



HARMONIZED SYSTEM  
REVIEW SUB-COMMITTEE

-  
19th Session  
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NR0030E1

O. Fr.

H2-1

Brussels, 16 February 1999.

ALIGNMENT OF THE FRENCH VERSION OF THE HEADING 58.01  
ON THE ENGLISH VERSION

(Item II.B.3 on Agenda)

I. BACKGROUND

1. On 10 December 1998, the Secretariat received a proposal from the European Community to align the French version of heading 58.01 on the English version, rewording it as follows :

"Proposal :

New wording (French version)

N° 58.01 Velours et peluches tissés et tissus de chenille, autres que les articles des n°s 58.02 ou 58.06.

English version unchanged

Comments :

2. In the interests of precision, clarity and as a legal safeguard, the French text of heading 58.01 should be aligned on the English version by adding a reference to heading 58.02.
3. The articles of heading 58.02 are excluded from the scope of heading 58.01. This exclusion is mentioned in the English text of heading 58.01, but does not appear in the French text. Aligning the French on the English will also be in accordance with the text of heading 58.02.
4. The EC believes that the existence of two different French and English texts in the same Harmonized System heading text could be justified by the terminology used : "velours et peluches tissés et tissus de chenille" in French; "woven pile fabrics and chenille fabrics" in English. However, the EC would prefer both legal texts to be completely aligned, in the

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interests of precision, clarity and as a legal safeguard, and also feels that these texts should be translated into other unofficial languages of the HS Convention." [Translation]

## II. SECRETARIAT COMMENTS

5. The Secretariat would start by pointing out that the question of alignment of the two versions was discussed on several occasions when drafting the Harmonized System.
6. Thus, paragraph 7 of Doc. 24.385 (19 July 1978) read as follows : "The apparent discrepancy between the English and French versions in the last part of the heading text is due to the fact that, broadly interpreted, the English expression "pile fabrics" could be taken to include certain of the products mentioned in the first part of heading 58.04 (current heading 58.02), whereas the same does not seem to be true of the French expression "velours et peluches" with reference to "tissus bouclés du genre éponge" ("terry towelling and similar woven terry fabrics")."
7. This view was confirmed in the report on the 24th Session of the Harmonized System Committee and its Working Party (paragraph 14.7 of Doc. 27.000 of 3rd April 1981) : "..., the Delegate of Sweden suggested that it might be appropriate to align the two versions of the exclusion phrase in heading 58.01. In this connexion, the Chairman pointed out that it was necessary, in the English version, to provide for the exclusion of the articles of heading 58.02 whereas, in the French, an exclusion of this kind would be superfluous since there could be no possible confusion between "velours et peluches", on the one hand, and "tissus bouclés du genre éponge", on the other".
8. The Secretariat also notes that in the CCCN, "velours, peluches et tissus bouclés" were grouped together in a single heading (heading 58.04), **except for** "tissus bouclés du genre éponge, **en coton**" (heading 55.08), the three French terms "velours, peluches, tissus bouclés" in the text of heading 58.04 being translated by the single English expression "woven pile fabrics".
9. The Secretariat feels that the above comments are still valid and that given the terminology used in the French version (the products of the two headings involved are qualified by completely different terms), there can be no confusion, at text level, between the products of heading 58.01 and those of heading 58.02. However, it notes that the Explanatory Note to heading 58.01 (page 871, exclusion (b)) explicitly excludes the products of heading 58.02.
10. In the Secretariat's opinion, the apparent lack of alignment in the legal texts is due to the fact that the French expression "velours et peluches tissés" has a more restrictive meaning than the English expression "woven pile fabrics" (which could cover some products of heading 58.02).
11. However, the Secretariat feels that the EC's proposal may create a problem concerning the scope of the two headings in question. As stated in paragraph 8 above, the French term "tissus bouclés" existed in heading 58.04 of the CCCN (without the clarification "du genre éponge"), but was not retained in the Harmonized System.

12. When the Harmonized System was being drafted, it was apparently felt that all *real* looped pile fabrics (using at least three sets of thread) were covered in the French version either by the term “velours” (“velours bouclés”) or by the term “tissus bouclés du genre éponge”, whereas the CCCN and the Explanatory Notes to the CCCN and the HS seem to imply that there could be “tissus bouclés” which are not “du genre éponge” **and** which are not true “velours”.
- Explanatory Note to heading 55.08 of the CCCN – Terry towelling and similar terry fabrics, of cotton (“tissus de coton bouclés du genre éponge”) : The exclusion read as follows : “This heading **does not cover** the other looped pile cotton fabrics of **heading 58.04**” (“Cette position **ne comprend pas** les autres tissus de coton bouclés, ni les velours bouclés du **n° 58.04**”. The Explanatory Note to heading 58.04 also comprised a Part (B) relating to these looped pile fabrics.
  - Current Explanatory Note to HS heading 57.02 (doormats and matting) page 865, paragraph following Item (6) : “It should be noted that certain carpets are obtained in a way similar to many pile ... fabrics of **heading 58.01**.” (“Il est à noter que certains tapis sont obtenus d’une manière analogue à une grande quantité de velours, peluches ou tissus bouclés par la chaîne ... du n° 58.01.”).
13. The Committee's intention was to group together, in a single HS heading, all terry towelling and similar terry fabrics (“tous les tissus bouclés du genre éponge”), regardless of their constituent textile fabric. The working documents prepared when drafting the HS do not deal with looped pile fabrics (“tissus bouclés”), other than terry towelling and similar terry fabrics, and do not clearly specify why this term was deleted in present heading 58.01 (e.g., whether these articles exist or whether the articles are covered by the concept of “velours bouclés”). Nor has the Secretariat been able to confirm that this type of fabric is actually traded today. If further information is received in time an additional document will be published.
14. If this type of looped pile fabric (“tissus bouclés”) actually exists, as the Explanatory Note implies, the Secretariat feels that there might be a legal problem or at the very least a lack of alignment in the French version of the HS (these articles would not be covered by the text of headings 58.01 ou 58.02).
15. If so, the Secretariat feels that, apart from the amendment proposed by the EC, the term “tissus bouclés” should be reintroduced into the text of heading 58.01 (French version) to provide a legal safeguard and to align the two versions fully.
16. However, if it is found that all looped pile fabrics (“tissus bouclés”) are either of the terry towelling or of the woven pile type, the Sub-Committee will have to decide whether the EC's proposed amendment is justified and whether the above-mentioned Explanatory Note to heading 57.02 of the HS should be amended.
17. Finally, the Secretariat draws the Sub-Committee's attention to the fact that this apparent lack of alignment due to the terminology used is not an isolated case in the HS Nomenclature (see especially headings 91.03, 91.11, 93.01 and 96.03).
18. The EC's proposal and the Secretariat's alternative (in square brackets) are set out in the Annex hereto.

III. CONCLUSIONS

19. The Sub-Committee is invited to decide whether the French version of the text of heading 58.01 should be amended to align it on the English version and, if so, to rule on the text to be chosen (EC proposal or Secretariat alternative).
20. It is also invited to indicate, if necessary, whether the Explanatory Note to heading 57.02 should be amended.

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Annexe au Doc. NR0030B1  
Annex to

(SCR/19/mars 99)  
(RSC/19/March 99)

ANNEXE

ALIGNEMENT DE LA VERSION FRANCAISE DU LIBELLE DU N° 58.01  
SUR LA VERSION ANGLAISE  
(Point II.B.3 de l'ordre du jour)

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ANNEX

ALIGNMENT OF THE FRENCH VERSION OF THE HEADING 58.01  
ON THE ENGLISH VERSION  
(Item II.B.3 on Agenda)

PROCEDURE DE L'ARTICLE 16  
AMENDEMENT DE LA NOMENCLATURE

CHAPITRE 58.

N° 58.01.

Nouvelle rédaction :

**"58.01 Velours et peluches tissés[, tissus bouclés] et tissus de chenille, autres que les articles des n°s 58.02 ou 58.06."**

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ARTICLE 16 PROCEDURE  
AMENDMENT TO THE NOMENCLATURE

CHAPTER 58.

Heading 58.01.

French text only.

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