27.6.70 Official Journal of the European Communities No L 140/15

REGULATION (EEC) No 1203/70 OF THE COMMISSION

of 26 June 1970

on classification of goods under sub-headings Nos 48.07 C and 48.15 B and under heading No 68.08 of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 97/69[1] of 16 January 1969 on the measures to be taken for uniform application of the nomenclature of the Common Customs Tariff, and in particular Article 3 thereof;

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68[2] of 28 June 1968, as last amended by Council Regulation (EEC) No 765/70[3] of 27 April 1970, comprises under sub-heading No 48.07 C paper and paperboard tarred, bituminised, asphalted, reinforced or not, whether or not coated with sand or similar products, in rolls or sheets, under sub-heading No 48.15 B other paper and paperboard, cut to size or shape, other, and under heading No 68.08 articles of asphalt or of similar material (for example, of petroleum bitumen or coal tar pitch);

Whereas provision must be made to ensure uniform application of the nomenclature of the Common Customs Tariff with a view to classification of covering materials (for roofs, in particular) in rolls or in the form of plates or sheets, whether or not cut to size or shape in a special manner (such as shingles or shingle-board), consisting of a base of paper or roofing felt, impregnated and covered on both sides with tar, bitumen, asphalt or similar products, whether of not coated with mineral substances (sand, slate, debris, stones, etc.);

Whereas the articles in question are classifiable under sub-headings Nos 48.07 C or 48.15 B and under heading No 68.08 referred to above; whereas, therefore, it appears to be necessary to draw a dividing line between them;

Whereas, taking account of the characteristics of the articles in question, among the objective criteria which might be applied the total weight per square metre is most likely to achieve the desired purpose; whereas a total weight limit of 3 000 g per square metre can reasonably be used;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Committee on the Common Customs Tariff, Nomenclature;

HAS ADOPTED THIS REGULATION:

Article 1

Covering materials (for roofs, in particular) in rolls or in the form of plates or sheets, whether or not cut to size or shape in a special manner (such as shingles or shingle-board), consisting of a base of paper or roofing felt, impregnated and covered on both sides with tar, bitumen, asphalt or similar products, whether or not coated with mineral substances (sand, slate debris, stones, etc), shall in the Common Customs Tariff be classified

(a) if their weight exceeds 3 000 g per square metre

— under heading No 68.08:

Articles of asphalt or of similar material (for example, of petroleum bitumen or coal tar pitch)

[1] OJ No L 14, 21.1.1969, p. 1.
[2] OJ No L 172, 22.7.1968, p. 1.
[3] OJ No L 95, 29.4.1970, p. 1.

(b) if their weight does not exceed 3 000 g per square metre

— under sub-heading No 48.07:

Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49) in rolls or sheets:

C. Tarred, bituminised, asphalted, reinforced or not, whether or not coated with sand or similar products

or if excluded from No 48.07 by note 4 to Chapter 48

— under sub-heading 48.15:

other paper and paperboard, cut to size or shape:

B. Other

Article 2

This Regulation shall enter into force on the eighth day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 June 1970.

For the Commission

The President

Jean REY