submits them to the Committee which makes appropriate recommendations for their solution.

Where classification divergencies are brought directly to the attention of the Secretariat, the facts are confirmed by consulting the Member Administration (s) concerned and if it is found that there is a real divergence of opinion the matter is referred to the Committee in accordance with the normal procedure.

6. Form of decisions taken by the Nomenclature Committee in classification matters

Classification questions are first examined by the Council Secretariat, which then refers them, supported by the necessary documentation and samples and a note setting out its own conclusions, for consideration by the Nomenclature Committee, decides on appropriate action after comparing the views and arguments of Member delegations.

The actions taken following the examination of a classification question varies according to the type of case, for example :

- (a) In some instances, no further action is required because examination of the question demonstrates that classification is already clearly established by the Explanatory Notes or even by the Nomenclature itself.
- (b) In other cases, although classification can be established under the existing terms of the Explanatory Notes, the question raises special difficulties or quite new features of general interest. In these circumstances, the Committee issues an official Classification Opinion. The Council's Classifications Opinions are intended solely for Customs Administrations. They are grouped in the order of the Nomenclature headings in the "Compendium of Classification Opinions" (see Part III, paragraph 3(c) above).
- (c) If examination of a question shows that the existing Explanatory Notes make no specific provision suitable for the resolution of the problem, the Committee proposes an appropriate addition or amendment to the Explanatory Notes which is then made available to both Member Administrations and to the general public.
- (d) In relatively rare cases, it is found that a technically reasonable classification cannot be arrived at under the existing terms of the Nomenclature. Arrangements are then put in train through the Council so that an appropriate amendment can be made to the Nomenclature in accordance with the procedure laid down in Article XVI of the 1950 Nomenclature Convention.

However, by whatever procedure effect is given to the Nomenclature Committee's decision, it becomes official only after approval by the Council.

7. Amendments to the Nomenclature

A variable Tariff Nomenclature cannot be established on absolutely rigid lines. It is designed to serve as a framework for international trade exchanges, themselves in constant evolution, and must therefore be kept abreast of current requirements.

These imperatives are of particular relevance to the Brussels Nomenclature, firstly because of its international character and secondly because, as intended by its authors, it provides a systematic and methodical classification of goods based essentially on technological data. Such a classification system is of use only if it is kept as nearly as possible in step with technical progress.

But while amendments to the Nomenclature are inevitable from time to time in order to take account of new developments such amendments must be kept to a strict minimum, since unduly frequent changes would embarrass Member countries, particularly those which may be unable to introduce the amendments into their national Tariffs without parliamentary approval.

The Council has therefore agreed that amendments should be made only after relatively long intervals of time, for example, of four or five years. In the interim period, the product has to be classified in accordance with the existing provisions of the Nomenclature and the relative draft amendment is held in abeyance until the time is ripe for it to be incorporated in a suitable Council Recommendation.

Amendments to the Nomenclature are incorporated in Council Recommendations which are submitted for acceptance by the Contracting Parties to the Nomenclature Convention. Under the terms of Article XVI of that Convention, an amendment comes into force three months after receipt by the Belgian Ministry of Foreign Affairs of notice of acceptance by all the Contracting Parties.

After an amendment has come into force, no Government may accede to the Nomenclature Convention unless it also accepts the amendment.

VI. THE BRUSSELS NOMENCLATURE AND THE STANDARD  
INTERNATIONAL TRADE CLASSIFICATION, REVISED  
(S.I.T.C., REVISED)

1. Differences in the structure of the two Nomenclatures

The authors of the Brussels Nomenclature naturally took account of data derived from Customs statistics regarding the relative importance of each category of goods in international trade. They were also kept advised of the work undertaken at Lake Success by the United Nations statisticians.

But the need for an international uniform standard of classification was just as sharply felt in the statistical field as in the Customs field. Thus while the work of the Brussels Customs experts was in progress, the United Nations Statistical Commission had in 1948 begun to draft an international Statistical Nomenclature known as the Standard International Trade Classification (S.I.T.C.), containing 570 items arranged in 10 Sections, 52 divisions and 150 groups. In 1950 the United Nations Economic and Social Commission recommended the adoption of the S.I.T.C. in order to facilitate the systematic study of world trade on the basis of an internationally uniform classification.

However, the authors of the Brussels Nomenclature realised that it was practically impossible to attain complete harmony between two classification systems which, designed for different aims, could not follow identical lines either in general plan or in details.

With regard to the general plan, the statisticians were obliged to make a distinction between raw materials, semi-manufactures and finished articles; on the other hand, the Customs experts considered it preferable, for tariff purposes, to group together all products (from the raw material to the most complex finished article) obtained from the same substance and pertaining to the same industries, so that importers, exporters and manufacturers can readily locate the products of interest to them in the same part of the Nomenclature, and so that the relative protection afforded for each of the various necessary processing operations

is shown clearly. Further, in sub-dividing, for example, certain categories of raw materials representing a considerable volume of international trade, the statisticians found it necessary to set up headings which are of no real interest for Customs tariff purposes. On the other hand, the statisticians can often disregard differentiations which are nevertheless essential in a Customs tariff since they correspond to the various stages of manufacture and to the requisite levels of Customs protections.

The Brussels Nomenclature and the Standard International Trade Classification are therefore constructed on quite different lines, each reflecting its own particular function.

2. Need for correlation between the two Nomenclatures

Despite their different functions, it is clear that in the field of international trade there are nonetheless close links and even some degree of interdependence between the Customs and statistical aspects.

In most countries, the primary data used for the preparation of international trade statistics are taken from Customs import or export documents, and are therefore based on the national tariff classification system. It was therefore found essential, in order to secure international uniformity at both Customs and statistical level, to establish the closest possible correlation between the basic statistical and tariff classification systems.

Work undertaken by the two organisations in 1951 resulted in the establishment of a "two-way coding key", which was revised in 1956 to take account of the revised 1955 Brussels Nomenclature.

However, the resulting text still proved less than adequate. During 1958 therefore, the United Nations Statistical Office, the Customs Co-operation Council and several other organisations also interested in the establishment of external trade statistics, such as GATT, the OECD, (then the OEEC) and the European Economic Community, engaged in a co-operative effort to achieve closer correlation between the Brussels Nomenclature and the Standard International Trade Classification.

3. Correlation Code linking the two Nomenclatures

The experts' study of the question showed that the most effective, indeed perhaps the only way of achieving the desired result was to revise the two texts in order to make them fully comparable. To this end, a Draft Correlation Code, provisionally known as the S.I.T.C./BTN III, was prepared by the experts during several meetings held in 1959. In December 1959, the Customs Co-operation Council approved the new Correlation Code and decided :

- (a) To draw up a list of the sub-headings required to ensure correlation between the Brussels Nomenclature and the Standard International Trade Classification and to recommend that Members should incorporate these either in their Legal Tariffs or in their national statistical nomenclatures.
- (b) To provide a commentary on these sub-headings in the Brussels Explanatory Notes.
- and (c) To insert in a future edition of the Brussels Nomenclature, the S.I.T.C. item numbers corresponding to each BTN main heading and to each of the new statistical sub-headings referred to at (a) above. Further, this edition of the Nomenclature would incorporate an appendix reproducing the approved S.I.T.C./BTN III Correlation Code together with cross-references to the corresponding headings in the Brussels Nomenclature.

In April 1960, the United Nations Statistical Commission adopted the S.I.T.C./BTN III, henceforth known as the "Revised Standard International Trade Classification" or the "S.I.T.C. (Revised)", and recommended that countries concerned should wherever possible use the S.I.T.C. (Revised) in place of the original S.I.T.C.

The Customs Co-operation Council for its part, drew up the list of Brussels Nomenclature headings which had to be sub-divided and drafted the sub-headings necessary to ensure the correlation of the two classification systems. This list was appended to a Council Recommendation dated December 1960 calling on Members to incorporate these sub-headings either in their Customs Tariffs or in their national statistical

nomenclature or at least take the necessary steps in order to enable statistical data to be supplied on the basis of these sub-headings.

The new edition of the Brussels Nomenclature currently in preparation will incorporate the sub-headings recommended by the Council, with cross-references showing the S.I.T.C. (Revised) item number corresponding to each main heading or statistical sub-heading in the Brussels system. The sub-headings and cross-references will be printed in characters distinguishing them from the text of the Nomenclature itself. A correlation code will be provided to enable readers to trace the Brussels heading or sub-heading corresponding to each S.I.T.C. (Revised) item.

The Council has also established Supplementary Explanatory Notes defining the scope of the statistical sub-headings. These will be incorporated in the new edition of the Brussels Explanatory Notes.

#### 4. Use of the two Nomenclatures

This precise correlation between the S.I.T.C. (Revised) and the Brussels Nomenclature permits a simple, rapid and certain transposition of statistical data established on the basis of Brussels-type Tariffs into the framework of the S.I.T.C. (Revised).

The Brussels Nomenclature and the Standard International Trade Classification Revised therefore form a complement one to the other. The United Nations and the Customs Co-operation Council have therefore agreed to recommend that States should use the Brussels system for Customs purposes and the S.I.T.C. (Revised) for establishing statistical data. Used one with the other, these two basic classification systems provide a complete and precise system of classification meeting the requirements both of the Customs and of the authorities dealing with statistical and economic studies.

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CONVENTION ON NOMENCLATURE FOR THE  
CLASSIFICATION OF GOODS IN CUSTOMS TARIFFS

signed in Brussels on December 15th 1950 (1)

The Governments signatory to the present Convention,

Desiring to facilitate international trade,

Observing that the progressive removal of quantitative restrictions results in customs tariffs becoming an increasingly important factor in international trade,

Desiring to simplify international customs tariff negotiations and to facilitate the comparison of trade statistics so far as the data for such statistics are based on the classification of goods in customs tariffs,

Being convinced that the adoption of a common basis for the classification of goods in customs tariffs will constitute an important step towards the attainment of these objects,

Having taken into consideration the work already accomplished in Brussels in this sphere by the European Customs Union Study Group, and

Considering that the best way of achieving results in this respect is to conclude an international Convention,

Have agreed as follows :

ARTICLE I

For the purpose of the present Convention,

- (a) "Nomenclature" means the headings and their relative numbers, the section and chapter notes, and the General Rules for the Interpretation of the Nomenclature, set out in the Annex to this Convention;
- (b) "the Convention establishing the Council" means the Convention establishing the Customs Co-operation Council opened for signature in Brussels on the 15th December 1950;

(1) Signatory Governments: Belgium, Denmark, France, Germany, Greece, Iceland, Italy, Luxemburg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and of Northern Ireland.

France and Greece have deposited their instruments of ratification. The Convention has not yet come into force.

Acceding Government : Turkey.

- (c) "the Council" means the Customs Co-operation Council referred to in paragraph (b) above;
- (d) "the Secretary-General" means the Secretary General of the Council.

## ARTICLE II

- (a) Each Contracting Party shall compile its customs tariff in conformity with the Nomenclature, subject to such textual adaptations as may be necessary to give effect to the Nomenclature in its domestic law, and shall apply, in conformity with the Nomenclature, the tariff so compiled as from the date on which the Convention comes into force in respect of it.
- (b) Each Contracting Party undertakes that, as respects its customs tariff,
  - (i) it will not omit any of the headings of the Nomenclature nor add any new headings nor depart from any of the numbers of the headings;
  - (ii) it will make no changes in the chapter or section notes in a manner modifying the scope of the chapters, sections and headings as laid down in the Nomenclature; and
  - (iii) it will include the General Rules for the Interpretation of the Nomenclature.
- (c) Nothing in this Article shall prevent any Contracting Party from adopting, in its customs tariff, sub-divisions classifying goods under any of the headings of the Nomenclature.

## ARTICLE III

- (a) The Council shall supervise the operation of the present Convention with a view to securing uniformity in its interpretation and application.
- (b) To this end, the Council shall establish a Nomenclature Committee on which each Member of the Council to which the present Convention applies shall have the right to be represented.

#### ARTICLE IV

The Nomenclature Committee shall have the following functions which shall be exercised under the authority of the Council and in accordance with any directions which the Council may give :

- (a) to collate and circulate information concerning the application of the Nomenclature in the customs tariffs of the Contracting Parties;
- (b) to study the procedures and practices of the Contracting Parties in relation to the classification of goods for customs purposes and, accordingly, to make recommendations to the Council or to the Contracting Parties to secure uniformity in the interpretation and application of the Nomenclature;
- (c) to prepare explanatory notes as a guide to the interpretation and application of the Nomenclature;
- (d) on its own initiative or on request, to furnish to Contracting Parties information or advice on any matters concerning the classification of goods for customs purposes;
- (e) to submit to the Council proposals for any amendments to the present Convention which it may consider desirable;
- (f) to exercise such other powers and functions of the Council in relation to classification of goods for customs purposes as the Council may delegate to it.

#### ARTICLE V

- (a) The Nomenclature Committee shall meet at least three times a year.
- (b) It shall elect its own Chairman and one or more Vice-Chairmen.
- (c) It shall draw up its own Rules of Procedure by decision taken by not less than two-thirds of its members. The Rules of Procedure so drawn up shall be subject to the approval of the Council.

#### ARTICLE VI

The Annex to the present Convention (A) shall form an integral part thereof, and any reference to the Convention shall be deemed to include a reference to the Annex.

(\*) This Annex, the 1950 Brussels Nomenclature, is in the form of a separate volume. A Protocol of Amendment to the Convention is open for signature until 31st December 1955; the Annex thereto is a revised Nomenclature (the 1955 Brussels Nomenclature).

#### ARTICLE VII

The Contracting Parties do not assume by the present Convention any obligation in relation to rates of customs duty.

#### ARTICLE VIII

- (a) The present Convention shall abrogate as between the Contracting Parties all obligations under other international agreements in so far as they are inconsistent with the present Convention.
- (b) The present Convention shall not derogate from the obligations, under any other international agreement, incurred by any Contracting Party before the coming into force of the present Convention in respect of it towards any Government not a party to the present Convention. However, the Contracting Parties shall, as soon as circumstances permit and in any case on the renewal of such prior agreements, arrange to make any necessary amendments thereto in order to bring them into conformity with the provisions of the present Convention.

#### ARTICLE IX

- (a) Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Convention shall so far as possible be settled by negotiation between them.
- (b) Any dispute which is not settled by negotiation shall be referred by the Contracting Parties in dispute to the Nomenclature Committee which shall thereupon consider the dispute, and make recommendations for its settlement.
- (c) If the Nomenclature Committee is unable to settle the dispute, it shall refer the matter to the Council which shall make recommendations in conformity with Article III (e) of the Convention establishing the Council.
- (d) The Contracting Parties in dispute may agree in advance to accept the recommendations of the Committee or Council as binding.

#### ARTICLE X

The present Convention shall be open for signature until 31st March, 1951, by any Government which has signed the Convention establishing the Council.

ARTICLE XI

- (a) The present Convention shall be subject to ratification.
- (b) Instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit. However, no Government may deposit its instrument of ratification of the present Convention until it has deposited its instrument of ratification of the Convention establishing the Council.

ARTICLE XII

- (a) Three months after the date on which the Belgian Ministry of Foreign Affairs has received the instruments of ratification of seven Governments, the present Convention shall come into force in respect of those Governments.
- (b) For each signatory Government ratifying after that date, the Convention shall come into force three months after the date of the deposit of its instrument of ratification with the Belgian Ministry of Foreign Affairs.

ARTICLE XIII

- (a) The Government of any State which is not a signatory to the present Convention, but which has ratified or acceded to the Convention establishing the Council, may accede to the present Convention as from 1st April, 1951.
- (b) Instruments of accession shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.
- (c) The present Convention shall come into force for any acceding Government three months after the date of the deposit of its instrument of accession, but not before it comes into force in accordance with paragraph (a) of Article XII.

ARTICLE XIV

- (a) The present Convention is of unlimited duration but at any time after the expiry of five years from its entry into force under paragraph (a) of Article XII, any Contracting Party may withdraw therefrom. Withdrawal shall take effect one year after the date of receipt by the Belgian Ministry of Foreign Affairs of a notification of withdrawal. The Belgian Ministry of Foreign Affairs shall notify each withdrawal to all signatory and acceding Governments and to the Secretary General.

- (b) Any Contracting Party which ceases to be a party to the Convention establishing the Council shall thereupon cease to be a party to the present Convention.

#### ARTICLE XV

- (a) Any Government may at the time of its ratification or accession or at any time thereafter, declare by notification given to the Belgian Ministry of Foreign Affairs that the present Convention shall extend to any of the territories for whose international relations it is responsible, and the Convention shall extend to the territories named in the notification three months after the date of the receipt thereof by the Belgian Ministry of Foreign Affairs but not before the Convention has come into force for the Government concerned.
- (b) Any Government which has made a declaration under paragraph (a) above extending the present Convention to any territory for whose international relations it is responsible may by notification given to the Belgian Ministry of Foreign Affairs withdraw in respect of that territory in accordance with the provisions of Article XIV.
- (c) The Belgian Ministry of Foreign Affairs shall inform all signatory and acceding Governments and the Secretary General of any notification received by it under this Article.

#### ARTICLE XVI

- (a) The Council may recommend amendments to the present Convention to the Contracting Parties.
- (b) Any Contracting Party accepting an amendment shall notify the Belgian Ministry of Foreign Affairs in writing of its acceptance and the Belgian Ministry of Foreign Affairs shall notify all signatory and acceding Governments and the Secretary General of the receipt of the notice of acceptance.
- (c) An amendment shall come into force three months after receipt by the Belgian Ministry of Foreign Affairs of notice of acceptance by all the Contracting Parties. When any amendment has been accepted by all the Contracting Parties the Belgian Ministry of Foreign Affairs shall notify all signatory and acceding Governments and the Secretary General of such acceptance and of the date on which the amendment will come into force.
- (d) After an amendment has come into force, no Government may ratify or accede to the present Convention unless it also accepts the amendment.

In witness whereof the undersigned, having been duly authorised thereto by their respective Governments, have signed the present Convention.

Done at Brussels on the fifteenth day of December, nineteen hundred and fifty (December 15th, 1950) in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of Belgium which shall transmit certified copies thereof to each signatory and acceding Government.

- (b) Any Contracting Party which ceases to be a party to the Convention establishing the Council shall thereupon cease to be a party to the present Convention.

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- (b) Instruments of accession shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.
- (c) The present Convention shall come into force for any acceding Government three months after the date of the deposit of its instrument of accession, but not before it comes into force in accordance with paragraph (a) of Article XII.

ARTICLE XIV

- (a) The present Convention is of unlimited duration but at any time after the expiry of five years from its entry into force under paragraph (a) of Article XII, any Contracting Party may withdraw therefrom. Withdrawal shall take effect one year after the date of receipt by the Belgian Ministry of Foreign Affairs of a notification of withdrawal. The Belgian Ministry of Foreign Affairs shall notify each withdrawal to all signatory and acceding Governments and to the Secretary General.