COMMISSION DECISION

of 30 September 2003

concerning the validity of certain binding tariff information

(notified under document number C(2003) 3544)

(Only the English text is authentic)

(2003/727/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [1], as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council [2], and in particular Article 12(5)(a)(iii) and Article 248 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3], as last amended by Regulation (EC) No 1335/2003 [4], and in particular the second indent of Article 9(1) thereof,

Whereas:

(1) The binding tariff information referred to in the Annex is inconsistent with other binding tariff information, and the tariff classification it contains is incompatible with the general rules for the interpretation of the Combined Nomenclature set out in Part I, Section IA of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [5], as last amended by Commission Regulation (EC) No 2176/2002 [6].

(2) The binding tariff information referred to in the Annex concerns garments intended to cover the lower part of the body, enclosing each leg separately. The garments are not in accordance with the definition for pyjamas as set out in the Explanatory Notes to the Combined Nomenclature, subheadings 6107 21 00 to 6107 29 00, 6108 31 10 to 6108 39 00, 6207 21 00 to 6207 29 00 and 6208 21 00 to 6208 29 00, which state that pyjamas have to consist of two garments. Furthermore, they cannot be regarded as 'similar articles' to the products mentioned under headings 6107, 6108, 6207 and 6208 as they only cover the lower part of the body. The articles in question are therefore regarded as 'trousers' and should be classified within CN headings 6103, 6104, 6203 or 6204, by application of General Rules 1 and 6 for the interpretation of the Combined Nomenclature.

(3) The said binding tariff information should cease to be valid. The customs administration which issued the information should therefore revoke it as soon as possible and notify the Commission to that effect.

(4) According to Article 12(6) of Regulation (EEC) No 2913/92 the holder should be given, during a certain period of time, the possibility of invoking binding tariff information which has ceased to be valid, subject to the conditions laid down in Article 14(1) of Regulation (EEC) No 2454/93.

(5) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The binding tariff information referred to in column 1 of the table set out in the Annex, which has been issued by the customs authorities specified in column 2 for the tariff classification specified in column 3 shall cease to be valid.

2. The customs authorities specified in column 2 shall revoke the BTI referred to in column 1 at the earliest possible date and in any case not later than 10 days from the notification of this Decision.

3. The customs authority which revokes the binding tariff information shall notify this to the Commission.

Article 2

The binding tariff information referred to in the Annex can continue to be invoked under Article 12(6) of Regulation (EEC) No 2913/92 for a certain period of time provided that the conditions laid down in Article 14(1) of Regulation (EEC) No 2454/93 are met.

[1] OJ L 302, 19.10.1992, p. 1.
[2] OJ L 311, 12.12.2000, p. 17.
[3] OJ L 253, 11.10.1993, p. 1.
[4] OJ L 187, 26.7.2003, p. 16.
[5] OJ L 256, 7.9.1987, p. 1.
[6] OJ L 331, 7.12.2002, p. 3.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 September 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

	Binding Tariff Information (reference)	Customs authority	Tariff classification
	1	2	3
1	UK 105599852	HM Customs & Excise Southend-on-Sea United Kingdom	6107 91 90
2	UK 105594965	HM Customs & Excise Southend-on-Sea United Kingdom	6107 91 90
3	UK 103848774	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
4	UK 104570502	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
5	UK 105343411	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
6	UK 105434701	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
7	UK 106483971	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
8	UK 106485867	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90
9	UK 107265781	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
10	UK 107278572	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
11	UK 107277771	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
12	UK 107279177	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
13	UK 107277477	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
14	UK 107494566	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
15	UK 109015800	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
16	UK 109074680	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90

	Binding Tariff Information (reference)	Customs authority	Tariff classification
	1	2	3
17	UK 109844358	HM Customs & Excise Southend-on-Sea United Kingdom	6207 91 90 90
18	UK 102018833	HM Customs & Excise Southend-on-Sea United Kingdom	6207 92 00
19	UK 102673989	HM Customs & Excise Southend-on-Sea United Kingdom	6207 92 00
20	UK 102769088	HM Customs & Excise Southend-on-Sea United Kingdom	6207 92 00
21	UK 106260215	HM Customs & Excise Southend-on-Sea United Kingdom	6207 92 00
22	UK 107653575	HM Customs & Excise Southend-on-Sea United Kingdom	6207 92 00
23	UK 104515217	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
24	UK 104602617	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
25	UK 105129215	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
26	UK 105215912	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
27	UK 105272407	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
28	UK 105465685	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
29	UK 105934087	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
30	UK 106640496	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
31	UK 106917766	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
32	UK 107064305	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90

	Binding Tariff Information (reference)	Customs authority	Tariff classification
	1	2	3
33	UK 107702300	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
34	UK 108713090	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
35	UK 108713580	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
36	UK 109149378	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
37	UK 109241887	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
38	UK 109275667	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
39	UK 109776051	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
40	UK 110099803	HM Customs & Excise Southend-on-Sea United Kingdom	6208 91 90
41	UK 105995942	HM Customs & Excise Southend-on-Sea United Kingdom	6208 92 00