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HARMONIZED SYSTEM	42.456 E
COMMITTEE	(+ Annex)
-	O. Eng.
22nd Session	
-	H3-1

Brussels, 10 August 1998.

CLASSIFICATION OF "PICK-UP" VEHICLES

(Item VII.34 on Agenda)

Reference documents :

39.200, Annex XI (RSC/11 - Report)  
39.282 (RSC/11)  
39.332 (HSC/15)  
39.400, Annex E (HSC/15 - Report)  
39.575 (HSC/16)  
39.600, Annex IJ/20 (HSC/16 - Report)  
40.083 (HSC/17)  
40.260, Annex IJ/9 (HSC/17 - Report)  
40.454 (HSC/18)  
40.625 (HSC/18)  
40.600, Annex H/20 (HSC/18 - Report)  
40.909 (HSC/19)  
41.100, Annex G/18 (HSC/19 - Report)  
41.313 (HSC/20)  
41.600, Annex F/19 (HSC/20 - Report)  
42.434 (HSC/22)

I. BACKGROUND

1. Subsequent to the Committee's decision to classify the vehicles "\*\*\*\*" and "\*\*\*\*" in heading 87.03 and 87.04, respectively (Doc. 41.600, Annex F/19 – Report HSC/20), a number of Customs Administrations consulted the Secretariat on the classification of certain double cab pick-up vehicles. The Secretariat informed the Administrations concerned about its intention to refer the classification of these vehicles to the Committee. However, since the \*\*\* Administration entered a reservation concerning the classification of the double cab pick-up vehicle "\*\*\*\*", this question will be examined at the HSC's 22<sup>nd</sup> Session (see Agenda item VII.9).

File No. 2376

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For reasons of economy, documents are printed in limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

2. The Secretariat suggests that the Committee consider the classification of the vehicle at issue, once it has dealt with the classification of the “\*\*\*”. It also suggests that discussions be restricted to one particular type of vehicle, i.e., \*\*\* double cab pick-up, submitted by the \*\*\* Customs Administration, which could serve as example for the classification of the other vehicles which are submitted to the HSC.

## II. DESCRIPTION

3. The above-mentioned vehicle is described and illustrated in the Annex to this document. The Secretariat would, however, appreciate if further information could be provided concerning :
  - (i) the type of engine, i.e., compression-ignition or spark-ignition; and
  - (ii) the construction of the bench and board onto the platform.

## III. CLASSIFICATION

4. The vehicle at issue has a separate cab, equipped for the driver and 4 passengers, and a separate, open loading platform. Apart from the board with the bench placed onto the loading platform, the vehicle is similar to the “\*\*\*” vehicle, which the Committee unanimously classified in heading 87.04 (Doc. 41.100, Annex G/18, paragraph 15, HSC/19 Report), as far as the basic structure and appearance are concerned. If the board with the bench does not form an integral part of the vehicle, it would seem that it should be classified separately; in the manufacturer’s brochure submitted by the \*\*\*Administration, there is no board with a bench on the platform of the vehicle.
5. As no additional information was provided to the Secretariat (see paragraph 3 above), it is not in a position to give a firm view concerning the appropriate classification at subheading level.
6. Nonetheless, on the basis of the available information, the classification principle advocated in paragraph 10 of Doc. 40.909 (HSC/19) (i.e., classification on the basis of the relation between the loading capacity and the passengers capacity) might apply. This principle may, however, be affected by the decision to be taken in respect of the classification of the double cab pick-up vehicle “\*\*\*” (see paragraph 1 above).
7. The total loading capacity of the vehicle is indicated in the brochure as 350 kg. The Secretariat understands that this capacity relates to the loading capacity excluding the weight of the driver and the passengers which can be seated in the cab. The manufacturer’s brochure indicates a number of five passengers. However, since three persons can be seated on the bench in the rear of the cab and only one person can sit on the front seat next to the driver, the Secretariat concludes that the total number of passengers is four and not five.
8. If a standard passenger weight criterion of 70 kg per person is applied, the cargo weight capacity (i.e., 350 kg) would surpass that of the passengers (i.e.,  $4 \times 70 = 280$  kg). The vehicle would thus be classified in heading 87.04 (subheading 8704.21 or subheading 8704.31 as the case may be. According to the “product specific information” (see the

Annex), the total load capacity , 625 kg, corresponds very well to the sum of the cargo and passengers capacities, 630 kg (i.e., 350 kg + 280 kg).

9. As indicated above, a board with a bench is placed onto the loading platform. It appears that the bench is fixed to the board which is subsequently placed onto the platform, however, without being permanently fixed to the platform. If that is the case, the Secretariat would be inclined to classify the board and bench combination separately in heading 94.01, subheading 9401.20.
10. The Secretariat leaves it to the Committee to decide what further action should be taken with respect to this issue, given that the Secretariat did not obtain complete information. Nonetheless, the Committee might wish to express its view on the classification of this type of vehicle, taking into account the classification principles applied.

#### IV. CONCLUSION

11. The Committee is invited to give its view on the classification of the vehicle described in the Annex to this document, taking into account :
- (i) that the information available is incomplete;
  - (ii) the Secretariat's comments set out in paragraphs 4 to 10 above; and
  - (iii) the outcome of the discussions on the reservation entered by the \*\*\* vis-à-vis the classification of the "\*\*\*\*" vehicle (see Agenda item VII.9).

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Product specific information : \*\*\* (SSR or SSR-X) double cab pick-up

(Submitted by the Customs Administration of \*\*\*)

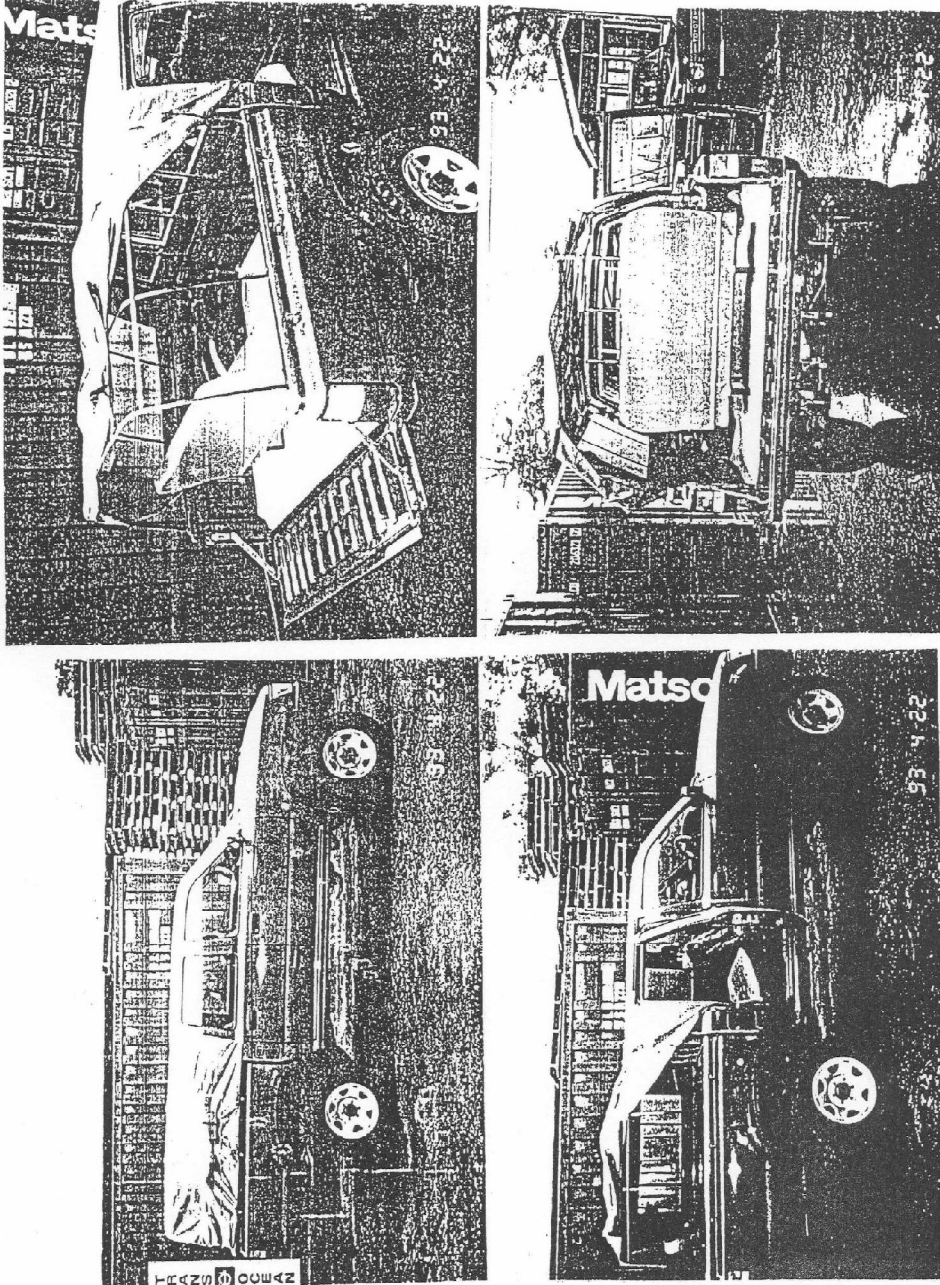
Four-wheel driven motor vehicle powered with a [compression] [spark]-ignition internal combustion piston engine of a cylinder capacity of 2,800 cm<sup>3</sup>, having a double cab and a separate loading platform, built on a separate chassis and having a cargo loading capacity of 350 kg. The vehicle has four doors and a non-collapsible bench for three persons behind the two front seats, and has a well-finished interior, e.g., upholstered seats (whether or not declining) with headrests and decorative wall panels. The loading platform, the rear part of which can be opened, contains a board onto which a bench is mounted, and has a canvas covering on a metal frame.

The superstructure of the vehicle consists of a cab and a cargo platform (the cab and the platform being two distinct components), which are built on a separate chassis (i.e., a ladder chassis, which consists of two parallel beams connected by transverse beams). The cab is a so-called double cab and has four doors, two seats in the front and a non-collapsible bench for three persons at the back. The cargo platform, on which a board with a bench is placed, has the following dimensions : 1,405 mm (length) x 1,465 mm (width) (approximately 2 m<sup>2</sup>). The vehicle is powered with a [compression] [spark]-ignition internal combustion piston engine of a cylinder capacity of 2,800 cm<sup>3</sup>.

The total load capacity is 625 kg (G.V.W. minus empty weight), 350 kg of which being allocated to the cargo load capacity. The G.V.W. (gross vehicle weight) of the vehicle is 2,400 or 2,370 kg, depending on the type (i.e., SSR-X and SSR, respectively) and the corresponding vehicle's empty weights are 1,775 and 1,745 kg, respectively.

Relevant illustrations are reproduced below.

Annex to Doc. 42.456 E  
(HSC/22/Nov. 98)



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