



SENSITISATION ON NEW AMENDMENTS TO THE HS 2022 & THE EAC CET 2022

HS Harmonized System



EAST AFRICAN COMMUNITY

COMMON EXTERNAL TARIFF
2017 VERSION

TARIFF SECTION



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Scope

Background

What is Harmonized System

Structure of the Harmonized system

Uses of the Harmonized system

Users of the Harmonized System

Legal basis for Amendments on the HS 2017

Reason(s) for amendments

The Amendments

Background

The HS Nomenclature was largely based on the Customs Cooperation Council Nomenclature (1974) which drew inspiration from:

- The SITC (Standard International Trade Classification)
- The European Community Nomenclature
- The Harmonized System (HS) Handbook for EAC Customs Administrations.
- United States Nomenclature
- The Japanese Nomenclature
- The Canadian Nomenclature

The components were augmented to form the Harmonized System, which entered into force on the 1st January, 1988.

What is the Harmonised System?

It is a system of naming and categorizing products or goods in a given group for customs tariff purposes.

It comprises about 5612 commodity groups; each identified by a six digit code, at the World Customs Organization level and eight digit level at the regional level.

These are arranged in a legal and logistical manner.

HS continued..



Reviewed every five years in

To reflect changes in technology and international trade patterns.

160 Contracting Parties (159 countries and the European Union) as at October, 2020.

212 countries using the HS as at October, 2020 which covers about 98% of the world trade.

Uses of the Harmonized System

Monitor trade in controlled goods (i.e. narcotics, ozone layer depleting chemicals, endangered species, etc.)

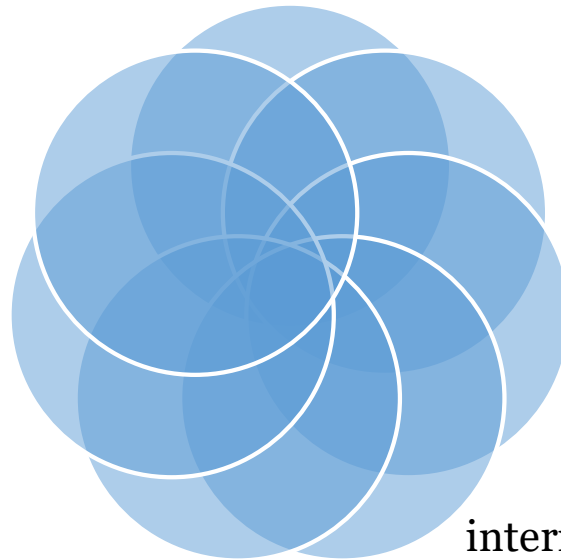
Remove trade barriers and facilitating the international trade

Provide reliable statistics on international trade

Determination of the origin of goods

Classifying goods for international Trade in a uniform and consistent manner eliminating the need to reclassify the goods as they are moved from one country to another.

Levying Customs duty on imports and exports



Harmonised System users

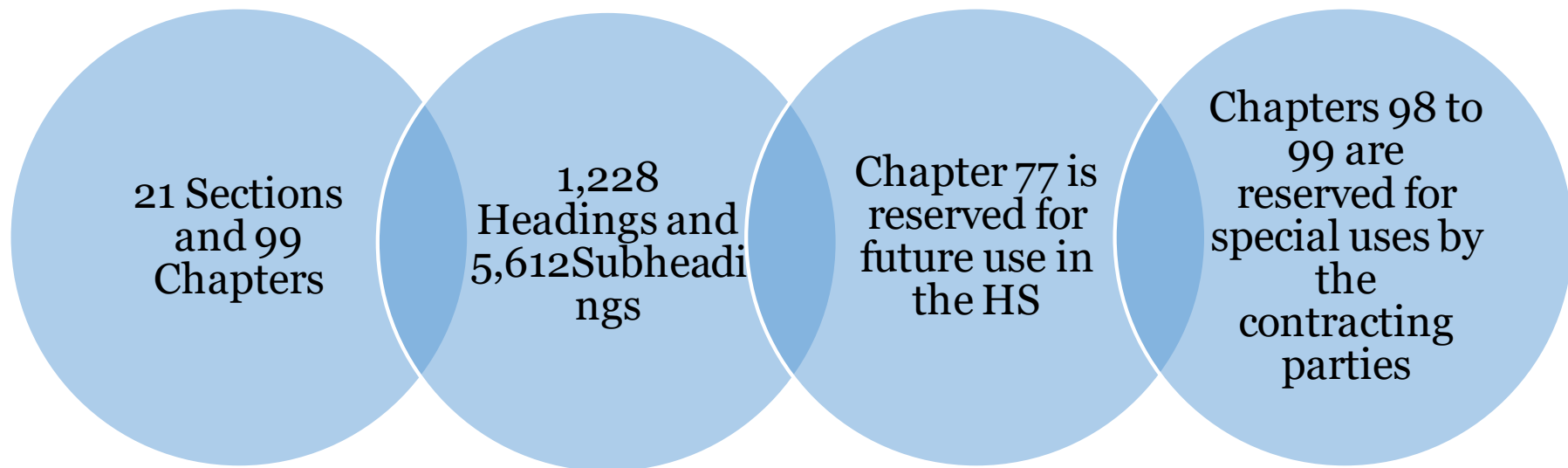


A multi-purpose tool and is therefore used by:

- Customs Administrations
- Consultants
- Governments
- International Organizations
- Importers and Exporters
- Manufacturers
- Traders
- Shipping agents
- Transporters
- Port Authorities
- Statisticians, etc.



Structure of the harmonised system (hs) 2022



Types of Amendments

HS Amendments:

These are normally done by the WCO through reviewing the nomenclature of the Harmonized Commodity Description and Coding System after every 5 years. The amendments are normally reflecting advancement in technology, changes in business pattern, food security, environmental issues and providing clarity.

EAC CET Amendments:

The Ministers of Finance through pre-budget consultative meetings review some duty rates, approve tariff splits, amend or merge sub-headings under the CET. The reviews are done in order to facilitate trade, stimulate production and support investment and competitiveness. The Council accordingly publishes all the changes to the CET in the EAC Legal Gazette Notices.

History of HS Amendments

Year of implementation	Sets of Amendments	No. of HS codes
Implemented in 1988	-	5019
Amended in 1992	Mainly editorial	5018
Amended in 1996	393 sets of amendment	5113
Amended in 2002	374 sets of amendments	5224
Amended in 2007	354 sets of amendments	5052
Amended in 2012	225 sets of amendments	5205
HS 2017 (+ 2018) Amendments	233 (+ 9) = 242 sets of amendments	5367 (+ 20) = 5387
HS 2022 Amendments	351 sets of amendments	5612

HS 2022 Amendments

351 sets of amendments were made divided as follows :

Agricultural, food and tobacco sector	77
Chemical sector	58
Wood sector	31
Textile sector	21
Base metal sector	27
Machinery sector	63
Transport sector	22
Other sectors	52

Chapters Affected

Total: 351

Chapter 02	1
Chapter 03	23
Chapter 04	7
<u>Section I, total:</u>	<u>31</u>
Chapter 07	5
Chapter 08	4
Chapter 10	1
Chapter 12	1
<u>Section II, total:</u>	<u>11</u>
Section III	1
Chapter 15	11
<u>Section III, total:</u>	<u>12</u>
Section IV	1
Chapter 16	7
Chapter 18	1
Chapter 19	1
Chapter 20	7
Chapter 21	1
Chapter 22	1
Chapter 23	1
Chapter 24	3
<u>Section IV, total:</u>	<u>23</u>
Chapter 25	3
Chapter 27	2
<u>Section V, total:</u>	<u>5</u>

Section VI	1
Chapter 28	2
Chapter 29	14
Chapter 30	12
Chapter 32	1
Chapter 33	1
Chapter 34	2
Chapter 36	1
Chapter 37	1
Chapter 38	12
<u>Section VI, total:</u>	<u>47</u>
Section VII	1
Chapter 39	3
Chapter 40	2
<u>Section VII, total:</u>	<u>6</u>
Chapter 42	1
<u>Section VIII, total:</u>	<u>1</u>
Chapter 44	30
Chapter 46	1
<u>Section IX, total:</u>	<u>31</u>
Chapter 48	5
Chapter 49	2
<u>Section X, total:</u>	<u>7</u>

Section XI	3
Chapter 55	1
Chapter 56	2
Chapter 57	1
Chapter 58	1
Chapter 59	4
Chapter 61	2
Chapter 62	5
Chapter 63	2
<u>Section XI, total:</u>	<u>21</u>
Chapter 68	5
Chapter 69	4
Chapter 70	5
<u>Section XIII, total:</u>	<u>14</u>
Chapter 71	3
<u>Section XIV, total:</u>	<u>3</u>
Section XV	5
Chapter 73	2
Chapter 74	3
Chapter 75	2
Chapter 76	2
Chapter 78	3
Chapter 79	1
Chapter 80	1
Chapter 81	8
<u>Section XV, total:</u>	<u>27</u>

Section XVI	2
Chapter 84	21
Chapter 85	29
<u>Section XVI, total:</u>	<u>52</u>
Section XVII	1
Chapter 87	13
Chapter 88	7
Chapter 89	1
<u>Section XVII, total:</u>	<u>22</u>
Chapter 90	10
Chapter 91	1
<u>Section XVIII, total:</u>	<u>11</u>
Chapter 94	12
Chapter 95	5
Chapter 96	4
<u>Section XX, total:</u>	<u>21</u>
Chapter 97	6
<u>Section XXI, total:</u>	<u>6</u>

Headings and subheadings change in HS 2022

	Headings (4 digits)	Subheadings (6 digits)
2017 HS	1,222	5,387
Change in 2022 HS	+ 6 (+ 8 /- 2)	+ 225 (+ 370/- 145)
2022 HS	1,228	5,612

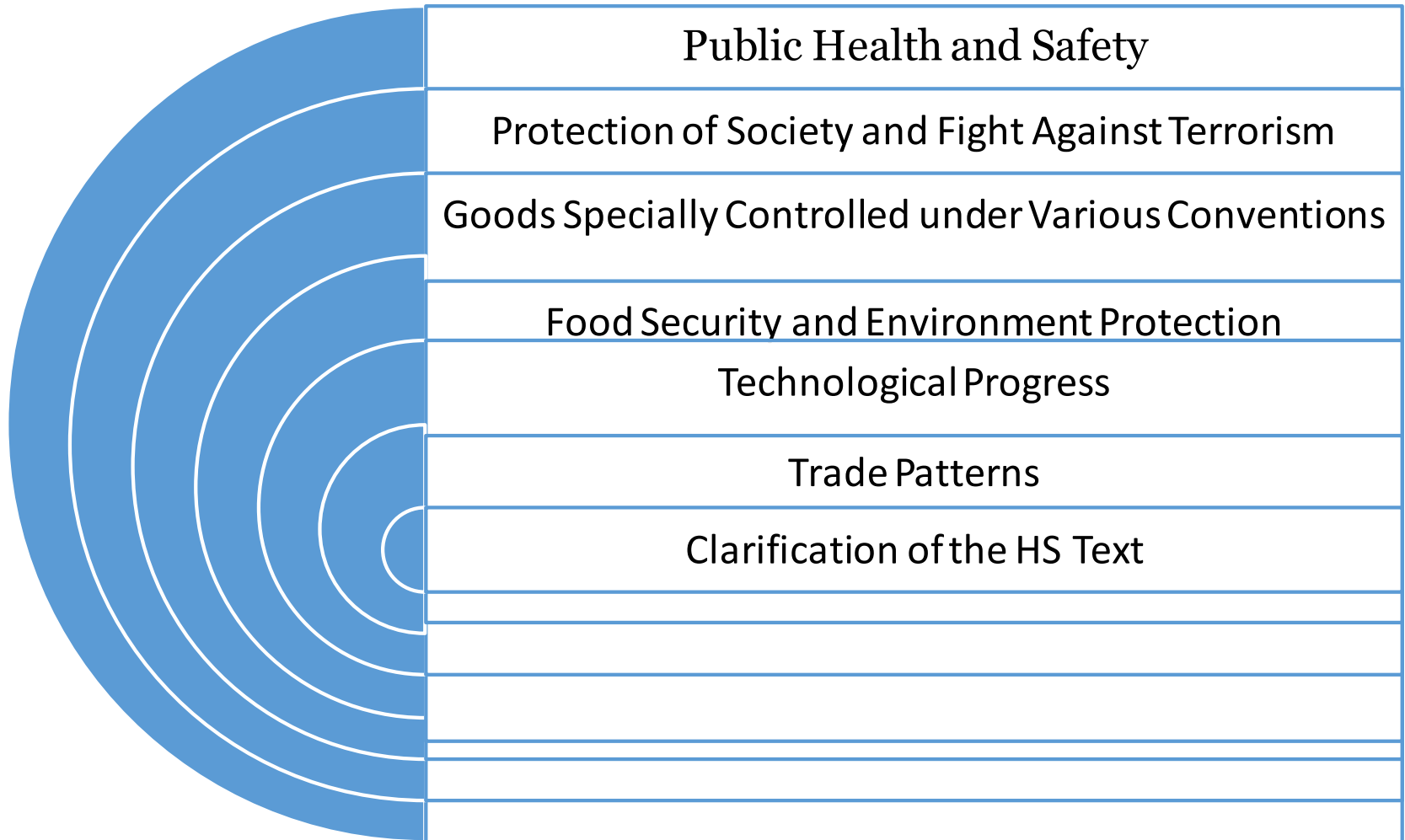
New headings :

03.09 (Fish meals and flours)
24.04 (Novel tobacco)
38.27 (Mixtures of HFCs)
84.85 (3D-Printers)
85.24 (Flat Panel Displays)
85.49 (e-Waste and scrap)
88.06 (Drones)
88.07 (Parts of aircrafts)

Deleted headings :

81.07 (Cadmium)
88.03 (Parts of aircrafts)

Reason(s) for amendments under HS 2022



Reasons & Examples of Amendments

Type of Amendment	Reason for Amendment
1. Public Health and Safety	<ul style="list-style-type: none">• Single heading for all types of Diagnostic Test Kits• Clinical Test Kits for Medical Research• Cell Cultures (including Cell Therapy Products)
2. Protection of society against terrorism	<ul style="list-style-type: none">• Dual Use Goods (Radioactive Materials, Toxins, Biological Safe Cabinets, High-Speed Cameras, etc.)• Electric Detonators, Ignitors, etc.
3. Goods Specially Controlled under various Conventions	<ul style="list-style-type: none">• Basel, Chemical Weapons, Rotterdam and Stockholm Conventions• INCB (Fentanyl and their Derivatives/Precursors)• Kigali Amendment of Montreal Protocol (Global Warming Gases)
4. Food Security and Environment Protection	<p>FAO Proposals</p> <ul style="list-style-type: none">• Edible Insects, Mushrooms, Pine Nuts, African Cherry• Wood and Forestry Products (Teak, LVL, Laminboard, Construction Products, Seats, etc.)

Reasons & Examples of Amendments

Type of Amendment	Reason for Amendment
5. Technological Progress	<ul style="list-style-type: none">• Microbial Fats and Oils• Glass Fibers• Metal Forming Machines• 3D-Printer• LED Light Source
6. Trade Patterns	Low Trade Volume <ul style="list-style-type: none">• Globes (maps)• Cadmium• Springs (Clock and Watch Parts)
7. Clarification of the Classification	<ul style="list-style-type: none">• Fish Meals and Powders• Yogurts• Medical Rubber Gloves• Flat Panel Displays• Vehicle Windows
8. Editorial amendment	<ul style="list-style-type: none">• To align the use of Latin names with the entries on the FAO ASFIS list.• To correct the common name in the English version

Public Health and Safety

- Single heading for all types of Diagnostic Test Kits
- Clinical Test Kits for Medical Research
- Cell Cultures (including Cell Therapy Products)



Diagnostic test kits

Heading 38.22 has been amended to cover **all types of diagnostic test kits** with a view to facilitating the classification and cross-border transportation of such priority medical goods.

New Heading 38.22 (Diagnostic test kits)
covers :

- **Kits** consisting of many components; and
- **All detection methods** (e.g., Polymerase Chain Reactions (PCR) and Immunological Reactions).

HS 2022 Amendments

Diagnostic test kits

38.22 Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, **whether or not put up in the form of kits**, other than those of heading 30.06; certified reference materials.

Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, **whether or not put up in the form of kits :**

- 3822.11 - For malaria
- 3822.12 - - For Zika and other diseases transmitted by mosquitoes of the genus Aedes
- 3822.13 -- For blood-grouping
- 3822.19 -- Other
- 3822.90 - Other

HS 2022 Amendments

Protection of Society and Fight Against Terrorism

Dual Use Goods
(Radioactive
Materials, Toxins,
Biological Safe
Cabinets, High-
Speed Cameras,
etc.)

Electric
Detonators,
Ignitors, etc.



HS 2022 Amendments

Dual Use Items (Proposal by the WCO Secretariat)

Amendment to the HS to facilitate the monitoring and control of transfers of certain products considered by the WCO enforcement experts as strategic dual use goods that could be diverted for unauthorized uses

HS 2022 Amendments

New HS codes for Dual Use Items

1. Radioactive materials (28.44 and 28.45)
2. Toxins (30.02)
3. Aramids (55.01)
4. Carbon fibres (68.15)
5. Crucibles of tantalum (81.03)
6. Bismuth of high purity (81.06)
7. Zirconium (81.09)
8. Hafnium and rhenium (81.12)
9. Biological safety cabinets (84.18)
10. Freezer dryers and spray dryers (84.19)
11. Industrial robots (84.28)
12. Isostatic press (84.79)
13. Furnaces (85.14)
14. Radiation-harden cameras and high-speed cameras (85.25)
15. Mass spectrometer (90.27)

HS 2022 Amendments

New HS codes for Dual Use Items:

Radioactive materials (28.44 and 28.45)

(2844.4) - Radioactive elements and isotopes and compounds other than those of subheading 2844.10, 2844.20 or 2844.30; alloys, dispersions (including cermets), ceramic products and mixtures containing these elements, isotopes or compounds; radioactive residues :

2844.41 -- Tritium and its compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing tritium or its compounds

2844.42 -- Actinium-225, actinium-227, californium-253, curium-240, curium-241, curium-242, curium-243, curium-244, einsteinium-253, einsteinium-254, gadolinium-148, polonium-208, polonium-209, polonium-210, radium-223, uranium-230 or uranium-232, and their compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing these elements or compounds

2844.43 -- Other radioactive elements and isotopes and compounds; other alloys, dispersions (including cermets), ceramic products and mixtures containing these elements, isotopes or compounds

2844.44 -- Radioactive residues

HS 2022 Amendments

New HS codes for Dual Use Items :

Radioactive materials (28.44 and 28.45)

28.45

Isotopes other than those of heading 28.44; compounds, inorganic or organic, of such isotopes, whether or not chemically defined.

2845.10

- Heavy water (deuterium oxide)

2845.20

- Boron enriched in boron-10 and its compounds

2845.30

- Lithium enriched in lithium-6 and its compounds

2845.40

- Helium-3

2845.90

- Other

HS 2022 Amendments

Goods Specially Controlled under Various Conventions

Basel, Chemical Weapons, Rotterdam and Stockholm Conventions

INCB (Fentanyl and their Derivatives/Precursors)

Kigali Amendment of Montreal Protocol (Global Warming Gases)

GLOBAL WARMING

Greenhouse Gases

Worldwide Impacts

Julie Koor Casper, Ph.D.



Chemicals controlled under the Chemical Weapons Convention (CWC)

New subheadings in Chapters 29 and 38 :

for specific chemicals controlled under the Chemical Weapons Convention (CWC)

(e.g.)

2930.10 2-(N,N-Dimethylamino) ethanethiol

2931.4 Non-halogenated organo-phosphorous derivatives

2931.5 Halogenated organo-phosphorous derivatives

2933.35 3-Quinuclidinol

3824.92 Polyglycol esters of methylphosphonic acid

HS 2022 Amendments

Chemicals controlled under the Rotterdam Convention

New subheadings in Chapters 29 and 38 :

for certain hazardous chemicals controlled under the **Rotterdam** Convention; and

for certain persistent organic pollutants (POPs) controlled under the **Stockholm** Convention.

(e.g.)

(R) 2931.54 Trichlorfon (ISO)

(R) 2932.96 Carbofuran (ISO)

(R) Subheading Note 1 to Chapter 38

(R&S) Subheading Note 3 to Chapter 38

(R&S) 3824.89 Mixtures and preparations containing short-chain chlorinated paraffins

HS 2022 Amendments

Food Security and Environment Protection

FAO Proposals

- Edible Insects, Mushrooms, Pine Nuts, African Cherry
- Wood and Forestry Products (Teak, LVL, Laminboard, Construction Products, Seats, etc.)



Clarification of Edible non-living Insects (FAO Proposal)

Whole or in parts, fresh, chilled, frozen, dried, smoked, salted or in brine, as well as flours and meals of insects, fit for human consumption, in **heading 04.10**.

Otherwise prepared or preserved (generally **Section IV** (headings 16.01 and 16.02)).

New Exclusion Note 1 (b) to Chapter 2

(b) Edible, non-living insects (heading 04.10).

New Note 6 to Chapter 4

For the purposes of heading 04.10, the term “insects” means edible non-living insects, whole or in parts, fresh, chilled, frozen, dried, smoked, salted or in brine, as well as flours and meals of insects, fit for human consumption. However, it does not cover edible non-living insects otherwise prepared or preserved (generally Section IV).

New Subheading 0410.10 for Insects

04.10	Edible products of animal origin, not elsewhere specified or included.
0410.10	- Insects
0410.90	- Other

Modifications by inserting the term “insects” into the Notes relevant for the classification of food preparations containing more than 20 % by weight of sausage, meat, meat offal, blood, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof.

Notes 1 and 2 to Chapter 16

Note 1 (a) to Chapter 18

Note 1 (a) to Chapter 19

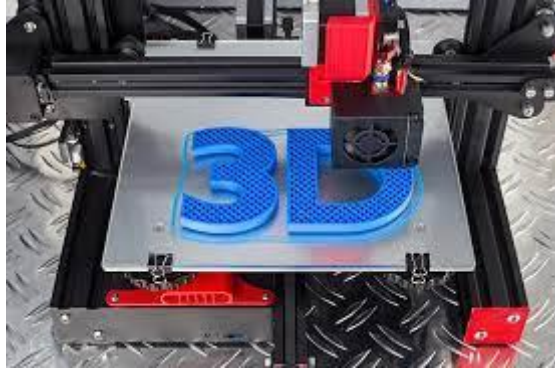
Note 1 (c) to Chapter 20

Note 1 (e) to Chapter 21

HS 2022 Amendment

16.01		Sausages and similar products, of meat, meat offal, blood or <u>insects</u> ; food preparations based on these products.
16.02		Other prepared or preserved meat, meat offal, blood or <u>insects</u> .

Technological Progress



- Microbial Fats and Oils
- Glass Fibers
- Metal Forming Machines
- 3D-Printer
- LED Light Source

Technological progress...

Clarification of the Classification of Microbial Fats and Oils (e.g.,
Oils obtained through fungi fermentation)

Titles of Section III & Chapter 15

Animal, vegetable or microbial fats and oils

Heading 15.15

Other fixed vegetable or microbial fats and oils

New Subheading 1515.60

- Microbial fats and oils and their fractions

*Similar amendments where the legal texts referred to “vegetable
fats and oils”*

*(headings 15.16, 15.17, 15.18, 23.06 and 84.38, subheadings
1516.20 and 8479.20, Note 1 (a) to Chapter 34, Note 7 to Chapter
38 and Subheading Note 5 to Chapter 38)*

Trade Patterns

- Low Trade Volume
- Globes (maps)
 - Cadmium
 - Springs (Clock and Watch Parts)



Trade patterns...

~~81.07~~ ~~Cadmium~~ and articles thereof, including waste and scrap.

81.12 Beryllium, chromium, hafnium, rhenium, thallium, cadmium, germanium, vanadium, gallium, indium and niobium (columbium), and articles of these metals, including waste and scrap.

(8112.1)

- Beryllium :

....

The scope of heading 81.12 has been expanded by inserting cadmium as the consequential amendment to the deletion of heading 81.07 (Low trade volume). The heading text has been rearranged based on the order of metals referred to in the subheadings.

HS 2022 Amendments

Clarification of the Classification in the HS text

Fish Meals and Powders

Yogurts

Medical Rubber Gloves

Flat Panel Displays

Vehicle Windows



Clarification of text...

Expansion of the scope of heading 04.03 to include yogurt to which certain products (e.g., plants, cereals) have been added.

New Note 2 to Chapter 4

2.- For the purposes of heading 04.03, yogurt may be concentrated or flavoured and may contain added sugar or other sweetening matter, fruit, nuts, cocoa, chocolate, spices, coffee or coffee extracts, plants, parts of plants, cereals or bakers' wares, provided that any added substance is not used for the purpose of replacing, in whole or in part, any milk constituent, and the product retains the essential character of yogurt.

Clarification of text

04.03

Buttermilk, curdled milk and cream, **yogurt**, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa.

~~0403.10 - Yogurt~~



04.03

0403.90

- Other

Yogurt; Buttermilk, curdled milk and cream, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa.

0403.20 - Yogurt

0403.90 - Other

Separate HS classification for nicotine products and novel tobacco products

- ✓ Amendment of the titles to Section IV and to Chapter 24
- ✓ New Notes 2 and 3 to Chapter 24 and heading 24.04 **for:**
 - Products containing tobacco, reconstituted tobacco, nicotine, or tobacco or nicotine substitutes, intended for inhalation without combustion; and
 - Other nicotine containing products intended for the intake of nicotine into the human body
- ✓ Amendment of the **exclusion** Notes to Chapters 21, 30 and 38
- ✓ Creation of new subheading 8543.40 **for electronic cigarettes and similar personal electric vaporising devices**

Tobacco and manufactured tobacco substitutes

Section IV

PREPARED FOODSTUFFS; BEVERAGES, SPIRITS AND VINEGAR;
TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES; PRODUCTS,
WHETHER OR NOT CONTAINING NICOTINE, INTENDED FOR
INHALATION WITHOUT COMBUSTION; OTHER NICOTINE
CONTAINING PRODUCTS INTENDED FOR THE INTAKE OF NICOTINE
INTO THE HUMAN BODY

Chapter 24

Tobacco and manufactured tobacco substitutes; products,
whether or not containing nicotine, intended for inhalation
without combustion; other nicotine containing products
intended for the intake of nicotine into the human body

Tobacco and manufactured tobacco substitutes.....

24.04 Products containing tobacco, reconstituted tobacco, nicotine, or tobacco or nicotine substitutes, intended for inhalation without combustion; other nicotine containing products intended for the intake of nicotine into the human body.

- Products intended for inhalation without combustion :

2404.11 -- Containing tobacco or reconstituted tobacco

2404.12 -- Other, containing nicotine

2404.19 -- Other

- Other:

2404.91 -- For oral application

2404.92 -- For transdermal application

2404.99 -- Other

HS 2022 Amendments

Inhalation without combustion

New Notes 2 and 3 to Chapter 24.

2.- Any products classifiable in heading 24.04 and any other headings of the Chapter are to be classified in heading 24.04.

(24.04 > 24.01, 24.02, 24.03)

3.- For the purposes of heading 24.04, the expression “inhalation without combustion” means inhalation through heated delivery or other means, without combustion.



HS 2022 Amendments

New Exclusions Notes

Chapter 21 (Miscellaneous edible preparations)

Note 1 (f) Products of heading 24.04



Chapter 30 (Pharmaceutical products)

Note 1 (b) Products, such as tablets, chewing gum or patches (transdermal systems), containing nicotine and intended to assist tobacco use cessation (heading 24.04)

Chapter 38 (Miscellaneous chemical products)

Note 1 (c) Products of heading 24.04

Electronic cigarettes

85.43

Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this Chapter.

8543.10 - Particle accelerators

8543.20 - Signal generators

8543.30 - Machines and apparatus for electroplating, electrolysis or electrophoresis

8543.40 - Electronic cigarettes and similar personal electric vaporising devices

8543.70 - Other machines and apparatus

8543.90 - Parts



Exclusion Notes in Item (11) of the New Explanatory Note to heading 85.43

- (a) Disposable electronic cigarettes (disposable e-cigarettes) and similar disposable personal electric vaporising devices, that incorporate the product intended for inhalation without combustion (e.g., e-liquid, gels) in the housing and are disposed of after the product is exhausted or the battery runs out (not designed for refilling or recharging) (**heading 24.04**).
- (b) Cartridges or tanks that contain liquids or solutions, whether or not presented with other components (e.g., heating elements or ‘atomisers’), intended for use in electronic cigarettes or similar personal electric vaporising devices (**heading 24.04**).
- (f) Non-electric smoking pipes of all kinds (including calumets, chibouks or Turkish pipes, hookahs, etc. (**heading 96.14**).



Editorial amendments

Spelling errors in either
French or English



Editorial amendments

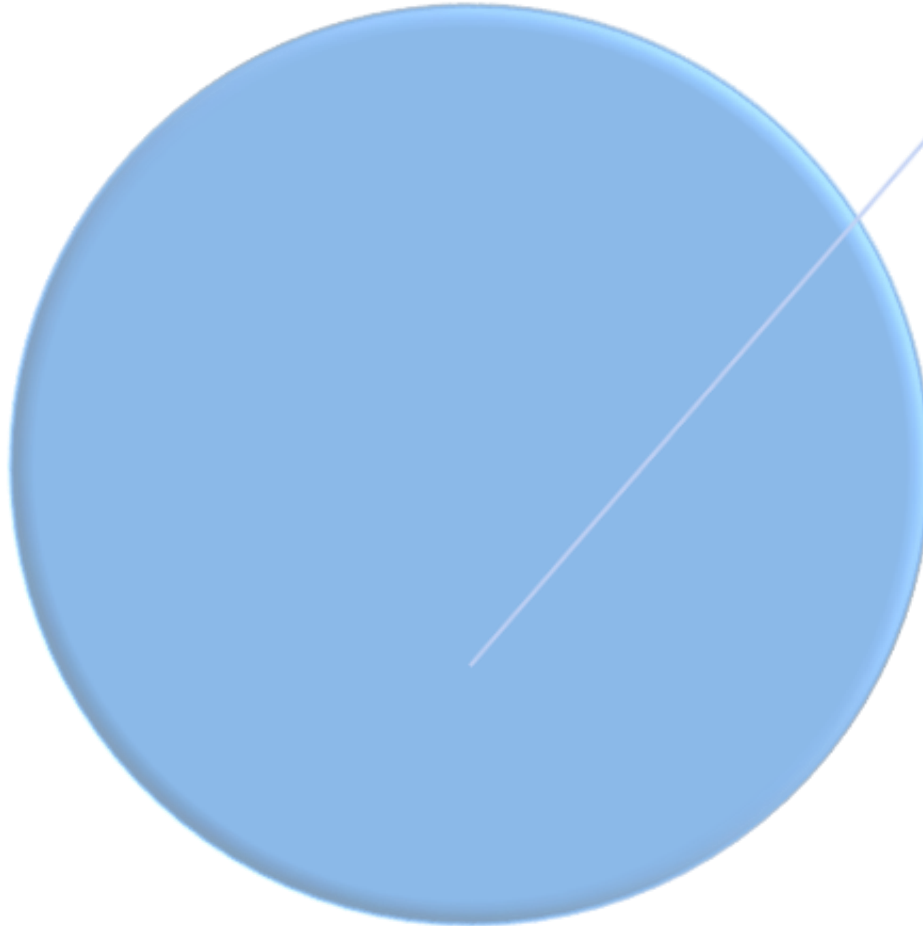
0302.55 - - Alaska Pollack (*Theragra chalcogramma*)

0302.55 - - Alaska Pollock (*Theragra chalcogramma*)



Same amendments for 0303.67, 0304.75, 0304.94 and 0304.95

Other HS 2022 Amendments to Note



Medical gloves
Synthetic diamonds
3D printers
Smart phones
Electric vehicles
Drones
Container-based prefabricated buildings
Solar water heaters
Napkins & napkin liners

Medical gloves



Clarification of gloves of a kind used for medical, surgical, dental or veterinary purposes

- Gloves, mittens and mitts :

~~4015.11~~ ~~—Surgical~~

4015.12 **-- Of a kind used for medical, surgical, dental or
veterinary purposes**

4015.19 -- Other

FAO proposal

Creation of new subheadings in headings 44.14, 44.18, 44.19 and 44.20 to classify separately various products of tropical wood

- 4414.10 - Of tropical wood
- 4418.11 -- Of tropical wood
- 4418.21 -- Of tropical wood
- 4419.20 - Of tropical wood
- 4420.11 -- Of tropical wood

For better picture of trade pattern (Request by FAO)

4421.20 - Coffins



Synthetic Diamonds (Request by the Kimberley Process)

The Kimberley Process (KP) is a certification scheme to ensure that diamond purchases are not financing violence by rebel movements against legitimate government

71.04	Synthetic or reconstructed precious or semi-precious stones, whether or not worked or graded but not strung, mounted or set; ungraded synthetic or reconstructed precious or semi-precious stones, temporarily strung for convenience of transport.
7104.10	- Piezo-electric quartz
7104.20	- Other, unworked or simply sawn or roughly shaped :
7104.21	-- Diamonds
7104.29	-- Other
7104.90	- Other :
7104.91	-- Diamonds
7104.99	-- Other



Machines for additive manufacturing (3D printing) (Proposal by the EU)

Creation of new heading 84.85

“84.85 **Machines for additive manufacturing.**

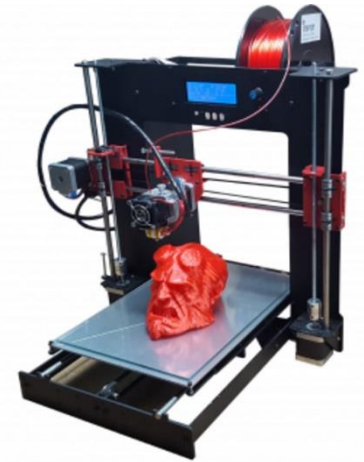
8485.10 - By metal deposit

8485.20 - By plastics or rubber deposit

8485.30 - By plaster, cement, ceramics or glass deposit

8485.80 - Other

8485.90 - Parts”.



Machines for additive manufacturing (3D printing)

(Proposal by the EU)

Creation of new Note 10 to Chapter 84 to define the scope of 3D printing

“10.-For the purposes of heading 84.85, the expression “additive manufacturing” (also referred to as 3D printing) means the formation of physical objects, based on a digital model, by the successive addition and layering, and consolidation and solidification, of material (for example, metal, plastics or ceramics).

Subject to Note 1 to Section XVI and Note 1 to Chapter 84, machines answering to the description in heading 84.85 are to be classified in that heading and in no other heading of the Nomenclature.”

Smartphones

(Proposal by the WCO Secretariat)



Amendments to heading 85.17

85.17	<p>Telephone sets, including smartphones and other telephones for cellular networks or for other wireless networks;</p> <p>- Telephone sets, including smartphones and other telephones for cellular networks or for other wireless networks :</p>
8517.11	- - Line telephone sets with cordless handsets
8517.12	— Telephones for cellular networks or for other wireless networks
8517.13	- - Smartphones
8517.14	- - Other telephones for cellular networks or for other wireless network
8517.18	- Other:
....

Smartphones

(Proposal by the Secretariat)



Creation of new Note 5 to Chapter 85 to define the scope of Smartphones

- 5.- For the purposes of heading 85.17, the term "smartphones" means telephones for cellular networks, equipped with a mobile operating system designed to perform the functions of an automatic data processing machine such as downloading and running multiple applications simultaneously, including third-party applications, and whether or not integrating other features such as digital cameras and navigational aid systems.

Electric vehicles

One-dash subheadings 8704.2 and 8704.3 have been amended and new subheadings 8704.4 to 8704.60 have been created to provide separately for certain electric vehicles.

2017

2022

8704.2 - Other, with compression-ignition internal combustion piston engine (diesel or semi-diesel) :

- Other, with **only** compression-ignition internal combustion piston engine (diesel or semi-diesel) :

8704.3 - Other, with spark-ignition internal combustion piston engine :

- Other, with **only** spark-ignition internal combustion piston engine :

8704.4

- Other, with **both** compression-ignition internal combustion piston engine (diesel or semi-diesel) and electric motor as motors for propulsion :

8704.5

- Other, with **both** spark-ignition internal combustion piston engine and electric motor as motors for propulsion :

8704.60

- Other with **only** electric motor for propulsion



HS 2022 Amendments

Drones (Unmanned Aircraft (UA))

- New Note 1 to Ch. 88 to define the scope of UA
- Amendment to heading 88.02 to exclude UA
- Deletion of heading 88.03 (Parts of headings 88.01 and 88.02)
- New heading 88.06 for UA
- New subheading Note 2 to Ch. 88 to clarify the scope of subheadings under new heading 88.06
- New heading 88.07 (Parts of headings 88.01, 88.02 and 88.06)



Container-based prefabricated buildings

Definition (New 2nd paragraph of Note 4 to Chapter 94)

Prefabricated buildings include "modular building units" of steel, normally presented in the size and shape of a standard shipping container, but substantially or completely pre-fitted internally. Such modular building units are normally designed to be assembled together to form permanent buildings.

New subheading

94.06	Prefabricated buildings.
9406.10	- Of wood
9406.20	- Modular building units, of steel
9406.90	- Other



New HS codes

(Dual use)

Air or..... ; gas-tight biological safety cabinets,
whether or not fitted with filters.

8414.70 - Gas-tight biological safety cabinets

(IRENA ; International Renewable Energy Agency)

8419.12 -- Solar water heaters

(Dual use)

8419.33 -- Lyophilisation apparatus, freeze drying units and
spray dryers

(Environment)

8419.33 -- Catalytic converters or particulate filters,
whether or not combined, for purifying or
filtering exhaust gases from internal
combustion engines

(Dual use)

8428.70 - Industrial robots

Napkins and napkin liners

- 96.19 Sanitary towels (pads) and tampons, napkins and napkin liners ~~for babies~~ and similar articles, of any material.

Clarification of the scope of “napkins and napkin liners” to include all napkins and napkin lines.

Legal basis for Amendments on the EAC CET 2017

The EAC Partner States **apart from South Sudan** are contracting parties to the HS Convention and apply the Harmonized System as a coding system for goods internationally traded

Article 12 of the Protocol on the Establishment of the East African Community Customs Union (EAC, CU) allows partner States to review the Structure/ rates of the EAC-CET

The Partner States have customized the Harmonized System by creating the East African Community, Common External Tariff (EAC- CET)



Structure of the EAC-CET 2022



Partner States use the Harmonized Commodity Description and Coding System and have adopted Common External tariff with a three band structure of 0%, 10% and 25%. (Article 12 of the EAC CU Protocol)



Schedule 2 covers sensitive items with import duty rates higher than 25%.



Amendments to EAC-CET 2017

Amendments to Descriptions of Sub-headings

1. Amend description for HS Code 2106.90.20 to --- Preparations of a kind used in manufacturing of beverages and food
2. Amend description for HS Code 7010.10.10 to --- For pharmaceutical products, pesticides, fungicides and acaricides
3. Amend description for HS Code 7213.91.10 to --- Of cross section measuring less than 8 mm

Sub-heading Splits

No.	DECISION	HS Code	Description	UOM	Rate
1.	Split HS Code 0902.10.00	- Green tea (not fermented) in immediate packings of a content not exceeding 3 kg			
		0902.10.10	--- purple tea	Kg	25%
		0902.10.90	--- other	Kg	25%
2.	Split HS Code 0902.20.00	- Other green tea (not fermented)			
		0902.20.10	--- purple tea	Kg	25%
		0902.20.90	--- other	Kg	25%
3.	Split HS Code 3005.90.10	--- White absorbent cotton Wadding;			
		3005.90.11	---- sterile, in rolls	Kg	0%
		3005.90.12	---- non-sterile, in rolls	Kg	0%
		3005.90.19	---- other	Kg	0%
4.	Split HS Code 3208.10.00	– Based on polyesters:			
		3208.10.10	--- lacquers	Kg	25%
		3208.10.20	--- enamels	Kg	25%
		3208.10.90	--- other	Kg	25%

Sub-heading Splits

5.	Split HS Code 3208.20.00	- Based on acrylic or vinyl Polymers:			
		3208.20.10	--- lacquers	Kg	25%
		3208.20.20	--- enamels	Kg	25%
		3208.20.90	--- other	Kg	25%
6.	Split HS Code 3208.90.00	- Other:			
		3208.90.10	--- lacquers	Kg	25%
		3208.90.20	--- enamels	Kg	25%
		3208.90.90	--- other	Kg	25%
7.	Split HS Code 3209.10.00	- Based on acrylic or vinyl polymers:			
		3209.10.10	--- lacquers	Kg	25%
		3209.10.20	--- enamels	Kg	25%
		3209.10.90	--- other	Kg	25%
8.	Split HS Code 3209.90.00	- Other:			
		3209.90.10	--- lacquers	Kg	25%
		3209.90.20	--- enamels	Kg	25%
		3209.90.90	--- other	Kg	25%

Sub-heading Splits

9.	Split HS Code 3210.00.90	--- other;			
		3210.00.91	---- lacquers	Kg	25%
		3210.00.92	---- enamels	Kg	25%
		3210.00.93	---- distempers	Kg	25%
		3210.00.99	---- other	Kg	25%
10.	Split HS Code 3214.10.00	- Glaziers' putty, grafting putty, resin cements, caulking compounds and other mastics; painters' fillings			
		3214.10.10	--- Glaziers' putty, grafting putty	Kg	25%
		3214.10.90	--- other	Kg	25%
11.	Split HS Code 3819.00.00	Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals.			
		3819.00.10	--- Automatic transmission fluid (ATF) for lubricating	Kg	25%
		3819.00.90	--- Other	Kg	10%
12.	Split HS Code 3921.90.00	- Other:			
		3921.90.10	--- Unprinted	Kg	25%
		3921.90.90	--- Other	Kg	25%

Sub-heading Splits

13.	Split HS Code 6406.10.00	- Uppers and parts thereof, other than stiffeners			
		6406.10.10	--- of leather	Kg	10%
		6406.10.90	--- Other	Kg	10%
14.	Split HS Code 7610.90.00	- other;			
		7610.90.10	--- Towers and lattice masts	Kg	25%
		--- Other:			
		7610.90.91	---- Bridges and bridge-sections	Kg	25%
		7610.90.92	---- Roofs and roofing frameworks	Kg	25%
		7610.90.93	---- Balustrades, pillars and columns	Kg	25%
		7610.90.94	---- Aluminium plates, rods, profiles, tubes and the like, prepared for use in structures	Kg	25%
7610.90.99	---- Other	Kg	25%		
15.	Split HS Code 7323.10.00	- Iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like:			
		7323.10.10	--- pot scourers and scouring or polishing pads	Kg	25%
		7323.10.90	--- Other	Kg	25%

Sub-heading Splits

16.	Split HS Code 7615.10.00	- Table, kitchen or other household articles and parts thereof; pot scourers and scouring or polishing pads, gloves and the like			
		7615.10.10	--- table, kitchen or other household articles and parts thereof	Kg	25%
		7615.10.20	--- Pot scorers and souring or polishing pads	Kg	25%
		7615.10.90	--- Other	Kg	25%
17.	Split HS Code 8703.10.00	- Vehicles specially designed for travelling on snow; golf cars and similar vehicles			
		8703.10.10	--- Unassembled	u	0%
		8703.10.90	--- Other	u	25%
18.	Split HS Code 9612.10.00 as follows;	- Ribbons			
		9612.10.10	--- reels of 900 mm width	u	25%
		9612.10.90	--- other	u	25%

Reviewed, Created and Amended Sub-headings

SN	Decision	HS Code	Description	UOM	Rate
1.	Amend the duty rate	7213.91.10	--- Of cross section measuring less than 8 mm	Kg	25% or US \$ 200 / MT whichever is higher
		7213.91.90	--- Other	Kg	25% or US \$ 200 / MT whichever is higher
2.	Create HS Code 8716.31.20 to cater for the Cesspool emptier.	8716.31.20	--- Cesspool emptier	u	0%
3.	Review the structure of heading 9406	- of wood;			
		9406.10.10	---Greenhouse	Kg	0%
		9406.10.20	--- Cold room	Kg	0%
		9406.10.90	--- Other	Kg	25%
		- Modular building units, of steel;			
		9406.20.10	---Greenhouse	Kg	0%
		9406.20.20	--- Cold room	Kg	0%
		9406.20.90	--- Other	Kg	25%
		- Other:			
		9406.90.10	---Greenhouse	Kg	0%
		9406.90.20	--- Cold room	Kg	0%
		9406.90.90	--- Other	Kg	25%

Prohibition under Third Schedule

1. Tariff classification is also done in regard to the relevant laws applicable.
2. East Africa Community Customs Management Act has an amendment of the Third Schedule to include Cathode Ray Tubes and Stand alone computers through EAC Gazette notice EAC/348/2021
3. Cathode ray tube monitors are classifiable under EAC/CET 2017 tariff line 8528.42.00 and 8528.49.00

New Additional Note

Additional Chapter note to Chapter 94 of the EAC Common External Tariff

A Prefabricated Building may be imported in several consignments over a period of time if this is necessary for convenience of trade or transport.

In order to be able to declare the different constituent parts under the same tariff heading or subheading as the assembled Prefabricated Building, the declarant must make a request in writing to the customs post not later than the first consignment and attach:

- (a) a schematic structured diagram or, if necessary, several diagrams, of the Prefabricated Building showing the most important constituent parts;
- (b) a general inventory containing an indication of the characteristics and approximate weights of the different parts of the principal parts referred to above.

The application may only be accepted in fulfilment of a contract for the supply of a Prefabricated Building which can be regarded as complete for the purposes of the EAC tariff Nomenclature.

All the constituent parts must be imported through the same entry point within the allowed time.

However, in special cases, the competent authorities may authorize importation through several points of entry. This time limit may not be exceeded unless a reasoned and justified request for an extension is made to the competent authorities.

Upon each partial importation, a list of the parts making up the consignment with references to the above-mentioned general inventory must be provided. The customs declaration for each consignment must contain descriptions of both the part or parts making up the consignment and the complete Prefabricated Building.

Benefits of the EAC/CET 2022

The reviewed CET will address the requests for stays of application, which distort the EAC CET 2017 application

Promotion of industrial sectors and realization of the benefits of the African Continental Free Trade Area (AfCFTA)

Spur intra-regional trade by encouraging local manufacturing, value addition and industrialization

The maximum tariff band at 35% has the most appropriate rate, as in the long run, it has the most positive impact to regional growth.

Increased job opportunities - a welfare loss is expected, but would be cured from generated added employment opportunities from the switch of local production.

Building blocks in application of EAC CET 2022

- Stephen Covey said that there are three constants in life; change, choice, and principles.
- The world is changing by the minute, the only way to survive and succeed is by adapting and making the right choices.



