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Item No. 5 on the agenda: International Interests in Mobile Equipment

(b) Possible preparation of other Protocols to the Cape Town Convention, in particular on agricultural, mining and construction equipment

(prepared by the Secretariat)

<i>Summary</i>	<i>Initial input from manufacturers on Harmonized System of Tariffs codes for the proposed Protocol to the Cape Town Convention on matters specific to agricultural, mining and construction equipment</i>
<i>Action to be taken</i>	<i>To take note</i>
<i>Mandate</i>	<i>Work Programme 2014-2016</i>
<i>Priority level</i>	<i>Medium (Agricultural, Mining and Construction Equipment)</i>
<i>Related document</i>	<i>C.D. (93)4(b)</i>

1. During the discussion on the possible scope of a fourth protocol in the two *Issues Dialogues* organised by the United States Department of State and the International Law Institute (19 November 2013 and 22 January 2014, held at ILI Headquarters in Washington, D.C.), participants agreed that the World Customs Organization's *Harmonized Commodity Description and Coding System* (and in particular the *Harmonized System of Tariffs*) provided the most comprehensive basis by which initially to undertake the scoping exercise. This method would in fact allow a selection of equipment pursuant to the Harmonized System using criteria related to mobility, value, identifiability and registrability (see UNIDROIT 2014 – C.D. (93) 4 (b), paras. 15, 21 and 22).

2. This document contains a spreadsheet transmitted to the Secretariat by the State Department of the United States of America containing the initial input received from a number of manufacturers (of various sizes) regarding their views of the tariff classifications that could usefully be covered by a 4th Cape Town Protocol on MAC equipment. This information was then put together by the United States Commerce Department. At the request of the manufacturers the information is aggregated and thus does not identify which manufacturer(s) suggested which HS code. The spreadsheet also contains a note on the use of serial numbers for this equipment, also based on information received from these manufacturers.

ACTION TO BE TAKEN

3. *The Governing Council is invited to take note of the input received following the issues dialogue meetings which provides useful information on which to base its discussions on the activities to be undertaken to develop a fourth Protocol to the Cape Town Convention on matters specific to agricultural, mining and construction equipment, including the possible convening of a Study Group entrusted with preparing a first draft of the MAC Protocol prior to the 95th session of the Council.*

Cape Town Convention -- Proposed 4th Protocol Private-Sector Recommendations for Product Coverage

Products -- by Six-digit HS Codes	Products -- by Six-digit HS Codes	Products -- by Six-digit HS Codes	Products -- by Six-digit HS Codes
820713--RCK DRLNG EARTH BORNG TLS WRKNG PT CERMETS, & PTS	842911--BULLDOZERS AND ANGELDOZERS, SELF-PROP, TRACK LAY	843290--AGRIC HORT/FOREST MACHY & LAWN/GROUND ROLLER PARTS	850220 - GENERATING SETS WITH SPARK-IGNITION INTERNAL COMBUSTION PISTON ENGINES
820719--INTERCHANGEABLE TOOLS FOR HAND OR MACHINES;& PARTS	842919--BULLDOZERS AND ANGLEDZERS, SELF-PROP NESOI	843311--MOWERS FOR LAWNS, PARKS ETC CUT DEVICE HORIZ PLANE	850300 - PARTS FOR USE WITH MACHINES OF 8501 OR 8502
840731--SPRK-IGN PISTON ENG F VEH EX RAILWY NOT OVR 50 CC	842920--GRADERS AND LEVELERS, SELF-PROPELLED	843319--MOWERS FOR LAWNS EXC PWRD W HORIZNTL ROTATING CUTTR	870130--TRACK-LAYING TRACTORS
840732--SPARK-IGNTN RECRPCTNG PISTN ENGINE ETC NOV 250CC	842930--SCRAPERS, SELF-PROPELLED	843320--MOWERS, NESOI, INC CUTTER BAR FOR TRACTOR MOUNTING	870190--TRACTORS, NESOI
840733--SPARK-IGNTN RECRCTNG PISTN ENG ETC >250 NOV1000CC	842940--TAMPING MACHINES AND ROAD ROLLERS, SELF-PROPELLED	843330--HAYING MACHINES OTHER THAN MOWERS	870410--DUMPERS DESIGNED FOR OFF-HIGHWAY USE
840790--SPARK-IGNTN RCRPCTNG/ROTARY INT COMBSTN ENG, NESOI	842951--MECH FRONT-END SHOVEL LOADERS, SELF-PROPELLED	843340--STRAW OR FODDER BALERS, INCLUDING PICK-UP BALERS	870423--TRUCK, DIESEL ENG, GVW > 20 METRIC TONS
840810--MARINE COMPRESS-IGNIN COMBUSTION PISTON ENGINE ETC	842952--MECH SHOVELS EXCAVATORS ETC W 360 DEGREE SPRSTRUC	843351--COMBINE HARVESTER-THRESHERS	870510--MOBILE CRANES
840820--COMPRESSION-IGNTN INT COMBUSTION PISTON ENGINE ETC	842959--MECH SHOVELS, EXCAVATORS AND SHOVEL LOADERS NESOI	843352--THRESHING MACH, EXC COMBINE HARVESTER-THRESHERS	870600--CHAS W ENG F TRAC, MTR VEH F PASS/GD & SPECIAL PUR
840890--COMPRESSION-IGNTN INT COMBUSTION PISTON ENG, NESOI	843010--PILE-DRIVERS AND PILE-EXTRACTORS	843353--ROOT OR TUBER HARVESTING MACHINES	870790--BODIES F ROAD TRACTORS AND MOTOR VEH(PUB TRAN,ETC)
840991--SPARK-IGNITION INT COMBUSTION PISTON ENG PTS NESOI	843020--SNOWPLOWS AND SNOWBLOWERS	843359--HARVESTING MACHINERY, NESOI	870850--DRIVE AXLES WITH DIFFERENTIAL FOR MOTOR VEHICLES
840999--SPARK-IGNITION RECIPROCATING INT COM PISTN ENG PTS	843031--COAL OR ROCK CUTTERS & TUNNEL MACH, SELF-PROPELLED	843390--PARTS FOR HARVESTER, GRASS MOWERS, SORTING EGG ETC	870870--ROAD WHEELS & PTS & ACCESSORIES FOR MOTOR VEHICLES
841221--HYDRAULIC POWER ENGINES AND MOTORS, LINEAR ACTING	843039--COAL OR ROCK CUTTERS & TUNNEL MACH, NESOI	843610--MACHINERY FOR PREPARING ANIMAL FEEDS	
841229--HYDRAULIC POWER ENGINES & MOTORS EX LINEAR ACTING	843041--BORING OR SINKING MACHINERY, NESOI, SELF-PROPELLED	843680--AGRIC, HORT, FOREST, BEE-KEEPING MACHINERY NESOI	
841231--PNEUMATIC POWER ENGINES AND MOTORS, LINEAR ACTING	843049--BORING OR SINKING MACH NESOI, NOT SELF-PROPELLED	843699--PTS FOR AGRIC, HORT, FOREST, BEE-KEEP MACH NESOI	
841239--PNEUMATIC POWER ENGINES & MOTORS EX LINEAR ACTING	843050--MOVING, GRADING ETC MACHINES ETC NESOI, SELF-PROP	846711--PNEUMATIC ROTARY TYPE TOOLS FOR WORK IN THE HAND P	

841280--ENGINES AND MOTORS, NESOI	843061--TAMPING OR COMPACTING MACHINERY,NOT SELF-PROPELLED	846719--PNEUMATIC EX ROTARY TYPE TOOLS FOR WORK IN HAND
841290--ENGINE AND MOTOR PARTS, NESOI	843069--MOVING, GRADING ETC MACHINES ETC NESOI, NO SELF-PR	847420--CRUSHING/GRINDING MACH FOR EARTH STONE MNERL SUBS
841330--FUEL, LUB/COOLING MED PUMPS FOR INT COMB PISTN ENG	843110--PTS FOR PULLEY TACKLE, HOIST EX SKIP, WINCHES, ETC	847490--PARTS OF MACH FOR SORTING ETC EARTH STONE ORES ETC
841340--CONCRETE PUMPS	843139--PTS FOR LIFTING, HNDLNG, LOADING/UNLDNG MACH NESOI	847910--MACHINERY FOR PUBLIC WORKS, BUILDING OR THE LIKE
841350--RECIPROCATING POSITIVE DISPLACEMENT PUMPS, NESOI	843141--BUCKETS, SHOVELS, GRABS & GRIPS FOR DERRICKS ETC	847989--MACH & MECHANICAL APPL W INDIVIDUAL FUNCTION NESOI
841360--ROTARY POSITIVE DISPLACEMENT PUMPS, NESOI	843142--BULLDOZER OR ANGLEDOZER BLADES	847990--PTS OF MACH/MECHNCL APPL W INDVDUL FUNCTION NESOI
841391--PARTS OF PUMPS FOR LIQUIDS	843143--PARTS FOR BORING OR SINKING MACHINERY, NESOI	848310--TRANSMISSION SHAFTS (INC CAM-&CRANK-SHAFT), ETC.
841459--FANS, NESOI	843149--PARTS AND ATTACHMENTS NESOI FOR DERRICKS ETC.	850161 - ELECTRIC MOTORS AND GENERATORS OF AN OUPUT NOT > 75 KVA
842481--AGRICULTURAL OR HORTICULTURAL MECH SPRAYERS ETC	843210--PLOWS FOR SOIL PREPARATION OR CULTIVATION	850162 - ELECTRIC MOTORS AND GENERATORS OF AN OUPUT > 75 KVA BUT NOT > 375 KVA
842620--TOWER CRANES	843221--DISC HARROWS	850163 - ELECTRIC MOTORS AND GENERATORS OF AN OUPUT > 375 KVA BUT NOT > 750 KVA
842641--DERRICKS ETC SELF-PROPELLED ON TIRES, NESOI	843229--HARROWS EX DISC, SCARIFIERS CULTIVATORS HOES ETC	850164 - ELECTRIC MOTORS AND GENERATORS OF AN OUPUT > 750 KVA
842649--DERRICKS ETC SELF-PROPELLED NOT ON TIRES, NESOI	843230--SEEDERS, PLANTERS AND TRANSPLANTERS	850211 - ELECTRIC GENERATING SETS AND ROTARY CONVERTERS, OUTPUT NOT > 75 KVA
842699--LIFTING OR HANDLING MACHINERY, NESOI	843240--MANURE SPREADERS AND FERTILIZER DISTRIBUTORS	850212 - ELECTRIC GENERATING SETS AND ROTARY CONVERTERS, OUTPUT > 75 KVA BUT NOT > 375 KVA
842890--LIFTING, HANDLING, LOADING & UNLOADING MACHY NESOI	843280--AGRIL,HORT,FORSTY MACH FOR SOIL PREP OR CULTIVATE	850213 - ELECTRIC GENERATING SETS AND ROTARY CONVERTERS, OUTPUT > 375 KVA

All finished goods recommended by major global manufacturers for coverage under a 4th Protocol of the Cape Town Convention are already assigned uniquely identifiable product identification or serial numbers by the manufacturer. Finished goods in this context refers to large, complex pieces of machinery, such as combine harvesters, bulldozers, specialized mining machines, generator sets, and so on. These PIN or serial numbers are permanently attached to each piece of equipment. Manufacturers use these unique identifiers to track individual pieces of equipment for after-sales service, warranty, quality-control, and other commercial purposes. Some parts and components identified by the manufacturers by six-digit HS codes may not themselves be serialized — that is, have a unique identifier number or code — but would be covered by the serial number of the final product of which they are components.