



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

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SCIENTIFIC SUB-COMMITTEE

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Brussels, 2 December 1997.

CREATION OF A NEW HEADING FOR BIODEGRADABLE
PLASTICS AND ARTICLES THEREOF
(Item II.2 on Agenda)

Reference documents :

39.982 (RSC/13)
40.180, Annex C/9 (RSC/13 - Report)
40.206 (SSC/11)
40.372 (SSC/11)
40.460, Annex A/4 (SSC/11 - Report)
40.755 (SSC/12)
40.771 (SSC/12)

I. BACKGROUND

1. At its last session, the Sub-Committee examined the possible creation of a new heading for biodegradable plastics and articles thereof. The Delegate of Japan proposed the two approaches to identify biodegradable plastics; one was a test method based on ISO standard and the other was to give a definitive list of biodegradable plastics. The Sub-Committee decided to re-examine this issue in the future and administrations were invited to submit comments to the Secretariat.
2. On 14 October 1997, the Secretariat received the following Note from the Japanese Administration concerning the creation of a new heading for biodegradable plastics and articles thereof.

File No. 2579

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II. NOTE BY THE JAPANESE ADMINISTRATION

3. "My Administration, has proposed two different test methods for defining biodegradable plastics: ISO methods and listing biodegradable plastics. Since the former one does not seem to be a practical method for the Customs clearance purposes, my Administration would like to withdraw this proposal. Instead, we would like to put forward the latter one, namely, the approach to list biodegradable plastics, to the forthcoming SSC meeting for its consideration.
4. In this regard, we would like to make slight changes to the original text as proposed in Annex III to Doc. 40.771. The text as amended is attached hereto, the modified parts being underlined.

Listing biodegradable plastics in the Nomenclature

5. For the purpose of heading No. 39.27, "biodegradable plastics" means the following. Goods answering to a description in this heading are to be classified in the heading and in no other heading of the Nomenclature.
 - (a) 3-Hydroxy butyrate-3-hydroxy valerate copolymer, poly-3-hydroxy butyrate, cellulose produced by bacteria.
 - (b) Thermoplastic substances consisting of starch blended with polyvinyl alcohol, blended substances based on chitosan, starch and cellulose, blended substances based on cellulose acetate and triacetin.
 - (c) Poly(1.4-butylene succinate), 1.4-butylene succinate-1.4-butylene adipate copolymer, polyethylene succinate, aliphatic polyestercarbonate, polycaprolactone, poly(L-lactic acid), mixture of poly(L-lactic acid) and poly (D-lactic acid), polyvinyl alcohol with low molecular weight, polyesteramide derived from butylene adipate and caprolactam, poly(γ -methyl glutamate), poly(glycolic acid)."

III. SECRETARIAT COMMENTS

6. The Secretariat is inclined to agree that a definitive list is preferable for identifying biodegradable plastics, since there is no universally accepted criteria for distinguishing between biodegradable plastics and other plastics. However, it should be noted that such a list would have to be modified in the future in order to include newly developed biodegradable plastics.
7. The Secretariat is not certain whether the list proposed by Japan covers products considered biodegradable internationally. Furthermore, it has concerns as to whether it is possible to clearly identify products such as (1) "Cellulose produced by bacteria", (2) Polyvinyl alcohol with low molecular weight, (3) blended substances based on, etc.; as distinct from normal plastics.

8. As regards the location of this new category, though Japan propose creating a new heading (39.27) to cover presumably all forms of biodegradable plastics (primary, semi-manufactures and articles). The Secretariat considers that there are other choices which also merit consideration, for example :

(Regarding primary forms)

- (A) To create a new heading in Sub-Chapter I.
- (B) To add this category to existing heading 39.14 and subdivide this new heading into two (i.e., ion-exchangers and biodegradable plastics).

(Regarding semi-manufactures and articles)

- (C) To create a new heading for all semi-manufactures and articles.
- (D) To create a subheading for biodegradable plastics under some important headings (e.g., 39.20, 39.23).

9. In view of the present structure of Chapter 39 and the current situation regarding of biodegradable plastics, the Secretariat feels that the combination of choices (B) and (C) or (D) might be more appropriate than other choices.

IV. CONCLUSION

10. Taking into account the above comments from the Japanese Administration and of the Secretariat, the Sub-Committee is invited :
- (A) To decide whether it is desirable to separately identify biodegradable plastics in Chapter 39; and
 - (B) If so,
 - (i) to examine whether the definition proposed in paragraph 5 is appropriate;
 - (ii) to express its view on the location of this new category (see paragraph 8 above).